



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 08, 2007

House Amendment 1050

PAG LIN

1 1 Amend House File 286 as follows:
1 2 #1. Page 1, line 7, by striking the word <four>
1 3 and inserting the following: <six>.
1 4
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1 7 GIPP of Winneshiek
1 8 HF 286.301 82
1 9 ak/cf/6728
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House Amendment 1051

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1 1 Amend House File 286 as follows:
1 2 #1. Page 1, line 7, by striking the words <four
1 3 percent> and inserting the following: <six percent
1 4 with any property tax increase caused as a result of
1 5 this state percent of growth paid for by the state>.
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1 9 GIPP of Winneshiek
1 10 HF 286.501 82
1 11 ak/je/6726
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House File 260 - Introduced continued

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1 1 Section 1. Section 124.101, subsection 17, Code 2007, is
1 2 amended to read as follows:
1 3 17. "Isomer" means the optical isomer, except as used in
1 4 section 124.204, subsection 4, ~~section 124.204, subsection 9,~~
~~1 5 paragraph "b",~~ and section 124.206, subsection 2, paragraph
1 6 "d". As used in section 124.204, subsection 4, ~~and section~~
~~1 7 124.204, subsection 9, paragraph "b",~~ "isomer" means the
1 8 optical, positional, or geometric isomer. As used in section
1 9 124.206, subsection 2, paragraph "d", "isomer" means the
1 10 optical or geometric isomer.
1 11 Sec. 2. Section 124.204, subsection 2, unnumbered
1 12 paragraph 1, Code 2007, is amended to read as follows:
1 13 Unless specifically excepted or unless listed in another
1 14 schedule, any of the following opiates, including their
1 15 isomers, esters, ethers, salts, and salts of isomers, esters,
1 16 and ethers, whenever the existence of ~~these~~ such isomers,
1 17 esters, ethers, and salts is possible within the specific
1 18 chemical designation:
1 19 Sec. 3. Section 124.204, subsection 2, paragraph ax, Code
1 20 2007, is amended to read as follows:
1 21 ax. 3-Methylfentanyl (N=[3-methyl-1-(2-phenylethyl)-
1 22 4-piperidyl]=N-phenylpropanamide). For purposes of this
1 23 opiate, "isomers" include optical and geometric isomers.
1 24 Sec. 4. Section 124.204, subsection 4, paragraph u, Code
1 25 2007, is amended to read as follows:
1 26 u. Tetrahydrocannabinols, except as otherwise provided by
1 27 rules of the board of pharmacy examiners for medicinal
1 28 purposes. ~~Synthetic, meaning tetrahydrocannabinols naturally~~
1 29 contained in a plant of the genus Cannabis (Cannabis plant) as
1 30 well as synthetic equivalents of the substances contained in
1 31 the Cannabis plant, or in the resinous extractives of Cannabis
~~1 32 sp. such plant, and synthetic substances, derivatives, and~~
1 33 their isomers with similar chemical structure and
1 34 pharmacological activity to those substances contained in the
1 35 plant, such as the following:



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House File 260 - Introduced continued

2 1 (1) 1 cis or trans tetrahydrocannabinol, and their optical
2 2 isomers, ~~excluding dronabinol in sesame oil and encapsulated~~
~~2 3 in a soft gelatin capsule in a drug product approved by the~~
~~2 4 United States food and drug administration.~~

2 5 (2) 6 cis or trans tetrahydrocannabinol, and their optical
2 6 isomers.

2 7 (3) 3,4 cis or trans tetrahydrocannabinol, and their
2 8 optical isomers. (Since nomenclature of these substances is
2 9 not internationally standardized, compounds of these
2 10 structures, regardless of numerical designation of atomic
2 11 positions covered.)

2 12 Sec. 5. Section 124.204, subsection 4, Code 2007, is
2 13 amended by adding the following new paragraphs:

2 14 NEW PARAGRAPH. af. 2,5-dimethoxy-4-(n)-propylthiophen-
2 15 ethylamine. Other name: 2C=T=7.

2 16 NEW PARAGRAPH. ag. Alpha-methyltryptamine. Other name:
2 17 AMT.

2 18 NEW PARAGRAPH. ah. 5-methoxy-N,N-diisopropyltryptamine.
2 19 Other name: 5=MeO=DIPT.

2 20 Sec. 6. Section 124.204, subsection 5, unnumbered
2 21 paragraph 1, Code 2007, is amended to read as follows:

2 22 Unless specifically ~~exempted~~ excepted or unless listed in
2 23 another schedule, any material, compound, mixture, or
2 24 preparation which contains any quantity of the following
2 25 substances having a depressant effect on the central nervous
2 26 system, their salts, isomers, and salts of isomers, whenever
2 27 the existence of these salts, isomers, and salts of isomers is
2 28 possible within the specific chemical designation:

2 29 Sec. 7. Section 124.204, subsection 6, Code 2007, is
2 30 amended by adding the following new paragraph:

2 31 NEW PARAGRAPH. h. N-benzylpiperazine. Some other names:
2 32 BZP, l-benzylpiperazine.

2 33 Sec. 8. Section 124.206, subsection 2, paragraphs a and d,
2 34 Code 2007, are amended to read as follows:

2 35 a. Opium and opiate, and any salt, compound, derivative,



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3 1 or preparation of opium or opiate, excluding apomorphine,
3 2 thebaine=derived butorphanol, dextrorphan, nalbuphine,
3 3 nalmefene, naloxone, and naltrexone, and their respective
3 4 salts, but including the following:

- 3 5 (1) Raw opium.
- 3 6 (2) Opium extracts.
- 3 7 (3) Opium fluid ~~extracts~~.
- 3 8 (4) Powdered opium.
- 3 9 (5) Granulated opium.
- 3 10 (6) Tincture of opium.
- 3 11 (7) Codeine.
- 3 12 (8) Ethylmorphine.
- 3 13 (9) Etorphine hydrochloride.
- 3 14 (10) Hydrocodone, also known as dihydrocodeinone.
- 3 15 (11) Hydromorphone, also known as dihydromorphinone.
- 3 16 (12) Metopon.
- 3 17 (13) Morphine.
- 3 18 (14) Oxycodone.
- 3 19 (15) Oxymorphone.
- 3 20 (16) Thebaine.
- 3 21 (17) Dihydroetorphine.

3 22 d. Coca leaves and any salt, compound, derivative, or
3 23 preparation of coca leaves. Decocainized coca leaves or
3 24 extractions of coca leaves, which extractions do not contain
3 25 cocaine or ecgonine, are excluded from this paragraph. The
3 26 following substances and their salts, optical and geometric
3 27 isomers, derivatives, and salts of isomers and derivatives and
3 28 optical and geometric isomers, if salts, isomers, derivatives,
~~3 29 or salts of isomers and derivatives exist under the specific~~
~~3 30 chemical designation and any salt, compound, derivative, or~~
3 31 preparation thereof that is chemically equivalent or identical
3 32 to any of such substances, are included in this paragraph:

- 3 33 (1) Cocaine.
- 3 34 (2) Ecgonine.
- 3 35 Sec. 9. Section 124.206, subsection 6, paragraph a, Code



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4 1 2007, is amended to read as follows:

4 2 a. ~~Immediate~~ Phenylacetone, an immediate precursor to
4 3 amphetamine and methamphetamine+

4 4 (1) ~~Phenylacetone~~. Some trade or other names:

4 5 phenyl=2=propanone; P2P; benzyl methyl ketone; methyl benzyl
4 6 ketone.

4 7 Sec. 10. Section 124.208, subsection 5, paragraph a,
4 8 subparagraph (5), Code 2007, is amended to read as follows:

4 9 (5) Not more than one point eight grams of dihydrocodeine
4 10 ~~(another name: hydrocodone)~~ per one hundred milliliters or
4 11 not more than ninety milligrams per dosage unit, with one or
4 12 more active, nonnarcotic ingredients in recognized therapeutic
4 13 amounts.

4 14 Sec. 11. Section 124.208, subsection 6, Code 2007, is
4 15 amended by striking the subsection and inserting in lieu
4 16 thereof the following:

4 17 6. ANABOLIC STEROIDS. Unless specifically excepted in
4 18 subsection 6A or unless listed in another schedule, any
4 19 material, compound, mixture, or preparation containing any
4 20 quantity of the following substances, including their salts,
4 21 esters, and ethers:

4 22 a. 3[beta],17=dihydroxy=5[alpha]=androstane.

4 23 b. 3[alpha],17[beta]=dihydroxy=5[alpha]=androstane.

4 24 c. 5[alpha]=androstane=3,17=dione.

4 25 d. 1=androstenediol(3[beta],17[beta]=dihydroxy=5[alpha]=
4 26 androst=1=ene).

4 27 e. 1=androstenediol (3[alpha],17[beta]=dihydroxy=5[alpha]=
4 28 androst=1=ene).

4 29 f. 4=androstenediol (3[beta],17[beta]=dihydroxy=androst=
4 30 4=ene).

4 31 g. 5=androstenediol (3[beta],17[beta]=dihydroxy=androst=
4 32 5=ene).

4 33 h. 1=androstenedione ([5[alpha]]=androst=1=en=3,17=dione).

4 34 i. 4=androstenedione (androst=4=en=3,17=dione).

4 35 j. 5=androstenedione (androst=5=en=3,17=dione).



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- 5 1 k. Bolasterone (7[alpha],17[alpha]=dimethyl=17[beta]=
- 5 2 hydroxyandrost=4=en=3=one).
- 5 3 l. Boldenone (17[beta]=hydroxyandrost=1,4=diene=3=one).
- 5 4 m. Calusterone (7[beta],17[alpha]=dimethyl=17[beta]=hydroxy-
- 5 5 androst=4=en=3=one).
- 5 6 n. Clostebol (4=chloro=17[beta]=hydroxyandrost=4=en=3=one).
- 5 7 o. Dehydrochloromethyltestosterone (4=chloro=17[beta]=
- 5 8 hydroxy=17[alpha]=methylandrost=1,4=dien=3=one).
- 5 9 p. [Delta]1=dihydrotestosterone (a.k.a. 1=testosterone)
- 5 10 (17[beta]=hydroxy=5[alpha]=androst=1=en=3=one).
- 5 11 q. 4=dihydrotestosterone (17[beta]=hydroxy=androstan=3=one).
- 5 12 r. Drostanolone (17[beta]=hydroxy=2[alpha]=methyl=5[alpha]=
- 5 13 androstan=3=one).
- 5 14 s. Ethylestrenol (17[alpha]=ethyl=17[beta]=hydroxyestr=
- 5 15 4=ene).
- 5 16 t. Fluoxymesterone (9=fluoro=17[alpha]=methyl=11[beta],
- 5 17 17[beta]=dihydroxyandrost=4=en=3=one).
- 5 18 u. Formebolone (2=formyl=17[alpha]=methyl=11[alpha],
- 5 19 17[beta]=dihydroxyandrost=1,4=dien=3=one).
- 5 20 v. Furazabol (17[alpha]=methyl=17[beta]=hydroxy-
- 5 21 androstano[2,3=c]=furazan).
- 5 22 w. 13[beta]=ethyl=17[beta]=hydroxygon=4=en=3=one.
- 5 23 x. 4=hydroxytestosterone (4,17[beta]=dihydroxy=androst=
- 5 24 4=en=3=one).
- 5 25 y. 4=hydroxy=19=nortestosterone (4,17[beta]=dihydroxy=estr=
- 5 26 4=en=3=one).
- 5 27 z. Mestanolone (17[alpha]=methyl=17[beta]=hydroxy=5[alpha]=
- 5 28 androstan=3=one).
- 5 29 aa. Mesterolone (1[alpha]methyl=17[beta]=hydroxy=[5[alpha]]=
- 5 30 androstan=3=one).
- 5 31 ab. Methandienone (17[alpha]=methyl=17[beta]=hydroxyandrost=
- 5 32 1,4=dien=3=one).
- 5 33 ac. Methandriol (17[alpha]=methyl=3[beta],17[beta]=dihydroxy-
- 5 34 androst=5=ene).
- 5 35 ad. Methenolone (1=methyl=17[beta]=hydroxy=5[alpha]=androst=



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- 6 1 1=en=3=one).
- 6 2 ae. 17[alpha]=methyl=3[beta],17[beta]=dihydroxy=5[alpha]=
- 6 3 androstane.
- 6 4 af. 17[alpha]=methyl=3[alpha],17[beta]=dihydroxy=5[alpha]=
- 6 5 androstane.
- 6 6 ag. 17[alpha]=methyl=3[beta],17[beta]=dihydroxyandrost=4=ene.
- 6 7 ah. 17[alpha]=methyl=4=hydroxynandrolone (17[alpha]=methyl=
- 6 8 4=hydroxy=17[beta]=hydroxyestr=4=en=3=one).
- 6 9 ai. Methyldienolone (17[alpha]=methyl=17[beta]=hydroxyestra=
- 6 10 4,9(10)=dien=3=one).
- 6 11 aj. Methyltrienolone (17[alpha]=methyl=17[beta]=hydroxyestra=
- 6 12 4,9=11=trien=3=one).
- 6 13 ak. Methyltestosterone (17[alpha]=methyl=17[beta]=hydroxy-
- 6 14 androst=4=en=3=one).
- 6 15 al. Mibolerone (7[alpha],17[alpha]=dimethyl=17[beta]=hydroxy-
- 6 16 estr=4=en=3=one).
- 6 17 am. 17[alpha]=methyl=[Delta]1=dihydrotestosterone (17b[beta]=
- 6 18 hydroxy=17[alpha]=methyl=5[alpha]=androst=1=en=3=one) (a.k.a.
- 6 19 17=[alpha]=methyl=1=testosterone).
- 6 20 an. Nandrolone (17[beta]=hydroxyestr=4=en=3=one).
- 6 21 ao. 19=nor=4=androstenediol (3[beta],17[beta]=dihydroxy-
- 6 22 estr=4=ene).
- 6 23 ap. 19=nor=4=androstenediol (3[alpha],17[beta]=dihydroxy-
- 6 24 estr=4=ene).
- 6 25 aq. 19=nor=5=androstenediol (3[beta],17[beta]=dihydroxy-
- 6 26 estr=5=ene).
- 6 27 ar. 19=nor=5=androstenediol (3[alpha],17[beta]=dihydroxy-
- 6 28 estr=5=ene).
- 6 29 as. 19=nor=4=androstenedione (estr=4=en=3,17=dione).
- 6 30 at. 19=nor=5=androstenedione (estr=5=en=3,17=dione).
- 6 31 au. Norbolethone (13[beta],17[alpha]=diethyl=17[beta]=
- 6 32 hydroxygon=4=en=3=one).
- 6 33 av. Norclostebol (4=chloro=17[beta]=hydroxyestr=4=en=3=one).
- 6 34 aw. Norethandrolone (17[alpha]=ethyl=17[beta]=hydroxy-
- 6 35 estr=4=en=3=one).



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7 1 ax. Normethandrolone (17[alpha]=methyl=17[beta]=hydroxy-
7 2 estr=4=en=3=one).
7 3 ay. Oxandrolone (17[alpha]=methyl=17[beta]=hydroxy=2=oxa=
7 4 [5[alpha]]=androstan=3=one).
7 5 az. Oxymesterone (17[alpha]=methyl=4,17[beta]=dihydroxy-
7 6 androst=4=en=3=one).
7 7 ba. Oxymetholone (17[alpha]=methyl=2=hydroxymethylene=
7 8 17[beta]=hydroxy=[5[alpha]]=androstan=3=one).
7 9 bb. Stanozolol (17[alpha]=methyl=17[beta]=hydroxy=[5[alpha]]=
7 10 androst=2=eno[3,2=c]=pyrazole).
7 11 bc. Stenbolone (17[beta]=hydroxy=2=methyl=[5[alpha]]=
7 12 androst=1=en=3=one).
7 13 bd. Testolactone (13=hydroxy=3=oxo=13,17=secoandrosta=1,4=
7 14 dien=17=ois acid lactone).
7 15 be. Testosterone (17[beta]=hydroxyandrost=4=en=3=one).
7 16 bf. Tetrahydrogestrinone (13[beta],
7 17 17[alpha]=diethyl=17[beta]=hydroxygon=4,9,11=trien=3=one).
7 18 bg. Trenbolone (17[beta]=hydroxyestr=4,9,11=trien=3=one).
7 19 Sec. 12. Section 124.208, Code 2007, is amended by adding
7 20 the following new subsection:
7 21 NEW SUBSECTION. 6A. EXCLUSIONS == ANABOLIC STEROIDS.
7 22 This section shall not apply to an anabolic steroid that is
7 23 expressly intended for administration through implants to
7 24 cattle or other nonhuman species and that has been approved
7 25 for such administration. A person who prescribes, dispenses,
7 26 or distributes such steroid for human use shall be considered
7 27 to have prescribed, dispensed, or distributed an anabolic
7 28 steroid subject to this section. This section shall not apply
7 29 to estrogens, progestins, corticosteroids, or
7 30 dehydroepiandrosterone.
7 31 Sec. 13. Section 124.210, subsection 3, Code 2007, is
7 32 amended by adding the following new paragraph:
7 33 NEW PARAGRAPH. ay. Zopiclone.
7 34 Sec. 14. Section 124.210, subsection 4, Code 2007, is
7 35 amended to read as follows:



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8 1 4. FENFLURAMINE. Any material, compound, mixture, or
8 2 preparation which contains any quantity of ~~the following~~
~~8 3 substances~~ fenfluramine, including its salts, isomers (whether
8 4 optical, position, or geometric), and salts of such isomers,
8 5 whenever the existence of such salts, isomers, and salts of
8 6 isomers is possible:

8 7 a. ~~Fenfluramine.~~
8 8 Sec. 15. Section 124.212, subsection 3, Code 2007, is
8 9 amended to read as follows:

8 10 3. STIMULANTS. Unless specifically ~~excepted~~ exempted or
8 11 excluded or unless listed in another schedule, any material,
8 12 compound, mixture, or preparation which contains any quantity
8 13 of pyrovalerone, including its salts, isomers, and salts of
8 14 isomers.

8 15 Sec. 16. Section 124.212, Code 2007, is amended by adding
8 16 the following new subsection:

8 17 NEW SUBSECTION. 5. DEPRESSANTS. Unless specifically
8 18 exempted or excluded or unless listed in another schedule, any
8 19 material, compound, mixture, or preparation that contains any
8 20 quantity of the following substance having a depressant effect
8 21 on the central nervous system, including its salts:
8 22 pregabalin [(S)=3=(aminomethyl)=5=methylhexanoic acid].

8 23 Sec. 17. Section 124.308, subsection 3, Code 2007, is
8 24 amended to read as follows:

8 25 3. In emergency situations, as defined by rule of the
8 26 board, schedule II drugs may be dispensed upon electronic,
8 27 facsimile, or oral prescription of a practitioner, reduced
8 28 promptly to writing and filed by the pharmacy. Prescriptions
8 29 shall be retained in conformity with the requirements of
8 30 section 124.306. No prescription for a schedule II substance
8 31 may be refilled.

8 32 Sec. 18. Section 124.401, subsection 1, paragraph b,
8 33 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
8 34 Code 2007, are amended to read as follows:

8 35 (a) Coca leaves, except coca leaves and extracts of coca
9 1 leaves from which cocaine, ecgonine, and derivatives of
9 2 ecgonine ~~or~~ and their salts have been removed.

9 3 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
9 4 or salts of isomers.

9 5 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
9 6 or salts of isomers.

9 7 Sec. 19. Section 124.553, subsection 3, Code 2007, is
9 8 amended to read as follows:

9 9 3. Information contained in the program and any
9 10 information obtained from it, and information contained in the
9 11 records of requests for information from the program, is
9 12 privileged and strictly confidential information. Such
9 13 information is ~~not~~ a confidential public record pursuant to
9 14 ~~chapter 22~~ section 22.7, and is not subject to discovery,
9 15 subpoena, or other means of legal compulsion for release
9 16 except as provided in this division. Information from the
9 17 program shall not be released, shared with an agency or
9 18 institution, or made public except as provided in this
9 19 division.

9 20 Sec. 20. Section 126.2, subsection 2, Code 2007, is
9 21 amended to read as follows:



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9 22 2. "Anabolic steroid" means any ~~anabolic steroid,~~
9 23 ~~including, but not limited to oxymetholone, oxandrolone,~~
9 24 ~~ethylestrenol, methandrostenolone, stanozolol, nandrolone~~
9 25 ~~phenpropionate, nandrolone decanoate,~~ drug or hormonal
9 26 substance, chemically and pharmacologically related to
9 27 testosterone, other than estrogens, progestins,
9 28 corticosteroids, or dehydroepiandrosterone, which substance is
9 29 identified as an anabolic steroid in section 124.208,
9 30 subsection 6, and includes any other substance designated by
9 31 the board as an anabolic steroid through the adoption of rules
9 32 pursuant to chapter 17A.

9 33 EXPLANATION

9 34 This bill makes various changes relating to controlled
9 35 substances to correspond with recent amendments to federal



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10 1 controlled substances laws and regulations and to make
10 2 technical and corresponding corrections.
10 3 The bill amends the definition of "isomer" for purposes of
10 4 the schedule I controlled substance thenylfentanyl to include
10 5 only optical isomers rather than optical, positional, and
10 6 geometric isomers. The bill also provides that the use of the
10 7 term "isomer" in reference to the schedule I controlled
10 8 substance 3-methylfentanyl includes optical and geometric
10 9 isomers.

10 10 The bill modifies the description of the schedule I
10 11 controlled substance tetrahydrocannabinol (a hallucinogenic
10 12 substance) to clarify that both natural and synthetic
10 13 substances are included and to make other changes in accord
10 14 with federal law. The bill also adds three other
10 15 hallucinogenic substances to the list of schedule I controlled
10 16 substances: 2C=T=7; AMT; and 5=MeO=DIPT. In addition, the
10 17 bill adds the stimulant BZP to the list of schedule I
10 18 controlled substances.

10 19 The bill amends the list of schedule II controlled
10 20 substances to include in the list of opiates dihydroetorphine
10 21 and a modified description of coca leaves; salts, compounds,
10 22 derivatives, and preparations of coca leaves; and the
10 23 substances cocaine and ecgonine or their equivalents.

10 24 The bill expands the list of anabolic steroids regulated as
10 25 schedule III controlled substances in Code chapter 124 and
10 26 amends the definition of "anabolic steroid" in Code chapter
10 27 126, the "Iowa Drug, Device, and Cosmetic Act".

10 28 The bill adds the depressant zopiclone to the list of
10 29 schedule IV controlled substances and the depressant
10 30 pregabalin to the list of schedule V controlled substances.

10 31 In addition, the bill provides that in emergency
10 32 situations, schedule II drugs may be dispensed upon electronic
10 33 or facsimile prescription of a practitioner. The prescription
10 34 must be reduced to writing and filed by the pharmacy and
10 35 retained in conformity with the requirements of Code section



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11 1 124.306. Current law provides for emergency dispensing upon
11 2 oral prescription if promptly reduced to writing and filed by
11 3 the pharmacy. Current law also allows electronic and
11 4 facsimile prescriptions provided that the original signed
11 5 prescription is presented to the pharmacist prior to the
11 6 dispensing of the schedule II controlled substance or, if
11 7 permitted by federal law, the electronic or facsimile
11 8 prescription may serve as the original signed prescription.
11 9 The bill also makes a change in provisions enacted in 2006
11 10 relating to the information program for drug prescribing and
11 11 dispensing to be established and maintained by the board of
11 12 pharmacy examiners. The bill conforms the language in Code
11 13 section 124.553, relating to the status of information
11 14 contained in the program, obtained from the program, and
11 15 contained in the records of requests for information from the
11 16 program, to language in Code section 22.7 making such
11 17 information a confidential public record.
11 18 All penalties applicable to the manufacture, delivery, or
11 19 possession of controlled substances under Code chapter 124 are
11 20 applicable to the controlled substances added to the various
11 21 schedules of controlled substances pursuant to the bill.
11 22 LSB 1091HV 82
11 23 nh:rj/gg/14



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House File 261 - 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 distribution and reporting requirements for
- 2 endow Iowa grants and county endowment moneys.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1004HH 82
- 5 tm/es/88



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1 1 Section 1. Section 15E.304, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. Endow Iowa grants awarded to new and existing endow
1 4 Iowa qualified community foundations and to community
1 5 affiliate organizations shall not exceed twenty-five thousand
1 6 dollars per foundation or organization unless a foundation or
1 7 organization demonstrates a multiple county or regional
1 8 approach. Endow Iowa grants may be awarded on an annual basis
1 9 with not more than three grants going to one county in a
1 10 fiscal year. A recipient of an endow Iowa grant shall invest
1 11 at least fifteen percent of the grant to benefit a census
1 12 tract where ten percent or more of the population in the
1 13 census tract is at or below the family poverty rate based on
1 14 the 2000 census or, if no such census tract exists in the
1 15 county where the recipient is located, at least fifteen
1 16 percent of the grant shall be invested to benefit the census
1 17 tract with the highest percentage of the population at or
1 18 below the family poverty rate.

1 19 Sec. 2. Section 15E.311, subsection 3, paragraph a, as
1 20 amended by 2006 Iowa Acts, chapter 1151, section 4, is amended
1 21 to read as follows:
1 22 a. At the end of each fiscal year, moneys in the fund
1 23 shall be transferred into separate accounts within the fund
1 24 and designated for use by each county in which no licensee
1 25 authorized to conduct gambling games under chapter 99F was
1 26 located during that fiscal year. Moneys transferred to county
1 27 accounts shall be divided equally among the counties. Moneys
1 28 transferred into an account for a county shall be transferred
1 29 by the department to an eligible county recipient for that
1 30 county. Of the moneys transferred, an eligible county
1 31 recipient shall distribute seventy-five percent of the moneys
1 32 as grants to charitable organizations for charitable purposes
1 33 in that county and shall retain twenty-five percent of the
1 34 moneys for use in establishing a permanent endowment fund for
1 35 the benefit of charitable organizations for charitable



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House File 261 - Introduced continued

2 1 purposes. Of the amounts distributed, eligible county
2 2 recipients shall give special consideration to grants for
2 3 projects that include significant vertical infrastructure
2 4 components designed to enhance quality of life aspects within
2 5 local communities. In addition, eligible county recipients
2 6 shall submit an annual report to the department listing the
2 7 charitable organizations receiving grants, and the amounts
2 8 received, during the previous fiscal year. The department
2 9 shall make each report available to the public. In addition,
2 10 as a condition of receiving a grant, the governing body of a
2 11 charitable organization receiving a grant shall approve all
2 12 expenditures of grant moneys and shall allow a state audit of
2 13 expenditures of all grant moneys. Of the seventy-five percent
2 14 distributed as grants by the eligible county recipient, at
2 15 least fifteen percent shall be invested to benefit a census
2 16 tract where ten percent or more of the population in the
2 17 census tract is at or below the family poverty rate based on
2 18 the 2000 census or, if no such census tract exists in the
2 19 eligible county recipient's county, at least fifteen percent
2 20 shall be invested to benefit the census tract with the highest
2 21 percentage of the population at or below the family poverty
2 22 rate.

2 23 EXPLANATION

2 24 This bill relates to distribution and reporting
2 25 requirements for endow Iowa grants and county endowment
2 26 moneys.

2 27 The bill provides that a recipient of an endow Iowa grant
2 28 shall invest at least 15 percent of the grant to benefit a
2 29 census tract where 10 percent or more of the population in the
2 30 census tract is at or below the family poverty rate or, if no
2 31 such census tract exists in the county where the recipient is
2 32 located, at least 15 percent of the grant shall be invested to
2 33 benefit the census tract with the highest percentage of the
2 34 population at or below the family poverty rate.

2 35 The bill requires eligible county recipients of county



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3 1 endowment moneys to submit an annual report to the department
3 2 of economic development listing the charitable organizations
3 3 receiving grants, and the amounts received during the previous
3 4 fiscal year. The bill provides that, of moneys distributed in
3 5 the form of grants by the eligible county recipient, at least
3 6 15 percent shall be invested to benefit a census tract where
3 7 10 percent or more of the population in the census tract is at
3 8 or below the family poverty rate or, if no such census tract
3 9 exists in the eligible county recipient's county, at least 15
3 10 percent shall be invested to benefit the census tract with the
3 11 highest percentage of the population at or below the family
3 12 poverty rate.
3 13 LSB 1004HH 82
3 14 tm:nh/es/88



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House File 262 - 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 for a driver's license
2 or nonoperator's identification card prior to an inmate's
3 release from confinement.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2201HH 82
6 dea/je/5



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House File 262 - Introduced continued

PAG LIN

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 The department, in consultation with the department of
1 14 corrections, shall establish procedures to process an inmate's
1 15 application form and notify the inmate of approval or
1 16 rejection of the information in the application prior to the
1 17 inmate's release from confinement, as provided in section
1 18 906.10. Such an application, once approved, shall be valid
1 19 for seven calendar days following the date of the inmate's
1 20 release.

1 21 Sec. 2. Section 321.190, subsection 1, paragraph a, Code
1 22 2007, is amended to read as follows:
1 23 a. The department shall, upon application and payment of
1 24 the required fee, issue to an applicant a nonoperator's
1 25 identification card. To be valid the card shall bear a
1 26 distinguishing number other than a social security number
1 27 assigned to the cardholder, the full name, date of birth, sex,
1 28 residence address, a physical description and a colored
1 29 photograph of the cardholder, the usual signature of the
1 30 cardholder, and such other information as the department may
1 31 require by rule. An applicant for a nonoperator's
1 32 identification card shall apply for the card in the manner
1 33 provided in section 321.182, subsections 1 through 3. The
1 34 card shall be issued to the applicant at the time of
1 35 application pursuant to procedures established by rule.



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2 1 However, if the application has been completed and approved in
2 2 advance of the applicant's release from confinement pursuant
2 3 to section 906.10, the card shall be issued upon the
2 4 applicant's appearance in person at the driver's license
2 5 station or county treasurer's office and payment of the proper
2 6 fee within seven calendar days from the date of release. An
2 7 applicant for a nonoperator's identification card who is
2 8 required by 50 U.S.C. app. } 451 et seq. to register with the
2 9 United States selective service system shall be registered by
2 10 the department with the selective service system as provided
2 11 in section 321.183.

2 12 Sec. 3. NEW SECTION. 906.10 DRIVER'S LICENSES AND
2 13 NONOPERATOR'S IDENTIFICATION CARDS == APPLICATIONS.

2 14 Upon notification that an inmate is to be discharged,
2 15 paroled, or placed on work release, the warden or
2 16 superintendent shall provide the inmate an opportunity to
2 17 complete an application form for a driver's license or
2 18 nonoperator's identification card, or for renewal of an
2 19 expired driver's license, prior to release from confinement.
2 20 The department of corrections, in consultation with the
2 21 department of transportation, shall establish procedures to
2 22 assist inmates in meeting the application requirements
2 23 provided in section 321.182, including proof-of-identity
2 24 requirements and provision of a mailing address and
2 25 residential address that will be valid for the person upon
2 26 release from confinement. Completed applications shall be
2 27 forwarded to the department of transportation or the
2 28 appropriate county treasurer for approval. This section does
2 29 not exempt an applicant from any of the requirements for
2 30 issuance of a driver's license or nonoperator's identification
2 31 card or payment of the applicable fees under chapter 321.

2 32 EXPLANATION

2 33 This bill provides a process by which an inmate who is
2 34 about to be discharged, paroled, or put on work release may
2 35 apply for a driver's license or nonoperator's identification



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3 1 card, or apply to renew an expired license, prior to release
3 2 from confinement. The department of corrections, in
3 3 consultation with the department of transportation, is to
3 4 establish procedures to assist an inmate in completing the
3 5 application process, including meeting proof-of-identity
3 6 requirements and providing appropriate residence and mailing
3 7 addresses. The application is to be forwarded to the
3 8 department of transportation or the applicable county
3 9 treasurer's office for approval. An inmate who completes the
3 10 application process and is notified that the application has
3 11 been approved in advance of release from confinement has seven
3 12 calendar days after the date of the inmate's release to appear
3 13 in person and meet the remaining requirements, including
3 14 payment of fees, for licensure or issuance of a nonoperator's
3 15 identification card. The department of transportation, in
3 16 consultation with the department of corrections, is to develop
3 17 procedures to facilitate the approval and notification
3 18 process.
3 19 LSB 2201HH 82
3 20 dea:nh/je/5



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House File 263 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act making an appropriation for distribution to community
2 colleges for the development of adult English language learner
3 instruction programs to be offered in employee workplaces.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2065HH 82
6 kh/es/88



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House File 263 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF EDUCATION == ADULT ENGLISH
1 2 LANGUAGE LEARNERS. There is appropriated from the general
1 3 fund of the state to the department of education for the
1 4 fiscal year beginning July 1, 2007, and ending June 30, 2008,
1 5 the following amount, or so much thereof as is necessary, to
1 6 be used for the purpose designated:
1 7 For distribution to community colleges for the development
1 8 of adult English language learner instruction programs to be
1 9 offered in workplaces to employees who are limited English
1 10 proficient:
1 11 \$ 750,000
1 12 From the funds appropriated in this subsection, \$50,000
1 13 shall be distributed to each community college for use in
1 14 accordance with this section.
1 15 EXPLANATION
1 16 This bill appropriates moneys from the general fund of the
1 17 state for FY 2007=2008 to the department of education for
1 18 allocation to community colleges, in the amount of \$50,000 per
1 19 institution, for the development of adult English language
1 20 learner instruction programs to be offered in workplaces to
1 21 employees who are limited English proficient.
1 22 LSB 2065HH 82
1 23 kh:rj/es/88



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House File 264 - 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 technical assistance for certain recipients of
- 2 moneys from the grow Iowa values fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2355HH 82
- 5 tm/gg/14



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House File 264 - Introduced continued

PAG LIN

1 1 Section 1. Section 15G.111, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. The department shall provide technical
1 4 assistance for hiring and retaining employees from minority
1 5 populations to all recipients of moneys appropriated pursuant
1 6 to this subsection to the department.
1 7 EXPLANATION
1 8 This bill relates to technical assistance for certain
1 9 recipients of moneys from the grow Iowa values fund.
1 10 The bill provides that the department of economic
1 11 development shall provide technical assistance for hiring and
1 12 retaining employees from minority populations to all
1 13 recipients of moneys appropriated from the grow Iowa values
1 14 fund to the department.
1 15 LSB 2355HH 82
1 16 tm:rj/gg/14



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House File 265 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act concerning the appointment of minorities to appointive
- 2 boards, commissions, committees, and councils.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2080HH 82
- 5 ec/es/88



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PAG LIN

1 1 Section 1. NEW SECTION. 69.16B MINORITY REPRESENTATION.
1 2 All appointive boards, commissions, committees, and
1 3 councils of the state established by the Code if not otherwise
1 4 provided by law should provide, to the extent practicable, for
1 5 minority representation. All appointing authorities of
1 6 boards, commissions, committees, and councils subject to this
1 7 section should consider qualified minority persons for
1 8 appointment to boards, commissions, committees, and councils.
1 9 For purposes of this section, "minority" means a minority
1 10 person as defined in section 15.102.

1 11 EXPLANATION

1 12 This bill provides that all appointive boards, commissions,
1 13 committees, and councils established by the Code should
1 14 provide for minority representation. The bill provides that
1 15 appointing authorities should consider qualified minority
1 16 persons for appointment to such boards, commissions,
1 17 committees, and councils. A minority person means an
1 18 individual who is a Black, Hispanic, Asian or Pacific
1 19 Islander, American Indian, or Alaskan native American.

1 20 LSB 2080HH 82

1 21 ec:rj/es/88.1



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House File 266 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act concerning the marking or lighting of antenna structures
- 2 and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1454YH 82
- 5 dea/es/88



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House File 266 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 328.56 ANTENNA STRUCTURES ==
1 2 MARKING OR LIGHTING == PUBLIC NUISANCE.
1 3 1. The department shall adopt rules for the marking or
1 4 lighting of antenna structures that extend into navigable
1 5 airspace but are not required to comply with marking and
1 6 lighting specifications assigned by the federal communications
1 7 commission.
1 8 2. The owner of an antenna structure that requires notice
1 9 of proposed construction to the federal aviation
1 10 administration pursuant to 14 C.F.R. } 77.13 but is not
1 11 required to comply with marking and lighting specifications
1 12 assigned by the federal communications commission shall comply
1 13 with state standards established pursuant to this section.
1 14 3. An antenna structure that is not marked or lighted as
1 15 required under this section is deemed to be a public nuisance,
1 16 and the owner of the antenna structure may be punished as
1 17 provided in chapter 657.

