



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 07, 2007

House Amendment 1047

PAG LIN

1 1 Amend Senate File 109, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 7, by inserting after the word
1 4 <percent> the following: <with any property tax
1 5 increase caused as a result of this state percent of

1 6 growth paid for by the state>.
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1 10 MAY of Dickinson
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1 14 ALONS of Sioux
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1 18 ANDERSON of Page
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1 22 ARNOLD of Lucas
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1 26 BAUDLER of Adair
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1 30 BOAL of Polk
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1 34 CHAMBERS of O'Brien
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1 38 CLUTE of Polk
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1 42 DE BOEF of Keokuk
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1 46 DEYOE of Story
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1 50 DOLECHECK of Ringgold



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House Amendment 1047 continued

2 1
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2 4 DRAKE of Pottawattamie
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2 8 FORRISTALL of Pottawattamie
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2 12 GIPP of Winneshiek
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2 16 GRANZOW of Hardin
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2 20 GRASSLEY of Butler
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2 24 GREINER of Washington
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2 28 HEATON of Henry
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2 32 HOFFMAN of Crawford
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2 36 HORBACH of Tama
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2 40 HUSEMAN of Cherokee
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2 44 JACOBS of Polk
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2 48 KAUFMANN of Cedar
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House Amendment 1047 continued

3 1
3 2 LUKAN of Dubuque
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3 6 L. MILLER of Scott
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3 10 S. OLSON of Clinton
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3 14 PAULSEN of Linn
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3 18 RAECKER of Polk
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3 22 RANTS of Woodbury
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3 26 RASMUSSEN of Buchanan
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3 30 RAYHONS of Hancock
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3 34 ROBERTS of Carroll
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3 38 SANDS of Louisa
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3 42 SCHICKEL of Cerro Gordo
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3 46 SODERBERG of Plymouth
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3 50 STRUYK of Pottawattamie



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House Amendment 1047 continued

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4 4 TJEPKES of Webster
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4 8 TOMENGA of Polk
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4 12 TYMESON of Madison
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4 16 UPMEYER of Hancock
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4 20 VAN ENGELENHOVEN of Marion
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4 24 VAN FOSSEN of Scott
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4 28 WATTS of Dallas
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4 31
4 32 WIENCEK of Black Hawk
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4 34
4 35
4 36 WINDSCHITL of Harrison
4 37
4 38
4 39
4 40 WORTHAN of Buena Vista
4 41 SF 109.302 82
4 42 ak/cf/6721



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House Amendment 1048

PAG LIN

1 1 Amend Senate File 109, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the words <four
1 4 percent> and inserting the following: <six percent
1 5 with any property tax increase caused as a result of
1 6 this state percent of growth paid for by the state>.
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1 10 GIPP of Winneshiek
1 11 SF 109.201 82
1 12 ak/es/6722
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House Amendment 1049

PAG LIN

1 1 Amend Senate File 109, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the word <four> and
1 4 inserting the following: <six>.
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1 8 GIPP of Winneshiek
1 9 SF 109.702 82
1 10 ak/gg/6719
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House File 246 - Introduced

HOUSE FILE
BY WISE

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a tax credit certificate transfer program.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2053HH 82
- 4 tm/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 07, 2007

House File 246 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 421.58 SALE OR TRANSFER OF NET
1 2 OPERATING LOSS CARRYOVER.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Biotechnology enterprise" means the same as defined in
1 6 section 15E.202.
1 7 b. "Department" means the department of revenue.
1 8 c. "Net operating loss" means the same as defined in
1 9 section 172 of the Internal Revenue Code. "Net operating
1 10 loss" may include up to a maximum salary allocation of one
1 11 hundred thirty percent of the average annual county wage.
1 12 d. "Targeted industry business" means the same as defined
1 13 in section 15E.223.
1 14 2. The department shall establish and administer a tax
1 15 credit certificate transfer program for purposes of allowing a
1 16 biotechnology enterprise or a targeted industry business with
1 17 twenty or fewer employees to transfer a tax credit certificate
1 18 to another taxpayer in return for private financial assistance
1 19 for a net operating loss carryover.
1 20 3. A biotechnology enterprise or a targeted industry
1 21 business with twenty or fewer employees that has a net
1 22 operating loss carryover in a single tax year may apply to the
1 23 department for the issuance of a tax credit certificate in the
1 24 amount of the loss carryover for sale under this section to a
1 25 qualifying, nonaffiliated business. Upon the department's
1 26 approval of an application, a tax credit certificate shall be
1 27 issued containing the taxpayer's name, address, tax
1 28 identification number, the amount of the tax credit, and other
1 29 information required by the department. The proceeds from the
1 30 sale of a tax credit shall be used by the biotechnology
1 31 enterprise or targeted industry business for expenses
1 32 including but not limited to the expenses of fixed assets such
1 33 as the acquisition, development, and construction of real
1 34 property, materials, salaries, and research and development
1 35 expenditures.



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House File 246 - Introduced continued

2 1 4. A taxpayer willing to enter into an agreement to
2 2 receive a tax credit certificate from a biotechnology
2 3 enterprise or a targeted industry business in exchange for
2 4 providing private financial assistance shall submit an
2 5 application to the department. The application to receive a
2 6 tax credit certificate shall identify the amount of private
2 7 financial assistance that the applicant is willing to provide
2 8 in exchange for a tax credit certificate.

2 9 5. A taxpayer willing to provide private financial
2 10 assistance to a biotechnology enterprise or targeted industry
2 11 business in exchange for a tax credit certificate may use the
2 12 amount of the tax credit transferred against the taxes imposed
2 13 under chapter 422, division II, III, or V, or chapter 432 for
2 14 any tax year the original transferor could have claimed the
2 15 net operating loss carryover. Any consideration received for
2 16 the transfer of the tax credit shall not be included as income
2 17 under chapter 422, division II, III, or V. Any consideration
2 18 paid for the transfer of a tax credit under this section shall
2 19 not be deducted from income under chapter 422, division II,
2 20 III, or V. Any tax credit in excess of the tax liability for
2 21 the tax year may be credited to the tax liability for the
2 22 following seven years or until depleted, whichever occurs
2 23 first.

2 24 6. The department shall adopt rules pursuant to chapter
2 25 17A to establish the procedures for the application, review,
2 26 selection, issuance, and transfer of tax credit certificates
2 27 and to provide for the method to be used to determine for
2 28 which fiscal year the tax credits are available.

2 29 7. The department or a designee shall match applications
2 30 submitted under this section in a manner that can best
2 31 stimulate and encourage the extension of private financial
2 32 assistance to biotechnology enterprises or targeted industry
2 33 businesses in the state. As part of approving an application,
2 34 the department shall require all of the following from
2 35 applicants:



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House File 246 - Introduced continued

3 1 a. A written agreement concerning the terms and conditions
3 2 of providing private financial assistance in exchange for a
3 3 tax credit certificate issued pursuant to this section.

3 4 b. Private financial assistance supplied by a taxpayer
3 5 must be equal to at least seventy-five percent of the value of
3 6 the tax credit certificate issued pursuant to this section.

3 7 c. Private financial assistance received under this
3 8 section shall be used for the operation or expansion of a
3 9 biotechnology enterprise or a targeted industry business.

3 10 8. The total amount of tax credits that may be approved
3 11 for a fiscal year under this section shall not exceed five
3 12 million dollars. A biotechnology enterprise or a targeted
3 13 industry business shall not receive more than five hundred
3 14 thousand dollars in any fiscal year of private financial
3 15 assistance under the program. Tax credits issued under this
3 16 section shall not be prorated.

3 17 9. A biotechnology enterprise or a targeted industry
3 18 business receiving private financial assistance under the
3 19 program shall not receive a wage-benefits tax credit under
3 20 section 15I.2.

3 21 EXPLANATION

3 22 This bill establishes a tax credit certificate transfer
3 23 program.

3 24 The bill requires the department of revenue to establish
3 25 and administer a tax credit certificate transfer program for
3 26 purposes of allowing a biotechnology enterprise or a targeted
3 27 industry business with 20 or fewer employees to transfer a tax
3 28 credit certificate to another taxpayer in return for private
3 29 financial assistance for a net operating loss carryover.

3 30 The bill allows a biotechnology enterprise or a targeted
3 31 industry business with 20 or fewer employees that has a net
3 32 operating loss carryover in a single tax year to apply to the
3 33 department for the issuance of a tax credit certificate in the
3 34 amount of the loss carryover for sale under the bill to a
3 35 qualifying, nonaffiliated business. The bill provides that



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House File 246 - Introduced continued

4 1 private financial assistance is to be used for expenses
4 2 including but not limited to the expenses of fixed assets such
4 3 as the acquisition, development, and construction of real
4 4 property, materials, salaries, and research and development
4 5 expenditures.

4 6 The bill requires that a taxpayer willing to provide
4 7 private financial assistance shall submit an application to
4 8 the department identifying the amount of private financial
4 9 assistance that the applicant is willing to provide.

4 10 The bill provides that tax credits transferred under the
4 11 program may be used against personal and corporate income
4 12 taxes, against the franchise tax for financial institutions,
4 13 and against the insurance premium tax. The bill provides that
4 14 any consideration received for the transfer of a tax credit
4 15 shall not be considered income and any consideration paid for
4 16 the transfer shall not be deducted from income. The bill
4 17 allows any tax credit in excess of the tax liability for the
4 18 tax year to be credited to the tax liability for the following
4 19 seven years or until depleted, whichever occurs first.

4 20 The bill requires the department to match applications
4 21 submitted under the program in a manner that can best
4 22 stimulate and encourage the extension of private financial
4 23 assistance in the state.

4 24 The bill provides that the total amount of tax credits that
4 25 may be approved for transfer under the program for a fiscal
4 26 year shall not exceed \$5 million and a biotechnology
4 27 enterprise or a targeted industry business shall not receive
4 28 more than \$500,000 in any fiscal year of private financial
4 29 assistance under the program.

4 30 The bill prohibits a biotechnology enterprise or a targeted
4 31 industry business that receives private financial assistance
4 32 under the program from receiving a wage=benefits tax credit
4 33 under Code section 15I.2.

4 34 LSB 2053HH 82

4 35 tm:rj/gg/14.1



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House File 247

HOUSE FILE
 BY WHITAKER, GAYMAN, COHOON,
 D. TAYLOR, and SCHUELLER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act providing voting member representation on joint E911
 2 service boards for cities or townships providing fire
 3 protection services through a volunteer fire department.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1025HH 82
 6 rn/sh/8



Iowa General Assembly
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House File 247 continued

PAG LIN

1 1 Section 1. Section 34A.3, subsection 1, paragraph a,
1 2 subparagraph (1), Code 2007, is amended to read as follows:
1 3 (1) Each political subdivision of the state having a
1 4 public safety agency serving territory within the county is
1 5 entitled to voting membership on the joint E911 service board.
1 6 For the purposes of this section, a township that operates a
1 7 volunteer fire department providing fire protection services
1 8 to the township, or a city which provides fire protection
1 9 services through the operation of a volunteer fire department
1 10 not financed through city government, shall be considered a
1 11 political subdivision of the state having a public safety
1 12 agency serving territory within the county. Each private
1 13 safety agency operating within the area is entitled to
1 14 nonvoting membership on the board.

1 15 EXPLANATION

1 16 This bill provides that a city or township that operates a
1 17 volunteer fire department to the township providing fire
1 18 protection services shall be entitled to voting membership on
1 19 joint E911 service boards. Currently, Code section 34A.3,
1 20 subsection 1, confers voting membership privileges on
1 21 political subdivisions having a public safety agency serving
1 22 territory within a county, and nonvoting membership privileges
1 23 to private safety agencies operating within the area. The
1 24 section provides that a township contracting for such services
1 25 in lieu of operating its own public safety agency shall not be
1 26 entitled to membership privileges, but that the contracting
1 27 entity shall be entitled to a voting or nonvoting membership
1 28 depending on its status as a public or private safety agency.
1 29 The bill provides that a township operating a volunteer fire
1 30 department or a city operating a volunteer fire department not
1 31 financed through city government shall be regarded as a
1 32 political subdivision having a public safety agency, thereby
1 33 conferring voting member status.

1 34 LSB 1025HH 82

1 35 rn:rj/sh/8.1



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House File 248 - Introduced

HOUSE FILE
BY GRANZOW

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to the voter registration deadline for primary
- 2 elections and providing an immediate effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2051HH 82
- 5 sc/gg/14



Iowa General Assembly
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House File 248 - Introduced continued

PAG LIN

1 1 Section 1. Section 48A.9, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Registration closes at five p.m. eleven days before
1 4 each election except ~~primary and~~ general elections. For
1 5 ~~primary and~~ general elections, registration closes at five
1 6 p.m. ten days before the election. An eligible elector may
1 7 register during the time registration is closed in the
1 8 elector's precinct but the registration shall not become
1 9 effective until registration opens again in the elector's
1 10 precinct.

1 11 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 12 immediate importance, takes effect upon enactment.

1 13 EXPLANATION

1 14 Under current law, the deadline for registering to vote for
1 15 primary and general elections is 10 days before the election,
1 16 and for all other elections the deadline is 11 days before the
1 17 election. This bill changes the registration deadline to 11
1 18 days for registering to vote in the primary election.

1 19 LSB 2051HH 82

1 20 sc:nh/gg/14



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House File 249 - Introduced

HOUSE FILE
BY BOAL

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a mathematics and science teacher practical
- 2 experience incentive program and providing for a tax credit
- 3 from withholding.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2305HH 82
- 6 kh/je/5



Iowa General Assembly
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House File 249 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 272.34 MATHEMATICS AND SCIENCE
1 2 TEACHER PRACTICAL EXPERIENCE INCENTIVE PROGRAM == CREDIT FROM
1 3 WITHHOLDING.

1 4 1. A mathematics and science teacher practical experience
1 5 incentive program is established to provide a mathematics or
1 6 science teacher with an opportunity to gain practical work or
1 7 research experience through on-site employment with a
1 8 business, industry, or state university or agency. The
1 9 purpose of the program is to enhance the teacher's skills,
1 10 give the teacher a better understanding of career
1 11 opportunities for students in the fields of applied
1 12 mathematics and science, create enthusiasm which motivates the
1 13 teacher's students to pursue a postsecondary education and
1 14 career in the fields of mathematics and science, and permit
1 15 the teacher to bring the experience of working with the latest
1 16 technologies back to the classroom.

1 17 2. A teacher who is employed under an employment agreement
1 18 with an eligible entity or a state university or agency for
1 19 not less than two hundred forty hours during an eight-week
1 20 period shall be credited with earning, at a minimum, eighty
1 21 percent of the renewal units required for renewal of a license
1 22 issued by the board of educational examiners under this
1 23 chapter. In computing the renewal credit, fractions shall be
1 24 rounded up to the next higher whole number.

1 25 3. a. An eligible entity that meets the following
1 26 criteria shall be entitled to a tax credit equal to an amount
1 27 of twenty-five percent of the gross wages paid under the
1 28 program to the teacher:

1 29 (1) Enters into an employment agreement with a teacher for
1 30 the period specified in subsection 2.

1 31 (2) Employs the teacher on-site in a position that
1 32 provides substantial practical experience in the mathematics
1 33 or science subject area in which the teacher holds an
1 34 endorsement and is employed to teach.

1 35 (3) Pays the teacher an amount monthly that is at least



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House File 249 - Introduced continued

2 1 equivalent to the teacher's monthly salary in the employ of
2 2 the school district, accredited nonpublic school, or community
2 3 college. However, the eligible entity may pay the teacher on
2 4 a biweekly or weekly pay period basis.

2 5 b. The eligible entity shall receive the credit against
2 6 all withholding taxes due by the eligible entity on wages paid
2 7 to the teacher under the program. If the amount of the
2 8 withholding is less than twenty-five percent of the gross
2 9 wages paid, the eligible entity shall receive a credit against
2 10 other withholding taxes due.

2 11 c. The eligible entity shall certify to the department of
2 12 revenue that the program credit is in accordance with the
2 13 agreement and shall provide other information the department
2 14 may require.

2 15 d. A teacher under an agreement with an eligible entity
2 16 pursuant to this section shall receive full credit for the
2 17 amount withheld as provided in section 422.16.

2 18 4. For purposes of this section, unless the context
2 19 otherwise requires:

2 20 a. "Eligible entity" means a business or consortium of
2 21 businesses engaged in interstate or intrastate commerce and
2 22 which substantially utilizes mathematics or science for the
2 23 purpose of designing, engineering, manufacturing, processing,
2 24 or assembling products, construction, conducting research and
2 25 development, or providing services in interstate or intrastate
2 26 commerce, but excludes a business engaged in retail services.

2 27 b. "State university or agency" means an institution of
2 28 higher education governed by the state board of regents or any
2 29 state agency.

2 30 c. "Teacher" means an individual who is a resident of
2 31 Iowa; has been employed full-time as a teacher for a school
2 32 district, accredited nonpublic school, or community college in
2 33 Iowa for at least one year; is licensed and endorsed to teach
2 34 mathematics or science at the secondary level by the board of
2 35 educational examiners under this chapter; and is currently



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House File 249 - Introduced continued

3 1 employed in Iowa by a school district, accredited nonpublic
3 2 school, or community college to teach mathematics or science
3 3 at the secondary school level for more than sixty=six percent
3 4 of their contracted time.

3 5 EXPLANATION

3 6 This bill establishes a mathematics and science teacher
3 7 practical experience incentive program to provide a
3 8 mathematics or science teacher with an opportunity to gain
3 9 practical work or research experience through on=site
3 10 employment with a business, industry, or state university or
3 11 agency.

3 12 The board of educational examiners shall credit a teacher
3 13 who is employed under the program by a business, a consortium
3 14 of businesses, or a state university or agency, for not less
3 15 than 240 hours during an eight=week period, with earning 80
3 16 percent of the renewal units required for renewal of a license
3 17 issued by the board. In computing the renewal credit,
3 18 fractions shall be rounded up to the next higher whole number.

3 19 The bill defines "teacher" to include a resident of Iowa
3 20 who has been employed full=time as a teacher for a school
3 21 district, accredited nonpublic school, or community college in
3 22 Iowa for at least one year; is licensed and endorsed to teach
3 23 mathematics or science at the secondary level; and is
3 24 currently employed by a school district, school, or community
3 25 college to teach mathematics or science at the secondary
3 26 school level for more than 66 percent of their contracted
3 27 time.

3 28 A business or consortium of businesses that enters into an
3 29 agreement with a mathematics and science teacher, that employs
3 30 the teacher in a position on=site that provides substantial
3 31 practical experience in the teacher's subject area, and pays
3 32 the teacher an amount that is at least equivalent to the
3 33 amount the teacher is paid for the equivalent time period by a
3 34 school district, accredited nonpublic school, or community
3 35 college shall be credited for an amount equal to 25 percent of



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House File 249 - Introduced continued

4 1 the gross wage paid under the program from the total
4 2 withholding payment made by the eligible entity.
4 3 The eligible entity shall receive a credit against all
4 4 withholding taxes due by the eligible entity regardless of
4 5 whether or not the withholding from the eligible entity of
4 6 current program wages equals 25 percent.
4 7 Teachers under an agreement with an eligible entity shall
4 8 receive full credit for the amount withheld.
4 9 The bill defines "eligible entity" as a business or
4 10 consortium of businesses engaged in interstate or intrastate
4 11 commerce and which substantially utilizes mathematics or
4 12 science for the purpose of designing, engineering,
4 13 manufacturing, processing, or assembling products,
4 14 construction, conducting research and development, or
4 15 providing services in interstate or intrastate commerce, but
4 16 excludes businesses engaging in retail services.
4 17 LSB 2305HH 82
4 18 kh:nh/je/5



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House File 250 - Introduced

HOUSE FILE
BY BAUDLER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act requiring the state board of regents to adopt rules
2 directing its institutions of higher learning to waive certain
3 tuition charges for the children of police officers, fire
4 fighters, sheriffs, deputies, volunteer emergency services
5 providers, and individuals in protection occupations killed in
6 the line of duty.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1836HH 82
9 kh/es/88



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House File 250 - Introduced continued

PAG LIN

1 1 Section 1. Section 262.9, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 31. a. Adopt rules that require an
1 4 institution of higher education under its control to waive the
1 5 institution's tuition charges for any undergraduate student
1 6 who is a resident of Iowa and meets any of the following
1 7 criteria:

1 8 (1) Is the child of a peace officer, as defined in section
1 9 97A.1, who is killed in the line of duty as determined by the
1 10 board of trustees of the Iowa department of public safety
1 11 peace officers' retirement, accident, and disability system in
1 12 accordance with section 97A.6, subsection 16.

1 13 (2) Is the child of an individual in a protection
1 14 occupation, as defined in section 97B.49B, or is the child of
1 15 a sheriff or deputy sheriff, as defined in section 97B.49C,
1 16 who is killed in the line of duty as determined by the Iowa
1 17 public employees' retirement system in accordance with section
1 18 97B.52, subsection 2.

1 19 (3) Is the child of a volunteer emergency services
1 20 provider, as defined in section 100B.31, who is killed in the
1 21 line of duty as determined by the department of public safety
1 22 in accordance with section 100B.31, subsection 2.

1 23 (4) Is the child of a police officer or a fire fighter, as
1 24 defined in section 411.1, who is killed in the line of duty as
1 25 determined by the statewide fire and police retirement system
1 26 in accordance with section 411.6, subsection 15.

1 27 b. An individual who is eligible for a waiver under
1 28 paragraph "a" shall complete and file an application, on a
1 29 form approved by the board, with an institution of higher
1 30 education under the board's control for a waiver for the
1 31 ensuing academic year.

1 32 c. For purposes of this subsection only, "child" means a
1 33 person who is the surviving issue of, or a child legally
1 34 adopted by, a person killed in the line of duty as identified
1 35 in paragraph "a", who is under the age of thirty years, and is



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House File 250 - Introduced continued

2 1 a full-time student.

2 2 EXPLANATION

2 3 This bill requires the state board of regents to adopt
2 4 rules directing its institutions of higher learning to waive
2 5 undergraduate tuition charges for the children of peace and
2 6 police officers, fire fighters, sheriffs, deputies, volunteer
2 7 emergency services providers, and individuals in protection
2 8 occupations killed in the line of duty.

2 9 Eligible individuals must be under the age of 30 and apply
2 10 to the institutions for a waiver.

2 11 LSB 1836HH 82

2 12 kh:nh/es/88



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House File 251 - Introduced

HOUSE FILE
BY SWAIM

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring school districts to offer cardiopulmonary
- 2 resuscitation certification to high school students.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2060YH 82
- 5 ak/es/88



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PAG LIN

1 1 Section 1. Section 256.11, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. All students shall be offered the
1 4 opportunity to become certified in cardiopulmonary
1 5 resuscitation (CPR), which means training and successful
1 6 completion of a course in CPR, automated external
1 7 defibrillator operation, and obstructed airway procedures for
1 8 all age groups according to recognized national standards.
1 9 The school district shall offer CPR certification using an
1 10 accredited program taught by instructors certified to teach
1 11 CPR.

1 12 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 13 with section 25B.2, subsection 3, the state cost of requiring
1 14 compliance with any state mandate included in this Act shall
1 15 be paid by a school district from state school foundation aid
1 16 received by the school district under section 257.16. This
1 17 specification of the payment of the state cost shall be deemed
1 18 to meet all the state funding-related requirements of section
1 19 25B.2, subsection 3, and no additional state funding shall be
1 20 necessary for the full implementation of this Act by and
1 21 enforcement of this Act against all affected school districts.

1 22 EXPLANATION

1 23 This bill requires that all students in grades 9 through 12
1 24 be offered the opportunity to become certified in
1 25 cardiopulmonary resuscitation (CPR), which includes training
1 26 and successful completion of a course in CPR, automated
1 27 external defibrillator operation, and obstructed airway
1 28 procedures for all age groups according to recognized national
1 29 standards. The bill requires that the school use an
1 30 accredited program taught by instructors certified to teach
1 31 CPR.

1 32 The bill may include a state mandate as defined in Code
1 33 section 25B.3. The bill requires that the state cost of any
1 34 state mandate included in the bill be paid by a school
1 35 district from state school foundation aid received by the



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2 1 school district under Code section 257.16. The specification
2 2 is deemed to constitute state compliance with any state
2 3 mandate funding-related requirements of Code section 25B.2.
2 4 The inclusion of this specification is intended to reinstate
2 5 the requirement of political subdivisions to comply with any
2 6 state mandates included in the bill.
2 7 LSB 2060YH 82
2 8 ak:nh/es/88



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House File 252

HOUSE FILE
BY BOAL

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the dates of special elections on public
2 measures of certain political subdivisions and providing an
3 applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1474HH 82
6 sc/es/88



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House File 252 continued

PAG LIN

1 1 Section 1. Section 39.2, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Unless otherwise provided by law
1 4 special elections on public measures are limited to the
1 5 following dates:
1 6 a. For a county, on the day of the general election or the
1 7 second Tuesday in March of each year.
1 8 b. For a city, on the day of the general election, the
1 9 regular city election, or the second Tuesday in March of each
1 10 year.
1 11 c. For a school district or merged area, on the day of the
1 12 regular school election.
1 13 Sec. 2. Section 47.6, subsection 1, unnumbered paragraph
1 14 1, Code 2007, is amended to read as follows:
1 15 The governing body of ~~any~~ a political subdivision which has
1 16 authorized a special election to which section 39.2 ~~is,~~
1 17 subsections 1, 2, and 3, are applicable shall by written
1 18 notice inform the commissioner who will be responsible for
1 19 conducting the election of the proposed date of the special
1 20 election. If a public measure will appear on the ballot at
1 21 the special election the governing body shall submit the
1 22 complete text of the public measure to the commissioner with
1 23 the notice of the proposed date of the special election.
1 24 Sec. 3. Section 47.6, Code 2007, is amended by adding the
1 25 following new subsection:
1 26 NEW SUBSECTION. 3. A city council or a county board of
1 27 supervisors that has authorized a public measure to be
1 28 submitted to the voters at a special election held pursuant to
1 29 section 39.2, subsection 4, shall file the full text of the
1 30 public measure with the commissioner no later than five p.m.
1 31 on the forty=sixth day before the election. If there are
1 32 vacancies in county offices to be filled at the special
1 33 election, candidates shall file their nomination papers with
1 34 the commissioner not later than five p.m. on the forty=
1 35 seventh day before the election. Candidates for city offices



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2 1 to be filled at the special election shall file their
2 2 nomination papers with the city clerk pursuant to the
2 3 appropriate election calendar for the city.
2 4 Sec. 4. Section 69.12, subsection 1, paragraph a,
2 5 subparagraph (4), Code 2007, is amended by striking the
2 6 subparagraph.
2 7 Sec. 5. Section 99F.7, subsection 11, paragraph a, Code
2 8 2007, is amended to read as follows:
2 9 a. A license to conduct gambling games on an excursion
2 10 gambling boat in a county shall be issued only if the county
2 11 electorate approves the conduct of the gambling games as
2 12 provided in this subsection. The board of supervisors, upon
2 13 receipt of a valid petition meeting the requirements of
2 14 section 331.306, shall direct the commissioner of elections to
2 15 submit to the registered voters of the county a proposition to
2 16 approve or disapprove the conduct of gambling games on an
2 17 excursion gambling boat in the county. The proposition shall
2 18 be submitted ~~at a general election or~~ at a special election
2 19 ~~called for that purpose held on a date specified in section~~
2 20 39.2, subsection 4, paragraph "a". To be submitted at a
2 21 general election, the petition must be received by the board
2 22 of supervisors at least five working days before the last day
2 23 for candidates for county offices to file nomination papers
2 24 for the general election pursuant to section 44.4. If a
2 25 majority of the county voters voting on the proposition favor
2 26 the conduct of gambling games, the commission may issue one or
2 27 more licenses as provided in this chapter. If a majority of
2 28 the county voters voting on the proposition do not favor the
2 29 conduct of gambling games, a license to conduct gambling games
2 30 in the county shall not be issued.
2 31 Sec. 6. Section 99F.7, subsection 11, paragraph c, Code
2 32 2007, is amended to read as follows:
2 33 c. If a licensee of a pari-mutuel racetrack who held a
2 34 valid license issued under chapter 99D as of January 1, 1994,
2 35 requests a license to operate gambling games as provided in



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3 1 this chapter, the board of supervisors of a county in which
3 2 the licensee of a pari-mutuel racetrack requests a license to
3 3 operate gambling games shall submit to the county electorate a
3 4 proposition to approve or disapprove the operation of gambling
3 5 games at pari-mutuel racetracks at a special election ~~at the~~
~~3 6 earliest practicable time~~ held on a date specified in section
3 7 39.2, subsection 4, paragraph "a". If the operation of
3 8 gambling games at the pari-mutuel racetrack is not approved by
3 9 a majority of the county electorate voting on the proposition
3 10 at the election, the commission shall not issue a license to
3 11 operate gambling games at the racetrack.

3 12 Sec. 7. Section 145A.7, Code 2007, is amended to read as
3 13 follows:

3 14 145A.7 SPECIAL ELECTION.

3 15 When a protesting petition is received, the officials
3 16 receiving the petition shall call a special election of all
3 17 registered voters of that political subdivision ~~for the~~
~~3 18 purpose~~ upon the question of approving or rejecting the order
3 19 setting out the proposed merger plan. The election shall be
3 20 held on a date specified in section 39.2, subsection 4,
3 21 paragraph "a" or "b", as applicable. The vote will be taken
3 22 by ballot in the form provided by sections 49.43 to 49.47, and
3 23 the election shall be initiated and held as provided in
3 24 chapter 49. A majority vote of those registered voters voting
3 25 at ~~said~~ the special election shall be sufficient to approve
3 26 the order and thus include the political subdivision within
3 27 the merged area.

