



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 09, 2007

House Amendment 1052

PAG LIN

1 1 Amend House File 286 as follows:
1 2 #1. Page 1, line 7, by inserting after the word
1 3 <percent> the following: <with any property tax
1 4 increase caused as a result of this state percent of

1 5 growth paid for by the state>.
1 6
1 7 PAULSEN of Linn
1 8
1 9 HF 286.502 82
1 10 ak/je/6720
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February 09, 2007

House File 288 - Introduced

HOUSE FILE
BY FREVERT

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

A BILL FOR

1 An Act providing for issuance of a special minor's license to
2 drive to and from a school in a school district that is not
3 contiguous to the student's district of residence and
4 providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1614YH 82
7 dea/gg/14



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House File 288 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.194, subsection 1, paragraph b,
1 2 subparagraph (2), Code 2007, is amended to read as follows:
1 3 (2) A district which is contiguous to, or less than one
1 4 mile from, the district of residence of the parent or guardian
1 5 of the student, if the student is enrolled in the public
1 6 school which is not the school district of residence because
1 7 of open enrollment under section 282.18 or as a result of an
1 8 election by the student's district of residence to enter into
1 9 one or more sharing agreements pursuant to the procedures in
1 10 chapter 282.

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

1 13 EXPLANATION

1 14 This bill allows the department of transportation to issue
1 15 a special minor's driver's license to a student between 14 and
1 16 18 years of age for purposes of attending a public school in a
1 17 school district that is separated by a distance of less than
1 18 one mile from the student's district of residence if the
1 19 student attends the public school under open enrollment or
1 20 because of a sharing agreement between the school districts.
1 21 Currently, a special minor's license is only available for
1 22 purposes of attending a public school in the student's
1 23 district of residence or in a contiguous district under open
1 24 enrollment or a sharing agreement.

1 25 The bill is effective upon enactment.

1 26 LSB 1614YH 82

1 27 dea:nh/gg/14



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House File 289 - Introduced

HOUSE FILE

BY CHAMBERS, LUKAN, GRANZOW, WATTS,
FORRISTALL, DE BOEF, RAYHONS,
STRUYK, WINDSCHITL, KAUFMANN,
ALONS, MAY, TJEPKES, BOAL, and
DEYOE

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act authorizing the transfer of a free landowner deer or wild
- 2 turkey hunting license to another person.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 1510YH 82
- 5 av/je/5



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House File 289 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. The owner or tenant of a farm unit may
1 4 transfer any free deer hunting license or free wild turkey
1 5 hunting license received under this subsection to another
1 6 person who, except for payment of a deer hunting license fee
1 7 or wild turkey hunting license fee, is qualified to be issued
1 8 a deer hunting license or wild turkey hunting license in this
1 9 state. A free deer hunting license or wild turkey hunting
1 10 license transferred pursuant to this paragraph is valid only
1 11 for the farm unit for which it was issued by the department.
1 12 A landowner or tenant who transfers a free hunting license
1 13 pursuant to this paragraph shall not accept any money,
1 14 service, or other valuable consideration for the transfer of
1 15 the license to another person. The commission shall adopt
1 16 rules pursuant to chapter 17A as necessary for the
1 17 administration of this paragraph.

1 18 EXPLANATION

1 19 This bill authorizes owners or tenants of a farm unit who
1 20 have received a free landowner deer hunting license or wild
1 21 turkey hunting license from the department of natural
1 22 resources to transfer that license to another person who is
1 23 qualified to be issued a deer hunting license or a wild turkey
1 24 hunting license in this state. In order to hunt with the
1 25 license, the transferee must purchase a general hunting
1 26 license, pay the wildlife habitat fee, and if applicable,
1 27 possess a certificate of completion from an approved hunter
1 28 safety and ethics education course. A landowner or tenant who
1 29 transfers such a free license to another person pursuant to
1 30 the new provision shall not accept any money, service, or
1 31 other valuable consideration for the transfer of the license.
1 32 The natural resource commission is required to adopt rules
1 33 pursuant to Code chapter 17A as necessary for the
1 34 administration of the provision.

1 35 LSB 1510YH 82



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House File 289 - Introduced continued

2 1 av:nh/je/5.1



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House File 290 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act relating to utilization of Medicaid home and
2 community-based services waiver services, and providing an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1964YH 82
6 pf/es/88

PAG LIN



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House File 289 - Introduced continued

1 1 Section 1. MEDICAL ASSISTANCE WAIVER WAITING LIST
 1 2 ELIMINATION == APPROPRIATION. In addition to any other
 1 3 appropriation for the fiscal year beginning July 1, 2007, and
 1 4 ending June 30, 2008, there is appropriated from the general
 1 5 fund of the state to the department of human services for the
 1 6 fiscal year beginning July 1, 2007, and ending June 30, 2008,
 1 7 the following amount, or so much thereof as is necessary, for
 1 8 the purpose designated:
 1 9 To eliminate home and community-based services waiver
 1 10 waiting lists under the medical assistance program:
 1 11 \$ 12,808,818
 1 12 EXPLANATION
 1 13 This bill provides an appropriation to eliminate the
 1 14 waiting lists for home and community-based services waiver
 1 15 services under the medical assistance program.
 1 16 LSB 1964YH 82
 1 17 pf:nh/es/88



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House File 291 - Introduced

HOUSE FILE

BY TOMENGA, BAUDLER, JACOBY, HUSER,
MAY, PETERSEN, LUKAN, ANDERSON,
and R. OLSON

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act providing for candidate physical ability tests for fire
- 2 fighter applicants under the statewide fire and police
- 3 retirement system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1685YH 82
- 6 ec/es/88



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House File 291 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.8, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The commission, when necessary under the rules,
1 4 including minimum and maximum age limits, which shall be
1 5 prescribed and published in advance by the commission and
1 6 posted in the city hall, shall hold examinations for the
1 7 purpose of determining the qualifications of applicants for
1 8 positions under civil service, other than promotions, which
1 9 examinations shall be practical in character and shall relate
1 10 to matters which will fairly test the mental and physical
1 11 ability of the applicant to discharge the duties of the
1 12 position to which the applicant seeks appointment. The
1 13 physical examination of applicants for appointment to the
1 14 positions of police officer, police matron, or fire fighter
1 15 shall be held in accordance with medical protocols established
1 16 by the board of trustees of the fire and police retirement
1 17 system established by section 411.5 and shall be conducted in
1 18 accordance with the directives of the board of trustees. In
1 19 addition, applicants for appointment to the position of fire
1 20 fighter covered under the fire and police retirement system
1 21 established by section 411.5 shall, prior to appointment, pay
1 22 for and successfully complete the candidate physical ability
1 23 test established by international organizations representing
1 24 fire chiefs and fire fighters and conducted by an organization
1 25 licensed by such international organizations to conduct the
1 26 test in the state. However, the prohibitions of section
1 27 216.6, subsection 1, paragraph "d", regarding tests for the
1 28 presence of the antibody to the human immunodeficiency virus
1 29 shall not apply to such examinations. The board of trustees
1 30 may change the medical protocols at any time the board so
1 31 determines. The physical examination of an applicant for the
1 32 position of police officer, police matron, or fire fighter
1 33 shall be conducted after a conditional offer of employment has
1 34 been made to the applicant. An applicant shall not be
1 35 discriminated against on the basis of height, weight, sex, or



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2 1 race in determining physical or mental ability of the
2 2 applicant. Reasonable rules relating to strength, agility,
2 3 and general health of applicants shall be prescribed. The
2 4 costs of the physical examination required under this
2 5 subsection shall be paid from the trust and agency fund of the
2 6 city.

2 7 EXPLANATION

2 8 This bill requires that fire fighter applicants for
2 9 appointment as a fire fighter covered by the statewide fire
2 10 and police retirement system created under Code chapter 411
2 11 pay for and successfully complete a candidate physical ability
2 12 test. The bill provides that the test be the one established
2 13 by international organizations representing fire chiefs and
2 14 fire fighters and shall be conducted by an organization
2 15 licensed by the international organizations to conduct the
2 16 test statewide.

2 17 LSB 1685YH 82

2 18 ec:sc/es/88.1



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House File 292 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act creating a junior entrepreneur training assistance program
- 2 and providing a tax deduction and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2353HH 82
- 5 tm/cf/24



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House File 292 - Introduced continued

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1 1 Section 1. Section 15.313, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. To provide matching grants under the
1 4 junior entrepreneur training assistance program as provided in
1 5 section 15E.323.

1 6 Sec. 2. NEW SECTION. 15E.321 SHORT TITLE.
1 7 This division shall be known and may be cited as the
1 8 "Junior Entrepreneur Training Act".

1 9 Sec. 3. NEW SECTION. 15E.322 JUNIOR ENTREPRENEUR
1 10 TRAINING ASSISTANCE PROGRAM.

1 11 1. The department of economic development shall establish
1 12 a junior entrepreneur training assistance program to encourage
1 13 and assist private businesses and organizations to establish
1 14 junior entrepreneur training programs that would operate in
1 15 conjunction or cooperation with a local school district.

1 16 2. a. A junior entrepreneur training program established
1 17 by a private business or organization shall be designed to do
1 18 all of the following:

1 19 (1) Encourage interest in starting or operating a
1 20 business.

1 21 (2) Educate participants regarding the potential
1 22 advantages and rewards of self-employment.

1 23 (3) Engage business professionals and successful
1 24 entrepreneurs in introducing participants to the basics of
1 25 business ownership and management.

1 26 (4) Assist past participants in the program who start or
1 27 purchase a business in developing mentoring relationships with
1 28 successful local businesspersons.

1 29 b. The department shall give funding and assistance
1 30 priority to a junior entrepreneur training program that
1 31 concentrates its efforts on attracting participants who lack
1 32 significant exposure to entrepreneurship role models including
1 33 but not limited to persons from economically disadvantaged
1 34 backgrounds or populations traditionally underrepresented in
1 35 the local business community.



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2 1 3. For purposes of an eligible taxpayer claiming an income
2 2 tax deduction pursuant to sections 422.7 and 422.35, the
2 3 department shall, upon application by the junior entrepreneur
2 4 training program, certify any junior entrepreneur training
2 5 program that meets the criteria in subsection 2, paragraph
2 6 "b".

2 7 Sec. 4. NEW SECTION. 15E.323 FUNDING.
2 8 The department may provide a matching grant to a private
2 9 business or organization that establishes a junior
2 10 entrepreneur training program. A matching grant shall provide
2 11 one dollar for every two dollars in private matching moneys.

2 12 Sec. 5. NEW SECTION. 15E.324 RULES.
2 13 The department shall adopt rules pursuant to chapter 17A
2 14 necessary for the administration of this division.

2 15 Sec. 6. Section 422.7, Code 2007, is amended by adding the
2 16 following new subsection:
2 17 NEW SUBSECTION. 50. Subtract the amount of any
2 18 contribution made for the establishment or operation of a
2 19 junior entrepreneur training program certified by the
2 20 department of economic development pursuant to section
2 21 15E.322.

2 22 Sec. 7. Section 422.35, Code 2007, is amended by adding
2 23 the following new subsection:
2 24 NEW SUBSECTION. 23. Subtract the amount of any
2 25 contribution made for the establishment or operation of a
2 26 junior entrepreneur training program certified by the
2 27 department of economic development pursuant to section
2 28 15E.322.

2 29 Sec. 8. APPROPRIATION. There is appropriated from the
2 30 general fund of the state to the department of economic
2 31 development for the fiscal year beginning July 1, 2007, and
2 32 ending June 30, 2008, the following amount, or so much thereof
2 33 as is necessary, to be used for the purposes designated:
2 34 For providing matching grants pursuant to section 15E.323:
2 35 \$ 1,000,000



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House File 292 - Introduced continued

3 1 EXPLANATION
3 2 This bill creates a junior entrepreneur training assistance
3 3 program.
3 4 The bill provides that the department of economic
3 5 development shall establish a junior entrepreneur training
3 6 assistance program to encourage and assist private businesses
3 7 and organizations to establish junior entrepreneur training
3 8 programs that would operate in conjunction or cooperation with
3 9 a local school district. The bill provides that a junior
3 10 entrepreneur training program established by a private
3 11 business or organization shall be designed to encourage
3 12 interest in starting or operating a business, educate
3 13 participants regarding the potential advantages and rewards of
3 14 self-employment, engage business professionals and successful
3 15 entrepreneurs in introducing participants to the basics of
3 16 business ownership and management, and assist past
3 17 participants in the program who start or purchase a business
3 18 in developing mentoring relationships with successful local
3 19 businesspersons. The bill provides that the department shall
3 20 give funding and assistance priority to a junior entrepreneur
3 21 training program that concentrates its efforts on attracting
3 22 participants who lack significant exposure to entrepreneurship
3 23 role models including but not limited to persons from
3 24 economically disadvantaged backgrounds or populations
3 25 traditionally underrepresented in the local business
3 26 community.
3 27 The bill provides that the department may provide a
3 28 matching grant to a private business or organization that
3 29 establishes a junior entrepreneur training program. The bill
3 30 provides that the moneys for the matching grants shall be
3 31 provided from the strategic investment fund.
3 32 The bill provides for an individual or corporate tax
3 33 deduction for any contribution made for the establishment or
3 34 operation of a junior entrepreneur training program certified
3 35 by the department. The bill provides that the department



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4 1 shall, upon application by the junior entrepreneur training
4 2 program, certify programs that concentrate efforts on
4 3 attracting participants who lack significant exposure to
4 4 entrepreneurship role models including but not limited to
4 5 persons from economically disadvantaged backgrounds or
4 6 populations traditionally underrepresented in the local
4 7 business community.
4 8 The bill appropriates from the general fund of the state to
4 9 the department of economic development for FY 2007=2008, the
4 10 amount of \$1 million for providing matching grants under the
4 11 junior entrepreneur training assistance program.
4 12 LSB 2353HH 82
4 13 tm:nh/cf/24.1



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House File 293 - Introduced

HOUSE FILE
 BY SWAIM, FOEGE, and
 WESSEL=KROESCHELL

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

A BILL FOR

- 1 An Act relating to the state earned income tax credit by making
- 2 the tax credit refundable and including effective and
- 3 retroactive applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2247HH 82
- 6 mg/gg/14



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1 1 Section 1. Section 422.12B, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to six and one-half percent of the federal
1 6 earned income credit provided in section 32 of the Internal
1 7 Revenue Code. Any credit in excess of the tax liability is
1 8 ~~nonrefundable~~ refundable.