1 18

EXPLANATION

1 19 This bill requires the state department of transportation
1 20 to adopt rules for the marking or lighting of antenna
1 21 structures that extend into navigable airspace but are not
1 22 required to be marked as aviation obstructions under federal
1 23 law. Currently, the owner of an antenna structure must apply
1 24 to the federal aviation administration for guidance on marking
1 25 or lighting of the structure. Radio antennas, digital
1 26 television towers, and cell phone towers are examples of
1 27 "antenna structures". The federal communications commission
1 28 requires many such antennas, deemed to be aviation
1 29 obstructions, to comply with the federal aviation
1 30 administration guidelines. Under the bill, only antenna
1 31 structures not subject to federal marking or lighting
1 32 requirements would be subject to state regulation.

1 33 The bill provides that an antenna structure not marked or
1 34 lighted in accordance with state requirements would be
1 35 considered a public nuisance. The remedies for a public



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House File 266 - Introduced continued

2 1 nuisance may include criminal prosecution, judgment for
2 2 damages, and orders for abatement. A person convicted of
2 3 erecting, causing, or continuing a public nuisance is guilty
2 4 of an aggravated misdemeanor, punishable by confinement for no
2 5 more than two years and a fine of at least \$625 but not more
2 6 than \$6,250.
2 7 LSB 1454YH 82
2 8 dea:nh/es/88



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House File 267 - Introduced

HOUSE FILE
BY WISE and TYMESON

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

A BILL FOR

1 An Act authorizing community colleges and state universities to
2 seek approval to establish charter magnet schools and
3 increasing the number of charter schools that may be approved
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2038HH 82
7 kh/gg/14



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House File 267 - Introduced continued

PAG LIN

1 1 Section 1. Section 256F.1, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. A charter school may be established by creating a new
1 4 school within an existing public school or converting an
1 5 existing public school to charter status under section 256F.3,
1 6 subsections 2 through 6, or by creating a charter magnet
1 7 school under section 256F.3, subsection 6A.

1 8 Sec. 2. Section 256F.2, subsection 3, Code 2007, is
1 9 amended to read as follows:

1 10 3. "Charter school" means, according to its context,
1 11 either a state public charter school operated as a pilot
1 12 program or a charter magnet school approved by the state board
1 13 of education pursuant to section 256F.3.

1 14 Sec. 3. Section 256F.2, Code 2007, is amended by adding
1 15 the following new subsection:

1 16 NEW SUBSECTION. 4B. "Public postsecondary institution"
1 17 means a community college established under chapter 260C or an
1 18 institution of higher education governed by the state board of
1 19 regents.

1 20 Sec. 4. Section 256F.3, subsection 1, Code 2007, is
1 21 amended to read as follows:

1 22 1. The state board of education shall apply for a federal
1 23 grant under Pub. L. No. 107-110, cited as the federal No Child
1 24 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
1 25 purposes of providing financial assistance for the planning,
1 26 program design, and initial implementation of public charter
1 27 schools. However, if federal funds are no longer available
1 28 for purposes of this chapter, the department may continue to
1 29 approve charter school applications up to the limit specified
1 30 in subsection 6B. The department shall initiate a pilot
1 31 program to test the effectiveness of charter schools and shall
1 32 implement the applicable provisions of this chapter. The
1 33 state board shall monitor and review charter school progress
1 34 on the comprehensive school improvement plan and student
1 35 achievement goals established by a charter school pursuant to



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House File 267 - Introduced continued

2 1 section 256F.4 and on the performance goals and objectives
2 2 described pursuant to section 256F.5.
2 3 Sec. 5. Section 256F.3, subsection 6, Code 2007, is
2 4 amended to read as follows:
2 5 6. ~~Upon approval of an~~ If a school board approves the
2 6 ~~application for the proposed establishment of a charter school~~
2 7 ~~submitted pursuant to subsection 5, the school board shall~~
2 8 ~~submit an application for approval to establish the charter~~
~~2 9 school to the state board in accordance with subsection 6B and~~
2 10 ~~section 256F.5. The application shall set forth the manner in~~
~~2 11 which the charter school will provide special instruction, in~~
~~2 12 accordance with section 280.4, to students who are limited~~
~~2 13 English proficient. The application shall set forth the~~
~~2 14 manner in which the charter school will comply with federal~~
~~2 15 and state laws and regulations relating to the federal~~
~~2 16 National School Lunch Act and the federal Child Nutrition Act~~
~~2 17 of 1966, 42 U.S.C. } 1751-1785, and chapter 283A. The state~~
~~2 18 board shall approve only those applications that meet the~~
~~2 19 requirements specified in section 256F.1, subsection 3, and~~
~~2 20 sections 256F.4 and 256F.5. The state board may deny an~~
~~2 21 application if the state board deems that approval of the~~
~~2 22 application is not in the best interest of the affected~~
~~2 23 students. The state board shall approve not more than twenty~~
~~2 24 charter school applications. The state board shall approve~~
~~2 25 not more than one charter school application per school~~
~~2 26 district. The state board shall adopt rules in accordance~~
~~2 27 with chapter 17A for the implementation of this chapter.~~
2 28 Sec. 6. Section 256F.3, Code 2007, is amended by adding
2 29 the following new subsections:
2 30 NEW SUBSECTION. 6A. A public postsecondary institution
2 31 may apply to the state board for approval to establish a
2 32 junior=senior high, or a senior high, charter magnet school.
2 33 The application submitted by a public postsecondary
2 34 institution shall meet the requirements of subsection 6B. In
2 35 addition to the purposes set forth in section 256F.1,



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3 1 subsection 3, a charter magnet school shall provide students
3 2 with a rigorous educational program with a specialized focus
3 3 that will prepare students to attain a postsecondary degree.
3 4 The specialized focus of the educational program shall include
3 5 at least one or more of the following subject areas:

- 3 6 a. Science.
- 3 7 b. Mathematics.
- 3 8 c. Engineering.
- 3 9 d. Computer science.
- 3 10 e. Biotechnology.
- 3 11 f. International studies, emphasizing foreign languages,
3 12 social sciences, and communications.

3 13 NEW SUBSECTION. 6B. An application submitted to the state
3 14 board pursuant to this section shall set forth the manner in
3 15 which the charter school will provide special instruction, in
3 16 accordance with section 280.4, to students who are limited
3 17 English proficient, and the manner in which the charter school
3 18 will comply with federal and state laws and regulations
3 19 relating to the federal National School Lunch Act and the
3 20 federal Child Nutrition Act of 1966, 42 U.S.C. } 1751=1785,
3 21 and chapter 283A. The state board shall approve only those
3 22 applications that meet the requirements specified in section
3 23 256F.1, subsection 3, and sections 256F.4 and 256F.5. The
3 24 state board may deny an application if the state board deems
3 25 that approval of the application is not in the best interest
3 26 of the affected students. The state board shall approve not
3 27 more than twenty charter school applications and not more than
3 28 five charter magnet school applications. The state board
3 29 shall approve not more than one charter school application per
3 30 school district. The state board shall adopt rules in
3 31 accordance with chapter 17A for the administration of this
3 32 chapter.

3 33 Sec. 7. Section 256F.4, subsection 4, Code 2007, is
3 34 amended to read as follows:

3 35 4. A charter school shall enroll an eligible resident



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4 1 student who submits a timely application unless the number of
4 2 applications exceeds the capacity of a program, class, grade
4 3 level, or building. In this case, students must be accepted
4 4 by lot. A charter school may enroll an eligible nonresident
4 5 student who submits a timely application in accordance with
4 6 the student admission policy established pursuant to section
4 7 256F.5, subsection 1.

4 8 a. If the charter school enrolls an eligible nonresident
4 9 student, the charter school shall notify the school district
4 10 and, if applicable, the sending district not later than March
4 11 1 of the preceding school year. Transportation for the
4 12 student shall be in accordance with section 282.18, subsection
4 13 10, except as provided in paragraph "b". The sending district
4 14 shall make payments to the charter school in the manner
4 15 required under section 282.18, subsection 7.

4 16 b. Transportation to and from a charter magnet school for
4 17 a student attending the charter magnet school shall be
4 18 provided by the parent or guardian without reimbursement.
4 19 However, if the student meets the economic eligibility
4 20 requirements established by the department and state board of
4 21 education, the charter magnet school is responsible for
4 22 providing transportation or paying the pro rata cost of the
4 23 transportation to a parent or guardian for transporting the
4 24 pupil to and from the charter magnet school.

4 25 Sec. 8. Section 256F.4, subsection 7, Code 2007, is
4 26 amended to read as follows:

4 27 7. a. A charter school shall be considered a part of the
4 28 school district in which it is located for purposes of state
4 29 school foundation aid pursuant to chapter 257.

4 30 b. A student enrolled in a charter magnet school
4 31 established pursuant to section 256F.3, subsection 6A, shall
4 32 be counted, for state school foundation aid purposes, in the
4 33 pupil's district of residence. A pupil's residence, for
4 34 purposes of this section, means a residence under section
4 35 282.1. The board of directors of the district of residence



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5 1 shall pay to the charter magnet school the state cost per
5 2 pupil for the previous school year, plus any moneys received
5 3 for the pupil as a result of the non-English speaking
5 4 weighting under section 280.4, subsection 3, for the previous
5 5 school year multiplied by the state cost per pupil for the
5 6 previous year. If the student enrolled in the charter magnet
5 7 school is also an eligible pupil under chapter 261C, the
5 8 receiving district shall pay the tuition reimbursement amount
5 9 to an eligible postsecondary institution as provided in
5 10 section 261C.6.

5 11 Sec. 9. Section 256F.4, Code 2007, is amended by adding
5 12 the following new subsection:

5 13 NEW SUBSECTION. 9. A charter magnet school established
5 14 pursuant to section 256F.3, subsection 6A, shall establish
5 15 graduation requirements and may award diplomas to students who
5 16 meet the graduation requirements established.

5 17 Sec. 10. Section 256F.5, subsection 4, Code 2007, is
5 18 amended to read as follows:

5 19 4. The method for appointing or forming an advisory
5 20 council for the charter school. The membership of an advisory
5 21 council appointed or formed in accordance with this chapter
5 22 shall not include more than one member of the school board if
5 23 the charter school is established pursuant to section 256F.3,
5 24 subsections 2 through 6.

5 25 Sec. 11. Section 256F.6, subsections 1 and 3, Code 2007,
5 26 are amended to read as follows:

5 27 1. An approved charter school application shall constitute
5 28 an agreement, the terms of which shall, at a minimum, be the
5 29 terms of a four-year enforceable, renewable contract between
5 30 the school board or a public postsecondary institution and the
5 31 state board. The contract shall include an operating
5 32 agreement for the operation of the charter school. The terms
5 33 of the contract may be revised at any time with the approval
5 34 of both the state board and the school board or the public
5 35 postsecondary institution, whether or not the stated



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6 1 provisions of the contract are being fulfilled. The charter
6 2 school shall provide parents and guardians of students
6 3 enrolled in the charter school with a copy of the charter
6 4 school application approved pursuant to section 256F.5.
6 5 3. The state board of education shall provide by rule for
6 6 the ongoing review of a school board's or public postsecondary
6 7 institution's compliance with a contract entered into in
6 8 accordance with this chapter.
6 9 Sec. 12. Section 256F.7, subsections 2 and 3, Code 2007,
6 10 are amended to read as follows:
6 11 2. The school board, or the public postsecondary
6 12 institution in the case of a charter magnet school shall, in
6 13 consultation with the advisory council, shall decide matters
6 14 related to the operation of the school, including budgeting,
6 15 curriculum, and operating procedures.
6 16 3. Employees of a charter school shall be considered
6 17 employees of the school district, or of the public
6 18 postsecondary institution in the case of a charter magnet
6 19 school. However, sections 279.12 through 279.19 and section
6 20 279.27 shall apply to employees of a charter magnet school if
6 21 the employees are licensed by the board of educational
6 22 examiners under chapter 272. In applying those sections in
6 23 chapter 279, references to the board of directors of a school
6 24 district shall be interpreted to apply to the public
6 25 postsecondary institution.
6 26 Sec. 13. Section 256F.8, subsection 1, unnumbered
6 27 paragraph 1, Code 2007, is amended to read as follows:
6 28 A contract for the establishment of a charter school may be
6 29 revoked by the state board or the school board or public
6 30 postsecondary institution that established the charter school
6 31 if the appropriate board determines that one or more of the
6 32 following occurred:
6 33 Sec. 14. Section 256F.8, subsections 2, 3, 4, 6, and 7,
6 34 Code 2007, are amended to read as follows:
6 35 2. The decision by a school board or public postsecondary



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House File 267 - Introduced continued

7 1 institution to revoke or to fail to take action to renew a
7 2 charter school contract is subject to appeal under procedures
7 3 set forth in chapter 290.
7 4 3. A school board or public postsecondary institution
7 5 considering revocation or nonrenewal of a charter school
7 6 contract shall notify the advisory council, the parents or
7 7 guardians of the students enrolled in the charter school, and
7 8 the teachers and administrators employed by the charter
7 9 school, sixty days prior to revoking or the date by which the
7 10 contract must be renewed, but not later than the last day of
7 11 classes in the school year.
7 12 4. If the state board determines that a charter school is
7 13 in substantial violation of the terms of the contract, the
7 14 state board shall notify the school board or the public
7 15 postsecondary institution and the advisory council of its
7 16 intention to revoke the contract at least sixty days prior to
7 17 revoking a contract and the school board or the public
7 18 postsecondary institution shall assume oversight authority,
7 19 operational authority, or both oversight and operational
7 20 authority. The notice shall state the grounds for the
7 21 proposed action in writing and in reasonable detail. The
7 22 school board or the public postsecondary institution may
7 23 request in writing an informal hearing before the state board
7 24 within fourteen days of receiving notice of revocation of the
7 25 contract. Upon receiving a timely written request for a
7 26 hearing, the state board shall give reasonable notice to the
7 27 school board or the public postsecondary institution of the
7 28 hearing date. The state board shall conduct an informal
7 29 hearing before taking final action. Final action to revoke a
7 30 contract shall be taken in a manner least disruptive to
7 31 students enrolled in the ~~charter~~ school. The state board
7 32 shall take final action to revoke or approve continuation of a
7 33 contract by the last day of classes in the school year. If
7 34 the final action to revoke a contract under this section
7 35 occurs prior to the last day of classes in the school year, a



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House File 267 - Introduced continued

8 1 charter school student may enroll in the resident district.
8 2 6. A school board or public postsecondary institution
8 3 revoking a contract or a school board or public postsecondary
8 4 institution or advisory council that fails to renew a contract
8 5 under this chapter is not liable for that action to the
8 6 charter school, a student enrolled in the charter school or
8 7 the student's parent or guardian, or any other person.

8 8 7. In the case of a revocation or a nonrenewal of the
8 9 charter, the school board or public postsecondary institution
8 10 is exempt from the state board's "Barker guidelines", as
8 11 provided in 1 D.P.I. App. Dec. 145 (1977).

8 12 Sec. 15. Section 256F.10, subsection 1, Code 2007, is
8 13 amended to read as follows:

8 14 1. A charter school shall report at least annually to the
8 15 school board or the public postsecondary institution, as
8 16 applicable, advisory council, and the state board the
8 17 information required by the school board or the public
8 18 postsecondary institution, as applicable, advisory council, or
8 19 the state board. The reports are public records subject to
8 20 chapter 22.

8 21 Sec. 16. EFFECTIVE DATE. This Act, being deemed of
8 22 immediate importance, takes effect upon enactment.

8 23 EXPLANATION

8 24 This bill authorizes the state board of education to
8 25 approve up to five applications for the establishment, by
8 26 community colleges or state universities, of junior=senior
8 27 high or senior high charter magnet schools.

8 28 Code chapter 256F currently provides that a charter school
8 29 is a public school that is either a new school within an
8 30 existing public school or an existing public school converted
8 31 to charter status. The principal, teachers, or parents or
8 32 guardians of students at an existing public school who wish to
8 33 establish a charter school must submit an application to the
8 34 board of directors of the school board and, upon receiving
8 35 approval from the school board, must submit an application to
9 1 the state board of education for final approval. The bill
9 2 allows the department to continue to approve charter schools
9 3 whether or not federal funds are available. The bill directs
9 4 the state board to monitor and review charter school progress
9 5 on the comprehensive school improvement plan and student
9 6 achievement goals set by the charter schools. The bill makes
9 7 numerous changes to Code chapter 256F to allow for the
9 8 establishment of a charter magnet school by a community
9 9 college or state university and to require that a charter
9 10 magnet school and its sponsor adhere to the same requirements
9 11 currently established for charter schools established by
9 12 school districts, with the exception of the transportation
9 13 requirements.

9 14 The bill places the responsibility for providing students
9 15 with transportation to and from the charter magnet school on
9 16 the parent or guardian. However, if the student meets low=
9 17 income guidelines, the charter magnet school must provide the
9 18 transportation or reimburse the parent or guardian for
9 19 providing transportation.

9 20 Charter magnet school students are to be counted, for
9 21 school foundation aid purposes, in the student's district of



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9 22 residence. The school district of residence must pay to the
9 23 charter magnet school the state cost per pupil and any moneys
9 24 received for non-English speaking weighting for the previous
9 25 school year. The school district is also responsible for the
9 26 tuition reimbursement amount if the student takes courses
9 27 under the postsecondary enrollment options Act.

9 28 A charter magnet school must provide students with a
9 29 rigorous educational program that will prepare students to
9 30 attain a postsecondary degree and establish a specialized
9 31 focus on one or more of the following subjects: science;
9 32 mathematics; engineering; computer science; biotechnology; and
9 33 international studies, emphasizing foreign languages, social
9 34 sciences, and communications. The bill permits a charter
9 35 magnet school to establish graduation requirements and award



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10 1 diplomas to students.
10 2 The bill takes effect upon enactment.
10 3 LSB 2038HH 82
10 4 kh:rj/gg/14



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House File 268 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act extending the time period excluding a juror or potential
- 2 juror from serving again on a jury or attending court for
- 3 prospective jury service.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2125HH 82
- 6 jm/je/5



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House File 268 - Introduced continued

PAG LIN

1 1 Section 1. Section 607A.29, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 In any ~~two-year~~ five-year period, a person shall not be
1 4 required:

1 5 EXPLANATION

1 6 This bill extends the time period excluding a juror or
1 7 potential juror from serving again on a jury or attending
1 8 court for prospective jury service.

1 9 Under the bill, a juror or potential juror is excluded from
1 10 jury service or attending court for prospective jury service
1 11 as both a grand or petit juror for a period of five years.

1 12 Under current law, a juror or potential juror is excluded
1 13 from service or attending court for prospective service as
1 14 both a grand or petit juror for a period of two years.

1 15 LSB 2125HH 82

1 16 jm:nh/je/5



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House File 269 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act relating to the burden of proof in judicial review of
- 2 certain rulemaking proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1913HH 82
- 5 jr/je/5



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House File 269 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.3, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:
1 3 c. As soon as feasible and to the extent practicable,
1 4 adopt rules, in addition to those otherwise required by this
1 5 chapter, embodying appropriate standards, principles, and
1 6 procedural safeguards that the agency will apply to the law it
1 7 administers. The burden of proof shall be on the agency in
1 8 any proceeding for judicial review to establish that
1 9 rulemaking was not feasible and practicable.

1 10 EXPLANATION
1 11 Current Code language requires Iowa agencies to adopt
1 12 rules, when feasible and practicable, establishing standards,
1 13 principles, and procedural safeguards. When a person seeks
1 14 judicial review of an agency rulemaking action, that person
1 15 bears the burden of proof to establish that the rule or the
1 16 rulemaking procedure was not lawful. This bill reverses that
1 17 burden of proof in situations where the issue on review is
1 18 whether it was feasible and practicable for an agency to
1 19 promulgate a rule.
1 20 LSB 1913HH 82
1 21 jr:nh/je/5



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House File 270 - Introduced

HOUSE FILE
 BY FOEGE

(COMPANION TO LSB 1802SS
 BY CONNOLLY)

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

A BILL FOR

- 1 An Act relating to the employment of school nurses by school
- 2 districts and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1802HH 82
- 5 kh/gg/14



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House File 270 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.65 SCHOOL NURSES.

1 2 1. The board of directors of a school district shall
1 3 employ not less than one school nurse for every seven hundred
1 4 fifty students enrolled in the school district to provide
1 5 health services to such students. If the total school
1 6 district enrollment is less than seven hundred fifty students,
1 7 the board of directors of the school district shall employ a
1 8 school nurse on a less than full-time basis for an amount of
1 9 time which shall be prorated.

1 10 2. For purposes of this section, "school nurse" means a
1 11 person who holds a letter of authorization or statement of
1 12 professional recognition issued by the board of educational
1 13 examiners under chapter 272.

1 14 Sec. 2. FUTURE EFFECTIVE DATE. This Act takes effect July
1 15 1, 2011.

1 16 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 17 with section 25B.2, subsection 3, the state cost of requiring
1 18 compliance with any state mandate included in this Act shall
1 19 be paid by a school district from state school foundation aid
1 20 received by the school district under section 257.16. This
1 21 specification of the payment of the state cost shall be deemed
1 22 to meet all the state funding-related requirements of section
1 23 25B.2, subsection 3, and no additional state funding shall be
1 24 necessary for the full implementation of this Act by and
1 25 enforcement of this Act against all affected school districts.

1 26 EXPLANATION

1 27 This bill requires a school district to employ one school
1 28 nurse for every 750 students enrolled in the school district
1 29 or to employ a nurse on less than a full-time prorated basis
1 30 if the school district has a total enrollment of less than 750
1 31 students.

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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House File 270 - Introduced continued

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 The bill takes effect July 1, 2011.
2 8 LSB 1802HH 82
2 9 kh:nh/gg/14



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House File 271 - Introduced

HOUSE FILE
BY ANDERSON, SWAIM, and
FORRISTALL

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

A BILL FOR

- 1 An Act relating to indecent exposure and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1649HH 82
- 4 eg/cf/24



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House File 271 - Introduced continued

PAG LIN

1 1 Section 1. Section 728.5, Code 2007, is amended to read as
1 2 follows:
1 3 728.5 PUBLIC INDECENT EXPOSURE IN CERTAIN ESTABLISHMENTS.
1 4 1. An owner, manager, or person who exercises direct
1 5 control over a place of business ~~required to obtain a sales~~
~~1 6 tax permit~~ shall be guilty of a serious misdemeanor under any
1 7 of the following circumstances described in subsection 2,
1 8 paragraphs "a" through "f", if the place of business is one of
1 9 the following:
1 10 a. Required to obtain a sales tax permit.
1 11 b. Allows an open or unsealed bottle, can, jar, or other
1 12 receptacle containing an alcoholic beverage on the premises.
1 13 c. Operates as a single place of business with an adjacent
1 14 place of business required to obtain a sales tax permit.
1 15 ~~1- 2.~~ a. If such person allows or permits the actual or
1 16 simulated public performance of any sex act upon or in such
1 17 place of business.
1 18 ~~2- b.~~ If such person allows or permits the exposure of the
1 19 genitals or buttocks or female breast of any person who acts
1 20 as a waiter or waitress.
1 21 ~~3- c.~~ If such person allows or permits the exposure of the
1 22 genitals or female breast nipple of any person who acts as an
1 23 entertainer, whether or not the owner of the place of business
1 24 in which the activity is performed employs or pays any
1 25 compensation to such person to perform such activity.
1 26 ~~4- d.~~ If such person allows or permits any person to
1 27 remain in or upon the place of business who exposes to public
1 28 view the person's genitals, pubic hair, or anus.
1 29 ~~5- e.~~ If such person advertises that any activity
1 30 prohibited by this section is allowed or permitted in such
1 31 place of business.
1 32 ~~6- f.~~ If such person allows or permits a minor to engage
1 33 in or otherwise perform in a live act intended to arouse or
1 34 satisfy the sexual desires or appeal to the prurient interests
1 35 of patrons. However, if such person allows or permits a minor



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2 1 to participate in any act included in ~~subsections 1 through 4~~
2 2 paragraphs "a" through "d", the person shall be guilty of an
2 3 aggravated misdemeanor.

2 4 3. For purposes of this section, "minor" means any person
2 5 under the age of twenty-one.

2 6 4. The provisions of this section shall not apply to a
2 7 theater, concert hall, art center, museum, or similar
2 8 establishment which is primarily devoted to the arts or
2 9 theatrical performances and in which any of the circumstances
2 10 contained in this section were permitted or allowed as part of
2 11 such art exhibits or performances. At trial for a violation
2 12 of this section the court may consider the challenged

2 13 circumstance and whether the owner, manager, or person is
2 14 attempting to evade prosecution under this section. In
2 15 addition to other competent evidence, the court may consider
2 16 testimony pertaining to:

2 17 a. The artistic or theatrical value, if any, of the
2 18 performance or exhibit.

2 19 b. The degree of public acceptance within the community.

2 20 c. The advertising promotion.

2 21 d. The nexus, including the unity of interest, ownership,
2 22 management, and operations between the premises where the
2 23 challenged circumstance occurred and an adjacent place of
2 24 business.

2 25 Sec. 2. Section 728.8, Code 2007, is amended to read as
2 26 follows:

2 27 728.8 SUSPENSION OF LICENSES OR PERMITS.

2 28 Any person who knowingly permits a violation of section
2 29 728.2, 728.3, or 728.5, ~~subsection 6~~, to occur on premises
2 30 under the person's control shall have all permits and licenses
2 31 issued to the person under state or local law as a
2 32 prerequisite for doing business on such premises revoked for a
2 33 period of six months. The county attorney shall notify all
2 34 agencies responsible for issuing licenses and permits of any
2 35 conviction under section 728.2, 728.3, or 728.5, ~~subsection 6~~.



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House File 271 - Introduced continued

3 1 EXPLANATION
3 2 This bill relates to indecent exposure under Code section
3 3 728.5.
3 4 Under current law, a person who exercises control over a
3 5 place of business required to obtain a sales tax permit may be
3 6 held accountable for circumstances of indecent exposure.
3 7 The bill provides that a person who exercises control over
3 8 a place of business is guilty of a serious misdemeanor for
3 9 circumstances of indecent exposure, if the place of business
3 10 is one of the following:
3 11 1. Required to obtain a sales tax permit.
3 12 2. Allows an open or unsealed container of an alcoholic
3 13 beverage on the premises.
3 14 3. Operates as a single place of business with an adjacent
3 15 place of business required to obtain a sales tax permit.
3 16 The bill also, for purposes of prohibiting obscene
3 17 performances by minors under Code section 728.5 only, raises
3 18 the age of a minor from 18 years to 21 years.
3 19 The indecent exposure provisions do not apply to the arts
3 20 or to theatrical performances. However, the bill provides
3 21 that at a trial, the court may consider whether the person is
3 22 attempting to avoid prosecution. The court may consider
3 23 testimony pertaining to the nexus, including the unity of
3 24 interest, ownership, management, and operations between the
3 25 premises where the challenged circumstance occurred and an
3 26 adjacent place of business.
3 27 A person who violates Code section 728.5 by allowing acts
3 28 of indecent exposure performed by an adult is guilty of a
3 29 serious misdemeanor and if such acts are performed by a minor,
3 30 is guilty of an aggravated misdemeanor. A serious misdemeanor
3 31 is punishable by confinement for no more than one year and a
3 32 fine of at least \$315 but not more than \$1,875. An aggravated
3 33 misdemeanor is punishable by confinement for no more than two
3 34 years and a fine of at least \$625 but not more than \$6,250.
3 35 Upon a conviction, a person's license or permit required to



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4 1 do business on the premises shall be revoked for a period of
4 2 six months.
4 3 LSB 1649HH 82
4 4 eg:rj/cf/24



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House File 272 - Introduced

HOUSE FILE
BY REICHERT

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

A BILL FOR

- 1 An Act relating to the department of human services' requirements
- 2 for child care facilities involving availability of a
- 3 telephone.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1873HH 82
- 6 jp/je/5



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House File 272 - Introduced continued

PAG LIN

1 1 Section 1. CHILD CARE FACILITIES == TELEPHONES. The
1 2 department of human services shall revise the administrative
1 3 rules applicable to child care centers and child development
1 4 homes under 441 IAC 109.11(5) and 441 IAC 110.5(1)(a), and any
1 5 other applicable rule and policy, as necessary to allow a
1 6 cellular telephone to be used as the primary telephone for
1 7 child care centers, child development homes, and other child
1 8 care providers subject to regulation by the department. The
1 9 department shall adopt the rule and policy change required by
1 10 this section to take effect on or before January 1, 2008.

1 11 EXPLANATION

1 12 This bill relates to the department of human services'
1 13 requirements for child care facilities involving availability
1 14 of a telephone.

1 15 The department is required to revise rules and policy as
1 16 necessary to allow a cellular telephone to be used as the
1 17 primary telephone for child care centers, child development
1 18 homes, and other child care providers regulated by the
1 19 department.

1 20 The bill applies the revision requirements specifically to
1 21 two provisions of the Iowa administrative code: 441 IAC
1 22 109.11(5), relating to the physical facility requirements for
1 23 child care centers, and 441 IAC 110.5(1)(a), relating to
1 24 health and safety standards for child development homes. The
1 25 current child development home standard specifically prohibits
1 26 the use of a cellular telephone as the primary telephone. The
1 27 department is required to adopt the necessary rule and policy
1 28 changes to take effect on or before January 1, 2008.

1 29 LSB 1873HH 82

1 30 jp:nh/je/5



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House File 273 - Introduced

HOUSE FILE
 BY UPMEYER

(COMPANION TO LSB 1718SS
 BY DANIELSON)

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

A BILL FOR

- 1 An Act eliminating provisions relating to the contents of the
- 2 uniform citation and complaint.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1718HH 82
- 5 jm/es/88



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House File 273 - Introduced continued

PAG LIN

1 1 Section 1. Section 805.6, subsection 1, paragraph a,
1 2 unnumbered paragraph 2, Code 2007, is amended to read as
1 3 follows:

1 4 The uniform citation and complaint shall contain spaces for
1 5 the parties' names; the address of the alleged offender; the
1 6 registration number of the offender's vehicle; the information
1 7 required by section 805.2, a warning which states, "I hereby
1 8 swear and affirm that the information provided by me on this
1 9 citation is true under penalty of providing false
1 10 information"; ~~and a statement that providing false information~~
1 11 ~~is a violation of section 719.3; a list of the scheduled fines~~
~~1 12 prescribed by sections 805.8A, 805.8B, and 805.8C, either~~
~~1 13 separately or by group, and a statement of the fine,~~
1 14 surcharge, and court costs payable in scheduled violation
1 15 cases, if no appearance is required; whether or not a court
1 16 appearance is required or is demanded; a brief explanation of
1 17 sections 805.9 and 805.10; and a space where the defendant may
1 18 sign an admission of the violation when permitted by section
1 19 805.9; and the uniform citation and complaint shall require
1 20 that the defendant appear before a court at a specified time
1 21 and place. The uniform citation and complaint also may
1 22 contain a space for the imprint of a credit card, and may
1 23 contain any other information which the commissioner of public
1 24 safety and the director of natural resources may determine.
1 25 Sec. 2. Section 806.6, subsection 3, Code 2007, is amended
1 26 by striking the subsection.

1 27 EXPLANATION

1 28 This bill eliminates provisions relating to the uniform
1 29 citation and complaint.

1 30 The bill eliminates provisions requiring that the uniform
1 31 citation and complaint list the scheduled fines either
1 32 separately or by group on the citation and complaint ticket.
1 33 The bill eliminates provisions requiring the peace officer to
1 34 list the court costs on the uniform citation and complaint if
1 35 a court appearance is required. The bill also eliminates



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2 1 provisions requiring that the uniform citation and complaint
2 2 contain a place for citing a person for violations of Code
2 3 section 453A.2(2) (underage tobacco violations).
2 4 LSB 1718HH 82
2 5 jm:nh/es/88



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House File 274 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act concerning employment restrictions on certain former state
- 2 employees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2025HH 82
- 5 ec/gg/14



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House File 274 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.7, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. A person who has served as a state
1 4 employee of a state agency shall not within a period of two
1 5 years after the termination of such service or employment
1 6 enter into a contract with the state agency to perform
1 7 services for that agency as an independent contractor.

1 8 EXPLANATION

1 9 This bill provides that a state employee of a state agency
1 10 shall not enter into a contract with that agency as an
1 11 independent contractor for a period of two years after their
1 12 service or employment with that agency is terminated.

1 13 LSB 2025HH 82

1 14 ec:nh/gg/14



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House File 275 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

- 1 An Act relating to provision of an individual income tax
- 2 deduction for health care providers who participate in the
- 3 voluntary physician provider program, and including a
- 4 retroactive applicability date provision.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1722HH 82
- 7 pf/gg/14



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House File 275 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 50. If the taxpayer is a health care
1 4 provider who participates in the volunteer health care
1 5 provider program established pursuant to section 135.24,
1 6 subtract one hundred percent of the difference between the
1 7 federal Medicare reimbursement rate for the health care
1 8 service provided and the amount of reimbursement actually
1 9 received by the health care provider.

1 10 Sec. 2. APPLICABILITY. This Act applies retroactively to
1 11 January 1, 2007, for tax years beginning on or after that
1 12 date.

1 13 EXPLANATION

1 14 This bill allows that in computing net income, an
1 15 individual taxpayer who is a health care provider
1 16 participating in the volunteer health care provider program
1 17 may subtract 100 percent of the difference between the federal
1 18 Medicare reimbursement rate for the health care service
1 19 provided and the amount of reimbursement actually received by
1 20 the health care provider.

1 21 The bill applies retroactively to January 1, 2007, for tax
1 22 years beginning on or after that date.

1 23 LSB 1722HH 82

1 24 pf:sc/gg/14



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House File 276 - Introduced

HOUSE FILE
 BY QUIRK

(COMPANION TO LSB 1980SS
 BY BLACK)

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

A BILL FOR

- 1 An Act concerning the requirement to conduct county gambling
- 2 elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1980HH 82
- 5 ec/gg/14



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House File 276 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.7, subsection 11, paragraph d, Code
1 2 2007, is amended to read as follows:

1 3 d. If the proposition to operate gambling games on an
1 4 excursion gambling boat or at a racetrack enclosure is
1 5 approved by a majority of the county electorate voting on the
1 6 proposition, the board of supervisors shall submit the same
1 7 proposition to the county electorate at the general election
1 8 held in 2002 and, unless the operation of gambling games is
1 9 terminated earlier as provided in this chapter or chapter 99D,
1 10 at the general election held at each subsequent eight-year
1 11 interval. However, if a proposition to operate gambling games
1 12 on an excursion gambling boat or at a racetrack enclosure is
1 13 approved by a majority of the county electorate voting on the
1 14 proposition in two successive elections, the proposition shall
1 15 not thereafter be required to be submitted to the county
1 16 electorate.

1 17 EXPLANATION

1 18 This bill provides that if a proposition to operate
1 19 gambling games on an excursion boat or racetrack has been
1 20 approved in two successive elections in a county, the
1 21 proposition to authorize gambling games is not thereafter
1 22 required to be submitted to the county electorate. Current
1 23 law provides that the proposition to conduct gambling games
1 24 shall be resubmitted to the county electorate every eight
1 25 years.