3 28 Sec. 8. Section 257.18, subsection 1, Code 2007, is
3 29 amended to read as follows:

3 30 1. An instructional support program that provides
3 31 additional funding for school districts is established. A
3 32 board of directors that wishes to consider participating in
3 33 the instructional support program shall hold a public hearing
3 34 on the question of participation. The board shall set forth
3 35 its proposal, including the method that will be used to fund



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4 1 the program, in a resolution and shall publish the notice of
4 2 the time and place of a public hearing on the resolution.
4 3 Notice of the time and place of the public hearing shall be
4 4 published not less than ten nor more than twenty days before
4 5 the public hearing in a newspaper which is a newspaper of
4 6 general circulation in the school district. At the hearing,
4 7 or no later than thirty days after the date of the hearing,
4 8 the board shall take action to adopt a resolution to
4 9 participate in the instructional support program for a period
4 10 not exceeding five years or to direct the county commissioner
4 11 of elections to submit the question of participation in the
4 12 program for a period not exceeding ten years to the registered
4 13 voters of the school district at the next regular school
4 14 election ~~or at a special election~~. If the board submits the
4 15 question at an election and a majority of those voting on the
4 16 question favors participation in the program, the board shall
4 17 adopt a resolution to participate and certify the results of
4 18 the election to the department of management.

4 19 Sec. 9. Section 257.18, subsection 2, unnumbered paragraph
4 20 1, Code 2007, is amended to read as follows:

4 21 If the board does not provide for an election and adopts a
4 22 resolution to participate in the instructional support
4 23 program, the district shall participate in the instructional
4 24 support program unless within twenty-eight days following the
4 25 action of the board, the secretary of the board receives a
4 26 petition containing the required number of signatures, asking
4 27 that ~~an election be called~~ the question to approve or
4 28 disapprove the action of the board in adopting the
4 29 instructional support program be submitted to the voters of
4 30 the school district. The petition must be signed by eligible
4 31 electors equal in number to not less than one hundred or
4 32 thirty percent of the number of voters at the last preceding
4 33 regular school election, whichever is greater. The board
4 34 shall either rescind its action or direct the county
4 35 commissioner of elections to submit the question to the



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5 1 registered voters of the school district at the next following
5 2 regular school election ~~or a special election~~. If a majority
5 3 of those voting on the question at the election favors
5 4 disapproval of the action of the board, the district shall not
5 5 participate in the instructional support program. If a
5 6 majority of those voting on the question favors approval of
5 7 the action, the board shall certify the results of the
5 8 election to the department of management and the district
5 9 shall participate in the program.

5 10 Sec. 10. Section 257.29, unnumbered paragraph 1, Code
5 11 2007, is amended to read as follows:

5 12 An educational improvement program is established to
5 13 provide additional funding for school districts in which the
5 14 regular program district cost per pupil for a budget year is
5 15 one hundred ten percent of the regular program state cost per
5 16 pupil for the budget year and which have approved the use of
5 17 the instructional support program established in section
5 18 257.18. A board of directors that wishes to consider
5 19 participating in the educational improvement program shall
5 20 hold a hearing on the question of participation and the
5 21 maximum percent of the regular program district cost of the
5 22 district that will be used. The hearing shall be held in the
5 23 manner provided in section 257.18 for the instructional
5 24 support program. Following the hearing, the board may direct
5 25 the county commissioner of elections to submit the question to
5 26 the registered voters of the school district at the next
5 27 following regular school election ~~or a special election held~~
~~5 28 not later than the following February 1~~. If a majority of
5 29 those voting on the question favors participation in the
5 30 program, the board shall adopt a resolution to participate and
5 31 shall certify the results of the election to the department of
5 32 management and the district shall participate in the program.
5 33 If a majority of those voting on the question does not favor
5 34 participation, the district shall not participate in the
5 35 program.



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6 1 Sec. 11. Section 257.29, unnumbered paragraph 5, Code
6 2 2007, is amended to read as follows:

6 3 Once approved at an election, the authority of the board to
6 4 use the educational improvement program shall continue until
6 5 the board votes to rescind the educational improvement program
6 6 or the voters of the school district by majority vote order
6 7 the discontinuance of the program. The board shall ~~call an~~
~~6 8 election to vote on~~ submit at the next regular school election
6 9 the proposition whether to discontinue the program upon the
6 10 receipt of a petition signed by not less than one hundred
6 11 eligible electors or thirty percent of the number of electors
6 12 voting at the last preceding school election, whichever is
6 13 greater.

6 14 Sec. 12. Section 260C.28, subsection 3, Code 2007, is
6 15 amended to read as follows:

6 16 3. If the board of directors wishes to certify for a levy
6 17 under subsection 2, the board shall direct the county
6 18 commissioner of elections to ~~call an election to~~ submit the
6 19 question of such authorization for the board at ~~a~~ the regular
6 20 ~~or special school~~ election. If a majority of those voting on
6 21 the question at the election favors authorization of the board
6 22 to make such a levy, the board may certify for a levy as
6 23 provided under subsection 2 during each of the ten years
6 24 following the election. If a majority of those voting on the
6 25 question at the election does not favor authorization of the
6 26 board to make a levy under subsection 2, the board ~~shall not~~
6 27 may submit the question to the voters again ~~until three~~
~~6 28 hundred fifty-five days have elapsed from the~~ at the next
6 29 following regular school election.

6 30 Sec. 13. Section 260C.39, unnumbered paragraph 1, Code
6 31 2007, is amended to read as follows:

6 32 Any merged area may combine with any adjacent merged area
6 33 after a favorable vote by the electors of each of the areas
6 34 involved. If the boards of directors of two or more merged
6 35 areas agree to a combination, the question shall be submitted



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7 1 to the electors of each area at a ~~special~~ the regular school
7 2 ~~election to be held on the same day in each area. The special~~
~~7 3 election shall not be held within thirty days of any general~~
~~7 4 election.~~ Prior to the ~~special~~ election, the board of each
7 5 merged area shall notify the county commissioner of elections
7 6 of the county in which the greatest proportion of the merged
7 7 area's taxable base is located who shall publish notice of the
7 8 ~~election question~~ according to section 49.53. ~~The two~~
~~7 9 respective county commissioners of elections shall conduct the~~
~~7 10 election pursuant to the provisions of chapters 39 to 53. The~~
~~7 11 votes cast in the election shall be canvassed by the county~~
~~7 12 board of supervisors and the county commissioners~~ commissioner
7 13 of elections ~~who conducted the election~~ of each county in the
7 14 merged areas shall certify the results to the board of
7 15 directors of each merged area.

7 16 Sec. 14. Section 275.18, Code 2007, is amended to read as
7 17 follows:

7 18 275.18 ~~SPECIAL~~ ELECTION CALLED == TIME.

7 19 When the boundaries of the territory to be included in a
7 20 proposed school corporation and the number and method of the
7 21 election of the school directors of the proposed school
7 22 corporation have been determined as provided in this chapter,
7 23 the area education agency administrator with whom the petition
7 24 is filed shall give written notice of the ~~proposed date of the~~
~~7 25 election question~~ to the county commissioner of elections of
7 26 the county in the proposed school corporation which has the
7 27 greatest taxable base. ~~The proposed date shall be as soon as~~
~~7 28 possible pursuant to section 39.2, subsections 1 and 2, and~~
~~7 29 section 47.6, subsections 1 and 2, but not later than November~~
~~7 30 30 of question shall be submitted to the voters at the regular~~
7 31 school election held in the calendar year prior to the
7 32 calendar year in which the reorganization will take effect.

7 33 The county commissioner of elections shall give notice of
7 34 the ~~election question~~ by one publication in the same newspaper
7 35 in which previous notices have been published regarding the



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8 1 proposed school reorganization, and in addition, if more than
8 2 one county is involved, by one publication in a legal
8 3 newspaper in each county other than that of the first
8 4 publication. The publication shall be not less than four nor
8 5 more than twenty days prior to the election. If the decision
8 6 published pursuant to section 275.15 or 275.16 includes a
8 7 description of the proposed school corporation and a
8 8 description of the director districts, if any, the notice for
8 9 ~~election~~ the question and the ballot do not need to include
8 10 these descriptions. Notice for an election of the question
8 11 shall not be published until the expiration of time for
8 12 appeal, which shall be the same as that provided in section
8 13 275.15 or 275.16, whichever is applicable; and if there is an
8 14 appeal, not until the appeal has been disposed of.

8 15 The area education agency administrator shall furnish to
8 16 the commissioner a map of the proposed reorganized area which
8 17 must be approved by the commissioner as suitable for posting.
8 18 The map shall be displayed prominently in at least four places
8 19 within the voting precinct, and inside each voting booth, or
8 20 on the left-hand side inside the curtain of each voting
8 21 machine.

8 22 Sec. 15. Section 275.22, Code 2007, is amended to read as
8 23 follows:

8 24 275.22 CANVASS AND RETURN.

8 25 ~~The precinct election officials shall count the ballots,~~
~~8 26 and make return to and deposit the ballots with the county~~
~~8 27 commissioner of elections, who shall enter the return of~~
~~8 28 record in the commissioner's office.~~ The election tally
8 29 lists, including absentee ballots, shall be listed by
8 30 individual school district. The county commissioner of
8 31 elections shall certify the results of the election to the
8 32 area education agency administrator. If the majority of the
8 33 votes cast by the registered voters is in favor of the
8 34 proposition, as provided in section 275.20, a new school
8 35 corporation shall be organized. If the majority of votes cast
9 1 is opposed to the proposition, a new petition describing the
9 2 identical or similar boundaries shall not be filed for at
9 3 least six months from the date of the election. If territory
9 4 is excluded from the reorganized district, action pursuant to
9 5 section 274.37 shall be taken prior to the effective date of
9 6 reorganization. The secretary of the new school corporation
9 7 shall file a written description of the boundaries as provided
9 8 in section 274.4.

9 9 Sec. 16. Section 275.23A, subsection 2, Code 2007, is
9 10 amended to read as follows:

9 11 2. Following each federal decennial census the school
9 12 board shall determine whether the existing director district
9 13 boundaries meet the standards in subsection 1 according to the
9 14 most recent federal decennial census. In addition to the
9 15 authority granted to voters to change the number of directors
9 16 or method of election as provided in sections 275.35, 275.36,
9 17 and 278.1, the board of directors of a school district may,
9 18 following a federal decennial census, by resolution and in
9 19 accordance with this section, authorize a change in the method
9 20 of election as set forth in section 275.12, subsection 2, or a
9 21 change to either five or seven directors after the board



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9 22 conducts a hearing on the resolution. If the board proposes
9 23 to change the number of directors from seven to five
9 24 directors, the resolution shall include a plan for reducing
9 25 the number of directors. If the board proposes to increase
9 26 the number of directors to seven directors, two directors
9 27 shall be added according to the procedure described in section
9 28 277.23, subsection 2. If necessary, the board of directors
9 29 shall redraw the director district boundaries. The director
9 30 district boundaries shall be described in the resolution
9 31 adopted by the school board. The resolution shall be adopted
9 32 no earlier than November 15 of the year immediately following
9 33 the year in which the federal decennial census is taken nor
9 34 later than May 15 of the second year immediately following the
9 35 year in which the federal decennial census is taken. A copy



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10 1 of the plan shall be filed with the area education agency
10 2 administrator of the area education agency in which the
10 3 school's electors reside. If the board does not provide for
10 4 an election as provided in sections 275.35, 275.36, and 278.1
10 5 and adopts a resolution to change the number of directors or
10 6 method of election in accordance with this subsection, the
10 7 district shall change the number of directors or method of
10 8 election as provided unless, within twenty-eight days
10 9 following the action of the board, the secretary of the board
10 10 receives a petition containing the required number of
10 11 signatures, asking that an election be called to approve or
10 12 disapprove the action of the board in adopting the resolution.
10 13 The petition must be signed by eligible electors equal in
10 14 number to not less than one hundred or thirty percent of the
10 15 number of voters at the last preceding regular school
10 16 election, whichever is greater. The board shall either
10 17 rescind its action or direct the county commissioner of
10 18 elections to submit the question to the registered voters of
10 19 the school district at the next following regular school
10 20 election ~~or a special election~~. If a majority of those voting
10 21 on the question at the election favors disapproval of the
10 22 action of the board, the district shall not change the number
10 23 of directors or method of election. If a majority of those
10 24 voting on the question does not favor disapproval of the
10 25 action, the board shall certify the results of the election to
10 26 the department of management and the district shall change the
10 27 number of directors or method of election as provided in this
10 28 subsection. At the expiration of the twenty-eight-day period,
10 29 if no petition is filed, the board shall certify its action to
10 30 the department of management and the district shall change the
10 31 number of directors or method of election as provided in this
10 32 subsection.

10 33 Sec. 17. Section 275.24, Code 2007, is amended to read as
10 34 follows:

10 35 275.24 EFFECTIVE DATE OF CHANGE.



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11 1 When a school district is enlarged, reorganized, or changes
11 2 its boundary pursuant to sections 275.12 to 275.22, the change
11 3 shall take effect on July 1 following the date of the
11 4 reorganization election held pursuant to section 275.18 ~~if the~~
~~11 5 election was held by the prior November 30. Otherwise the~~
~~11 6 change shall take effect on July 1 one year later.~~

11 7 Sec. 18. Section 275.27, Code 2007, is amended to read as
11 8 follows:

11 9 275.27 COMMUNITY SCHOOL DISTRICTS == PART OF AREA
11 10 EDUCATION AGENCY.

11 11 School districts created or enlarged under this chapter are
11 12 community school districts and are part of the area education
11 13 agency in which the greatest number of registered voters of
11 14 the district reside at the time of the ~~special~~ election ~~called~~
~~11 15 for~~ in section 275.18, and sections of the Code applicable to
11 16 the common schools generally are applicable to these districts
11 17 in addition to the powers and privileges conferred by this
11 18 chapter. If a school district, created or enlarged under this
11 19 chapter and assigned to an area education agency under this
11 20 section, can demonstrate that students in the district were
11 21 utilizing a service or program prior to the formation of the
11 22 new or enlarged district that is unavailable from the area
11 23 education agency to which the new or enlarged district is
11 24 assigned, the district may be reassigned to the area education
11 25 agency which formerly provided the service or program, upon an
11 26 affirmative majority vote of the boards of the affected area
11 27 education agencies to permit the change.

11 28 Sec. 19. Section 275.35, unnumbered paragraph 1, Code
11 29 2007, is amended to read as follows:

11 30 Any existing or hereafter created or enlarged school
11 31 district may change the number of directors to either five or
11 32 seven and may also change its method of election of school
11 33 directors to any method authorized by section 275.12 by
11 34 submission of a proposal, stating the proposed new method of
11 35 election, by the school board of such district to the electors



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12 1 at any regular ~~or special~~ school election. The school board
12 2 shall notify the county commissioner of elections who shall
12 3 publish notice of the election proposal in the manner provided
12 4 in section 49.53. ~~The election shall be conducted pursuant to~~
~~12 5 chapters 39 to 53 by the county commissioner of elections.~~

12 6 Such proposal shall be adopted if it is approved by a majority
12 7 of the votes cast on the proposition.

12 8 Sec. 20. Section 275.36, unnumbered paragraph 1, Code
12 9 2007, is amended to read as follows:

12 10 If a petition for a change in the number of directors or in
12 11 the method of election of school directors is filed with the
12 12 school board of a school district pursuant to the requirements
12 13 of section 278.2, the school board shall submit such
12 14 proposition to the voters at the regular school election ~~or a~~
~~12 15 special election held not later than February 1.~~ The petition

12 16 shall be accompanied by an affidavit as required by section
12 17 275.13. If a proposition for a change in the number of
12 18 directors or in the method of election of school directors
12 19 submitted to the voters under this section is rejected, it
12 20 shall not be resubmitted to the voters of the district in
12 21 substantially the same form within the next three years; if it
12 22 is approved, no other proposal may be submitted to the voters
12 23 of the district under this section within the next six years.

12 24 Sec. 21. Section 275.38, Code 2007, is amended to read as
12 25 follows:

12 26 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

12 27 If change in the method of election of school directors is
12 28 approved at a ~~regular or special school~~ election, the
12 29 directors who were serving unexpired terms or were elected
12 30 concurrently with approval of the change of method shall serve
12 31 out the terms for which they were elected. If the plan
12 32 adopted is that described in section 275.12, subsection 2,
12 33 paragraph ~~"b," "c," "d," or "e,"~~ "b", "c", "d", or "e", the
12 34 board shall at the earliest practicable time designate the
12 35 districts from which residents are to be elected as school



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13 1 directors at each of the next three succeeding annual school
13 2 elections, arranging so far as possible for elections of
13 3 directors as residents of the respective districts to coincide
13 4 with the expiration of terms of incumbent members residing in
13 5 those districts. If an increase in the size of the board from
13 6 five to seven members is approved concurrently with the change
13 7 in method of election of directors, the board shall make the
13 8 necessary adjustment in the manner prescribed in section
13 9 275.37, as well as providing for implementation of the
13 10 districting plan under this section.

13 11 Sec. 22. Section 275.55, unnumbered paragraphs 1 and 2,
13 12 Code 2007, are amended to read as follows:

13 13 The board of the school district shall ~~call a special~~
~~13 14 election to be held not later than forty days~~ submit the
13 15 proposition to the voters at the next regular school election
13 16 following the date of the final hearing on the dissolution
13 17 proposal. ~~The special election may be held at the same time~~
~~13 18 as the regular school election.~~ The proposition submitted to
13 19 the voters residing in the school district ~~at the special~~
~~13 20 election~~ shall describe each separate area to be attached to a
13 21 contiguous school district and shall name the school district
13 22 to which it will be attached. In addition to the description,
13 23 a map may be included in the summary of the question on the
13 24 ballot.

13 25 ~~The board shall give written notice of the proposed date of~~
~~13 26 the election to the county commissioner of elections. The~~
~~13 27 proposed date shall be pursuant to section 39.2, subsections 1~~
~~13 28 and 2 and section 47.6, subsections 1 and 2.~~ The county
13 29 commissioner of elections shall give notice ~~of~~ that the
13 30 election proposition will be submitted at the regular school
13 31 election by one publication in the same newspaper in which the
13 32 previous notice was published about the hearing, which
13 33 publication shall not be less than four nor more than twenty
13 34 days prior to the election.

13 35 Sec. 23. Section 277.2, Code 2007, is amended by striking



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14 1 the section and inserting in lieu therefore the following:

14 2 277.2 SPECIAL ELECTIONS ON PUBLIC MEASURES.

14 3 Unless otherwise stated, the date of a special election on
14 4 a public measure authorized to be held by a school district is
14 5 limited to the date of the regular school election.

14 6 Sec. 24. Section 278.1, unnumbered paragraph 2, Code 2007,
14 7 is amended to read as follows:

14 8 The board may, with approval of sixty percent of the
14 9 voters, voting in a regular ~~or special~~ election in the school
14 10 district, make extended time contracts not to exceed twenty
14 11 years in duration for rental of buildings to supplement
14 12 existing schoolhouse facilities; and where it is deemed
14 13 advisable for buildings to be constructed or placed on real
14 14 estate owned by the school district, these contracts may
14 15 include lease-purchase option agreements, the amounts to be
14 16 paid out of the physical plant and equipment levy fund.

14 17 Sec. 25. Section 279.39, Code 2007, is amended to read as
14 18 follows:

14 19 279.39 SCHOOL BUILDINGS.

14 20 The board of any school corporation shall establish
14 21 attendance centers and provide suitable buildings for each
14 22 school in the district and may at the regular or a special
14 23 meeting ~~call a special election~~ resolve to submit to the
14 24 registered voters of the district at the next regular school
14 25 election the question of voting a tax or authorizing the board
14 26 to issue bonds, or both.

14 27 Sec. 26. Section 297.11, Code 2007, is amended to read as
14 28 follows:

14 29 297.11 USE FORBIDDEN.

14 30 If ~~at any time~~ the voters of such district at a regular
14 31 election forbid such use of any such schoolhouse or grounds,
14 32 the board shall not ~~thereafter~~ permit such use until the ~~said~~
14 33 action of such voters ~~shall have been~~ is rescinded by the
14 34 voters at a regular election, ~~or at a special election called~~
~~14 35 for that purpose.~~



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15 1 Sec. 27. Section 298.9, Code 2007, is amended to read as
15 2 follows:

15 3 298.9 SPECIAL LEVIES.

15 4 If the voter-approved physical plant and equipment levy,
15 5 consisting solely of a physical plant and equipment property
15 6 tax levy, is voted at a ~~special~~ an election and certified to
15 7 the board of supervisors after the regular levy is made, the
15 8 board shall at its next regular meeting levy the tax and cause
15 9 it to be entered upon the tax list to be collected as other
15 10 school taxes. ~~If the certification is filed prior to May 1,~~
~~15 11 the annual levy shall begin with the tax levy of the year of~~
~~15 12 filing. If the certification is filed after May 1 in a year,~~
~~15 13 the~~ The levy shall begin with the levy of the fiscal year
15 14 succeeding the year of the filing of the certification.

15 15 Sec. 28. Section 298.18, unnumbered paragraph 4, Code
15 16 2007, is amended to read as follows:

15 17 The amount estimated and certified to apply on principal
15 18 and interest for any one year may exceed two dollars and
15 19 seventy cents per thousand dollars of assessed value by the
15 20 amount approved by the voters of the school corporation, but
15 21 not exceeding four dollars and five cents per thousand of the
15 22 assessed value of the taxable property within any school
15 23 corporation, provided that the registered voters of such
15 24 school corporation have first approved such increased amount
15 25 at a ~~special~~ election, which may be held at the same time as
15 26 the regular school election. The proposition submitted to the
15 27 voters at such ~~special~~ election shall be in substantially the
15 28 following form:

15 29 Sec. 29. Section 298.18, unnumbered paragraph 6, Code
15 30 2007, is amended to read as follows:

15 31 Notice of the election shall be given by the county
15 32 commissioner of elections according to section 49.53. ~~The~~
~~15 33 election shall be held on a date not less than four nor more~~
~~15 34 than twenty days after the last publication of the notice. At~~
~~15 35 such election the ballot used for the submission of said~~



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~~16 1 proposition shall be in substantially the form for submitting
16 2 special questions at general elections. The county
16 3 commissioner of elections shall ~~conduct the election pursuant~~
16 4 to the provisions of chapters 39 to 53 and certify the results
16 5 to the board of directors. ~~Such~~ The proposition shall not be
16 6 deemed carried or adopted unless the vote in favor of such
16 7 proposition is equal to at least sixty percent of the total
16 8 vote cast for and against ~~said~~ the proposition at ~~said the~~
16 9 election. Whenever such a proposition has been approved by
16 10 the voters of a school corporation as hereinbefore provided,
16 11 no further approval of the voters of such school corporation
16 12 shall be required as a result of any subsequent change in the
16 13 boundaries of such school corporation.~~

16 14 Sec. 30. Section 298.18A, subsection 2, Code 2007, is
16 15 amended to read as follows:

16 16 2. The adjustment shall not result in a total amount
16 17 levied in excess of the two dollar and seventy cent per
16 18 thousand dollars of assessed valuation limit provided in
16 19 section 298.18. An adjustment in excess of the two dollar and
16 20 seventy cent per thousand dollars of assessed valuation limit
16 21 shall be subject to the ~~special~~ election provisions for
16 22 increases of up to four dollars and five cents per thousand
16 23 dollars of assessed valuation provisions of section 298.18.

16 24 Sec. 31. Section 298.21, unnumbered paragraph 1, Code
16 25 2007, is amended to read as follows:

16 26 The board of directors of any school corporation when
16 27 authorized by the voters at the regular election ~~or at a~~
~~16 28 special election called for that purpose,~~ may issue the
16 29 negotiable, interest-bearing school bonds of ~~said the~~
16 30 corporation for borrowing money for any or all of the
16 31 following purposes:

16 32 Sec. 32. Section 300.2, unnumbered paragraph 1, Code 2007,
16 33 is amended to read as follows:

16 34 The board of directors of a school district may, and upon
16 35 receipt of a petition signed by eligible electors equal in



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17 1 number to at least twenty-five percent of the number of voters
17 2 at the last preceding school election, shall, direct the
17 3 county commissioner of elections to submit to the registered
17 4 voters of the school district the question of whether to levy
17 5 a tax of not to exceed thirteen and one-half cents per
17 6 thousand dollars of assessed valuation for public educational
17 7 and recreational activities authorized under this chapter. ~~¶~~
~~17 8 at the time of filing the petition, it is more than three~~
~~17 9 months until the next regular school election, the board of~~
~~17 10 directors shall submit the question at a special election~~
~~17 11 within sixty days. Otherwise, the~~ The question shall be
17 12 submitted at the next regular school election.

17 13 Sec. 33. Section 330.17, unnumbered paragraph 1, Code
17 14 2007, is amended to read as follows:

17 15 The council of any city or county which owns or acquires an
17 16 airport may, and upon the council's receipt of a valid
17 17 petition as provided in section 362.4, or receipt of a
17 18 petition by the board of supervisors as provided in section
17 19 331.306 shall, ~~at a regular city election or a general~~
~~17 20 election if one is to be held within seventy-four days from~~
~~17 21 the filing of the petition, or otherwise at a special election~~
17 22 called for that purpose held on a date specified in section
17 23 39.2, subsection 4, paragraph "a" or "b", as applicable,
17 24 submit to the voters the question as to whether the management
17 25 and control of the airport shall be placed in an airport
17 26 commission. If a majority of the voters favors placing the
17 27 management and control of the airport in an airport
17 28 commission, the commission shall be established as provided in
17 29 this chapter.

17 30 Sec. 34. NEW SECTION. 331.309 SPECIAL ELECTIONS ON
17 31 PUBLIC MEASURES.

17 32 Unless otherwise stated, the dates of special elections on
17 33 public measures authorized in this chapter are limited to
17 34 those specified for counties in section 39.2.

17 35 Sec. 35. Section 346.27, subsection 10, unnumbered



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18 1 paragraph 1, Code 2007, is amended to read as follows:

18 2 After the incorporation of an authority, and before the
18 3 sale of any issue of revenue bonds, except refunding bonds,
18 4 the authority shall ~~call an election to decide~~ submit to the
18 5 voters the question of whether the authority shall issue and
18 6 sell revenue bonds. The ballot shall state the amount of the
18 7 bonds and the purposes for which the authority is
18 8 incorporated. All registered voters of the county shall be
18 9 entitled to vote on the question. The question may be
18 10 submitted at a ~~general election or at a special election held~~
18 11 on a date specified in section 39.2, subsection 4, paragraph
18 12 "a" or "b", as applicable. An affirmative vote of a majority
18 13 of the votes cast on the question is required to authorize the
18 14 issuance and sale of revenue bonds.

18 15 Sec. 36. Section 347.13, subsection 12, unnumbered
18 16 paragraph 1, Code 2007, is amended to read as follows:

18 17 Submit to the voters at ~~any regular or a~~ a special election
18 18 held on a date specified in section 39.2, subsection 4,
18 19 paragraph "a", a proposition to sell or lease any sites and
18 20 buildings, excepting those described in subsection 11 hereof,
18 21 and upon such proposition being carried by a majority of the
18 22 total number of votes cast at such election, may proceed to
18 23 sell such property at either public or private sale, and apply
18 24 the proceeds only for:

18 25 Sec. 37. Section 347.14, subsection 15, unnumbered
18 26 paragraph 1, Code 2007, is amended to read as follows:

18 27 Submit to the voters at a ~~regular or special election held~~
18 28 on a date specified in section 39.2, subsection 4, paragraph
18 29 "a", a proposition to sell or lease a county public hospital
18 30 for use as a private hospital or as a merged area hospital
18 31 under chapter 145A or to sell or lease a county hospital in
18 32 conjunction with the establishment of a merged area hospital.
18 33 The authorization of the board of hospital trustees submitting
18 34 the proposition may, but is not required to, contain
18 35 conditions which provide for maintaining hospital care within
19 1 the county, for the retention of county public hospital
19 2 employees and staff, and for the continuation of the board of
19 3 trustees for the purpose of carrying out provisions of
19 4 contracts. The property listed in section 347.13, subsection
19 5 11, may be included in the proposition, but the proceeds from
19 6 the property shall be used for the purposes listed in section
19 7 347.13, subsection 12, or for the purpose of providing health
19 8 care for residents of the county. Proceeds from the sale or
19 9 lease of the county hospital or other assets of the board of
19 10 trustees shall not be used for the prepayment of health care
19 11 services for residents of the county with the purchaser or
19 12 lessee of the county hospital or to underwrite the sale or
19 13 lease of the county hospital. The proposition submitted to
19 14 the voters of the county shall not be set forth at length, but
19 15 it shall be in substantially the following form:

19 16 Sec. 38. Section 347.23, unnumbered paragraph 1, Code
19 17 2007, is amended to read as follows:

19 18 Any hospital organized and existing as a city hospital may
19 19 become a county hospital organized and managed as provided for
19 20 in this chapter, upon a proposition for such purpose being
19 21 submitted to and approved by a majority of the electors of



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19 22 both the city in which such hospital is located and of the
19 23 county under whose management it is proposed that such
19 24 hospital be placed, ~~at any general or special election called~~
~~19 25 for such purpose.~~ The proposition shall be placed upon the
19 26 ballot by the board of supervisors when requested by a
19 27 petition signed by eligible electors of the county equal in
19 28 number to five percent of the votes cast for president of the
19 29 United States or governor, as the case may be, at the last
19 30 general election. The proposition ~~may~~ shall be submitted at
19 31 ~~the next general election or at a special election called for~~
~~19 32 that purpose held on a date specified in section 39.2,~~
19 33 subsection 4, paragraph "a". Upon the approval of the
19 34 proposition the hospital, its assets and liabilities, will
19 35 become the property of the county and this chapter will govern



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20 1 its future management. The question shall be submitted in
20 2 substantially the following form: "Shall the municipal
20 3 hospital of, Iowa, be transferred to and become the
20 4 property of, and be managed by the county of, Iowa?"