1 9 COORDINATING AMENDMENTS

1 10 Sec. 2. Section 422.11, Code 2007, is amended to read as
1 11 follows:

1 12 422.11 FRANCHISE TAX CREDIT.

1 13 The taxes imposed under this division, less the credits
1 14 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
1 15 reduced by a franchise tax credit. A taxpayer who is a
1 16 shareholder in a financial institution, as defined in section
1 17 581 of the Internal Revenue Code, which has in effect for the
1 18 tax year an election under subchapter S of the Internal
1 19 Revenue Code, or is a member of a financial institution
1 20 organized as a limited liability company under chapter 524
1 21 that is taxed as a partnership for federal income tax
1 22 purposes, shall compute the amount of the tax credit by
1 23 recomputing the amount of tax under this division by reducing
1 24 the taxable income of the taxpayer by the taxpayer's pro rata
1 25 share of the items of income and expense of the financial
1 26 institution and subtracting the credits allowed under ~~sections~~
1 27 section 422.12 and 422.12B. This recomputed tax shall be
1 28 subtracted from the amount of tax computed under this division
1 29 after the deduction for credits allowed under ~~sections~~ section
1 30 422.12 and 422.12B. The resulting amount, which shall not
1 31 exceed the taxpayer's pro rata share of the franchise tax paid
1 32 by the financial institution, is the amount of the franchise
1 33 tax credit allowed.

1 34 Sec. 3. Section 422.11A, Code 2007, is amended to read as
1 35 follows:



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2 1 422.11A NEW JOBS TAX CREDIT.
2 2 The taxes imposed under this division, less the credits
2 3 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
2 4 reduced by a new jobs tax credit. An industry which has
2 5 entered into an agreement under chapter 260E and which has
2 6 increased its base employment level by at least ten percent
2 7 within the time set in the agreement or, in the case of an
2 8 industry without a base employment level, adds new jobs within
2 9 the time set in the agreement is entitled to this new jobs tax
2 10 credit for the tax year selected by the industry. In
2 11 determining if the industry has increased its base employment
2 12 level by ten percent or added new jobs, only those new jobs
2 13 directly resulting from the project covered by the agreement
2 14 and those directly related to those new jobs shall be counted.
2 15 The amount of this credit is equal to the product of six
2 16 percent of the taxable wages upon which an employer is
2 17 required to contribute to the state unemployment compensation
2 18 fund, as defined in section 96.19, subsection 37, times the
2 19 number of new jobs existing in the tax year that directly
2 20 result from the project covered by the agreement or new jobs
2 21 that directly result from those new jobs. The tax year chosen
2 22 by the industry shall either begin or end during the period
2 23 beginning with the date of the agreement and ending with the
2 24 date by which the project is to be completed under the
2 25 agreement. An individual may claim the new jobs tax credit
2 26 allowed a partnership, subchapter S corporation, or estate or
2 27 trust electing to have the income taxed directly to the
2 28 individual. The amount claimed by the individual shall be
2 29 based upon the pro rata share of the individual's earnings of
2 30 the partnership, subchapter S corporation, or estate or trust.
2 31 Any credit in excess of the tax liability for the tax year may
2 32 be credited to the tax liability for the following ten tax
2 33 years or until depleted, whichever is the earlier. For
2 34 purposes of this section, "agreement", "industry", "new job",
2 35 and "project" mean the same as defined in section 260E.2 and



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3 1 "base employment level" means the number of full-time jobs an
3 2 industry employs at the plant site which is covered by an
3 3 agreement under chapter 260E on the date of that agreement.

3 4 Sec. 4. Section 422.11C, subsection 2, unnumbered
3 5 paragraph 1, Code 2007, is amended to read as follows:

3 6 The taxes imposed under this division, less the credits
3 7 allowed under ~~sections~~ section 422.12 and ~~422.12B~~, shall be
3 8 reduced by an ethanol blended gasoline tax credit for each tax
3 9 year that the taxpayer is eligible to claim the tax credit
3 10 under this section. In order to be eligible, all of the
3 11 following must apply:

3 12 Sec. 5. Section 422.11D, subsection 1, Code 2007, is
3 13 amended to read as follows:

3 14 1. The taxes imposed under this division, less the credits
3 15 allowed under ~~sections~~ section 422.12 and ~~422.12B~~, shall be
3 16 reduced by a historic preservation and cultural and
3 17 entertainment district tax credit equal to the amount as
3 18 computed under chapter 404A for rehabilitating eligible
3 19 property. Any credit in excess of the tax liability shall be
3 20 refunded as provided in section 404A.4, subsection 3.

3 21 Sec. 6. Section 422.11E, subsection 1, Code 2007, is
3 22 amended to read as follows:

3 23 1. The taxes imposed under this division, less the credits
3 24 allowed under ~~sections~~ section 422.12 and ~~422.12B~~, shall be
3 25 reduced by an assistive device tax credit. A small business
3 26 purchasing, renting, or modifying an assistive device or
3 27 making workplace modifications for an individual with a
3 28 disability who is employed or will be employed by the small
3 29 business is eligible, subject to availability of credits, to
3 30 receive this assistive device tax credit which is equal to
3 31 fifty percent of the first five thousand dollars paid during
3 32 the tax year for the purchase, rental, or modification of the
3 33 assistive device or for making the workplace modifications.
3 34 Any credit in excess of the tax liability shall be refunded
3 35 with interest computed under section 422.25. In lieu of



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House File 293 - Introduced continued

4 1 claiming a refund, a taxpayer may elect to have the
4 2 overpayment shown on the taxpayer's final, completed return
4 3 credited to the tax liability for the following tax year. If
4 4 the small business elects to take the assistive device tax
4 5 credit, the small business shall not deduct for Iowa tax
4 6 purposes any amount of the cost of an assistive device or
4 7 workplace modifications which is deductible for federal tax
4 8 purposes.

4 9 Sec. 7. Section 422.11F, Code 2007, is amended to read as
4 10 follows:

4 11 422.11F INVESTMENT TAX CREDITS.

4 12 1. The taxes imposed under this division, less the credits
4 13 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
4 14 reduced by an investment tax credit authorized pursuant to
4 15 section 15E.43 for an investment in a qualifying business or a
4 16 community-based seed capital fund.

4 17 2. The taxes imposed under this division, less the credits
4 18 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
4 19 reduced by investment tax credits authorized pursuant to
4 20 sections 15.333 and 15E.193B, subsection 6.

4 21 Sec. 8. Section 422.11G, Code 2007, is amended to read as
4 22 follows:

4 23 422.11G VENTURE CAPITAL FUND INVESTMENT TAX CREDIT.

4 24 The tax imposed under this division, less the credits
4 25 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
4 26 reduced by a venture capital fund investment tax credit
4 27 authorized pursuant to section 15E.51.

4 28 Sec. 9. Section 422.11H, Code 2007, is amended to read as
4 29 follows:

4 30 422.11H ENDOW IOWA TAX CREDIT.

4 31 The tax imposed under this division, less the credits
4 32 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
4 33 reduced by an endow Iowa tax credit authorized pursuant to
4 34 section 15E.305.

4 35 Sec. 10. Section 422.11I, subsection 1, unnumbered



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5 1 paragraph 1, Code 2007, is amended to read as follows:

5 2 The taxes imposed under this division, less the credits
5 3 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
5 4 reduced by a soy-based cutting tool oil tax credit. A
5 5 manufacturer, as defined in section 428.20, is eligible to
5 6 receive a soy-based cutting tool oil tax credit which is equal
5 7 to the costs incurred by the manufacturer during the tax year
5 8 for the purchase and replacement costs relating to the
5 9 transition from using nonsoy-based cutting tool oil to using
5 10 soy-based cutting tool oil. The costs eligible for the credit
5 11 are limited to those costs meeting all of the following
5 12 requirements:

5 13 Sec. 11. Section 422.11J, Code 2007, is amended to read as
5 14 follows:

5 15 422.11J TAX CREDITS FOR WIND ENERGY PRODUCTION AND
5 16 RENEWABLE ENERGY.

5 17 The taxes imposed under this division, less the credits
5 18 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
5 19 reduced by tax credits for wind energy production allowed
5 20 under chapter 476B and for renewable energy allowed under
5 21 chapter 476C.

5 22 Sec. 12. Section 422.11K, Code 2007, is amended to read as
5 23 follows:

5 24 422.11K ECONOMIC DEVELOPMENT REGION REVOLVING FUND
5 25 CONTRIBUTION TAX CREDIT.

5 26 The taxes imposed under this division, less the credits
5 27 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
5 28 reduced by an economic development region revolving fund
5 29 contribution tax credit authorized pursuant to section
5 30 15E.232.

5 31 Sec. 13. Section 422.11L, Code 2007, is amended to read as
5 32 follows:

5 33 422.11L WAGE-BENEFITS TAX CREDIT.

5 34 The taxes imposed under this division, less the credits
5 35 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be



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6 1 reduced by a wage=benefits tax credit authorized pursuant to
6 2 section 15I.2.
6 3 Sec. 14. Section 422.11M, Code 2007, is amended to read as
6 4 follows:
6 5 422.11M AGRICULTURAL ASSETS TRANSFERRED TO BEGINNING
6 6 FARMERS.
6 7 The taxes imposed under this division, less the credits
6 8 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
6 9 reduced by an agricultural assets transfer tax credit as
6 10 allowed under section 175.37.
6 11 Sec. 15. Section 422.11N, subsection 3, unnumbered
6 12 paragraph 1, Code 2007, is amended to read as follows:
6 13 The taxes imposed under this division, less the credits
6 14 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
6 15 reduced by an ethanol promotion tax credit for each tax year
6 16 that the taxpayer is eligible to claim the tax credit under
6 17 this section. In order to be eligible, all of the following
6 18 must apply:
6 19 Sec. 16. Section 422.11O, subsection 2, unnumbered
6 20 paragraph 1, Code 2007, is amended to read as follows:
6 21 The taxes imposed under this division, less the credits
6 22 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
6 23 reduced by an E=85 gasoline promotion tax credit for each tax
6 24 year that the taxpayer is eligible to claim the tax credit
6 25 under this subsection. In order to be eligible, all of the
6 26 following must apply:
6 27 Sec. 17. Section 422.11P, subsection 2, unnumbered
6 28 paragraph 1, Code 2007, is amended to read as follows:
6 29 The taxes imposed under this division, less the credits
6 30 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
6 31 reduced by the amount of the biodiesel blended fuel tax credit
6 32 for each tax year that the taxpayer is eligible to claim a tax
6 33 credit under this subsection.
6 34 Sec. 18. Section 422.11Q, Code 2007, is amended to read as
6 35 follows:



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7 1 422.11Q IOWA FUND OF FUNDS TAX CREDIT.
7 2 The taxes imposed under this division, less the credits
7 3 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
7 4 reduced by a tax credit authorized pursuant to section 15E.66,
7 5 if redeemed, for investments in the Iowa fund of funds.
7 6 Sec. 19. Section 422.11R, Code 2007, is amended to read as
7 7 follows:
7 8 422.11R SOY=BASED TRANSFORMER FLUID TAX CREDIT.
7 9 The taxes imposed under this division, less the credits
7 10 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
7 11 reduced by a soy-based transformer fluid tax credit allowed
7 12 under chapter 476D.
7 13 This section is repealed December 31, 2008.
7 14 Sec. 20. Section 422.11S, subsection 1, Code 2007, is
7 15 amended to read as follows:
7 16 1. The taxes imposed under this division, less the credits
7 17 allowed under ~~sections~~ section 422.12 ~~and 422.12B~~, shall be
7 18 reduced by a school tuition organization tax credit equal to
7 19 sixty=five percent of the amount of the voluntary cash
7 20 contributions made by the taxpayer during the tax year to a
7 21 school tuition organization, subject to the total dollar value
7 22 of the organization's tax credit certificates as computed in
7 23 subsection 7. The tax credit shall be claimed by use of a tax
7 24 credit certificate as provided in subsection 6.
7 25 Sec. 21. Section 422.12, subsection 2, unnumbered
7 26 paragraph 1, Code 2007, is amended to read as follows:
7 27 A tuition credit equal to twenty=five percent of the first
7 28 one thousand dollars which the taxpayer has paid to others for
7 29 each dependent in grades kindergarten through twelve, for
7 30 tuition and textbooks of each dependent in attending an
7 31 elementary or secondary school situated in Iowa, which school
7 32 is accredited or approved under section 256.11, which is not
7 33 operated for profit, and which adheres to the provisions of
7 34 the federal Civil Rights Act of 1964 and chapter 216. As used
7 35 in this subsection, "textbooks" means books and other



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8 1 instructional materials and equipment used in elementary and
8 2 secondary schools in teaching only those subjects legally and
8 3 commonly taught in public elementary and secondary schools in
8 4 this state and does not include instructional books and
8 5 materials used in the teaching of religious tenets, doctrines,
8 6 or worship, the purpose of which is to inculcate those tenets,
8 7 doctrines, or worship. "Textbooks" includes books or
8 8 materials used for extracurricular activities including
8 9 sporting events, musical or dramatic events, speech
8 10 activities, driver's education, or programs of a similar
8 11 nature. Notwithstanding any other provision, all other
8 12 credits allowed under this section ~~and section 422.12B~~ shall
8 13 be deducted before the tuition credit under this subsection.
8 14 The department, when conducting an audit of a taxpayer's
8 15 return, shall also audit the tuition tax credit portion of the
8 16 tax return.

8 17 Sec. 22. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
8 18 This Act, being deemed of immediate importance, takes effect
8 19 upon enactment and applies retroactively to January 1, 2007,
8 20 for tax years beginning on or after that date.

8 21 EXPLANATION

8 22 This bill makes the state earned income tax credit
8 23 refundable like the federal earned income tax credit.
8 24 Because the bill makes the state tax credit refundable,
8 25 numerous coordinating amendments are made to other tax credits
8 26 that specify that the earned income tax credit is to be taken
8 27 before those other tax credits.

8 28 The bill takes effect upon enactment and applies
8 29 retroactively to January 1, 2007, for tax years beginning on
8 30 or after that date.