1 26 LSB 1980HH 82

1 27 ec:rj/gg/14



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House File 277 - Introduced

HOUSE FILE
BY SANDS

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

A BILL FOR

1 An Act relating to libraries, including library funding,
2 representation on library boards, information collected by the
3 division of libraries and information services established
4 within the department of education, and a library funding and
5 representation study to be conducted by the commission of
6 libraries.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1085YH 82
9 kh/je/5



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House File 277 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.51, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Obtain from each library its per person
1 4 costs for providing library services. The division shall
1 5 submit a report of the per capita and per library user costs
1 6 for providing library services by city, county, and district
1 7 to the general assembly by January 15 annually.
1 8 Sec. 2. Section 392.5, Code 2007, is amended to read as
1 9 follows:
1 10 392.5 LIBRARY BOARD.
1 11 1. a. A city library board of trustees functioning on the
1 12 effective date of the city code shall continue to function in
1 13 the same manner until altered or discontinued as provided in
1 14 this section.
1 15 b. In order for the board to function in the same manner,
1 16 the city council shall retain all applicable ordinances, and
1 17 shall adopt as ordinances all applicable state statutes
1 18 repealed by 1972 Iowa Acts, chapter 1088.
1 19 2. A library board may accept and control the expenditure
1 20 of all gifts, devises, and bequests to the library.
1 21 3. a. A proposal to alter the composition, manner of
1 22 selection, or charge of a library board, or to replace it with
1 23 an alternate form of administrative agency, is subject to the
1 24 approval of the voters of the city.
1 25 b. The proposal may be submitted to the voters at any city
1 26 election by the city council on its own motion. Upon receipt
1 27 of a valid petition as defined in section 362.4, requesting
1 28 that a proposal be submitted to the voters, the city council
1 29 shall submit the proposal at the next regular city election.
1 30 A proposal submitted to the voters must describe with
1 31 reasonable detail the action proposed.
1 32 c. If a majority of those voting approves the proposal,
1 33 the city may proceed as proposed.
1 34 d. If a majority of those voting does not approve the
1 35 proposal, the same or a similar proposal may not be submitted



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2 1 to the voters of the city for at least four years from the
2 2 date of the election at which the proposal was defeated.
2 3 4. If the city councils of two or more cities enter into a
2 4 chapter 28E agreement for purposes of maintaining a free
2 5 public library, the chapter 28E agreement shall provide for
2 6 the composition, manner of selection, and charge of a library
2 7 board of trustees. The library board shall consist of at
2 8 least one member from each of the cities party to the
2 9 agreement.

2 10 Sec. 3. LIBRARY FUNDING AND REPRESENTATION STUDY. The
2 11 commission of libraries shall conduct a study of public
2 12 library funding and public library costs. The study shall
2 13 include but not be limited to a review of the per capita and
2 14 per library user costs of delivering library services by city,
2 15 county, and district libraries; public and private financial
2 16 support for city, county, and district libraries; funds levied
2 17 for public library financial support pursuant to section
2 18 256.69 or 384.12; contracts entered into by public libraries
2 19 in the state pursuant to section 298.7; and whether
2 20 representation on library boards is equitable. The commission
2 21 shall submit a report of its findings and recommendations to
2 22 the general assembly by January 15, 2008.

2 23 EXPLANATION

2 24 This bill relates to library funding, representation on
2 25 library boards, and information collected by the division of
2 26 libraries and information services established within the
2 27 department of education, and requires the commission of
2 28 libraries to conduct a library funding and representation
2 29 study.

2 30 The bill requires the division to collect information from
2 31 each library regarding its per person costs for providing
2 32 library services. The division is also directed to submit a
2 33 report of the per capita and per library user costs for
2 34 providing library services by city, county, and district to
2 35 the general assembly by January 15 annually.



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3 1 The bill provides that if a Code chapter 28E agreement is
3 2 entered into by two or more cities for purposes of maintaining
3 3 a free public library, the 28E agreement shall provide for the
3 4 composition, manner of selection, and charge of a library
3 5 board of trustees and the board must consist of members
3 6 representing each of the cities party to the agreement.

3 7 The commission of libraries is directed to conduct a study
3 8 of public library funding, taxes levied to support libraries,
3 9 public library costs, and whether representation on library
3 10 boards is equitable. The commission shall submit its findings
3 11 and recommendations to the general assembly by January 15,
3 12 2008.

3 13 LSB 1085YH 82

3 14 kh:nh/je/5.1



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House File 278 - Introduced

HOUSE FILE

BY JACOBY, JACOBS, RAYHONS, BUKTA,
 T. TAYLOR, GASKILL, LENSING,
 SCHUELLER, SWAIM, T. OLSON, BELL,
 D. TAYLOR, HEDDENS, D. OLSON, and
 WENDT

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the midwest interstate passenger rail compact
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1763HH 82
- 5 dea/es/88



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House File 278 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 327K.1 MIDWEST INTERSTATE
1 2 PASSENGER RAIL COMPACT.
1 3 The midwest interstate passenger rail compact is enacted
1 4 into law and entered into with all other states legally
1 5 joining in the compact in substantially the following form:
1 6 ARTICLE I
1 7 STATEMENT OF PURPOSE
1 8 The purposes of this compact are, through joint or
1 9 cooperative action:
1 10 a. To promote development and implementation of
1 11 improvements to intercity passenger rail service in the
1 12 midwest.
1 13 b. To coordinate interaction among midwestern state
1 14 elected officials and their designees on passenger rail
1 15 issues.
1 16 c. To promote development and implementation of long-range
1 17 plans for high-speed rail passenger service in the midwest and
1 18 among other regions of the United States.
1 19 d. To work with the public and private sectors at the
1 20 federal, state, and local levels to ensure coordination among
1 21 the various entities having an interest in passenger rail
1 22 service and to promote midwestern interests regarding
1 23 passenger rail.
1 24 e. To support efforts of transportation agencies involved
1 25 in developing and implementing passenger rail service in the
1 26 midwest.
1 27 ARTICLE II
1 28 ESTABLISHMENT OF COMMISSION
1 29 To further the purposes of the compact, a commission is
1 30 created to carry out the duties specified in this compact.
1 31 ARTICLE III
1 32 COMMISSION MEMBERSHIP
1 33 The manner of appointment of commission members, terms of
1 34 office consistent with the terms of this compact, provisions
1 35 for removal and suspension, and manner of appointment to fill



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2 1 vacancies shall be determined by each party state pursuant to
2 2 its laws, but each commissioner shall be a resident of the
2 3 state of appointment. Commission members shall serve without
2 4 compensation from the commission.

2 5 The commission shall consist of four resident members of
2 6 each state as follows: the governor or the governor's
2 7 designee who shall serve during the tenure of office of the
2 8 governor, or until a successor is named; one member of the
2 9 private sector who shall be appointed by the governor and
2 10 shall serve during the tenure of office of the governor, or
2 11 until a successor is named; and two legislators, one from each
2 12 legislative chamber (or two legislators from any unicameral
2 13 legislature), who shall serve two-year terms, or until
2 14 successors are appointed, and who shall be appointed by the
2 15 appropriate appointing authority in each legislative chamber.
2 16 All vacancies shall be filled in accordance with the laws of
2 17 the appointing states. A commissioner appointed to fill a
2 18 vacancy shall serve until the end of the incomplete term.
2 19 Each member state shall have equal voting privileges, as
2 20 determined by the commission bylaws.

2 21 ARTICLE IV

2 22 POWERS AND DUTIES OF THE COMMISSION

2 23 a. The duties of the commission are to:
2 24 (1) Advocate for the funding and authorization necessary
2 25 to make passenger rail improvements a reality for the region.
2 26 (2) Identify and seek to develop ways that states can form
2 27 partnerships, including with rail industry and labor, to
2 28 implement improved passenger rail service in the region.
2 29 (3) Seek development of a long-term, interstate plan for
2 30 high-speed rail passenger service implementation.
2 31 (4) Cooperate with other agencies, regions, and entities
2 32 to ensure that the midwest is adequately represented and
2 33 integrated into national plans for passenger rail development.
2 34 (5) Adopt bylaws governing the activities and procedures
2 35 of the commission and addressing, among other subjects: the



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3 1 powers and duties of officers; and the voting rights of
3 2 commission members, voting procedures, commission business,
3 3 and any other purposes necessary to fulfill the duties of the
3 4 commission.

3 5 (6) Expend such funds as required to carry out the powers
3 6 and duties of the commission.

3 7 (7) Report on the activities of the commission to the
3 8 legislatures and governors of the member states on an annual
3 9 basis.

3 10 b. In addition to its exercise of these duties, the
3 11 commission may:

3 12 (1) Provide multistate advocacy necessary to implement
3 13 passenger rail systems or plans, as approved by the
3 14 commission.

3 15 (2) Work with local elected officials, economic
3 16 development planning organizations, and similar entities to
3 17 raise the visibility of passenger rail service benefits and
3 18 needs.

3 19 (3) Educate other state officials, federal agencies, other
3 20 elected officials, and the public on the advantages of
3 21 passenger rail as an integral part of an intermodal
3 22 transportation system in the region.

3 23 (4) Work with federal agency officials and members of
3 24 Congress to ensure the funding and authorization necessary to
3 25 develop a long-term, interstate plan for high-speed rail
3 26 passenger service implementation.

3 27 (5) Make recommendations to member states.

3 28 (6) If requested by each state participating in a
3 29 particular project and under the terms of a formal agreement
3 30 approved by the participating states and the commission,
3 31 implement or provide oversight for specific rail projects.

3 32 (7) Establish an office and hire staff as necessary.

3 33 (8) Contract for or provide services.

3 34 (9) Assess dues, in accordance with the terms of this
3 35 compact.



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4 1 (10) Conduct research.

4 2 (11) Establish committees.

4 3 ARTICLE V

4 4 OFFICERS

4 5 The commission shall annually elect from among its members
4 6 a chair, a vice chair who shall not be a resident of the state
4 7 represented by the chair, and others as approved in the
4 8 commission bylaws. The officers shall perform such functions
4 9 and exercise such powers as are specified in the commission
4 10 bylaws.

4 11 ARTICLE VI

4 12 MEETINGS AND COMMISSION ADMINISTRATION

4 13 The commission shall meet at least once in each calendar
4 14 year and at such other times as may be determined by the
4 15 commission. Commission business shall be conducted in
4 16 accordance with the procedures and voting rights specified in
4 17 the bylaws.

4 18 ARTICLE VII

4 19 FINANCE

4 20 Except as otherwise provided, the moneys necessary to
4 21 finance the general operations of the commission in carrying
4 22 forth its duties, responsibilities, and powers as stated in
4 23 this compact shall be appropriated to the commission by the
4 24 compacting states, when authorized by the respective
4 25 legislatures, by equal apportionment among the compacting
4 26 states. Nothing in this compact shall be construed to commit
4 27 a member state to participate in financing a rail project
4 28 except as provided by law of a member state.

4 29 The commission may accept, for any of its purposes and
4 30 functions, donations, gifts, grants, and appropriations of
4 31 money, equipment, supplies, materials, and services from the
4 32 federal government, from any party state or from any
4 33 department, agency, or municipality thereof, or from any
4 34 institution, person, firm, or corporation. All expenses
4 35 incurred by the commission in executing the duties imposed



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5 1 upon it by this compact shall be paid by the commission out of
5 2 the funds available to it. The commission shall not issue any
5 3 debt instrument. The commission shall submit to the officer
5 4 designated by the laws of each party state, periodically as
5 5 required by the laws of each party state, a budget of its
5 6 actual past and estimated future expenditures.

5 7 ARTICLE VIII

5 8 ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

5 9 The states of Illinois, Indiana, Iowa, Kansas, Michigan,
5 10 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South
5 11 Dakota, and Wisconsin are eligible to join this compact. Upon
5 12 approval of the commission, according to its bylaws, other
5 13 states may also be declared eligible to join the compact. As
5 14 to any eligible party state, this compact shall become
5 15 effective when its legislature shall have enacted the same
5 16 into law; provided that it shall not become initially
5 17 effective until enacted into law by any three party states
5 18 incorporating the provisions of this compact into the laws of
5 19 such states. Amendments to the compact shall become effective
5 20 upon their enactment by the legislatures of all compacting
5 21 states.

5 22 ARTICLE IX

5 23 WITHDRAWAL, DEFAULT, AND TERMINATION

5 24 Withdrawal from this compact shall be by enactment of a
5 25 statute repealing the same and shall take effect one year
5 26 after the effective date of such statute. A withdrawing state
5 27 shall be liable for any obligations which it may have incurred
5 28 prior to the effective date of withdrawal.

5 29 If any compacting state defaults in the performance of any
5 30 of its obligations, assumed or imposed, in accordance with
5 31 this compact, all rights, privileges, and benefits conferred
5 32 by this compact or agreements under this compact shall be
5 33 suspended from the effective date of such default as fixed by
5 34 the commission, and the commission shall stipulate the
5 35 conditions and maximum time for compliance under which the



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6 1 defaulting state may resume its regular status. Unless such
6 2 default is remedied under the stipulations and within the time
6 3 period set forth by the commission, this compact may be
6 4 terminated with respect to such defaulting state by
6 5 affirmative vote of a majority of the other commission
6 6 members. Any such defaulting state may be reinstated, upon
6 7 vote of the commission, by performing all acts and obligations
6 8 as stipulated by the commission.

6 9

ARTICLE X

6 10

CONSTRUCTION AND SEVERABILITY

6 11 The provisions of this compact shall be severable and if
6 12 any phrase, clause, sentence, or provision of this compact is
6 13 declared to be contrary to the constitution of any compacting
6 14 state or of the United States, or the applicability thereof to
6 15 any government, agency, person, or circumstance is held
6 16 invalid, the validity of the remainder of this compact and the
6 17 applicability thereof to any government, agency, person, or
6 18 circumstance shall not be affected by the declaration or
6 19 holding. If this compact is held to be contrary to the
6 20 constitution of any compacting state, the compact shall remain
6 21 in full force and effect as to the remaining states and in
6 22 full force and effect as to the state affected as to all
6 23 severable matters. This compact shall be liberally construed
6 24 to effectuate the purposes of the compact.

6 25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
6 26 immediate importance, takes effect upon enactment.

6 27

EXPLANATION

6 28 This bill provides that the midwest interstate passenger
6 29 rail compact is entered into and enacted into law with several
6 30 other midwestern states if those states join the compact in
6 31 substantially the same form.

6 32 The bill provides that the purposes of the compact are to
6 33 promote development and implementation of improvements to
6 34 intercity passenger rail service in the midwest, to coordinate
6 35 interaction among midwestern state officials on passenger rail



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7 1 issues, to promote development and implementation of plans for
7 2 high-speed rail passenger service in the midwest and other
7 3 regions, to work with public and private sectors at all levels
7 4 to ensure coordination among entities with an interest in
7 5 passenger rail service and promote midwestern interests
7 6 regarding such service, and to support efforts of
7 7 transportation agencies involved in developing and
7 8 implementing passenger rail service in the midwest.

7 9 The bill provides that a commission shall be established to
7 10 further the purposes of and carry out the duties specified in
7 11 the compact. Each state joining the compact is to be
7 12 represented by four commission members: the governor of the
7 13 state or the governor's designee, serving during the tenure of
7 14 the governor or until a successor is named; a member of the
7 15 private sector appointed by the governor, serving during the
7 16 tenure of the governor or until a successor is named; and two
7 17 legislators, one from each legislative chamber, appointed by
7 18 the appropriate appointing authority in each chamber, serving
7 19 two-year terms or until successors are appointed.

7 20 The bill provides a list of powers and duties the
7 21 commission shall have related to the compact and provides for
7 22 financing the general operations of the commission.

7 23 The bill becomes effective upon enactment. The compact,
7 24 having already been enacted into law and entered into by a
7 25 requisite number of states, would also become effective for
7 26 Iowa upon enactment of this bill.

7 27 LSB 1763HH 82

7 28 dea:rj/es/88



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House File 279 - Introduced

HOUSE FILE
BY GIPP

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

A BILL FOR

1 An Act allowing voters to reject all candidates on general
2 election ballots for certain offices and providing for a
3 special election and for filing deadlines.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1343YH 82
6 sc/je/5



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House File 279 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.37, Code 2007, is amended to add the
1 2 following new subsection:

1 3 NEW SUBSECTION. 4. Any ballot upon which appears the
1 4 names of candidates for an elective state office or for the
1 5 general assembly shall contain for each of those offices an
1 6 additional line equivalent to the lines on which the
1 7 candidates' names appear and placed at the end of the row or
1 8 column containing the names of the candidates for that office.
1 9 Each such additional line shall contain a voting target
1 10 whereby the voter may express the voter's choice of that line
1 11 in the same manner as the voter would choose a candidate, and
1 12 the line shall read "None of These Candidates".

1 13 For purposes of this subsection, "elective state office"
1 14 means the offices of governor and lieutenant governor,
1 15 secretary of state, auditor of state, treasurer of state,
1 16 secretary of agriculture, and attorney general.

1 17 Sec. 2. Section 50.45, Code 2007, is amended to read as
1 18 follows:

1 19 50.45 CANVASS PUBLIC == RESULT DETERMINED.

1 20 All canvasses of tally lists shall be public, and the
1 21 persons having the greatest number of votes shall be declared
1 22 elected, except that if the choice "None of These Candidates"
1 23 receives a simple majority of the total votes cast for that
1 24 office, no person shall be declared elected, and the governor
1 25 shall order a special election and issue a proclamation
1 26 pursuant to section 39.6. The special election shall be
1 27 conducted in the manner provided for in section 69.21.

1 28 PARAGRAPH DIVIDED. When a public measure has been
1 29 submitted to the electors, the proposition shall be declared
1 30 to have been adopted if the vote cast in favor of the question
1 31 is greater than fifty percent of the total vote cast in favor
1 32 and against the question, unless laws pertaining specifically
1 33 to the public measure election establish a higher percentage
1 34 of a favorable vote. All ballots cast and not counted as a
1 35 vote in favor or against the proposition shall not be used in



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2 1 computing the total vote cast in favor and against the
2 2 proposition.
2 3 Sec. 3. Section 50.46, Code 2007, is amended to read as
2 4 follows:
2 5 50.46 SPECIAL ELECTIONS == CANVASS AND CERTIFICATE.
2 6 When a special election has been held to fill a vacancy,
2 7 pursuant to section 69.14, or when a special election has been
2 8 held pursuant to section 69.21, the board of county canvassers
2 9 shall meet at one o'clock ~~in the afternoon of~~ p.m. on the
2 10 second day after the election, and canvass the votes cast at
2 11 the election. The commissioner, as soon as the canvass is
2 12 completed, shall transmit to the state commissioner an
2 13 abstract of the votes so canvassed, and the state board,
2 14 within five days after receiving such abstracts, shall canvass
2 15 the tally lists. A certificate of election shall be issued by
2 16 the county or state board of canvassers, as in other cases.
2 17 All the provisions regulating elections, obtaining tally
2 18 lists, and canvass of votes at general elections, except as to
2 19 time, shall apply to special elections.
2 20 Sec. 4. NEW SECTION. 69.21 SPECIAL ELECTION == GENERAL
2 21 ASSEMBLY AND ELECTIVE STATE OFFICES.
2 22 1. A special election ordered pursuant to section 50.45
2 23 shall be held not less than forty-two and not more than fifty
2 24 days following the date the governor ordered the special
2 25 election.
2 26 2. a. A political party that had a candidate on the
2 27 general election ballot for the office for which a special
2 28 election has been ordered may nominate another candidate for
2 29 the office in the manner provided for in section 43.78,
2 30 subsection 1.
2 31 b. Nominations for all other candidates may be made as
2 32 follows:
2 33 (1) For an elective state office, by nomination petition
2 34 signed by not less than one thousand eligible electors of the
2 35 state.



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3 1 (2) For senator in the general assembly, by nomination
3 2 petition signed by not less than one hundred eligible electors
3 3 of the senate district.

3 4 (3) For representative in the general assembly, by
3 5 nomination petition signed by not less than fifty eligible
3 6 electors of the representative district.

3 7 c. A candidate whose name was on the general election
3 8 ballot for the office for which a special election has been
3 9 ordered is disqualified from nomination in the special
3 10 election.

3 11 3. Nomination petitions must be filed in the office of the
3 12 state commissioner of elections not later than five p.m. on
3 13 the twenty-fifth day before the special election. Each
3 14 nomination petition must be accompanied by an affidavit
3 15 executed by the candidate in the same form as that provided in
3 16 section 43.18, section 44.3, subsection 2, or section 45.3,
3 17 whichever is applicable.

3 18 4. A candidate nominated for an office to be filled at the
3 19 special election may withdraw as a nominee for that office on
3 20 or before, but not later than, the fifteenth day before the
3 21 date of the special election by notifying the state
3 22 commissioner of elections in writing.

3 23 If a person who has filed nomination papers with the state
3 24 commissioner as a candidate in the special election dies or
3 25 withdraws on or before the fifteenth day before the special
3 26 election, the appropriate convention of that person's
3 27 political party may designate one additional special election
3 28 candidate for the nomination that person was seeking, if the
3 29 designation is submitted to the state commissioner in writing
3 30 no later than five p.m. on the twelfth day before the date of
3 31 the special election.

3 32 5. Objections to the eligibility of a candidate in the
3 33 special election must be filed pursuant to section 43.24 not
3 34 less than nineteen days before the date of the special
3 35 election.



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4 1 6. The state commissioner of elections shall certify to
4 2 the commissioner of each county at the earliest practicable
4 3 time, and under separate party headings, the name of each
4 4 person nominated, the office to which the person is nominated,
4 5 and the order in which the tickets of the several political
4 6 parties shall appear on the official ballot.

4 7 7. The ballots provided for the special election shall not
4 8 contain the designation "None of These Candidates".

4 9 8. The votes cast in the special election shall be
4 10 canvassed and a certificate of election issued in the manner
4 11 provided for in section 50.46. The candidate=elect shall be
4 12 sworn into office immediately following the issuance of the
4 13 certificate of election by the state commissioner of
4 14 elections.

4 15 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 16 3, shall not apply to this Act.

4 17 EXPLANATION

4 18 This bill provides that general election ballots for
4 19 elective state offices and for the general assembly shall
4 20 include the designation "None of These Candidates" as a choice
4 21 for the voter. Elective state office means governor and
4 22 lieutenant governor, secretary of state, auditor of state,
4 23 treasurer of state, secretary of agriculture, and attorney
4 24 general.

4 25 The bill also provides that if the choice "None of These
4 26 Candidates" receives a simple majority of the votes cast for a
4 27 particular office, a special election shall be ordered for
4 28 that office. The special election is to be held not less than
4 29 42 and not more than 50 days following the date the special
4 30 election is ordered. New candidates may be nominated by
4 31 convention or by petition. Candidates on the original general
4 32 election ballot are disqualified from nomination as a
4 33 candidate in the special election. Candidates elected at the
4 34 special election are to be sworn in immediately after the
4 35 state commissioner issues the certificate of election.



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House File 279 - Introduced continued

5 1 The bill may include a state mandate as defined in Code
5 2 section 25B.3. The bill makes inapplicable Code section
5 3 25B.2, subsection 3, which would relieve a political
5 4 subdivision from complying with a state mandate if funding for
5 5 the cost of the state mandate is not provided or specified.
5 6 Therefore, political subdivisions are required to comply with
5 7 any state mandate included in the bill.
5 8 LSB 1343YH 82
5 9 sc:rj/je/5.1



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House File 280 - Introduced

HOUSE FILE

BY BAILEY, PETTENGILL, D. OLSON,
 H. MILLER, MERTZ, TJEKES,
 GRANZOW, UPMEYER, DEYOE,
 DE BOEF, and JACOBY

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to distress criteria for enterprise zones.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1895HH 82
- 4 tm/es/88



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House File 280 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.194, subsection 5, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. A city of any size or any county may designate an
1 4 enterprise zone at any time prior to July 1, 2010, when a
1 5 business closure or permanent layoff occurs involving. The
1 6 business closure or permanent layoff must involve the loss of
1 7 full-time employees, not including retail employees, at one
1 8 place of business totaling at least one thousand employees or
1 9 four percent or more of the county's resident labor force
1 10 based on the most recent annual resident labor force
1 11 statistics from the department of workforce development,
1 12 whichever is lower. A permanent layoff must occur on or after
1 13 July 1, 2005. The enterprise zone may be established on the
1 14 property of the place of business that has closed or imposed a
1 15 permanent layoff and the enterprise zone may include an area
1 16 up to an additional three miles adjacent to the property. The
1 17 area meeting the requirements for enterprise zone eligibility
1 18 under this subsection shall not be included for the purpose of
1 19 determining the area limitation pursuant to section 15E.192,
1 20 subsection 4. An eligible housing business under section
1 21 15E.193B shall not receive incentives or assistance for a home
1 22 or multiple dwelling unit built or rehabilitated in an
1 23 enterprise zone designated pursuant to this subsection.

1 24 EXPLANATION

1 25 This bill relates to distress criteria for enterprise
1 26 zones.
1 27 Currently, a city or county may designate an enterprise
1 28 zone at any time prior to July 1, 2010, when a business
1 29 closure occurs involving the loss of full-time employees, not
1 30 including retail employees, at one place of business totaling
1 31 at least 1,000 employees or 4 percent or more of the county's
1 32 resident labor force based on the most recent annual resident
1 33 labor force statistics from the department of workforce
1 34 development, whichever is lower. The bill changes the
1 35 requirement from a business closure to a business closure or a



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House File 280 - Introduced continued

2 1 permanent layoff. The permanent layoff must occur on or after
2 2 July 1, 2005.
2 3 LSB 1895HH 82
2 4 tm:nh/es/88



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House File 281

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the training and certification of designated
- 2 security personnel working at commercial establishments with a
- 3 liquor control license or wine or beer permit.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 2251HH 82
- 6 ec/je/5



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House File 281 continued

PAG LIN

1 1 Section 1. Section 123.32, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. SECURITY EMPLOYEE TRAINING. A local authority, as a
1 4 condition of obtaining and holding a license or permit for
1 5 on-premises consumption, ~~may~~ shall require a designated
1 6 security employee as defined in section 123.3 to be trained
1 7 and certified in security methods. The training shall include
1 8 but is not limited to mediation techniques, civil rights or
1 9 unfair practices awareness as provided in section 216.7, and
1 10 providing instruction on the proper physical restraint methods
1 11 used against a person who has become combative.

1 12 EXPLANATION

1 13 This bill provides that local authorities shall require
1 14 that designated security personnel working at establishments
1 15 with a liquor control license or beer or wine permit be
1 16 trained and certified in security methods as a condition of
1 17 granting the liquor control license or beer or wine permit.
1 18 Current law allows, but does not require, the local authority
1 19 to require the training.

1 20 LSB 2251HH 82

1 21 ec:nh/je/5



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House File 282 - 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 funding for the shelter assistance fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1996HH 82
- 4 tm/es/88



Iowa General Assembly
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House File 282 - Introduced continued

PAG LIN

1 1 Section 1. Section 428A.8, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 On or before the tenth day of each month the county
1 4 recorder shall determine and pay to the treasurer of state
1 5 eighty-two and three-fourths percent of the receipts from the
1 6 real estate transfer tax collected during the preceding month
1 7 and the treasurer of state shall deposit ~~ninety-five~~ ninety
1 8 percent of the receipts in the general fund of the state and
1 9 transfer ~~five~~ ten percent of the receipts to the shelter
1 10 assistance fund created in section 15.349.

1 11 EXPLANATION

1 12 This bill relates to funding for the shelter assistance
1 13 fund.
1 14 Currently, when there is consideration and the actual
1 15 market value of the real property transferred is in excess of
1 16 \$500, the real estate transfer tax is 80 cents for each \$500
1 17 or fractional part of \$500 in excess of \$500. On or before
1 18 the 10th day of each month, the county recorder determines and
1 19 pays to the treasurer of state 82.75 percent of the receipts
1 20 from the real estate transfer tax collected during the
1 21 preceding month and the treasurer of state deposits 95 percent
1 22 of the receipts in the general fund of the state and transfers
1 23 5 percent of the receipts to the shelter assistance fund.
1 24 The bill increases the percentage of receipts paid to the
1 25 treasurer of state that are transferred to the shelter
1 26 assistance fund from 5 to 10 percent. The bill decreases the
1 27 percentage of receipts deposited in the general fund of the
1 28 state from 95 percent to 90 percent.
1 29 LSB 1996HH 82
1 30 tm:nh/es/88



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House File 283

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 93)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the enforcement of a restitution judgment
- 2 against a person convicted of a criminal offense.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1157HV 82
- 5 jm/es/88



Iowa General Assembly
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House File 283 continued

PAG LIN

1 1 Section 1. Section 627.6A, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. Notwithstanding the provisions of section 627.6, a
1 4 debtor shall not be permitted to claim exemptions with regard
1 5 to payment or a portion of payment under a pension, annuity,
1 6 individual retirement account, profit-sharing plan, universal
1 7 life insurance policy, or similar plan or contract due to
1 8 illness, disability, death, age, or length of service for
1 9 ~~child, spousal, or medical support.~~ the following:

1 10 a. Child support.

1 11 b. Spousal support.

1 12 c. Medical support.

1 13 d. Victim restitution ordered pursuant to chapter 910
1 14 while the debtor is committed to the custody of the director
1 15 of the department of corrections and confined in a
1 16 correctional facility.

1 17 (1) The victim restitution to be collected and forwarded
1 18 from the pension fund, annuity, individual retirement account,
1 19 profit-sharing plan, universal life insurance policy, or
1 20 similar plan or contract due to illness, disability, death,
1 21 age, or length of service that is exempt from income tax under
1 22 the Internal Revenue Code shall be subject to the restrictions
1 23 placed upon the amount and timing of such assignments under
1 24 the Internal Revenue Code and regulations, as determined by
1 25 the plan administrator.

1 26 (2) Victim restitution shall only be collected and
1 27 forwarded pursuant to this paragraph after any monthly child
1 28 support, spousal support, and medical support have been
1 29 collected and forwarded.

1 30 Sec. 2. NEW SECTION. 822.9A ENFORCEMENT OF A JUDGMENT OF
1 31 RESTITUTION UPON FILING OF AN APPLICATION OR APPEAL.

1 32 The filing of an application pursuant to this chapter or
1 33 any appeal from the final judgment shall not operate to stay
1 34 the enforcement of a judgment of restitution for criminal
1 35 activities ordered pursuant to section 910.2.



Iowa General Assembly
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House File 283 continued

2 1 EXPLANATION
2 2 This bill relates to enforcement of a restitution judgment
2 3 against a person convicted of a criminal offense.
2 4 Under the bill, payments under a pension or other similar
2 5 plan concerning illness, disability, death, age, or length of
2 6 service of a person confined in a state correctional facility
2 7 are subject to execution if restitution has been ordered
2 8 pursuant to Code chapter 910. Under current law, a person may
2 9 only execute a judgment against a pension or other related
2 10 plan of a person confined at a correctional institution if the
2 11 judgment is for child, spousal, or medical support.
2 12 Victim restitution to be collected and forwarded under the
2 13 bill to the victim is subject to restrictions placed upon the
2 14 amount and timing of the assignment by the Internal Revenue
2 15 Code, as determined by the plan administrator. Restitution
2 16 shall only be collected and forwarded to the victim under the
2 17 bill after any monthly child, spousal, and medical support
2 18 have been paid.
2 19 The bill provides that the enforcement of a judgment of
2 20 restitution against an offender is not stayed by the filing of
2 21 an application for postconviction relief or any appeal from
2 22 the final judgment of a postconviction action.
2 23 LSB 1157HV 82
2 24 jm:rj/es/88



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House File 284 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

- 1 An Act relating to claims for material or labor on certain public
- 2 and private property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1731HH 82
- 5 rh/es/88



Iowa General Assembly
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House File 284 - Introduced continued

PAG LIN

1 1 Section 1. Section 572.32, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. In a court action or other binding dispute resolution
1 4 ~~to enforce a mechanic's lien, if the plaintiff furnished labor~~
~~1 5 or materials directly to the defendant, a prevailing plaintiff~~
1 6 who is the principal contractor may be awarded reasonable
1 7 attorney fees.
1 8 Sec. 2. Section 573.15, Code 2007, is amended by striking
1 9 the section and inserting in lieu thereof the following:
1 10 573.15 REQUIREMENT OF NOTIFICATION.
1 11 1. Notwithstanding other provisions of this chapter, and
1 12 in addition to all other requirements of this chapter, a
1 13 person furnishing labor or materials to a subcontractor shall
1 14 not be entitled to a claim under this chapter unless the
1 15 person furnishing labor or materials does all of the
1 16 following:
1 17 a. Notifies the principal contractor in writing with a
1 18 one-time notice containing the name, mailing address, and
1 19 telephone number of the person furnishing the labor or
1 20 materials, and the name of the subcontractor to whom the labor
1 21 or materials were furnished, within thirty days of first
1 22 furnishing labor or materials for which a claim may be made.
1 23 Additional labor or materials furnished by the same person to
1 24 the same subcontractor for use in the same construction
1 25 project shall be covered by this notice.
1 26 b. Supports the claim with a certified statement that the
1 27 principal contractor was notified in writing with a one-time
1 28 notice containing the name, mailing address, and telephone
1 29 number of the person furnishing the labor or materials, and
1 30 the name of the subcontractor to whom the labor or materials
1 31 were furnished, within thirty days after the labor or
1 32 materials were first furnished, pursuant to paragraph "a".
1 33 2. Notwithstanding other provisions of this chapter, a
1 34 principal contractor shall not be prohibited from requesting
1 35 information from a subcontractor or a person furnishing labor



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House File 284 - Introduced continued

2 1 or materials to a subcontractor regarding payments made or
2 2 payments to be made to a person furnishing labor or materials
2 3 to a subcontractor.
2 4 3. No part of any unpaid funds due a contractor shall be
2 5 retained as provided in this chapter because of the
2 6 commencement of any action by the contractor against the state
2 7 department of transportation under authority granted in
2 8 section 613.11.

2 9 EXPLANATION

2 10 This bill relates to claims for labor or materials on
2 11 certain public and private property.
2 12 The bill provides that in a court action or other finding
2 13 dispute resolution to enforce a mechanic's lien, the
2 14 prevailing plaintiff may be awarded reasonable attorney fees.
2 15 The bill strikes requirements relating to the retention of
2 16 unpaid funds due to a contractor on claims for material
2 17 furnished in a public improvement project and instead requires
2 18 that a person furnishing labor or materials to a subcontractor
2 19 on a public improvement project shall not be entitled to a
2 20 claim for labor or materials unless the person furnishing the
2 21 labor or materials first provides written notice to the
2 22 principal contractor and supports the claim with a certified
2 23 statement that the principal contractor was so notified. The
2 24 bill provides that a principal contractor shall not be
2 25 prohibited from requesting information from a subcontractor or
2 26 a person furnishing labor or materials to a subcontractor
2 27 regarding payments made or payments to be made to a person
2 28 furnishing labor or materials to a subcontractor. Such
2 29 requirements are similar to the notification requirements
2 30 relating to the filing of a mechanic's lien under Code chapter
2 31 572.
2 32 The bill retains current law that provides that no part of
2 33 any unpaid funds due to a contractor in a public improvement
2 34 project shall be retained because of the commencement of any
2 35 action by the contractor against the state department of



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House File 284 - Introduced continued

- 3 1 transportation pursuant to Code section 613.11.
- 3 2 LSB 1731HH 82
- 3 3 rh:nh/es/88



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House File 285 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

- 1 An Act providing a tax deduction for dental services providers
- 2 who participate in the Medicaid program, and including a
- 3 retroactive applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1724HH 82
- 6 pf/gg/14



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House File 285 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 50. If the taxpayer is a provider of
1 4 dental services under the medical assistance program and the
1 5 rate of reimbursement for such dental services is less than
1 6 the amount normally charged by the dental provider for such
1 7 dental services, subtract one hundred percent of the
1 8 difference between the amount normally charged for the dental
1 9 services and the reimbursement rate for each dental service
1 10 provided and reimbursed under the medical assistance program.
1 11 For the purposes of this subsection, "provider of dental
1 12 services" means any individual taxpayer who provides dental
1 13 services as defined by and which are reimbursable under the
1 14 medical assistance program.

1 15 Sec. 2. APPLICABILITY. This Act applies retroactively to
1 16 January 1, 2007, for tax years beginning on or after that
1 17 date.