20 5 Sec. 39. Section 347.23A, subsection 1, Code 2007, is
20 6 amended to read as follows:

20 7 1. A hospital established as a memorial hospital under
20 8 chapter 37 or a county hospital supported by revenue bonds and
20 9 organized under chapter 347A may become, in accordance with
20 10 the provisions of this section, a county hospital organized
20 11 and managed as provided for in this chapter. If the hospital
20 12 is established by a city as a memorial hospital, the city must
20 13 be located in the county which will own and manage the
20 14 hospital. A proposition for the change must be submitted to
20 15 and approved by a majority of the electors of the county which
20 16 will own and manage the hospital as provided for in this
20 17 chapter. In addition, if the hospital is a memorial hospital
20 18 organized by a city under chapter 37, the proposition must
20 19 also be approved by a majority of the electors of that city.

20 20 The proposition ~~may~~ shall be submitted to the electors at ~~any~~
~~20 21 general or a~~ special election called by the county board of
20 22 supervisors for this purpose and held on a date specified in
20 23 section 39.2, subsection 4, paragraph "a".

20 24 Sec. 40. NEW SECTION. 362.11 SPECIAL ELECTIONS ON PUBLIC
20 25 MEASURES.

20 26 Unless otherwise stated, the dates of special elections on
20 27 public measures authorized in the city code are limited to
20 28 those specified for cities in section 39.2.

20 29 Sec. 41. Section 368.19, unnumbered paragraph 1, Code
20 30 2007, is amended to read as follows:

20 31 The committee shall approve or disapprove the petition or
20 32 plan as amended, within ninety days of the final hearing, and
20 33 shall file its decision for record and promptly notify the
20 34 parties to the proceeding of its decision. If a petition or
20 35 plan is approved, the board shall ~~set a date not less than~~



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~~21 1 thirty days nor more than ninety days after approval for~~
21 2 submit the proposal at a special election on the proposal held
21 3 on a date specified in section 39.2, subsection 4, paragraph
21 4 "a" or "b", whichever is applicable, and the county
21 5 commissioner of elections shall conduct the election. In a
21 6 case of incorporation or discontinuance, registered voters of
21 7 the territory or city may vote, and the proposal is authorized
21 8 if a majority of those voting approves it. In a case of
21 9 annexation or severance, registered voters of the territory
21 10 and of the city may vote, and the proposal is authorized if a
21 11 majority of the total number of persons voting approves it.
21 12 In a case of consolidation, registered voters of each city to
21 13 be consolidated may vote, and the proposal is authorized only
21 14 if it receives a favorable majority vote in each city. The
21 15 county commissioner of elections shall publish notice of the
21 16 election as provided in section 49.53 and shall conduct the
21 17 election in the same manner as other special ~~city~~ elections.
21 18 Sec. 42. Section 372.2, subsection 2, unnumbered paragraph
21 19 1, Code 2007, is amended to read as follows:
21 20 Within fifteen days after receiving a valid petition, the
21 21 council shall publish notice of the date that a special city
21 22 election will be held to determine whether the city shall
21 23 change to a different form of government. The election date
21 24 shall be ~~not more than sixty days after the publication as~~
21 25 specified in section 39.2, subsection 4, paragraph "b". If
21 26 the next ensuing special election is more than sixty days
21 27 after the publication, the council shall publish another
21 28 notice fifteen days before the election. The notice shall
21 29 include a statement that the filing of a petition for
21 30 appointment of a home rule charter commission will delay the
21 31 election until after the home rule charter commission has
21 32 filed a proposed charter. Petition requirements and filing
21 33 deadlines shall also be included in the notice.
21 34 Sec. 43. Section 372.3, Code 2007, is amended to read as
21 35 follows:



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22 1 372.3 HOME RULE CHARTER.

22 2 If a petition for appointment of a home rule charter
22 3 commission is filed with the city clerk not more than ten days
22 4 after the council has published the first notice announcing
22 5 the date of the special election on adoption of another form
22 6 of government, the special election shall not be held until
22 7 the charter proposed by the home rule charter commission is
22 8 filed. Both forms must be published as provided in section
22 9 372.9 and submitted to the voters at the special election.

22 10 Sec. 44. Section 372.9, subsection 3, Code 2007, is
22 11 amended to read as follows:

22 12 3. The proposed home rule charter must be submitted at a
22 13 special ~~city~~ election on a date ~~selected by the mayor and~~
~~22 14 council specified in section 39.2, subsection 4, paragraph~~
22 15 "b", and in accordance with section 47.6. However, the date
22 16 of the ~~election~~ last publication must be not less than thirty
22 17 nor more than sixty days ~~after before the last publication of~~
~~22 18 the proposed home rule charter election.~~

22 19 Sec. 45. Section 372.13, subsection 11, unnumbered
22 20 paragraph 1, Code 2007, is amended to read as followed:

22 21 Council members shall be elected according to the council
22 22 representation plans under sections 372.4 and 372.5. However,
22 23 the council representation plan may be changed, by petition
22 24 and election, to one of those described in this subsection.
22 25 Upon receipt of a valid petition, as defined in section 362.4,
22 26 requesting a change to a council representation plan, the
22 27 council shall submit the question at a special ~~city~~ election
22 28 ~~to be held within sixty days~~. If a majority of the persons
22 29 voting at the special election approves the changed plan, it
22 30 becomes effective at the beginning of the term following the
22 31 next regular city election. If a majority does not approve
22 32 the changed plan, the council shall not submit another
22 33 proposal to change a plan to the voters within the next two
22 34 years.

22 35 Sec. 46. Section 376.2, unnumbered paragraph 2, Code 2007,



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23 1 is amended to read as follows:

23 2 Except as otherwise provided by state law or the city
23 3 charter, terms for elective offices are two years. However,
23 4 the term of an elective office may be changed to two or four
23 5 years by petition and election. Upon receipt of a valid
23 6 petition as defined in section 362.4, requesting that the term
23 7 of an elective office be changed, the council shall submit the
23 8 question at a special ~~city~~ election ~~to be held within sixty~~
~~23 9 days after the petition is received. The special election~~
~~23 10 shall be held more than ninety days before the regular city~~
~~23 11 election if the change shall go into effect at the next~~
~~23 12 regular city election. If a majority of the persons voting at~~
23 13 the special election approves the changed term, it becomes
23 14 effective at the beginning of the term following the next
23 15 regular city election. If a majority does not approve the
23 16 changed term, the council shall not submit the same proposal
23 17 to the voters within the next four years.

23 18 Sec. 47. Section 423B.1, subsection 5, Code 2007, is
23 19 amended to read as follows:

23 20 5. The county commissioner of elections shall submit the
23 21 question of imposition of a local option tax at ~~a state~~
~~23 22 general election or at a special election held at any time~~
~~23 23 other than the time of a city regular election on a date~~
23 24 specified in section 39.2, subsection 4, paragraph "a". The
23 25 election shall not be held sooner than sixty days after
23 26 publication of notice of the ballot proposition. The ballot
23 27 proposition shall specify the type and rate of tax and in the
23 28 case of a vehicle tax the classes that will be exempt and in
23 29 the case of a local sales and services tax the date it will be
23 30 imposed which date shall not be earlier than ninety days
23 31 following the election. The ballot proposition shall also
23 32 specify the approximate amount of local option tax revenues
23 33 that will be used for property tax relief and shall contain a
23 34 statement as to the specific purpose or purposes for which the
23 35 revenues shall otherwise be expended. If the county board of



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24 1 supervisors decides under subsection 6 to specify a date on
24 2 which the local option sales and services tax shall
24 3 automatically be repealed, the date of the repeal shall also
24 4 be specified on the ballot. The rate of the vehicle tax shall
24 5 be in increments of one dollar per vehicle as set by the
24 6 petition seeking to impose the tax. The rate of a local sales
24 7 and services tax shall not be more than one percent as set by
24 8 the governing body. The state commissioner of elections shall
24 9 establish by rule the form for the ballot proposition which
24 10 form shall be uniform throughout the state.

24 11 Sec. 48. Section 423E.2, subsection 2, paragraph a, Code
24 12 2007, is amended to read as follows:

24 13 a. Upon receipt by a county board of supervisors of a
24 14 petition requesting imposition of a local sales and services
24 15 tax for infrastructure purposes, signed by eligible electors
24 16 of the whole county equal in number to five percent of the
24 17 persons in the whole county who voted at the last preceding
24 18 state general election, the board shall within thirty days
24 19 direct the county commissioner of elections to submit the
24 20 question of imposition of the tax to the registered voters of
24 21 the whole county at a special election held on a date
24 22 specified in section 39.2, subsection 4, paragraph "a".

24 23 Sec. 49. Section 423E.2, subsection 3, Code 2007, is
24 24 amended to read as follows:

24 25 3. The county commissioner of elections shall submit the
24 26 question of imposition of a local sales and services tax for
24 27 school infrastructure purposes at a ~~state general election or~~
~~24 28 at a special election held at any time other than the time of~~
~~24 29 a city regular election~~ on a date specified in section 39.2,
24 30 subsection 4, paragraph "a". The election shall not be held
24 31 sooner than sixty days after publication of notice of the
24 32 ballot proposition. The ballot proposition shall specify the
24 33 rate of tax, the date the tax will be imposed and repealed,
24 34 and shall contain a statement as to the specific purpose or
24 35 purposes for which the revenues shall be expended. The



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25 1 content of the ballot proposition shall be substantially
25 2 similar to the petition of the board of supervisors or motions
25 3 of a school district or school districts requesting the
25 4 election as provided in subsection 2, as applicable, including
25 5 the rate of tax, imposition and repeal ~~date~~ dates, and the
25 6 specific purpose or purposes for which the revenues will be
25 7 expended. The dates for the imposition and repeal of the tax
25 8 shall be as provided in subsection 1. The rate of tax shall
25 9 not be more than one percent. The state commissioner of
25 10 elections shall establish by rule the form for the ballot
25 11 proposition which form shall be uniform throughout the state.

25 12 Sec. 50. APPLICABILITY DATE. This act applies to
25 13 elections held on or after January 1, 2008.

25 14 EXPLANATION

25 15 This bill makes changes relating to the dates that certain
25 16 local government special elections on public measures can be
25 17 held.

25 18 The bill provides that special elections of a county shall
25 19 be held on the day of the general election or on the second
25 20 Tuesday in March. Special elections of a city shall be held
25 21 on the date of the general election or the regular city
25 22 election or on the second Tuesday in March of each year. The
25 23 bill also provides that merged area and school district
25 24 special elections shall be held on the same date as the
25 25 regular school election. The bill applies to elections on
25 26 public measures and not to special elections to elect public
25 27 officers of a school corporation, county, or city.

25 28 The bill amends Code section 47.6 to conform filing
25 29 deadlines to the special election dates, including filing
25 30 deadlines for vacancies in city or county offices.

25 31 The bill amends Code section 69.12 to strike the filing
25 32 deadline for vacancies that occur 40 days before a special
25 33 election.

25 34 The bill does not amend provisions relating to elections
25 35 held for special or benefited districts (Code sections 303.41



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26 1 through 303.68 and Code chapters 357 through 358C). The bill
26 2 also does not amend provisions relating to special elections
26 3 which are held at no cost to the city or county. These
26 4 include special elections for designation of an official
26 5 county fair, city franchise elections, and city incorporation
26 6 elections (depending on the outcome of the election).
26 7 The bill applies to elections held on or after January 1,
26 8 2008.
26 9 LSB 1474HH 82
26 10 sc:nh/es/88.1



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House File 253 - Introduced

HOUSE FILE
BY FORD

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act relating to application procedures and requirements for
2 issuance of a driver's license or nonoperator's identification
3 card to a noncitizen.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2194HH 82
6 dea/es/88



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1 1 Section 1. Section 321.182, subsection 1, paragraph a,
1 2 Code 2007, is amended to read as follows:

1 3 a. Make application on a form provided by the department
1 4 which shall include the applicant's full name, signature,
1 5 current mailing address, current residential address, date of
1 6 birth, social security number, and physical description
1 7 including sex, height, and eye color. The application may
1 8 contain other information the department may require by rule.
1 9 Pursuant to procedures established by the department and for
1 10 an applicant who is a foreign national ~~temporarily present in~~
1 11 ~~this state~~, the department may waive the requirement that the
1 12 application include the applicant's social security number.

1 13 Sec. 2. Section 321.182, Code 2007, is amended by adding
1 14 the following new subsection:

1 15 NEW SUBSECTION. 5. a. A noncitizen applicant who
1 16 presents all of the following documentation shall be deemed to
1 17 have established proof of identity as required by the
1 18 department to qualify for licensure:

1 19 (1) A valid passport issued by a foreign jurisdiction or
1 20 an original or certified copy of a government-issued birth
1 21 certificate from a foreign jurisdiction.

1 22 (2) A social security card or a federal taxpayer
1 23 identification card or certification letter.

1 24 (3) A matricula consular identity card.

1 25 b. A noncitizen applicant who establishes proof of
1 26 identity under paragraph "a" and presents a valid driver's
1 27 license issued by a jurisdiction in another country, or
1 28 presents evidence of completion of a driver education course
1 29 approved by the department, is subject to the requirements of
1 30 section 321.186 at the discretion of the department in the
1 31 same manner as an applicant who was previously licensed to
1 32 drive in another state.

1 33 Sec. 3. Section 321.190, subsection 1, paragraph a, Code
1 34 2007, is amended to read as follows:

1 35 a. The department shall, upon application and payment of



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House File 253 - Introduced continued

2 1 the required fee, issue to an applicant a nonoperator's
2 2 identification card. To be valid the card shall bear a
2 3 distinguishing number other than a social security number
2 4 assigned to the cardholder, the full name, date of birth, sex,
2 5 residence address, a physical description and a colored
2 6 photograph of the cardholder, the usual signature of the
2 7 cardholder, and such other information as the department may
2 8 require by rule. An applicant for a nonoperator's
2 9 identification card shall apply for the card in the manner
2 10 provided in section 321.182, subsections 1 through, 2, 3, and
2 11 5. The card shall be issued to the applicant at the time of
2 12 application pursuant to procedures established by rule. An
2 13 applicant for a nonoperator's identification card who is
2 14 required by 50 U.S.C. app. } 451 et seq. to register with the
2 15 United States selective service system shall be registered by
2 16 the department with the selective service system as provided
2 17 in section 321.183.

2 18

2 19

EXPLANATION

2 20 This bill amends the application procedures for issuance of
2 21 a driver's license or nonoperator's identification card to
2 22 noncitizen applicants. The department of transportation may
2 23 waive the requirement that an applicant who is a foreign
2 24 national provide a social security number. The department is
2 25 required to accept, as proof of an applicant's identity, a
2 26 matricula consular identity card accompanied by a valid
2 27 foreign passport or original or certified copy of a foreign
2 28 birth certificate and a social security card or federal
2 29 taxpayer identification card or letter. In addition, the bill
2 30 provides that if such an applicant presents a valid driver's
2 31 license from another country or evidence of completion of an
2 32 approved driver education course, the department may exercise
2 33 its discretion to examine or waive examination of the
2 34 applicant, as it does now for applicants previously licensed
2 35 to drive in other states.



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3 1 The matricula consular identity card is an official form of
3 2 identification currently issued by the Mexican government.
3 3 LSB 2194HH 82
3 4 dea:nh/es/88



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House File 254 - Introduced

HOUSE FILE
 BY HEDDENS, SWAIM, BUKTA,
 BERRY, and WHITAKER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act relating to advance notification of the need to renew a
- 2 driver's license.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1443HH 82
- 5 dea/je/5



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House File 254 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.196, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. a. Except as otherwise provided, a driver's license,
1 4 other than an instruction permit, chauffeur's instruction
1 5 permit, or commercial driver's instruction permit issued under
1 6 section 321.180, expires five years from the licensee's
1 7 birthday anniversary occurring in the year of issuance if the
1 8 licensee is between the ages of seventeen years eleven months
1 9 and seventy years on the date of issuance of the license. If
1 10 the licensee is under the age of seventeen years eleven months
1 11 or age seventy or over, the license is effective for a period
1 12 of two years from the licensee's birthday anniversary
1 13 occurring in the year of issuance. A licensee whose license
1 14 is restricted due to vision or other physical deficiencies may
1 15 be required to renew the license every two years. If a
1 16 licensee is a foreign national who is temporarily present in
1 17 this state, the license shall be issued only for the length of
1 18 time the foreign national is authorized to be present as
1 19 determined by the department, not to exceed two years.
1 20 b. On or about the first day of each month, the department
1 21 shall notify each licensee whose driver's license is due to
1 22 expire in the following month of the need to renew the license
1 23 and the period for renewal. The notice shall be mailed to the
1 24 most recent address of record provided by the licensee
1 25 pursuant to section 321.182, or the notice may be sent
1 26 electronically by prior arrangement with the licensee.
1 27 Failure to receive a renewal notice shall not affect the
1 28 expiration of a license or the requirements for renewal of an
1 29 expired license.

1 30

EXPLANATION

1 31 This bill requires the state department of transportation
1 32 to send a notice on or about the first day of each month to
1 33 each person whose driver's license will expire in the
1 34 following month. The notice shall be sent to the most recent
1 35 address of record for the licensee, or may be sent



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2 1 electronically by prior arrangement with the licensee. The
2 2 expiration of a license or the requirements for renewal are
2 3 not affected by the failure of a licensee to receive the
2 4 notice.
2 5 LSB 1443HH 82
2 6 dea:nh/je/5



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House File 255 - Introduced

HOUSE FILE
BY SANDS

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to rules adopted by the state board of education
- 2 to waive school fees for indigent families.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1830YH 82
- 5 kh/es/88



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House File 255 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 20, Code 2007, is
1 2 amended to read as follows:
1 3 20. Adopt rules that require the board of directors of a
1 4 school district to waive school fees for indigent families,
1 5 with the exception of fees covering instructional costs for a
1 6 driver education course.

1 7 Sec. 2. Section 282.6, unnumbered paragraph 1, Code 2007,
1 8 is amended to read as follows:

1 9 Every school shall be free of tuition to all actual
1 10 residents between the ages of five and twenty-one years and to
1 11 resident veterans as defined in section 35.1, as many months
1 12 after becoming twenty-one years of age as they have spent in
1 13 the armed forces of the United States before they became
1 14 twenty-one, provided, however, fees may be charged covering
1 15 instructional costs for a summer school or drivers education
1 16 program. The board of education may, in a hardship case,
1 17 exempt a student from payment of ~~the above~~ fees covering
1 18 instructional costs for a summer school. Every person,
1 19 however, who shall attend any school after graduation from a
1 20 four-year course in an approved high school or its equivalent
1 21 shall be charged a sufficient tuition fee to cover the cost of
1 22 the instruction received by the person.

1 23 EXPLANATION

1 24 This bill eliminates the state board of education's
1 25 authority to adopt rules to waive fees charged to indigent
1 26 families for the instructional costs for a driver education
1 27 course offered by a school district, as well as the state
1 28 board's authority to exempt a student from paying driver
1 29 education course fees in a hardship case.

1 30 LSB 1830YH 82

1 31 kh:nh/es/88



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House File 256 - Introduced

HOUSE FILE
BY MASCHER

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act restricting participation by legislative leaders in
- 2 electioneering communications and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1717YH 82
- 5 jr/je/5



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House File 256 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.105 ELECTIONEERING
1 2 COMMUNICATIONS BY MEMBERS OF THE GENERAL ASSEMBLY.
1 3 1. As used in this section:
1 4 a. "Electioneering communication" means any communication
1 5 that refers to a clearly identified candidate for statewide
1 6 office or the general assembly and that has the effect of
1 7 encouraging or discouraging a vote for the candidate,
1 8 regardless of whether the communication expressly advocates a
1 9 vote for or against the candidate.
1 10 b. "Leadership position" means the office of president of
1 11 the senate, speaker of the house of representatives, majority
1 12 leader, assistant majority leader, minority leader, or
1 13 assistant minority leader.
1 14 2. A member of the general assembly who holds a leadership
1 15 position shall not direct, manage, organize, advise, or
1 16 consult with any organization that engages in electioneering
1 17 communications. This prohibition shall be effective sixty
1 18 days before a general or special election for the office
1 19 sought by the clearly identified candidate, or thirty days
1 20 before a primary election for the office sought by the clearly
1 21 identified candidate.
1 22 3. The penalty set out in section 68A.701 does not apply
1 23 to violations of this section.
1 24 EXPLANATION
1 25 This bill prohibits legislative leaders from actively
1 26 participating in an organization that engages in
1 27 electioneering communications. The prohibition applies during
1 28 a limited time frame: 60 days before a general or special
1 29 election for the office sought by a clearly identified
1 30 candidate, or 30 days before a primary election sought by a
1 31 clearly identified candidate. Electioneering communications
1 32 are communications which refer to a clearly identified
1 33 candidate for statewide office or the general assembly and
1 34 which have the effect of encouraging or discouraging a vote
1 35 for that candidate.



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2 1 The criminal penalty normally associated with violations of
2 2 Code chapter 68A is made inapplicable to violations of the
2 3 bill. A variety of civil remedies for a violation of the bill
2 4 are available in Code section 68B.32D, ranging from a
2 5 reprimand to a civil penalty of not more than \$2,000.
2 6 LSB 1717YH 82
2 7 jr:rj/je/5



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House File 257 - Introduced

HOUSE FILE
BY SCHUELLER

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

1 An Act relating to the issuance of a protective order on behalf
2 of a person who is the alleged victim of a sexual offense and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1491HH 82
6 rh/es/88



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House File 257 - Introduced continued

PAG LIN

1 1 Section 1. Section 664A.1, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. "Protective order" means a protective order issued
1 4 pursuant to chapter 232, a court order or court-approved
1 5 consent agreement entered pursuant to chapter 236, including a
1 6 valid foreign protective order under section 236.19,
1 7 subsection 3, a temporary or permanent protective order or
1 8 order to vacate the homestead under chapter 598, ~~and~~ an order
1 9 that establishes conditions of release or is a protective
1 10 order or sentencing order in a criminal prosecution arising
1 11 from a domestic abuse assault under section 708.2A, and a
1 12 protective order issued for an alleged victim of a sexual
1 13 offense pursuant to section 709.20.

1 14 Sec. 2. Section 664A.2, subsection 2, Code 2007, is
1 15 amended to read as follows:

1 16 2. A protective order issued in a civil proceeding shall
1 17 be issued pursuant to chapter 232, 236, or 598, or section
1 18 709.20. Punishment for a violation of a protective order
1 19 shall be imposed pursuant to section 664A.7.

1 20 Sec. 3. Section 664A.5, Code 2007, is amended to read as
1 21 follows:

1 22 664A.5 MODIFICATION == ENTRY OF PERMANENT NO=CONTACT
1 23 ORDER.

1 24 If a defendant is convicted of, receives a deferred
1 25 judgment for, or pleads guilty to a public offense referred to
1 26 in section 664A.2, subsection 1, or is held in contempt for a
1 27 violation of a no=contact order issued under section 664A.3 or
1 28 for a violation of a protective order issued pursuant to
1 29 chapter 232, 236, or 598, or section 709.20, the court shall
1 30 either terminate or modify the temporary no=contact order
1 31 issued by the magistrate. The court may continue the
1 32 no=contact order in effect for a period of five years from the
1 33 date the judgment is entered or the deferred judgment is
1 34 granted, regardless of whether the defendant is placed on
1 35 probation.



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2 1 Sec. 4. Section 664A.7, subsections 1 and 4, Code 2007,
2 2 are amended to read as follows:
2 3 1. Violation of a no-contact order issued under this
2 4 chapter or a protective order issued pursuant to chapter 232,
2 5 236, or 598, or section 709.20, including a modified
2 6 no-contact order, is punishable by summary contempt
2 7 proceedings.
2 8 4. Violation of a no-contact order entered for the offense
2 9 or alleged offense of domestic abuse assault in violation of
2 10 section 708.2A or a violation of a protective order issued
2 11 pursuant to chapter 232, 236, or 598, or section 709.20
2 12 constitutes a public offense and is punishable as a simple
2 13 misdemeanor. Alternatively, the court may hold a person in
2 14 contempt of court for such a violation, as provided in
2 15 subsection 3.
2 16 Sec. 5. NEW SECTION. 709.20 SEXUAL OFFENSES ==
2 17 PROTECTIVE ORDER.
2 18 1. A person who is the alleged victim of a sexual offense
2 19 as defined in section 709.2, 709.3, 709.4, 709.8, 709.9,
2 20 709.11, 709.14, 709.15, or 709.16, including a parent or
2 21 guardian of such a person who is a minor, may seek relief by
2 22 filing a petition in the district court for a protective
2 23 order. Venue shall lie where either party resides. The
2 24 petition must allege facts sufficient to show the following:
2 25 a. The name of the alleged victim of a sexual offense
2 26 enumerated in this subsection.
2 27 b. The name of the respondent.
2 28 c. That the respondent has committed a sexual offense
2 29 enumerated in this subsection.
2 30 The petition shall be accompanied by an affidavit prepared
2 31 under oath stating the specific facts and circumstances from
2 32 which relief is sought. The court shall provide standard
2 33 forms and clerical assistance to help with the writing and
2 34 filing of a petition under this section.
2 35 2. The filing fees for a protective order under this



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3 1 section shall be waived for the petitioner if the petition
3 2 alleges acts that would constitute a sexual offense pursuant
3 3 to subsection 1. The clerk of the district court, the sheriff
3 4 of any county in this state, and other law enforcement and
3 5 corrections officers shall perform their duties relating to
3 6 service of process without charge to the petitioner. The
3 7 court may direct a respondent to pay to the clerk of the
3 8 district court the fees for the filing of the petition and
3 9 reasonable costs of service of process if the court determines
3 10 the respondent has the ability to pay the petitioner's fees
3 11 and costs.

3 12 3. a. The court may issue a temporary protective order
3 13 ordering the respondent to cease or avoid the commission of a
3 14 sexual offense against the alleged victim or to have no
3 15 contact with the alleged victim if the petitioner files a
3 16 petition in compliance with subsection 1 and if the court
3 17 finds reasonable grounds to believe that the respondent has
3 18 committed a sexual offense against the alleged victim.

3 19 b. Notice need not be given to the respondent before the
3 20 court issues a temporary protective order under this
3 21 subsection. A copy of the temporary protective order shall be
3 22 served on the respondent along with the petition and an order
3 23 for hearing.

3 24 c. The temporary protective order shall be in effect until
3 25 a hearing is held on the issuance of the protective order
3 26 pursuant to subsection 4. The court shall hold a hearing on
3 27 the issuance of a protective order if the petitioner requests
3 28 a hearing. If a temporary protective order has been issued
3 29 and the respondent requests a hearing, the hearing shall be
3 30 scheduled by the court upon receipt of the respondent's
3 31 request. A request for a hearing must be made within
3 32 forty-five days after the temporary protective order has been
3 33 issued.

3 34 4. The court may grant a protective order ordering the
3 35 respondent to cease or avoid the commission of a sexual



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4 1 offense against the alleged victim or to have no contact with
4 2 the alleged victim if all of the following occur:
4 3 a. The petitioner has filed a petition.
4 4 b. The sheriff has served the respondent with a copy of
4 5 the temporary protective order obtained pursuant to subsection
4 6 3 and a notice of the right to request a hearing, or service
4 7 has been made by publication.
4 8 c. The court finds at the hearing that there are
4 9 reasonable grounds to believe that the respondent has
4 10 committed a sexual offense against the alleged victim.
4 11 Relief granted by the protective order shall be for a
4 12 period not to exceed two years.
4 13 5. Violation of a protective order issued under this
4 14 section constitutes contempt of court and may be punished by
4 15 contempt proceedings as provided in section 644A.7.
4 16 Sec. 6. Section 709.22, subsection 3, Code 2007, is
4 17 amended to read as follows:
4 18 3. Providing a victim with immediate and adequate notice
4 19 of the victim's rights.
4 20 a. The notice shall consist of handing the victim a copy
4 21 of the following statement written in English and Spanish,
4 22 asking the victim to read the statement, and asking whether
4 23 the victim understands the rights:
4 24 (1) "You have the right to ask the court for help with any
4 25 of the following on a temporary basis:
4 26 ~~a-~~ (a) Keeping your attacker away from you, your home, and
4 27 your place of work.
4 28 ~~b-~~ (b) The right to stay at your home without interference
4 29 from your attacker.
4 30 ~~c-~~ (c) The right to seek a no-contact order under section
4 31 664A.3 or 915.22, if your attacker is arrested for sexual
4 32 assault, or to seek a protective order under section 709.20.
4 33 (2) You have the right to register as a victim with the
4 34 county attorney under section 915.12.
4 35 (3) You have the right to file a complaint for threats,



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5 1 assaults, or other related crimes.

5 2 (4) You have the right to seek restitution against your
5 3 attacker for harm to you or your property.

5 4 (5) You have the right to apply for victim compensation.

5 5 (6) You have the right to contact the county attorney or
5 6 local law enforcement to determine the status of your case.

5 7 (7) If you are in need of medical treatment, you have the
5 8 right to request that the officer present assist you in
5 9 obtaining transportation to the nearest hospital or otherwise
5 10 assist you.

5 11 (8) You have the right to a sexual assault examination
5 12 performed at state expense.

5 13 (9) If you believe that police protection is needed for
5 14 your physical safety, you have the right to request that the
5 15 officer present remain at the scene until you and other
5 16 affected parties can leave or until safety is otherwise
5 17 ensured."

5 18 b. The notice shall also contain the telephone numbers of
5 19 shelters, support groups, and crisis lines operating in the
5 20 area.

5 21 EXPLANATION

5 22 This bill relates to the issuance of a protective order on
5 23 behalf of a person who is the alleged victim of a sexual
5 24 offense.