8 31 LSB 2247HH 82

8 32 mg:sc/gg/14.1



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House File 294 - Introduced

HOUSE FILE
 BY HEATON

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

A BILL FOR

- 1 An Act relating to restrictions on employment of certain persons
- 2 under the Medicaid consumer choices option.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1463YH 82
- 5 pf/cf/24



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PAG LIN

1 1 Section 1. Section 249A.29, Code 2007, is amended to read
1 2 as follows:

1 3 249A.29 HOME AND COMMUNITY=BASED SERVICES WAIVER PROVIDERS
1 4 AND CONSUMERS == RECORDS CHECKS.

1 5 1. For purposes of this section and section 249A.30 unless
1 6 the context otherwise requires:

1 7 a. "Consumer" means an individual approved by the
1 8 department to receive services under a waiver.

1 9 b. "Consumer choices option" means the self=direction
1 10 option under the waivers.

1 11 ~~b. c.~~ "Provider" means an agency certified by the
1 12 department to provide services under a waiver.

1 13 ~~e. d.~~ "Waiver" means a home and community=based services
1 14 waiver approved by the federal government and implemented
1 15 under the medical assistance program.

1 16 2. If a person is being considered by a provider or by a
1 17 consumer under the consumer choices option for employment
1 18 involving direct responsibility for a consumer or with access
1 19 to a consumer when the consumer is alone, and if the person
1 20 has been convicted of a crime or has a record of founded child
1 21 or dependent adult abuse, the department shall perform an
1 22 evaluation to determine whether the crime or founded abuse
1 23 warrants prohibition of employment by the provider or by the
1 24 consumer under the consumer choices option. The department
1 25 shall conduct criminal and child and dependent adult abuse
1 26 records checks of the person in this state and may conduct
1 27 these checks in other states. The records checks and
1 28 evaluations required by this section shall be performed in
1 29 accordance with procedures adopted for this purpose by the
1 30 department.

1 31 3. If the department determines that a person employed by
1 32 a provider or by a consumer under the consumer choices option
1 33 has committed a crime or has a record of founded abuse, the
1 34 department shall perform an evaluation to determine whether
1 35 prohibition of the person's employment is warranted.



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2 1 4. In an evaluation, the department shall consider the
2 2 nature and seriousness of the crime or founded abuse in
2 3 relation to the position sought or held, the time elapsed
2 4 since the commission of the crime or founded abuse, the
2 5 circumstances under which the crime or founded abuse was
2 6 committed, the degree of rehabilitation, the likelihood that
2 7 the person will commit the crime or founded abuse again, and
2 8 the number of crimes or founded abuses committed by the person
2 9 involved. The department may permit a person who is evaluated
2 10 to be employed or to continue to be employed by the provider
2 11 or by the consumer under the consumer choices option if the
2 12 person complies with the department's conditions relating to
2 13 the employment, which may include completion of additional
2 14 training.

2 15 5. If the department determines that the person has
2 16 committed a crime or has a record of founded abuse which
2 17 warrants prohibition of employment, the person shall not be
2 18 employed by a provider or by a consumer. Notwithstanding any
2 19 other provision of this section, if the department determines
2 20 that the person has a record of founded dependent adult abuse,
2 21 the person shall not be employed by a consumer under the
2 22 consumer choices option.

2 23

EXPLANATION

2 24 This bill provides that if a person is being considered by
2 25 a consumer for employment under the consumer choices option of
2 26 a Medicaid home and community-based services waiver which
2 27 involves direct responsibility for the consumer or access to a
2 28 consumer when the consumer is alone, if the person has been
2 29 convicted of a crime or has a record of founded child or
2 30 dependent adult abuse, the department of human services is to
2 31 perform an evaluation to determine whether the crime or
2 32 founded abuse warrants prohibition of employment of the
2 33 person. The department is to conduct criminal and child and
2 34 dependent adult abuse records checks of the person in this
2 35 state and may conduct these checks in other states. If the



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3 1 department determines that a person employed by a consumer
3 2 under the consumer choices option has committed a crime or has
3 3 a record of founded abuse, the department is to perform an
3 4 evaluation to determine whether prohibition of the person's
3 5 employment is warranted. Following the evaluation, the
3 6 department may permit the person who is evaluated to be
3 7 employed or to continue to be employed by the consumer under
3 8 the consumer choices option if the person complies with the
3 9 department's conditions relating to the employment, which may
3 10 include completion of additional training. However, if the
3 11 department determines that the person has committed a crime or
3 12 has a record of founded abuse which warrants prohibition of
3 13 employment, the person is prohibited from being employed by a
3 14 provider or a consumer under the consumer choices option.
3 15 Notwithstanding any other provision, the bill specifically
3 16 provides that if the department determines that the person has
3 17 a record of founded dependent adult abuse, the person is
3 18 prohibited from being employed by a consumer under the
3 19 consumer choices option.
3 20 LSB 1463YH 82
3 21 pf:nh/cf/24



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House File 295 - Introduced

HOUSE FILE
 BY T. TAYLOR, TOMENGA, PALMER,
 and R. OLSON

(COMPANION TO LSB 2239SS BY
 FRAISE)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act prohibiting the department of corrections from entering
- 2 into an agreement with a private sector for-profit entity for
- 3 the purpose of housing inmates.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2239HH 82
- 6 jm/es/88



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House File 295 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 904.119 PRIVATE SECTOR HOUSING
1 2 OF INMATES == PROHIBITION.
1 3 The department shall not enter into any agreement with a
1 4 private sector for-profit entity for the purpose of housing
1 5 inmates committed to the custody of the director.
1 6 EXPLANATION
1 7 This bill prohibits the department of corrections from
1 8 entering into an agreement with a private sector for-profit
1 9 entity for the purpose of housing inmates committed to the
1 10 custody of the director of the department of corrections.
1 11 LSB 2239HH 82
1 12 jm:rj/es/88



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House File 296 - Introduced

HOUSE FILE
BY KRESSIG

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

A BILL FOR

1 An Act relating to the board of medical examiners and complaints
2 filed against a person licensed to practice medicine and
3 surgery, osteopathic medicine and surgery, or osteopathy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 2026YH 82
6 rh/es/88



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House File 296 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 147.7A COMPLAINANT NOTIFICATION.
1 2 The board of medical examiners shall establish rules of
1 3 procedure for notifying a complainant who has filed a
1 4 complaint with the board against a person licensed to practice
1 5 medicine and surgery, osteopathic medicine and surgery, or
1 6 osteopathy relating to the board's investigation of the
1 7 complaint. The rules shall also allow the complainant to
1 8 provide additional information to the board relevant to the
1 9 complaint.

1 10 EXPLANATION

1 11 This bill provides that the board of medical examiners
1 12 shall establish rules for notifying a complainant who has
1 13 filed a complaint with the board against a person licensed to
1 14 practice medicine and surgery, osteopathic medicine and
1 15 surgery, or osteopathy about the board's investigation of the
1 16 complaint. The rules shall also allow the complainant to
1 17 provide any additional information the board deems necessary
1 18 relevant to the complaint.

1 19 LSB 2026YH 82

1 20 rh:nh/es/88



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House File 297 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act providing that any increase in the tax on cigarettes and
2 tobacco products be deposited into the healthy Iowans tobacco
3 trust.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1779YH 82
6 pf/cf/24



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House File 297 - Introduced continued

PAG LIN

1 1 Section 1. Section 12.65, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. A healthy Iowans tobacco trust is created in the office
1 4 of the treasurer of state. Moneys transferred to the healthy
1 5 Iowans tobacco trust from the endowment for Iowa's health
1 6 account of the tobacco settlement trust fund established in
1 7 section 12E.12, proceeds derived from any increase in the
1 8 amount of the tax levied on cigarettes pursuant to section
1 9 453A.6, subsection 1, above eighteen mills per cigarette, the
1 10 proceeds derived from any increase in the amount of the tax
1 11 levied on tobacco products pursuant to section 453A.43,
1 12 subsection 1, above twenty=two percent of the wholesale sales
1 13 price of the tobacco products, the proceeds derived from any
1 14 increase in the amount of the tax levied on the use or storage
1 15 by consumers of tobacco products pursuant to section 453A.43,
1 16 subsection 2, above twenty=two percent of the cost of the
1 17 tobacco products, and moneys appropriated or transferred from
1 18 any other source shall be deposited in the healthy Iowans
1 19 tobacco trust.

1 20 Sec. 2. Section 453A.35, Code 2007, is amended to read as
1 21 follows:

1 22 453A.35 TAX AND FEES PAID TO GENERAL FUND.

1 23 The proceeds derived from the sale of stamps and the
1 24 payment of taxes, fees, and penalties provided for under this
1 25 chapter, and the permit fees received from all permits issued
1 26 by the department, with the exception of the proceeds derived
1 27 from any increase in the amount of the tax levied on
1 28 cigarettes pursuant to section 453A.6, subsection 1, above
1 29 eighteen mills per cigarette, the proceeds derived from any
1 30 increase in the amount of the tax levied on tobacco products
1 31 pursuant to section 453A.43, subsection 1, above twenty=two
1 32 percent of the wholesale sales price of the tobacco products,
1 33 and the proceeds derived from any increase in the amount of
1 34 the tax levied on the use or storage by consumers of tobacco
1 35 products pursuant to section 453A.43, subsection 2, above



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2 1 twenty-two percent of the cost of the tobacco products which
2 2 shall be deposited into the healthy Iowans tobacco trust
2 3 created in section 12.65, shall be credited to the general
2 4 fund of the state. All permit fees provided for in this
2 5 chapter and collected by cities in the issuance of permits
2 6 granted by the cities shall be paid to the treasurer of the
2 7 city where the permit is effective, or to another city officer
2 8 as designated by the council, and credited to the general fund
2 9 of the city. Permit fees so collected by counties shall be
2 10 paid to the county treasurer.

2 11 EXPLANATION

2 12 This bill provides that any proceeds derived from any
2 13 increase in the amount of the tax levied on cigarettes above
2 14 18 mills or 1.8 cents per cigarette, any proceeds derived from
2 15 any increase in the amount of the tax levied on tobacco
2 16 products above 22 percent of the wholesale sales price of the
2 17 tobacco products, and any proceeds derived from any increase
2 18 in the amount of the tax levied on the use or storage by
2 19 consumers of tobacco products above 22 percent of the cost of
2 20 the tobacco products, is to be deposited into the healthy
2 21 Iowans tobacco trust. The purposes for which moneys in the
2 22 healthy Iowans tobacco trust may be used are purposes related
2 23 to health care, substance abuse treatment and enforcement,
2 24 tobacco use prevention and control, and other purposes related
2 25 to the needs of children, adults, and families in the state.
2 26 Under current law, proceeds from these sources are deposited
2 27 in the general fund of the state.
2 28 LSB 1779YH 82
2 29 pf:nh/cf/24



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House File 298 - Introduced

HOUSE FILE
 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 2)

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

A BILL FOR

- 1 An Act relating to the conveyance or encumbrance of a homestead.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 1328HV 82
- 4 rh/sh/8



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PAG LIN

1 1 Section 1. Section 561.13, Code 2007, is amended to read
1 2 as follows:
1 3 561.13 CONVEYANCE OR ENCUMBRANCE.
1 4 A conveyance or encumbrance of, or contract to convey or
1 5 encumber the homestead, if the owner is married, is not valid,
1 6 unless and until the spouse of the owner executes the same or
1 7 a like instrument, or a power of attorney for the execution of
1 8 the same or a like instrument, ~~and the instrument or power of~~
~~1 9 attorney sets out the legal description of the homestead.~~
1 10 However, when the homestead is conveyed or encumbered along
1 11 with or in addition to other real estate, it is not necessary
1 12 to particularly describe or set aside the tract of land
1 13 constituting the homestead, whether the homestead is
1 14 exclusively the subject of the contract or not, but the
1 15 contract may be enforced as to real estate other than the
1 16 homestead at the option of the purchaser or encumbrancer. If
1 17 a spouse who holds only homestead rights and surviving
1 18 spouse's statutory share in the homestead specifically
1 19 relinquishes homestead rights in an instrument, including a
1 20 power of attorney constituting the other spouse as the
1 21 husband's or wife's attorney in fact, as provided in section
1 22 597.5, it is not necessary for the spouse to join in the
1 23 granting clause of the same or a like instrument.
1 24 EXPLANATION
1 25 This bill eliminates the requirement that the married
1 26 spouse of a person who conveys or encumbers a homestead must,
1 27 in the conveyance instrument or through a power of attorney,
1 28 set out the legal description of the homestead.
1 29 LSB 1328HV 82
1 30 rh:nh/sh/8



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House File 299 - Introduced

HOUSE FILE

BY REICHERT, FREVERT, BAILEY,
 PALMER, PETTENGILL, H. MILLER,
 D. OLSON, GASKILL, WENDT,
 WHITEAD, T. TAYLOR, SCHUELLER,
 DAVITT, COHOON, WINCKLER,
 JOCHUM, FORD, BUKTA, HEDDENS,
 and MERTZ

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

A BILL FOR

1 An Act requiring certain minor children to wear personal
 2 flotation devices while on board certain vessels operated on
 3 state waters and providing for a penalty and an effective
 4 date.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 2207YH 82
 7 av/je/5



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House File 299 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.12, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 14. A person shall not operate a vessel
1 4 on the waters of this state under the jurisdiction of the
1 5 commission unless every person on board the vessel who is
1 6 under thirteen years of age is wearing a type I, II, III, or V
1 7 personal flotation device, including "float coats" that meet
1 8 this definition, that is approved by the United States coast
1 9 guard, while the vessel is under way. This subsection does
1 10 not apply when the person under thirteen years of age is in an
1 11 enclosed cabin or below deck, or is a passenger on a
1 12 commercial vessel with a passenger capacity of twenty-five
1 13 persons or more.

1 14 Sec. 2. WARNING CITATIONS == TWELVE-MONTH PERIOD. During
1 15 the twelve-month period beginning on the effective date of
1 16 this Act, peace officers shall issue only warning citations
1 17 for violations of this Act.

1 18 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 19 immediate importance, takes effect upon enactment.