1 18 EXPLANATION

1 19 This bill provides a deduction from income for individual
1 20 taxpayers who are providers of dental services under the
1 21 medical assistance program. Under the bill, if the rate of
1 22 reimbursement for dental services provided to the dental
1 23 services provider is less than the amount normally charged by
1 24 the dental provider for such dental services, the dental
1 25 services provider may subtract 100 percent of the difference
1 26 between the amount normally charged and the reimbursement rate
1 27 under the medical assistance program in computing income. The
1 28 bill defines "provider of dental services" as any individual
1 29 taxpayer who provides dental services as defined by and which
1 30 are reimbursable under the medical assistance program.

1 31 The bill applies retroactively to January 1, 2007, for tax
1 32 years beginning on or after that date.

1 33 LSB 1724HH 82

1 34 pf:sc/gg/14



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House File 286 - Introduced

HOUSE FILE
 BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 160)

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

A BILL FOR

1 An Act providing for the establishment of the state percent of
 2 growth for purposes of the state school foundation program,
 3 and providing an applicability date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 2332HV 82
 6 ak/je/5



Iowa General Assembly
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House File 286 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. STATE PERCENT OF GROWTH. ~~The state percent of growth~~
~~1 4 for the budget year beginning July 1, 2006, is four percent.~~
1 5 The state percent of growth for the budget year beginning July
1 6 1, 2007, is four percent. The state percent of growth for the
1 7 budget year beginning July 1, 2008, is four percent. The
1 8 state percent of growth for each subsequent budget year shall
1 9 be established by statute which shall be enacted within thirty
1 10 days of the submission in the year preceding the base year of
1 11 the governor's budget under section 8.21. The establishment
1 12 of the state percent of growth for a budget year shall be the
1 13 only subject matter of the bill which enacts the state percent
1 14 of growth for a budget year.

1 15 Sec. 2. APPLICABILITY. This Act is applicable for
1 16 computing state aid under the state school foundation program
1 17 for the school budget year beginning July 1, 2008.

1 18 EXPLANATION

1 19 This bill establishes a state percent of growth of 4
1 20 percent for purposes of the state school foundation program
1 21 for the school budget year beginning July 1, 2008. The bill
1 22 is applicable for state aid computation under the school
1 23 foundation program for the school budget year beginning July
1 24 1, 2008.

1 25 LSB 2332HV 82

1 26 ak:rj/je/5



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House File 287 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

- 1 An Act creating the Iowa stem cell research and cures initiative,
- 2 and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2263YH 82
- 5 pf/es/88



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House File 287 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 707C.1 TITLE.

1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Stem Cell Research and Cures Initiative".

1 4 Sec. 2. NEW SECTION. 707C.2 PURPOSE.

1 5 It is the purpose of this chapter to ensure that Iowa
1 6 patients have access to stem cell therapies and cures and that
1 7 Iowa researchers may conduct stem cell research and develop
1 8 therapies and cures in the state, and to prohibit human
1 9 reproductive cloning.

1 10 Sec. 3. NEW SECTION. 707C.3 DEFINITIONS.

1 11 As used in this chapter, unless the context otherwise
1 12 requires:

1 13 1. "Human reproductive cloning" means human asexual
1 14 reproduction, using somatic cell nuclear transfer, for
1 15 implantation or attempted implantation into a woman's uterus
1 16 or substitute for a woman's uterus. "Human reproductive
1 17 cloning" does not include somatic cell nuclear transfer
1 18 performed for the purpose of creating embryonic stem cells.

1 19 2. "Human somatic cell" means a diploid cell having a
1 20 complete set of chromosomes obtained or derived from a living
1 21 or deceased human body at any stage of development.

1 22 3. "Oocyte" means a human ovum.

1 23 4. "Somatic cell nuclear transfer" means a technique in
1 24 which the nucleus of a human somatic cell is injected or
1 25 transplanted into a fertilized or unfertilized oocyte from
1 26 which the nucleus has been removed.

1 27 Sec. 4. NEW SECTION. 707C.4 HUMAN REPRODUCTIVE CLONING
1 28 == PROHIBITIONS == EXCEPTIONS == PENALTY.

1 29 1. A person shall not intentionally or knowingly do any of
1 30 the following:

1 31 a. Perform or attempt to perform human reproductive
1 32 cloning.

1 33 b. Participate in performing or in an attempt to perform
1 34 human reproductive cloning.

1 35 c. Transfer or receive, in whole or in part, for the



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House File 287 - Introduced continued

2 1 purpose of shipping, receiving, or importing, the product of
2 2 human reproductive cloning.

2 3 2. a. A person who violates subsection 1, paragraph "a"
2 4 or "b", is guilty of a class "C" felony.

2 5 b. A person who violates subsection 1, paragraph "c", is
2 6 guilty of an aggravated misdemeanor.

2 7 3. A person who violates this section in a manner that
2 8 results in a pecuniary gain to the person is subject to a
2 9 civil penalty in an amount that is twice the amount of the
2 10 gross gain.

2 11 4. A person who violates this section and who is licensed
2 12 pursuant to chapter 148, 150, or 150A is subject to revocation
2 13 of the person's license.

2 14 5. A violation of this section is grounds for denial of an
2 15 application for, denial of renewal of, or revocation of any
2 16 license, permit, certification, or any other form of
2 17 permission required to practice or engage in any trade,
2 18 occupation, or profession regulated by the state.

2 19 Sec. 5. Chapter 707B, Code 2007, is repealed.

2 20 EXPLANATION

2 21 This bill creates a new chapter to be known and cited as
2 22 the "Iowa stem cell research and cures initiative". The bill
2 23 provides definitions of "human reproductive cloning", "human
2 24 somatic cell", "oocyte", and "somatic cell nuclear transfer".
2 25 The definition of "human reproductive cloning" specifies that
2 26 "human reproductive cloning" does not include somatic cell
2 27 nuclear transfer performed for the purpose of creating
2 28 embryonic stem cells. The bill provides that a person shall
2 29 not intentionally or knowingly perform or attempt to perform
2 30 human reproductive cloning; participate in performing or
2 31 attempting to perform human reproductive cloning; transfer or
2 32 receive, in whole or in part, for the purpose of shipping,
2 33 receiving, or importing, the product of human reproductive
2 34 cloning. The bill provides criminal and other penalties for
2 35 violations of the bill. The bill repeals Code chapter 707B,



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House File 287 - Introduced continued

- 3 1 the human cloning prohibition Act.
- 3 2 LSB 2263YH 82
- 3 3 pf:rj/es/88.3



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House Joint Resolution 3 - Introduced

HOUSE JOINT RESOLUTION
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 47)

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

HOUSE JOINT RESOLUTION

- 1 A Joint Resolution proposing an amendment to the Constitution of
- 2 the State of Iowa relating to the qualification of electors.
- 3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1673HV 82
- 5 sc/cf/24



Iowa General Assembly
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House Joint Resolution 3 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Section 5 of Article II of the Constitution of the State of
1 4 Iowa is repealed and the following adopted in lieu thereof:
1 5 DISQUALIFIED PERSONS. SEC. 5. A person adjudged mentally
1 6 incompetent to vote or a person convicted of any infamous
1 7 crime shall not be entitled to the privilege of an elector.
1 8 Sec. 2. RATIFICATION. The foregoing proposed amendment to
1 9 the Constitution of the State of Iowa, having been adopted and
1 10 agreed to by the Eighty-first General Assembly, 2006 Session,
1 11 thereafter duly published, and now adopted and agreed to by
1 12 the Eighty-second General Assembly in this joint resolution,
1 13 shall be submitted to the people of the State of Iowa at the
1 14 general election in November of the year 2008 in the manner
1 15 required by the Constitution of the State of Iowa and the laws
1 16 of the State of Iowa.

1 17 EXPLANATION

1 18 This joint resolution proposes an amendment to the
1 19 Constitution of the State of Iowa, for adoption by the second
1 20 consecutive general assembly, relating to persons who are
1 21 disqualified from voting or holding elective office. The
1 22 resolution removes the words "idiot" and "insane" from the
1 23 constitutional provision and substitutes the phrase "mentally
1 24 incompetent to vote".

1 25 The resolution, if adopted, would be referred to the
1 26 electorate for ratification at the general election in
1 27 November 2008.

1 28 LSB 1673HV 82

1 29 sc:rj/cf/24



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House Resolution 17 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY REASONER
1 3 A Resolution honoring the Students in Free Enterprise
1 4 team from Graceland University for placing as first
1 5 runner-up in the world cup competition.
1 6 WHEREAS, Students in Free Enterprise (SIFE) is a
1 7 global nonprofit organization active in more than 40
1 8 countries and funded by financial contributions from
1 9 corporations, entrepreneurs, foundations, government
1 10 agencies, and individuals; and
1 11 WHEREAS, SIFE gives students the tools to learn the
1 12 free enterprise system in a real working situation,
1 13 challenging students on more than 800 college campuses
1 14 nationwide to take what they are learning in the
1 15 classroom and use their knowledge to better their
1 16 communities; and
1 17 WHEREAS, working in partnership with business and
1 18 higher education, SIFE establishes student teams on
1 19 university campuses and sponsors an annual world cup
1 20 competition; and
1 21 WHEREAS, SIFE students from more than 40 countries
1 22 competed in Paris, France, at the 2006 SIFE World Cup
1 23 competition; and
1 24 WHEREAS, the 86 member team from Graceland
1 25 University, already the United States champions,
1 26 placed as first runner-up at that world cup; NOW
1 27 THEREFORE,
1 28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 29 That the House of Representatives honors the Students
1 30 in Free Enterprise team from Graceland University for



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House Resolution 17 - Introduced continued

2 1 placing as first runner-up in the world cup
2 2 competition and on behalf of the citizens of Iowa
2 3 congratulates them on a job well done.
2 4 LSB 1192HH 82
2 5 jr:nh/je/5



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House Study Bill 173

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning electrical and mechanical amusement devices and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1347XD 82
- 5 ec/es/88



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1 1 Section 1. Section 99B.1, subsections 12, 18, 19, and 23,
1 2 Code 2007, are amended to read as follows:

1 3 12. "Distributor" means, for the purposes of sections
1 4 99B.10, 99B.10A, and 99B.10B, any person that owns electrical
1 5 and mechanical amusement devices registered as provided in
1 6 section 99B.10, subsection 4 1, paragraph "e", that are
1 7 offered for use at more than a single location or premises.

1 8 18. "Manufacturer" means, for the purposes of sections
1 9 99B.10, 99B.10A, and 99B.10B, any person engaged in business
1 10 in this state who originally produces an electrical and
1 11 mechanical amusement device required to be registered under
1 12 section 99B.10, subsection 4 1, paragraph "e", or individual
1 13 components for use in such a device.

1 14 19. "Manufacturer's representative" means, for the
1 15 purposes of sections 99B.10, 99B.10A, and 99B.10B, any person
1 16 engaged in business in this state who promotes or sells
1 17 electrical and mechanical amusement devices required to be
1 18 registered under section 99B.10, subsection 4 1, paragraph
1 19 "e", or individual components for use in such devices on
1 20 behalf of a manufacturer of such devices or components.

1 21 23. "Owner" means, for the purposes of sections 99B.10A
1 22 and 99B.10B, any person who owns an operable electrical and
1 23 mechanical amusement device required to be registered under
1 24 section 99B.10, subsection 4 1, paragraph "e".

1 25 Sec. 2. Section 99B.10, Code 2007, is amended to read as
1 26 follows:

1 27 99B.10 ELECTRICAL AND MECHANICAL AMUSEMENT DEVICES ==
1 28 PENALTIES.

1 29 1. It is lawful to own, possess, and offer for use by any
1 30 person at any location an electrical or mechanical amusement
1 31 device and the use of the electrical or mechanical amusement
1 32 device shall not be deemed gambling, but only if all of the
1 33 following are complied with:

1 34 ~~1.~~ a. A prize of merchandise exceeding five dollars in
1 35 value or cash shall not be awarded for use of the device.



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2 1 However, a mechanical or amusement device may be designed or
2 2 adapted to award a prize or one or more free games or portions
2 3 of games without payment of additional consideration by the
2 4 participant.

2 5 ~~2.~~ b. An amusement device shall not be designed or adapted
2 6 to cause or to enable a person to cause the release of free
2 7 games or portions of games when designated as a potential
2 8 award for use of the device, and shall not contain any meter
2 9 or other measurement device for recording the number of free
2 10 games or portions of games which are awarded.

2 11 ~~3.~~ c. An amusement device shall not be designed or adapted
2 12 to enable a person using the device to increase the chances of
2 13 winning free games or portions of games by paying more than is
2 14 ordinarily required to play the game.

2 15 d. An amusement device required to be registered as
2 16 provided in paragraph "e", shall not be placed into operation
2 17 without first obtaining a new amusement device registration
2 18 tag if electronic or mechanical components have been adapted,
2 19 altered, or replaced and such adaptation, alteration, or
2 20 replacement changes the operational characteristics of the
2 21 amusement device, including but not limited to the game being
2 22 changed.

2 23 ~~4.~~ e. (1) Each electrical and mechanical amusement device
2 24 in operation or distributed in this state that awards a prize,
2 25 as provided in this section, where the outcome is not
2 26 primarily determined by the skill or knowledge of the
2 27 operator, is registered by the department as provided by this
2 28 ~~subsection~~ lettered paragraph and is only located on premises
2 29 for which a class "A", class "B", class "C", or class "D"
2 30 liquor control license or class "B" or class "C" beer permit
2 31 has been issued pursuant to chapter 123. For an organization
2 32 that meets the requirements of section 99B.7, subsection 1,
2 33 paragraph "m", no more than four, and for all other persons,
2 34 no more than two electrical and mechanical amusement devices
2 35 registered as provided by this ~~subsection~~ lettered paragraph



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3 1 shall be permitted or offered for use in any single location
3 2 or premises for which a class "A", class "B", class "C", or
3 3 class "D" liquor control license or class "B" or class "C"
3 4 beer permit has been issued pursuant to chapter 123.

3 5 (2) Each person owning an electrical and mechanical
3 6 amusement device in this state shall obtain a registration tag
3 7 for each electrical and mechanical amusement device owned that
3 8 is required to be registered as provided in this ~~subsection~~
3 9 lettered paragraph. Upon receipt and approval of an
3 10 application and a fee of twenty-five dollars for each device
3 11 required to be registered, the department shall issue an
3 12 annual registration tag ~~which tag shall be displayed as~~
~~3 13 required by rules adopted by the department. The application~~
~~3 14 shall be submitted on forms designated by the department and~~
~~3 15 contain the information required by rule of the department. A~~
3 16 registration may be renewed annually upon submission of a
3 17 registration application and payment of the annual
3 18 registration fee and compliance with this chapter and the
3 19 rules adopted pursuant to this chapter. ~~However, the~~

3 20 (3) The number of electrical and mechanical amusement
3 21 devices registered by the department under this ~~subsection~~
3 22 lettered paragraph shall not exceed the total number of
3 23 devices registered by the department as of April 28, 2004. In
3 24 addition, the department shall not initially register an
3 25 electrical and mechanical amusement device that is required to
3 26 be registered as provided in this ~~subsection~~ lettered
3 27 paragraph to an owner for a location for which only a class
3 28 "B" or class "C" beer permit has been issued pursuant to
3 29 chapter 123 on or after April 28, 2004.

3 30 (4) A person owning or leasing an electrical and
3 31 mechanical amusement device required to be registered under
3 32 this ~~subsection~~ lettered paragraph shall only own or lease an
3 33 electrical and mechanical amusement device that is required to
3 34 be registered that has been purchased from a manufacturer,
3 35 manufacturer's representative, or distributor registered with



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4 1 the department under section 99B.10A ~~and shall not advertise~~
4 2 ~~or promote the availability of the device to the public as~~
4 3 ~~anything other than an electrical and mechanical amusement~~
4 4 ~~device pursuant to rules adopted by the department. In~~
4 5 ~~addition, an~~
4 6 (5) An owner at a location for which only a class "B" or
4 7 class "C" beer permit has been issued pursuant to chapter 123
4 8 shall not relocate an amusement device registered as provided
4 9 in this ~~subsection~~ lettered paragraph to a location other than
4 10 the location of the device on April 28, 2004, and shall not
4 11 transfer, assign, sell, or lease an amusement device
4 12 registered as provided in this ~~subsection~~ lettered paragraph
4 13 to another person for which only a class "B" or class "C" beer
4 14 permit has been issued pursuant to chapter 123 after April 28,
4 15 2004.
4 16 f. A person owning or leasing an electrical and mechanical
4 17 amusement device required to be registered under paragraph
4 18 "e", shall display the registration tag as required by rules
4 19 adopted by the department.
4 20 g. A person owning or leasing an electrical and mechanical
4 21 amusement device required to be registered under paragraph "e"
4 22 shall not allow the electrical and mechanical amusement device
4 23 to be operated or made available for operation with an expired
4 24 registration.
4 25 h. A person owning or leasing an electrical and mechanical
4 26 amusement device required to be registered under paragraph
4 27 "e", or and an employee of a person owning or leasing an
4 28 electrical and mechanical amusement device required to be
4 29 registered under paragraph "e", shall not advertise or promote
4 30 the availability of the device to the public as anything other
4 31 than an electrical and mechanical amusement device pursuant to
4 32 rules adopted by the department.
4 33 i. A person owning or leasing an electrical and mechanical
4 34 amusement device required to be registered under paragraph "e"
4 35 shall not relocate and place into operation an amusement



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5 1 device in any location other than the location at which the
5 2 amusement device is registered.

5 3 ~~5. j.~~ Any awards given for use of an amusement device
5 4 shall only be redeemed on the premises where the device is
5 5 located and only for merchandise sold in the normal course of
5 6 business for the premises.

5 7 ~~6. k.~~ Each electrical or mechanical amusement device
5 8 required to be registered as provided by this section shall
~~5 9 by January 1, 2006,~~ include on the device a counting mechanism
5 10 which establishes the volume of business of the device. The
5 11 department and the department of public safety shall have
5 12 access to the information provided by the counting mechanism.

5 13 ~~7. l.~~ Each electrical or mechanical amusement device
5 14 required to be registered as provided by this section at a
5 15 location for which only a class "B" or class "C" beer permit
5 16 has been issued pursuant to chapter 123 shall include on the
5 17 device a security mechanism which prevents the device from
5 18 being operated by a person until action is taken by the owner
5 19 or owner's designee to allow the person to operate the device.

5 20 ~~8. m.~~ An electrical or mechanical amusement device
5 21 required to be registered as provided in this section shall
5 22 not be a gambling device, as defined in section 725.9, or a
5 23 device that plays poker, blackjack, or keno.

5 24 ~~9. n.~~ Any other requirements as determined by the
5 25 department by rule. Rules adopted pursuant to this ~~subsection~~
5 26 lettered paragraph shall be formulated in consultation with
5 27 affected state agencies and industry and consumer groups.

5 28 2. A person who violates any provision of subsection 1,
5 29 paragraph "a", commits a serious misdemeanor.

5 30 3. A person who violates any provision of subsection 1,
5 31 paragraph "d", "f", "g", "h", "i", "j", or "l", shall be
5 32 subject to the following:

5 33 a. For a first offense under an applicable paragraph, the
5 34 person commits a simple misdemeanor, punishable as a scheduled
5 35 violation pursuant to section 805.8C, subsection 4, paragraph



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6 1 "b".

6 2 b. For a second or subsequent offense under the same

6 3 applicable paragraph, the person commits a serious

6 4 misdemeanor.

6 5 4. ~~It~~ Notwithstanding any provision of this section to the

6 6 contrary, it is lawful for an individual other than an owner

6 7 or promoter of an amusement device to operate an amusement

6 8 device, whether or not the amusement device is owned,

6 9 possessed or offered for use in compliance with this section.

6 10 ~~The use of an amusement device which complies with this~~

~~6 11 section shall not be deemed gambling.~~

6 12 Sec. 3. Section 99B.10A, subsection 1, Code 2007, is

6 13 amended to read as follows:

6 14 1. A person engaged in business in this state as a

6 15 manufacturer, manufacturer's representative, distributor, or

6 16 for-profit owner of electrical and mechanical amusement

6 17 devices required to be registered as provided in section

6 18 99B.10, subsection 4 1, paragraph "e", shall register with the

6 19 department. Each person who registers with the department

6 20 under this section shall pay an annual registration fee in an

6 21 amount as provided in subsection 2. Registration shall be

6 22 submitted on application forms designated by the department

6 23 that shall contain the information required by the department

6 24 by rule, including provisions requiring a federal bureau of

6 25 investigation fingerprint-based criminal background check of

6 26 each applicant by the division of criminal investigation of

6 27 the department of public safety, the cost of which shall be

6 28 paid for by the applicant. The department shall adopt rules

6 29 establishing the criteria for approval or denial of a

6 30 registration application and providing for the submission of

6 31 information to the department by a person registered pursuant

6 32 to this section if information in the initial registration is

6 33 changed, including discontinuing the business in this state.

6 34 Sec. 4. Section 99B.10A, subsection 2, paragraph c, Code

6 35 2007, is amended to read as follows:



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7 1 c. For an owner of no more than two electrical and
7 2 mechanical amusement devices registered as provided in section
7 3 99B.10, subsection 4 1, paragraph "e", at a single location or
7 4 premises that is not an organization that meets the
7 5 requirements of section 99B.7, subsection 1, paragraph "m",
7 6 two thousand five hundred dollars.

7 7 Sec. 5. Section 99B.10B, subsection 1, Code 2007, is
7 8 amended by striking the subsection and inserting in lieu
7 9 thereof the following:

7 10 1. a. The department may deny, suspend, or revoke a
7 11 registration issued pursuant to section 99B.10 or 99B.10A, if
7 12 the department finds that an applicant, registrant, or an
7 13 agent of a registrant violated or permitted a violation of a
7 14 provision of section 99B.10, 99B.10A, or 99B.10C, or a
7 15 departmental rule adopted pursuant to chapter 17A, or for any
7 16 other cause for which the director of the department would be
7 17 or would have been justified in refusing to issue a
7 18 registration, or upon the conviction of a person of a
7 19 violation of this chapter or a rule adopted under this chapter
7 20 which occurred on the premises where the registered amusement
7 21 device is or is to be located. However, the denial,
7 22 suspension, or revocation of a registration for one amusement
7 23 device does not require, but may result in, the denial,
7 24 suspension, or revocation of the registration for a different
7 25 amusement device held by the same distributor or owner.

7 26 b. If a person owning or employed by an establishment
7 27 having a class "A", class "B", class "C", or class "D" liquor
7 28 control license or having a class "B" or class "C" beer permit
7 29 issued pursuant to chapter 123 violates a provision of section
7 30 99B.10, 99B.10A, or 99B.10C, or a departmental rule adopted
7 31 pursuant to chapter 17A, the department may restrict the
7 32 number of amusement devices required to be registered as
7 33 provided in section 99B.10, subsection 1, paragraph "e", that
7 34 are permitted in the establishment for a period of up to two
7 35 years.



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8 1 Sec. 6. Section 99B.10B, subsection 2, Code 2007, is
8 2 amended to read as follows:

8 3 2. a. The department shall revoke a registration issued
8 4 pursuant to section 99B.10 or 99B.10A, for a period of ten
8 5 years ~~following at least ten days' written notice and~~
~~8 6 opportunity for an evidentiary hearing~~, if a person ~~awards~~
8 7 commits an offense of awarding a cash prize in violation of
8 8 section 99B.10, subsection 1, paragraph "a", pursuant to rules
8 9 adopted by the department. A person whose registration is
8 10 revoked under this subsection who is a person for which a
8 11 class "A", class "B", class "C", or class "D" liquor control
8 12 license has been issued pursuant to chapter 123 shall have the
8 13 person's liquor control license suspended for a period of
8 14 fourteen days in the same manner as provided in section
8 15 123.50, subsection 3, paragraph "a". ~~In addition, a~~ A person
8 16 whose registration is revoked under this subsection who is a
8 17 person for which only a class "B" or class "C" beer permit has
8 18 been issued pursuant to chapter 123 shall have the person's
8 19 class "B" or class "C" beer permit suspended and that person's
8 20 sales tax permit suspended for a period of fourteen days in
8 21 the same manner as provided in section 123.50, subsection 3,
8 22 paragraph "a".

8 23 b. If a person owning or employed by an establishment
8 24 having a class "A", class "B", class "C", or class "D" liquor
8 25 control license issued pursuant to chapter 123 commits an
8 26 offense of awarding a cash prize in violation of section
8 27 99B.10, subsection 1, paragraph "a", pursuant to rules adopted
8 28 by the department, the liquor control license of the
8 29 establishment shall be suspended for a period of fourteen days
8 30 in the same manner as provided in section 123.50, subsection
8 31 3, paragraph "a". If a person owning or employed by an
8 32 establishment having a class "B" or class "C" beer permit
8 33 issued pursuant to chapter 123 awards a cash prize in
8 34 violation of section 99B.10, subsection 1, paragraph "a",
8 35 pursuant to rules adopted by the department, the beer permit
9 1 of the establishment and the establishment's sales tax permit
9 2 shall be suspended for a period of fourteen days in the same
9 3 manner as provided in section 123.50, subsection 3, paragraph
9 4 "a".

9 5 Sec. 7. Section 99B.10B, Code 2007, is amended by adding
9 6 the following new subsection:

9 7 NEW SUBSECTION. 3. a. The process for denial,
9 8 suspension, or revocation of a registration issued pursuant to
9 9 section 99B.10 or 99B.10A, shall commence by delivering to the
9 10 applicant or registrant by certified mail, return receipt
9 11 requested, or by personal service a notice setting forth the
9 12 proposed action and the particular reasons for such action.

9 13 b. (1) If a written request for a hearing is not received
9 14 within thirty days after the mailing or service of the notice,
9 15 the denial, suspension, or revocation of a registrant shall
9 16 become effective pending a final determination by the
9 17 department. The proposed action in the notice may be
9 18 affirmed, modified, or set aside by the department in a
9 19 written decision.

9 20 (2) If a request for a hearing is timely received by the
9 21 department, the applicant or registrant shall be given an



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9 22 opportunity for a prompt and fair hearing before the
9 23 department and the denial, suspension, or revocation shall be
9 24 deemed suspended until the department makes a final
9 25 determination. However, the director of the department may
9 26 suspend a registration prior to a hearing if the director
9 27 finds that the public integrity of the registered activity is
9 28 compromised or there is a risk to public health, safety, or
9 29 welfare. In addition, at any time during or prior to the
9 30 hearing, the department may rescind the notice of the denial,
9 31 suspension, or revocation upon being satisfied that the
9 32 reasons for the denial, suspension, or revocation have been or
9 33 will be removed. On the basis of any such hearing, the
9 34 proposed action in the notice may be affirmed, modified, or
9 35 set aside by the department in a written decision. The



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10 1 procedure governing hearings authorized by this paragraph
10 2 shall be in accordance with the rules promulgated by the
10 3 department and chapter 17A.

10 4 c. A copy of the final decision of the department shall be
10 5 sent by certified mail, return receipt requested, or served
10 6 personally upon the applicant or registrant. The applicant or
10 7 registrant may seek judicial review in accordance with the
10 8 terms of the Iowa administrative procedure Act, chapter 17A.

10 9 d. If the department finds cause for denial of a
10 10 registration issued pursuant to section 99B.10 or 99B.10A, the
10 11 applicant shall not reapply for the same registration for a
10 12 period of two years. If the department finds cause for a
10 13 suspension or revocation, the registration shall be suspended
10 14 or revoked for a period not to exceed two years.

10 15 Sec. 8. Section 99B.10C, subsections 2 and 3, Code 2007,
10 16 are amended to read as follows:

10 17 2. A person owning or leasing an electrical and mechanical
10 18 amusement device, or an employee of a person owning or leasing
10 19 an electrical and mechanical amusement device, who knowingly
10 20 allows a person under the age of twenty-one years to
10 21 participate in the operation of an electrical and mechanical
10 22 amusement device, or a person who knowingly participates in
10 23 the operation of an electrical and mechanical amusement
10 24 device, with a person under the age of twenty-one years, is
10 25 guilty of a simple misdemeanor.

10 26 3. For purposes of this section, an electrical and
10 27 mechanical amusement device means an electrical and mechanical
10 28 amusement device required to be registered as provided in
10 29 section 99B.10, subsection 4 1, paragraph "e".

10 30 Sec. 9. Section 805.8C, subsection 4, Code 2007, is
10 31 amended to read as follows:

10 32 4. ELECTRICAL AND MECHANICAL AMUSEMENT DEVICE VIOLATIONS.

10 33 a. For violations of legal age for operating an electrical
10 34 and mechanical amusement device required to be registered as
10 35 provided in section 99B.10, subsection 4 1, paragraph "e",



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11 1 pursuant to section 99B.10C, subsection 1, the scheduled fine
11 2 is two hundred fifty dollars. Failure to pay the fine by a
11 3 person under the age of eighteen shall not result in the
11 4 person being detained in a secure facility.
11 5 b. For first offense violations concerning electrical and
11 6 mechanical amusement devices as provided in section 99B.10,
11 7 subsection 3, the scheduled fine is two hundred fifty dollars.

11 8 EXPLANATION

11 9 This bill makes changes concerning electrical and
11 10 mechanical amusement devices authorized pursuant to Code
11 11 chapter 99B.

11 12 Code section 99B.10, concerning electrical and mechanical
11 13 amusement devices, is amended by adding several new
11 14 requirements for authorization to offer electrical and
11 15 mechanical amusement devices to any person. The bill provides
11 16 that an amusement device that is required to be registered
11 17 shall not be placed into operation without a new registration
11 18 tag if the device has been altered in a way that changes the
11 19 operational characteristics of the amusement device. In
11 20 addition, the bill provides that an amusement device shall not
11 21 be operated with an expired registration tag and shall not be
11 22 relocated to any location other than the location at which the
11 23 device is registered.

11 24 Code section 99B.10 is also amended relative to the
11 25 penalties applicable for violations of certain requirements
11 26 applicable to electrical and mechanical amusement devices.
11 27 The bill provides that a violation concerning awarding a cash
11 28 prize is a serious misdemeanor. The bill provides that a
11 29 first violation of other applicable requirements is a simple
11 30 misdemeanor punishable as a scheduled violation and that a
11 31 second or subsequent violation of the same requirement is a
11 32 serious misdemeanor. The violations subject to these
11 33 penalties are violations concerning operating an altered
11 34 device without a new or revised registration tag, failing to
11 35 display a registration tag, operating a device with an expired



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12 1 registration, advertising of the device as anything other than
12 2 an electrical and mechanical amusement device, relocating a
12 3 device to an unauthorized location, redeeming awards off the
12 4 premises or for merchandise the location does not usually
12 5 sell, and failing to include a security mechanism on devices
12 6 required to be registered. The bill provides that the
12 7 scheduled fine for a first offense is \$250.

12 8 Code section 99B.10A, is amended. The bill provides that
12 9 manufacturers, distributors, and owners of electrical and
12 10 mechanical amusement devices shall include in their
12 11 registration application a federal bureau of investigation
12 12 fingerprint-based background check of the applicant to be paid
12 13 for by the applicant.

12 14 Code section 99B.10B, concerning administrative penalties
12 15 relative to the electrical and mechanical amusement device
12 16 registration, is amended.

12 17 The bill provides that the department of inspections and
12 18 appeals has the ability to deny or suspend the registration
12 19 for an electrical or mechanical amusement device in addition
12 20 to the current ability to revoke the registration for
12 21 violations of Code sections 99B.10 or 99B.10A, rules adopted
12 22 by the department, or for any other cause that the director of
12 23 the department would justify such action. The bill also
12 24 provides that if a person owning or employed by an
12 25 establishment with a liquor control license violates a
12 26 provision of law relative to amusement devices or a department
12 27 rule, the department may restrict the number of registered
12 28 amusement devices in the establishment for up to two years.

12 29 The bill provides that if a person owning or employed by an
12 30 establishment with a class "A", "B", "C", or "D" liquor
12 31 control license commits an offense of awarding a cash prize,
12 32 the liquor control license shall be suspended for a period of
12 33 14 days. In addition, the bill provides that if a person
12 34 owning or employed by an establishment having a class "B" or
12 35 "C" beer permit commits an offense of awarding a cash prize,



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13 1 the beer permit and sales tax permit of the establishment
13 2 shall be suspended for a period of 14 days.
13 3 The bill also adds a new provision concerning the process
13 4 the department must follow to take action to deny, revoke, or
13 5 suspend a registration issued pursuant to Code section 99B.10
13 6 or 99B.10A. The bill requires that the process shall start
13 7 with delivery to the applicant or registrant by certified
13 8 mail, return receipt requested, or by personal service, a
13 9 notice setting forth the proposed action and the reasons for
13 10 the action. If a written request for hearing is not received
13 11 within 30 days, the intended denial, suspension, or revocation
13 12 shall become effective pending a final determination by the
13 13 department. If a request for hearing is timely received, a
13 14 hearing shall be held subject to the requirements of Code
13 15 chapter 17A and rules promulgated by the department and any
13 16 adverse action shall be suspended pending a final
13 17 determination. However, the bill provides that the director
13 18 of the department may still suspend a registration prior to
13 19 hearing if there is a risk to public health, safety, or
13 20 welfare. The bill further provides that a copy of the final
13 21 decision shall be sent by certified mail or served personally
13 22 upon the applicant or registrant who may seek judicial review
13 23 pursuant to Code chapter 17A. The bill provides that if a
13 24 registration is denied, the applicant shall not be able to
13 25 reapply for the same registration for two years. In addition,
13 26 if the department suspends or revokes a registration, the
13 27 suspension or revocation shall be for a period not to exceed
13 28 two years.
13 29 Code section 99B.10C, concerning operation of registered
13 30 electrical and mechanical amusement devices by persons under
13 31 21, is amended to provide that an employee, in addition to the
13 32 owner or lessee of a registered device, who knowingly allows a
13 33 person under 21 to operate the device is guilty of a simple
13 34 misdemeanor.
13 35 LSB 1347XD 82



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14 1 ec:nh/es/88.1



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Senate Amendment 3024

PAG LIN



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House Study Bill 173 continued

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 20 the
1 4 following:
1 5 <___. "Electronic" means any communication
1 6 involving the transmission of information by wire,
1 7 radio, optical cable, electromagnetic, or other
1 8 similar means. "Electronic" includes but is not
1 9 limited to communication via electronic mail,
1 10 internet-based communications, pager service, cell
1 11 phones, and electronic text messaging.>
1 12 #2. Page 1, line 22, by striking the words <the
1 13 same and mean>.
1 14 #3. Page 1, line 22, by inserting after the word
1 15 <any> the following: <electronic, written, verbal, or
1 16 physical act or>.
1 17 #4. Page 3, line 5, by inserting after the word
1 18 <bullying.> the following: <The description of
1 19 expectations shall also include a policy for involving
1 20 parents and guardians that provides for the following:
1 21 (1) Ensures that communication between home and
1 22 school is regular, two-way, and meaningful.
1 23 (2) Promotes and supports parenting skills.
1 24 (3) Recognizes and supports the integral role
1 25 parents and guardians play in assisting student
1 26 learning.
1 27 (4) Welcomes parents and guardians into the school
1 28 and seeks their support and assistance.
1 29 (5) Makes parents and guardians full participants
1 30 in the decisions that affect children and families.
1 31 (6) Utilizes community collaborations productively
1 32 and community resources prolifically to strengthen
1 33 schools, families, and student learning.>
1 34 #5. Page 3, line 6, by inserting after the word
1 35 <appropriate> the following: <disciplinary or
1 36 nonjudicial>.
1 37 #6. Page 3, by inserting after line 35 the
1 38 following:
1 39 <___. CONSTRUCTION. As this section relates to
1 40 the authorities in charge of a nonpublic school, the
1 41 section shall not be construed to inhibit the teaching
1 42 or consideration of doctrinal matters.>
1 43 #7. Page 4, by striking line 14 and inserting the
1 44 following: <collect only data on harassment and
1 45 bullying incidences which result in suspension or
1 46 expulsion.>
1 47 #8. Page 4, lines 20 and 21, by striking the words
1 48 <, as specified by the department,>.
1 49 #9. By renumbering, relettering, or redesignating
1 50 and correcting internal references as necessary.