5 25 The bill provides that a person, including a parent or
5 26 guardian of a minor, who is the victim of a crime of first,
5 27 second, or third degree sexual abuse, a victim of a crime of
5 28 lascivious acts with a child, a victim of indecent exposure, a
5 29 victim of a crime of assault with intent to commit sexual
5 30 abuse, a victim of a crime of indecent contact with a child, a
5 31 victim of a crime of lascivious contact with a minor, a victim
5 32 of a crime of sexual exploitation by a counselor or therapist,
5 33 or a victim of a crime of sexual misconduct with offenders and
5 34 juveniles, may seek relief by filing a petition in the
5 35 district court, accompanied by an affidavit prepared under



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6 1 oath stating the specific facts and circumstances from which
6 2 relief is sought. The filing fees for a protective order
6 3 under this section shall be waived for the petitioner.
6 4 The bill provides that a court may issue a temporary
6 5 protective order ordering the respondent to cease or avoid the
6 6 commission of a sexual offense against the victim or to have
6 7 no contact with the victim if the petitioner files a petition
6 8 in compliance with provisions of the bill and if the court
6 9 finds reasonable grounds to believe that the respondent has
6 10 committed a sexual offense. Upon hearing, the court may grant
6 11 a permanent protective order ordering the respondent to cease
6 12 or avoid the commission of a sexual offense against the victim
6 13 or to have no contact with the victim if the petitioner has
6 14 filed a petition, proper notice of service has occurred,
6 15 including a copy of the temporary protective order, and the
6 16 court finds at the hearing that there are reasonable grounds
6 17 to believe that the respondent has committed a sexual offense
6 18 against the victim. Violation of a protective order issued
6 19 under the bill constitutes contempt of court and may be
6 20 punished by contempt proceedings. A person held in contempt
6 21 of court is subject to a fine and imprisonment in a county
6 22 jail.
6 23 The bill also provides that if a peace officer has reason
6 24 to believe a sexual offense has occurred, the officer shall
6 25 include information relating to the victim's right to seek a
6 26 temporary order pursuant to the bill.
6 27 The bill makes conforming changes to Code chapter 664A that
6 28 provides for the enforcement of protective orders.
6 29 LSB 1491HH 82
6 30 rh:rj/es/88.1



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House File 258 - Introduced

HOUSE FILE
 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 4)

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
 Approved

A BILL FOR

- 1 An Act relating to the duties of directors of nonprofit
- 2 corporations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1074HV 82
- 5 av/gg/14



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PAG LIN

1 1 Section 1. Section 504.831, subsections 2 and 4, Code
1 2 2007, are amended to read as follows:
1 3 2. The members of the board of directors or a committee of
1 4 the board, when becoming informed in connection with their
1 5 decision-making functions or when devoting attention to their
1 6 oversight functions, shall discharge their duties with the
1 7 care that a person in a like position would reasonably believe
1 8 appropriate under similar circumstances.

1 9 4. In discharging board or committee duties, a director
1 10 who does not have knowledge that makes reliance unwarranted,
1 11 is entitled to rely on information, opinions, reports, or
1 12 statements, including financial statements and other financial
1 13 data, if prepared or presented by any of the persons specified
1 14 in subsection 5.

1 15 EXPLANATION

1 16 This bill relates to standards for the performance of
1 17 certain duties by directors of nonprofit corporations.
1 18 Code section 504.831 is amended to require directors to
1 19 devote attention to their oversight functions with the care
1 20 that a person in a like position would reasonably believe
1 21 appropriate under similar circumstances. The bill also
1 22 authorizes directors to rely on certain information, opinions,
1 23 reports, or statements presented to them so long as they do
1 24 not have knowledge that makes the reliance unwarranted.

1 25 LSB 1074HV 82

1 26 av:rj/gg/14



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HOUSE FILE
BY FORD

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a help inner city vitality and economic growth
- 2 fund and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2356HH 82
- 5 tm/je/5



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1 1 Section 1. NEW SECTION. 8.57D HELP INNER CITY VITALITY
1 2 AND ECONOMIC GROWTH FUND.
1 3 1. A help inner city vitality and economic growth fund is
1 4 created under the authority of the department of economic
1 5 development. The fund shall consist of appropriations made to
1 6 the fund and transfers of interest, earnings, and moneys from
1 7 other funds as provided by law. The fund shall be separate
1 8 from the general fund of the state and the balance in the fund
1 9 shall not be considered part of the balance of the general
1 10 fund of the state. However, the fund shall be considered a
1 11 special account for the purposes of section 8.53, relating to
1 12 generally accepted accounting principles.
1 13 2. Notwithstanding section 12C.7, subsection 2, interest
1 14 or earnings on moneys in the help inner city vitality and
1 15 economic growth fund shall be credited to the rebuild Iowa
1 16 infrastructure fund.
1 17 3. Moneys in the fund shall be used to provide financial
1 18 assistance for physical infrastructure purposes in the form of
1 19 grants, loans, forgivable loans, loan guarantees, and other
1 20 forms of assistance to cities meeting the distress criteria
1 21 provided in section 15E.194, subsection 2.
1 22 4. A city may apply to the department of economic
1 23 development for financial assistance from the fund. Financial
1 24 assistance shall be used for physical infrastructure purposes,
1 25 including but not limited to horizontal infrastructure, water
1 26 and sewer infrastructure, and telecommunications
1 27 infrastructure. The department shall develop criteria for
1 28 approving financial assistance applications. If an
1 29 application is denied, the department shall notify the
1 30 applicant of the reasons for the denial.
1 31 5. Notwithstanding section 8.57, subsection 6, paragraph
1 32 "c", there is appropriated from the rebuild Iowa
1 33 infrastructure fund to the help inner city vitality and
1 34 economic growth fund five million dollars each fiscal year for
1 35 the fiscal period beginning July 1, 2007, and ending June 30,



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2 1 2016. Moneys deposited in the fund shall be used for the
2 2 purposes set out in subsections 3 and 4. Moneys in the fund
2 3 that remain unexpended and unobligated at the end of a fiscal
2 4 year shall remain in the fund for the succeeding fiscal year
2 5 to be used for purposes of the fund.

2 6 EXPLANATION

2 7 This bill creates a help inner city vitality and economic
2 8 growth fund and makes appropriations.

2 9 The bill creates a help inner city vitality and economic
2 10 growth fund under the authority of the department of economic
2 11 development. The bill provides that moneys in the fund shall
2 12 be used to provide financial assistance for physical
2 13 infrastructure purposes in the form of grants, loans,
2 14 forgivable loans, loan guarantees, and other forms of
2 15 assistance to cities meeting the distress criteria for cities
2 16 under the enterprise zone program. The bill provides that
2 17 financial assistance shall be used for physical infrastructure
2 18 purposes, including but not limited to horizontal
2 19 infrastructure, water and sewer infrastructure, and
2 20 telecommunications infrastructure.

2 21 The bill appropriates from the rebuild Iowa infrastructure
2 22 fund to the help inner city vitality and economic growth fund
2 23 \$5 million each fiscal year for the fiscal period beginning
2 24 July 1, 2007, and ending June 30, 2016.

2 25 LSB 2356HH 82

2 26 tm:nh/je/5



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House Resolution 16 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY REASONER
1 3 A Resolution honoring the men's soccer team from
1 4 Graceland University for winning the Forty=eighth
1 5 Annual Men's Soccer Championship.
1 6 WHEREAS, the 2006 National Association of
1 7 Intercollegiate Athletics held the Forty=eighth Annual
1 8 Men's Soccer Championship in Daytona Beach, Florida;
1 9 and
1 10 WHEREAS, at that competition the Graceland
1 11 University men's soccer team, the Yellow Jackets,
1 12 captured its first National Association of
1 13 Intercollegiate Athletics Men's Soccer National title,
1 14 besting the Azusa Pacific Cougars in a
1 15 down=to=the=wire soccer match which went to 20 kick
1 16 shooters after a scoreless draw; and
1 17 WHEREAS, in that shootout both teams got five shots
1 18 and all 10 shots were made, with Graceland's Nick Gay
1 19 providing the winning goal; and
1 20 WHEREAS, with that win the Yellow Jackets finish
1 21 the season with 17 wins, four losses, and three ties;
1 22 and
1 23 WHEREAS, following that victory three Yellow
1 24 Jackets were selected to the All=Tournament Team:
1 25 midfielder Kevin Souter, defenseman Bret Loving, and
1 26 goalkeeper Isaac Unruh; and
1 27 WHEREAS, Bret Loving also received the BRINE=NAIA
1 28 Champion of Character Award as well as being named the
1 29 outstanding defensive player, and Isaac Unruh was
1 30 named the tournament's most valuable player; and



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House Resolution 16 - Introduced continued

2 1 WHEREAS, both Bret Loving and Nick Gay were named
2 2 All-American Scholar Athletes; NOW THEREFORE,
2 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 4 That the House of Representatives honors the Graceland
2 5 University Yellow Jackets for capturing their first
2 6 title in the 2006 National Association of
2 7 Intercollegiate Athletics Men's Soccer Championship.
2 8 LSB 1193HH 82
2 9 jr:nh/cf/24



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House Study Bill 165

SENATE/HOUSE FILE
 BY (PROPOSED JUDICIAL
 BRANCH BILL)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act prohibiting a donation or contribution to an agency,
- 2 organization, or political subdivision of the state in a
- 3 criminal proceeding.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1389DP 82
- 6 jm/gg/14



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House Study Bill 165 continued

PAG LIN

1 1 Section 1. NEW SECTION. 901.11 DONATIONS == PROHIBITED.
1 2 A monetary or property donation to any agency,
1 3 organization, or political subdivision of the state is
1 4 prohibited as a part of any dismissal, sentence, or other
1 5 penalty.
1 6 Sec. 2. Section 907.13, subsection 2, Code 2007, is
1 7 amended to read as follows:
1 8 2. The defendant's plan of community service, the comments
1 9 of the defendant's probation officer, and the comments of the
1 10 representative of the judicial district department of
1 11 correctional services responsible for the unpaid community
1 12 service program, shall be submitted promptly to the court.
1 13 The court shall promptly enter an order approving the plan or
1 14 modifying it. Compliance with the plan of community service
1 15 as approved or modified by the court shall be a condition of
1 16 the defendant's probation. The court thereafter may modify
1 17 the plan at any time upon the defendant's request, upon the
1 18 request of the judicial district department of correctional
1 19 services, or upon the court's own motion. ~~As an option for~~
~~1 20 modification of a plan, the court may allow a defendant to~~
~~1 21 complete some part or all of the defendant's community service~~
~~1 22 obligation through the donation of property to a charitable~~
~~1 23 organization other than a governmental subdivision. A~~
~~1 24 donation of property to a charitable organization offered in~~
~~1 25 satisfaction of some part or all of a community service~~
~~1 26 obligation under this subsection is not a deductible~~
~~1 27 contribution for the purposes of federal or state income~~
~~1 28 taxes.~~
1 29 Sec. 3. Section 910.1, subsection 4, Code 2007, is amended
1 30 to read as follows:
1 31 4. "Restitution" means payment of pecuniary damages to a
1 32 victim in an amount and in the manner provided by the
1 33 offender's plan of restitution. "Restitution" also includes
1 34 fines, penalties, and surcharges, ~~the contribution of funds to~~
~~1 35 a local anticrime organization which provided assistance to~~



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~~House Study Bill 165 continued~~

~~2 1 law enforcement in an offender's case,~~ the payment of crime
2 2 victim compensation program reimbursements, payment of
2 3 restitution to public agencies pursuant to section 321J.2,
2 4 subsection 9, paragraph "b", court costs including
2 5 correctional fees approved pursuant to section 356.7,
2 6 court-appointed attorney fees ordered pursuant to section
2 7 815.9, including the expense of a public defender, and the
2 8 performance of a public service by an offender in an amount
2 9 set by the court when the offender cannot reasonably pay all
2 10 or part of the court costs including correctional fees
2 11 approved pursuant to section 356.7, or court-appointed
2 12 attorney fees ordered pursuant to section 815.9, including the
2 13 expense of a public defender.
2 14 Sec. 4. Section 910.2, Code 2007, is amended to read as
2 15 follows:
2 16 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
2 17 SENTENCING COURT.
2 18 In all criminal cases in which there is a plea of guilty,
2 19 verdict of guilty, or special verdict upon which a judgment of
2 20 conviction is rendered, the sentencing court shall order that
2 21 restitution be made by each offender to the victims of the
2 22 offender's criminal activities, to the clerk of court for
2 23 fines, penalties, surcharges, and, to the extent that the
2 24 offender is reasonably able to pay, for crime victim
2 25 assistance reimbursement, restitution to public agencies
2 26 pursuant to section 321J.2, subsection 9, paragraph "b", court
2 27 costs including correctional fees approved pursuant to section
2 28 356.7, or court-appointed attorney fees ordered pursuant to
2 29 section 815.9, including the expense of a public defender,
2 30 when applicable, ~~or contribution to a local anticrime~~
~~2 31 organization.~~ However, victims shall be paid in full before
2 32 fines, penalties, ~~and~~ surcharges, crime victim compensation
2 33 program reimbursement, public agencies, court costs including
2 34 correctional fees approved pursuant to section 356.7, and
2 35 court-appointed attorney fees ordered pursuant to section



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House Study Bill 165 continued

3 1 815.9, including the expenses of a public defender, ~~or~~
~~3 2 contributions to a local anticrime organization~~ are paid. In
3 3 structuring a plan of restitution, the court shall provide for
3 4 payments in the following order of priority: victim, fines,
3 5 penalties, ~~and~~ surcharges, crime victim compensation program
3 6 reimbursement, public agencies, court costs including
3 7 correctional fees approved pursuant to section 356.7, and
3 8 court-appointed attorney fees ordered pursuant to section
3 9 815.9, including the expense of a public defender, ~~and~~
~~3 10 contribution to a local anticrime organization.~~
3 11 When the offender is not reasonably able to pay all or a
3 12 part of the crime victim compensation program reimbursement,
3 13 public agency restitution, court costs including correctional
3 14 fees approved pursuant to section 356.7, or court-appointed
3 15 attorney fees ordered pursuant to section 815.9, including the
3 16 expense of a public defender, ~~or contribution to a local~~
~~3 17 anticrime organization,~~ the court may require the offender in
3 18 lieu of that portion of the crime victim compensation program
3 19 reimbursement, public agency restitution, court costs
3 20 including correctional fees approved pursuant to section
3 21 356.7, or court-appointed attorney fees ordered pursuant to
3 22 section 815.9, including the expense of a public defender, ~~or~~
~~3 23 contribution to a local anticrime organization~~ for which the
3 24 offender is not reasonably able to pay, to perform a needed
3 25 public service for a governmental agency or for a private
3 26 nonprofit agency which provides a service to the youth,
3 27 elderly, or poor of the community. When community service is
3 28 ordered, the court shall set a specific number of hours of
3 29 service to be performed by the offender which, for payment of
3 30 court-appointed attorney fees ordered pursuant to section
3 31 815.9, including the expenses of a public defender, shall be
3 32 approximately equivalent in value to those costs. The
3 33 judicial district department of correctional services shall
3 34 provide for the assignment of the offender to a public agency
3 35 or private nonprofit agency to perform the required service.



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House Study Bill 165 continued

4 1 EXPLANATION
4 2 This bill prohibits any donation to an agency,
4 3 organization, or political subdivision of the state as part of
4 4 any dismissal, sentence, or other criminal penalty. The bill
4 5 eliminates a provision allowing a criminal defendant to make a
4 6 donation in lieu of performing community service. The bill
4 7 also eliminates provisions allowing a contribution by a
4 8 criminal defendant to a local anticrime organization as part
4 9 of the offender's restitution plan.
4 10 LSB 1389DP 82
4 11 jm:nh/gg/14



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House Study Bill 166

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 WORKFORCE DEVELOPMENT BILL)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to asbestos removal and encapsulation regulations
- 2 as enforced by the labor commissioner.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1349DP 82
- 5 ak/je/5



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House Study Bill 166 continued

PAG LIN

1 1 Section 1. Section 88B.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. "Asbestos project" means an activity involving the
1 4 removal or encapsulation of asbestos and affecting a building
1 5 or structure. "Asbestos project" includes the preparation of
1 6 the project site through the transportation of the
1 7 asbestos-containing materials off the premises. "Asbestos
1 8 project" includes the removal or encapsulation of building
1 9 materials containing asbestos from the site of a building or
1 10 structure demolition or collapse.

1 11 Sec. 2. Section 88B.11, Code 2007, is amended to read as
1 12 follows:

1 13 88B.11 BIDS FOR GOVERNMENTAL PROJECTS.

1 14 A state agency or political subdivision shall not accept a
1 15 bid in connection with any asbestos project from a business
1 16 entity that does not hold a permit from the division at the
1 17 time the bid is submitted, unless the business entity provides
1 18 the state agency or political subdivision with written proof
1 19 that ensures that the business entity has contracted to have
1 20 the asbestos removal or encapsulation performed by a licensed
1 21 contractor.

1 22 EXPLANATION

1 23 This bill redefines an asbestos project as an asbestos
1 24 removal or encapsulation activity that affects a building or
1 25 structure, and includes removing materials containing asbestos
1 26 from the site of a demolition or collapse. An asbestos
1 27 project is further defined as including the preparation of the
1 28 site through the transportation of the asbestos-containing
1 29 materials from the site.

1 30 The bill allows a state agency or political subdivision to
1 31 accept a bid for an asbestos project if the business entity
1 32 making the bid contracts to have the work done by a licensed
1 33 asbestos contractor.

1 34 LSB 1349DP 82

1 35 ak:rj/je/5.1



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House Study Bill 167

SENATE/HOUSE FILE
 BY (PROPOSED JUDICIAL BRANCH
 BILL)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to judicial branch practices and procedures
 2 including but not limited to adoption petitions, clerk of the
 3 district court duties and recordkeeping affecting real estate,
 4 the confidentiality of arrest warrants, and notices by the
 5 department of corrections to the clerk of the district court.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 1412DP 82
 8 jm/gg/14



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House Study Bill 167 continued

PAG LIN

1 1 Section 1. Section 321A.24, subsection 1, paragraph c,
1 2 Code 2007, is amended to read as follows:

1 3 c. The bond constitutes a lien in favor of the state upon
1 4 the real estate so scheduled of any surety, which lien exists
1 5 in favor of any holder of a final judgment against the person
1 6 who has filed the bond, for damages, including damages for
1 7 care and loss of services, because of bodily injury to or
1 8 death of any person, or for damage because of injury to or
1 9 destruction of property, including the loss of use of the
1 10 property, resulting from the ownership, maintenance, use, or
1 11 operation of a motor vehicle after the bond was filed, upon
1 12 the filing of notice to that effect by the department in the
1 13 office of the proper clerk of the district court of the county
1 14 where the real estate is located. An individual surety
1 15 scheduling real estate security shall furnish satisfactory
1 16 evidence of title to the property and the nature and extent of
1 17 all encumbrances on the property and the value of the surety's
1 18 interest in the property, in the manner the judge or clerk of
1 19 the district court approving the bond requires. The notice
1 20 filed by the department shall contain, in addition to any
1 21 other matters deemed by the department to be pertinent, a
1 22 legal description of the real estate scheduled, the name of
1 23 the holder of the record title, the amount for which it stands
1 24 as security, and the name of the person in whose behalf proof
1 25 is so being made. ~~Upon the filing of the notice the clerk of~~
~~1 26 the district court shall retain the notice as part of the~~
~~1 27 records of the court and enter upon the encumbrance book the~~
~~1 28 date and hour of filing, the name of the surety, the name of~~
~~1 29 the record titleholder, the description of the real estate,~~
~~1 30 and the further notation that a lien is charged on the real~~
~~1 31 estate pursuant to the filed notice. From and after the entry~~
~~1 32 of the notice upon the encumbrance book all persons are~~
~~1 33 charged with notice of it.~~

1 34 Sec. 2. Section 600.3, Code 2007, is amended by adding the
1 35 following new subsection:



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2 1 NEW SUBSECTION. 4. An adoption petition shall be limited
2 2 to the adoption of one natural person.

2 3 Sec. 3. Section 602.8102, subsection 103, Code 2007, is
2 4 amended by striking the subsection.

2 5 Sec. 4. Section 602.8103, subsection 4, Code 2007, is
2 6 amended by adding the following new paragraph:

2 7 NEW PARAGRAPH. k. Complaints, trial informations, and
2 8 uniform citations and complaints relating to parking
2 9 violations under sections 321.236, 321.239, 321.358, 321.360,
2 10 and 321.361.

2 11 Sec. 5. Section 602.8104, subsection 2, paragraph d, Code
2 12 2007, is amended by striking the paragraph.

2 13 Sec. 6. Section 602.8105, subsection 1, paragraph a, Code
2 14 2007, is amended to read as follows:

2 15 a. For filing and docketing a petition, other than a
2 16 modification of a dissolution decree to which a written
2 17 stipulation is attached at the time of filing containing the
2 18 agreement of the parties to the terms of modification, one
2 19 hundred dollars. In counties having a population of
2 20 ninety-eight thousand or over, an additional five dollars
2 21 shall be charged and collected to be known as the journal
2 22 publication fee and used for the purposes provided for in
2 23 section 618.13. For multiple adoption petitions filed at the
2 24 same time by the same petitioner under section 600.3, the
2 25 filing fee and any court costs for any petition filed in
2 26 addition to the first petition filed are waived.

2 27 Sec. 7. Section 615.1, Code 2007, is amended to read as
2 28 follows:

2 29 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

2 30 A judgment in an action for the foreclosure of a real
2 31 estate mortgage, deed of trust, or real estate contract upon
2 32 property which at the time of judgment is either used for an
2 33 agricultural purpose as defined in section 535.13 or a
2 34 one-family or two-family dwelling which is the residence of
2 35 the mortgagor, or in any action on a claim for rent shall be



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3 1 null and void, all liens shall be ~~extinguished~~ unenforceable,
3 2 and no execution shall be issued for any purpose other than as
3 3 a setoff or counterclaim after the expiration of a period of
3 4 two years, exclusive of any time during which execution on the
3 5 judgment was stayed pending a bankruptcy action, from the
3 6 entry thereof. As used in this section, "mortgagor" means a
3 7 mortgagor or a borrower executing a deed of trust as provided
3 8 in chapter 654 or a vendee of a real estate contract.

3 9 Sec. 8. Section 617.10, Code 2007, is amended to read as
3 10 follows:

3 11 617.10 REAL ESTATE == ACTION INDEXED.

3 12 1. When a petition affecting real estate is filed, the
3 13 clerk of the district court where the petition is filed shall
3 14 ~~forthwith~~ index same the petition in an index book to be
~~3 15 provided therefor,~~ under the tract number which describes the
3 16 property, entering in each instance the ~~cause~~ case number as a
3 17 guide to the record of court proceedings which affect such the
3 18 real estate. If the petition ~~be~~ is amended to include other
3 19 parties or other lands, ~~same~~ the amended petition shall be
3 20 similarly indexed. When ~~the cause is finally a final result~~
3 21 is determined in the case, the result shall be indicated in
3 22 ~~said~~ the index book wherever indexed.

3 23 2. As used in this section, "book" means any mode of
3 24 permanent recording, including but not limited to card files,
3 25 microfilm, microfiche, and electronic records.

3 26 Sec. 9. Section 617.13, Code 2007, is amended to read as
3 27 follows:

3 28 617.13 REAL ESTATE IN OTHER COUNTY.

3 29 When any part of real property, the subject of an action,
3 30 is situated in any other county than the one in which the
3 31 action is brought, the plaintiff must, in order to affect
3 32 third persons with constructive notice of the pendency of the
3 33 action, file with the clerk of the district court of the other
3 34 county a notice of the pendency of the action, containing the
3 35 names of the parties, the object of the action, and a



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4 1 description of the property in that county affected by the
4 2 action. ~~The clerk shall at once index and enter a memorandum~~
~~4 3 of the notice in the encumbrance book.~~

4 4 Sec. 10. Section 624.23, subsection 7, Code 2007, is
4 5 amended to read as follows:

4 6 7. If a case file has been sealed by the court, or if by
4 7 law the court records in a case are not available to the
4 8 general public, ~~any judgments entered in the case shall not~~
~~4 9 become a lien on real property until either the identity of~~
~~4 10 the judgment creditor becomes public record, or until the~~
~~4 11 judgment creditor, in a public document in the case in which~~
~~4 12 judgment is entered, or the court records are made~~
4 13 confidential by the court, the following information shall be
4 14 considered a public record and available for inspection: the
4 15 name of the court, the title of the action, the case number,
4 16 the amount of the judgment, the name of the judgment creditor,
4 17 the affidavit designating the agent and office of the
4 18 creditor, and any full or partial satisfaction of the
4 19 judgment. A judgment creditor shall file with the clerk of
4 20 the district court an affidavit that designates an agent and
4 21 office, consistent with the requirements of section 490.501,
4 22 on which process on the judgment creditor may be served.
4 23 Service may be made on the agent in the same manner as service
4 24 may be made on a corporate agent pursuant to section 490.504.
4 25 An agent who has resigned without designating a successor
4 26 agent and office and who is otherwise unavailable for service
4 27 may be served in the manner provided in section 490.504,
4 28 subsection 2, at the agent's office of record.

4 29 Sec. 11. Section 629.3, Code 2007, is amended to read as
4 30 follows:

4 31 629.3 RECORD OF LIEN.

4 32 ~~It shall be the duty of the clerk of the district court to~~
~~4 33 record the statements so filed in the encumbrance book and to~~
~~4 34 enter the same in the lien index. Payments advanced after~~
4 35 execution has been issued upon the junior lien, shall be added



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5 1 to the execution upon receipt, by the sheriff, of a verified
5 2 statement of such advancements and when the redemption period
5 3 has expired the clerk shall release them on the clerk's
5 4 record.

5 5 Sec. 12. Section 639.64, Code 2007, is amended to read as
5 6 follows:

5 7 639.64 AUTOMATIC DISCHARGE == ~~CANCELING ENTRY ON~~
~~5 8 ENCUMBRANCE BOOK.~~

5 9 If the judgment is rendered in the action for the
5 10 defendant, or, if the action is dismissed by the court, by the
5 11 plaintiff, or, by agreement of the parties, or, if judgment
5 12 has been entered for the plaintiff and has been satisfied of
5 13 record, the attachment shall, subject to the right of appeal,
5 14 automatically be discharged and the property attached, or its
5 15 proceeds, shall be returned to the defendant. ~~If the~~
~~5 16 attachment has been entered on the encumbrance book, it shall~~
~~5 17 be the duty of the clerk to cancel such attachment, and in the~~
~~5 18 entry of cancellation, the clerk shall refer to the entry in~~
~~5 19 the case showing the clerk's authority to cancel said~~
~~5 20 attachment.~~

5 21 Sec. 13. Section 654.17, Code 2007, is amended to read as
5 22 follows:

5 23 654.17 RECISION OF FORECLOSURE.

5 24 1. At any time prior to the recording of the sheriff's
5 25 deed, and before the mortgagee's rights become unenforceable
5 26 by operation of the statute of limitations, the judgment
5 27 creditor, or the judgment creditor who is the successful
5 28 bidder at the sheriff's sale, with the written consent of the
5 29 mortgagor may rescind the foreclosure action by filing a
5 30 notice of recision with the clerk of court in the county in
5 31 which the property is located along with a filing fee of fifty
5 32 dollars. In addition, ~~such person~~ if the original mortgage
5 33 and mortgage note are contained in the court file, the
5 34 mortgagor shall pay a fee of twenty-five dollars for documents
~~5 35 filed in the foreclosure action which the plaintiff requests~~



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~~6 1 returned to the clerk of the district court. Upon the payment
6 2 of the fee, the clerk shall make copies of the original
6 3 mortgage and mortgage note for the court file, and return the
6 4 original mortgage and mortgage note to the mortgagor.~~

6 5 2. Upon the filing of the notice of rescision, the mortgage
6 6 loan shall be enforceable according to the original terms of
6 7 the foreclosure and the rights of all persons with an interest
6 8 in the property may be enforced as if the foreclosure had not
6 9 been filed. However, any findings of fact or law shall be
6 10 preclusive for purposes of any future action unless the court,
6 11 upon hearing, rules otherwise. The mortgagor shall be
6 12 assessed costs, including reasonable attorney fees, of
6 13 foreclosure and rescision if provided by the mortgage
6 14 agreement.

6 15 Sec. 14. Section 804.29, Code 2007, is amended to read as
6 16 follows:

6 17 804.29 CONFIDENTIALITY.

6 18 ~~All~~ Except for a bench warrant issued by a court for
6 19 failure to appear, all information filed with the court for
6 20 the purpose of securing a warrant for an arrest, including but
6 21 not limited to a citation and affidavits, shall be a
6 22 confidential record until such time as a peace officer has
6 23 made the arrest and has made the officer's return on the
6 24 warrant. During the period of time that information is
6 25 confidential, ~~it~~ the warrant shall be sealed by the court and
6 26 the information contained ~~therein~~ in the warrant shall not be
6 27 disseminated to any person other than a peace officer,
6 28 employee of a county attorney's office, magistrate, or another
6 29 court employee, in the course of official duties.

6 30 Sec. 15. NEW SECTION. 904.119 NOTICE OF DISCHARGE OR
6 31 PAROLE.

6 32 The department, in cooperation with the judicial district
6 33 departments of correctional services and the board of parole,
6 34 shall notify the clerk of the district court of the offender's
6 35 county of conviction, of the date of discharge from a



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7 1 correctional institution or the date of release on parole, and
7 2 the subsequent date of discharge from parole. The notice to
7 3 the clerk of the district court shall also include the name,
7 4 date of birth, court case numbers from the sentencing order
7 5 committing the offender to the department, and if known the
7 6 new address of the offender.

7 7 Sec. 16. Section 904.602, Code 2007, is amended by adding
7 8 the following new subsection:

7 9 NEW SUBSECTION. 13. This section does not preclude the
7 10 disclosure of otherwise confidential information to the clerk
7 11 of the district court for the purpose of implementing section
7 12 904.119.

7 13 Sec. 17. Sections 626.9, 626.20, 639.28, 639.70, and
7 14 674.11, Code 2007, are repealed.

7 15 EXPLANATION

7 16 This bill relates to judicial branch practices and
7 17 procedures including but not limited to adoption petitions,
7 18 clerk of the district court duties and recordkeeping affecting
7 19 real estate, the confidentiality of arrest warrants, and
7 20 notices by the department of corrections to the clerk of the
7 21 district court.