1 20 EXPLANATION

1 21 This bill adds a new provision to Code section 462A.12
1 22 concerning prohibited operations of certain vessels. The bill
1 23 provides that a person shall not operate a vessel on the
1 24 waters of this state under the jurisdiction of the natural
1 25 resource commission unless every person on board who is under
1 26 13 years of age is wearing a type I, II, III, or V personal
1 27 flotation device, including "float coats" that meet this
1 28 definition, that is approved by the United States coast guard,
1 29 while the vessel is under way. The new provision does not
1 30 apply when the person under 13 years of age is in an enclosed
1 31 cabin or below deck, or is a passenger on a commercial vessel
1 32 with a passenger capacity of 25 persons or more.

1 33 For a violation of this provision, there is a scheduled
1 34 fine of \$25, pursuant to Code section 805.8B, subsection 1,
1 35 paragraph "c". However, the bill provides that during the 12=



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2 1 month period after enactment, violators of the bill shall
2 2 receive only warning citations.
2 3 The bill is effective upon enactment.
2 4 LSB 2207YH 82
2 5 av:nh/je/5



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House File 300

HOUSE FILE
BY QUIRK

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

A BILL FOR

1 An Act concerning the licensure, operation, and taxation of card
2 game tournaments by organizations representing veterans and
3 allowable prizes at annual game nights.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1815HH 82
6 ec/es/88



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House File 300 continued

PAG LIN

1 1 Section 1. NEW SECTION. 99B.7B CARD GAME TOURNAMENTS
1 2 CONDUCTED BY QUALIFIED ORGANIZATIONS REPRESENTING VETERANS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Card game" means only poker, pinochle, pitch, gin
1 6 rummy, bridge, euchre, hearts, or cribbage.
1 7 b. "Qualified organization representing veterans" means
1 8 any licensed organization representing veterans, which is a
1 9 post, branch, or chapter of a national association of veterans
1 10 of the armed forces of the United States which is a federally
1 11 chartered corporation, dedicates the net receipts of a game of
1 12 skill, game of chance, or raffle as provided in section 99B.7,
1 13 is exempt from federal income taxes under section 501(c)(19)
1 14 of the Internal Revenue Code as defined in section 422.3, has
1 15 an active membership of not less than twelve persons, and does
1 16 not have a self-perpetuating governing body and officers.
1 17 2. Notwithstanding any provision of this chapter to the
1 18 contrary, card game tournaments lawfully may be conducted by a
1 19 qualified organization representing veterans if all of the
1 20 following are complied with:
1 21 a. The organization conducting the card game tournament
1 22 has been issued a license pursuant to subsection 4 and
1 23 prominently displays that license in the playing area of the
1 24 card game tournament.
1 25 b. The card games to be conducted during a card game
1 26 tournament, including the rules of each card game and how
1 27 winners are determined, shall be displayed prominently in the
1 28 playing area of the card game tournament. Each card game
1 29 shall be conducted in a fair and honest manner and shall not
1 30 be operated on a build-up or pyramid basis. Every participant
1 31 in a card game tournament must be given the same chances of
1 32 winning the tournament and shall not be allowed any second
1 33 chance entries or multiple entries in the card game
1 34 tournament.
1 35 c. Participation in a card game tournament conducted by a



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2 1 qualified organization representing veterans shall only be
2 2 open to members of the qualified organization representing
2 3 veterans and guests of members of the qualified organization
2 4 participating in the tournament. The cost to participate in a
2 5 card game tournament shall be limited to one hundred dollars
2 6 and shall be the same for every participant in the card game
2 7 tournament. Participants in a card game tournament shall be
2 8 at least twenty-one years of age.

2 9 d. Cash or merchandise prizes may be awarded during a card
2 10 game tournament and shall not exceed one thousand dollars and
2 11 no participant shall win more than a total of five hundred
2 12 dollars. A qualified organization representing veterans shall
2 13 distribute amounts awarded as prizes on the day they are won
2 14 and merchandise prizes shall not be repurchased. An
2 15 organization conducting a card game tournament shall only
2 16 display prizes in the playing area of the card game tournament
2 17 that can be won.

2 18 e. The qualified organization representing veterans shall
2 19 conduct each card game tournament and any card game conducted
2 20 during the tournament and shall not contract with or permit
2 21 another person to conduct the card game tournament or any card
2 22 game during the tournament.

2 23 f. No person receives or has any fixed or contingent right
2 24 to receive, directly or indirectly, any profit, remuneration,
2 25 or compensation from or related to a game in a card game
2 26 tournament, except any amount which the person may win as a
2 27 participant on the same basis as the other participants.

2 28 g. A qualified organization representing veterans licensed
2 29 under this section shall not hold more than one card game
2 30 tournament per week. Card game tournaments held under an
2 31 annual game night license shall not count toward the limit of
2 32 one card game tournament per week for a license holder. A
2 33 qualified organization representing veterans shall be allowed
2 34 to hold only one card game tournament during any
2 35 twenty-four-hour period.



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3 1 h. At the conclusion of each card game tournament, the
3 2 person conducting the card game tournament shall announce the
3 3 gross receipts received, the total amount of money withheld
3 4 for expenses, and the amount withheld for state taxes.

3 5 i. The person conducting the card game tournament does
3 6 none of the following:

3 7 (1) Hold, currently, another license issued under this
3 8 section.

3 9 (2) Own or control, directly or indirectly, any class of
3 10 stock of another person who has been issued a license to
3 11 conduct games under this section.

3 12 (3) Have, directly or indirectly, an interest in the
3 13 ownership or profits of another person who has been issued a
3 14 license to conduct games under this section.

3 15 3. The qualified organization representing veterans
3 16 licensed to hold card game tournaments under this section
3 17 shall keep a journal of all dates of events, amount of gross
3 18 receipts, amount given out as prizes, expenses, amount
3 19 collected for taxes, and the amount collected as revenue.

3 20 a. The amount collected by the qualified organization
3 21 representing veterans as revenue shall be no less than ten
3 22 percent of the gross receipts collected from each event.

3 23 b. Each qualified organization representing veterans shall
3 24 withhold that portion of the gross receipts subject to
3 25 taxation pursuant to section 423.2, subsection 4, which shall
3 26 be kept in a separate account and sent to the state along with
3 27 the organization's quarterly report.

3 28 c. A qualified organization representing veterans licensed
3 29 to conduct card game tournaments is allowed to withhold no
3 30 more than five percent of the gross receipts from each card
3 31 game tournament for qualified expenses. Qualified expenses
3 32 include but are not limited to the purchase of supplies and
3 33 materials used in conducting card games. Any money collected
3 34 for expenses and not used by the end of the calendar year
3 35 shall be donated for educational, civic, public, charitable,



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4 1 patriotic, or religious uses as described in section 99B.7,
4 2 subsection 3, paragraph "b". The qualified organization
4 3 representing veterans shall attach a receipt for any donation
4 4 made to the fourth quarter quarterly report required to be
4 5 submitted pursuant to section 99B.2.

4 6 d. Each qualified organization representing veterans
4 7 licensed under this section shall make recordkeeping and all
4 8 deposit receipts available as provided in section 99B.2,
4 9 subsection 2.

4 10 4. An organization wishing to conduct card game
4 11 tournaments pursuant to this section as a qualified
4 12 organization representing veterans shall submit an application
4 13 and annual license fee of one hundred dollars to the
4 14 department.

4 15 Sec. 2. Section 99B.8, Code 2007, is amended by adding the
4 16 following new subsection:

4 17 NEW SUBSECTION. 6. a. Notwithstanding any provision of
4 18 section 99B.7 to the contrary, if the games are conducted by
4 19 an eligible qualified organization issued a license pursuant
4 20 to subsection 3, the sponsor may award cash or merchandise
4 21 prizes in any game of skill, game of chance, or card game
4 22 lawfully conducted during the annual game night in an amount
4 23 not to exceed ten thousand dollars and no participant shall
4 24 win more than a total of five thousand dollars.

4 25 b. For purposes of this subsection, an "eligible qualified
4 26 organization" means any of the following:

4 27 (1) A qualified organization representing veterans as
4 28 defined in section 99B.7B.

4 29 (2) A qualified organization that primarily represents
4 30 volunteer emergency services providers as defined in section
4 31 100B.31.

4 32 (3) A qualified organization that is exempt from federal
4 33 income tax under section 501(c)(3) of the Internal Revenue
4 34 Code and that has conducted an annual game night during the
4 35 period beginning January 1, 2001, and ending December 31,



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5 1 2006.

5 2 Sec. 3. Section 99B.9, subsection 1, unnumbered paragraph
5 3 1, Code 2007, is amended to read as follows:

5 4 Except as otherwise permitted by section 99B.3, 99B.5,
5 5 99B.6, 99B.7, 99B.7B, 99B.8, 99B.11, or 99B.12A, it is
5 6 unlawful to permit gambling on any premises owned, leased,
5 7 rented, or otherwise occupied by a person other than a
5 8 government, governmental agency, or governmental subdivision,
5 9 unless all of the following are complied with:

5 10 Sec. 4. Section 99B.12, subsection 1, unnumbered paragraph
5 11 1, Code 2007, is amended to read as follows:

5 12 Except in instances where because of the location of the
5 13 game or the circumstances of the game section 99B.3, section
5 14 99B.5, section 99B.6, section 99B.7, section 99B.7B, section
5 15 99B.8, or section 99B.9 is applicable, individuals may
5 16 participate in gambling specified in subsection 2, but only if
5 17 all of the following are complied with:

5 18 Sec. 5. Section 423.2, subsection 4, Code 2007, is amended
5 19 to read as follows:

5 20 4. A tax of five percent is imposed upon the sales price
5 21 derived from the operation of all forms of amusement devices
5 22 and games of skill, games of chance, raffles, and bingo games
5 23 as defined in chapter 99B, and card game tournaments conducted
5 24 under section 99B.7B, that are operated or conducted within
5 25 the state, the tax to be collected from the operator in the
5 26 same manner as for the collection of taxes upon the sales
5 27 price of tickets or admission as provided in this section.
5 28 Nothing in this subsection shall legalize any games of skill
5 29 or chance or slot-operated devices which are now prohibited by
5 30 law.

5 31 The tax imposed under this subsection covers the total
5 32 amount from the operation of games of skill, games of chance,
5 33 raffles, and bingo games as defined in chapter 99B, card game
5 34 tournaments conducted under section 99B.7B, and musical
5 35 devices, weighing machines, shooting galleries, billiard and



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6 1 pool tables, bowling alleys, pinball machines, slot-operated
6 2 devices selling merchandise not subject to the general sales
6 3 taxes and on the total amount from devices or systems where
6 4 prizes are in any manner awarded to patrons and upon the
6 5 receipts from fees charged for participation in any game or
6 6 other form of amusement, and generally upon the sales price
6 7 from any source of amusement operated for profit, not
6 8 specified in this section, and upon the sales price from which
6 9 tax is not collected for tickets or admission, but tax shall
6 10 not be imposed upon any activity exempt from sales tax under
6 11 section 423.3, subsection 78. Every person receiving any
6 12 sales price from the sources described in this section is
6 13 subject to all provisions of this subchapter relating to
6 14 retail sales tax and other provisions of this chapter as
6 15 applicable.

6 16 EXPLANATION

6 17 This bill provides for the operation of card game
6 18 tournaments by qualified organizations representing veterans
6 19 and allowable prizes at annual game nights conducted by
6 20 certain authorized organizations.

6 21 The bill establishes new Code section 99B.7B, providing for
6 22 card game tournaments conducted by a qualified organization
6 23 representing veterans. The bill defines "card game" to mean
6 24 only poker, pinochle, pitch, gin rummy, bridge, euchre,
6 25 hearts, or cribbage. The bill provides that only qualified
6 26 organizations representing veterans can conduct a card game
6 27 tournament and provides for a \$100 annual license fee. The
6 28 bill requires the organization to display the card games to be
6 29 conducted during a tournament, including the rules and manner
6 30 of determining winners for each game. The bill provides that
6 31 participation in a tournament shall be open to members and
6 32 guests of the qualified organization and the cost to
6 33 participate shall not be more than \$100. A person under age
6 34 21 cannot participate.

6 35 The bill provides that cash or merchandise of up to \$1,000



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7 1 can be awarded at a tournament and no participant shall win
7 2 more than a total of \$500. The bill also provides that an
7 3 organization holding a license can hold no more than one
7 4 tournament a week and only one tournament can be conducted by
7 5 a qualified organization in any 24-hour period. Card game
7 6 tournaments held under an annual game night license shall not
7 7 count toward the number of tournaments allowed. The bill also
7 8 provides that the qualified organization licensed to conduct
7 9 card game tournaments shall keep records of the dates of
7 10 events, the amount of gross receipts, the amount of prizes
7 11 awarded, expenses, amount collected for taxes, and revenue
7 12 collected for conducting card game tournaments. The bill
7 13 requires qualified organizations to collect at least 10
7 14 percent of gross receipts collected from each event as revenue
7 15 and to withhold no more than 5 percent of gross receipts for
7 16 expenses incurred in holding card game tournaments. Of the
7 17 amount withheld for expenses, any amounts collected but unused
7 18 for expenses by the end of a calendar year shall be donated
7 19 for charitable purposes. Any amounts donated shall be
7 20 indicated on the quarterly reports required to be submitted to
7 21 the department of inspection and appeals pursuant to Code
7 22 section 99B.2.
7 23 Code section 99B.8, concerning annual game nights, is also
7 24 amended to allow certain eligible qualified organizations to
7 25 award cash or merchandise prizes of up to a total of \$10,000
7 26 with no more than \$5,000 awarded to any participant. The bill
7 27 defines eligible qualified organizations as a qualified
7 28 organization representing veterans, a qualified organization
7 29 representing volunteer emergency services providers, and a
7 30 qualified organization exempt from federal taxes under section
7 31 501(c)(3) of the Internal Revenue Code that has held a game
7 32 night between January 1, 2001, and December 31, 2006.
7 33 The bill further amends Code section 423.2, concerning
7 34 sales taxes, to specifically provide that sales taxes shall be
7 35 imposed on card game tournaments in the same manner as for



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8 1 other games as defined in Code chapter 99B.
8 2 LSB 1815HH 82
8 3 ec:nh/es/88



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House File 301 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to the purchase of a pseudoephedrine product.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1456YH 82
- 4 jm/gg/14



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1 1 Section 1. Section 126.23A, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. a. A retailer or an employee of a retailer shall not
1 4 do any of the following:

1 5 (1) Sell a product in violation of section 124.212,
1 6 subsection 4.