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House Study Bill 173 continued

2 1 SF 61.H
2 2 kh/jg/25



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Senate File 128 - Introduced

SENATE FILE
 BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1055)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to an increase in the taxes on cigarettes and
- 2 tobacco products, imposing an inventory tax on tobacco
- 3 products, creating a health care trust fund, and providing an
- 4 effective date and providing an applicability provision.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1023SV 82
- 7 pf/gg/14



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Senate File 128 - Introduced continued

PAG LIN

1 1 Section 1. Section 421B.2, subsection 3, paragraph b, Code
1 2 2007, is amended to read as follows:

1 3 b. The cost of doing business by the retailer is presumed
1 4 to be ~~six~~ eight percent of the basic cost of cigarettes in the
1 5 absence of proof of a lesser or higher cost plus the full face
1 6 value of any stamps which may be required by any cigarette tax
1 7 act of this state to the extent not already included in the
1 8 basic cost of cigarettes.

1 9 Sec. 2. Section 421B.2, subsection 4, paragraph b, Code
1 10 2007, is amended to read as follows:

1 11 b. The cost of doing business by the wholesaler is
1 12 presumed to be ~~three~~ four percent of the basic cost of
1 13 cigarettes in the absence of proof of a lesser or higher cost,
1 14 which includes cartage to the retail outlet, plus the full
1 15 face value of any stamps which may be required by any
1 16 cigarette tax act of this state to the extent not already
1 17 included in the basic cost of cigarettes.

1 18 Sec. 3. Section 453A.6, subsection 1, Code 2007, is
1 19 amended to read as follows:

1 20 1. There is imposed, and shall be collected and paid to
1 21 the department, ~~the following taxes~~ a tax on all cigarettes
1 22 used or otherwise disposed of in this state for any purpose
1 23 ~~whatsoever.~~

~~1 24 Class A. On cigarettes weighing not more than three pounds
1 25 per thousand, eighteen mills on each such cigarette.~~

~~1 26 Class B. On cigarettes weighing more than three pounds per
1 27 thousand, eighteen mills equal to six and eight-tenths cents
1 28 on each ~~such~~ cigarette.~~

1 29 Sec. 4. Section 453A.6, Code 2007, is amended by adding
1 30 the following new subsection:

1 31 NEW SUBSECTION. 7. Cigarettes shall be sold only in
1 32 packages of twenty or more cigarettes.

1 33 Sec. 5. Section 453A.35, Code 2007, is amended to read as
1 34 follows:

1 35 453A.35 TAX AND FEES PAID TO GENERAL FUND AND HEALTH CARE



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Senate File 128 - Introduced continued

2 1 TRUST FUND.

2 2 The proceeds derived from the sale of stamps and the
2 3 payment of taxes, fees, and penalties provided for under this
2 4 chapter, and the permit fees received from all permits issued
2 5 by the department, with the exception of proceeds derived from
2 6 payment of taxes pursuant to section 453A.6, subsection 1, and
2 7 section 453A.43, subsections 1 and 2, which shall be deposited
2 8 in the health care trust fund pursuant to section 453A.35A,
2 9 shall be credited to the general fund of the state. All
2 10 permit fees provided for in this chapter and collected by
2 11 cities in the issuance of permits granted by the cities shall
2 12 be paid to the treasurer of the city where the permit is
2 13 effective, or to another city officer as designated by the
2 14 council, and credited to the general fund of the city. Permit
2 15 fees so collected by counties shall be paid to the county
2 16 treasurer.

2 17 Sec. 6. NEW SECTION. 453A.35A HEALTH CARE TRUST FUND.

2 18 A health care trust fund is created in the office of the
2 19 treasurer of state. The fund consists of the revenues
2 20 generated from the taxes imposed on cigarettes and tobacco
2 21 products pursuant to section 453A.6, subsection 1, and section
2 22 453A.43, subsections 1 and 2. Moneys in the fund shall be
2 23 separate from the general fund of the state and shall not be
2 24 considered part of the general fund of the state. However,
2 25 the fund shall be considered a special account for the
2 26 purposes of section 8.53 relating to generally accepted
2 27 accounting principles. Moneys in the fund shall be used only
2 28 as specified in this section and shall be appropriated only
2 29 for the uses specified. Moneys in the fund are not subject to
2 30 section 8.33 and shall not be transferred, used, obligated,
2 31 appropriated, or otherwise encumbered, except as provided in
2 32 this section. Notwithstanding section 12C.7, subsection 2,
2 33 interest or earnings on moneys deposited in the fund shall be
2 34 credited to the fund.

2 35 Moneys in the fund shall only be used for the purposes of



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Senate File 128 - Introduced continued

3 1 health care.

3 2 Sec. 7. Section 453A.40, subsection 1, Code 2007, is
3 3 amended to read as follows:

3 4 1. All persons required to obtain a permit or to be
3 5 licensed under section 453A.13 as ~~distributors~~ or section
3 6 453A.44 having in their possession and held for resale on the
3 7 effective date of an increase in the tax rate cigarettes, ~~or~~
3 8 little cigars, or tobacco products upon which the tax under
3 9 section 453A.6 or 453A.43 has been paid, unused cigarette tax
3 10 stamps which have been paid for under section 453A.8, ~~or~~
3 11 unused metered imprints which have been paid for under section
3 12 453A.12, or tobacco products for which the tax has not been
3 13 paid under section 453A.46 shall be subject to an inventory
3 14 tax on the items as provided in this section.

3 15 Sec. 8. Section 453A.43, subsection 1, unnumbered
3 16 paragraph 1, Code 2007, is amended to read as follows:

3 17 A tax is imposed upon all tobacco products in this state
3 18 and upon any person engaged in business as a distributor of
3 19 tobacco products, at the rate of ~~twenty-two~~ forty-four percent
3 20 of the wholesale sales price of the tobacco products, except
3 21 little cigars as defined in section 453A.42. Little cigars
3 22 shall be subject to the same rate of tax imposed upon
3 23 cigarettes in section 453A.6, payable at the time and in the
3 24 manner provided in section 453A.6; and stamps shall be affixed
3 25 as provided in division I of this chapter. The tax on tobacco
3 26 products, excluding little cigars, shall be imposed at the
3 27 time the distributor does any of the following:

3 28 Sec. 9. Section 453A.43, subsection 2, unnumbered
3 29 paragraph 1, Code 2007, is amended to read as follows:

3 30 A tax is imposed upon the use or storage by consumers of
3 31 tobacco products in this state, and upon the consumers, at the
3 32 rate of ~~twenty-two~~ forty-four percent of the cost of the
3 33 tobacco products.

3 34 Sec. 10. Section 453A.43, subsection 3, Code 2007, is
3 35 amended to read as follows:



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Senate File 128 - Introduced continued

4 1 3. Any tobacco product with respect to which a tax has
4 2 once been imposed under this division shall not again be
4 3 subject to tax under ~~said~~ this division, except as provided in
4 4 section 453A.40.

4 5 Sec. 11. APPLICABILITY. Notwithstanding section 453A.40
4 6 as amended in this Act, persons required to obtain a permit or
4 7 license as specified in that section shall not be subject to
4 8 an inventory tax on the items as provided in that section as a
4 9 result of the tax increases provided in this Act.

4 10 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
4 11 immediate importance, takes effect upon enactment.

4 12 EXPLANATION

4 13 This bill relates to cigarettes and tobacco products. The
4 14 bill increases the percentage of the basic cost of cigarettes
4 15 presumed to be the cost of doing business by a retailer from 6
4 16 percent to 8 percent and by a wholesaler from 3 percent to 4
4 17 percent.

4 18 The bill increases the tax on cigarettes from 1.8 cents per
4 19 cigarette to 6.8 cents per cigarette. The effect of the bill
4 20 is to increase the tax on a package of cigarettes from 36
4 21 cents to \$1.36.

4 22 The bill requires that cigarettes be sold only in packages
4 23 of 20 or more cigarettes.

4 24 The bill also provides for an increase in the tax on
4 25 tobacco products from 22 percent of the wholesale sales price
4 26 for distributors and 22 percent of the cost of tobacco
4 27 products for the use of or storage by consumers of tobacco
4 28 products, to 44 percent of the wholesale sales price or the
4 29 cost.

4 30 The bill creates a health care trust fund for deposit of
4 31 the revenues generated from the taxes on cigarettes and
4 32 tobacco products. Moneys in the fund are to be used only for
4 33 the purposes of health care.

4 34 The bill provides for payment of the inventory tax by all
4 35 persons required to obtain a distributor's, wholesaler's, or



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5 1 retailer's permit, or a distributor's or subjobber's license,
5 2 who have in their possession and hold for resale on the
5 3 effective date of an increase in the tax rate, cigarettes,
5 4 little cigars, or tobacco products upon which the tax has been
5 5 paid, unused cigarette tax stamps which have been paid for,
5 6 unused metered imprints which have been paid for, or tobacco
5 7 products for which the tax has not been paid. The bill
5 8 provides that, notwithstanding the provision relating to the
5 9 inventory tax, persons required to obtain a permit or license
5 10 as specified in the bill shall not be subject to an inventory
5 11 tax on the items as provided in the bill as a result of the
5 12 tax increase provided in the bill.
5 13 The bill takes effect upon enactment.
5 14 LSB 1023SV 82
5 15 pf:nh/gg/14



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Senate File 129 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1029)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the racing and gaming commission by modifying
- 2 provisions regulating horses involved in horse racing and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1388SV 82
- 6 ec/je/5



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Senate File 129 - Introduced continued

PAG LIN

1 1 Section 1. Section 99D.25, subsections 5 and 9, Code 2007,
1 2 are amended to read as follows:

1 3 5. Every horse which suffers a breakdown on the racetrack,
1 4 in training, or in competition, and is destroyed, and every
1 5 other horse which expires while stabled on the racetrack under
1 6 the jurisdiction of the commission, shall undergo a postmortem
1 7 examination by a veterinarian or a veterinary pathologist at a
1 8 time and place acceptable to the commission veterinarian to
1 9 determine the injury or sickness which resulted in euthanasia
1 10 or natural death. Test samples ~~shall~~ may be obtained from the
1 11 carcass upon which the postmortem examination is conducted and
1 12 shall be sent to a laboratory approved by the commission for
1 13 testing for foreign substances and natural substances at
1 14 abnormal levels. When practical, blood and urine test samples
1 15 should be procured prior to euthanasia. The owner of the
1 16 deceased horse is responsible for payment of any charges due
1 17 to conduct the postmortem examination. A record of every
1 18 postmortem shall be filed with the commission by the
1 19 veterinarian or veterinary pathologist who performed the
1 20 postmortem within seventy-two hours of the death. Each owner
1 21 and trainer accepts the responsibility for the postmortem
1 22 examination provided herein as a requisite for maintaining the
1 23 occupational license issued by the commission.

1 24 9. The commission shall conduct random tests of bodily
1 25 substances of horses entered to race each day of a race
1 26 meeting to aid in the detection of any unlawful drugging. The
1 27 tests may be conducted both prior to and after a race. The
1 28 commission ~~shall~~ may also test any horse that breaks down
1 29 during a race and shall perform an autopsy on any horse that
1 30 is killed or subsequently destroyed as a result of an accident
1 31 during a race. When practical, blood and urine test samples
1 32 should be procured prior to euthanasia.

1 33 Sec. 2. Section 99D.25A, subsection 1, paragraph a, Code
1 34 2007, is amended to read as follows:

1 35 a. "Bleeder" means, according to its context, ~~either~~ any



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Senate File 129 - Introduced continued

2 1 of the following:

2 2 (1) A horse which, during a race or exercise, is observed
2 3 by the commission veterinarian or ~~designee~~ a licensed
2 4 practicing veterinarian to be shedding blood from one or both
2 5 nostrils and in which no upper airway injury is noted during
2 6 an examination by the commission veterinarian or a licensed
2 7 practicing veterinarian immediately following such a race or
2 8 exercise;.

2 9 (2) A horse which, within one and one-half hours of such a
2 10 race or exercise, is observed by the commission veterinarian
2 11 or a licensed practicing veterinarian, through visual or
2 12 endoscopic examination, to be shedding blood from the lower
2 13 airway; ~~or~~.

2 14 (3) A horse which has been certified as a bleeder in
2 15 another state.

2 16 (4) A horse which has furosemide listed on its most recent
2 17 past performance.

2 18 (5) A horse which, by recommendation of a licensed
2 19 practicing veterinarian, is prescribed furosemide to control
2 20 or prevent bleeding from the lungs.

2 21 Sec. 3. Section 99D.25A, subsection 2, Code 2007, is
2 22 amended to read as follows:

2 23 2. Phenylbutazone shall not be administered to a horse in
2 24 dosages which would result in concentrations of more than ~~two~~
2 25 ~~point two five~~ micrograms of the substance or its metabolites
2 26 per milliliter of blood.

2 27 Sec. 4. Section 99D.25A, subsection 4, Code 2007, is
2 28 amended to read as follows:

2 29 4. If a test detects concentrations of phenylbutazone in
2 30 the system of a horse in excess of the level permitted in this
2 31 section, the commission shall assess a civil penalty against
2 32 the trainer of at least two hundred dollars for the first
2 33 offense and at least five hundred dollars for a second
2 34 offense. The penalty for a third or subsequent offense shall
2 35 be in the discretion of the commission. ~~A penalty assessed~~



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~~Senate File 129 — Introduced continued~~

~~3 1 under this subsection shall not affect the placing of the
3 2 horse in the race.~~

3 3 Sec. 5. Section 99D.25A, subsection 7, Code 2007, is
3 4 amended to read as follows:

3 5 7. A horse entered to race with furosemide must be treated
3 6 at least four hours prior to post time. The furosemide shall
3 7 be administered intravenously by a veterinarian employed by
3 8 the owner or trainer of the horse. The commission shall adopt
3 9 rules to ensure that furosemide is administered as provided in
3 10 this section. The commission shall require that the
3 11 practicing veterinarian deliver an affidavit signed by the
3 12 veterinarian which certifies information regarding the
3 13 treatment of the horse. The affidavit must be delivered to a
3 14 commission veterinarian within twenty minutes following the
3 15 treatment. The statement must at least include the name of
3 16 the practicing veterinarian, the tattoo number of the horse,
3 17 the location of the barn and stall where the treatment
3 18 occurred, the race number of the horse, the name of the
3 19 trainer, and the time that the furosemide was administered.
3 20 Furosemide shall only be administered in a dose level of ~~two~~
3 21 no less than one hundred fifty milligrams and no more than
3 22 five hundred milligrams.

3 23 Sec. 6. Section 99F.6, subsection 8, paragraph a, Code
3 24 2007, is amended to read as follows:

3 25 a. The licensee or a holder of an occupational license
3 26 shall consent to the search, without a warrant, by agents of
3 27 the division of criminal investigation of the department of
3 28 public safety or commission employees designated by the
3 29 ~~secretary~~ administrator of the commission, of the licensee's
3 30 or holder's person, personal property, and effects, and
3 31 premises which are located on the excursion gambling boat or
3 32 adjacent facilities under control of the licensee, in order to
3 33 inspect or investigate for violations of this chapter or rules
3 34 adopted by the commission pursuant to this chapter. The
3 35 department or commission may also obtain administrative search



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Senate File 129 - Introduced continued

4 1 warrants under section 808.14.

4 2 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
4 3 immediate importance, takes effect upon enactment.

4 4 EXPLANATION

4 5 This bill primarily makes changes relative to horses
4 6 involved in horse racing.

4 7 The bill provides that certain drug tests currently
4 8 required to be conducted on horses that suffer a breakdown on
4 9 the racetrack are discretionary and no longer mandatory. The
4 10 bill also provides that when practical, blood and urine

4 11 samples should be obtained prior to euthanasia of a horse.

4 12 The bill increases the maximum allowable concentration of
4 13 phenylbutazone per milliliter of blood in a horse from two
4 14 point two micrograms of the substance to five micrograms.

4 15 The bill also modifies the definition of a bleeder for
4 16 purposes of determining whether a horse can be given certain
4 17 drugs. The bill provides that a horse can be determined to be
4 18 a bleeder if any licensed practicing veterinarian observes
4 19 bleeding. Current law only allows this determination if
4 20 bleeding is observed by a racing and gaming commission
4 21 veterinarian or designee. In addition, the bill provides that
4 22 a horse can be determined to be a bleeder if the horse has
4 23 furosemide listed on its most recent performance or is
4 24 prescribed furosemide to control bleeding by a veterinarian.

4 25 The bill eliminates the provision that the placing of a
4 26 horse in a race cannot be affected even if the racing and
4 27 gaming commission assesses a civil penalty for excessive
4 28 concentrations of phenylbutazone in the system of the horse.

4 29 The bill modifies the acceptable dose level of furosemide
4 30 that can be administered to a horse prior to a race. The bill
4 31 provides that furosemide shall only be administered in a dose
4 32 of no less than 150 milligrams and no more than 500
4 33 milligrams. Current law sets the dose level at 250
4 34 milligrams.

4 35 The bill also amends Code section 99F.6 to provide that the



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5 1 administrator of the racing and gaming commission, and not the
5 2 secretary, has the authority under that Code section.
5 3 The bill takes effect upon enactment.
5 4 LSB 1388SV 82
5 5 ec:nh/je/5



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Senate File 130 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 22)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to commissions that oversee memorial buildings
- 2 and monuments.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1045SV 82
- 5 eg/je/5



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Senate File 130 - Introduced continued

PAG LIN

1 1 Section 1. Section 37.9, unnumbered paragraphs 1 and 6,
1 2 Code 2007, are amended to read as follows:

1 3 When the proposition to erect ~~any such~~ a building or
1 4 monument under this chapter has been carried by a majority
1 5 vote, the board of supervisors or the city council, as the
1 6 case may be, shall appoint a commission consisting of ~~five or~~
~~1 7 seven~~ not more than eleven members, in the manner and with the
1 8 qualifications provided in this chapter, which shall have
1 9 charge and supervision of the erection of the building or
1 10 monument, and when erected, the management and control of the
1 11 building or monument.

1 12 The commissioners having the management and control of a
1 13 memorial hospital shall, within ten days after their
1 14 appointment, qualify by taking the usual oath of office, but
1 15 no bonds shall be required of them except as hereinafter
1 16 provided. The commissioners shall organize by electing a
1 17 chairperson, secretary, and treasurer. The secretary and
1 18 treasurer shall each file with the chairperson of the
1 19 commission a surety bond in such sum as the commission may
1 20 require, with sureties approved by the commission, for the use
1 21 and benefit of the memorial hospital. The reasonable costs of
1 22 such bonds shall be paid from operating funds of the hospital.
1 23 The secretary shall immediately report to the county auditor
1 24 and county treasurer the names of the chairperson, secretary,
1 25 and treasurer of the commission. The commission shall meet at
1 26 least once each month. ~~Three members of a five-member~~
~~1 27 commission and five members of a seven-member~~ A majority of
1 28 the commission members shall constitute a quorum for the
1 29 transaction of business. The secretary shall keep a complete
1 30 record of its proceedings.

1 31 EXPLANATION

1 32 Under Code chapter 37 and subject to voter approval, a city
1 33 or county may erect and equip a memorial building or monument
1 34 to commemorate the service rendered by soldiers, sailors, and
1 35 marines of the United States. The city council or the board



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Senate File 130 - Introduced continued

2 1 of supervisors, as the case may be, appoints a commission to
2 2 oversee the erection and management of the building or
2 3 monument. Under current law, the commission consists of five
2 4 or seven members. This bill allows additional persons to be
2 5 appointed, not to exceed 11 members. In accord with existing
2 6 law, the bill provides that a majority of the commission
2 7 members constitutes a quorum.
2 8 LSB 1045SV 82
2 9 eg:nh/je/5



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Senate File 131 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1125)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to publication of property assessment
- 2 equalization orders.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1644SV 82
- 5 sc/gg/14



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Senate File 131 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.49, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:

1 3 On or before October 15 the county auditor shall cause to
1 4 be published in official newspapers of general circulation the
1 5 final equalization order. The publication shall include, in
1 6 type larger than the remainder of the publication, the
1 7 following ~~statement~~ statements:

1 8 1. "Assessed values are equalized by the department of
1 9 revenue every two years. Local taxing authorities determine
1 10 the final tax levies and may reduce property tax rates to
1 11 compensate for any increase in valuation due to equalization."

1 12 2. "An affected property owner or taxpayer may protest the
1 13 application of this equalization order by filing an appeal
1 14 between October 16 and October 25 with the county board of
1 15 review of the county where the property is located."

1 16 PARAGRAPH DIVIDED. Failure to publish the equalization
1 17 order has no effect upon the validity of the orders.

1 18 EXPLANATION

1 19 This bill requires that the notice of an equalization order
1 20 published by the county auditor contain a statement indicating
1 21 that an affected property owner or taxpayer may protest the
1 22 application of the equalization order by filing an appeal with
1 23 the local board of review between October 16 and October 25,
1 24 which is the current statutory time period for filing such an
1 25 appeal.

1 26 LSB 1644SV 82

1 27 sc:nh/gg/14



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Senate File 132 - Introduced

SENATE FILE
 BY BOLKCOM

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

A BILL FOR

1 An Act relating to delayed deposit services including fees,
 2 notices, transaction amounts, and reporting requirements.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 TLSB 2238XS 82
 5 rn/gg/14



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Senate File 132 - Introduced continued

PAG LIN

1 1 Section 1. Section 533D.9, Code 2007, is amended to read
1 2 as follows:
1 3 533D.9 FEE RESTRICTION == REQUIRED DISCLOSURE.
1 4 1. a. A licensee shall not charge a transaction fee in
1 5 excess of ~~fifteen~~ five dollars ~~on the first~~ per one hundred
1 6 dollars ~~on the face amount of a check or more than ten dollars~~
~~1 7 on subsequent one hundred dollar increments on the face amount~~
~~1 8 of the check of the amount financed for services provided by~~
1 9 the licensee, or pro rata for any portion of one hundred
1 10 dollars face value.
1 11 b. If the check is not negotiable on the date agreed upon,
1 12 a licensee may charge a default fee, not to exceed fifteen
1 13 dollars. Only one such fee may be collected with respect to a
1 14 check even if the check has been redeposited and returned more
1 15 than once, regardless of how long the check remains unpaid. A
1 16 fee charged pursuant to this subsection is a licensee's
1 17 exclusive remedy and charge for late payment or nonpayment.
1 18 2. A licensee shall give to the maker of the check, at the
1 19 time any delayed deposit service transaction is made, or if
1 20 there are two or more makers, to one of them, notice written
1 21 in clear, understandable language disclosing all of the
1 22 following:
1 23 a. The transaction fee to be charged ~~for the transaction.~~
1 24 b. The annual percentage rate as computed pursuant to the
1 25 federal Truth in Lending Act.
1 26 c. The date on which the check will be deposited or
1 27 presented for negotiation.
1 28 d. ~~Any penalty~~ The default fee, not to exceed fifteen
1 29 dollars, ~~which~~ that the licensee will charge if the check is
1 30 not negotiable on the date agreed upon. ~~A penalty~~ The notice
1 31 shall state that the default fee to be charged pursuant to
1 32 this section shall only be collected by the licensee once on a
1 33 check ~~no matter~~ regardless of how long the check remains
1 34 unpaid. ~~A penalty~~; and that a default fee to be charged
1 35 pursuant to this section is a licensee's exclusive remedy and



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2 1 if a licensee charges a ~~penalty~~ default fee pursuant to this
2 2 section no other penalties under this chapter or any other
2 3 provision apply.

2 4 3. In addition to the notice required by subsection 2,
2 5 every licensee shall conspicuously display a schedule of all
2 6 fees, charges, and penalties for all services provided by the
2 7 licensee authorized by this section. The notice shall be
2 8 posted at the office and every branch office of the licensee.
2 9 The licensee shall provide a written schedule of the fees,
2 10 charges, interest rates, and penalties upon request.

2 11 4. The licensee shall make all notices and disclosures
2 12 required under this section available in the languages spoken
2 13 by consumers who frequent that location.

2 14 Sec. 2. Section 533D.10, subsection 1, Code 2007, is
2 15 amended to read as follows:

2 16 1. A licensee shall not do any of the following:

2 17 a. Hold from any one maker more than ~~two checks~~ one check
2 18 at any one time.

2 19 b. Hold from any one maker a check ~~or checks~~ in an
2 20 ~~aggregate face~~ amount of more than ~~five~~ three hundred dollars
2 21 at any one time.

2 22 c. Hold or agree to hold a check for more than thirty-one
2 23 days.

2 24 d. Require the maker to receive payment by a method ~~which~~
2 25 that causes the maker to pay additional or further fees and
2 26 charges to the licensee or another person, or otherwise charge
2 27 to cash a check representing the proceeds of the transaction.

2 28 e. Repay, refinance, or otherwise consolidate a postdated
2 29 check transaction with the proceeds of another postdated check
2 30 transaction made by the same licensee. Upon payment of the
2 31 maker's check by the drawee bank, the return of a check to a
2 32 maker who redeems it for consideration, or any other method of
2 33 termination of the delayed deposit transaction, the licensee
2 34 shall not enter into another delayed deposit transaction with
2 35 the same maker for at least two days thereafter provided,



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3 1 however, that a licensee may extend the delay of the deposit
3 2 of the check without charge.

3 3 f. Receive any other charges or fees in addition to the
3 4 fees listed in section 533D.9, ~~subsections 1 and 2.~~

3 5 Sec. 3. NEW SECTION. 533D.17 REPORTING.

3 6 1. The superintendent shall annually collect, and
3 7 licensees shall provide, information regarding at least all of
3 8 the following:

3 9 a. The total number of delayed deposit transactions made
3 10 at each location.

3 11 b. The total amount of money subject to delayed deposit
3 12 transactions at each location.

3 13 c. The total amount of bad debt incurred at each location.

3 14 d. Affiliate relationships, if any, of each licensee with
3 15 any financial institutions.

3 16 e. The age, ethnicity, and annual income of each consumer
3 17 of the licensee's delayed deposit services business.

3 18 2. The superintendent may adopt rules pursuant to chapter
3 19 17A related to these reporting requirements.

3 20 EXPLANATION

3 21 This bill makes amendments to Code chapter 533D, delayed
3 22 deposit services, more commonly known as payday loans.

3 23 The bill amends Code section 533.9 to provide that a
3 24 licensee may charge a transaction fee of \$5 per \$100 of the
3 25 amount financed, rather than the current fee maximum of \$15 on
3 26 the first \$100 financed, and \$10 for subsequent \$100
3 27 increments.

3 28 The bill also amends Code section 533.9 to require
3 29 licensees to make written information regarding charges, fees,
3 30 penalties, and interest rates available upon request, and to
3 31 provide that notices and disclosures be provided in languages
3 32 spoken by the consumers who frequent that location.

3 33 The bill amends Code section 533.10 to provide that the
3 34 licensee shall not enter into more than one transaction with a
3 35 maker at one time, and that the licensee must wait two days



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4 1 after termination of a transaction through cashing the maker's
4 2 check before entering into another delayed deposit transaction
4 3 with the same maker. The bill also changes the maximum amount
4 4 of the transaction to \$300, rather than \$500.

4 5 The bill creates new Code section 533D.17, which requires
4 6 licensees to report, and the superintendent to collect,
4 7 information regarding delayed deposit transactions made,
4 8 affiliate relationships with other financial institutions, and
4 9 information regarding the age, ethnicity, and annual income of
4 10 each consumer of the licensee's delayed deposit services.

4 11 LSB 2238XS 82

4 12 rn:nh/gg/14



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Senate File 133 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a greenhouse gas registry.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2178XS 82
- 4 tm/es/88



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PAG LIN

1 1 Section 1. NEW SECTION. 455B.152 GREENHOUSE GAS
1 2 REGISTRY.
1 3 1. For purposes of this section, "greenhouse gas" means
1 4 water vapor, carbon dioxide, methane, nitrous oxide, or ozone.
1 5 2. By January 1, 2008, the department shall establish a
1 6 method for collecting data from producers of greenhouse gases
1 7 regarding generated greenhouse gases. The data collection
1 8 method shall provide for mandatory reporting to collect
1 9 information from affected entities individually and shall
1 10 include information regarding the amount and type of
1 11 greenhouse gases generated, the type of source, and other
1 12 information deemed relevant by the department in developing a
1 13 baseline measure of greenhouse gases produced in the state.
1 14 3. The department may allow a series of reporting
1 15 requirements to be phased in over a period of time and may
1 16 provide for phasing in by producer sector, geographic area,
1 17 size of producer, or other factors. The reporting
1 18 requirements shall apply to the departments, agencies, boards,
1 19 and commissions of the state, in addition to any other
1 20 entities subject to the reporting requirements established by
1 21 the department.
1 22 4. The department shall establish a greenhouse gas
1 23 registry for purposes of cooperating with other states in
1 24 tracking, managing, and crediting entities in the state that
1 25 reduce their generation of greenhouse gases. The registry
1 26 shall include both stationary and nonstationary sources of
1 27 emissions. The registry shall be updated annually.
1 28 5. By January 1, 2009, the greenhouse gas registry shall
1 29 be made available on an internet website.
1 30 6. Notwithstanding section 455B.133, subsection 8, and
1 31 section 455B.133B, the department may use moneys in the air
1 32 contaminant source fund created in section 455B.133B for
1 33 purposes of this section.

1 34 EXPLANATION
1 35 This bill creates a greenhouse gas registry.



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2 1 By January 1, 2008, the bill requires the department of
2 2 natural resources to establish a method for collecting data
2 3 from producers of greenhouse gases regarding generated
2 4 greenhouse gases. Greenhouse gases are defined as water
2 5 vapor, carbon dioxide, methane, nitrous oxide, and ozone. The
2 6 bill provides that the data collection method shall provide
2 7 for mandatory reporting to collect information from affected
2 8 entities individually and shall include information regarding
2 9 the amount and type of greenhouse gases generated, the type of
2 10 source, and other information deemed relevant by the
2 11 department in developing a baseline measure of greenhouse
2 12 gases produced in the state. The bill allows the department
2 13 to phase in a series of reporting requirements over a period
2 14 of time and may provide for phasing in by producer sector,
2 15 geographic area, size of producer, or other factors. The bill
2 16 requires the department to apply reporting requirements to the
2 17 departments, agencies, boards, and commissions of the state.
2 18 The bill requires the department to establish a greenhouse
2 19 gas registry for purposes of cooperating with other states in
2 20 tracking, managing, and crediting entities in the state that
2 21 reduce their generation of greenhouse gases. The bill
2 22 requires the registry to include both stationary and
2 23 nonstationary sources of emissions. The bill requires an
2 24 annual update of the registry and requires availability on an
2 25 internet website by January 1, 2009.
2 26 The bill allows the department to use moneys in the air
2 27 contaminant source fund for purposes of greenhouse gas
2 28 registry activities.
2 29 LSB 2178XS 82
2 30 tm:nh/es/88



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Senate File 134 - Introduced

SENATE FILE
BY PUTNEY

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

A BILL FOR

- 1 An Act relating to legal actions involving disputed boundaries.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1016XS 82
- 4 da/je/5



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1 1 Section 1. Section 355.4, Code 2007, is amended to read as
1 2 follows:

1 3 355.4 BOUNDARY LOCATION.

1 4 The surveyor shall acquire data necessary to retrace record
1 5 title boundaries, center lines, and other boundary line

1 6 locations in accordance with the legal descriptions ~~including~~
~~1 7 applicable provisions of chapter 650 of the parcel or tract of~~
1 8 ~~land being surveyed.~~ The surveyor shall analyze the data and

1 9 make a careful determination of the position of the boundaries
1 10 of the parcel or tract of land ~~being surveyed.~~ The surveyor

1 11 shall make a field survey, locating and connecting monuments
1 12 necessary for location of the parcel or tract and coordinate
1 13 the facts of the survey with the analysis and legal

1 14 description. The surveyor shall place monuments marking the
1 15 corners of the parcel or tract unless monuments already exist
1 16 at the corners.

1 17 Sec. 2. Chapter 650, Code 2007, is repealed.

1 18 EXPLANATION

1 19 This bill eliminates Code chapter 650, which provides
1 20 procedures for determining the boundaries between adjoining
1 21 tracts of land which cannot otherwise be established (e.g.,
1 22 the monuments marking the corners of the tract of land have
1 23 been lost or destroyed).

1 24 Currently, under Code chapter 650, an owner of land may
1 25 bring an action in district court in the county where the land
1 26 is located, and the court must appoint a commission of
1 27 surveyors who are required to make a report regarding the true
1 28 boundaries to the court within 60 days of the commission's
1 29 appointment (see Code section 650.11). The commission's
1 30 report is part of the record of a hearing between the affected
1 31 landowners who may contest the commission's findings. After
1 32 the hearing, the court must enter a decree for the
1 33 reestablishment of the boundaries which, subject to appeal, is
1 34 conclusive (see Code section 650.13). Importantly, Code
1 35 section 650.14 provides that if the land's boundaries have



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2 1 been "recognized and acquiesced in" for ten years, those
2 2 boundaries are permanently established.
2 3 Code chapter 650 relates to a legal action brought under
2 4 common law to quiet title and to the common law doctrine of
2 5 adverse possession in which the wrongful possessor of land may
2 6 nevertheless acquire title to the land (to further the public
2 7 policy of barring stale claims, and comparable to the
2 8 operation of a statute of limitations). Code section 614.1
2 9 provides a 10-year period for the deposed owner to bring an
2 10 action of ejectment. See Carpenter v. Ruperto, 315 N.W.2d 782
2 11 (Iowa 1982). Code section 650.14 is also related to the
2 12 equitable doctrine of acquiescence in which a property owner
2 13 who allows a neighbor in good faith to assume a boundary line
2 14 and build valuable improvements upon that land is estopped
2 15 from complaining about any resulting encroachment. See Ivener
2 16 v. Cowan, 175 N.W.2d 121 (Iowa 1970). In that case, the court
2 17 noted that an action could be brought under Code chapter 650
2 18 or under equity.
2 19 LSB 1016XS 82
2 20 da:nh/je/5



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Senate File 135 - Introduced

SENATE FILE

BY SENG, HORN, HATCH, KREIMAN,
BOLKCOM, BLACK, KIBBIE,
DEARDEN, GASKILL, LUNDBY,
JOHNSON, and McKIBBEN

Passed Senate, Date _____ Passed House, 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 1622XS 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 cebidae, 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, viperidae,
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 1622XS 82
13 18 da:rj/je/5.1



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SENATE FILE
 BY PUTNEY and KIBBIE

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

A BILL FOR

- 1 An Act relating to registration fees for certain motor trucks and
- 2 providing effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2299SS 82
- 5 dea/je/5



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PAG LIN

1 1 Section 1. Section 321.109, subsection 1, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. The annual fee for all motor vehicles including
1 4 vehicles designated by manufacturers as station wagons, ~~and~~
1 5 1993 and subsequent model years for multipurpose vehicles, and
1 6 2009 and subsequent model year motor trucks with an unladen
1 7 weight of seven thousand five hundred pounds or less, except
1 8 motor trucks registered under section 321.122, special trucks,
1 9 motor homes, ambulances, hearses, motorcycles, motorized
1 10 bicycles, and 1992 and older model years for multipurpose
1 11 vehicles, shall be equal to one percent of the value as fixed
1 12 by the department plus forty cents for each one hundred pounds
1 13 or fraction thereof of weight of vehicle, as fixed by the
1 14 department. The weight of a motor vehicle, fixed by the
1 15 department for registration purposes, shall include the weight
1 16 of a battery, heater, bumpers, spare tire, and wheel.
1 17 Provided, however, that for any new vehicle purchased in this
1 18 state by a nonresident for removal to the nonresident's state
1 19 of residence the purchaser may make application to the county
1 20 treasurer in the county of purchase for a transit plate for
1 21 which a fee of ten dollars shall be paid. And provided,
1 22 however, that for any used vehicle held by a registered dealer
1 23 and not currently registered in this state, or for any vehicle
1 24 held by an individual and currently registered in this state,
1 25 when purchased in this state by a nonresident for removal to
1 26 the nonresident's state of residence, the purchaser may make
1 27 application to the county treasurer in the county of purchase
1 28 for a transit plate for which a fee of three dollars shall be
1 29 paid. The county treasurer shall issue a nontransferable
1 30 certificate of registration for which no refund shall be
1 31 allowed; and the transit plates shall be void thirty days
1 32 after issuance. Such purchaser may apply for a certificate of
1 33 title by surrendering the manufacturer's or importer's
1 34 certificate or certificate of title, duly assigned as provided
1 35 in this chapter. In this event, the treasurer in the county



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2 1 of purchase shall, when satisfied with the genuineness and
2 2 regularity of the application, and upon payment of a fee of
2 3 ten dollars, issue a certificate of title in the name and
2 4 address of the nonresident purchaser delivering the title to
2 5 the owner. If there is a security interest noted on the
2 6 title, the county treasurer shall mail to the secured party an
2 7 acknowledgment of the notation of the security interest. The
2 8 county treasurer shall not release a security interest that
2 9 has been noted on a title issued to a nonresident purchaser as
2 10 provided in this paragraph. The application requirements of
2 11 section 321.20 apply to a title issued as provided in this
2 12 subsection, except that a natural person who applies for a
2 13 certificate of title shall provide either the person's social
2 14 security number, passport number, or driver's license number,
2 15 whether the license was issued by this state, another state,
2 16 or another country. The provisions of this subsection
2 17 relating to multipurpose vehicles are effective January 1,
2 18 1993, for all 1993 and subsequent model years. The annual
2 19 registration fee for multipurpose vehicles that are 1992 model
2 20 years and older shall be in accordance with section 321.124.