7 22 The amendment to Code section 600.3 requires a petitioner
7 23 to file a separate adoption petition for each person being
7 24 adopted.

7 25 The amendment to Code section 602.8103 permits the clerk of
7 26 the district court to destroy, without prior court approval or
7 27 reproduction, a complaint, trial information, or uniform
7 28 citation and complaint related to a parking violation.

7 29 The amendment to Code section 602.8104 eliminates the
7 30 requirement that the clerk of the district court keep an
7 31 encumbrance book that contains a statement of the levy of each
7 32 attachment on real estate entered by the sheriff. The
7 33 amendments to Code sections 321A.24, 602.8102, 617.13, 629.3,
7 34 and 639.64, and the repeal of Code sections 626.9, 626.20,
7 35 639.28, and 639.70, conform the Code sections to the



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8 1 elimination of the encumbrance book in Code section 602.8104.
8 2 The amendment to Code section 602.8105 waives the filing
8 3 and docketing fee and any court costs for multiple adoption
8 4 petitions filed at the same time by the same petitioner under
8 5 Code section 600.3.

8 6 The amendment to Code section 615.1 provides that a
8 7 judgment in an action for the foreclosure of a real estate
8 8 mortgage is "unenforceable" after the expiration of two years,
8 9 unless a bankruptcy is filed. Current law provides that a
8 10 judgment in an action for foreclosure of a real estate
8 11 mortgage is "extinguished" after two years unless a bankruptcy
8 12 is filed.

8 13 The amendment to Code section 617.10 permits the clerk of
8 14 the district court to keep the index of petitions affecting
8 15 real estate with card files, microfilm, microfiche, or in an
8 16 electronic format. The amendment to Code section 617.10 also
8 17 enhances the readability of the section.

8 18 The amendment to Code section 624.23 concerns the
8 19 disclosure of certain court records relating to judgment liens
8 20 when the case filed has been sealed or made confidential.
8 21 Under the bill, the following records are considered a public
8 22 record even if the court file has been sealed or made
8 23 confidential: the name of the court, the title of the action,
8 24 the case number, the amount of the judgment, the name of the
8 25 judgment creditor, the affidavit designating the agent and
8 26 office of the creditor, and any full or partial satisfaction
8 27 of the judgment.

8 28 The amendment to Code section 654.17 relates to the
8 29 rescision of a foreclosure action. Under the bill, if a
8 30 foreclosure action is rescinded by a judgment creditor, and
8 31 the original mortgage and mortgage note are in the court file,
8 32 the mortgagor shall pay a \$25 fee to the clerk of the district
8 33 court prior to receiving the original mortgage and mortgage
8 34 note from the clerk.

8 35 The amendment to Code section 804.29 provides that a bench
9 1 warrant issued by the court for failure to appear is not
9 2 confidential if it is contained with information related to
9 3 securing an arrest warrant. Current law provides that all
9 4 information filed with the court for the purpose of securing
9 5 an arrest warrant is confidential.

9 6 New Code section 904.119 requires the department of
9 7 corrections to notify the clerk of the district court in the
9 8 offender's county of conviction of the date of discharge from
9 9 a correctional institution or the date of release on parole,
9 10 and the subsequent date of discharge from parole. The notice
9 11 shall also include the name, date of birth, court case numbers
9 12 from the sentencing order committing the offender to the
9 13 department of corrections, and if known the new address of the
9 14 offender.

9 15 The amendment to Code section 904.602 permits the
9 16 department of corrections to release information to the clerk
9 17 of the district court to implement the notice provisions of
9 18 new Code section 904.119.

9 19 Code section 674.11 is repealed, eliminating the provision
9 20 requiring the clerk of the district court to keep a
9 21 change-of-name record in regard to changes of legal names by



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9 22 petitions to the court.
9 23 LSB 1412DP 82
9 24 jm:rj/gg/14



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House Study Bill 168

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 ECONOMIC GROWTH BILL BY
 CHAIRPERSON THOMAS)

Passed House, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an insurance industry new jobs tax credit.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2351HC 82
- 4 tm/es/88



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1 1 Section 1. NEW SECTION. 432.12J INSURANCE INDUSTRY NEW
1 2 JOBS TAX CREDIT.
1 3 1. The taxes imposed under this chapter shall be reduced
1 4 by an insurance industry new jobs tax credit. The insurance
1 5 industry new jobs tax credit is in lieu of, and not in
1 6 addition to, the new jobs tax credit as provided in section
1 7 422.11A. An industry which has entered into an agreement
1 8 under chapter 260E and which has increased its base employment
1 9 level by at least ten percent within the time set in the
1 10 agreement or, in the case of an industry without a base
1 11 employment level, adds new jobs within the time set in the
1 12 agreement is entitled to an insurance industry new jobs tax
1 13 credit for the tax year selected by the industry. In
1 14 determining if the industry has increased its base employment
1 15 level by ten percent or added new jobs, only those new jobs
1 16 directly resulting from the project covered by the agreement
1 17 and those directly related to those new jobs shall be counted.
1 18 2. The amount of the credit is equal to the product of six
1 19 percent of the taxable wages upon which an employer is
1 20 required to contribute to the state unemployment compensation
1 21 administration fund, as defined in section 96.19, times the
1 22 number of new jobs existing in the tax year that directly
1 23 result from the project covered by the agreement or new jobs
1 24 that directly result from those new jobs. The tax year chosen
1 25 by the industry shall either begin or end during the period
1 26 beginning with the date of the agreement and ending with the
1 27 date by which the project is to be completed under the
1 28 agreement. Any credit in excess of the tax liability for the
1 29 tax year may be credited to the tax liability for the
1 30 following ten tax years or until depleted, whichever is the
1 31 earlier. An insurance industry new jobs tax credit may only
1 32 be claimed once for each new qualifying job. For purposes of
1 33 this section, "agreement", "industry", "new job", and
1 34 "project" mean the same as defined in section 260E.2, and
1 35 "base employment level" means the number of full-time jobs an



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2 1 industry employs at the plant site which is covered by an
2 2 agreement under chapter 260E on the date of that agreement.
2 3 The insurance industry new jobs tax credit may only be claimed
2 4 by an industry entering into an agreement under chapter 260E
2 5 on or after July 1, 2007.

2 6 EXPLANATION

2 7 This bill creates an insurance industry new jobs tax
2 8 credit.

2 9 The bill provides that the tax on insurance premiums shall
2 10 be reduced by an insurance industry new jobs tax credit. The
2 11 insurance industry new jobs tax credit is in lieu of, and not
2 12 in addition to, the new jobs tax credit allowed against
2 13 personal income tax liability. The bill provides that an
2 14 industry which has entered into an industrial new jobs
2 15 agreement under Code chapter 260E and which has increased its
2 16 base employment level by at least 10 percent within the time
2 17 set in the agreement or, in the case of an industry without a
2 18 base employment level, adds new jobs within the time set in
2 19 the agreement is entitled to the insurance industry new jobs
2 20 tax credit for the tax year selected by the industry.

2 21 The bill provides that the amount of the tax credit is
2 22 equal to the product of 6 percent of the taxable wages upon
2 23 which an employer is required to contribute to the state
2 24 unemployment compensation administration fund times the number
2 25 of new jobs existing in the tax year that directly result from
2 26 the project covered by the agreement or new jobs that directly
2 27 result from those new jobs. The bill allows any credit in
2 28 excess of the tax liability for the tax year to be credited to
2 29 the tax liability for the following 10 tax years or until
2 30 depleted, whichever is the earlier.

2 31 The bill provides that an insurance industry new jobs tax
2 32 credit may only be claimed once for each new qualifying job.
2 33 The bill provides that an insurance industry new jobs tax
2 34 credit may only be claimed by an industry entering into an
2 35 agreement under Code chapter 260E on or after July 1, 2007.



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3 1 LSB 2351HC 82
3 2 tm:nh/es/88



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House Study Bill 169

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 NATURAL RESOURCES BILL
 BY CHAIRPERSON BELL)

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act regulating dangerous wild animals, including their
- 2 ownership and possession, requiring registration, providing
- 3 for fees and appropriations, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1622HC 82
- 6 da/je/5

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1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. a. "Circus" means a person who is all of the
1 5 following:
1 6 (1) The holder of a class "C" license issued by the United
1 7 States department of agriculture as provided in 9 C.F.R., pt.
1 8 2, subpt. A.
1 9 (2) Is temporarily in this state as an exhibitor as
1 10 defined in 9 C.F.R., pt. 1, for purposes of providing skilled
1 11 performances by dangerous wild animals, clowns, or acrobats
1 12 for public entertainment.
1 13 b. "Circus" does not include a person, regardless of
1 14 whether the person is a holder of a class "C" license as
1 15 provided in paragraph "a", who does any of the following:
1 16 (1) Keeps a dangerous wild animal which is a member of the
1 17 order carnivora within the family felidae or the family
1 18 ursidae, as described in this section.
1 19 (2) Uses the dangerous wild animal for any of the
1 20 following purposes:
1 21 (a) A presentation to children at a public or nonpublic
1 22 school as defined in section 280.2.
1 23 (b) Entertainment that involves an activity in which a
1 24 member of the public is in close proximity to the dangerous
1 25 wild animal, including but not limited to a contest or a
1 26 photographic opportunity.
1 27 2. "Custody" means to possess, control, keep, or harbor a
1 28 dangerous wild animal in this state by a public agency.
1 29 3. a. "Dangerous wild animal" means any of the following:
1 30 (1) A member of the family canidae of the order carnivora,
1 31 including but not limited to wolves, coyotes, and jackals.
1 32 However, a dangerous wild animal does not include a domestic
1 33 dog.
1 34 (2) A member of the family hyaenidae of the order of
1 35 carnivora, including but not limited to hyenas.



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2 1 (3) A member of the family felidae of the order carnivora,
2 2 including but not limited to lions, tigers, cougars, leopards,
2 3 cheetahs, ocelots, and servals. However, a dangerous wild
2 4 animal does not include a domestic cat.

2 5 (4) A member of the family ursidae of the order carnivora,
2 6 including bears and pandas.

2 7 (5) A member of the family rhinocerotidae order
2 8 perissodactyla, which is a rhinoceros.

2 9 (6) A member of the order proboscidea, which are any
2 10 species of elephant.

2 11 (7) A member of the order of primates other than humans,
2 12 and including the following families: callitrichidae,
2 13 calidae, cercopithecidae, cheirogaleidae, daubentoniidae,
2 14 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
2 15 loridae, megaladapidae, or tarsiidae. A member includes but
2 16 is not limited to marmosets, tamarins, monkeys, lemurs,
2 17 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
2 18 sifakas, and tarsiers.

2 19 (8) A member of the order crocodylia, including but not
2 20 limited to alligators, caimans, crocodiles, and gharials.

2 21 (9) A member of the family varanidae of the order
2 22 squamata, which are limited to water monitors and crocodile
2 23 monitors.

2 24 (10) A member of the order squamata which is any of the
2 25 following:

2 26 (a) A member of the family varanidae, which are limited to
2 27 water monitors and crocodile monitors.

2 28 (b) A member of the family atractaspidae, including but
2 29 not limited to mole vipers and burrowing asps.

2 30 (c) A member of the family helodermatidae, including but
2 31 not limited to beaded lizards and gila monsters.

2 32 (d) A member of the family elapidae, voperidae,
2 33 crotalidae, atractaspidae, or hydrophidae which are venomous,
2 34 including but not limited to cobras, mambas, coral snakes,
2 35 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,



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3 1 keelbacks, cottonmouths, and sea snakes.

3 2 (e) A member of the superfamily henophidia, which are
3 3 limited to reticulated pythons, anacondas, and African rock
3 4 pythons.

3 5 b. "Dangerous wild animal" includes an animal which is the
3 6 offspring of an animal provided in paragraph "a", and another
3 7 animal provided in that paragraph or any other animal. It
3 8 also includes animals which are the offspring of each
3 9 subsequent generation. However, a dangerous wild animal does
3 10 not include the offspring of a domestic dog and a wolf, or the
3 11 offspring from each subsequent generation in which at least
3 12 one parent is a domestic dog.

3 13 c. A dangerous wild animal does not include a member of
3 14 the family equidae including but not limited to a horse,
3 15 zebra, donkey, mule, or hinney, or a member of the tapiridae
3 16 family including but not limited to tapirs.

3 17 4. "Department" means the department of agriculture and
3 18 land stewardship.

3 19 5. "Electronic identification device" means a device which
3 20 when installed is designed to store information regarding an
3 21 animal or the animal's owner in a digital format which may be
3 22 accessed by a computer for purposes of reading or manipulating
3 23 the information.

3 24 6. "Possess" means to own, keep, or control a dangerous
3 25 wild animal, or supervise or provide for the care and feeding
3 26 of a dangerous wild animal, including any activity relating to
3 27 confining, handling, breeding, transporting, or exhibiting the
3 28 dangerous wild animal.

3 29 7. "Public agency" means the same as defined in section
3 30 28E.2.

3 31 8. "Wildlife sanctuary" means an organization exempt from
3 32 taxation pursuant to section 501(c) of the Internal Revenue
3 33 Code that operates a place of refuge where abused, neglected,
3 34 unwanted, impounded, abandoned, orphaned, or displaced
3 35 wildlife are provided care for their lifetime, if all of the



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4 1 following apply:

4 2 a. The organization does not buy, sell, trade, auction,
4 3 lease, loan, or breed any animal of which the organization is
4 4 an owner.

4 5 b. The organization is accredited by the American
4 6 sanctuary association, the association of sanctuaries, or
4 7 another similar organization recognized by the department.

4 8 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E
4 9 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.

4 10 1. The department shall administer this chapter by doing
4 11 all of the following:

4 12 a. Adopting rules as provided in chapter 17A for the
4 13 administration and enforcement of this chapter.

4 14 b. Entering into agreements with public agencies pursuant
4 15 to chapter 28E as the department determines necessary for the
4 16 administration and enforcement of this chapter.

4 17 2. An animal warden as defined in section 162.2 shall
4 18 assist the department in seizing and maintaining custody of
4 19 dangerous wild animals.

4 20 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD ANIMALS ==
4 21 PROHIBITIONS.

4 22 Except as otherwise provided in this chapter, a person
4 23 shall not do any of the following:

4 24 1. Own or possess a dangerous wild animal.

4 25 2. Cause or allow a dangerous wild animal owned by a
4 26 person or in the person's possession to breed.

4 27 3. Transport a dangerous wild animal into this state.

4 28 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING
4 29 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT ==
4 30 FEES.

4 31 A person who owns or possesses a dangerous wild animal on
4 32 the effective date of this Act may continue to own or possess
4 33 the dangerous wild animal subject to all of the following:

4 34 1. The person must be eighteen years old or older.

4 35 2. a. The person must not have been convicted of an



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- 5 1 offense involving the abuse or neglect of an animal pursuant
5 2 to a law of this state or another state, including but not
5 3 limited to chapter 717, 717B, 717C, or 717D or an ordinance
5 4 adopted by a city or county.
- 5 5 b. The department, another state, or the federal
5 6 government must not have suspended an application for a permit
5 7 or license or revoked a permit or license required to operate
5 8 a commercial establishment for the care, breeding, or sale of
5 9 animals, including as provided in chapter 162.
- 5 10 c. The person must not have been convicted of a felony for
5 11 an offense committed within the last ten years, as provided by
5 12 this Code, under the laws of another state, or under federal
5 13 law.
- 5 14 d. The person must not have been convicted of a
5 15 misdemeanor or felony for an offense committed within the last
5 16 ten years involving a controlled substance as defined in
5 17 section 124.101 in this state, under the laws of another
5 18 state, or under federal law.
- 5 19 3. Within sixty days after the effective date of this Act,
5 20 the person must have an electronic identification device
5 21 implanted beneath the skin or hide of the dangerous wild
5 22 animal, unless a licensed veterinarian states in writing that
5 23 the implantation would endanger the comfort or health of the
5 24 dangerous wild animal. In such case, an electronic
5 25 identification device may be otherwise attached to the
5 26 dangerous wild animal as required by the department.
- 5 27 4. Within sixty days after the effective date of this Act,
5 28 the person must notify the department using a registration
5 29 form prepared by the department. The registration form shall
5 30 include all of the following information:
- 5 31 a. The person's name, address, and telephone number.
- 5 32 b. A sworn affidavit that the person meets the
5 33 requirements necessary to own or possess a dangerous wild
5 34 animal as provided in this section.
- 5 35 c. A complete inventory of each dangerous wild animal



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6 1 which the person owns or possesses. The inventory shall
6 2 include all of the following information:
6 3 (1) The number of the dangerous wild animals according to
6 4 species.
6 5 (2) The manufacturer and manufacturer's number of the
6 6 electronic device implanted in or attached to each dangerous
6 7 wild animal.
6 8 (3) The location where each dangerous wild animal is kept.
6 9 The person must notify the department in writing within ten
6 10 days of a change of address or location where the dangerous
6 11 wild animal is kept.
6 12 (4) The approximate age, sex, color, weight, scars, and
6 13 any distinguishing marks of each dangerous wild animal.
6 14 (5) The name, business mailing address, and business
6 15 telephone number of the licensed veterinarian who is
6 16 responsible for providing care to the dangerous wild animal.
6 17 The information shall include a statement signed by the
6 18 licensed veterinarian certifying that the dangerous wild
6 19 animal is in good health.
6 20 (6) A color photograph of the dangerous wild animal.
6 21 (7) A copy of a current liability insurance policy as
6 22 required in this section. The person shall send a copy of the
6 23 current liability policy to the department each year.
6 24 The department may charge a registration fee for each
6 25 dangerous wild animal kept by the person. The amount of the
6 26 registration fee shall not exceed five hundred dollars. Fees
6 27 collected by the department shall be deposited into the
6 28 dangerous wild animal registration fund created pursuant to
6 29 section 717F.8.
6 30 5. The person must maintain health and ownership records
6 31 for the dangerous wild animal for the life of the dangerous
6 32 wild animal.
6 33 6. The person must confine the dangerous wild animal in a
6 34 primary enclosure as required by the department on the
6 35 person's premises. The person must not allow the dangerous



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7 1 wild animal outside of the primary enclosure unless the
7 2 dangerous wild animal is moved pursuant to any of the
7 3 following:
7 4 a. To receive veterinary care from a licensed
7 5 veterinarian.
7 6 b. To comply with the directions of the department or an
7 7 animal warden.
7 8 c. To transfer ownership and possession of the dangerous
7 9 wild animal to a wildlife sanctuary or provide for its
7 10 destruction by euthanasia as required by the department.
7 11 7. The person must display at least one sign on the
7 12 person's premises where the dangerous wild animal is kept
7 13 warning the public that the dangerous wild animal is confined
7 14 there. The sign must include a symbol warning children of the
7 15 presence of the dangerous wild animal.
7 16 8. The person must immediately notify an animal warden or
7 17 other local law enforcement official of any escape of a
7 18 dangerous wild animal.
7 19 9. The person must maintain liability insurance coverage
7 20 in an amount of not less than one hundred thousand dollars
7 21 with a deductible of not more than two hundred fifty dollars,
7 22 for each occurrence of property damage, bodily injury, or
7 23 death caused by each dangerous wild animal kept by the person.
7 24 10. The person who owns or possesses the dangerous wild
7 25 animal is strictly liable for any damages, injury, or death
7 26 caused by the dangerous wild animal. The person must
7 27 reimburse the department or other public agency for actual
7 28 expenses incurred by capturing and maintaining custody of the
7 29 dangerous wild animal.
7 30 11. If the person is no longer able to care for the
7 31 dangerous wild animal, all of the following apply:
7 32 a. The person must so notify the department, stating the
7 33 planned disposition of the dangerous wild animal.
7 34 b. The person must dispose of the dangerous wild animal by
7 35 transferring ownership and possession to a wildlife sanctuary



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8 1 or providing for its destruction by euthanasia as required by
8 2 the department.

8 3 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
8 4 DISPOSAL OF DANGEROUS WILD ANIMALS.

8 5 1. a. Except as provided in paragraph "b", the department
8 6 shall seize a dangerous wild animal which is in the possession
8 7 of a person if the person is not in compliance with the
8 8 requirements of this chapter.

8 9 b. Upon request, the department may provide that the
8 10 person retain possession of the dangerous wild animal for not
8 11 more than fourteen days, upon conditions required by the
8 12 department. During that period, the person shall take all
8 13 necessary actions to comply with this chapter. The department
8 14 shall inspect the premises where the dangerous wild animal is
8 15 kept during reasonable times to ensure that the person is
8 16 complying with the conditions.

8 17 2. If the person fails to comply with the conditions of
8 18 the department at any time or is not in compliance with this
8 19 chapter following the ten-day period, the department shall
8 20 seize the dangerous wild animal.

8 21 a. The dangerous wild animal shall be considered to be a
8 22 threatened animal which has been rescued as provided in
8 23 chapter 717B. The court may authorize the return of the
8 24 dangerous wild animal to the person from whom the dangerous
8 25 wild animal was seized if the court finds all of the
8 26 following:

8 27 (1) The person is capable of providing the care required
8 28 for the dangerous wild animal.

8 29 (2) There is a substantial likelihood that the person will
8 30 provide the care required for the dangerous wild animal.

8 31 (3) The dangerous wild animal has not been abused,
8 32 neglected, or tortured, as provided in chapter 717B.

8 33 b. If the court orders a permanent disposition of the
8 34 dangerous wild animal, the dangerous wild animal shall be
8 35 subject to disposition as provided in section 717B.4 and the
9 1 responsible party shall be assessed costs associated with its
9 2 seizure, custody, and disposition as provided in that section.
9 3 The department may find long-term placement for the dangerous
9 4 wild animal with a wildlife sanctuary or institution
9 5 accredited by the American zoo and aquarium association.

9 6 Sec. 6. NEW SECTION. 717F.6 CAUSE OF THE ESCAPE OF A
9 7 DANGEROUS WILD ANIMAL == PROHIBITION.

9 8 A person shall not intentionally cause a dangerous wild
9 9 animal to escape from its place of confinement, including as
9 10 provided in section 717F.4.

9 11 Sec. 7. NEW SECTION. 717F.7 EXEMPTIONS.

9 12 This chapter does not apply to any of the following:

9 13 1. An institution accredited by the American zoo and
9 14 aquarium association.

9 15 2. A wildlife sanctuary.

9 16 3. A person who has been issued a falconry license by the
9 17 department pursuant to section 483A.1.

9 18 4. A person who has been issued a wildlife rehabilitation
9 19 permit by the department pursuant to section 481A.65.

9 20 5. A circus that obtains a permit from a city in which it
9 21 will be temporarily operating, if the city issues permits.



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9 22 6. A city.

9 23 7. A nonprofit corporation governed under chapter 504 that
9 24 is an organization described in section 501(c)(3) of the
9 25 Internal Revenue Code and that is exempt from taxation under
9 26 section 501(a) of the Internal Revenue Code if the nonprofit
9 27 corporation was a party to a contract executed with a city
9 28 prior to the effective date of this Act to provide for the
9 29 exhibition of dangerous wild animals at a municipal zoo.

9 30 8. The state fair as provided in chapter 173 or any fair
9 31 as provided in chapter 174.

9 32 9. A licensed or accredited facility where a dangerous
9 33 wild animal is kept for educational or scientific purposes,
9 34 including an institution as defined in section 145B.1 or a
9 35 research facility as defined in section 162.2.



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10 1 10. A location operated by a person licensed to practice
10 2 veterinary medicine pursuant to chapter 169.
10 3 11. A pound as defined in section 162.2.
10 4 12. An animal shelter as defined in section 162.2.
10 5 13. A county conservation board as provided in chapter
10 6 350.
10 7 14. An employee of the department responsible for the
10 8 administration of this chapter, an animal warden as defined in
10 9 section 162.2, or an animal care provider or law enforcement
10 10 officer as defined in section 717B.1.
10 11 15. A person temporarily transporting a dangerous wild
10 12 animal through this state if the transit time is not more than
10 13 ninety=six hours and the dangerous wild animal is maintained
10 14 within a confined area sufficient to prevent its escape or
10 15 injuring members of the traveling public.
10 16 16. A public agency which maintains permanent custody of a
10 17 dangerous wild animal, if the person to whom the public agency
10 18 assigns the duty to manage the custody of the dangerous wild
10 19 animal complies with the provisions of section 717F.4.
10 20 Sec. 8. NEW SECTION. 717F.8 DANGEROUS WILD ANIMAL
10 21 REGISTRATION FUND.
10 22 1. A dangerous wild animal registration fund is created in
10 23 the state treasury under the control of the department. The
10 24 fund is composed of moneys appropriated by the general
10 25 assembly and moneys available to and obtained or accepted by
10 26 the department from the United States or private sources for
10 27 placement in the fund. The fund shall include moneys
10 28 deposited into the fund from registration fees collected by
10 29 the department pursuant to section 717F.4.
10 30 2. Moneys in the dangerous wild animal registration fund
10 31 are appropriated to the department exclusively to administer
10 32 and enforce the provisions of this chapter. The moneys shall
10 33 not be transferred, used, obligated, appropriated, or
10 34 otherwise encumbered except as provided in this subsection.
10 35 3. Section 8.33 shall not apply to moneys in the dangerous



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11 1 wild animal registration fund. Notwithstanding section 12C.7,
11 2 moneys earned as income or interest from the fund shall remain
11 3 in the fund until expended as provided in this section.

11 4 Sec. 9. NEW SECTION. 717F.9 ENFORCEMENT.

11 5 The department is the principal agency charged with
11 6 enforcing the provisions of this chapter. An animal warden as
11 7 defined in section 162.2, or an animal care provider or law
11 8 enforcement officer as defined in section 717B.1, shall
11 9 enforce this chapter as directed by the department.

11 10 Sec. 10. NEW SECTION. 717F.10 CIVIL PENALTY.

11 11 A person owning or possessing a dangerous wild animal who
11 12 violates a provision of this chapter is subject to a civil
11 13 penalty of not less than two hundred dollars and not more than
11 14 two thousand dollars for each dangerous wild animal involved
11 15 in the violation. Each day that a violation continues shall
11 16 be considered as a separate offense. The civil penalties
11 17 shall be deposited into the general fund of the state.

11 18 Sec. 11. NEW SECTION. 717F.11 INJUNCTIVE RELIEF.

11 19 The courts of this state may prevent and restrain
11 20 violations of this chapter through the issuance of an
11 21 injunction. The attorney general or a county attorney shall
11 22 institute suits on behalf of the state to prevent and restrain
11 23 violations of this chapter.

11 24 Sec. 12. NEW SECTION. 717F.12 CRIMINAL PENALTIES.

11 25 A person who intentionally causes a dangerous wild animal
11 26 to escape in violation of this chapter is guilty of an
11 27 aggravated misdemeanor.

11 28 EXPLANATION

11 29 This bill creates new Code chapter 717F, which regulates
11 30 the possession of dangerous wild animals which are defined to
11 31 include wolves, coyotes, jackals, hyenas, lions, tigers,
11 32 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,
11 33 rhinoceroses, elephants, primates other than humans,
11 34 alligators, crocodiles, water monitors, venomous snakes, and
11 35 certain constrictors (pythons and anacondas).



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12 1 The department of agriculture and land stewardship is
12 2 charged to administer the bill's provisions, although the
12 3 department may execute Code chapter 28E agreements with other
12 4 government entities. The bill prohibits a person from owning
12 5 or possessing a dangerous wild animal, with certain
12 6 exceptions. It prohibits a person from breeding or
12 7 transporting a dangerous wild animal into this state.
12 8 The bill specifically allows a person to possess a
12 9 dangerous wild animal if the person has possession of the
12 10 dangerous wild animal on the effective date of the bill, but
12 11 subject to certain conditions. The person cannot have been
12 12 convicted of an offense relating to animal welfare and cannot
12 13 have recently been convicted of an offense relating to a
12 14 controlled substance or a felony. The person must attach or
12 15 install an electronic identification device to the dangerous
12 16 wild animal or beneath its skin or hide. The person must also
12 17 register the dangerous wild animal with the department. The
12 18 bill requires the person to pay a registration fee which is
12 19 deposited into a special fund controlled by the department.
12 20 The bill also provides that the person must confine the
12 21 dangerous wild animal according to a number of specifications
12 22 designed to secure it from the public. The person must
12 23 maintain liability insurance. The person is strictly liable
12 24 for damages or injuries resulting from the actions of the
12 25 dangerous wild animal.
12 26 The bill provides for the seizure, custody, and disposal of
12 27 dangerous wild animals which are kept in violation of the
12 28 bill's provisions. The department may allow the person in
12 29 possession of the dangerous wild animal to correct the
12 30 violation and keep the animal for 10 days but subject to
12 31 conditions established by the department. If the person fails
12 32 to comply with those conditions at any time or is not in
12 33 compliance with the bill's provisions following the 10-day
12 34 period, the department is required to seize the dangerous wild
12 35 animal. The dangerous wild animal is considered a threatened



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13 1 animal in the same manner as provided in Code chapter 717B,
13 2 which authorizes the rescue of animals other than livestock.
13 3 It provides for notifying the owner of the dangerous wild
13 4 animal of the seizure, provides for a court hearing to
13 5 determine disposition, and requires that persons responsible
13 6 for the dangerous wild animal pay costs associated with its
13 7 custody and disposition. The bill provides that a court may
13 8 order the return of the dangerous wild animal if it determines
13 9 that the person is capable of providing for its care.
13 10 The bill exempts a number of persons and locations from the
13 11 requirements of the bill, including an accredited zoo,
13 12 sanctuary, circus, fair, research facility, licensed
13 13 veterinarian, pound, animal shelter, or a person transporting
13 14 the dangerous wild animal through the state.
13 15 A person who violates the bill's provisions is subject to a
13 16 civil penalty of not more than \$2,000 for each offense.
13 17 LSB 1622HC 82
13 18 da:rj/je/5



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House Study Bill 170

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/DIVISION OF
BANKING BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulatory duties of the division of
2 banking of the department of commerce regarding banking, debt
3 management, mortgage banking, industrial loan companies, and
4 professional licensing.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1299DP 82
7 rn/je/5



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House Study Bill 170 continued

PAG LIN

1 1 Section 1. Section 103A.10, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. Provisions of the state building code relating to the
1 4 manufacture and installation of factory-built structures shall
1 5 apply throughout the state. Factory-built structures approved
1 6 by the commissioner shall be deemed to comply with all
1 7 building regulations applicable to its manufacture and
1 8 installation and shall be exempt from any other state or local
1 9 building regulations. A provision of this chapter relating to
1 10 the manufacture and installation of factory-built structures
1 11 shall not alter or supersede any provision of chapter 542B
1 12 concerning the practice of architecture or chapter 544A
1 13 concerning the practice of professional engineering.
1 14 Sec. 2. NEW SECTION. 524.215A PRESERVATION OF DIVISION
1 15 OF BANKING RECORDS.
1 16 1. The division of banking may preserve records, papers,
1 17 or documents kept by the division or in the possession or
1 18 custody of the division by any of the following means:
1 19 a. Photographing or microphotographing, or otherwise
1 20 reproducing upon film.
1 21 b. Preserving in any electronic medium or format capable
1 22 of being read or scanned by computer and capable of being
1 23 reproduced by printing or by any other form of reproduction of
1 24 electronically stored data.
1 25 2. Photographs, microphotographs, or photographic films or
1 26 copies thereof, or reproductions of electronically stored
1 27 data, created pursuant to subsection 1 shall be deemed to be
1 28 an original record for all purposes, including introduction in
1 29 evidence in all state and federal courts or administrative
1 30 hearings, and shall be admissible to prove any act,
1 31 transaction, occurrence, or event therein recorded.
1 32 3. Photographs, microphotographs, or photographic films or
1 33 copies thereof, or reproductions of electronically stored
1 34 data, created pursuant to subsection 1 shall be preserved in
1 35 such manner as the division prescribes, and the original



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2 1 photographs, microphotographs, photographic films, copies, and
2 2 reproductions may be destroyed or otherwise disposed of as the
2 3 division directs.