1 7 (2) Knowingly sell more than one package of a product
1 8 containing pseudoephedrine to a person in a twenty-four-hour
1 9 period.

1 10 (3) Sell a package of a pseudoephedrine product that can
1 11 be further broken down or subdivided into two or more separate
1 12 and distinct packages or offer promotions where a
1 13 pseudoephedrine product is given away for free as part of any
1 14 purchase transaction.

1 15 b. A retailer or an employee of a retailer shall do the
1 16 following:

1 17 (1) Provide for the sale of a pseudoephedrine product in a
1 18 locked cabinet or behind a sales counter where the public is
1 19 unable to reach the product and where the public is not
1 20 permitted.

1 21 (2) Require a purchaser to present a government-issued
1 22 photo identification card identifying the purchaser prior to
1 23 purchasing a pseudoephedrine product.

1 24 (3) Require the purchaser to sign a logbook ~~and to also~~
~~1 25 require the purchaser to,~~ legibly print in the logbook the
1 26 purchaser's name and address in the logbook, and enter into
1 27 the logbook the purchaser's birthday, date of purchase,
1 28 product name and amount purchased, and the type, origin, and
1 29 identification number of the government-issued photo
1 30 identification card used.

1 31 (4) Determine the signature in the logbook corresponds
1 32 with the name on the government-issued photo identification
1 33 card and determine if other information entered into the
1 34 logbook is correct.

1 35 (5) Keep the logbook ~~twelve months~~ two years from the date



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2 1 of the last entry.

2 2 (6) Provide notification in a clear and conspicuous manner
2 3 in a location where a pseudoephedrine product is offered for
2 4 sale stating the following:

2 5 Iowa law prohibits the over=the=counter purchase of more
2 6 than one package of a product containing pseudoephedrine in a
2 7 twenty=four=hour period or of more than seven thousand five
2 8 hundred milligrams of pseudoephedrine within a thirty=day
2 9 period. If you purchase a product containing pseudoephedrine,
2 10 you are required to sign a logbook which ~~may be~~ is accessible
2 11 to law enforcement officers upon request.

2 12 Sec. 2. Section 126.23A, subsection 3, Code 2007, is
2 13 amended to read as follows:

2 14 3. A purchaser shall sign the logbook ~~and also~~, legibly
2 15 print the purchaser's name and address in the logbook, and
2 16 enter into the logbook the purchaser's birthday, date of
2 17 purchase, product name and amount purchased, and the type,
2 18 origin, and identification number of the government=issued
2 19 photo identification card used.

2 20 Sec. 3. Section 126.23A, subsection 5, Code 2007, is
2 21 amended to read as follows:

2 22 5. The logbook ~~may~~ shall be kept in an electronic format
2 23 ~~upon approval~~ approved by the department of public safety.

2 24 EXPLANATION

2 25 This bill relates to the purchase of a pseudoephedrine
2 26 product.

2 27 The bill requires a retailer to keep a logbook of
2 28 pseudoephedrine purchases for two years from the date of the
2 29 last entry. Current law requires a retailer to keep the
2 30 logbook for twelve months from the date of the last entry.

2 31 The bill provides that a retailer shall require that a
2 32 pseudoephedrine purchaser enter into a logbook, in addition to
2 33 the name and address of the purchaser, the purchaser's
2 34 birthday, date of transaction, type and origin of
2 35 government=issued identification used, identification number,



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3 1 and the name and amount of pseudoephedrine product purchased.
3 2 The bill also requires the retailer to determine if the
3 3 information entered into the logbook is correct.
3 4 If an employee of a retailer violates the bill, the
3 5 employee commits a simple misdemeanor punishable as a
3 6 scheduled violation pursuant to Code section 805C, subsection
3 7 6. If a retailer violates the bill, the retailer is subject
3 8 to civil penalties pursuant to Code section 126A.23B. The
3 9 bill and current law penalties for a purchaser remain the same
3 10 under Code section 124.213 and Code section 805.C, subsection
3 11 6.
3 12 The bill requires the logbook kept for pseudoephedrine
3 13 purchases to be kept in an electronic format approved by the
3 14 department of public safety. Current law provides that the
3 15 logbook may be kept in an electronic format upon approval by
3 16 the department of public safety.
3 17 LSB 1456YH 82
3 18 jm:nh/gg/14



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House File 302 - Introduced

HOUSE FILE
BY SWAIM

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

A BILL FOR

- 1 An Act regulating dangerous animals, including their possession,
- 2 requiring registration, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2202HH 82
- 5 da/es/88



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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. "Dangerous animal" means any of the following:
1 5 (1) A member of the family canidae of the order carnivora,
1 6 including but not limited to wolves, coyotes, and jackals.
1 7 However, a dangerous animal does not include dogs recognized
1 8 as a domestic breed, including but not limited to dogs shown
1 9 as a domestic breed by a registry association recognized by
1 10 the department.
1 11 (2) A member of the family hyaenidae of the order of
1 12 carnivora, including but not limited to hyenas and aardwolves.
1 13 (3) A member of the family felidae of the order carnivora
1 14 including but not limited to lions, tigers, cougars, leopards,
1 15 cheetahs, ocelots, and servals. However, a dangerous animal
1 16 does not include cats recognized as a domestic breed,
1 17 including but not limited to cats shown as a domestic breed by
1 18 a registry association recognized by the department.
1 19 (4) A member of the family ursidae of the order carnivora,
1 20 including bears and pandas.
1 21 (5) A member of the order of primates other than humans,
1 22 and including the following families: callitrichidae,
1 23 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,
1 24 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
1 25 loridae, megaladapidae, or tarsiidae. A member includes but
1 26 is not limited to marmosets, tamarins, monkeys, lemurs,
1 27 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
1 28 sifakas, and tarsiers.
1 29 (6) A member of the order crocodylidae, including but not
1 30 limited to alligators, caimans, crocodiles, and gharials.
1 31 (7) A member of the family varanidae of the order
1 32 squamata, which are limited to water monitors and crocodile
1 33 monitors.
1 34 (8) A member of the order squamata which are venomous,
1 35 including but not limited to any members of the family



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2 1 elapidae such as cobras, mambas, and coral snakes and any
2 2 member of the family viperidae such as moccasins and
2 3 rattlesnakes.
2 4 b. "Dangerous animal" includes an animal which is the
2 5 offspring of a dangerous animal included in paragraph "a", and
2 6 another dangerous animal included in that paragraph or any
2 7 other animal. It also includes animals that are the offspring
2 8 in subsequent generations.
2 9 2. "Department" means the department of natural resources
2 10 created in section 455A.2.
2 11 3. "Electronic identification device" means a device which
2 12 when installed is designed to store information regarding an
2 13 animal or the animal's owner in a digital format which may be
2 14 accessed by a computer for purposes of reading or manipulating
2 15 the information.
2 16 4. "Possess" means to own, keep, or control an animal, or
2 17 supervise or provide for the care and feeding of an animal,
2 18 including any activity relating to confining, handling,
2 19 breeding, transporting, or exhibiting the animal.
2 20 5. "Wildlife sanctuary" means an organization exempt from
2 21 taxation pursuant to section 501(c) of the Internal Revenue
2 22 Code that operates a place of refuge where abused, neglected,
2 23 unwanted, impounded, abandoned, orphaned, or displaced
2 24 wildlife are provided care for their lifetime, if all of the
2 25 following apply:
2 26 a. The organization does not buy, sell, trade, auction,
2 27 lease, loan, or breed any animal of which the organization is
2 28 an owner, except as an integral part of the species survival
2 29 plan of the American zoo and aquarium association.
2 30 b. The organization is accredited by the American
2 31 sanctuary association, the association of sanctuaries, or
2 32 another similar organization recognized by the department.
2 33 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E
2 34 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.
2 35 1. The department shall administer this chapter by doing



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3 1 all of the following:

3 2 a. Adopting rules as provided in chapter 17A for the
3 3 administration and enforcement of this chapter.

3 4 b. Entering into agreements pursuant to chapter 28E as the
3 5 department determines necessary for the administration and
3 6 enforcement of this chapter.

3 7 2. An animal warden as defined in section 162.2 shall
3 8 assist the department in seizing and maintaining custody of
3 9 dangerous animals.

3 10 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A DANGEROUS
3 11 ANIMAL == PROHIBITIONS.

3 12 A person shall not do any of the following:

3 13 1. Possess a dangerous animal except as otherwise allowed
3 14 by this chapter.

3 15 2. Allow a dangerous animal in the person's possession to
3 16 breed.

3 17 3. Transport a dangerous animal into this state.

3 18 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING DANGEROUS
3 19 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

3 20 A person who possesses a dangerous animal on the effective
3 21 date of this Act may continue to possess the dangerous animal
3 22 subject to all of the following:

3 23 1. If the person possesses the dangerous animal pursuant
3 24 to a valid federal license or permit issued prior to the
3 25 effective date of this Act, the person must maintain
3 26 possession according to the terms of the license or permit.

3 27 2. The person shall care for the animal as required
3 28 pursuant to the federal Animal Welfare Act, 7 U.S.C. } 2131 et
3 29 seq., and regulations promulgated by the United States
3 30 department of agriculture which apply to facilities and their
3 31 operations, animal health and husbandry practices, and
3 32 veterinary care.

3 33 3. Within sixty days after the effective date of this Act,
3 34 the person must have an electronic identification device
3 35 implanted beneath the skin or hide of the dangerous animal,



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4 1 unless a licensed veterinarian states in writing that the
4 2 implantation would endanger the comfort or health of the
4 3 dangerous animal. In such case, an electronic identification
4 4 device may be otherwise attached to the dangerous animal.
4 5 4. Within sixty days after the effective date of this Act,
4 6 the person must notify the department using a registration
4 7 form prepared by the department. The registration form shall
4 8 include all of the following information:
4 9 a. The person's name, address, and telephone number.
4 10 b. A complete inventory of each dangerous animal that the
4 11 person possesses. The inventory shall include all of the
4 12 following information:
4 13 (1) The number of dangerous animals in the person's
4 14 possession according to species.
4 15 (2) The manufacturer and manufacturer's number of the
4 16 electronic device implanted in or attached to each dangerous
4 17 animal.
4 18 (3) The location where each dangerous animal is kept. A
4 19 person who possesses a dangerous animal must notify the
4 20 department in writing within ten days of a change in address
4 21 or location where the dangerous animal is kept.
4 22 (4) The approximate age, sex, color, weight, scars, and
4 23 any distinguishing marks of each dangerous animal.
4 24 The department may charge a registration fee which shall
4 25 not exceed five hundred dollars.
4 26 5. The person must maintain health and ownership records
4 27 for each dangerous animal in the person's possession for the
4 28 life of the animal.
4 29 6. The person shall confine the dangerous animal in a
4 30 primary enclosure as defined in section 162.2 on the person's
4 31 premises. The person shall not allow the dangerous animal
4 32 outside of the person's premises where the dangerous animal is
4 33 kept unless the dangerous animal is moved pursuant to any of
4 34 the following:
4 35 a. A permit issued by the department.



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5 1 b. To receive veterinary care from a licensed
5 2 veterinarian.

5 3 c. To comply with the directions of the department or an
5 4 animal warden.

5 5 7. The person shall display at least one sign on the
5 6 person's premises where the dangerous animal is kept warning
5 7 the public that the dangerous animal is confined there. The
5 8 sign shall include a symbol warning children of the presence
5 9 of the dangerous animal.

5 10 8. The person must immediately notify an animal warden or
5 11 other local law enforcement official of any escape of a
5 12 dangerous animal.

5 13 9. The person who possesses the dangerous animal is
5 14 strictly liable for any damages or injury incurred by a person
5 15 resulting from an act by the dangerous animal.

5 16 10. If the person is no longer able to care for the
5 17 dangerous animal, the person shall notify the department and
5 18 find long-term placement for the dangerous animal with a
5 19 wildlife sanctuary.

5 20 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
5 21 DISPOSAL OF DANGEROUS ANIMALS.

5 22 1. a. Except as provided in paragraph "b", the department
5 23 shall seize a dangerous animal which is in the possession of a
5 24 person if the person is not in compliance with the
5 25 requirements of this chapter.

5 26 b. Upon request, the department may provide that the
5 27 person retain possession of the dangerous animal for not more
5 28 than ten days, upon conditions required by the department.
5 29 During that period, the person shall take all necessary
5 30 actions to comply with this chapter. The department shall
5 31 inspect the premises where the dangerous animal is kept during
5 32 reasonable times to ensure that the person is complying with
5 33 the conditions.

5 34 2. If the person fails to comply with the conditions of
5 35 the department at any time or is not in compliance with this



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6 1 chapter following the ten-day period, the department shall
6 2 seize the dangerous animal.
6 3 a. The dangerous animal shall be considered to be a
6 4 threatened animal which has been rescued as provided in
6 5 chapter 717B. The court may authorize the return of the
6 6 dangerous animal to the person from whom the dangerous animal
6 7 was seized if the court finds all of the following:
6 8 (1) The person is capable of providing the care required
6 9 for the dangerous animal.
6 10 (2) There is a substantial likelihood that the person will
6 11 provide the care required for the dangerous animal.
6 12 (3) The dangerous animal has not been abused, neglected,
6 13 or tortured, as described in chapter 717B.
6 14 b. If the court orders a permanent disposition of the
6 15 dangerous animal, the dangerous animal shall be subject to
6 16 disposition as provided in section 717B.4 and the responsible
6 17 party shall be assessed costs associated with its seizure,
6 18 custody, and disposition as provided in that section. The
6 19 department may find long-term placement for the dangerous
6 20 animal with a wildlife sanctuary or institution accredited by
6 21 the American zoo and aquarium association.
6 22 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.
6 23 This chapter does not apply to any of the following:
6 24 1. An institution accredited by the American zoo and
6 25 aquarium association.
6 26 2. A wildlife sanctuary.
6 27 3. A circus that obtains a permit from the municipality in
6 28 which it will be temporarily operating.
6 29 4. The state fair as provided in chapter 173 or any fair
6 30 as provided in chapter 174.
6 31 5. A location where an animal is maintained for
6 32 educational or scientific purposes, including an institution
6 33 as defined in section 145B.1, a research facility as defined
6 34 in section 162.2, an exhibition, or a vehicle used to
6 35 transport the animal.