2 21 Sec. 2. Section 321.122, subsection 1, unnumbered
2 22 paragraph 1, Code 2007, is amended to read as follows:

2 23 The annual registration fee for truck tractors, road
2 24 tractors, and motor trucks, except 2009 and subsequent model
2 25 year motor trucks with an unladen weight of seven thousand
2 26 five hundred pounds or less and motor trucks registered as
2 27 special trucks, shall be based on the combined gross weight of
2 28 the vehicle or combination of vehicles. All such trucks,
2 29 truck tractors, or road tractors registered under this section
2 30 shall be registered for a gross weight equal to or in excess
2 31 of the unladen weight of the vehicle or combination of
2 32 vehicles. The annual registration ~~fee~~ fees for such vehicles
2 33 or combination of vehicles, except special trucks, ~~shall be~~
2 34 are as follows:

2 35 Sec. 3. Section 321.123, subsection 2, Code 2007, is



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3 1 amended by adding the following new paragraph:

3 2 NEW PARAGRAPH. c. This subsection does not apply to motor
3 3 trucks registered under section 321.109.

3 4 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This Act takes
3 5 effect January 1, 2008, and applies to registrations of 2009
3 6 and subsequent model year motor trucks with an unladen weight
3 7 of seven thousand five hundred pounds or less.

3 8 EXPLANATION

3 9 This bill revises the method for calculating annual
3 10 registration fees for motor trucks with an unladen weight of
3 11 7,500 pounds or less. Currently, most such trucks are
3 12 registered based on combined gross weight for an annual fee of
3 13 \$65, which is reduced to \$55 when the vehicle is more than 10
3 14 model years old, \$45 when the vehicle is more than 13 model
3 15 years old, and \$35 when the vehicle is more than 15 model
3 16 years old.

3 17 The bill requires that 2009 and subsequent model year motor
3 18 trucks with an unladen weight of 7,500 pounds or less be
3 19 registered under the weight and value system that applies to
3 20 most passenger vehicles. Currently under that system,
3 21 registration fees are equal to 1 percent of the value of the
3 22 vehicle plus 40 cents for each 100 pounds of weight of the
3 23 vehicle. Registration fees based on weight and value are
3 24 automatically reduced according to the age of the vehicle
3 25 beginning when the vehicle is more than five model years old.

3 26 The bill takes effect January 1, 2008, and applies to
3 27 registrations of 2009 and subsequent model year motor trucks.
3 28 The bill does not alter the current flat fee schedule, which
3 29 will continue to apply to 2008 and previous model year trucks.

3 30 LSB 2299SS 82

3 31 dea:nh/je/5



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SENATE FILE
 BY COMMITTEE ON STATE
 GOVERNMENT

(SUCCESSOR TO SSB 1030)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the registration of associate real estate
- 2 appraisers, prohibiting improper influence over an appraiser's
- 3 evaluation opinion, and imposing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1181SV 82
- 6 jr/gg/14



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1 1 Section 1. Section 543D.3, Code 2007, is amended to read
1 2 as follows:

1 3 543D.3 PURPOSES ~~== VOLUNTARY CERTIFICATION.~~

1 4 The purpose of this chapter is to establish standards for
1 5 real estate appraisals and a procedure for the voluntary
1 6 registration of real estate appraisers and the mandatory
1 7 registration of associate real estate appraisers.

1 8 A person who is not a certified real estate appraiser under
1 9 this chapter may appraise real estate for compensation if
1 10 certification is not required by this chapter or by federal or
1 11 state law, rule, or policy. However, an employee of the state
1 12 department of transportation whose duties include appraisals
1 13 of property pursuant to chapter 6B must be a certified real
1 14 estate appraiser under this chapter or a registered associate
1 15 real estate appraiser acting under the direct supervision of a
1 16 certified real estate appraiser.

1 17 Sec. 2. Section 543D.9, Code 2007, is amended to read as
1 18 follows:

1 19 543D.9 EDUCATION AND EXPERIENCE REQUIREMENT.

1 20 The board shall determine what real estate appraisal or
1 21 real estate appraisal review experience and what education
1 22 shall be required to provide appropriate assurance that an
1 23 applicant for certification is competent to perform the
1 24 certified appraisal work which is within the scope of practice
1 25 defined by the board. All experience required for initial
1 26 certification shall be performed as a registered associate
1 27 real estate appraiser acting under the direct supervision of a
1 28 certified real estate appraiser, except as the board may
1 29 provide by rule. The board shall prescribe a required minimum
1 30 number of tested hours of education relating to the provisions
1 31 of this chapter, the uniform appraisal standards, and other
1 32 rules issued in accordance with this chapter.

1 33 Sec. 3. Section 543D.18, subsection 1, Code 2007, is
1 34 amended to read as follows:

1 35 1. A certified real estate appraiser shall comply with the



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2 1 uniform appraisal standards adopted under this chapter. The
2 2 reliance of the public in general and of the financial
2 3 business community in particular on sound, reliable real
2 4 estate appraisal practices imposes on persons engaged in the
2 5 practice of real estate appraising as certified real estate
2 6 appraisers or as registered associate real estate appraisers
2 7 certain obligations both to their clients and to the public.
2 8 These obligations include the obligation to maintain
2 9 independence in thought and action, to adhere to the uniform
2 10 appraisal standards adopted under this chapter, and to
2 11 maintain high standards of personal conduct in all matters
2 12 impacting one's fitness to practice real estate appraising. A
2 13 certified real estate appraiser and a registered associate
2 14 real estate appraiser acting under the direct supervision of a
2 15 certified real estate appraiser shall perform all appraisal
2 16 assignments in an honest, disinterested and impartial manner,
2 17 with objectivity and independence, and without accommodation
2 18 to the personal interests or objectives of the appraiser, the
2 19 client, or any third person.

2 20 Sec. 4. Section 543D.18, Code 2007, is amended by adding
2 21 the following new subsection:

2 22 NEW SUBSECTION. 7. A certified real estate appraiser who
2 23 receives significant real property appraisal assistance in the
2 24 development or reporting of an appraisal assignment shall
2 25 disclose such assistance in accordance with the uniform
2 26 appraisal standards adopted under this chapter.

2 27 Sec. 5. NEW SECTION. 543D.18A PENALTIES FOR IMPROPER
2 28 INFLUENCE OF AN APPRAISAL ASSIGNMENT.

2 29 1. A mortgage lender, mortgage broker or originator, real
2 30 estate broker or salesperson, client, party, appraiser, or any
2 31 other person with an interest in a real estate transaction or
2 32 the financing of any loan secured by real estate involving an
2 33 appraisal assignment shall not improperly influence or attempt
2 34 to improperly influence the development, reporting, result, or
2 35 review of a real estate appraisal through coercion, extortion,



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3 1 or bribery, or by the withholding or threatened withholding of
3 2 payment for an appraisal fee, or the conditioning of the
3 3 payment of an appraisal fee upon the opinion, conclusion, or
3 4 valuation to be reached, or a request that the appraiser
3 5 report a predetermined opinion, conclusion, or valuation, or
3 6 the desired valuation of any person, or by any other act or
3 7 practice that impairs or attempts to impair an appraiser's
3 8 independence, objectivity, and impartiality, as required by
3 9 section 543D.18, subsections 1 and 2.

3 10 2. A violation of this section is an unlawful practice
3 11 under section 714.16, subsection 2, paragraph "a".

3 12 3. A violation of this section is a ground for discipline
3 13 against any person holding a certificate of registration under
3 14 this chapter or another license issued under the laws of the
3 15 state of Iowa, as license is defined in section 17A.2,
3 16 subsection 6, if the practice of the profession, occupation,
3 17 or business regulated by the license relates to real estate
3 18 transactions or the financing of loans secured by real estate.

3 19 4. A person does not violate this section solely by asking
3 20 an appraiser to consider additional, appropriate property
3 21 information, or to provide further detail, substantiation, or to
3 22 explanation for the appraiser's value conclusion, or to
3 23 correct errors in the appraisal report, or by withholding
3 24 payment of an appraisal fee based on a bona fide dispute
3 25 regarding the appraiser's compliance with the appraisal
3 26 standards adopted by the board under this chapter. A person
3 27 does not violate this section solely by retaining appraisers
3 28 from panels or lists on a rotating basis, or by supplying an
3 29 appraiser with information the appraiser is required to
3 30 analyze under the appraisal standards adopted by the board
3 31 under this chapter, such as agreements of sale, options, or
3 32 listings of the property to be valued.

3 33 Sec. 6. NEW SECTION. 543D.20 REGISTRATION OF ASSOCIATE
3 34 REAL ESTATE APPRAISERS.

3 35 1. A person shall not assist a certified real estate



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4 1 appraiser in the development or reporting of an appraisal
4 2 assignment that is required by this chapter, or by federal or
4 3 state law, rule, or policy to be performed by a certified real
4 4 estate appraiser, unless the person meets one or more of the
4 5 following conditions:
4 6 a. The person is certified under this chapter.
4 7 b. The person is registered as an associate real estate
4 8 appraiser and is acting under the direct supervision of a
4 9 certified real estate appraiser.
4 10 c. The person is solely providing administrative services,
4 11 such as taking photographs, preparing charts, or typing
4 12 reports, and is not providing real estate appraisal assistance
4 13 in developing the analysis, valuation, opinions, or
4 14 conclusions associated with the appraisal assignment.
4 15 d. The person is providing professional consultation that
4 16 does not constitute real property appraisal assistance, such
4 17 as the assistance of a professional engineer or certified
4 18 public accountant.
4 19 2. The board shall establish by rule the terms and
4 20 conditions of the registration of associate real estate
4 21 appraisers, including the educational and other prerequisites
4 22 to registration, the fees for registration and the renewal of
4 23 registration, and the continuing education requirements for
4 24 renewal of registration. The board shall consider and may
4 25 incorporate any guidelines recommended by the appraisal
4 26 qualifications board of the appraisal foundation relating to
4 27 associate real estate appraisers.
4 28 3. The board shall adopt rules governing the manner in
4 29 which certified real estate appraisers shall directly
4 30 supervise associate real estate appraisers, the standards of
4 31 conduct for associate real estate appraisers, and the grounds
4 32 for imposing discipline against an associate real estate
4 33 appraiser which shall include all of the grounds provided in
4 34 section 543D.17.
4 35 4. Associate real estate appraisers shall be bound by the



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5 1 uniform appraisal standards adopted by the board under this
5 2 chapter.
5 3 5. Persons who appraise real estate where certification is
5 4 not required by this chapter or by federal or state law, rule,
5 5 or policy, and who are not assisting a certified real estate
5 6 appraiser in the development or reporting of an appraisal
5 7 assignment that is required by this chapter, or by federal or
5 8 state law, rule, or policy to be performed by a certified real
5 9 estate appraiser, are not required to register with the board.
5 10 Sec. 7. NEW SECTION. 543D.21 VIOLATIONS == INJUNCTIONS
5 11 == CIVIL PENALTIES.
5 12 1. If, as the result of a complaint or otherwise, the
5 13 board believes that a person has engaged, or is about to
5 14 engage, in an act or practice that constitutes or will
5 15 constitute a violation of this chapter, the board may make
5 16 application to the district court for an order enjoining such
5 17 act or practice. Upon a showing by the board that such person
5 18 has engaged, or is about to engage, in any such act or
5 19 practice, an injunction, restraining order, or other order as
5 20 may be appropriate shall be granted by the district court.
5 21 2. The board may investigate complaints or initiate
5 22 complaints against persons who are not certified or registered
5 23 under this chapter solely to determine whether grounds exist
5 24 to make application to the district court pursuant to
5 25 subsection 1 or to issue an order pursuant to subsection 3,
5 26 and in connection with such complaints or investigations may
5 27 issue subpoenas to compel witnesses to testify or persons to
5 28 produce evidence consistent with the provisions of section
5 29 272C.6, subsection 3, as needed to determine whether probable
5 30 cause exists to initiate proceedings under this section or to
5 31 make application to the district court for an order enjoining
5 32 violations of this chapter.
5 33 3. In addition to or as an alternative to making
5 34 application to the district court for an injunction, the board
5 35 may issue an order to a person who is not certified or



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6 1 registered under this chapter to require compliance with this
6 2 chapter and may impose a civil penalty against such person for
6 3 any violation of subsection 4 in an amount up to one thousand
6 4 dollars for each violation. All civil penalties collected
6 5 pursuant to this subsection shall be deposited in the housing
6 6 trust fund created in section 16.181. An order issued
6 7 pursuant to this section may prohibit a person from applying
6 8 for certification or registration under this chapter.

6 9 4. The board may impose civil penalties against a person
6 10 who is not certified or registered under this chapter for any
6 11 of the following acts:

6 12 a. A violation of section 543D.15.

6 13 b. A violation of section 543D.18A, subsection 1.

6 14 c. A violation of section 543D.20, subsection 1.

6 15 d. Fraud, deceit, or deception, through act or omission,
6 16 in connection with an application for certification or
6 17 registration under this chapter.

6 18 5. The board, before issuing an order under this section,
6 19 shall provide the person written notice and the opportunity to
6 20 request a hearing. The hearing must be requested within
6 21 thirty days after receipt of the notice and shall be conducted
6 22 in the same manner as provided for disciplinary proceedings
6 23 involving a licensee under this chapter.

6 24 6. A person aggrieved by the imposition of a civil penalty
6 25 under this section may seek judicial review pursuant to
6 26 section 17A.19.

6 27 7. If a person fails to pay a civil penalty within thirty
6 28 days after entry of an order imposing the civil penalty, or if
6 29 the order is stayed pending an appeal, within ten days after
6 30 the court enters a final judgment in favor of the board, the
6 31 board shall notify the attorney general. The attorney general
6 32 may commence an action to recover the amount of the penalty,
6 33 including reasonable attorney fees and costs.

6 34 8. An action to enforce an order under this section may be
6 35 joined with an action for an injunction.



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Senate File 137 - Introduced continued

7 1 EXPLANATION
7 2 This bill requires registration of associate real estate
7 3 appraisers who may appraise real estate under the direct
7 4 supervision of a certified real estate appraiser. Certain
7 5 persons are excluded from this requirement if their work does
7 6 not require the use of a certified real estate appraiser.
7 7 Associate real estate appraisers must also train under the
7 8 direct supervision of a certified real estate appraiser. The
7 9 bill requires that when a certified real estate appraiser
7 10 receives significant assistance in preparing an appraisal,
7 11 that assistance must be disclosed. The bill establishes a
7 12 specific standard which requires that appraisals be performed
7 13 in an honest, disinterested, and impartial manner, with
7 14 objectivity and independence. Penalties are imposed on
7 15 persons who attempt to impose improper influence on an
7 16 appraisal. The bill sets out a variety of penalties that
7 17 range from judicial action to enjoin an act or a practice to a
7 18 civil penalty up to \$1,000 for each violation.
7 19 LSB 1181SV 82
7 20 jr:rj/gg/14



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Senate Study Bill 1190

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing proof of financial responsibility and insurance
- 2 coverage requirements for damages resulting from motor vehicle
- 3 accidents.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2170XC 82
- 6 av/gg/14



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Senate Study Bill 1190 continued

PAG LIN

1 1 Section 1. Section 321A.1, subsection 11, Code 2007, is
1 2 amended to read as follows:
1 3 11. PROOF OF FINANCIAL RESPONSIBILITY. Proof of ability
1 4 to respond in damages for liability, on account of accidents
1 5 occurring subsequent to the effective date of the proof,
1 6 arising out of the ownership, maintenance, or use of a motor
1 7 vehicle, in amounts as follows: With respect to accidents
1 8 occurring on or after ~~January 1, 1981, and prior to January 1,~~
~~1 9 1983, the amount of fifteen thousand dollars because of bodily~~
~~1 10 injury to or death of one person in any one accident, and,~~
~~1 11 subject to the limit for one person, the amount of thirty~~
~~1 12 thousand dollars because of bodily injury to or death of two~~
~~1 13 or more persons in any one accident, and the amount of ten~~
~~1 14 thousand dollars because of injury to or destruction of~~
~~1 15 property of others in any one accident; and with respect to~~
~~1 16 accidents occurring on or after January 1, 1983, and prior to~~
1 17 January 1, 2008, the amount of twenty thousand dollars because
1 18 of bodily injury to or death of one person in any one
1 19 accident, and, subject to the limit for one person, the amount
1 20 of forty thousand dollars because of bodily injury to or death
1 21 of two or more persons in any one accident, and the amount of
1 22 fifteen thousand dollars because of injury to or destruction
1 23 of property of others in any one accident. With respect to
1 24 all accidents which occur on or after January 1, 2008, the
1 25 amount of forty thousand dollars because of bodily injury to
1 26 or death of one person in any one accident and, subject to the
1 27 limit for one person, eighty thousand dollars because of
1 28 bodily injury to or death of two or more persons in any one
1 29 accident, and forty thousand dollars because of injury to or
1 30 destruction of property of others in any one accident. In
1 31 addition, the minimum amount of insurance coverage required
1 32 shall be adjusted by the insurance division of the department
1 33 of commerce effective January 1, 2013, and every five years
1 34 thereafter to reflect the percentage increase in the consumer
1 35 price index that is published annually in the federal register



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2 1 by the federal department of labor, bureau of labor
2 2 statistics, for the five-year period ending June 30 of the
2 3 year that the adjustment is to be made. The amount of the
2 4 adjustment shall be rounded to the nearest five thousand
2 5 dollars of coverage, with the minimum amount of coverage for
2 6 one accident being at least twice the minimum amount for one
2 7 person, and shall be published by the commissioner of
2 8 insurance no later than July 1 of the year preceding the
2 9 January 1 when the adjusted amount becomes effective.

2 10 Sec. 2. Section 321A.15, subsection 1, paragraph b,
2 11 unnumbered paragraph 1, Code 2007, is amended to read as
2 12 follows:

2 13 Judgments referred to in this chapter and rendered upon
2 14 claims arising from accidents occurring on or after January 1,
2 15 1983, and prior to January 1, 2008, shall, for the purpose of
2 16 this chapter only, be deemed satisfied when the following
2 17 occur:

2 18 Sec. 3. Section 321A.15, subsection 1, Code 2007, is
2 19 amended by adding the following new paragraph:

2 20 NEW PARAGRAPH. c. Judgments referred to in this chapter
2 21 and rendered upon claims arising from accidents occurring on
2 22 or after January 1, 2008, shall, for the purpose of this
2 23 chapter only, be deemed satisfied when the following occur:

2 24 (1) When forty thousand dollars has been credited upon any
2 25 judgment or judgments rendered in excess of that amount
2 26 because of bodily injury to or death of one person as the
2 27 result of any one accident.

2 28 (2) When, subject to the limit of forty thousand dollars
2 29 because of bodily injury to or death of one person, the sum of
2 30 eighty thousand dollars has been credited upon any judgment or
2 31 judgments rendered in excess of that amount because of bodily
2 32 injury to or death of two or more persons as the result of any
2 33 one accident.

2 34 (3) When forty thousand dollars has been credited upon any
2 35 judgment or judgments rendered in excess of that amount



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3 1 because of injury to or destruction of property of others as a
3 2 result of any one accident.

3 3 Sec. 4. Section 321A.21, subsection 2, paragraph b, Code
3 4 2007, is amended to read as follows:

3 5 b. Shall insure the person named in the policy and any
3 6 other person, as insured, using the motor vehicles with the
3 7 express or implied permission of the named insured, against
3 8 loss from the liability imposed by law for damages arising out
3 9 of the ownership, maintenance, or use of the motor vehicles
3 10 within the United States of America or the Dominion of Canada,
3 11 subject to limits exclusive of interest and costs, with
3 12 respect to each such motor vehicle, as follows: With respect
3 13 to all accidents which occur on or after ~~January 1, 1981, and~~
~~3 14 before January 1, 1983, fifteen thousand dollars because of~~
~~3 15 bodily injury to or death of one person in any one accident~~
~~3 16 and, subject to said limit for one person, thirty thousand~~
~~3 17 dollars because of bodily injury to or death of two or more~~
~~3 18 persons in any one accident, and ten thousand dollars because~~
~~3 19 of injury to or destruction of property of others in any one~~
~~3 20 accident; and with respect to all accidents which occur on or~~
~~3 21 after January 1, 1983, and prior to January 1, 2008, twenty~~
3 22 thousand dollars because of bodily injury to or death of one
3 23 person in any one accident and, subject to said limit for one
3 24 person, forty thousand dollars because of bodily injury to or
3 25 death of two or more persons in any one accident, and fifteen
3 26 thousand dollars because of injury to or destruction of
3 27 property of others in any one accident and with respect to all
3 28 accidents which occur on or after January 1, 2008, forty
3 29 thousand dollars because of bodily injury to or death of one
3 30 person in any one accident and, subject to said limit for one
3 31 person, eighty thousand dollars because of bodily injury to or
3 32 death of two or more persons in any one accident, and forty
3 33 thousand dollars because of injury to or destruction of
3 34 property of others in any one accident. In addition, the
3 35 minimum amount of insurance coverage required shall be



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4 1 adjusted by the insurance division of the department of
4 2 commerce effective January 1, 2013, and every five years
4 3 thereafter to reflect the percentage increase in the consumer
4 4 price index that is published annually in the federal register
4 5 by the federal department of labor, bureau of labor
4 6 statistics, for the five-year period ending June 30 of the
4 7 year that the adjustment is to be made. The amount of the
4 8 adjustment shall be rounded to the nearest five thousand
4 9 dollars of coverage with the minimum amount of coverage for
4 10 one accident being at least twice the minimum amount for one
4 11 person and shall be published by the commissioner of insurance
4 12 no later than July 1 of the year preceding the January 1 when
4 13 the adjusted amount becomes effective.

4 14 Sec. 5. Section 321A.25, subsection 1, Code 2007, is
4 15 amended to read as follows:

4 16 1. Proof of financial responsibility may be evidenced by
4 17 the statement of the treasurer of state that the person named
4 18 in the statement has filed with the treasurer of state
4 19 ~~fifty-five thousand dollars~~ the amount specified in section
4 20 321A.1, subsection 11, in the form of an endorsed certificate
4 21 of deposit made payable jointly to the person and the
4 22 treasurer of state. The certificate of deposit shall be
4 23 obtained from an Iowa financial institution in the amount of
4 24 ~~fifty-five thousand dollars~~ specified in section 321A.1,
4 25 subsection 11, plus any early withdrawal penalty fee. The
4 26 treasurer of state shall promptly notify the director of
4 27 transportation of the name and address of the person to whom
4 28 the statement has been issued. Upon receipt of the
4 29 notification, the director of transportation shall issue to
4 30 the person a security insurance card for each motor vehicle
4 31 registered in this state by the person. The security
4 32 insurance card shall state the name and address of the person
4 33 and the registration number of the motor vehicle for which the
4 34 card is issued. The treasurer of state shall not accept a
4 35 certificate of deposit and issue a statement for it and the



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5 1 department shall not accept the statement unless accompanied
5 2 by evidence that there are no unsatisfied judgments of any
5 3 character against the person in the county where the person
5 4 resides.

5 5 EXPLANATION

5 6 This bill increases proof of responsibility and insurance
5 7 coverage requirements for damages resulting from motor vehicle
5 8 accidents.

5 9 Code section 321A.1 is amended to increase the amount of
5 10 insurance coverage that is required to satisfy the proof of
5 11 financial responsibility requirements for motor vehicle
5 12 ownership, maintenance, and use. The bill provides that with
5 13 respect to motor vehicle accidents that occur on or after
5 14 January 1, 2008, the amount of coverage required shall not be
5 15 less than \$40,000 for bodily injury to or death of one person,
5 16 \$80,000 for bodily injury to or death of two or more persons,
5 17 and \$40,000 because of injury to or destruction of property of
5 18 others. The bill further requires the insurance division of
5 19 the department of commerce to adjust the amounts of the
5 20 required coverage on January 1, 2013, and every five years
5 21 thereafter to reflect the percentage increase in the consumer
5 22 price index as specified in the bill. Conforming amendments
5 23 are made in Code sections 321A.15 and 321A.25 to reflect these
5 24 changes.

5 25 Code section 321A.21 is amended to increase the amount of
5 26 insurance coverage that is required to be included in a motor
5 27 vehicle liability policy issued in this state to correspond
5 28 with the changes made in Code section 321A.1 concerning proof
5 29 of financial responsibility. The bill also requires the
5 30 insurance division to adjust the amounts of the required
5 31 coverage in such policies on January 1, 2013, and every five
5 32 years thereafter in the same manner.

5 33 The effect of the amendments to Code section 321A.1 is to
5 34 increase the minimum amount of coverage that must be offered
5 35 in a motor vehicle liability policy for injury or damage



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6 1 resulting from an uninsured or underinsured motor vehicle
6 2 under Code section 516A.2, as provided in Code section 321A.1.
6 3 LSB 2170XC 82
6 4 av:nh/gg/14



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Senate Study Bill 1191

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 LOCAL GOVERNMENT BILL BY
 CHAIRPERSON QUIRMBACH)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to documents recorded with the county recorder.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1656SC 82
- 4 eg/je/5



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1 1 Section 1. Section 331.606A, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 331A.606A DOCUMENT CONTENT == PERSONALLY IDENTIFIABLE
1 5 INFORMATION.
1 6 1. DEFINITIONS.
1 7 a. "Personally identifiable information" means one or more
1 8 of the following specific unique identifiers when combined
1 9 with an individual's name:
1 10 (1) Social security number.
1 11 (2) Driver's license number, nonoperator's identification
1 12 card number, or any other state or federal government-issued
1 13 identification card number.
1 14 (3) Financial institution account number, credit, debit,
1 15 or charge card number.
1 16 b. "Preparer" means the person or entity who creates,
1 17 drafts, edits, revises, or last changes the documents that are
1 18 recorded with the recorder.
1 19 c. "Redact" or "redaction" means the process of removing
1 20 personally identifiable information from documents.
1 21 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
1 22 preparer of a document shall not include an individual's
1 23 personally identifiable information in a document that is
1 24 prepared and presented for recording in the office of the
1 25 recorder. This subsection shall not apply to documents that
1 26 were executed by an individual prior to July 1, 2007. Unless
1 27 provided otherwise by law, all documents described by this
1 28 section are subject to inspection and copying by the public.
1 29 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If a
1 30 document that includes an individual's personally identifiable
1 31 information was recorded with the recorder and is available on
1 32 the recorder's internet website, the individual may request
1 33 that the recorder redact such information from the website.
1 34 The recorder shall establish a procedure by which individuals
1 35 may request that such personally identifiable information be



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2 1 redacted from the internet record available on the recorder's
2 2 internet website, at no fee to the requesting individual. The
2 3 recorder shall comply with an individual's request to redact
2 4 personally identifiable information.

2 5 4. LIABILITY OF PREPARER. A preparer who, in violation of
2 6 subsection 2, enters personally identifiable information in a
2 7 document that is prepared and presented for recording is
2 8 liable to the individual whose personally identifiable
2 9 information appears in the recorded public document for
2 10 damages of up to five hundred dollars for each act of
2 11 recording.

2 12 5. APPLICABILITY. This section shall not apply to a
2 13 preparer of a state or federal tax lien or a military
2 14 separation or discharge record that is prepared for recording
2 15 in the office of county recorder. If a military separation or
2 16 discharge record is recorded in the office of the county
2 17 recorder, the military separation or discharge record shall
2 18 not be accessible through the internet.

2 19 EXPLANATION

2 20 Code section 331.606A currently provides that a person who
2 21 prepares a document for filing with the county recorder shall
2 22 not include an individual's federal social security number.
2 23 This bill extends this prohibition to "personally identifiable
2 24 information" which is defined to mean a social security
2 25 number; driver's license number, nonoperator's identification
2 26 card number, or any other state or federal government-issued
2 27 identification card number; and financial institution account
2 28 number, credit, debit, or charge card number.

2 29 The bill provides that a person may demand that a recorder
2 30 remove any personally identifiable information that is located
2 31 on the recorder's internet website.

2 32 The bill provides that a person who enters personally
2 33 identifiable information in a document that is recorded is
2 34 liable for damages of up to \$500 for each act of recording.

2 35 LSB 1656SC 82



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Senate Study Bill 1191 continued

3 1 eg:sc/je/5.1



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Senate Study Bill 1192

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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Senate Study Bill 1191 continued

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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Senate Study Bill 1193

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

A BILL FOR

- 1 An Act relating to and making appropriations to the justice
- 2 system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1118XG 82
- 5 jm/je/5



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Senate Study Bill 1193 continued

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1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the

1 3 state to the department of justice for the fiscal year

1 4 beginning July 1, 2007, and ending June 30, 2008, the

1 5 following amounts, or so much thereof as is necessary, to be

1 6 used for the purposes designated:

1 7 a. For the general office of attorney general for

1 8 salaries, support, maintenance, and miscellaneous purposes

1 9 including the prosecuting attorneys training program, victim

1 10 assistance grants, office of drug control policy (ODCP)

1 11 prosecuting attorney program, and odometer fraud enforcement:

1 12 \$ 8,667,205

1 13 It is the intent of the general assembly that as a

1 14 condition of receiving the appropriation provided in this

1 15 lettered paragraph, the department of justice shall maintain a

1 16 record of the estimated time incurred representing each agency

1 17 or department.

1 18 b. For victim assistance grants:

1 19 \$ 5,000

1 20 The funds appropriated in this lettered paragraph shall be

1 21 used to provide grants to care providers providing services to

1 22 crime victims of domestic abuse or to crime victims of rape

1 23 and sexual assault.

1 24 c. For legal services for persons in poverty grants as

1 25 provided in section 13.34:

1 26 \$ 900,000

1 27 d. For farm mediation services pursuant to the farm

1 28 assistance program created in sections 13.13 through 13.24:

1 29 \$ 100,000

1 30 2. In addition to the funds appropriated in subsection 1,

1 31 there is appropriated from the general fund of the state to

1 32 the department of justice for the fiscal year beginning July

1 33 1, 2007, and ending June 30, 2008, an amount not exceeding

1 34 \$200,000 to be used for the enforcement of the Iowa

1 35 competition law. The funds appropriated in this subsection



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2 1 are contingent upon receipt by the general fund of the state
2 2 of an amount at least equal to the expenditure amount from
2 3 either damages awarded to the state or a political subdivision
2 4 of the state by a civil judgment under chapter 553, if the
2 5 judgment authorizes the use of the award for enforcement
2 6 purposes or costs or attorneys fees awarded the state in state
2 7 or federal antitrust actions. However, if the amounts
2 8 received as a result of these judgments are in excess of
2 9 \$200,000, the excess amounts shall not be appropriated to the
2 10 department of justice pursuant to this subsection. The
2 11 department of justice shall report the department's actual
2 12 costs and an estimate of the time incurred enforcing the
2 13 competition law, to the co-chairpersons and ranking members of
2 14 the joint appropriations subcommittee on the justice system,
2 15 and to the legislative services agency by November 15, 2007.
2 16 3. In addition to the funds appropriated in subsection 1,
2 17 there is appropriated from the general fund of the state to
2 18 the department of justice for the fiscal year beginning July
2 19 1, 2007, and ending June 30, 2008, an amount not exceeding
2 20 \$1,125,000 to be used for public education relating to
2 21 consumer fraud and for enforcement of section 714.16, and an
2 22 amount not exceeding \$75,000 for investigation, prosecution,
2 23 and consumer education relating to consumer and criminal fraud
2 24 against older Iowans. The funds appropriated in this
2 25 subsection are contingent upon receipt by the general fund of
2 26 the state of an amount at least equal to the expenditure
2 27 amount from damages awarded to the state or a political
2 28 subdivision of the state by a civil consumer fraud judgment or
2 29 settlement, if the judgment or settlement authorizes the use
2 30 of the award for public education on consumer fraud. However,
2 31 if the funds received as a result of these judgments and
2 32 settlements are in excess of \$1,200,000, the excess funds
2 33 shall not be appropriated to the department of justice
2 34 pursuant to this subsection. The department of justice shall
2 35 report to the co-chairpersons and ranking members of the joint



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3 1 appropriations subcommittee on the justice system, and to the
3 2 legislative services agency by November 15, 2007, the
3 3 department's actual costs and an estimate of the time incurred
3 4 in providing education pursuant to and enforcing this
3 5 subsection.

3 6 4. The balance of the victim compensation fund established
3 7 in section 915.94 may be used to provide salary and support of
3 8 not more than 22 FTEs and to provide maintenance for the
3 9 victim compensation functions of the department of justice.

3 10 5. As a condition of receiving the appropriation in
3 11 subsection 1, the department of justice shall transfer at
3 12 least \$3,200,000 from the victim compensation fund established
3 13 in section 915.94 to the victim assistance grant program.

3 14 6. a. The department of justice, in submitting budget
3 15 estimates for the fiscal year commencing July 1, 2008,
3 16 pursuant to section 8.23, shall include a report of funding
3 17 from sources other than amounts appropriated directly from the
3 18 general fund of the state to the department of justice or to
3 19 the office of consumer advocate. These funding sources shall
3 20 include but are not limited to reimbursements from other state
3 21 agencies, commissions, boards, or similar entities, and
3 22 reimbursements from special funds or internal accounts within
3 23 the department of justice. The department of justice shall
3 24 report actual reimbursements for the fiscal year commencing
3 25 July 1, 2006, and actual and expected reimbursements for the
3 26 fiscal year commencing July 1, 2007.

3 27 b. The department of justice shall include the report
3 28 required under paragraph "a", as well as information regarding
3 29 any revisions occurring as a result of reimbursements actually
3 30 received or expected at a later date, in a report to the co=
3 31 chairpersons and ranking members of the joint appropriations
3 32 subcommittee on the justice system and the legislative
3 33 services agency. The department of justice shall submit the
3 34 report on or before January 15, 2008.

3 35 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES



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Senate Study Bill 1193 continued

4 1 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 2 appropriated from the environmental crime fund of the
4 3 department of justice, consisting of court-ordered fines and
4 4 penalties awarded to the department arising out of the
4 5 prosecution of environmental crimes, to the department of
4 6 justice for the fiscal year beginning July 1, 2007, and ending
4 7 June 30, 2008, an amount not exceeding \$20,000 to be used by
4 8 the department, at the discretion of the attorney general, for
4 9 the investigation and prosecution of environmental crimes,
4 10 including the reimbursement of expenses incurred by county,
4 11 municipal, and other local governmental agencies cooperating
4 12 with the department in the investigation and prosecution of
4 13 environmental crimes.

4 14 The funds appropriated in this section are contingent upon
4 15 receipt by the environmental crime fund of the department of
4 16 justice of an amount at least equal to the appropriations made
4 17 in this section and received from contributions, court-ordered
4 18 restitution as part of judgments in criminal cases, and
4 19 consent decrees entered into as part of civil or regulatory
4 20 enforcement actions. However, if the funds received during
4 21 the fiscal year are in excess of \$20,000, the excess funds
4 22 shall be deposited in the general fund of the state.