2 4 Sec. 3. Section 524.217, subsection 2, Code 2007, is
2 5 amended to read as follows:

2 6 2. The superintendent may furnish to the federal deposit
2 7 insurance corporation, the federal reserve system, ~~the office~~
~~2 8 of the comptroller of the currency, the office of thrift~~
~~2 9 supervision, the United States department of the treasury, the~~
2 10 national credit union administration, the federal home loan
2 11 bank, ~~the financial crimes enforcement network of the federal~~
~~2 12 department of the treasury, the United States internal revenue~~
~~2 13 service,~~ and financial institution regulatory authorities of
2 14 other states, or to any official or supervising examiner of
2 15 such regulatory authorities, a copy of the report of any or
2 16 all examinations made of any state bank and of any affiliate
2 17 of a state bank.

2 18 Sec. 4. Section 524.217, Code 2007, is amended by adding
2 19 the following new subsection:

2 20 NEW SUBSECTION. 6. The superintendent may enter into
2 21 contractual agreements with other state regulators of
2 22 financial institutions to share examiners or to assist in each
2 23 state's respective examinations. The division of banking
2 24 shall be reimbursed for any costs incurred when providing
2 25 services to other states pursuant to this subsection. Any
2 26 division of banking personnel assisting another state with its
2 27 examination shall be covered by the provisions of the other
2 28 state's tort claims act, to the extent permitted by the laws
2 29 of the other state. If the law of the other state does not
2 30 extend coverage to the division of banking personnel working
2 31 on the other state's examination, the provisions of chapter
2 32 669 shall apply.

2 33 Sec. 5. Section 524.310, subsection 1, Code 2007, is
2 34 amended to read as follows:

2 35 1. The name of a state bank originally incorporated or



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3 1 organized after the effective date of this chapter shall
3 2 include the word "bank" and may include the word "state" or
3 3 "trust" in its name. A state bank using the word "trust" in
3 4 its name must be authorized under this chapter to act in a
3 5 fiduciary capacity. A national bank or federal savings
3 6 association shall not use the word "state" in its legally
3 7 chartered name, trademark, or logo.

3 8 Sec. 6. Section 533A.10, Code 2007, is amended by adding
3 9 the following new subsection:

3 10 NEW SUBSECTION. 3. Except as otherwise provided by this
3 11 chapter, all papers, documents, examination reports and other
3 12 writings relating to the supervision of licensees are not
3 13 public records and are not subject to disclosure under chapter
3 14 22. The superintendent may disclose information to
3 15 representatives of other state or federal regulatory
3 16 authorities. The superintendent may release summary complaint
3 17 information as long as the information does not specifically
3 18 identify the complainant. The superintendent may prepare and
3 19 circulate reports reflecting financial information examination
3 20 results for all licensees on an aggregate basis, including
3 21 other information considered pertinent to the purpose of each
3 22 report for general statistical information. The
3 23 superintendent may prepare and circulate reports provided by
3 24 law. The superintendent may release the reports and
3 25 correspondence in the course of an enforcement proceeding or a
3 26 hearing held by the superintendent and may provide this
3 27 information to the attorney general for purposes of enforcing
3 28 this chapter or the consumer fraud Act, section 714.16.

3 29 Sec. 7. Section 535B.14, Code 2007, is amended to read as
3 30 follows:

3 31 535B.14 RULEMAKING AUTHORITY.

3 32 The administrator may adopt, amend, or repeal rules to aid
3 33 in the administration and enforcement of this chapter,
3 34 including rules providing the grounds for denial of an
3 35 individual registration based on information received as a



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4 1 result of a background check, character and fitness grounds,
4 2 and any other grounds for which an individual registrant or
4 3 licensee may be disciplined.
4 4 Sec. 8. Section 536A.22, unnumbered paragraph 1, Code
4 5 2007, is amended to read as follows:
4 6 Licensed industrial loan companies ~~may~~ shall not sell
4 7 senior debt to the general public in the form of thrift
4 8 certificates, installment thrift certificates, certificates of
4 9 indebtedness, promissory notes, or similar evidences of
4 10 indebtedness ~~if such debt instruments are insured by a federal~~
~~4 11 deposit insurance agency.~~ Licensees selling debt instruments
4 12 on January 1, 1996, may continue to do so ~~without obtaining~~
~~4 13 federal deposit insurance~~ until there is a change of control
4 14 of the licensee which occurs on or after January 1, 1996. If
4 15 there is a change of control of a licensee on or after January
4 16 1, 1996, and the licensee has sold senior debt instruments
4 17 ~~that are not insured by a federal deposit insurance agency~~
4 18 remain outstanding at the time of the change of control, such
4 19 outstanding senior debt instruments that do not have a stated
4 20 maturity date shall be redeemed within six months of the date
4 21 of the change of control. Such outstanding senior debt
4 22 instruments with stated maturity dates shall be redeemed on
4 23 their stated maturity dates.
4 24 Sec. 9. Section 546.10, Code 2007, is amended by adding
4 25 the following new subsections:
4 26 NEW SUBSECTION. 6. The licensing boards included in the
4 27 bureau pursuant to subsection 1 may refuse to issue or renew a
4 28 license to practice a profession to any person otherwise
4 29 qualified upon any of the grounds for which a license may be
4 30 revoked or suspended or a licensee may otherwise be
4 31 disciplined, or upon any other grounds set out in the chapter
4 32 governing the respective board.
4 33 NEW SUBSECTION. 7. The licensing boards included in the
4 34 bureau pursuant to subsection 1 may suspend, revoke, or refuse
4 35 to issue or renew a license, or may discipline a licensee



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5 1 based upon a suspension, revocation, or other disciplinary
5 2 action taken by a licensing authority in this or another
5 3 state, territory, or country. For purposes of this
5 4 subsection, "disciplinary action" includes the voluntary
5 5 surrender of a license to resolve a pending disciplinary
5 6 investigation or proceeding. A certified copy of the record
5 7 or order of suspension, revocation, voluntary surrender, or
5 8 other disciplinary action is prima facie evidence of such
5 9 fact.

5 10 NEW SUBSECTION. 8. Notwithstanding any other provision of
5 11 law to the contrary, the licensing boards included within the
5 12 bureau pursuant to subsection 1 may by rule establish the
5 13 conditions under which an individual licensed in a different
5 14 jurisdiction may be issued a reciprocal or comity license, if,
5 15 in the board's discretion, the applicant's qualifications for
5 16 licensure are substantially equivalent to those required of
5 17 applicants for initial licensure in this state.

5 18 NEW SUBSECTION. 9. Notwithstanding section 272C.6, the
5 19 licensing boards included within the bureau pursuant to
5 20 subsection 1 may by rule establish the conditions under which
5 21 the board may supply to a licensee who is the subject of a
5 22 disciplinary complaint or investigation, prior to the
5 23 initiation of a disciplinary proceeding, all or such parts of
5 24 a disciplinary complaint, disciplinary or investigatory file,
5 25 report, or other information, as the board in its sole
5 26 discretion believes would aid the investigation or resolution
5 27 of the matter.

5 28 Sec. 10. Sections 536A.32, 536A.33, and 536A.34, Code
5 29 2007, are repealed.

5 30 EXPLANATION

5 31 This bill relates to the operation and administration of
5 32 the division of banking of the department of commerce.

5 33 The bill specifies that provisions of Code chapter 103A.10
5 34 relating to the manufacture and installation of factory-built
5 35 structures, including the exemption of such structures if



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6 1 approved by the state building code commissioner from other
6 2 state and local building regulations, shall not alter or
6 3 supersede any provision of Code chapter 542B or 544A
6 4 concerning the practices of architecture or professional
6 5 engineering, respectively. The professional licensing bureau
6 6 within the division of banking administers these Code
6 7 chapters.

6 8 The bill contains provisions relating to the preservation
6 9 of records of the division of banking. The bill provides that
6 10 the division may cause records, papers, or documents to be
6 11 photographed, microphotographed, or otherwise reproduced upon
6 12 film; or preserved in any electronic medium or format capable
6 13 of being read or scanned by computer and reproduced. The bill
6 14 states that this stored material or data shall be considered
6 15 an original record for all purposes, including introduction in
6 16 evidence in all state and federal courts or administrative
6 17 hearings, and shall be admissible to prove any act,
6 18 transaction, occurrence, or event therein recorded. The bill
6 19 further provides that the material or data shall be preserved
6 20 in a manner as prescribed by the division, and that the
6 21 original records, papers, or documents may be destroyed or
6 22 otherwise disposed of as the division may direct.

6 23 The bill replaces the designation of several individual
6 24 offices of the United States department of the treasury with
6 25 the more general designation of the department with regard to
6 26 the furnishing of state bank or state bank affiliate
6 27 examination reports.

6 28 The bill provides that the superintendent of banking may
6 29 enter into contractual agreements with other state regulators
6 30 of financial institutions to share examiners or to assist in
6 31 examinations, and provides for reimbursement to the division
6 32 for resulting costs, protection of banking division personnel
6 33 assisting another state with its examination under that
6 34 state's tort claims act to the extent permitted by the laws of
6 35 the other state, and applicability of Code section 669 dealing



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7 1 with state tort claims to the extent coverage by another state
7 2 is not extended or permitted. The bill also extends a
7 3 prohibition against a national bank or federal savings
7 4 association from using the word "state" in its legally
7 5 chartered name to include prohibiting the word's use in
7 6 trademarks or logos.

7 7 The bill provides, with respect to the supervision of debt
7 8 management companies, that all papers, documents, examination
7 9 reports and other writings relating to the supervision of
7 10 licensees are not public records subject to disclosure
7 11 pursuant to Code chapter 22 dealing with open records. The
7 12 bill additionally provides, however, that the superintendent
7 13 of banking may disclose information to representatives of
7 14 other state or federal regulatory authorities, and may release
7 15 summary complaint information as long as the information does
7 16 not specifically identify the complainant. The bill states
7 17 that the superintendent may prepare and circulate reports
7 18 reflecting financial information examination results for
7 19 licensees on an aggregate basis, including information
7 20 considered pertinent to the purpose of each report for general
7 21 statistical information, may prepare and circulate reports
7 22 provided by law, may release reports and correspondence in the
7 23 course of an enforcement proceeding or a hearing held by the
7 24 superintendent, and may provide the information to the
7 25 attorney general for enforcement purposes.

7 26 The bill adds to existing rulemaking authority regarding
7 27 the licensing and regulation of mortgage bankers and brokers
7 28 in Code chapter 535B the authority to adopt rules providing
7 29 grounds for denial of an individual registration based on
7 30 information received as a result of a background check,
7 31 character and fitness grounds, or other grounds for which an
7 32 individual registrant or licensee may be disciplined.

7 33 The bill changes the authority of a licensed industrial
7 34 loan company to sell thrift certificates, installment thrift
7 35 certificates, certificates of indebtedness, promissory notes,



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8 1 or similar evidences of indebtedness. Currently, such debt
8 2 instruments may be sold if insured by a federal deposit
8 3 insurance agency. The bill prohibits such sales, deletes
8 4 references to federal deposit insurance agencies, and provides
8 5 that if a change in control of a licensee occurs on or after
8 6 January 1, 1996, debt instruments without a stated maturity
8 7 date which remain outstanding at the time of the change of
8 8 control shall be redeemed within six months of the change of
8 9 control date.

8 10 The bill additionally provides, with reference to the
8 11 authority of the professional licensing and regulation bureau
8 12 of the division of banking, that the licensing boards subject
8 13 to that authority may refuse to issue or renew a license to
8 14 practice a profession to any person otherwise qualified upon
8 15 any of the grounds for which a license may be revoked or
8 16 suspended, or a licensee otherwise disciplined, or upon any
8 17 other grounds set out in the Code chapter applicable to the
8 18 respective board. The bill specifies that the boards may
8 19 suspend, revoke, or refuse to issue or renew a license, or
8 20 discipline a licensee based upon a suspension, revocation, or
8 21 other disciplinary action taken by a licensing authority in
8 22 Iowa or another state, territory, or country, and that a
8 23 "disciplinary action" includes the voluntary surrender of a
8 24 license to resolve a pending disciplinary investigation or
8 25 proceeding. Further, the bill provides that the licensing
8 26 boards may by rule establish the conditions under which an
8 27 individual licensed in a different jurisdiction may be issued
8 28 a reciprocal or comity license, and under which information
8 29 may be supplied to a licensee who is the subject of a
8 30 disciplinary complaint or investigation which the board
8 31 believes would aid the investigation or assist in resolution
8 32 of the matter.

8 33 The bill repeals Code sections 536A.32 through 536A.34,
8 34 which currently, respectively, prohibit acquisitions of an
8 35 industrial loan company by out-of-state banks, prohibit
9 1 operation of branches and acquisitions of industrial loan
9 2 companies by out-of-state industrial loan companies, and
9 3 relate to the authorized activities of out-of-state industrial
9 4 loan companies, industrial banks, or similar institutions.

9 5 LSB 1299DP 82

9 6 rn:rj/je/5.1



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House Study Bill 171

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 HUMAN RESOURCES BILL BY
 CHAIRPERSON SMITH)

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
 Approved

A BILL FOR

- 1 An Act relating to the membership of the board of physician
- 2 assistant examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2094HC 82
- 5 jr/je/5



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House Study Bill 171 continued

PAG LIN

1 1 Section 1. Section 147.14, subsection 12, Code 2007, is
1 2 amended to read as follows:
1 3 12. For the board of physician assistant examiners, ~~three~~
1 4 five members licensed to practice as physician assistants, at
1 5 least two of whom practice in counties with a population of
1 6 less than fifty thousand, one member licensed to practice
1 7 medicine and surgery who supervises a physician assistant, one
1 8 member licensed to practice osteopathic medicine and surgery
1 9 who supervises a physician assistant, and two members who are
1 10 not licensed to practice either medicine and surgery or
1 11 osteopathic medicine and surgery or licensed as a physician
1 12 assistant and who shall represent the general public. At
1 13 least one of the physician members shall be in practice in a
1 14 county with a population of less than fifty thousand. A
1 15 majority of members of the board constitutes a quorum.

1 16 EXPLANATION

1 17 The board of physician assistant examiners currently has
1 18 seven members, three of whom are licensed to practice as
1 19 physician assistants. This bill adds two licensed physician
1 20 assistants to the board membership.

1 21 LSB 2094HC 82

1 22 jr:nh/je/5



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House Study Bill 172

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the substitution of antiepileptic drugs and
- 2 establishing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2108YC 82
- 5 jr/je/5



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House Study Bill 172 continued

PAG LIN

1 1 Section 1. Section 155A.32, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 4. The pharmacist shall not exercise the
1 4 drug product selection described in this section for an
1 5 antiepileptic drug or formulation of an antiepileptic drug,
1 6 brand or generic name, prescribed for the treatment of
1 7 seizures, including epilepsy, without prior notification of
1 8 and the signed informed consent of that selection from both
1 9 the authorized prescriber and the patient or the patient's
1 10 representative.

1 11 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 12 immediate importance, takes effect upon enactment.

1 13 EXPLANATION

1 14 Current law allows a pharmacist to exercise professional
1 15 judgment by selecting a drug product with the same generic
1 16 name and demonstrated bioavailability as the drug prescribed
1 17 for dispensing and sale to the patient. This bill limits that
1 18 discretion in the case of an antiepileptic drug prescribed by
1 19 brand or generic name. Prior to any substitution the
1 20 pharmacist must obtain signed informed consent of that
1 21 selection from both the authorized prescriber and the patient
1 22 or the patient's representative.

1 23 The board of pharmacy examiners may impose a variety of
1 24 penalties for violation of the bill, as set out in Code
1 25 section 272C.3. In addition, civil penalties not to exceed
1 26 \$25,000 may be imposed.

1 27 The bill is made effective upon enactment.

1 28 LSB 2108YC 82

1 29 jr:nh/je/5



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Senate File 122 - Introduced

SENATE FILE
BY RIELLY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing a sales and use tax exemption for certain
- 2 appliances that meet the energy efficiency rating established
- 3 for the appliance by the United States environmental
- 4 protection agency and providing an effective date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2314SS 82
- 7 mg/je/5



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Senate File 122 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 92. The sales price from the sale of a
1 4 clothes washing machine, refrigerator, or dishwasher which
1 5 meets or exceeds the energy efficiency rating for the
1 6 applicable appliance under the energy star program established
1 7 by the United States environmental protection agency in
1 8 cooperation with the United States department of energy.

1 9 Sec. 2. INFORMATION TO PUBLIC. The department of revenue,
1 10 in consultation with manufacturers and retailers, and public
1 11 interest groups, shall develop public information programs and
1 12 materials to identify and encourage the sales of products
1 13 eligible for the tax exemption provided under section 1 of
1 14 this Act.

1 15 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
1 16 2008.

1 17 EXPLANATION

1 18 This bill exempts from sales and use taxes the purchase of
1 19 clothes washers, refrigerators, and dishwashers that meet
1 20 energy efficiency standards set under the federal energy star
1 21 program. This program was established through the cooperation
1 22 of the United States department of energy and the United
1 23 States environmental protection agency.

1 24 The bill takes effect January 1, 2008.

1 25 LSB 2314SS 82

1 26 mg:rj/je/5



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Senate File 123

SENATE FILE

BY SCHOENJAHN, BOLKCOM, STEWART,
 RAGAN, SCHMITZ, KREIMAN, BEALL,
 DOTZLER, HECKROTH, DVORSKY,
 HORN, SENG, OLIVE, HATCH,
 DEARDEN, WOOD, FRAISE, COURTNEY,
 QUIRMBACH, GRONSTAL, KIBBIE,
 APPEL, and CONNOLLY

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the personal needs allowance for residents of
- 2 certain facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2102XS 82
- 5 pf/je/5



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Senate File 123 continued

PAG LIN

1 1 Section 1. Section 249A.30A, Code 2007, is amended to read
 1 2 as follows:
 1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE ==
 1 4 COST OF LIVING INDEX.

1 5 The personal needs allowance under the medical assistance
 1 6 program, which may be retained by a resident of a nursing
 1 7 facility, an intermediate care facility for persons with
 1 8 mental retardation, or an intermediate care facility for
 1 9 persons with mental illness as defined in section 135C.1, or a
 1 10 resident of a psychiatric medical institution for children as
 1 11 defined in section 135H.1, shall be fifty dollars per month.
 1 12 The personal needs allowance shall be increased annually, on
 1 13 January 1, in an amount which is based upon the most recent
 1 14 cost of living adjustment announced by the United States
 1 15 social security administration for the purpose of determining
 1 16 social security benefits.

1 17 EXPLANATION

1 18 This bill provides that the personal needs allowance under
 1 19 the medical assistance program, which may be retained by a
 1 20 resident of a nursing facility, an intermediate care facility
 1 21 for persons with mental retardation, an intermediate care
 1 22 facility for persons with mental illness, or a psychiatric
 1 23 medical institution for children, is \$50 and to be increased
 1 24 annually, on January 1, in an amount which is based upon the
 1 25 most recent cost of living adjustment announced by the federal
 1 26 social security administration for the purpose of determining
 1 27 social security benefits.

1 28 LSB 2102XS 82

1 29 pf:rj/je/5



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Senate File 124 - Introduced

SENATE FILE
BY HATCH and BOETTGER

Passed Senate, Date _____	Passed House, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act establishing an Iowa health freedom Act and providing
- 2 remedies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2121SS 82
- 5 nh/je/5



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Senate File 124 - Introduced continued

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1 1 Section 1. IOWA HEALTH FREEDOM ACT == LEGISLATIVE
1 2 FINDINGS.
1 3 1. SHORT TITLE. This Act shall be known and may be cited
1 4 as the "Iowa Health Freedom Act".
1 5 2. LEGISLATIVE INTENT. The general assembly recognizes
1 6 that people find value in utilizing unlicensed and licensed
1 7 health care providers, and diverse methods, to meet a wide
1 8 variety of highly individual and personally determined needs,
1 9 including comfort, well-being, vitality, hope, prevention of
1 10 disease, treatment of chronic and acute conditions, self=
1 11 understanding, self=empowerment, and self=development. The
1 12 general assembly also recognizes that individuals are
1 13 ultimately responsible for choosing their own health care
1 14 because they are the ones that experience the effects of that
1 15 health care on their health and well-being, and that the
1 16 exercise of the constitutional right to privacy and self=
1 17 determination in regard to health care requires freedom to
1 18 access all information and all methods and providers deemed of
1 19 value by individuals so that they may have the best
1 20 opportunity to find their most suitable path to health and
1 21 well-being. The general assembly additionally recognizes that
1 22 the threat of prosecution under the chapters contained in
1 23 Title IV, subtitle 3, pertaining to licensure requirements for
1 24 health care providers, has significantly, harmfully, and
1 25 unnecessarily limited the availability of many healing arts
1 26 services in Iowa by potentially subjecting the unlicensed
1 27 providers of those services to fines, penalties, and the
1 28 restriction of their practice.
1 29 Sec. 2. NEW SECTION. 147.86A PROVISIONS NOT APPLICABLE.
1 30 The provisions of this chapter, or any chapter contained in
1 31 Title IV, subtitle 3, licensing a health care provider shall
1 32 not be construed to prohibit the practice of healing arts
1 33 diagnoses and treatments by an unlicensed person provided that
1 34 the requirements of sections 147.105 and 147.105A are met.
1 35 The provisions of this chapter, or any chapter contained in



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2 1 Title IV, subtitle 3, shall not be construed to apply to,
2 2 control, or prevent the practice of healing arts diagnoses and
2 3 treatments by persons already lawfully exempt from an
2 4 applicable licensing chapter. The penalty provisions of
2 5 section 147.86, or specific penalty provisions contained
2 6 within an otherwise applicable licensing chapter, shall not
2 7 apply to the practice of healing arts diagnoses and treatment
2 8 by an unlicensed person provided that the requirements of
2 9 sections 147.105 and 147.105A are met.

2 10 Sec. 3. NEW SECTION. 147.105 PROVISION OF HEALTH CARE BY
2 11 UNLICENSED PERSONS.

2 12 Notwithstanding any other provision to the contrary, a
2 13 person who is not licensed by this state as a health care
2 14 professional, and who provides healing arts diagnoses and
2 15 treatment, does not violate Title IV, subtitle 3, pertaining
2 16 to health care provider licensure requirements, unless the
2 17 person:

2 18 1. Conducts surgery, sets fractures, or performs any other
2 19 procedure on any person that harmfully invades the skin.

2 20 2. Prescribes or administers x-ray radiation.

2 21 3. Prescribes or administers drugs, devices, or controlled
2 22 substances for which a prescription by a licensed health care
2 23 provider is required.

2 24 4. Represents, states, indicates, advertises, or implies
2 25 that the person has been issued a license to practice a health
2 26 care profession in this state.

2 27 Sec. 4. NEW SECTION. 147.105A DISCLOSURES BY UNLICENSED
2 28 PERSONS WHO PROVIDE HEALTH CARE.

2 29 1. An unlicensed person who advertises in any media that
2 30 the person is a provider of healing arts diagnoses and
2 31 treatments, or who receives financial compensation for the
2 32 provision of healing arts diagnoses and treatments, shall,
2 33 prior to the provision of such services, provide a prospective
2 34 client a plainly worded written statement disclosing the
2 35 following:



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3 1 a. That the provider is not a licensed health care
3 2 provider pursuant to the licensure provisions of any of the
3 3 chapters of Title IV, subtitle 3.
3 4 b. The nature of the health care diagnoses and treatment
3 5 to be provided.
3 6 c. The education, training, experience, or other
3 7 credentials or qualifications of the unlicensed provider
3 8 regarding the diagnoses and treatment being provided,
3 9 accompanied by the following statement:
3 10 "The state of Iowa has not adopted educational and training
3 11 standards for unlicensed providers of health care services.
3 12 This statement of credentials is for informational purposes
3 13 only. If a client wishes to receive health care from a
3 14 licensed health care provider, the client may seek such care
3 15 at any time. Clients receiving treatment from a licensed
3 16 provider of health care should consult with that licensed
3 17 provider before modifying or discontinuing such treatment."
3 18 d. Whether the provider has voluntarily relinquished a
3 19 license to practice any health care profession in Iowa or
3 20 elsewhere under threat of discipline by a licensing board or
3 21 agency, civil liability, or criminal prosecution.
3 22 e. The revocation of a provider's license to practice any
3 23 health care profession in this or any other state for
3 24 misconduct.
3 25 f. Whether the provider has been convicted or adjudicated
3 26 guilty of a criminal offense against a minor, or of sexual
3 27 exploitation, or of a sexually violent crime against any
3 28 person, or is under indictment for any such crimes.
3 29 g. That the parent or legal guardian of a minor seeking
3 30 treatment has a right to request and receive written
3 31 permission from the provider for access to the relevant data
3 32 in the Iowa child abuse registry.
3 33 2. An unlicensed provider of healing arts diagnoses and
3 34 treatments shall obtain written acknowledgment from a
3 35 prospective client indicating that the prospective client has



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4 1 been provided with the statement of disclosures pursuant to
4 2 subsection 1, and shall supply the client with a copy of the
4 3 disclosures and acknowledgment. The acknowledgment shall be
4 4 retained by the provider for a two-year period.

4 5 3. Any advertisement by an unlicensed provider of healing
4 6 arts diagnoses and treatments shall disclose that the provider
4 7 has not been issued a license to practice a licensed health
4 8 care profession in this state.

4 9 4. Upon request, an unlicensed provider of healing arts
4 10 diagnoses and treatment shall give written permission to a
4 11 parent or legal guardian of a minor to allow the parent or
4 12 legal guardian to access data in regard to the provider in the
4 13 central registry for founded child abuse pursuant to section
4 14 235A.15, subsection 2, paragraph "f".

4 15 Sec. 5. NEW SECTION. 147.105B SCOPE OF CHAPTER ==
4 16 REMEDIES.

4 17 1. The department may issue an immediate cease and desist
4 18 order, or seek a temporary or permanent injunction, against an
4 19 unlicensed provider of healing arts diagnoses and treatment
4 20 who fails to comply with the provisions of sections 147.105
4 21 and 147.105A.

4 22 2. State criminal and civil law not relating to the
4 23 provision of health care shall continue to apply to unlicensed
4 24 providers of healing arts diagnoses and treatments.

4 25 3. This section does not limit the right of any person to
4 26 seek relief for negligent or willful harm, or to seek any
4 27 other civil remedy against an unlicensed provider of healing
4 28 arts diagnoses and treatments.

4 29 4. This section does not restrict the state from taking
4 30 action regarding the maltreatment of minors.

4 31 EXPLANATION

4 32 This bill establishes an Iowa health freedom Act dealing
4 33 with the provision of healing arts diagnoses and treatment by
4 34 unlicensed persons.

4 35 The bill contains intent language indicating that the



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5 1 general assembly recognizes that people find value in
5 2 utilizing unlicensed and licensed health care providers, and
5 3 diverse methods, to meet a wide variety of highly individual
5 4 and personally determined needs; that individuals are
5 5 ultimately responsible for choosing their own health care
5 6 because they are the ones that experience the effects of that
5 7 health care on their health and well-being; and that the
5 8 exercise of the constitutional right to privacy and self=
5 9 determination in regard to health care requires freedom to
5 10 access all information and all methods and providers deemed of
5 11 value by individuals so that they may have the best
5 12 opportunity to find their most suitable path to health and
5 13 well-being. The intent section also indicates that the
5 14 general assembly recognizes that the threat of prosecution
5 15 under the professional licensing chapters contained in Code
5 16 Title IV, subtitle 3, has significantly, harmfully, and
5 17 unnecessarily limited the availability of many healing arts
5 18 services in Iowa by potentially subjecting the unlicensed
5 19 providers of those services to fines, penalties, and the
5 20 restriction of their practice.