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7 1 6. A location operated by a person licensed to practice
7 2 veterinary medicine pursuant to chapter 169.

7 3 7. A pound as defined in section 162.2.

7 4 8. An animal shelter as defined in section 162.2.

7 5 Sec. 7. NEW SECTION. 717F.7 PENALTY.

7 6 A person who violates this chapter is guilty of a serious
7 7 misdemeanor.

7 8 EXPLANATION

7 9 This bill creates a new Code chapter 717F, which regulates
7 10 the possession of dangerous animals which are defined to
7 11 include wolves, coyotes, jackals, hyenas, lions, tigers,
7 12 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,
7 13 primates other than humans, alligators, crocodiles, water
7 14 monitors, and venomous snakes.

7 15 The department of natural resources is charged to
7 16 administer the bill's provisions, although the department may
7 17 execute Code chapter 28E agreements with other government
7 18 entities. The bill makes it a criminal offense to possess a
7 19 dangerous animal, with certain exceptions, to allow a
7 20 dangerous animal in the person's possession to breed, or to
7 21 transport a dangerous animal into this state.

7 22 The bill specifically allows a person to possess a
7 23 dangerous animal if the person has possession of the dangerous
7 24 animal on the effective date of the bill, but subject to
7 25 certain conditions. The person must maintain the animal in
7 26 compliance with the terms of a federal permit or license, and
7 27 must otherwise comply with applicable federal law. The person
7 28 must attach or install an electronic identification device to
7 29 the dangerous animal or beneath its skin or hide. The person
7 30 must also register with the department, and maintain health
7 31 and ownership records. The bill also provides that the person
7 32 must confine or move the dangerous animal according to a
7 33 number of specifications designed to secure it from the
7 34 public. The person is strictly liable for damages or injuries
7 35 resulting from the actions of the dangerous animal.



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House File 302 - Introduced continued

8 1 The bill provides for the seizure, custody, and disposal of
8 2 dangerous animals kept in violation of the bill's provisions.
8 3 The department may allow the person in possession of the
8 4 dangerous animal to correct the violation and keep the animal
8 5 for 10 days but subject to conditions established by the
8 6 department. If the person fails to comply with those
8 7 conditions at any time or is not in compliance with the bill's
8 8 provisions following the 10-day period, the department is
8 9 required to seize the dangerous animal. The dangerous animal
8 10 is considered a threatened animal in the same manner as
8 11 provided in Code chapter 717B, which authorizes the rescue of
8 12 animals other than livestock. It provides for notifying the
8 13 owner of the dangerous animal of the seizure, provides for a
8 14 court hearing to determine disposition, and requires that
8 15 persons responsible for the dangerous animal pay costs
8 16 associated with its custody and disposition. The bill
8 17 provides that a court may order the return of the dangerous
8 18 animal if it determines that the person is capable of
8 19 providing for its care, that there is a substantial likelihood
8 20 that the person will provide such care, and that the dangerous
8 21 animal has not been abused, neglected, or tortured, as
8 22 described in Code chapter 717B.

8 23 The bill exempts a number of persons and locations from the
8 24 requirements of the bill, including an accredited zoo,
8 25 wildlife sanctuary, circus, fair, research facility, licensed
8 26 veterinarian, pound, or animal shelter.

8 27 A person who violates the bill's provisions is guilty of a
8 28 serious misdemeanor. A serious misdemeanor is punishable by
8 29 confinement for no more than one year and a fine of at least
8 30 \$315 but not more than \$1,875.

8 31 LSB 2202HH 82

8 32 da:rj/es/88



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House File 303 - Introduced

HOUSE FILE
 BY ALONS, MERTZ, and
 S. OLSON

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

A BILL FOR

1 An Act relating to agricultural liens, by providing for secured
 2 property and the financing statements covering secured
 3 property.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1813HH 82
 6 da/cf/24



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House File 303 - Introduced continued

PAG LIN

1 1 Section 1. Section 570.1, subsection 2, paragraph b, Code
1 2 2007, is amended to read as follows:

1 3 b. When the debtor takes possession of the leased premises
1 4 or within ~~twenty~~ sixty days after the debtor takes possession
1 5 of the leased premises.

1 6 Sec. 2. Section 570A.4, subsection 2, Code 2007, is
1 7 amended to read as follows:

1 8 2. In order to perfect the lien, the agricultural supply
1 9 dealer must file a financing statement in the office of the
1 10 secretary of state as provided in section 554.9308 within
1 11 ~~thirty-one~~ sixty days after the date that the farmer purchases
1 12 the agricultural supply. The financing statement shall meet
1 13 the requirements of section 554.9502, subsection 1, and
1 14 include all applicable information described in section
1 15 554.9516. Filing a financing statement as provided in this
1 16 subsection satisfies all requirements for perfection of an
1 17 agricultural lien as provided in chapter 554, article 9.

1 18 Sec. 3. Section 571.1A, subsection 3, Code 2007, is
1 19 amended to read as follows:

1 20 3. "Harvesting services" means baling, chopping,
1 21 combining, cutting, husking, picking, shelling, stacking,
1 22 threshing, or ~~winnowing~~ windrowing a crop, regardless of the
1 23 means or method employed.

1 24 Sec. 4. Section 571.3, subsection 2, Code 2007, is amended
1 25 to read as follows:

1 26 2. In order to perfect the lien, the harvester must file a
1 27 financing statement in the office of the secretary of state as
1 28 provided in section 554.9308 within ~~ten~~ sixty days after the
1 29 last date that the harvesting services were rendered. The
1 30 financing statement shall meet the requirements of section
1 31 554.9502, subsection 1, and include all applicable information
1 32 described in section 554.9516. Filing a financing statement
1 33 as provided in this subsection satisfies all requirements for
1 34 perfection of an agricultural lien as provided in chapter 554,
1 35 article 9.



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2 1 Sec. 5. Section 579A.2, subsection 3, unnumbered paragraph
2 2 1, Code 2007, is amended to read as follows:

2 3 A custom cattle feedlot lien becomes effective at the time
2 4 the cattle arrive at the custom cattle feedlot. In order to
2 5 perfect the lien, the custom cattle feedlot operator must file
2 6 a financing statement in the office of the secretary of state
2 7 as provided in section 554.9308 within ~~twenty~~ sixty days after
2 8 the cattle arrive at the custom cattle feedlot.

2 9 Sec. 6. Section 579B.4, subsection 1, paragraphs a and b,
2 10 Code 2007, are amended to read as follows:

2 11 a. For a lien arising out of producing livestock or raw
2 12 milk, the lien becomes effective the day that the livestock
2 13 first arrives at the contract livestock facility. In order to
2 14 perfect the lien, the contract producer must file a financing
2 15 statement in the office of the secretary of state as provided
2 16 in section 554.9308. Unless the production contract provides
2 17 for continuous arrival, the contract producer must file the
2 18 financing statement for the livestock within ~~forty-five~~ sixty
2 19 days after the livestock's arrival. If the production
2 20 contract provides for continuous arrival, the contract
2 21 producer must file the financing statement for the livestock
2 22 within one hundred eighty days after the livestock's arrival.
2 23 The lien terminates one year after the livestock is no longer
2 24 under the authority of the contract producer. For purposes of
2 25 this section, livestock is no longer under the authority of
2 26 the contract producer when the livestock leaves the contract
2 27 livestock facility. Section 554.9515 shall not apply to a
2 28 financing statement perfecting the lien. The lien may be
2 29 terminated by the contract producer who files a termination
2 30 statement as provided in chapter 554, article 9.

2 31 b. For a lien arising out of producing a crop, the lien
2 32 becomes effective the day that the crop is first planted. In
2 33 order to perfect the lien, the contract producer must file a
2 34 financing statement in the office of the secretary of state as
2 35 provided in section 554.9308. The contract producer must file



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3 1 a financing statement for the crop within ~~forty-five~~ sixty
3 2 days after the crop is first planted. The lien terminates one
3 3 year after the crop is no longer under the authority of the
3 4 contract producer. For purposes of this section, a crop is no
3 5 longer under the authority of the contract producer when the
3 6 crop or a warehouse receipt issued by a warehouse operator
3 7 licensed under chapter 203C for grain from the crop is no
3 8 longer under the custody or control of the contract producer.
3 9 The lien may be terminated by the contract producer who files
3 10 a termination statement as provided in chapter 554, article 9.

3 11 EXPLANATION

3 12 BACKGROUND. In 2000, the general assembly enacted H.F.
3 13 2513 (2000 Iowa Acts, chapter 1149) adopting revised article 9
3 14 of the uniform commercial code (Code chapter 554). With
3 15 certain limited exceptions, new article 9 governs the
3 16 creation, priority, and enforcement of creditors' consensual
3 17 liens, which are defined as security interests in personal
3 18 property and fixtures. Revised article 9, like its
3 19 predecessor, provides generally for the effectiveness of
3 20 security agreements and the rights and duties of creditors.
3 21 Much of revised article 9 provides for perfecting a security
3 22 interest, usually accomplished by filing a financing
3 23 statement. The article provides for the contents of financing
3 24 statements and the location where such financing statements
3 25 must be filed (e.g., with the secretary of state). In
3 26 perfecting a security interest, a debtor is generally assured
3 27 rights in the collateral superior to a security interest
3 28 perfected later in time.

3 29 Prior to the revision of article 9, liens created in
3 30 statutes outside Code chapter 554 were not affected by the
3 31 provisions of Code chapter 554. These liens include types of
3 32 agricultural liens such as those for landlords (Code chapter
3 33 570), agricultural supply dealers (Code chapter 570A),
3 34 threshers and cornshellers now referred to as harvesters (Code
3 35 chapter 571), custom cattle feedlot operators (Code chapter



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4 1 579A), contract producers (Code chapter 579B), and
4 2 veterinarians (Code chapter 581). These Code chapters provide
4 3 that persons perfecting these liens enjoy superior priority
4 4 over other creditors even if the other creditors perfected
4 5 their interests prior in time. However, revised article 9
4 6 provides filing requirements for perfecting agricultural
4 7 liens, and therefore may control issues relating to priority
4 8 of conflicting security interests and liens.

4 9 As part of the 2000 legislation, the general assembly
4 10 amended Code chapter 570 providing for landlord liens; in
4 11 2001, the general assembly enacted H.F. 549 (2001 Iowa Acts,
4 12 chapter 25) amending Code chapters 579A providing for custom
4 13 cattle feedlot operator liens and 579B providing for contract
4 14 producer liens; and in 2003 the general assembly enacted S.F.
4 15 379 (2003 Iowa Acts, chapter 82), amending Code chapters 570A,
4 16 571, and 581, providing for other agricultural liens. In all
4 17 these cases, the legislation eliminated requirements for
4 18 filing that were inconsistent with the requirements contained
4 19 in revised article 9, replaced references to lien statements
4 20 with financing statements, and maintained their priority
4 21 status over other security interests and liens to the extent
4 22 that these liens also have been perfected, including as
4 23 agricultural liens under revised article 9.

4 24 NUMBER OF DAYS TO FILE A FINANCING STATEMENT. Under each
4 25 Code chapter, there are different periods by when a secured
4 26 party must file a financing statement in order to perfect
4 27 their agricultural lien. For a landlord, it is 20 days after
4 28 the debtor takes possession of the leased premises; for an
4 29 agricultural supply dealer, it is 31 days after a farmer
4 30 purchases the agricultural supply; for a harvester, it is 10
4 31 days after the harvesting services were rendered; for a custom
4 32 cattle feedlot operator, it is 20 days after the cattle arrive
4 33 at the custom cattle feedlot; for a contract producer, it is
4 34 45 days after the livestock's arrival (unless there is
4 35 continuous arrival) or 45 days after a crop is first planted;



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5 1 and for a veterinarian, it is 60 days after treating the
5 2 livestock. This bill amends all these Code chapters (with the
5 3 exception of Code chapter 581) to change the number of days to
5 4 60 days which is the same as the time period for
5 5 veterinarians.

5 6 HARVESTING SERVICES. Code section 571.1A provides a
5 7 definition of services covered under a harvester lien,
5 8 including winnowing a crop (removing the useless parts, or
5 9 "chaff" from grain). This bill replaces the term with
5 10 "windrowing" (creating a cut row of crops presumably to gather
5 11 them up in a swath).