4 23 Notwithstanding section 8.33, moneys appropriated in this
4 24 section that remain unencumbered or unobligated at the close
4 25 of the fiscal year shall not revert but shall remain available
4 26 for expenditure for the purpose designated until the close of
4 27 the succeeding fiscal year.

4 28 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
4 29 appropriated from the general fund of the state to the office
4 30 of consumer advocate of the department of justice for the
4 31 fiscal year beginning July 1, 2007, and ending June 30, 2008,
4 32 the following amount, or so much thereof as is necessary, to
4 33 be used for the purposes designated:

4 34 For salaries, support, maintenance, and miscellaneous
4 35 purposes:



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Senate Study Bill 1193 continued

5 1 \$ 2,985,115
5 2 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.
5 3 1. There is appropriated from the general fund of the
5 4 state to the department of corrections for the fiscal year
5 5 beginning July 1, 2007, and ending June 30, 2008, the
5 6 following amounts, or so much thereof as is necessary, to be
5 7 used for the purposes designated:
5 8 For the operation of adult correctional institutions,
5 9 reimbursement of counties for certain confinement costs, and
5 10 federal prison reimbursement, to be allocated as follows:
5 11 a. For the operation of the Fort Madison correctional
5 12 facility, including salaries, support, maintenance, and
5 13 miscellaneous purposes:
5 14 \$ 43,191,909
5 15 b. For the operation of the Anamosa correctional facility,
5 16 including salaries, support, maintenance, and miscellaneous
5 17 purposes:
5 18 \$ 29,558,356
5 19 Moneys are provided within this appropriation for one full=
5 20 time substance abuse counselor for the Luster Heights
5 21 facility, for the purpose of certification of a substance
5 22 abuse program at that facility.
5 23 c. For the operation of the Oakdale correctional facility,
5 24 including salaries, support, maintenance, and miscellaneous
5 25 purposes:
5 26 \$ 54,703,304
5 27 d. For the operation of the Newton correctional facility,
5 28 including salaries, support, maintenance, and miscellaneous
5 29 purposes:
5 30 \$ 26,264,334
5 31 e. For the operation of the Mt. Pleasant correctional
5 32 facility, including salaries, support, maintenance, and
5 33 miscellaneous purposes:
5 34 \$ 25,208,526
5 35 f. For the operation of the Rockwell City correctional



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6 1 facility, including salaries, support, maintenance, and
6 2 miscellaneous purposes:
6 3 \$ 8,706,242
6 4 g. For the operation of the Clarinda correctional
6 5 facility, including salaries, support, maintenance, and
6 6 miscellaneous purposes:
6 7 \$ 24,062,229
6 8 Moneys received by the department of corrections as
6 9 reimbursement for services provided to the Clarinda youth
6 10 corporation are appropriated to the department and shall be
6 11 used for the purpose of operating the Clarinda correctional
6 12 facility.
6 13 h. For the operation of the Mitchellville correctional
6 14 facility, including salaries, support, maintenance, and
6 15 miscellaneous purposes:
6 16 \$ 15,294,520
6 17 i. For the operation of the Fort Dodge correctional
6 18 facility, including salaries, support, maintenance, and
6 19 miscellaneous purposes:
6 20 \$ 28,322,064
6 21 j. For reimbursement of counties for temporary confinement
6 22 of work release and parole violators, as provided in sections
6 23 901.7, 904.908, and 906.17, and for offenders confined
6 24 pursuant to section 904.513:
6 25 \$ 1,199,954
6 26 k. For federal prison reimbursement, reimbursements for
6 27 out-of-state placements, and miscellaneous contracts:
6 28 \$ 241,293
6 29 2. The department of corrections shall use funds
6 30 appropriated in subsection 1 to continue to contract for the
6 31 services of a Muslim imam.
6 32 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
6 33 1. There is appropriated from the general fund of the
6 34 state to the department of corrections for the fiscal year
6 35 beginning July 1, 2007, and ending June 30, 2008, the



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7 1 following amounts, or so much thereof as is necessary, to be
7 2 used for the purposes designated:
7 3 a. For general administration, including salaries,
7 4 support, maintenance, employment of an education director to
7 5 administer a centralized education program for the
7 6 correctional system, and miscellaneous purposes:
7 7 \$ 4,955,626
7 8 (1) It is the intent of the general assembly that as a
7 9 condition of receiving the appropriation provided in this
7 10 lettered paragraph, the department of corrections shall not,
7 11 except as otherwise provided in subparagraph (3), enter into a
7 12 new contract, unless the contract is a renewal of an existing
7 13 contract, for the expenditure of moneys in excess of \$100,000
7 14 during the fiscal year beginning July 1, 2007, for the
7 15 privatization of services performed by the department using
7 16 state employees as of July 1, 2007, or for the privatization
7 17 of new services by the department, without prior consultation
7 18 with any applicable state employee organization affected by
7 19 the proposed new contract and prior notification of the co=
7 20 chairpersons and ranking members of the joint appropriations
7 21 subcommittee on the justice system.
7 22 (2) It is the intent of the general assembly that each
7 23 lease negotiated by the department of corrections with a
7 24 private corporation for the purpose of providing private
7 25 industry employment of inmates in a correctional institution
7 26 shall prohibit the private corporation from utilizing inmate
7 27 labor for partisan political purposes for any person seeking
7 28 election to public office in this state and that a violation
7 29 of this requirement shall result in a termination of the lease
7 30 agreement.
7 31 (3) It is the intent of the general assembly that as a
7 32 condition of receiving the appropriation provided in this
7 33 lettered paragraph, the department of corrections shall not
7 34 enter into a lease or contractual agreement pursuant to
7 35 section 904.809 with a private corporation for the use of



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8 1 building space for the purpose of providing inmate employment
 8 2 without providing that the terms of the lease or contract
 8 3 establish safeguards to restrict, to the greatest extent
 8 4 feasible, access by inmates working for the private
 8 5 corporation to personal identifying information of citizens.

8 6 (4) Funding to be used for the study, planning, and
 8 7 possibility of converting to a therapeutic community model
 8 8 shall also be used to study and report on the long range
 8 9 impact of investing in substance abuse and mental health
 8 10 treatment prior to incarceration, rather than a therapeutic
 8 11 community model in the prison setting. Corrections shall
 8 12 report on which method provides the best long-term return on
 8 13 investment of future funding.

8 14 b. For educational programs for inmates at state penal
 8 15 institutions:

8 16 \$ 1,070,358

8 17 It is the intent of the general assembly that moneys
 8 18 appropriated in this lettered paragraph shall be used solely
 8 19 for the purpose indicated and that the moneys shall not be
 8 20 transferred for any other purpose. In addition, it is the
 8 21 intent of the general assembly that the department shall
 8 22 consult with the community colleges in the areas in which the
 8 23 institutions are located to utilize moneys appropriated in
 8 24 this lettered paragraph to fund the high school completion,
 8 25 high school equivalency diploma, adult literacy, and adult
 8 26 basic education programs in a manner so as to maintain these
 8 27 programs at the institutions.

8 28 To maximize the funding for educational programs, the
 8 29 department shall establish guidelines and procedures to
 8 30 prioritize the availability of educational and vocational
 8 31 training for inmates based upon the goal of facilitating an
 8 32 inmate's successful release from the correctional institution.

8 33 The director of the department of corrections may transfer
 8 34 moneys from Iowa prison industries for use in educational
 8 35 programs for inmates.

9 1 Notwithstanding section 8.33, moneys appropriated in this
 9 2 lettered paragraph that remain unobligated or unexpended at
 9 3 the close of the fiscal year shall not revert but shall remain
 9 4 available for expenditure only for the purpose designated in
 9 5 this lettered paragraph until the close of the succeeding
 9 6 fiscal year.

9 7 c. For the development of the Iowa corrections offender
 9 8 network (ICON) data system:

9 9 \$ 427,700

9 10 d. For offender mental health and substance abuse
 9 11 treatment:

9 12 \$ 25,000

9 13 e. For viral hepatitis prevention and treatment:

9 14 \$ 188,000

9 15 2. It is the intent of the general assembly that the
 9 16 department of corrections shall continue to operate the
 9 17 correctional farms under the control of the department at the
 9 18 same or greater level of participation and involvement as
 9 19 existed as of January 1, 2007, shall not enter into any rental
 9 20 agreement or contract concerning any farmland under the
 9 21 control of the department that is not subject to a rental



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9 22 agreement or contract as of January 1, 2007, without prior
9 23 legislative approval, and shall further attempt to provide job
9 24 opportunities at the farms for inmates. The department shall
9 25 attempt to provide job opportunities at the farms for inmates
9 26 by encouraging labor-intensive farming or gardening where
9 27 appropriate, using inmates to grow produce and meat for
9 28 institutional consumption, researching the possibility of
9 29 instituting food canning and cook-and-chill operations, and
9 30 exploring opportunities for organic farming and gardening,
9 31 livestock ventures, horticulture, and specialized crops.
9 32 3. The department shall work to increase produce gardening
9 33 by inmates under the control of the correctional institutions,
9 34 and, if appropriate, may use the central distribution network
9 35 at the Woodward state resource center. The department shall



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10 1 file a report with the co-chairpersons and ranking members of
10 2 the joint appropriations subcommittee on the justice system by
10 3 December 1, 2007, regarding the feasibility of expanding the
10 4 number of acres devoted to organic gardening and to the
10 5 growing of organic produce for sale.

10 6 4. The department of corrections shall submit a report to
10 7 the general assembly by January 1, 2008, concerning moneys
10 8 recouped from inmate earnings for the reimbursement of
10 9 operational expenses of the applicable facility during the
10 10 fiscal year beginning July 1, 2006, for each correctional
10 11 institution and judicial district department of correctional
10 12 services. In addition, each correctional institution and
10 13 judicial district department of correctional services shall
10 14 continue to submit a report to the legislative services agency
10 15 on a monthly basis concerning moneys recouped from inmate
10 16 earnings pursuant to sections 904.702, 904.809, and 905.14.

10 17 5. It is the intent of the general assembly that as a
10 18 condition of receiving the appropriation provided in
10 19 subsection 1, the department shall not enter into any
10 20 agreement with a private sector nongovernmental entity for the
10 21 purpose of housing inmates committed to the custody of the
10 22 director of the department, without express authorization of
10 23 the general assembly to do so.

10 24 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
10 25 SERVICES.

10 26 1. There is appropriated from the general fund of the
10 27 state to the department of corrections for the fiscal year
10 28 beginning July 1, 2007, and ending June 30, 2008, for the
10 29 treatment and supervision of probation and parole violators
10 30 who have been released from the department of corrections
10 31 violator program the following amounts, or so much thereof as
10 32 is necessary, to be allocated as follows:

- 10 33 a. For the first judicial district department of
- 10 34 correctional services:
- 10 35 \$ 12,012,728



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11 1 b. For the second judicial district department of
11 2 correctional services:
11 3 \$ 9,526,073
11 4 c. For the third judicial district department of
11 5 correctional services:
11 6 \$ 5,664,144
11 7 d. For the fourth judicial district department of
11 8 correctional services:
11 9 \$ 5,054,664
11 10 e. For the fifth judicial district department of
11 11 correctional services, including funding for electronic
11 12 monitoring devices for use on a statewide basis:
11 13 \$ 17,115,974
11 14 f. For the sixth judicial district department of
11 15 correctional services:
11 16 \$11,694,788
11 17 The sixth judicial district department of correctional
11 18 services shall maintain a youth leadership model program to
11 19 help at-risk youth. As a part of the program, the district
11 20 department may recruit college or high school students in the
11 21 judicial district to work with at-risk youth. The student
11 22 workers shall be recruited regardless of gender and be
11 23 recommended by their respective schools as good role models,
11 24 including but not limited to students who possess capabilities
11 25 in one or more of the following areas of ability: intellectual
11 26 capacity, athletics, visual arts, or performing arts.
11 27 g. For the seventh judicial district department of
11 28 correctional services:
11 29 \$ 6,713,412
11 30 h. For the eighth judicial district department of
11 31 correctional services:
11 32 \$ 6,794,585
11 33 i. For a transitional housing pilot project for offenders
11 34 on parole who are in the early stages of recovery from
11 35 substance abuse:



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12 1 \$ 20,000
 12 2 2. Each judicial district department of correctional
 12 3 services, within the funding available, shall continue
 12 4 programs and plans established within that district to provide
 12 5 for intensive supervision, sex offender treatment, diversion
 12 6 of low-risk offenders to the least restrictive sanction
 12 7 available, job development, and expanded use of intermediate
 12 8 criminal sanctions.
 12 9 3. Each judicial district department of correctional
 12 10 services shall provide alternatives to prison consistent with
 12 11 chapter 901B. The alternatives to prison shall ensure public
 12 12 safety while providing maximum rehabilitation to the offender.
 12 13 A judicial district department may also establish a day
 12 14 program.
 12 15 4. The governor's office of drug control policy shall
 12 16 consider federal grants made to the department of corrections
 12 17 for the benefit of each of the eight judicial district
 12 18 departments of correctional services as local government
 12 19 grants, as defined pursuant to federal regulations.
 12 20 5. The department of corrections shall continue to
 12 21 contract with a judicial district department of correctional
 12 22 services to provide for the rental of electronic monitoring
 12 23 equipment which shall be available statewide.
 12 24 Sec. 7. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
 12 25 APPROPRIATIONS. Notwithstanding section 8.39, within the
 12 26 funds appropriated in this Act to the department of
 12 27 corrections, the department may reallocate the funds
 12 28 appropriated and allocated as necessary to best fulfill the
 12 29 needs of the correctional institutions, administration of the
 12 30 department, and the judicial district departments of
 12 31 correctional services. However, in addition to the
 12 32 requirements of sections 904.116 and 905.8 and providing
 12 33 notice to the legislative services agency, the department of
 12 34 corrections shall also provide notice to the department of
 12 35 management, prior to the effective date of the revision or



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13 1 reallocation of an appropriation made pursuant to this
13 2 section. The department shall not reallocate an appropriation
13 3 or allocation for the purpose of eliminating any program.

13 4 Sec. 8. INTENT == REPORTS.

13 5 1. The department of corrections shall submit a report on
13 6 inmate labor to the general assembly, to the co=chairpersons
13 7 and the ranking members of the joint appropriations
13 8 subcommittee on the justice system, and to the legislative
13 9 services agency by January 15, 2008. The report shall
13 10 specifically address the progress the department has made in
13 11 implementing the requirements of section 904.701, inmate labor
13 12 on capital improvement projects, community work crews, inmate
13 13 produce gardening, and private=sector employment.

13 14 2. The department in cooperation with townships, the Iowa
13 15 cemetery associations, and other nonprofit or governmental
13 16 entities may use inmate labor to restore or preserve rural
13 17 cemeteries and historical landmarks. The department in
13 18 cooperation with the counties may also use inmate labor to
13 19 clean up roads, major water sources, and other water sources
13 20 around the state.

13 21 3. Each month the department shall provide a status report
13 22 regarding private=sector employment to the legislative
13 23 services agency beginning on July 1, 2007. The report shall
13 24 include the number of offenders employed in the private
13 25 sector, the combined number of hours worked by the offenders,
13 26 and the total amount of allowances, and the distribution of
13 27 allowances pursuant to section 904.702, including any moneys
13 28 deposited in the general fund of the state.

13 29 Sec. 9. ELECTRONIC MONITORING REPORT. The department of
13 30 corrections shall submit a report on electronic monitoring to
13 31 the general assembly, to the co=chairpersons and the ranking
13 32 members of the joint appropriations subcommittee on the
13 33 justice system, and to the legislative services agency by
13 34 January 15, 2008. The report shall specifically address the
13 35 number of persons being electronically monitored and break



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14 1 down the number of persons being electronically monitored by
 14 2 offense committed. The report shall also include a comparison
 14 3 of any data from the prior fiscal year with the current year.

14 4 Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

14 5 1. As used in this section, unless the context otherwise
 14 6 requires, "state agency" means the government of the state of
 14 7 Iowa, including but not limited to all executive branch
 14 8 departments, agencies, boards, bureaus, and commissions, the
 14 9 judicial branch, the general assembly and all legislative
 14 10 agencies, institutions within the purview of the state board
 14 11 of regents, and any corporation whose primary function is to
 14 12 act as an instrumentality of the state.

14 13 2. State agencies are hereby encouraged to purchase
 14 14 products from Iowa state industries, as defined in section
 14 15 904.802, when purchases are required and the products are
 14 16 available from Iowa state industries. State agencies shall
 14 17 obtain bids from Iowa state industries for purchases of office
 14 18 furniture exceeding \$5,000 or in accordance with applicable
 14 19 administrative rules related to purchases for the agency.

14 20 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated
 14 21 from the general fund of the state to the office of the state
 14 22 public defender of the department of inspections and appeals
 14 23 for the fiscal year beginning July 1, 2007, and ending June
 14 24 30, 2008, the following amounts, or so much thereof as is
 14 25 necessary, to be allocated as follows for the purposes
 14 26 designated:

14 27 1. For salaries, support, maintenance, and miscellaneous
 14 28 purposes:
 14 29 \$ 20,845,271

14 30 2. For the fees of court-appointed attorneys for indigent
 14 31 adults and juveniles, in accordance with section 232.141 and
 14 32 chapter 815:
 14 33 \$ 28,752,538

14 34 Sec. 12. IOWA LAW ENFORCEMENT ACADEMY.

14 35 1. There is appropriated from the general fund of the



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15 1 state to the Iowa law enforcement academy for the fiscal year
 15 2 beginning July 1, 2007, and ending June 30, 2008, the
 15 3 following amount, or so much thereof as is necessary, to be
 15 4 used for the purposes designated:
 15 5 For salaries, support, maintenance, and miscellaneous
 15 6 purposes, including jailer training and technical assistance:
 15 7 \$ 1,218,985
 15 8 It is the intent of the general assembly that the Iowa law
 15 9 enforcement academy may provide training of state and local
 15 10 law enforcement personnel concerning the recognition of and
 15 11 response to persons with Alzheimer's disease.
 15 12 The Iowa law enforcement academy may temporarily exceed and
 15 13 draw more than the amount appropriated and incur a negative
 15 14 cash balance as long as there are receivables equal to or
 15 15 greater than the negative balance and the amount appropriated
 15 16 in this subsection is not exceeded at the close of the fiscal
 15 17 year.
 15 18 2. The Iowa law enforcement academy may select at least
 15 19 five automobiles of the department of public safety, division
 15 20 of state patrol, prior to turning over the automobiles to the
 15 21 department of administrative services to be disposed of by
 15 22 public auction and the Iowa law enforcement academy may
 15 23 exchange any automobile owned by the academy for each
 15 24 automobile selected if the selected automobile is used in
 15 25 training law enforcement officers at the academy. However,
 15 26 any automobile exchanged by the academy shall be substituted
 15 27 for the selected vehicle of the department of public safety
 15 28 and sold by public auction with the receipts being deposited
 15 29 in the depreciation fund to the credit of the department of
 15 30 public safety, division of state patrol.
 15 31 Sec. 13. BOARD OF PAROLE. There is appropriated from the
 15 32 general fund of the state to the board of parole for the
 15 33 fiscal year beginning July 1, 2007, and ending June 30, 2008,
 15 34 the following amount, or so much thereof as is necessary, to
 15 35 be used for the purposes designated:



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16 1 For salaries, support, maintenance, and miscellaneous
 16 2 purposes:
 16 3 \$ 1,177,849
 16 4 Sec. 14. DEPARTMENT OF PUBLIC DEFENSE. There is
 16 5 appropriated from the general fund of the state to the
 16 6 department of public defense for the fiscal year beginning
 16 7 July 1, 2007, and ending June 30, 2008, the following amounts,
 16 8 or so much thereof as is necessary, to be used for the
 16 9 purposes designated:
 16 10 1. MILITARY DIVISION
 16 11 For salaries, support, maintenance, and miscellaneous
 16 12 purposes:
 16 13 \$ 6,003,767
 16 14 The military division may temporarily exceed and draw more
 16 15 than the amount appropriated and incur a negative cash balance
 16 16 as long as there are receivables of federal funds equal to or
 16 17 greater than the negative balance and the amount appropriated
 16 18 in this subsection is not exceeded at the close of the fiscal
 16 19 year.
 16 20 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 16 21 a. For salaries, support, maintenance, and miscellaneous
 16 22 purposes:
 16 23 \$ 2,201,033
 16 24 b. For the Iowa civil air patrol:
 16 25 \$ 100,000
 16 26 It is the intent of the general assembly that the homeland
 16 27 security and emergency management division work in conjunction
 16 28 with the department of public safety, to the extent possible,
 16 29 when gathering and analyzing information related to potential
 16 30 domestic or foreign security threats, and when monitoring such
 16 31 threats.
 16 32 Sec. 15. DEPARTMENT OF PUBLIC SAFETY. There is
 16 33 appropriated from the general fund of the state to the
 16 34 department of public safety for the fiscal year beginning July
 16 35 1, 2007, and ending June 30, 2008, the following amounts, or



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17 1 so much thereof as is necessary, to be used for the purposes
 17 2 designated:

17 3 1. For the department's administrative functions,
 17 4 including the criminal justice information system:
 17 5 \$ 4,097,900

17 6 2. For the division of criminal investigation, including
 17 7 the state's contribution to the peace officers' retirement,
 17 8 accident, and disability system provided in chapter 97A in the
 17 9 amount of 17 percent of the salaries for which the funds are
 17 10 appropriated, to meet federal fund matching requirements:
 17 11 \$ 20,512,962

17 12 The department of public safety, with the approval of the
 17 13 department of management, may employ no more than two special
 17 14 agents and four gaming enforcement officers for each
 17 15 additional riverboat regulated after July 1, 2007, and one
 17 16 special agent for each racing facility which becomes
 17 17 operational during the fiscal year which begins July 1, 2007.
 17 18 One additional gaming enforcement officer, up to a total of
 17 19 four per riverboat, may be employed for each riverboat that
 17 20 has extended operations to 24 hours and has not previously
 17 21 operated with a 24-hour schedule. Positions authorized in
 17 22 this paragraph are in addition to the full-time equivalent
 17 23 positions otherwise authorized in this subsection.

17 24 3. For the criminalistics laboratory fund created in
 17 25 section 691.9:
 17 26 \$ 342,000

17 27 4. a. For the division of narcotics enforcement,
 17 28 including the state's contribution to the peace officers'
 17 29 retirement, accident, and disability system provided in
 17 30 chapter 97A in the amount of 17 percent of the salaries for
 17 31 which the funds are appropriated, to meet federal fund
 17 32 matching requirements:
 17 33 \$ 5,963,415

17 34 b. For the division of narcotics enforcement for
 17 35 undercover purchases:



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18 1 \$ 123,343

18 2 5. a. For the division of state fire marshal, including

18 3 the state's contribution to the peace officers' retirement,

18 4 accident, and disability system provided in chapter 97A in the

18 5 amount of 17 percent of the salaries for which the funds are

18 6 appropriated:

18 7 \$ 3,057,454

18 8 b. For the division of state fire marshal, for fire

18 9 protection services as provided through the state fire service

18 10 and emergency response council as created in the department:

18 11 \$ 704,110

18 12 6. For the division of state patrol, for salaries,

18 13 support, maintenance, workers' compensation costs, and

18 14 miscellaneous purposes, including the state's contribution to

18 15 the peace officers' retirement, accident, and disability

18 16 system provided in chapter 97A in the amount of 17 percent of

18 17 the salaries for which the funds are appropriated:

18 18 \$ 47,976,059

18 19 It is the intent of the general assembly that members of

18 20 the state patrol be assigned to patrol the highways and roads

18 21 in lieu of assignments for inspecting school buses for the

18 22 school districts.

18 23 7. For deposit in the sick leave benefits fund established

18 24 under section 80.42, for all departmental employees eligible

18 25 to receive benefits for accrued sick leave under the

18 26 collective bargaining agreement:

18 27 \$ 316,179

18 28 An employee of the department of public safety who retires

18 29 after July 1, 2007, but prior to June 30, 2008, is eligible

18 30 for payment of life or health insurance premiums as provided

18 31 for in the collective bargaining agreement covering the public

18 32 safety bargaining unit at the time of retirement if that

18 33 employee previously served in a position which would have been

18 34 covered by the agreement. The employee shall be given credit

18 35 for the service in that prior position as though it were

19 1 covered by that agreement. The provisions of this subsection

19 2 shall not operate to reduce any retirement benefits an

19 3 employee may have earned under other collective bargaining

19 4 agreements or retirement programs.

19 5 8. For costs associated with the training and equipment

19 6 needs of volunteer fire fighters:

19 7 \$ 699,587

19 8 Notwithstanding section 8.33, moneys appropriated in this

19 9 subsection that remain unobligated or unexpended at the close

19 10 of the fiscal year shall not revert but shall remain available

19 11 for expenditure only for the purpose designated in this

19 12 subsection until the close of the succeeding fiscal year.

19 13 Notwithstanding section 8.39, within the funds appropriated

19 14 in this section the department of public safety may reallocate

19 15 funds as necessary to best fulfill the needs provided for in

19 16 the appropriation. However, the department shall not

19 17 reallocate an appropriation made to the department in this

19 18 section unless notice of the reallocation is given to the

19 19 legislative services agency and the department of management

19 20 prior to the effective date of the reallocation. The notice

19 21 shall include information about the rationale for reallocating



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19 22 the appropriation. The department shall not reallocate an
19 23 appropriation made in this section for the purpose of
19 24 eliminating any program.

19 25 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
19 26 from the general fund of the state to the Iowa state civil
19 27 rights commission for the fiscal year beginning July 1, 2007,
19 28 and ending June 30, 2008, the following amount, or so much
19 29 thereof as is necessary, to be used for the purposes
19 30 designated:

19 31 For salaries, support, maintenance, and miscellaneous
19 32 purposes:

19 33 \$ 1,262,647

19 34 The Iowa state civil rights commission may enter into a
19 35 contract with a nonprofit organization to provide legal



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20 1 assistance to resolve civil rights complaints.

20 2 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

20 3 DIVISION. There is appropriated from the wireless E911

20 4 emergency communications fund created in section 34A.7A to the

20 5 administrator of the homeland security and emergency

20 6 management division of the department of public defense for

20 7 the fiscal year beginning July 1, 2007, and ending June 30,

20 8 2008, an amount not exceeding \$200,000 to be used for

20 9 implementation, support, and maintenance of the functions of

20 10 the administrator and program manager under chapter 34A and to

20 11 employ the auditor of the state to perform an annual audit of

20 12 the wireless E911 emergency communications fund.

20 13 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.

20 14 Notwithstanding section 80B.11B, the Iowa law enforcement

20 15 academy may charge more than one-half the cost of providing

20 16 the basic training course if a majority of the Iowa law

20 17 enforcement academy council authorizes charging more than one=

20 18 half of the cost of providing basic training. This section is

20 19 repealed on June 30, 2008.

20 20 EXPLANATION

20 21 This bill makes appropriations for fiscal year 2007=2008

20 22 from the general fund of the state to the departments of

20 23 justice, corrections, public defense, and public safety, and

20 24 the Iowa law enforcement academy, office of consumer advocate,

20 25 office of the state public defender, board of parole, and Iowa

20 26 state civil rights commission.

20 27 The bill addresses Code section 80B.11B to provide that for

20 28 FY 2007=2008 the Iowa law enforcement academy may charge a

20 29 department of the state, a member of a police force, or any

20 30 political subdivision of the state more than one-half of the

20 31 cost to provide the basic training course for a law

20 32 enforcement officer, provided a majority of the Iowa law

20 33 enforcement council approves such a charge. Current law

20 34 prohibits the Iowa law enforcement academy from charging more

20 35 than one-half of the cost of providing the basic training



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Senate Study Bill 1193 continued

21 1 course.

21 2 The bill provides that the department of corrections may
21 3 reallocate appropriated funds between the institutions of the
21 4 department of corrections, the department's administration,
21 5 and the judicial district departments of correctional
21 6 services. The bill provides the department, prior to the
21 7 effective date of any reallocation, must provide notice to the
21 8 department of management, the legislative services agency, and
21 9 the district board of any judicial district department of
21 10 correctional services affected by the reallocation.

21 11 The bill requires the department of corrections to study
21 12 the long range impact of investing in substance abuse and
21 13 mental health treatment for offenders prior to entering an
21 14 institution of the department.

21 15 The bill provides that the department of public safety may
21 16 also reallocate the funds appropriated to the department
21 17 between the divisions of the department. The bill provides
21 18 that the department, prior to the effective date of any
21 19 reallocation, must provide notice of the reallocation to the
21 20 department of management and the legislative services agency.

21 21 LSB 1118XG 82

21 22 jm:mg/je/5.1



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Senate Study Bill 1194

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1119XG 82
- 5 jm/sh/8



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Senate Study Bill 1194 continued

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1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the

1 3 state to the judicial branch for the fiscal year beginning

1 4 July 1, 2007, and ending June 30, 2008, the following amount,

1 5 or so much thereof as is necessary, to be used for the

1 6 purposes designated:

1 7 For salaries of supreme court justices, appellate court

1 8 judges, district court judges, district associate judges,

1 9 judicial magistrates and staff, state court administrator,

1 10 clerk of the supreme court, district court administrators,

1 11 clerks of the district court, juvenile court officers, board

1 12 of law examiners and board of examiners of shorthand reporters

1 13 and judicial qualifications commission, receipt and

1 14 disbursement of child support payments, reimbursement of the

1 15 auditor of state for expenses incurred in completing audits of

1 16 the offices of the clerks of the district court during the

1 17 fiscal year beginning July 1, 2007, and maintenance,

1 18 equipment, and miscellaneous purposes:

1 19 \$127,035,426

1 20 2. The judicial branch, except for purposes of internal

1 21 processing, shall use the current state budget system, the

1 22 state payroll system, and the Iowa finance and accounting

1 23 system in administration of programs and payments for

1 24 services, and shall not duplicate the state payroll,

1 25 accounting, and budgeting systems.

1 26 3. The judicial branch shall submit monthly financial

1 27 statements to the legislative services agency and the

1 28 department of management containing all appropriated accounts

1 29 in the same manner as provided in the monthly financial status

1 30 reports and personal services usage reports of the department

1 31 of administrative services. The monthly financial statements

1 32 shall include a comparison of the dollars and percentage spent

1 33 of budgeted versus actual revenues and expenditures on a

1 34 cumulative basis for full-time equivalent positions and

1 35 dollars.



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2 1 4. The judicial branch shall focus efforts upon the
2 2 collection of delinquent fines, penalties, court costs, fees,
2 3 surcharges, or similar amounts.

2 4 5. It is the intent of the general assembly that the
2 5 offices of the clerks of the district court operate in all 99
2 6 counties and be accessible to the public as much as is
2 7 reasonably possible in order to address the relative needs of
2 8 the citizens of each county.

2 9 6. The judicial branch shall study the best practices and
2 10 efficiencies of each judicial district. In identifying the
2 11 most efficient judicial districts and the districts using best
2 12 practices, the judicial branch shall consider the average cost
2 13 to the judicial branch for processing each classification of
2 14 criminal offense or civil action and the overall number of
2 15 cases filed. The judicial branch shall file a report
2 16 regarding the study made and actions taken pursuant to this
2 17 subsection with the co-chairpersons and ranking members of the
2 18 joint appropriations subcommittee on the justice system and to
2 19 the legislative services agency by December 15, 2007.

2 20 7. In addition to the requirements for transfers under
2 21 section 8.39, the judicial branch shall not change the
2 22 appropriations from the amounts appropriated to the judicial
2 23 branch in this Act, unless notice of the revisions is given
2 24 prior to their effective date to the legislative services
2 25 agency. The notice shall include information on the branch's
2 26 rationale for making the changes and details concerning the
2 27 workload and performance measures upon which the changes are
2 28 based.

2 29 8. The judicial branch shall submit a semiannual update to
2 30 the legislative services agency specifying the amounts of
2 31 fines, surcharges, and court costs collected using the Iowa
2 32 court information system since the last report. The judicial
2 33 branch shall continue to facilitate the sharing of vital
2 34 sentencing and other information with other state departments
2 35 and governmental agencies involved in the criminal justice



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3 1 system through the Iowa court information system.
3 2 9. The judicial branch shall provide a report to the
3 3 general assembly by January 1, 2008, concerning the amounts
3 4 received and expended from the enhanced court collections fund
3 5 created in section 602.1304 and the court technology and
3 6 modernization fund created in section 602.8108, subsection 7,
3 7 during the fiscal year beginning July 1, 2006, and ending June
3 8 30, 2007, and the plans for expenditures from each fund during
3 9 the fiscal year beginning July 1, 2007, and ending June 30,
3 10 2008. A copy of the report shall be provided to the
3 11 legislative services agency.
3 12 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
3 13 from the general fund of the state to the judicial retirement
3 14 fund for the fiscal year beginning July 1, 2007, and ending
3 15 June 30, 2008, the following amount, or so much thereof as is
3 16 necessary, to be used for the purpose designated:
3 17 Notwithstanding section 602.9104, for the state's
3 18 contribution to the judicial retirement fund in the amount of
3 19 27.72 percent of the basic salaries of the judges covered
3 20 under chapter 602, article 9:
3 21 \$ 6,710,932
3 22 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
3 23 a clerk of the district court shall not occur unless the state
3 24 court administrator approves the appointment.
3 25 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 26 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 27 required to be provided by the judicial branch for fiscal year
3 28 2007=2008 to the legislative services agency shall be provided
3 29 in an electronic format. The legislative services agency
3 30 shall post the reports on its internet website and shall
3 31 notify by electronic means all the members of the joint
3 32 appropriations subcommittee on the justice system when a
3 33 report is posted. Upon request, copies of the reports may be
3 34 mailed to members of the joint appropriations subcommittee on
3 35 the justice system.



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Senate Study Bill 1195

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to entities and activities regulated by the Iowa
 2 department of public health, including the practices of
 3 optometry and mortuary science, establishment of a state
 4 public health dental director and an oral health bureau,
 5 membership on the child death review team, and immunity for
 6 emergency response, and providing for the revision of fees.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TL5B 1213XD 82
 9 nh/cf/24



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Senate Study Bill 1195 continued

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1 1 DIVISION I
 1 2 OPTOMETRY
 1 3 Section 1. Section 154.1, Code 2007, is amended to read as
 1 4 follows:
 1 5 154.1 OPTOMETRY == DIAGNOSTICALLY CERTIFIED LICENSED
 1 6 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.
 1 7 1. For the purpose of this subtitle the following classes
 1 8 of persons shall be deemed to be engaged in the practice of
 1 9 optometry:
 1 10 ~~1.~~ a. Persons employing any means other than the use of
 1 11 drugs, medicine, or surgery for the measurement of the visual
 1 12 power and visual efficiency of the human eye; persons engaged
 1 13 in the prescribing and adapting of lenses, prisms, and contact
 1 14 lenses; and persons engaged in the using or employing of
 1 15 visual training or ocular exercise; for the aid, relief, or
 1 16 correction of vision.
 1 17 ~~2.~~ b. Persons who allow the public to use any mechanical
 1 18 device for ~~such a~~ purpose described in paragraph "a".
 1 19 ~~3.~~ c. Persons who publicly profess to be optometrists and
 1 20 to assume the duties incident to ~~said~~ the profession.
 1 21 2. ~~Certified~~ Diagnostically certified licensed
 1 22 optometrists may employ cycloplegics, mydriatics, and topical
 1 23 anesthetics as diagnostic agents topically applied to
 1 24 determine the condition of the human eye for proper optometric
 1 25 practice or referral for treatment to a person licensed under
 1 26 chapter 148, 150, or 150A. A diagnostically certified
 1 27 licensed optometrist is an optometrist who is licensed to
 1 28 practice optometry in this state and who is certified by the
 1 29 board of optometry examiners to use diagnostic agents. A
 1 30 ~~certified licensed optometrist shall be provided with a~~
 1 31 ~~distinctive certificate by the board which shall be displayed~~
 1 32 ~~for viewing by the patients of the optometrist.~~
 1 33 3. Therapeutically certified optometrists may employ all
 1 34 diagnostic and therapeutic pharmaceutical agents for the
 1 35 purpose of diagnosis and treatment of conditions of the human



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Senate Study Bill 1195 continued

2 1 eye and adnexa pursuant to this ~~paragraph~~ subsection,
2 2 excluding the use of injections other than to counteract an
2 3 anaphylactic reaction, and notwithstanding section 147.107,
2 4 may without charge supply any of the above pharmaceuticals to
2 5 commence a course of therapy. Therapeutically certified
2 6 optometrists may prescribe oral steroids for a period not to
2 7 exceed fourteen days without consultation with a ~~primary care~~
2 8 physician. Therapeutically certified optometrists shall not
2 9 prescribe oral Imuran or oral Methotrexate. Therapeutically
2 10 certified optometrists may be authorized, where reasonable and
2 11 appropriate, by rule of the board, to employ new diagnostic
2 12 and therapeutic pharmaceutical agents approved by the United
2 13 States food and drug administration on or after July 1, 2002,
2 14 for the diagnosis and treatment of the human eye and adnexa.
2 15 The board shall not be required to adopt rules relating to
2 16 topical pharmaceutical agents, oral antimicrobial agents, oral
2 17 antihistamines, oral antiglaucoma agents, and oral analgesic
2 18 agents. Superficial foreign bodies may be removed from the
2 19 human eye and adnexa. The therapeutic efforts of a
2 20 therapeutically certified optometrist are intended for the
2 21 purpose of examination, diagnosis, and treatment of visual
2 22 defects, abnormal conditions, and diseases of the human eye
2 23 and adnexa, for proper optometric practice or referral for
2 24 consultation or treatment to persons licensed under chapter
2 25 148, 150, or 150A. A therapeutically certified optometrist is
2 26 an optometrist who is licensed to practice optometry in this
2 27 state and who is certified by the board of optometry examiners
2 28 to use the agents and procedures authorized pursuant to this
2 29 ~~paragraph subsection. A therapeutically certified optometrist~~
~~2 30 shall be provided with a distinctive certificate by the board~~
~~2 31 which shall be displayed for viewing by the patients of the~~
~~2 32 optometrist.~~
2 33 Sec. 2. Section 154.3, Code 2007, is amended to read as
2 34 follows:
2 35 154.3 LICENSE.