5 21 The bill provides that Code Title IV, subtitle 3, providing
5 22 for the licensing of health care providers shall not be
5 23 construed to prohibit the practice of healing arts diagnoses
5 24 and treatment by an unlicensed person provided that the
5 25 requirements of new Code sections 147.105 and 147.105A
5 26 relating to prohibited practices and disclosure, are met. The
5 27 new requirements shall not be construed to apply to, control,
5 28 or prevent the practice of healing arts diagnoses and
5 29 treatment by persons already lawfully exempt from an
5 30 applicable licensing Code chapter. The bill removes the
5 31 practice of healing arts diagnoses and treatment from the
5 32 penalty provisions of Code section 147.86, or specific penalty
5 33 provisions contained within an otherwise applicable licensing
5 34 Code chapter.

5 35 The bill provides that the provision of healing arts



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6 1 diagnoses and treatment does not violate Code Title IV,
6 2 subtitle 3, pertaining to health care provider licensure
6 3 requirements, unless the provider of such services conducts
6 4 surgery, sets fractures, or performs any other procedure on
6 5 any person that harmfully invades the skin; prescribes or
6 6 administers x-ray radiation; prescribes or administers drugs,
6 7 devices, or controlled substances for which a prescription by
6 8 a licensed health care provider is required; or represents,
6 9 states, indicates, advertises, or implies that the person has
6 10 been issued a license to practice a health care profession in
6 11 this state.

6 12 The bill requires an unlicensed person who advertises in
6 13 any media that they are a provider of healing arts diagnoses
6 14 and treatment, or who receives financial compensation for the
6 15 provision of healing arts diagnoses and treatment, to supply a
6 16 prospective client prior to the provision of such services
6 17 with a plainly worded written statement making several
6 18 disclosures. It must be disclosed that the provider is not a
6 19 licensed health care provider; the nature of the health care
6 20 diagnoses and treatment to be provided; and the education,
6 21 training, experience, or other credentials or qualifications
6 22 of the unlicensed provider regarding the diagnoses and
6 23 treatment being provided, accompanied by a statement that Iowa
6 24 has not adopted educational and training standards for
6 25 unlicensed providers of health care services; that the
6 26 statement of credentials is for informational purposes only;
6 27 and that if a client wishes to receive health care from a
6 28 licensed health care provider, the client may seek such care
6 29 at any time and should consult with a licensed provider before
6 30 modifying or discontinuing such existing treatment. An
6 31 unlicensed provider of healing arts diagnoses and treatment
6 32 must also disclose whether the provider has voluntarily
6 33 relinquished a license to practice; had a license revoked;
6 34 been convicted or adjudicated of a criminal offense against a
6 35 minor, or of sexual exploitation, or of a sexually violent



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7 1 crime against any person, or is under indictment for any such
7 2 crimes; and that the parent or legal guardian of a minor
7 3 seeking treatment has a right to request and receive written
7 4 permission from the provider for access to relevant data in
7 5 the Iowa child abuse registry. The bill provides that written
7 6 acknowledgment from a prospective client that the client was
7 7 provided a statement of disclosures must be obtained, and
7 8 retained for a two-year period, and that the prospective
7 9 client shall receive a copy of the disclosures and
7 10 acknowledgment.

7 11 The bill additionally provides that an advertisement by an
7 12 unlicensed provider of healing arts diagnoses and treatments
7 13 shall disclose that the provider has not been issued a license
7 14 to practice a licensed health care profession, and that upon
7 15 request, an unlicensed provider of health care services shall
7 16 give written permission to a parent or legal guardian of a
7 17 minor to allow the parent or legal guardian to access the Iowa
7 18 child abuse registry.

7 19 The bill also provides for the scope of the bill's
7 20 provisions and penalties. The bill provides that the
7 21 department of public health may issue an immediate cease and
7 22 desist order, or seek a temporary or permanent injunction,
7 23 against an unlicensed provider of healing arts diagnoses and
7 24 treatment who fails to comply with the bill's provisions, and
7 25 that state criminal and civil law not relating to the
7 26 provision of health care shall continue to be applicable. The
7 27 bill provides that its provisions shall not limit the right of
7 28 any person to seek relief for negligent or willful harm, or to
7 29 seek any other civil remedy, and does not restrict the state
7 30 from taking action regarding the maltreatment of minors.

7 31 LSB 2121SS 82

7 32 nh:rj/je/5



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Senate File 125 - Introduced

SENATE FILE
BY BOETTGER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to zoning provisions for the premises of home and
- 2 community-based services waiver providers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1557SS 82
- 5 pf/es/88



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Senate File 125 - Introduced continued

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1 1 Section 1. NEW SECTION. 335.34 HOME AND COMMUNITY=BASED
1 2 SERVICES WAIVER PROVIDER.
1 3 A county, county board of supervisors, or county zoning
1 4 commission shall consider the premises of a home and
1 5 community-based services waiver provider as a residential use
1 6 of property for the purposes of zoning and shall treat the use
1 7 of the premises by the home and community-based services
1 8 waiver provider as a permitted use in all residential zones or
1 9 districts, including all single-family residential zones or
1 10 districts, of the county. A county, county board of
1 11 supervisors, or a county zoning commission shall not require
1 12 that a home and community-based services waiver provider
1 13 obtain a conditional use permit, special use permit, special
1 14 exception or variance. A county, county board of supervisors,
1 15 or a county zoning commission shall not establish limitations
1 16 regarding the proximity of one proposed home and
1 17 community-based services waiver provider to another. For the
1 18 purposes of this section, "home and community-based services
1 19 waiver provider" means an agency certified by the department
1 20 of human services to provide home and community-based services
1 21 under a medical assistance waiver approved by the federal
1 22 government and implemented under the medical assistance
1 23 program.
1 24 Sec. 2. NEW SECTION. 414.32 HOME AND COMMUNITY=BASED
1 25 SERVICES WAIVER PROVIDER.
1 26 A city, city council, or city zoning commission shall
1 27 consider the premises of a home and community-based services
1 28 waiver provider as a residential use of property for the
1 29 purposes of zoning and shall treat the use of the premises by
1 30 the home and community-based services waiver provider as a
1 31 permitted use in all residential zones or districts, including
1 32 all single-family residential zones or districts, of the city.
1 33 A city, city council, or city zoning commission shall not
1 34 require that a home and community-based services waiver
1 35 provider obtain a conditional use permit, special use permit,



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2 1 special exception or variance. A city, city council, or city
2 2 zoning commission shall not establish limitations regarding
2 3 the proximity of one proposed home and community-based
2 4 services waiver provider to another. For the purposes of this
2 5 section, "home and community-based services waiver provider"
2 6 means an agency certified by the department of human services
2 7 to provide home and community-based services under a medical
2 8 assistance waiver approved by the federal government and
2 9 implemented under the medical assistance program.

2 10 EXPLANATION

2 11 This bill provides that for the purposes of city and county
2 12 zoning, the premises of a home and community-based services
2 13 waiver provider is to be considered a residential use of
2 14 property. The bill defines "home and community-based services
2 15 waiver provider" as an agency certified by the department of
2 16 human services to provide home and community-based services
2 17 under a medical assistance waiver approved by the federal
2 18 government and implemented under the medical assistance
2 19 program.

2 20 LSB 1557SS 82

2 21 pf:sc/es/88.1



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Senate File 126 - Introduced

SENATE FILE
BY DANIELSON

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Approved
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the administration of the state hygienic
2 laboratory, including attachment of the laboratory to the
3 state university of Iowa, and providing for the duties and
4 authority of a board of directors of the state hygienic
5 laboratory, including the imposition of fees.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1785XS 82
8 kh/gg/14



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Senate File 126 - Introduced continued

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1 1 Section 1. Section 263.7, Code 2007, is amended to read as
1 2 follows:

1 3 263.7 STATE HYGIENIC LABORATORY == INVESTIGATIONS == BOARD
1 4 == DIRECTOR.

1 5 1. The state hygienic laboratory shall be a permanent part
~~1 6 of attached to the state university of Iowa for routine~~
1 7 administrative and support services, and shall be governed by
1 8 its own board of directors as provided in this section. It
1 9 shall make or cause to be made microbiological and chemical
1 10 examinations and other necessary investigations by both
1 11 laboratory and field work in the determination of the causes
1 12 of disease, shall suggest methods of overcoming and preventing
1 13 the recurrence of the disease, and shall evaluate
1 14 environmental effects and scientific needs, whenever requested
1 15 to do so by any state agency, state institution, or local
1 16 board of health when the investigation or evaluation is
1 17 necessary in the interest of environmental quality and public
1 18 health and for the purpose of preventing epidemics of disease.

1 19 2. The state hygienic laboratory shall be governed by a
1 20 board of directors, which shall consist of eleven members who
1 21 shall include the following:

1 22 a. The president of the university of Iowa, or the
1 23 president's designee.

1 24 b. The secretary of agriculture, or the secretary's
1 25 designee.

1 26 c. The directors of the department of natural resources
1 27 and the department of public health, or the directors'
1 28 designees.

1 29 d. The director of the attorney general's consumer
1 30 protection division, or the director's designee.

1 31 e. Members appointed by the governor to three-year
1 32 staggered terms, who shall be selected from the following
1 33 areas and specialties:

1 34 (1) A representative of local health departments who is
1 35 not an employee of the department of public health.



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Senate File 126 - Introduced continued

2 1 (2) A physician representing clinical laboratories.
2 2 (3) A member representing private environmental testing
2 3 laboratories.
2 4 (4) A member representing occupational health
2 5 laboratories.
2 6 (5) Two additional members, one of whom shall be a county
2 7 medical examiner.
2 8 3. No member appointed under subsection 2, paragraph "e",
2 9 shall be an employee of the state hygienic laboratory. The
2 10 director of the laboratory shall serve as a nonvoting member
2 11 of the board. Membership of the board shall comply with the
2 12 requirements of sections 69.16 and 69.16A. The terms for
2 13 members appointed by the governor shall commence at 12:01 a.m.
2 14 on May 1 in the year of appointment and expire at midnight on
2 15 April 30 in the year of expiration. If a vacancy occurs, a
2 16 successor shall be appointed in the same manner and subject to
2 17 the same qualifications as the original appointment to serve
2 18 the unexpired term. A quorum of the board shall consist of
2 19 six members. Members shall elect a chairperson from the
2 20 voting members of the board. The members of the board shall
2 21 be reimbursed for actual and necessary expenses incurred while
2 22 engaged in their official duties. Members of the board
2 23 appointed pursuant to subsection 2, paragraph "e", may also be
2 24 eligible to receive compensation as provided in section 7E.6.
2 25 All expense moneys paid to the members shall be paid from
2 26 funds appropriated to the laboratory.
2 27 4. The state board of regents, upon the recommendation of
2 28 the president of the university of Iowa, with the approval of
2 29 the state hygienic laboratory board, shall appoint the
2 30 director of the laboratory and such other members of its
2 31 professional staff as are required for the administration of
2 32 the laboratory. The director may employ technical and other
2 33 staff necessary for the operation of the laboratory.
2 34 5. The state hygienic laboratory board shall meet at least
2 35 quarterly and may promulgate rules under chapter 17A, set



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3 1 priorities, and make final approval of laboratory resources so
3 2 that the laboratory can act in response to planned objectives
3 3 and program priorities. The state hygienic laboratory board
3 4 shall develop a budget and transmit to the department of
3 5 management estimates of expenditure requirements for all
3 6 functions and services of the laboratory.

3 7 6. The state hygienic laboratory board may impose a fee
3 8 established by rule for each test conducted by the laboratory
3 9 to recover the costs of conducting the test. Any test
3 10 conducted for a political subdivision is exempt from the fee
3 11 unless the test is outside the state public health care
3 12 mission or is required under Title XIV of the federal Public
3 13 Health Service Act, commonly known as the "Safe Drinking Water
3 14 Act", 42 U.S.C. } 300f, et seq., as amended by the Safe
3 15 Drinking Water Amendments of 1996, Pub. L. No. 104=182, as
3 16 determined by the state hygienic laboratory board. The
3 17 laboratory may charge state agencies through contractual
3 18 arrangements for the actual services rendered.

3 19 EXPLANATION

3 20 This bill attaches the state hygienic laboratory to the
3 21 state university of Iowa for routine administrative purposes,
3 22 but provides that the laboratory will be governed by a state
3 23 hygienic laboratory board of directors. Currently, the
3 24 laboratory is established as a permanent part of the
3 25 university. The bill provides for the membership and duties
3 26 of the board, including the development of a budget and the
3 27 imposition of fees for tests conducted by the laboratory.
3 28 The board consists of 11 members, including the president of
3 29 the university, the secretary of agriculture, the directors of
3 30 the departments of natural resources and public health, and
3 31 the director of the attorney general's consumer protection
3 32 division, or the designees of these persons; as well as
3 33 members appointed by the governor to represent local health
3 34 departments, clinical laboratories, private environmental
3 35 testing laboratories, occupational health laboratories, and



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4 1 county medical examiners.

4 2 The board has rulemaking authority under Code chapter 17A,
4 3 and is charged with developing a budget and transmitting to
4 4 the department of management estimates of expenditure
4 5 requirements for all functions and services of the laboratory.
4 6 The board may impose a fee established by rule for laboratory
4 7 tests, but any test conducted for a political subdivision is
4 8 exempt from the fee unless the test is outside the state
4 9 public health care mission or is required under the federal
4 10 Safe Drinking Water Act. The laboratory may charge state
4 11 agencies through contractual arrangements for actual services
4 12 rendered.

4 13 The director of the laboratory is to be appointed by the
4 14 state board of regents, upon the recommendation of the
4 15 university president and the approval of the laboratory board.

4 16 LSB 1785XS 82

4 17 kh:nh/gg/14



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Senate File 127 - Introduced

SENATE FILE
BY DANIELSON and DOTZLER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to extracurricular school activities and
- 2 noninterference with parental visitation rights.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1807SS 82
- 5 ak/es/88



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Senate File 127 - Introduced continued

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1 1 Section 1. NEW SECTION. 256.47 EXTRACURRICULAR
1 2 ACTIVITIES == CUSTODIAL INTERFERENCE.
1 3 A school-related extracurricular activity shall not be
1 4 required for a student if it interferes with the custody
1 5 arrangement of a student when the extracurricular activity is
1 6 scheduled outside of regular school hours. If a scheduled
1 7 school-related extracurricular activity interferes with a
1 8 noncustodial parent's custody arrangement, the parent shall
1 9 notify an appropriate school official and the student shall be
1 10 excused without penalty from attending the specific activity.
1 11 This section does not apply to special events such as
1 12 performances, games, and competitions. For the purposes of
1 13 this section, "school-related extracurricular activity" means
1 14 an activity that takes place outside of regular school hours
1 15 whether or not it is related to the student's academic
1 16 curriculum. The state board shall adopt rules relating to the
1 17 implementation of this section.

1 18 EXPLANATION

1 19 This bill allows students to be excused from school-related
1 20 extracurricular activities if the activity interferes with
1 21 scheduled visitation with a noncustodial parent. The bill
1 22 requires that when a parent informs a school official of a
1 23 conflict between an extracurricular activity scheduled outside
1 24 regular school hours and the student's custody arrangement
1 25 with a noncustodial parent, the student will be excused from
1 26 the activity without penalty.

1 27 The bill provides exceptions for special events such as
1 28 performances, games, and competitions. The bill covers all
1 29 school-related extracurricular activities, whether or not the
1 30 activities are related to the student's academic curriculum.
1 31 The bill requires the state board to adopt rules that will
1 32 enforce the bill.

1 33 LSB 1807SS 82

1 34 ak:nh/es/88



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Senate Resolution 12 - Introduced

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1 1 SENATE RESOLUTION NO.
1 2 BY DANIELSON
1 3 A Resolution urging recognition of multiple chemical
1 4 sensitivity and environmental sensitivity as a
1 5 disability under the federal Americans With
1 6 Disabilities Act.
1 7 WHEREAS, many persons have developed a chronic
1 8 condition, multiple chemical sensitivity, in response
1 9 to exposure to toxic chemicals and other pollutants;
1 10 and
1 11 WHEREAS, many people have developed a similar
1 12 condition, electrical sensitivity, in response to
1 13 exposure to electromagnetic fields; and
1 14 WHEREAS, both electrical sensitivity and multiple
1 15 chemical sensitivity can cause major health,
1 16 financial, employment, housing, and social
1 17 consequences for people with these conditions; and
1 18 WHEREAS, both electrical sensitivity and multiple
1 19 chemical sensitivity should be considered a disability
1 20 under the federal Americans With Disabilities Act to
1 21 ensure that reasonable accommodations for people with
1 22 these sensitivities can be made to enhance their
1 23 ability to be contributing members of society; NOW
1 24 THEREFORE,
1 25 BE IT RESOLVED BY THE SENATE, That the Senate urges
1 26 recognition of electrical and multiple chemical
1 27 sensitivity as disabilities under the federal
1 28 Americans With Disabilities Act; and
1 29 BE IT FURTHER RESOLVED, That copies of this
1 30 Resolution be sent to the members of Iowa's



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Senate Resolution 12 - Introduced continued

2 1 congressional delegation.
2 2 LSB 1925SS 82
2 3 ec:nh/cf/24



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Senate Study Bill 1185

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to separation distance requirements between
- 2 confinement feeding operations or manure originating from such
- 3 places, and certain objects or locations, and making penalties
- 4 applicable.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 2117XC 82
- 7 da/je/5



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Senate Study Bill 1185 continued

PAG LIN

1 1 Section 1. Section 459.205, subsection 4, Code 2007, is
1 2 amended to read as follows:

1 3 4. The application of liquid manure on land within a
1 4 separation distance required between the applied manure and an
1 5 object or location for which separation is required under
1 6 section 459.204, if any of the following apply:

1 7 a. The titleholder of the land benefiting from the
1 8 separation distance requirement executes a written waiver with
1 9 the titleholder of the land where the manure is applied.

1 10 b. The liquid manure is not applied within two hundred
1 11 fifty feet from an object or location benefiting from the
1 12 separation distance requirement, and any of the following
1 13 applies:

1 14 (1) The liquid manure is injected into the soil or
1 15 incorporated within the soil not later than twenty-four hours
1 16 from the original application, as provided by rules adopted by
1 17 the commission.

~~1 18 b. The titleholder of the land benefiting from the~~
~~1 19 separation distance requirement executes a written waiver with~~
~~1 20 the titleholder of the land where the manure is applied.~~

~~1 21 e. The liquid manure originates from a small animal~~
~~1 22 feeding operation.~~

1 23 ~~d.~~ (2) The liquid manure is applied by spray irrigation
1 24 equipment using a center pivot mechanism as provided by rules
1 25 adopted by the department, if all of the following apply:

1 26 (1) (a) The spray irrigation equipment uses hoses which
1 27 discharge the liquid manure in a downward direction at a
1 28 height of not more than nine feet above the soil.

1 29 (2) (b) The spray irrigation equipment disperses manure
1 30 through an orifice at a maximum pressure of not more than
1 31 twenty-five pounds per square inch.

~~1 32 (3) The liquid manure is not applied within two hundred~~
~~1 33 fifty feet from a residence not owned by the titleholder of~~
~~1 34 the land, a commercial enterprise, a bona fide religious~~
~~1 35 institution, an educational institution, or a public use area.~~



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2 1 Sec. 2. Section 459.310, subsection 1, paragraphs a, b,
2 2 and c, Code 2007, are amended to read as follows:

2 3 a. A confinement feeding operation structure shall not be
2 4 constructed closer than ~~five hundred~~ two thousand six hundred
2 5 forty feet away from the surface intake of an agricultural

2 6 drainage well. A confinement feeding operation structure
2 7 shall not be constructed closer than ~~one thousand three~~
2 8 thousand nine hundred sixty feet from a wellhead, cistern of
2 9 an agricultural drainage well, or known sinkhole. However,
2 10 the department may adopt rules requiring an increased
2 11 separation distance under this paragraph in order to protect
2 12 the integrity of a water of the state. ~~The increased~~

~~2 13 separation distance shall not be more than two thousand feet.~~

2 14 If the department exercises its discretion to increase the
2 15 separation distance requirement, the department shall not
2 16 approve an application for the construction of a confinement
2 17 feeding operation structure within that separation distance as
2 18 provided in section 459.303.

2 19 b. A confinement feeding operation structure shall not be
2 20 constructed if the confinement feeding operation structure as
2 21 constructed is closer than any of the following:

2 22 (1) ~~Five~~ One thousand three hundred twenty feet away from
2 23 a water source other than a major water source.

2 24 (2) ~~One~~ Three thousand nine hundred sixty feet away from a
2 25 major water source.

2 26 (3) ~~Two thousand five hundred feet away~~ A distance
2 27 established by departmental rule from a designated wetland.

2 28 In adopting the rules, the department shall consult with the
2 29 soil conservation division of the department of agriculture
2 30 and land stewardship established in section 161A.4.

2 31 c. (1) A water source, other than a major water source,
2 32 shall not be constructed, expanded, or diverted, if the water
2 33 source as constructed, expanded, or diverted is closer than
2 34 five one thousand three hundred twenty feet away from a
2 35 confinement feeding operation structure.



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3 1 (2) A major water source shall not be constructed,
 3 2 expanded, or diverted, if the major water source as
 3 3 constructed, expanded, or diverted is closer than ~~one~~ three
 3 4 thousand nine hundred sixty feet from a confinement feeding
 3 5 operation structure.

3 6 (3) A designated wetland shall not be established, if the
 3 7 designated wetland is closer than ~~two thousand five hundred~~
~~3 8 feet away from a confinement feeding operation structure the~~
 3 9 separation distance required by departmental rule for the
 3 10 construction of a confinement feeding operation structure from
 3 11 an established designated wetland, as provided in paragraph
 3 12 "b".

3 13 EXPLANATION

3 14 BACKGROUND. This bill amends provisions in Code chapter
 3 15 459, regulating animal feeding operations by the department of
 3 16 natural resources, including confinement feeding operations
 3 17 and their associated structures (confinement buildings, manure
 3 18 storage structures, and egg washwater storage structures).
 3 19 The Code chapter regulates both the application of manure
 3 20 originating from a confinement feeding operation and the
 3 21 construction of confinement feeding operations. It includes
 3 22 provisions regulating air and water quality.

3 23 AIR QUALITY. Code section 459.204 provides that a person
 3 24 cannot apply liquid manure originating from a confinement
 3 25 feeding operation on land located within 750 feet from a
 3 26 residence not owned by the titleholder of the land, a
 3 27 commercial enterprise, a bona fide religious institution, an
 3 28 educational institution, or a public use area (a benefited
 3 29 object or location).

3 30 Code section 459.205 provides a number of exceptions to the
 3 31 separation distance requirements including when: (1) the
 3 32 titleholder of the land benefiting from the separation
 3 33 distance executes a waiver; (2) the liquid manure is injected
 3 34 into the soil or incorporated within the soil within 24 hours,
 3 35 (3) the liquid manure originates from a small animal feeding



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4 1 operation; or (4) the liquid manure is applied by spray
4 2 irrigation but not within 250 feet from the benefited object
4 3 or location. The bill retains the waiver exemption,
4 4 eliminates the exemption for manure originating from a small
4 5 animal feeding operation, and provides that liquid manure
4 6 which is injected or incorporated must not be applied within
4 7 250 feet from the object or location benefiting from the
4 8 separation distance requirement.

4 9 WATER QUALITY. Code section 459.310 provides that a
4 10 confinement feeding operation structure cannot be constructed
4 11 closer than a specific distance from the opening to subsurface
4 12 water (i.e., the surface intake of an agricultural drainage
4 13 well or a wellhead, cistern of an agricultural drainage well,
4 14 or known sinkhole) and also from areas where surface water is
4 15 present (a wetland designated by the federal or state
4 16 government; a water source such as a lake, river, reservoir,
4 17 creek, or stream; or a major water source capable of
4 18 supporting a floating vessel during a total of a six-month
4 19 period in 10 years). The Code section provides that the same
4 20 distance requirements that apply to the construction of a
4 21 confinement feeding operation in proximity to an area where
4 22 surface water is present also apply to the establishment of an
4 23 area of surface water in proximity to an existing confinement
4 24 feeding operation structure.

4 25 The bill increases the separation distances applicable to
4 26 openings to subsurface water as follows: (1) for the surface
4 27 intake of an agricultural drainage well an increase from 500
4 28 feet (with departmental discretion to increase the separation
4 29 distance requirements to 2,000 feet) to 2,640 feet (one-half
4 30 mile); and (2) for a wellhead, cistern of an agricultural
4 31 drainage well, or known sinkhole an increase from 1,000 feet
4 32 (with departmental discretion to increase the separation
4 33 distance requirements to 2,000 feet) to 3,960 feet
4 34 (three-quarters of a mile). The bill increases the separation
4 35 distances applicable to areas where surface water is present



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5 1 as follows: (1) for a water source other than a major water
5 2 source an increase from 500 feet to 1,320 feet (one-quarter
5 3 mile); (2) for a major water source an increase from 1,000
5 4 feet to 3,960 feet (three-quarters of a mile); and (3) from a
5 5 designated wetland from 2,500 feet to a distance established
5 6 by departmental rule in consultation with the division of soil
5 7 conservation of the department of agriculture and land
5 8 stewardship. These increased separation distances apply to
5 9 both construction of confinement feeding operation structures
5 10 and the establishment of water sources and designated
5 11 wetlands.

5 12 PENALTIES. According to Code section 459.602, a person who
5 13 violates provisions relating to air quality are subject to a
5 14 civil penalty as provided in Code section 455B.109 which
5 15 authorizes the environmental protection commission to
5 16 establish penalty amounts according to a schedule not to
5 17 exceed \$10,000. According to Code section 459.603, a person
5 18 who violates a provision relating to water quality is subject
5 19 to penalties as provided in Code section 455B.191 which
5 20 includes a judicially assessed civil penalty of up to \$5,000.

5 21 LSB 2117XC 82

5 22 da:rj/je/5



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Senate Study Bill 1186

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to the applicability of statute of limitations
- 2 tolling provisions relating to minors and persons with mental
- 3 illness and providing an applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1775SC 82
- 6 rh/je/5



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1 1 Section 1. Section 216.15, subsection 12, Code 2007, is
1 2 amended to read as follows:
1 3 12. A Except as provided in section 614.8, a claim under
1 4 this chapter shall not be maintained unless a complaint is
1 5 filed with the commission within one hundred eighty days after
1 6 the alleged discriminatory or unfair practice occurred.
1 7 Sec. 2. Section 614.8, Code 2007, is amended to read as
1 8 follows:
1 9 614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.
1 10 1. The times limited for actions in this chapter, or
1 11 chapter 216, 669, or 670, except those brought for penalties
1 12 and forfeitures, are extended in favor of persons with mental
1 13 illness, so that they shall have one year from and after the
1 14 termination of the disability within which to commence an
1 15 action.
1 16 2. Except as provided in section 614.1, subsection 9, the
1 17 times limited for actions in this chapter, or chapter 216,
1 18 669, or 670, except those brought for penalties and
1 19 forfeitures, are extended in favor of minors, so that they
1 20 shall have one year from and after attainment of majority
1 21 within which to commence an action.
1 22 Sec. 3. Section 669.13, subsection 1, Code 2007, is
1 23 amended to read as follows:
1 24 1. A Except as provided in section 614.8, a claim or suit
1 25 otherwise permitted under this chapter shall be forever
1 26 barred, unless within two years after the claim accrued, the
1 27 claim is made in writing and filed with the director of the
1 28 department of management under this chapter. The time to
1 29 begin a suit under this chapter shall be extended for a period
1 30 of six months from the date of mailing of notice to the
1 31 claimant by the attorney general as to the final disposition
1 32 of the claim or from the date of withdrawal of the claim under
1 33 section 669.5, if the time to begin suit would otherwise
1 34 expire before the end of the period.
1 35 Sec. 4. Section 670.5, Code 2007, is amended to read as



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2 1 follows:

2 2 670.5 LIMITATION OF ACTIONS.

2 3 ~~Every~~ Except as provided in section 614.8, a person who
2 4 claims damages from any municipality or any officer, employee
2 5 or agent of a municipality for or on account of any wrongful
2 6 death, loss or injury within the scope of section 670.2 or
2 7 section 670.8 or under common law shall commence an action
2 8 therefor within six months, unless said person shall cause to
2 9 be presented to the governing body of the municipality within
2 10 sixty days after the alleged wrongful death, loss or injury a
2 11 written notice stating the time, place, and circumstances
2 12 thereof and the amount of compensation or other relief
2 13 demanded. Failure to state time or place or circumstances or
2 14 the amount of compensation or other relief demanded shall not
2 15 invalidate the notice; providing, the claimant shall furnish
2 16 full information within fifteen days after demand by the
2 17 municipality. No action therefor shall be maintained unless
2 18 such notice has been given and unless the action is commenced
2 19 within two years after such notice. The time for giving such
2 20 notice shall include a reasonable length of time, not to
2 21 exceed ninety days, during which the person injured is
2 22 incapacitated by the injury from giving such notice.

2 23 Sec. 5. APPLICABILITY. This Act applies to all
2 24 complaints, claims, and actions made or filed on or after July
2 25 1, 2007.