5 12 LSB 1813HH 82

5 13 da:nh/cf/24



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House File 304 - Introduced

HOUSE FILE
 BY H. MILLER, MERTZ, DRAKE,
 TJEPKES, S. OLSON, BAILEY,
 GRASSLEY, HUSEMAN, DANDEKAR,
 and D. OLSON

(COMPANION TO LSB 2015SS BY
 BEALL)

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

A BILL FOR

- 1 An Act appropriating moneys to support the purchase of equipment
- 2 to conduct testing of motor fuel and biofuel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2015HH 82
- 5 da/cf/24



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1 1 Section 1. FUEL TESTING AND QUALITY LABORATORY. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of agriculture and land stewardship for the fiscal
 1 4 year beginning July 1, 2007, and ending June 30, 2008, the
 1 5 following amount, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:
 1 7 For allocation to Iowa central community college for the
 1 8 purchase of equipment to conduct testing of motor fuel and
 1 9 biofuel as defined in Code section 214A.1 for its fuel testing
 1 10 and quality laboratory:
 1 11 \$ 250,000
 1 12 EXPLANATION
 1 13 This bill appropriates moneys to the department of
 1 14 agriculture and land stewardship for allocation to Iowa
 1 15 central community college for the purchase of equipment to
 1 16 conduct testing of motor fuel and biofuel (ethanol or
 1 17 biodiesel) for its fuel testing and quality laboratory.
 1 18 LSB 2015HH 82
 1 19 da:rj/cf/24



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House File 305 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to notice of claim and certificate of merit
- 2 requirements in a civil action for personal injury or death
- 3 against a health care provider.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1457YH 82
- 6 rh/je/5



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1 1 Section 1. NEW SECTION. 147.140 NOTICE OF CLAIM AND
1 2 CERTIFICATE OF MERIT REQUIREMENT.
1 3 1. At least thirty days prior to filing a civil action for
1 4 personal injury or wrongful death against a licensed health
1 5 care provider, based upon the alleged negligence of the
1 6 licensed health care provider in the practice of that
1 7 profession, a plaintiff shall serve by certified mail, return
1 8 receipt requested, a notice of claim upon the licensed health
1 9 care provider. The notice of claim shall include a statement
1 10 of the theory of liability upon which the cause of action is
1 11 based and include a list of all persons to whom notices have
1 12 been sent, together with a certificate of merit, if necessary,
1 13 as specified in subsection 2.
1 14 2. a. The certificate of merit shall be signed under oath
1 15 by an expert who, in the three years preceding the allegedly
1 16 negligent act, either practiced or instructed in the same or
1 17 substantially similar field of medicine as the defendant.
1 18 b. The certificate of merit shall contain information
1 19 relating to all of the following:
1 20 (1) The expert's familiarity with the applicable standard
1 21 of care.
1 22 (2) The expert's qualifications.
1 23 (3) The expert's statement that the appropriate standard
1 24 of care was breached by the health care provider named in the
1 25 complaint.
1 26 (4) The expert's statement of the actions that the health
1 27 care provider should have taken or failed to take to have
1 28 complied with the standard of care.
1 29 (5) A statement of the manner in which the breach of the
1 30 standard of care was the cause of the injury alleged in the
1 31 complaint.
1 32 c. A separate certificate of merit shall be completed for
1 33 each defendant named in the notice of claim.
1 34 d. If a plaintiff or plaintiff's counsel asserts in good
1 35 faith that the plaintiff has insufficient time to obtain a



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2 1 certificate of merit prior to the expiration of the period of
2 2 limitation in subsection 1, the plaintiff shall provide notice
2 3 of intent to provide a certificate of merit to the defendant
2 4 within sixty days of the date the defendant receives the
2 5 notice of the claim.

2 6 3. Notwithstanding subsection 2, if a plaintiff believes
2 7 that a certificate of merit is not necessary because the
2 8 plaintiff's cause of action against a health care provider is
2 9 based upon a well-established legal theory of liability which
2 10 does not require expert testimony supporting a breach of the
2 11 applicable standard of care, the plaintiff shall file a
2 12 statement setting forth the basis for the alleged liability of
2 13 the health care provider in lieu of the certificate of merit.

2 14 4. Except as otherwise provided in this section, the
2 15 applicable statute of limitations in a civil cause of action
2 16 against a health care provider upon whom a notice of claim is
2 17 served pursuant to this section shall be tolled from the date
2 18 the notice of claim is mailed.

2 19 5. If the plaintiff fails to provide a notice of claim and
2 20 a certificate of merit, or a statement of the legal theory
2 21 upon which the claim is based, the claim shall be dismissed
2 22 with prejudice.

2 23 6. For purposes of this section, "health care provider"
2 24 means a physician or surgeon, osteopath, osteopathic physician
2 25 or surgeon, dentist, podiatric physician, optometrist,
2 26 pharmacist, chiropractor, or nurse licensed in this state, a
2 27 hospital licensed pursuant to chapter 135B, or a health care
2 28 facility licensed pursuant to chapter 135C.

2 29 EXPLANATION

2 30 This bill relates to notice of claim and certificate of
2 31 merit requirements in a civil action for personal injury or
2 32 death against a health care provider.

2 33 The bill provides that at least 30 days prior to filing a
2 34 civil action for personal injury or wrongful death against a
2 35 health care provider, based upon the alleged negligence of the



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3 1 licensed health care provider in the practice of that
3 2 profession, a plaintiff shall serve by certified mail, return
3 3 receipt requested, a notice of claim upon the licensed health
3 4 care provider. The notice of claim shall include a statement
3 5 of the theory of liability upon which the cause of action is
3 6 based and include a list of all persons to whom notices have
3 7 been sent, together with a certificate of merit.

3 8 The bill requires that the certificate of merit shall meet
3 9 certain requirements and specifies certain information that a
3 10 qualified expert who provides information in the certificate
3 11 of merit shall provide. The bill provides that a separate
3 12 certificate of merit shall be completed for each defendant
3 13 named in the complaint, and that if a plaintiff or plaintiff's
3 14 counsel asserts in good faith that the plaintiff has
3 15 insufficient time to obtain a certificate of merit prior to
3 16 the expiration of the 30-day limitation period, the plaintiff
3 17 shall provide notice of intent to provide a certificate of
3 18 merit to the defendant within 60 days of the date the
3 19 defendant receives the notice of the claim. If a plaintiff
3 20 believes that a certificate of merit is not necessary because
3 21 the plaintiff's cause of action against a health care provider
3 22 is based upon a well-established legal theory of liability
3 23 which does not require expert testimony supporting a breach of
3 24 the applicable standard of care, the plaintiff shall file a
3 25 statement setting forth the basis for the alleged liability of
3 26 the health care provider in lieu of the certificate of merit.

3 27 The bill further provides that the applicable statute of
3 28 limitations in a civil cause of action against a health care
3 29 provider upon whom a notice of claim is served shall be tolled
3 30 from the date the notice of claim is mailed. In addition, if
3 31 the plaintiff fails to provide a notice of claim and a
3 32 certificate of merit, or a statement of the legal theory upon
3 33 which the claim is based, the claim shall be dismissed with
3 34 prejudice.

3 35 For purposes of the bill, "health care provider" means a



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4 1 physician or surgeon, osteopath, osteopathic physician or
4 2 surgeon, dentist, podiatric physician, optometrist,
4 3 pharmacist, chiropractor, or nurse licensed in Iowa, a
4 4 hospital licensed pursuant to Code chapter 135B, or a health
4 5 care facility licensed pursuant to Code chapter 135C.
4 6 LSB 1457YH 82
4 7 rh:nh/je/5



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House File 306 - Introduced

HOUSE FILE

BY ALONS, GRASSLEY, BAUDLER, S. OLSON,
DOLECHECK, WINDSCHITL, STRUYK,
VAN FOSSEN, SODERBERG, HEATON,
ROBERTS, DE BOEF, GIPP, RASMUSSEN,
RAYHONS, HOFFMAN, CHAMBERS, WATTS,
HUSEMAN, WORTHAN, SANDS, DRAKE,
KAUFMANN, MAY, UPMEYER, and BOAL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing a tax credit under the individual income tax,
2 corporate income tax, franchise tax, or insurance premiums tax
3 for continuation of salary, wages, or health benefit coverage
4 for employees that are members of the national guard or
5 military reserve and are ordered to active duty, and for
6 payment of certain replacement worker costs, and including
7 effective and retroactive applicability date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1544YH 82
10 mg/je/5



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House File 306 - Introduced continued

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1 1 Section 1. NEW SECTION. 422.11T ACTIVE DUTY CONTINUATION
1 2 OF BENEFITS TAX CREDIT.
1 3 1. The taxes imposed under this division, less the
1 4 nonrefundable credits allowed under this division, shall be
1 5 reduced by an active duty continuation of benefits tax credit.
1 6 A business is entitled to the credit if it has an employee who
1 7 is a member of the national guard or military service reserve
1 8 who is ordered to active duty, other than for annual training
1 9 exercises, for whom the business does any of the following:
1 10 a. Continues to include the employee on its payroll at a
1 11 salary or wages equal to at least the difference between the
1 12 average monthly salary or wages paid by the business to the
1 13 employee during the six months immediately preceding the
1 14 employee's commencement of active duty and the monthly active
1 15 duty pay.
1 16 b. Continues to pay for health benefits coverage for the
1 17 employee which coverage was the same as provided during the
1 18 six months immediately preceding the employee's commencement
1 19 of active duty.
1 20 c. Hires a replacement worker for the period the employee
1 21 is on active duty and both of the following apply:
1 22 (1) The replacement worker is paid at a salary or wages,
1 23 including overtime, equal to at least the average monthly
1 24 salary or wages paid by the business to the employee during
1 25 the six months immediately preceding the employee's
1 26 commencement of active duty.
1 27 (2) The replacement worker is provided by the business the
1 28 same health benefits coverage provided the employee during the
1 29 six months immediately preceding the employee's commencement
1 30 of active duty.
1 31 2. The amount of the credit for a business entitled to the
1 32 credit equals one thousand dollars for each employee for whom
1 33 the business meets the requirements of subsection 1, paragraph
1 34 "a", "b", or "c", during the tax year. However, if the
1 35 business qualifies for the credit for the same employee in



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2 1 more than one tax year, the business shall select the one tax
2 2 year for which the credit will be claimed.

2 3 3. Any credit in excess of the tax liability for the tax
2 4 year may be credited to the tax liability for the following
2 5 ten tax years or until depleted, whichever is the earlier.

2 6 Sec. 2. Section 422.33, Code 2007, is amended by adding
2 7 the following new subsection:

2 8 NEW SUBSECTION. 15. a. The taxes imposed under this
2 9 division shall be reduced by an active duty continuation of
2 10 benefits tax credit. A business is entitled to the credit if
2 11 it has an employee who is a member of the national guard or
2 12 military service reserve who is ordered to active duty, other
2 13 than for annual training exercises, for whom the business does
2 14 any of the following:

2 15 (1) Continues to include the employee on its payroll at a
2 16 salary or wages equal to at least the difference between the
2 17 average monthly salary or wages paid by the business to the
2 18 employee during the six months immediately preceding the
2 19 employee's commencement of active duty and the monthly active
2 20 duty pay.

2 21 (2) Continues to pay for health benefits coverage for the
2 22 employee which coverage was the same as provided during the
2 23 six months immediately preceding the employee's commencement
2 24 of active duty.

2 25 (3) Hires a replacement worker for the period the employee
2 26 is on active duty and both of the following apply:

2 27 (a) The replacement worker is paid at a salary or wages,
2 28 including overtime, equal to at least the average monthly
2 29 salary or wages paid by the business to the employee during
2 30 the six months immediately preceding the employee's
2 31 commencement of active duty.

2 32 (b) The replacement worker is provided by the business the
2 33 same health benefits coverage provided the employee during the
2 34 six months immediately preceding the employee's commencement
2 35 of active duty.



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3 1 b. The amount of the credit for a business entitled to the
3 2 credit equals one thousand dollars for each employee for whom
3 3 the business meets the requirements of paragraph "a",
3 4 subparagraph (1), (2), or (3), during the tax year. However,
3 5 if the business qualifies for the credit for the same employee
3 6 in more than one tax year, the business shall select the one
3 7 tax year for which the credit will be claimed.

3 8 c. Any credit in excess of the tax liability for the tax
3 9 year may be credited to the tax liability for the following
3 10 ten tax years or until depleted, whichever is the earlier.

3 11 Sec. 3. Section 422.60, Code 2007, is amended by adding
3 12 the following new subsection:

3 13 NEW SUBSECTION. 13. a. The taxes imposed under this
3 14 division shall be reduced by an active duty continuation of
3 15 benefits tax credit. A business is entitled to the credit if
3 16 it has an employee who is a member of the national guard or
3 17 military service reserve who is ordered to active duty, other
3 18 than for annual training exercises, for whom the business does
3 19 any of the following:

3 20 (1) Continues to include the employee on its payroll at a
3 21 salary or wages equal to at least the difference between the
3 22 average monthly salary or wages paid by the business to the
3 23 employee during the six months immediately preceding the
3 24 employee's commencement of active duty and the monthly active
3 25 duty pay.

3 26 (2) Continues to pay for health benefits coverage for the
3 27 employee which coverage was the same as provided during the
3 28 six months immediately preceding the employee's commencement
3 29 of active duty.

3 30 (3) Hires a replacement worker for the period the employee
3 31 is on active duty and both of the following apply:

3 32 (a) The replacement worker is paid at a salary or wages,
3 33 including overtime, equal to at least the average monthly
3 34 salary or wages paid by the business to the employee during
3 35 the six months immediately preceding the employee's



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House File 306 - Introduced continued

4 1 commencement of active duty.

4 2 (b) The replacement worker is provided by the business the
4 3 same health benefits coverage provided the employee during the
4 4 six months immediately preceding the employee's commencement
4 5 of active duty.

4 6 b. The amount of the credit for a business entitled to the
4 7 credit equals one thousand dollars for each employee for whom
4 8 the business meets the requirements of paragraph "a",
4 9 subparagraph (1), (2), or (3), during the tax year. However,
4 10 if the business qualifies for the credit for the same employee
4 11 in more than one tax year, the business shall select the one
4 12 tax year for which the credit will be claimed.

4 13 c. Any credit in excess of the tax liability for the tax
4 14 year may be credited to the tax liability for the following
4 15 ten tax years or until depleted, whichever is the earlier.

4 16 Sec. 4. NEW SECTION. 432.12J ACTIVE DUTY CONTINUATION OF
4 17 BENEFITS TAX CREDIT.

4 18 1. The taxes imposed under this chapter shall be reduced
4 19 by an active duty continuation of benefits tax credit. A
4 20 business is entitled to the credit if it has an employee who
4 21 is a member of the national guard or military service reserve
4 22 who is ordered to active duty, other than for annual training
4 23 exercises, for whom the business does any of the following:

4 24 a. Continues to include the employee on its payroll at a
4 25 salary or wages equal to at least the difference between the
4 26 average monthly salary or wages paid by the business to the
4 27 employee during the six months immediately preceding the
4 28 employee's commencement of active duty and the monthly active
4 29 duty pay.

4 30 b. Continues to pay for health benefits coverage for the
4 31 employee which coverage was the same as provided during the
4 32 six months immediately preceding the employee's commencement
4 33 of active duty.

4 34 c. Hires a replacement worker for the period the employee
4 35 is on active duty and both of the following apply:



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5 1 (1) The replacement worker is paid at a salary or wages,
5 2 including overtime, equal to at least the average monthly
5 3 salary or wages paid by the business to the employee during
5 4 the six months immediately preceding the employee's
5 5 commencement of active duty.

5 6 (2) The replacement worker is provided by the business the
5 7 same health benefits coverage provided the employee during the
5 8 six months immediately preceding the employee's commencement
5 9 of active duty.