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Senate Study Bill 1195 continued

3 1 ~~1.~~ Every applicant for a license to practice optometry
3 2 shall:
3 3 ~~a.~~ 1. Be a graduate of an accredited school of optometry
3 4 and meet requirements as established by rules of the board.
3 5 ~~b.~~ 2. Present an official transcript issued by an
3 6 accredited school of optometry.
3 7 ~~c.~~ 3. Pass an examination as determined by the board by
3 8 rule.
3 9 ~~2.~~ ~~A person applying to be licensed as an optometrist~~
~~3 10 after January 1, 1980, shall also apply to be a certified~~
~~3 11 licensed optometrist and shall, in addition to satisfactorily~~
~~3 12 completing all requirements for a license to practice~~
~~3 13 optometry, satisfactorily complete a course consisting of at~~
~~3 14 least one hundred contact hours in pharmacology and receive~~
~~3 15 clinical training as it applies to optometry with particular~~
~~3 16 emphasis on the topical application of diagnostic agents to~~
~~3 17 the human eye for the purpose of examination of the human eye,~~
~~3 18 and the diagnosis of conditions of the human eye, at an~~
~~3 19 institution accredited by a regional or professional~~
~~3 20 accreditation organization which is recognized or approved by~~
~~3 21 the council on postsecondary accreditation or the United~~
~~3 22 States office of education.~~
3 23 ~~3.~~ ~~A person licensed as an optometrist prior to January 1,~~
~~3 24 1980 who applies to be a certified licensed optometrist shall~~
~~3 25 first satisfactorily complete a course consisting of at least~~
~~3 26 one hundred contact hours in pharmacology as it applies to~~
~~3 27 optometry including clinical training as it applies to~~
~~3 28 optometry with particular emphasis on the topical application~~
~~3 29 of diagnostic agents to the human eye and possible adverse~~
~~3 30 reactions thereto, for the purpose of examination of the human~~
~~3 31 eye and the diagnosis of conditions of the human eye, provided~~
~~3 32 by an institution accredited by a regional or professional~~
~~3 33 accreditation organization which is recognized or approved by~~
~~3 34 the council on postsecondary accreditation or the United~~
~~3 35 States office of education, and approved by the board of~~



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~~Senate Study Bill 1195 continued~~

~~4 1 optometry examiners.~~

~~4 2 4. In addition to the examination required by subsection
4 3 1, paragraph "c", a person applying to be a certified licensed
4 4 optometrist shall also pass an examination prescribed by the
4 5 optometry examiners in the subjects of physiology and
4 6 pathology appropriate to the use of diagnostic pharmaceutical
4 7 agents and diagnosis of conditions of the human eye, and
4 8 pharmacology including systemic effects of ophthalmic
4 9 diagnostic pharmaceutical agents and the possible adverse
4 10 reactions thereto, authorized for use by optometrists by
4 11 section 154.1.~~

~~4 12 5. A person applying to be licensed as an optometrist
4 13 after January 1, 1986, shall also apply to be a
4 14 therapeutically certified optometrist and shall, in addition
4 15 to satisfactorily completing all requirements for a license to
4 16 practice optometry, satisfactorily complete a course as
4 17 defined by rule of the state board of optometry examiners with
4 18 particular emphasis on the examination, diagnosis and
4 19 treatment of conditions of the human eye and adnexa provided
4 20 by an institution accredited by a regional or professional
4 21 accreditation organization which is recognized or approved by
4 22 the council on postsecondary accreditation of the United
4 23 States office of education, and approved by the board of
4 24 optometry examiners. The rule of the board shall require a
4 25 course including a minimum of forty hours of didactic
4 26 education and sixty hours of approved supervised clinical
4 27 training in the examination, diagnosis and treatment of
4 28 conditions of the human eye and adnexa. The board may also,
4 29 by rule, provide a procedure by which an applicant who has
4 30 received didactic education meeting the requirements of rules
4 31 adopted pursuant to this subsection at an approved school of
4 32 optometry may apply to the board for a waiver of the didactic
4 33 education requirements of this subsection.~~

~~4 34 6. A person licensed in any state as an optometrist prior
4 35 to January 1, 1986, who applies to be a therapeutically~~



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~~5 1 certified optometrist shall first satisfactorily complete a
5 2 course as defined by rule of the board of optometry examiners
5 3 with particular emphasis on the examination, diagnosis and
5 4 treatment of conditions of the human eye and adnexa provided
5 5 by an institution accredited by a regional or professional
5 6 accreditation organization which is recognized or approved by
5 7 the council on postsecondary accreditation of the United
5 8 States office of education, and approved by the board of
5 9 optometry examiners. The rule of the board shall require a
5 10 course including a minimum of forty hours of didactic
5 11 education and sixty hours of approved supervised clinical
5 12 training in the examination, diagnosis, and treatment of
5 13 conditions of the human eye and adnexa. Effective July 1,
5 14 1987, the board shall require that therapeutically certified
5 15 optometrists prior to the utilization of topical and oral
5 16 antiglaucoma agents, oral antimicrobial agents and oral
5 17 analgesic agents shall complete an additional forty-four hours
5 18 of education with emphasis on treatment and management of
5 19 glaucoma and use of oral pharmaceutical agents for treatment
5 20 and management of ocular diseases, provided by an institution
5 21 accredited by a regional or professional accreditation
5 22 organization which is recognized or approved by the council on
5 23 postsecondary accreditation of the United States office of
5 24 education, and approved by the board of optometry examiners.
5 25 Upon completion of the additional forty-four hours of
5 26 education, a therapeutically certified optometrist shall also
5 27 pass an oral or written examination prescribed by the board.
5 28 The board shall suspend the optometrist's therapeutic
5 29 certificate for failure to comply with this subsection by July
5 30 1, 1988.~~

~~5 31 The board shall adopt rules requiring an additional twenty
5 32 hours per biennium of continuing education in the treatment
5 33 and management of ocular disease for all therapeutically
5 34 certified optometrists. The department of ophthalmology of
5 35 the school of medicine of the state university of Iowa shall~~



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~~6 1 be one of the providers of this continuing education.~~

~~6 2 7. A person licensed in any state as an optometrist prior~~
~~6 3 to January 1, 1986, who applies to be a therapeutically~~
~~6 4 certified optometrist shall also be required to qualify as a~~
~~6 5 certified licensed optometrist as defined in subsections 2, 3,~~
~~6 6 and 4.~~

~~6 7 8. In addition to the examination required by subsection~~
~~6 8 1, paragraph "c", a person applying to be a therapeutically~~
~~6 9 certified optometrist shall also pass an examination~~
~~6 10 prescribed by the board of optometry examiners in the~~
~~6 11 examination, diagnosis, and treatment of diseases of the human~~
~~6 12 eye and adnexa.~~

6 13 Sec. 3. Section 154.10, Code 2007, is amended to read as
 6 14 follows:

6 15 154.10 STANDARD OF CARE.

6 16 1. A diagnostically certified licensed optometrist
 6 17 employing diagnostic pharmaceutical agents as authorized by
 6 18 section 154.1 shall be held to the same standard of care in
 6 19 the use of such agents and in diagnosis as is common to
 6 20 persons licensed under chapter 148, 150, or 150A in this
 6 21 state.

6 22 2. A therapeutically certified optometrist employing
 6 23 pharmaceutical agents as authorized by section 154.1 shall be
 6 24 held to the same standard of care in the use of such agents
 6 25 and in diagnosis and treatment as is common to persons
 6 26 licensed under chapter 148, 150, or 150A in this state.

6 27 Sec. 4. Sections 154.4, 154.5, 154.6, and 154.7, Code
 6 28 2007, are repealed.

DIVISION II

MORTUARY SCIENCE

6 31 Sec. 5. Section 156.1, subsection 6, Code 2007, is amended
 6 32 to read as follows:

6 33 6. "Intern" means a person registered by the board to
 6 34 practice mortuary science under the direct supervision of a
 6 35 ~~funeral director~~ preceptor certified by the board.



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7 1 Sec. 6. Section 156.1, subsection 7, paragraph d, Code
7 2 2007, is amended to read as follows:

7 3 d. Embalming ~~by disinfecting or preserving~~ dead human
7 4 bodies, entire or in part, by the use of chemical substances,
7 5 fluids, or gases in the body, or by the introduction of the
7 6 same into the body by vascular ~~or~~ injections, hypodermic
7 7 injections, or by ~~direct~~ surface application into the organs
7 8 or cavities for the purpose of preservation or disinfection.

7 9 Sec. 7. Section 156.4, subsections 1 and 3, Code 2007, are
7 10 amended to read as follows:

7 11 1. The practice of a funeral director must be conducted
7 12 from a funeral establishment licensed by the board. The board
7 13 may specify criteria for exceptions to the requirement of this
7 14 subsection in rules.

7 15 3. Applications for the examination for a funeral
7 16 director's license shall be ~~in writing and~~ verified on a form
7 17 furnished by the board.

7 18 Sec. 8. Section 156.8A, Code 2007, is amended to read as
7 19 follows:

7 20 156.8A STUDENT PRACTICUM.

7 21 The board, by rule, shall provide for practicums in
7 22 mortuary science for students available through any school
7 23 accredited by the American board of funeral service education
7 24 ~~and shall regulate the registration, training, and fees for~~
7 25 ~~such practicums.~~

7 26 Sec. 9. Section 156.9, subsection 2, Code 2007, is amended
7 27 to read as follows:

7 28 2. In addition to the grounds stated in sections 147.55
7 29 and 272C.10, the board may revoke or suspend the license of,
7 30 or otherwise discipline, a funeral director for any one of the
7 31 following acts:

7 32 a. Knowingly misrepresenting any material matter to a
7 33 prospective purchaser of funeral merchandise, furnishings, or
7 34 services.

7 35 b. ~~Executing a death certificate or burial transit permit~~



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~~8 1 for use by anyone except a funeral director or a certified~~
~~8 2 intern who is working under the direct supervision of a~~
~~8 3 funeral director unless otherwise allowed under section~~
~~8 4 144.32. A violation of chapter 144 related to the practice of~~
~~8 5 mortuary science.~~

8 6 c. Knowingly aiding, assisting, procuring, advising, or
 8 7 allowing a person to unlawfully practice mortuary science.
 8 8 d. Willful or repeated violations of this chapter, or the
 8 9 rules adopted pursuant to this chapter.

8 10 e. Conviction of any crime related to the practice of
 8 11 mortuary science or implicating the licensee's competence to
 8 12 safely perform mortuary science services, including but not
 8 13 limited to a crime involving moral character, dishonesty,
 8 14 fraud, theft, embezzlement, extortion, or controlled
 8 15 substances, in a court of competent jurisdiction in this
 8 16 state, or in another state, territory, or district of the
 8 17 United States, or in a foreign jurisdiction. For purposes of
 8 18 this paragraph, "conviction" includes a guilty plea, deferred
 8 19 judgment, or other finding of guilt. A certified copy of the
 8 20 judgment is prima facie evidence of the conviction.

8 21 Sec. 10. Section 156.10, Code 2007, is amended to read as
 8 22 follows:

8 23 156.10 INSPECTION.

8 24 1. The director of public health shall inspect all places
 8 25 where dead human bodies are prepared or held for burial,
 8 26 entombment, or cremation, and shall adopt and enforce such
 8 27 rules and regulations in connection with the inspection as
 8 28 shall be necessary for the preservation of the public health.

8 29 2. ~~An~~ The Iowa department of public health shall assess an
 8 30 inspection fee for each an inspection of a place where dead
 8 31 human bodies are prepared for burial or cremation shall be
~~8 32 fifteen dollars per year, which shall be collected by the~~
~~8 33 director of public health. The fee shall be determined by the~~
 8 34 department by rule.

8 35 Sec. 11. Section 156.15, subsection 2, paragraph a, Code
 9 1 2007, is amended to read as follows:

9 2 a. Been convicted of a felony or ~~a misdemeanor involving~~
~~9 3 moral turpitude~~ any crime related to the practice of mortuary
 9 4 science or implicating the establishment's ability to safely
 9 5 perform mortuary science services, or if the applicant is an
 9 6 association, joint stock company, partnership, or corporation,
 9 7 that a managing officer or owner has been convicted of a
~~9 8 felony or a misdemeanor involving moral turpitude such a~~
 9 9 crime, under the laws of this state, another state, or the
 9 10 United States.

9 11 Sec. 12. Section 156.13, Code 2007, is repealed.

DIVISION III

STATE PUBLIC HEALTH DENTAL DIRECTOR AND ORAL

HEALTH BUREAU ESTABLISHED

9 15 Sec. 13. NEW SECTION. 135.14 STATE PUBLIC HEALTH DENTAL
 9 16 DIRECTOR == DUTIES.

9 17 1. The position of state public health dental director is
 9 18 established within the department.

9 19 2. The dental director shall perform all of the following
 9 20 duties:

9 21 a. Plan and direct all work activities of the statewide



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9 22 public health dental program.
9 23 b. Develop comprehensive dental initiatives for prevention
9 24 activities.
9 25 c. Evaluate the effectiveness of the statewide public
9 26 health dental program and of program personnel.
9 27 d. Manage the oral health bureau including direction,
9 28 supervision, and fiscal management of bureau staff.
9 29 e. Other related work as required.
9 30 Sec. 14. NEW SECTION. 135.15 ORAL HEALTH BUREAU
9 31 ESTABLISHED == RESPONSIBILITIES.
9 32 An oral health bureau is established within the division of
9 33 health promotion and chronic disease prevention of the
9 34 department. The bureau shall be responsible for all of the
9 35 following:



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- 10 1 1. Providing population-based oral health services,
10 2 including public health training, improvement of dental
10 3 support systems for families, technical assistance,
10 4 awareness-building activities, and educational services, at
10 5 the state and local level to assist Iowans in maintaining
10 6 optimal oral health throughout all stages of life.
10 7 2. Performing infrastructure building and enabling
10 8 services through the administration of state and federal grant
10 9 programs targeting access improvement, prevention, and local
10 10 oral health programs utilizing maternal and child health
10 11 programs, Medicaid, and other new or existing programs.
10 12 3. Leveraging federal, state, and local resources for
10 13 programs under the purview of the bureau.
10 14 4. Facilitating ongoing strategic planning and application
10 15 of evidence-based research in oral health care policy
10 16 development that improves oral health care access and the
10 17 overall oral health of all Iowans.
10 18 5. Developing and implementing an ongoing oral health
10 19 surveillance system for the evaluation and monitoring of the
10 20 oral health status of children and other underserved
10 21 populations.

10 22 DIVISION IV

10 23 MISCELLANEOUS PROVISIONS

- 10 24 Sec. 15. Section 135.11, Code 2007, is amended by adding
10 25 the following new subsection:
10 26 NEW SUBSECTION. 31. In consultation with the advisory
10 27 committee for perinatal guidelines, develop and maintain the
10 28 statewide perinatal program based on the recommendations of
10 29 the American academy of pediatrics and the American college of
10 30 obstetricians and gynecologists contained in the most recent
10 31 edition of the guidelines for perinatal care, and shall adopt
10 32 rules in accordance with chapter 17A to implement those
10 33 recommendations. Hospitals within the state shall determine
10 34 whether to participate in the statewide perinatal program, and
10 35 select the hospital's level of participation in the program.



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11 1 A hospital having determined to participate in the program
11 2 shall comply with the guidelines appropriate to the level of
11 3 participation selected by the hospital.

11 4 Sec. 16. Section 135.24, subsection 5, paragraph a, Code
11 5 2007, is amended to read as follows:

11 6 a. "Charitable organization" means a charitable
11 7 organization within the meaning of section 501(c)(3) of the
11 8 Internal Revenue Code ~~which has as its primary purpose the~~
~~11 9 sponsorship or support of programs designed to improve the~~
~~11 10 quality, awareness, and availability of chiropractic, dental,~~
~~11 11 medical, pharmaceutical, nursing, optometric, psychological,~~
~~11 12 social work, behavioral science, podiatric, physical therapy,~~
~~11 13 occupational therapy, respiratory therapy, or emergency~~
~~11 14 medical care services to children and to serve as a funding~~
~~11 15 mechanism for provision of chiropractic, dental, medical,~~
~~11 16 pharmaceutical, nursing, optometric, psychological, social~~
~~11 17 work, behavioral science, podiatric, physical therapy,~~
~~11 18 occupational therapy, respiratory therapy, or emergency~~
~~11 19 medical care services, including but not limited to~~
~~11 20 immunizations, to children in this state.~~

11 21 Sec. 17. Section 135.43, subsection 2, unnumbered
11 22 paragraph 1, Code 2007, is amended to read as follows:

11 23 The membership of the review team is subject to the
11 24 provisions of sections 69.16 and 69.16A, relating to political
11 25 affiliation and gender balance. Review team members who are
11 26 not designated by another appointing authority shall be
11 27 appointed by the director of public health ~~in consultation~~
~~11 28 with the director of human services.~~ Membership terms shall
11 29 be for three years. A membership vacancy shall be filled in
11 30 the same manner as the original appointment. The review team
11 31 shall elect a chairperson and other officers as deemed
11 32 necessary by the review team. The review team shall meet upon
11 33 the call of the chairperson, upon the request of a state
11 34 agency, or as determined by the review team. The members of
11 35 the team are eligible for reimbursement of actual and



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12 1 necessary expenses incurred in the performance of their
12 2 official duties.

12 3 Sec. 18. Section 135.43, subsection 5, Code 2007, is
12 4 amended to read as follows:

12 5 5. a. The following individuals shall designate a liaison
12 6 to assist the review team in fulfilling its responsibilities:

12 7 ~~a.~~ (1) The director of public health.

12 8 ~~b.~~ (2) The director of human services.

12 9 ~~c.~~ (3) The commissioner of public safety.

12 10 ~~d. The administrator of the bureau of vital records of the
12 11 Iowa department of public health.~~

12 12 ~~e.~~ (4) The attorney general.

12 13 ~~f.~~ (5) The director of transportation.

12 14 ~~g.~~ (6) The director of the department of education.

12 15 b. In addition, the chairperson of the review team shall

12 16 designate a liaison from the public at large to assist the
12 17 review team in fulfilling its responsibilities.

12 18 Sec. 19. NEW SECTION. 135.147 IMMUNITY FOR EMERGENCY AID
12 19 == EXCEPTIONS.

12 20 1. The state and its departments, employees, and agents
12 21 are immune from liability for the death of or injury to a
12 22 person, or for damage to property, resulting from the
12 23 performance of a function or activity pursuant to this
12 24 division or chapter 29C, except for an act or omission which
12 25 involves intentional misconduct or a knowing violation of the
12 26 law.

12 27 2. A person, corporation, or other legal entity, or an
12 28 employee or agent of such person, corporation, or entity, who,
12 29 during or in preparation for a public health disaster, in good
12 30 faith renders emergency care or assistance to a victim of the
12 31 public health disaster shall not be liable for civil damages
12 32 for causing the death of or injury to a person, or for damage
12 33 to property, except in the event of recklessness or willful
12 34 misconduct.

12 35 3. The immunities provided in this section shall not apply



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13 1 to any person, corporation, or other legal entity, or an
13 2 employee or agent of such person, corporation, or entity,
13 3 whose act or omission caused in whole or in part the public
13 4 health disaster and who would otherwise be liable therefor.

13 5 Sec. 20. Section 135I.4, subsection 5, Code 2007, is
13 6 amended to read as follows:

13 7 5. Adopt rules in accordance with chapter 17A for the
13 8 implementation and enforcement of this chapter, and the
13 9 establishment of fees. ~~The department shall appoint an~~
~~13 10 advisory committee composed of owners, operators, local~~
~~13 11 officials, and representatives of the public to advise it in~~
~~13 12 the formulation of appropriate rules.~~

13 13 Sec. 21. Section 135I.6, Code 2007, is amended to read as
13 14 follows:

13 15 135I.6 ENFORCEMENT.

13 16 If the department or a local board of health acting
13 17 pursuant to agreement with the department determines that a
13 18 provision of this chapter or a rule adopted pursuant to this
13 19 chapter has been or is being violated, the department may
13 20 withhold or revoke the registration of a swimming pool or spa,
13 21 or the department or the local board of health may order that
13 22 a facility or item of equipment not be used, until the
13 23 necessary corrective action has been taken. The department or
13 24 the local board of health may request the county attorney to
13 25 bring appropriate legal proceedings to enforce this chapter,
13 26 including an action to enjoin violations. The attorney
13 27 general may also institute appropriate legal proceedings at
13 28 the request of the department. This remedy is in addition to
13 29 any other legal remedy available to the department or a local
13 30 board of health.

13 31 Sec. 22. Section 135M.4, subsection 1, paragraph d, Code
13 32 2007, is amended to read as follows:

13 33 d. The prescription drug or supplies are prescribed by a
13 34 health care practitioner for use by an eligible individual and
13 35 are dispensed by a pharmacist or are dispensed to an eligible



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14 1 individual by the prescribing health care practitioner or the
14 2 practitioner's authorized agent.

14 3 Sec. 23. Section 139A.13A, subsection 1, Code 2007, is
14 4 amended to read as follows:

14 5 1. An employer shall not discharge an employee, or take or
14 6 fail to take action regarding an employee's promotion or
14 7 proposed promotion, or take action to reduce an employee's
14 8 wages or benefits for actual time worked, due to the
14 9 compliance of an employee with a quarantine or isolation order
14 10 or voluntary confinement request issued by the department, or
14 11 a local board, or the centers for disease control and
14 12 prevention of the United States department of health and human
14 13 services.

14 14 Sec. 24. Section 144.28, subsection 1, Code 2007, is
14 15 amended to read as follows:

14 16 1. The medical certification shall be completed and signed
14 17 by the physician in charge of the patient's care for the
14 18 illness or condition which resulted in death within
14 19 seventy=two hours after receipt of the death certificate from
14 20 the funeral director or individual who initially assumes
14 21 custody of the body, except when inquiry is required by the
14 22 county medical examiner. If upon inquiry into the death, the
14 23 county medical examiner determines that a preexisting natural
14 24 disease or condition was the likely cause of death and that
14 25 the death does not affect the public interest as described in
14 26 section 331.802, subsection 3, the county medical examiner may
14 27 elect to defer to the physician in charge of the patient's
14 28 preexisting condition the certification of the cause of death.
14 29 When inquiry is required by the county medical examiner, the
14 30 medical examiner shall investigate the cause of death and
14 31 shall complete and sign the medical certification within
14 32 seventy=two hours after determination of the cause of death.

14 33 Sec. 25. Section 144.46, Code 2007, is amended to read as
14 34 follows:

14 35 144.46 ~~FEE FOR COPY OF RECORD~~ FEEES.



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15 1 1. The department by rule shall establish fees based on
15 2 the average administrative cost which shall be collected by
15 3 the state registrar or the county registrar for each of the
15 4 following:

15 5 a. A certified copy or short form certification of
15 6 certificates or records, or for a certificate or record.

15 7 b. A search of the files or records when no copy is made,
15 8 or when no record is found on file.

15 9 c. A copy of a certificate or record or a vital statistics
15 10 data file provided to a researcher in accordance with section
15 11 144.44.

15 12 d. A copy of a certificate or record or a vital statistics
15 13 data file provided to a federal, state, local, or other public
15 14 or private agency for statistical purposes in accordance with
15 15 section 144.45.

15 16 e. Verification or certification of vital statistics data
15 17 provided to a federal, state, or local governmental agency
15 18 authorized by rule to receive such data.

15 19 2. Fees collected by the state registrar and by the county
15 20 registrar on behalf of the state under this section shall be
15 21 deposited in the general fund of the state and the vital
15 22 records fund established in section 144.46A in accordance with
15 23 an apportionment established by rule. Fees collected by the
15 24 county registrar pursuant to section 331.605, subsection 6,
15 25 shall be deposited in the county general fund. ~~A fee shall~~
~~15 26 not be collected from a political subdivision or agency of~~
~~15 27 this state.~~

15 28 Sec. 26. Section 144.46A, subsections 2 and 3, Code 2007,
15 29 are amended to read as follows:

15 30 ~~2. The department shall adopt rules providing for an~~
~~15 31 increase in the fees charged by the state registrar for vital~~
~~15 32 records services under section 144.46 in an amount necessary~~
~~15 33 to pay for the purposes designated in subsection 1.~~

15 34 ~~3. 2. Increased fees collected by the state registrar~~
~~15 35 pursuant to this section shall be credited to the vital~~



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~~16 1 records fund.~~ Moneys credited to the fund pursuant to section
16 2 144.46 and otherwise are appropriated to the department to be
16 3 used for the purposes designated in subsection 1.

16 4 Notwithstanding section 8.33, moneys credited to the fund that
16 5 remain unencumbered or unobligated at the close of the fiscal
16 6 year shall not revert to any fund but shall remain available
16 7 for expenditure for the purposes designated.

16 8 Sec. 27. Section 152.1, subsection 4, paragraph c, Code
16 9 2007, is amended to read as follows:

16 10 c. Make the pronouncement of death for a patient whose
16 11 death is anticipated if the death occurs in a licensed
16 12 hospital, a licensed health care facility, a
16 13 Medicare-certified home health agency, ~~or~~ a Medicare-certified
16 14 hospice program or facility, or an assisted living facility or
16 15 residential care facility, with notice of the death to a
16 16 physician and in accordance with any directions of a
16 17 physician.

16 18 Sec. 28. Section 152.1, subsection 6, paragraph e, Code
16 19 2007, is amended to read as follows:

16 20 e. Make the pronouncement of death for a patient whose
16 21 death is anticipated if the death occurs in a licensed
16 22 hospital, a licensed health care facility, a
16 23 Medicare-certified home health agency, ~~or~~ a Medicare-certified
16 24 hospice program or facility, an assisted living facility, or a
16 25 residential care facility, with notice of the death to a
16 26 physician and in accordance with any directions of a
16 27 physician.

16 28 EXPLANATION

16 29 This bill relates to entities and activities regulated by
16 30 the Iowa department of public health.

16 31 DIVISION I == OPTOMETRY. The bill eliminates various Code
16 32 provisions relating to requirements for licensure as an
16 33 optometrist and provides that the board of optometry examiners
16 34 shall establish requirements for licensure by rule. The bill
16 35 specifies that certain optometrists are diagnostically



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17 1 certified to distinguish them from optometrists who are
17 2 therapeutically certified. A requirement that certified
17 3 optometrists be provided with a distinctive certificate which
17 4 is to be displayed for viewing by the optometrist's patients
17 5 is eliminated.

17 6 DIVISION II == MORTUARY SCIENCE. The bill makes various
17 7 changes relating to the practice of mortuary science. The
17 8 bill modifies the definition of "intern" to require such
17 9 persons to be directly supervised by a preceptor certified by
17 10 the board of mortuary science examiners. A description of
17 11 embalming procedures utilized in the practice of mortuary
17 12 science is amended to provide that chemical substances,
17 13 fluids, or gases may be introduced into the body by surface,
17 14 rather than direct, application into the organs or cavities.

17 15 A provision requiring the practice of a funeral director to
17 16 be conducted from an establishment licensed by the board is
17 17 amended to allow the board to specify exceptions to the
17 18 requirement in rules. The bill eliminates provisions
17 19 requiring that an application for examination for a funeral
17 20 director's license be in writing, allowing electronic
17 21 submission; requiring the board to regulate registration,
17 22 training, and fees for mortuary science practicums, which are
17 23 regulated by certain mortuary science schools; and allowing
17 24 the department, with the approval of the board, to accept
17 25 certain national certificates of examination in lieu of the
17 26 examination prescribed by the board.

17 27 The bill allows the board to discipline a licensed funeral
17 28 director other than by license revocation or suspension and
17 29 makes changes in the permissible grounds for revocation or
17 30 suspension. The bill provides that such grounds include
17 31 violations of Code chapter 144 (vital statistics) relating to
17 32 the practice of mortuary science and convictions of crimes
17 33 related to the practice of mortuary science or implicating the
17 34 licensee's competence to safely perform mortuary science
17 35 services. The bill similarly modifies the grounds for



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18 1 revocation of a funeral or cremation establishment's license
18 2 based on a criminal conviction and adds an owner of such a
18 3 funeral or cremation establishment to the list of persons and
18 4 entities who may commit such a crime causing the revocation or
18 5 suspension.

18 6 The \$15 annual fee for funeral and cremation establishment
18 7 inspections is replaced by an inspection fee to be established
18 8 by the department by rule.

18 9 DIVISION III == DENTAL AND ORAL HEALTH. The bill
18 10 establishes the position of state public health dental
18 11 director and the oral health bureau within the department.
18 12 The state public health dental director is directed to plan
18 13 and direct all activities of the statewide public health
18 14 dental program, develop comprehensive dental initiatives for
18 15 prevention activities, evaluate the effectiveness of the
18 16 dental program and of program personnel, and manage the oral
18 17 health bureau.

18 18 The oral health bureau is responsible for providing
18 19 population-based oral health services at the state and local
18 20 level, performing infrastructure building and enabling
18 21 services, facilitating ongoing strategic planning and
18 22 application of research in oral health care policy development
18 23 that improves access and the overall oral health of Iowans,
18 24 and developing and implementing an oral health surveillance
18 25 system for the evaluation and monitoring of the oral health
18 26 status of underserved populations.

18 27 DIVISION IV == MISCELLANEOUS PROVISIONS. The bill codifies
18 28 provisions enacted in 1998 directing the department to develop
18 29 and maintain the statewide perinatal program.

18 30 A definition of "charitable organization" for purposes of
18 31 the volunteer health care provider program is amended to
18 32 remove the specific purposes such an organization must have,
18 33 leaving the reference to the definition in the Internal
18 34 Revenue Code.

18 35 The bill makes several changes to the membership of the
19 1 child death review team. The bill eliminates a requirement
19 2 that the director of public health consult with the director
19 3 of human services in making appointments to the review team
19 4 and replaces a liaison to the review team designated by the
19 5 administrator of the bureau of vital records with an at-large
19 6 liaison designated by the chairperson of the review team.

19 7 The bill provides legal immunity for the state and its
19 8 departments, employees, and agents for the death of or injury
19 9 to a person, or for damage to property, resulting from the
19 10 performance of a function or activity relating to public
19 11 health disasters or states of emergency proclaimed by the
19 12 governor. However, an act or omission that involves
19 13 intentional misconduct or a knowing violation of the law is
19 14 not provided such immunity. The bill also provides legal
19 15 immunity for persons and entities, or employees or agents of
19 16 such persons or entities, who in good faith render emergency
19 17 care or assistance during a public health disaster to a victim
19 18 of such disaster. Such immunity does not apply in the event
19 19 of recklessness or willful misconduct or to a person or
19 20 entity, or employee or agent of such person or entity, whose
19 21 act or omission caused the public health disaster and who



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19 22 would otherwise be liable therefor.

19 23 A provision requiring the department to appoint an advisory
19 24 committee relating to the regulation of swimming pools and
19 25 spas is eliminated in the bill. The bill allows the
19 26 department to withhold or revoke the registration of a
19 27 swimming pool or spa for a violation of the laws or rules
19 28 regulating pools and spas until the necessary corrective
19 29 action has been taken.

19 30 The bill extends isolation and quarantine employment
19 31 protection for persons who voluntarily comply with a
19 32 confinement request issued by the department, a local board of
19 33 health, or the federal centers for disease control and
19 34 prevention.

19 35 The bill allows a county medical examiner to defer to the



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20 1 physician in charge of a patient's preexisting condition the
20 2 certification of the cause of death if the medical examiner
20 3 determines that a preexisting natural disease or condition was
20 4 the likely cause of death and that the death does not affect
20 5 the public interest.

20 6 Provisions regarding the fees for certain vital records
20 7 copies and services are amended in the bill. The bill
20 8 provides that the department shall establish fees by rule for
20 9 copies of certain vital records documents provided to
20 10 researchers and public and private agencies and for
20 11 verification or certification of vital statistics data
20 12 provided to a governmental agency authorized by rule to
20 13 receive such data. The bill eliminates a provision exempting
20 14 political subdivisions and agencies of the state from payment
20 15 of vital records fees.

20 16 The bill also provides that such fees collected by the
20 17 state registrar and by the county registrar on behalf of the
20 18 state shall be deposited in the general fund of the state and
20 19 the vital records fund, in an apportionment established by
20 20 rule. Currently, such fees are deposited in the general fund
20 21 of the state, with the exception of that portion of the fees
20 22 attributed to the 2005 increase in such fees, which is to be
20 23 deposited in the vital records fund, to be used for purposes
20 24 of the purchase and maintenance of an electronic system for
20 25 vital records scanning, data capture, data reporting, storage,
20 26 and retrieval, and for all registration and issuance
20 27 activities.

20 28 In addition, provisions relating to the scope of practice
20 29 of licensed practical nurses and registered nurses are amended
20 30 to include making a pronouncement of death for a patient whose
20 31 death is anticipated if the death occurs in an assisted living
20 32 or residential care facility, with notice of the death to a
20 33 physician and in accordance with any directions of a
20 34 physician. Currently, such nurses may make a pronouncement of
20 35 death if the death occurs in a licensed hospital, a licensed



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21 1 health care facility, a Medicare=certified home health agency,
21 2 or a Medicare=certified hospice program or facility.
21 3 LSB 1213XD 82
21 4 nh:rj/cf/24.2



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Senate Study Bill 1196

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to certain overpayments of moneys to a county.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1652SC 82
- 4 eg/gg/14



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PAG LIN

1 1 Section 1. Section 331.401, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. qq. Retain overpayments of moneys paid to
1 4 the county in an amount of five dollars or less, unless the
1 5 payor has requested a refund of the overpayment.

1 6 Sec. 2. Section 331.902, Code 2007, is amended by adding
1 7 the following new subsection:

1 8 NEW SUBSECTION. 5. Each elective officer specified in
1 9 subsection 1 shall retain overpayments of fees and other
1 10 charges paid to the county in an amount of five dollars or
1 11 less, unless the payor has requested a refund of the
1 12 overpayment.

1 13 EXPLANATION

1 14 This bill requires that a county keep overpayments of
1 15 moneys paid to the county amounting to \$5 or less, unless the
1 16 person who made the overpayment requests a refund of the
1 17 overpayment.

1 18 LSB 1652SC 82

1 19 eg:sc/gg/14.1