2 26 EXPLANATION

2 27 Current law provides that the applicable statute of
2 28 limitation periods in which a lawsuit may be filed pursuant to
2 29 Code chapter 614 are subject to the tolling provisions
2 30 relating to minors and persons with mental illness contained
2 31 in Code section 614.8. That section provides that if a person
2 32 was a minor at the time the injury occurred, the person has
2 33 one year after attaining the age of majority (18) to file an
2 34 action. Similarly, if a person had a mental illness at the
2 35 time the injury occurred, the person has until one year after



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3 1 the termination of the mental illness to file an action. A
3 2 tolling provision in the law stops the applicable statute of
3 3 limitation running for a specified period of time.
3 4 The bill extends the tolling provisions relating to minors
3 5 and persons with mental illness to complaints and actions
3 6 filed in certain civil rights cases including discriminatory
3 7 and unfair employment, housing, education, credit, and
3 8 accommodation cases, and to claims and actions filed against
3 9 the state and against a city, county, township, school
3 10 district, or any other unit of local government except a soil
3 11 and water conservation district.
3 12 The bill applies to all complaints, claims, and actions
3 13 filed on or after July 1, 2007.
3 14 LSB 1775SC 82
3 15 rh:rj/je/5



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Senate Study Bill 1187

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to judicial branch practices and procedures
- 2 including but not limited to adoption petitions, clerk of the
- 3 district court duties and recordkeeping affecting real estate,
- 4 the confidentiality of arrest warrants, and notices by the
- 5 department of corrections to the clerk of the district court.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 1412DP 82
- 8 jm/gg/14



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1 1 Section 1. Section 321A.24, subsection 1, paragraph c,
1 2 Code 2007, is amended to read as follows:

1 3 c. The bond constitutes a lien in favor of the state upon
1 4 the real estate so scheduled of any surety, which lien exists
1 5 in favor of any holder of a final judgment against the person
1 6 who has filed the bond, for damages, including damages for
1 7 care and loss of services, because of bodily injury to or
1 8 death of any person, or for damage because of injury to or
1 9 destruction of property, including the loss of use of the
1 10 property, resulting from the ownership, maintenance, use, or
1 11 operation of a motor vehicle after the bond was filed, upon
1 12 the filing of notice to that effect by the department in the
1 13 office of the proper clerk of the district court of the county
1 14 where the real estate is located. An individual surety
1 15 scheduling real estate security shall furnish satisfactory
1 16 evidence of title to the property and the nature and extent of
1 17 all encumbrances on the property and the value of the surety's
1 18 interest in the property, in the manner the judge or clerk of
1 19 the district court approving the bond requires. The notice
1 20 filed by the department shall contain, in addition to any
1 21 other matters deemed by the department to be pertinent, a
1 22 legal description of the real estate scheduled, the name of
1 23 the holder of the record title, the amount for which it stands
1 24 as security, and the name of the person in whose behalf proof
1 25 is so being made. ~~Upon the filing of the notice the clerk of~~
~~1 26 the district court shall retain the notice as part of the~~
~~1 27 records of the court and enter upon the encumbrance book the~~
~~1 28 date and hour of filing, the name of the surety, the name of~~
~~1 29 the record titleholder, the description of the real estate,~~
~~1 30 and the further notation that a lien is charged on the real~~
~~1 31 estate pursuant to the filed notice. From and after the entry~~
~~1 32 of the notice upon the encumbrance book all persons are~~
~~1 33 charged with notice of it.~~

1 34 Sec. 2. Section 600.3, Code 2007, is amended by adding the
1 35 following new subsection:



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2 1 NEW SUBSECTION. 4. An adoption petition shall be limited
2 2 to the adoption of one natural person.

2 3 Sec. 3. Section 602.8102, subsection 103, Code 2007, is
2 4 amended by striking the subsection.

2 5 Sec. 4. Section 602.8103, subsection 4, Code 2007, is
2 6 amended by adding the following new paragraph:

2 7 NEW PARAGRAPH. k. Complaints, trial informations, and
2 8 uniform citations and complaints relating to parking
2 9 violations under sections 321.236, 321.239, 321.358, 321.360,
2 10 and 321.361.

2 11 Sec. 5. Section 602.8104, subsection 2, paragraph d, Code
2 12 2007, is amended by striking the paragraph.

2 13 Sec. 6. Section 602.8105, subsection 1, paragraph a, Code
2 14 2007, is amended to read as follows:

2 15 a. For filing and docketing a petition, other than a
2 16 modification of a dissolution decree to which a written
2 17 stipulation is attached at the time of filing containing the
2 18 agreement of the parties to the terms of modification, one
2 19 hundred dollars. In counties having a population of
2 20 ninety-eight thousand or over, an additional five dollars
2 21 shall be charged and collected to be known as the journal
2 22 publication fee and used for the purposes provided for in
2 23 section 618.13. For multiple adoption petitions filed at the
2 24 same time by the same petitioner under section 600.3, the
2 25 filing fee and any court costs for any petition filed in
2 26 addition to the first petition filed are waived.

2 27 Sec. 7. Section 615.1, Code 2007, is amended to read as
2 28 follows:

2 29 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

2 30 A judgment in an action for the foreclosure of a real
2 31 estate mortgage, deed of trust, or real estate contract upon
2 32 property which at the time of judgment is either used for an
2 33 agricultural purpose as defined in section 535.13 or a
2 34 one-family or two-family dwelling which is the residence of
2 35 the mortgagor, or in any action on a claim for rent shall be



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3 1 null and void, all liens shall be ~~extinguished~~ unenforceable,
3 2 and no execution shall be issued for any purpose other than as
3 3 a setoff or counterclaim after the expiration of a period of
3 4 two years, exclusive of any time during which execution on the
3 5 judgment was stayed pending a bankruptcy action, from the
3 6 entry thereof. As used in this section, "mortgagor" means a
3 7 mortgagor or a borrower executing a deed of trust as provided
3 8 in chapter 654 or a vendee of a real estate contract.

3 9 Sec. 8. Section 617.10, Code 2007, is amended to read as
3 10 follows:

3 11 617.10 REAL ESTATE == ACTION INDEXED.

3 12 1. When a petition affecting real estate is filed, the
3 13 clerk of the district court where the petition is filed shall
3 14 ~~forthwith~~ index ~~same~~ the petition in an index book ~~to be~~
3 15 ~~provided therefor~~, under the tract number which describes the
3 16 property, entering in each instance the ~~cause~~ case number as a
3 17 guide to the record of court proceedings which ~~affect~~ affect such the
3 18 real estate. If the petition ~~be~~ is amended to include other
3 19 parties or other lands, ~~same~~ the amended petition shall be
3 20 similarly indexed. When ~~the cause is finally a final result~~
3 21 is determined in the case, the result shall be indicated in
3 22 ~~said~~ the index book wherever indexed.

3 23 2. As used in this section, "book" means any mode of
3 24 permanent recording, including but not limited to card files,
3 25 microfilm, microfiche, and electronic records.

3 26 Sec. 9. Section 617.13, Code 2007, is amended to read as
3 27 follows:

3 28 617.13 REAL ESTATE IN OTHER COUNTY.

3 29 When any part of real property, the subject of an action,
3 30 is situated in any other county than the one in which the
3 31 action is brought, the plaintiff must, in order to affect
3 32 third persons with constructive notice of the pendency of the
3 33 action, file with the clerk of the district court of the other
3 34 county a notice of the pendency of the action, containing the
3 35 names of the parties, the object of the action, and a



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4 1 description of the property in that county affected by the
4 2 action. ~~The clerk shall at once index and enter a memorandum~~
~~4 3 of the notice in the encumbrance book.~~
4 4 Sec. 10. Section 624.23, subsection 7, Code 2007, is
4 5 amended to read as follows:
4 6 7. If a case file has been sealed by the court, or if by
4 7 law the court records in a case are not available to the
4 8 general public, ~~any judgments entered in the case shall not~~
~~4 9 become a lien on real property until either the identity of~~
~~4 10 the judgment creditor becomes public record, or until the~~
~~4 11 judgment creditor, in a public document in the case in which~~
~~4 12 judgment is entered, or the court records are made~~
4 13 confidential by the court, the following information shall be
4 14 considered a public record and available for inspection: the
4 15 name of the court, the title of the action, the case number,
4 16 the amount of the judgment, the name of the judgment creditor,
4 17 the affidavit designating the agent and office of the
4 18 creditor, and any full or partial satisfaction of the
4 19 judgment. A judgment creditor shall file with the clerk of
4 20 the district court an affidavit that designates an agent and
4 21 office, consistent with the requirements of section 490.501,
4 22 on which process on the judgment creditor may be served.
4 23 Service may be made on the agent in the same manner as service
4 24 may be made on a corporate agent pursuant to section 490.504.
4 25 An agent who has resigned without designating a successor
4 26 agent and office and who is otherwise unavailable for service
4 27 may be served in the manner provided in section 490.504,
4 28 subsection 2, at the agent's office of record.
4 29 Sec. 11. Section 629.3, Code 2007, is amended to read as
4 30 follows:
4 31 629.3 RECORD OF LIEN.
4 32 ~~It shall be the duty of the clerk of the district court to~~
~~4 33 record the statements so filed in the encumbrance book and to~~
~~4 34 enter the same in the lien index. Payments advanced after~~
4 35 execution has been issued upon the junior lien, shall be added



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5 1 to the execution upon receipt, by the sheriff, of a verified
5 2 statement of such advancements and when the redemption period
5 3 has expired the clerk shall release them on the clerk's
5 4 record.

5 5 Sec. 12. Section 639.64, Code 2007, is amended to read as
5 6 follows:

5 7 639.64 AUTOMATIC DISCHARGE ~~== CANCELING ENTRY ON~~
~~5 8 ENCUMBRANCE BOOK.~~

5 9 If the judgment is rendered in the action for the
5 10 defendant, or, if the action is dismissed by the court, by the
5 11 plaintiff, or, by agreement of the parties, or, if judgment
5 12 has been entered for the plaintiff and has been satisfied of
5 13 record, the attachment shall, subject to the right of appeal,
5 14 automatically be discharged and the property attached, or its
5 15 proceeds, shall be returned to the defendant. ~~If the~~
~~5 16 attachment has been entered on the encumbrance book, it shall~~
~~5 17 be the duty of the clerk to cancel such attachment, and in the~~
~~5 18 entry of cancellation, the clerk shall refer to the entry in~~
~~5 19 the case showing the clerk's authority to cancel said~~
~~5 20 attachment.~~

5 21 Sec. 13. Section 654.17, Code 2007, is amended to read as
5 22 follows:

5 23 654.17 RECISION OF FORECLOSURE.

5 24 1. At any time prior to the recording of the sheriff's
5 25 deed, and before the mortgagee's rights become unenforceable
5 26 by operation of the statute of limitations, the judgment
5 27 creditor, or the judgment creditor who is the successful
5 28 bidder at the sheriff's sale, with the written consent of the
5 29 mortgagor may rescind the foreclosure action by filing a
5 30 notice of recision with the clerk of court in the county in
5 31 which the property is located along with a filing fee of fifty
5 32 dollars. In addition, such person if the original mortgage
5 33 and mortgage note are contained in the court file, the
5 34 mortgagor shall pay a fee of twenty-five dollars for documents
~~5 35 filed in the foreclosure action which the plaintiff requests~~



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~~6 1 returned to the clerk of the district court. Upon the payment
6 2 of the fee, the clerk shall make copies of the original
6 3 mortgage and mortgage note for the court file, and return the
6 4 original mortgage and mortgage note to the mortgagor.~~

6 5 2. Upon the filing of the notice of rescision, the mortgage
6 6 loan shall be enforceable according to the original terms of
6 7 the foreclosure and the rights of all persons with an interest
6 8 in the property may be enforced as if the foreclosure had not
6 9 been filed. However, any findings of fact or law shall be
6 10 preclusive for purposes of any future action unless the court,
6 11 upon hearing, rules otherwise. The mortgagor shall be
6 12 assessed costs, including reasonable attorney fees, of
6 13 foreclosure and rescision if provided by the mortgage
6 14 agreement.

6 15 Sec. 14. Section 804.29, Code 2007, is amended to read as
6 16 follows:

6 17 804.29 CONFIDENTIALITY.

6 18 ~~All~~ Except for a bench warrant issued by a court for
6 19 failure to appear, all information filed with the court for
6 20 the purpose of securing a warrant for an arrest, including but
6 21 not limited to a citation and affidavits, shall be a
6 22 confidential record until such time as a peace officer has
6 23 made the arrest and has made the officer's return on the
6 24 warrant. During the period of time that information is
6 25 confidential, ~~it~~ the warrant shall be sealed by the court and
6 26 the information contained ~~therein~~ in the warrant shall not be
6 27 disseminated to any person other than a peace officer,
6 28 employee of a county attorney's office, magistrate, or another
6 29 court employee, in the course of official duties.

6 30 Sec. 15. NEW SECTION. 904.119 NOTICE OF DISCHARGE OR
6 31 PAROLE.

6 32 The department, in cooperation with the judicial district
6 33 departments of correctional services and the board of parole,
6 34 shall notify the clerk of the district court of the offender's
6 35 county of conviction, of the date of discharge from a



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7 1 correctional institution or the date of release on parole, and
7 2 the subsequent date of discharge from parole. The notice to
7 3 the clerk of the district court shall also include the name,
7 4 date of birth, court case numbers from the sentencing order
7 5 committing the offender to the department, and if known the
7 6 new address of the offender.

7 7 Sec. 16. Section 904.602, Code 2007, is amended by adding
7 8 the following new subsection:

7 9 NEW SUBSECTION. 13. This section does not preclude the
7 10 disclosure of otherwise confidential information to the clerk
7 11 of the district court for the purpose of implementing section
7 12 904.119.

7 13 Sec. 17. Sections 626.9, 626.20, 639.28, 639.70, and
7 14 674.11, Code 2007, are repealed.

7 15 EXPLANATION

7 16 This bill relates to judicial branch practices and
7 17 procedures including but not limited to adoption petitions,
7 18 clerk of the district court duties and recordkeeping affecting
7 19 real estate, the confidentiality of arrest warrants, and
7 20 notices by the department of corrections to the clerk of the
7 21 district court.

7 22 The amendment to Code section 600.3 requires a petitioner
7 23 to file a separate adoption petition for each person being
7 24 adopted.

7 25 The amendment to Code section 602.8103 permits the clerk of
7 26 the district court to destroy, without prior court approval or
7 27 reproduction, a complaint, trial information, or uniform
7 28 citation and complaint related to a parking violation.

7 29 The amendment to Code section 602.8104 eliminates the
7 30 requirement that the clerk of the district court keep an
7 31 encumbrance book that contains a statement of the levy of each
7 32 attachment on real estate entered by the sheriff. The
7 33 amendments to Code sections 321A.24, 602.8102, 617.13, 629.3,
7 34 and 639.64, and the repeal of Code sections 626.9, 626.20,
7 35 639.28, and 639.70, conform the Code sections to the



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8 1 elimination of the encumbrance book in Code section 602.8104.
8 2 The amendment to Code section 602.8105 waives the filing
8 3 and docketing fee and any court costs for multiple adoption
8 4 petitions filed at the same time by the same petitioner under
8 5 Code section 600.3.

8 6 The amendment to Code section 615.1 provides that a
8 7 judgment in an action for the foreclosure of a real estate
8 8 mortgage is "unenforceable" after the expiration of two years,
8 9 unless a bankruptcy is filed. Current law provides that a
8 10 judgment in an action for foreclosure of a real estate
8 11 mortgage is "extinguished" after two years unless a bankruptcy
8 12 is filed.

8 13 The amendment to Code section 617.10 permits the clerk of
8 14 the district court to keep the index of petitions affecting
8 15 real estate with card files, microfilm, microfiche, or in an
8 16 electronic format. The amendment to Code section 617.10 also
8 17 enhances the readability of the section.

8 18 The amendment to Code section 624.23 concerns the
8 19 disclosure of certain court records relating to judgment liens
8 20 when the case filed has been sealed or made confidential.
8 21 Under the bill, the following records are considered a public
8 22 record even if the court file has been sealed or made
8 23 confidential: the name of the court, the title of the action,
8 24 the case number, the amount of the judgment, the name of the
8 25 judgment creditor, the affidavit designating the agent and
8 26 office of the creditor, and any full or partial satisfaction
8 27 of the judgment.

8 28 The amendment to Code section 654.17 relates to the
8 29 rescision of a foreclosure action. Under the bill, if a
8 30 foreclosure action is rescinded by a judgment creditor, and
8 31 the original mortgage and mortgage note are in the court file,
8 32 the mortgagor shall pay a \$25 fee to the clerk of the district
8 33 court prior to receiving the original mortgage and mortgage
8 34 note from the clerk.

8 35 The amendment to Code section 804.29 provides that a bench
9 1 warrant issued by the court for failure to appear is not
9 2 confidential if it is contained with information related to
9 3 securing an arrest warrant. Current law provides that all
9 4 information filed with the court for the purpose of securing
9 5 an arrest warrant is confidential.

9 6 New Code section 904.119 requires the department of
9 7 corrections to notify the clerk of the district court in the
9 8 offender's county of conviction of the date of discharge from
9 9 a correctional institution or the date of release on parole,
9 10 and the subsequent date of discharge from parole. The notice
9 11 shall also include the name, date of birth, court case numbers
9 12 from the sentencing order committing the offender to the
9 13 department of corrections, and if known the new address of the
9 14 offender.

9 15 The amendment to Code section 904.602 permits the
9 16 department of corrections to release information to the clerk
9 17 of the district court to implement the notice provisions of
9 18 new Code section 904.119.

9 19 Code section 674.11 is repealed, eliminating the provision
9 20 requiring the clerk of the district court to keep a
9 21 change-of-name record in regard to changes of legal names by



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9 22 petitions to the court.
9 23 LSB 1412DP 82
9 24 jm:rj/gg/14



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Senate Study Bill 1188

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the department of public safety practices and
- 2 procedures, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1263XD 82
- 5 jm/gg/14



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1 1 Section 1. Section 80.9, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 ~~They~~ A peace officer shall not exercise ~~their~~ the general
1 4 powers of a peace officer within the limits of any city,
1 5 except:
1 6 Sec. 2. Section 80.9, subsection 2, unnumbered paragraph
1 7 1, Code 2007, is amended to read as follows:
1 8 In more particular, ~~their~~ the duties of a peace officer
1 9 shall be as follows:
1 10 Sec. 3. Section 80.9, subsection 3, Code 2007, is amended
1 11 to read as follows:
1 12 3. ~~They~~ A peace officer may administer oaths, acknowledge
1 13 signatures, and take voluntary testimony pursuant to their
1 14 duties as provided by law.
1 15 Sec. 4. Section 81.2, subsection 6, Code 2007, is amended
1 16 to read as follows:
1 17 6. A person required to register as a sex offender shall
1 18 submit a DNA sample for DNA profiling pursuant to section
1 19 81.4.
1 20 Sec. 5. Section 692.2, subsection 1, paragraph b,
1 21 subparagraph (4), Code 2007, is amended by striking the
1 22 subparagraph.
1 23 Sec. 6. Section 692.2, Code 2007, is amended by adding the
1 24 following new subsection:
1 25 NEW SUBSECTION. 1A. The department may provide copies or
1 26 communicate information as provided in this subsection
1 27 regarding deferred judgment information upon receipt of
1 28 official notification of the successful completion of
1 29 probation following a deferred judgment. Deferred judgment
1 30 information regarding a person who successfully completed
1 31 probation shall only be disseminated by the department to a
1 32 criminal or juvenile justice agency, to the person who is the
1 33 subject of the deferred judgment information or the person's
1 34 attorney, or to another person with a signed release from the
1 35 person who is the subject of the deferred judgment information



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2 1 authorizing the requesting person access to the criminal
2 2 history data, or for any other purpose required by law.
2 3 Deferred judgment information shall be retained by the
2 4 department for the purpose of complying with this subsection
2 5 and for any other purpose required by law.

2 6 Sec. 7. NEW SECTION. 692.3 REDISSEMINATION OF ARREST
2 7 DATA AND OTHER INFORMATION.

2 8 A criminal or juvenile justice agency may disseminate
2 9 arrest data, and the name, photograph, physical description,
2 10 and other identifying information concerning a person who is
2 11 wanted or being sought if a warrant for the arrest of that
2 12 person has been issued. Information relating to any threat
2 13 the person may pose to the public may also be disseminated.
2 14 The information may be disseminated through any written,
2 15 audio, or visual means utilized by a criminal or juvenile
2 16 justice agency. Any dissemination of information pursuant
2 17 to this section shall also include the statement provided in
2 18 section 692.2, subsection 1, paragraph "b", subparagraph (5).

2 19 Sec. 8. Section 692.6, Code 2007, is amended to read as
2 20 follows:

2 21 692.6 CIVIL REMEDY.

2 22 Any person may institute a civil action for damages under
2 23 chapter 669 or 670 or to restrain the dissemination of the
2 24 person's criminal history data or intelligence data in
2 25 violation of this chapter, ~~and any person, agency or~~
~~2 26 governmental body proven to have disseminated or to have~~
~~2 27 requested and received criminal history data or intelligence~~
~~2 28 data in violation of this chapter shall be liable for actual~~
~~2 29 damages and exemplary damages for each violation and shall be~~
~~2 30 liable for court costs, expenses and reasonable attorneys'~~
~~2 31 fees incurred by the party bringing the action. In no case~~
~~2 32 shall the award for damages be less than one hundred dollars.~~

2 33 Sec. 9. Section 692.15, subsection 3, Code 2007, is
2 34 amended to read as follows:

2 35 3. The law enforcement agency making an arrest and



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3 1 securing fingerprints pursuant to section 690.2 or taking a
3 2 juvenile into custody and securing fingerprints pursuant to
3 3 section 232.148 shall fill out a final disposition report on
3 4 each arrest or taking into custody on a form and in the manner
3 5 prescribed by the commissioner of public safety. The final
3 6 disposition report shall be forwarded to the county attorney,
3 7 or at the discretion of the county attorney, to the clerk of
3 8 the district court, in the county where the arrest or taking
3 9 into custody occurred, or to the juvenile court officer who
3 10 received the referral, whichever is deemed appropriate under
3 11 the circumstances.

3 12 Sec. 10. Section 692.16, Code 2007, is amended to read as
3 13 follows:

3 14 692.16 REVIEW AND REMOVAL.

3 15 At least every year the division shall review and determine
3 16 current status of all Iowa arrests or takings into custody
3 17 reported, which are at least ~~one year~~ four years old with no
3 18 disposition data. Any Iowa arrest or taking of a juvenile
3 19 into custody recorded within a computer data storage system
3 20 which has no disposition data after four years shall be
3 21 removed unless there is an outstanding arrest warrant or
3 22 detainer on such charge.

3 23 Sec. 11. Section 725.9, subsection 2, Code 2007, is
3 24 amended by striking the subsection.

3 25 Sec. 12. Section 725.9, subsection 3, Code 2007, is
3 26 amended to read as follows:

3 27 3. "Gambling device" means a device used or adapted or
3 28 designed to be used for gambling and includes, but is not
3 29 limited to, roulette wheels, klondike tables, punchboards,
3 30 faro layouts, keno layouts, numbers tickets, slot machines,
3 31 pachislo skill=stop machine or any other similar machine or
3 32 device, pinball machines, push cards, jar tickets and
3 33 pull=tabs. However, "gambling device" does not include an
3 34 antique slot machine, ~~antique pinball machine,~~ or any device
3 35 regularly manufactured and offered for sale and sold as a toy,



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4 1 except that any use of such a toy, or antique slot machine ~~or~~
~~4 2 antique pinball machine~~ for gambling purposes constitutes
4 3 unlawful gambling.
4 4 Sec. 13. Section 809A.3, subsection 4, Code 2007, is
4 5 amended to read as follows:
4 6 4. Notwithstanding subsections 1 through 3, violations of
4 7 chapter 321 or 321J shall not be considered conduct giving
4 8 rise to forfeiture, except for violations of the following:
4 9 a. Section 321.232.
4 10 ~~a.~~ b. A second or subsequent violation of section
4 11 321J.4B, subsection 2, paragraph "b".
4 12 ~~b.~~ c. Section 321J.4B, subsection 9.
4 13 Sec. 14. Section 907.4, Code 2007, is amended to read as
4 14 follows:
4 15 907.4 DEFERRED JUDGMENT DOCKET.
4 16 1. A deferment of judgment under section 907.3 shall be
4 17 entered promptly by the clerk of the district court, or the
4 18 clerk's designee, into the deferred judgment database of the
4 19 state, which shall serve as the deferred judgment docket. The
4 20 docket shall contain a permanent record of the deferred
4 21 judgment including the name and date of birth of the
4 22 defendant, the district court docket number, the nature of the
4 23 offense, and the date of the deferred judgment. Before
4 24 granting deferred judgment in any case, the court shall search
4 25 the deferred judgment docket and shall consider any prior
4 26 record of a deferred judgment against the defendant. The
4 27 permanent record provided for in this section is a
4 28 confidential record exempted from public access under section
4 29 22.7 and shall be available only to justices of the supreme
4 30 court, judges of the court of appeals, district judges,
4 31 district associate judges, judicial magistrates, clerks of the
4 32 district court, judicial district departments of correctional
4 33 services, county attorneys, and the department of corrections
4 34 requesting information pursuant to this section, or the
4 35 designee of a justice, judge, magistrate, clerk, judicial



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5 1 district department of correctional services, or county
5 2 attorney, or department.
5 3 2. Notwithstanding subsection 1, deferred judgment
5 4 information may be disclosed by the department of public
5 5 safety as provided in section 692.2.

5 6 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
5 7 immediate importance, takes effect upon enactment.

5 8 EXPLANATION

5 9 This bill relates to department of public safety practices
5 10 and procedures.

5 11 The amendments to Code section 80.9 enhance the readability
5 12 of the Code section.

5 13 The amendment to Code section 81.2 specifies that a person
5 14 required to register as a sex offender shall submit a DNA
5 15 sample for DNA profiling.

5 16 The amendment to Code section 692.2 specifies that the
5 17 department of public safety may disseminate deferred judgment
5 18 information, after successful completion of probation, to the
5 19 following agencies or persons: a criminal or juvenile justice
5 20 agency; the person who is the subject of the deferred judgment
5 21 information or the person's attorney; or another person with a
5 22 signed release from the person who is the subject of the
5 23 deferred judgment information authorizing the requesting
5 24 person access to the criminal history data; or for any other
5 25 purpose required by law.

5 26 New Code section 692.3 provides that a criminal or juvenile
5 27 justice agency may redisseminate department of public safety
5 28 arrest data, and the name, photograph, physical description,
5 29 and other identifying information concerning a person who is
5 30 wanted or being sought if a warrant for the arrest of that
5 31 person has been issued. Information relating to any threat
5 32 the person may pose to the public may also be redisseminated
5 33 under the bill.

5 34 The amendment to Code section 692.6 eliminates specific
5 35 statutory damages that may be awarded to a person who brings a



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6 1 civil suit under Code chapter 669 (state tort claims), or Code
6 2 chapter 670 (tort liability of governmental subdivisions), or
6 3 to restrain the dissemination of the person's criminal history
6 4 data or intelligence data in violation of Code chapter 692.

6 5 The amendment to Code section 692.15 grants the county
6 6 attorney discretion to decide whether the final disposition
6 7 report of an arrest made in the county is forwarded to the
6 8 county attorney, or to the clerk of the district court in the
6 9 county where the arrest was made, or to a juvenile court
6 10 officer who received the referral, whichever is deemed
6 11 appropriate under the circumstances. Under current law the
6 12 final disposition report shall be forwarded by the law
6 13 enforcement agency making the arrest to the county attorney in
6 14 the county of arrest or to the juvenile court officer who
6 15 received the referral.

6 16 The amendment to Code section 692.16 provides that the
6 17 department of public safety shall annually review all arrests
6 18 or takings into custody which are at least four years old with
6 19 no disposition data. Current law provides the department
6 20 shall annually review all arrests or takings into custody
6 21 which are at least one year old with no disposition data.

6 22 The amendment to Code section 725.9 strikes the definition
6 23 of "antique pinball machine" and defines a pachislo skill-stop
6 24 machine as a "gambling device". The definition of "gambling
6 25 device" in Code section 725.9 also applies to Code chapter 99A
6 26 (possession of gambling device) and 99B (games of skill or
6 27 chance).

6 28 The amendment to Code section 809A.3 provides that a person
6 29 who violates Code section 321.232 (radar jamming devices) may
6 30 be subject to a forfeiture action. Current law prohibits a
6 31 forfeiture action for violations of Code chapter 321 (motor
6 32 vehicles and laws of the road).

6 33 The amendment to Code section 907.4 permits the department
6 34 of public safety to disclose confidential deferred judgment
6 35 information pursuant to Code section 692.2 as amended by the



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7 1 bill.
7 2 The bill takes effect upon enactment.
7 3 LSB 1263XD 82
7 4 jm:rj/gg/14.1



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Senate Study Bill 1189

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a civil judgment, decree, or order of a court
- 2 of a federally recognized Indian tribe and including an
- 3 applicability provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2001SC 82
- 6 rh/gg/14



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1 1 Section 1. Section 626A.1, Code 2007, is amended to read
1 2 as follows:
1 3 626A.1 DEFINITION.
1 4 As used in this chapter unless the context otherwise
1 5 requires, "foreign judgment" means a judgment, decree, or
1 6 order of a court of the United States, a court of a federally
1 7 recognized Indian tribe provided the cause of action accrued
1 8 on or after the effective date of this Act, or of any other
1 9 court which is entitled to full faith and credit in this
1 10 state.

1 11 Sec. 2. APPLICABILITY. This Act applies to judgments,
1 12 decrees, and orders of a federally recognized Indian tribe
1 13 relating to causes of action accruing on or after the
1 14 effective date of this Act. This Act shall not be construed
1 15 to diminish or increase any right under statutory or common
1 16 law to seek or obtain the enforcement of judgments, decrees,
1 17 and orders of a federally recognized Indian tribe relating to
1 18 causes of action accruing before the effective date of this
1 19 Act.

1 20 EXPLANATION

1 21 This bill relates to a civil judgment, decree, or order of
1 22 a court of a federally recognized Indian tribe.

1 23 The bill provides that a civil judgment, decree, or order
1 24 issued by a federally recognized Indian tribe that is based
1 25 upon a cause of action that accrued on or after the effective
1 26 date of the bill, may be recognized and enforced in the same
1 27 manner as a judgment, decree, or order of a district court of
1 28 this state, subject to the requirements of Code Chapter 626A,
1 29 Iowa's uniform enforcement of foreign judgments Act.

1 30 The bill applies to judgments, decrees, and orders of a
1 31 federally recognized Indian tribe relating to causes of action
1 32 accruing on or after the effective date of the bill. The bill
1 33 shall not be construed to diminish or increase any right under
1 34 statutory or common law to seek or obtain the enforcement of
1 35 judgments, decrees, and orders of a federally recognized



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- 2 1 Indian tribe relating to causes of action accruing before the
- 2 2 effective date of the bill.
- 2 3 LSB 2001SC 82
- 2 4 rh:rj/gg/14