5 10 2. The amount of the credit for a business entitled to the
5 11 credit equals one thousand dollars for each employee for whom
5 12 the business meets the requirements of subsection 1, paragraph
5 13 "a", "b", or "c", during the tax year. However, if the
5 14 business qualifies for the credit for the same employee in
5 15 more than one tax year, the business shall select the one tax
5 16 year for which the credit will be claimed.

5 17 3. Any credit in excess of the tax liability for the tax
5 18 year may be credited to the tax liability for the following
5 19 ten tax years or until depleted, whichever is the earlier.

5 20 Sec. 5. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
5 21 This Act, being deemed of immediate importance, takes effect
5 22 upon enactment and applies retroactively to January 1, 2007,
5 23 for tax years beginning on or after that date.

5 24 EXPLANATION

5 25 This bill provides individual income tax, corporate income
5 26 tax, franchise tax, and insurance premiums tax credits for a
5 27 business that has an employee who is a member of the national
5 28 guard or military service reserve who is called to active duty
5 29 and that either continues the employee on the business's
5 30 payroll or continues providing health benefit coverage. The
5 31 business may also receive the tax credit if it hires a
5 32 replacement worker for the period the employee is on active
5 33 duty if the replacement worker receives comparable pay and
5 34 health benefits coverage to that received by the employee
5 35 prior to active duty. The amount of the credit equals \$1,000



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6 1 per such employee. The credit is nonrefundable but may be
6 2 carried forward 10 tax years or until depleted.
6 3 The bill takes effect upon enactment and applies
6 4 retroactively to January 1, 2007, for tax years beginning on
6 5 or after that date.
6 6 LSB 1544YH 82
6 7 mg:rj/je/5.1



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House File 307

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to the continuing education requirements for
- 2 optometrists.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1452YH 82
- 5 jr/je/5



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House File 307 continued

PAG LIN

1 1 Section 1. Section 154.6, Code 2007, is amended to read as
1 2 follows:

1 3 154.6 EXPIRATION AND RENEWAL OF LICENSES.

1 4 Every license to practice optometry shall expire in
1 5 multiyear intervals as determined by the board. Application
1 6 for renewal of such license shall be made in writing to the
1 7 Iowa department of public health at least thirty days prior to
1 8 the expiration date, accompanied by the required renewal fee
1 9 and accompanied by evidence of the licensee's attendance of
1 10 continuing education programs in this field. The board shall
1 11 not require any test or examination as part of the continuing
1 12 education requirements for license renewal.

1 13 EXPLANATION

1 14 This bill prohibits the board of optometry examiners from
1 15 requiring any test or examination as part of its continuing
1 16 education requirement.

1 17 LSB 1452YH 82

1 18 jr:nh/je/5



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House File 308 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to providing a dental home for children under the
- 2 medical assistance program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1471YH 82
- 5 pf/es/88



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House File 308 - Introduced continued

PAG LIN

1 1 Section 1. Section 249J.14, subsection 7, Code 2007, is
1 2 amended to read as follows:

1 3 7. DENTAL HOME FOR CHILDREN.

1 4 a. ~~By July 1, 2008, every~~ Every recipient of medical
1 5 assistance who is a child twelve years of age or younger shall
1 6 have a designated dental home and shall be provided with the
1 7 dental screenings and preventive care identified in the oral
1 8 health standards under the early and periodic screening,
1 9 diagnostic, and treatment program.

1 10 b. The dental home provisions of paragraph "a" shall be
1 11 implemented and provided to children, based on age, as
1 12 follows:

1 13 (1) By July 1, 2008, to children six years of age and
1 14 younger.

1 15 (2) By July 1, 2009, to children seven years of age and
1 16 younger.

1 17 (3) By July 1, 2010, to children eight years of age and
1 18 younger.

1 19 (4) By July 1, 2011, to children nine years of age and
1 20 younger.

1 21 (5) By July 1, 2012, to children ten years of age and
1 22 younger.

1 23 (6) By July 1, 2013, to children eleven years of age and
1 24 younger.

1 25 (7) By July 1, 2014, to children twelve years of age and
1 26 younger.

1 27 EXPLANATION

1 28 This bill provides that a dental home for children who are
1 29 recipients of Medicaid 12 years of age or younger will be
1 30 provided on a graduated basis, based upon the age of the
1 31 child. Current law requires that a dental home for children
1 32 12 years of age or younger is to be provided under the
1 33 Medicaid program by July 1, 2008. Under the bill, with the
1 34 graduated implementation, children 12 years of age or younger
1 35 will be provided a dental home by July 1, 2014.



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2 1 LSB 1471YH 82
2 2 pf:nh/es/88



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House File 309 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act requiring development of a uniform cost report for certain
2 services reimbursed through the department of human services
3 and counties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1453YH 82
6 jp/je/5

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House File 308 - Introduced continued

1 1 Section 1. UNIFORM COST REPORT.
1 2 1. The department of human services shall establish a work
1 3 group with county and provider representatives to develop a
1 4 proposed uniform cost report for use with all providers of
1 5 goods and services that are reimbursed under the Medicaid
1 6 program or a county mental health, mental retardation, and
1 7 developmental disabilities services fund under section
1 8 331.424A. Representatives of the department shall include
1 9 staff who work with the Medicaid enterprise and staff who work
1 10 with the adult mental health, mental retardation, and
1 11 developmental disabilities services system. The county
1 12 representatives shall include staff from counties
1 13 participating in the county rate information system and from
1 14 counties that do not participate in the system. The county
1 15 representatives shall be designated by the Iowa state
1 16 association of counties. The provider representatives shall
1 17 be designated by the Iowa association of community providers.
1 18 2. The work group shall resolve any barriers to
1 19 implementing a uniform cost report posed by different funding
1 20 streams, reporting periods, definitions of allowable costs and
1 21 cost limitations, cost classifications, and other differences.
1 22 3. The work group shall report to the department and the
1 23 mental health, mental retardation, developmental disabilities,
1 24 and brain injury commission with a uniform cost report
1 25 proposal and accompanying requirements on or before December
1 26 1, 2007. The department and the commission shall utilize the
1 27 proposal in adopting rules as necessary to implement a uniform
1 28 cost report requirement for use with providers of goods and
1 29 services that are reimbursed under the Medicaid program or a
1 30 county mental health, mental retardation, and developmental
1 31 disabilities services fund under section 331.424A. The rules
1 32 shall provide for the uniform cost report requirement to apply
1 33 beginning on or before July 1, 2008.
1 34 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 35 3, shall not apply to this Act.



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House File 308 - Introduced continued

2 1 EXPLANATION
2 2 This bill requires development of a uniform cost report for
2 3 use with Medicaid program services reimbursed through the
2 4 department of human services and with the mental health,
2 5 mental retardation, and developmental disabilities (MH/MR/DD)
2 6 services reimbursed by counties.
2 7 The department is directed to establish a work group to
2 8 develop a proposed uniform cost report. The work group
2 9 membership is required to include departmental staff who work
2 10 with the Medicaid enterprise and the MH/MR/DD service system,
2 11 county staff from counties participating in the county rate
2 12 information system (CRIS) and from counties that are not
2 13 participating in CRIS, with the county representatives
2 14 designated by the Iowa state association of counties and
2 15 service providers designated by the Iowa association of
2 16 community providers.
2 17 The work group is required to address various barriers to
2 18 implementing a uniform cost report. The work group proposal
2 19 is required to be submitted to the department and the mental
2 20 health, mental retardation, developmental disabilities, and
2 21 brain injury commission by December 1, 2007. The department
2 22 and commission are required to utilize the proposal in
2 23 adopting rules requiring a uniform cost report beginning on or
2 24 before July 1, 2008.
2 25 The bill may include a state mandate as defined in Code
2 26 section 25B.3. The bill makes inapplicable Code section
2 27 25B.2, subsection 3, which would relieve a political
2 28 subdivision from complying with a state mandate if funding for
2 29 the cost of the state mandate is not provided or specified.
2 30 Therefore, political subdivisions are required to comply with
2 31 any state mandate included in the bill.
2 32 LSB 1453YH 82
2 33 jp:sc/je/5



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House File 310 - Introduced

HOUSE FILE
BY HEATON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the staffing of health care facilities.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1791YH 82
- 4 jr/es/88



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House File 310 - Introduced continued

PAG LIN

1 1 Section 1. Section 135C.2, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. Rules and standards prescribed, promulgated, and
1 4 enforced under this chapter shall not be arbitrary,
1 5 unreasonable, or confiscatory and the department or agency
1 6 prescribing, promulgating, or enforcing such rules or
1 7 standards shall have the burden of proof to establish that
1 8 such rules or standards meet such requirements and are
1 9 consistent with the economic problems and conditions involved
1 10 in the care and housing of persons in health care facilities.
1 11 The rules shall not prohibit or restrict the staff of a
1 12 facility which holds more than one license for each distinct
1 13 part of that facility or provides other services not licensed
1 14 under this chapter from providing services in more than one of
1 15 the parts of the facility.

1 16 EXPLANATION

1 17 Health care facilities may license distinct parts of the
1 18 facility for different levels of care. This bill prohibits
1 19 the department of inspections and appeals from adopting any
1 20 rule which would limit staff sharing between these different
1 21 parts of the facility.

1 22 LSB 1791YH 82

1 23 jr:nh/es/88



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House File 311 - 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 transfer procedures for and compensation of
- 2 health care providers outside of the IowaCare provider
- 3 network.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1458YH 82
- 6 pf/gg/14



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House File 311 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249J.24A NONPARTICIPATING
1 2 PROVIDER EXPANSION POPULATION PROVIDER NETWORK == TRANSFER
1 3 PROCEDURE == COMPENSATION FUND.
1 4 1. The department shall establish a procedure to transfer
1 5 an expansion population member who seeks medical care or
1 6 treatment from a nonparticipating provider in the expansion
1 7 population provider network to a participating provider in the
1 8 expansion population provider network, if medically possible.
1 9 If transfer is not medically possible or if the participating
1 10 provider refuses to accept the transfer of the expansion
1 11 population member, the nonparticipating provider shall be
1 12 compensated through the nonparticipating provider expansion
1 13 population provider network compensation fund in accordance
1 14 with subsection 2.
1 15 2. a. A nonparticipating provider expansion population
1 16 provider network compensation fund is created in the state
1 17 treasury under the authority of the department. Moneys
1 18 designated for deposit in the fund that are received from
1 19 sources including but not limited to appropriations from the
1 20 general fund of the state, grants, and contributions shall be
1 21 deposited in the fund.
1 22 b. Moneys in the fund shall be separate from the general
1 23 fund of the state and shall not be considered part of the
1 24 general fund of the state. The moneys deposited in the fund
1 25 are not subject to section 8.33 and shall not be transferred,
1 26 used, obligated, appropriated, or otherwise encumbered, except
1 27 to provide for the purposes specified in this section.
1 28 Notwithstanding section 12C.7, subsection 2, interest or
1 29 earnings on moneys deposited in the fund shall be credited to
1 30 the fund.
1 31 c. Moneys deposited in the fund shall be used only to
1 32 compensate health care providers who are not participants in
1 33 the expansion population provider network pursuant to section
1 34 249J.7, who provide services to expansion population members,
1 35 if no other third party is liable for reimbursement for the



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2 1 services provided.
2 2 d. In order to be compensated through the fund, a health
2 3 care provider shall submit a claim to the department for
2 4 compensation and reimbursement of expenses incurred in
2 5 providing services to an expansion population member. The
2 6 department shall adopt rules relating to the format of and the
2 7 information to be included in the claims submitted. A claim
2 8 shall be submitted to the department within forty-five days of
2 9 provision of the service.

2 10 EXPLANATION

2 11 This bill directs the department of human services to
2 12 establish a procedure to transfer an IowaCare member who seeks
2 13 medical care or treatment from a provider who is not
2 14 participating in the IowaCare provider network to an IowaCare
2 15 provider, if medically possible. If transfer is not medically
2 16 possible or if the participating provider refuses to accept
2 17 the transfer of the expansion population member, the
2 18 nonparticipating provider shall be compensated through the
2 19 fund established for such compensation under the bill.

2 20 The bill creates a fund to be used to compensate health
2 21 care providers who are not included in the IowaCare provider
2 22 network and who provide services to expansion population
2 23 members that are not reimbursable by any other third party.
2 24 Moneys to be deposited in the fund are moneys received from
2 25 sources including but not limited to appropriations from the
2 26 general fund of the state, grants, and contributions.

2 27 The bill requires that in order to be compensated through
2 28 the fund, a health care provider must submit claims to the
2 29 department of human services. The bill directs the department
2 30 to adopt rules relating to the format of and the information
2 31 to be included in the claims submitted. A claim shall be
2 32 submitted to the department within 45 days of provision of the
2 33 service.

2 34 LSB 1458YH 82
2 35 pf:nh/gg/14.3



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House File 312 - 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 repayment of support to an obligor following
- 2 disestablishment of paternity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2077HH 82
- 5 pf/es/88



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House File 312 - Introduced continued

PAG LIN

1 1 Section 1. Section 600B.41A, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. That any support paid from the date the
1 4 action to overcome paternity is filed by the established
1 5 father who is determined not to be the biological father shall
1 6 be refunded to the established father.

1 7 EXPLANATION

1 8 This bill provides that following an action to overcome
1 9 paternity, if the court finds that the establishment of
1 10 paternity is overcome, the order is to include a provision
1 11 that any support paid from the date the action to overcome
1 12 paternity is filed by the established father who is determined
1 13 not to be the biological father shall be refunded to the
1 14 established father.

1 15 LSB 2077HH 82

1 16 pf:nh/es/88



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House File 313 - Introduced

HOUSE FILE

BY WESSEL=KROESCHELL and HEDDENS

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the establishment of a study of the economic,
- 2 fiscal, and social impact of the living wage in Iowa.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1890HH 82
- 5 ak/es/88



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PAG LIN

1 1 Section 1. LIVING WAGE IMPACT STUDY. Iowa state
1 2 university shall conduct a study regarding the economic,
1 3 fiscal, and social impacts of establishing the living wage,
1 4 also known as the self-sufficiency wage, in Iowa. An Iowa
1 5 state university sociology professor and an Iowa state
1 6 university human development and family studies professor,
1 7 both who specialize in this area, shall conduct and coordinate
1 8 the study.

1 9 The department of workforce development, the department of
1 10 economic development, the department of human services, the
1 11 university of Iowa, the university of northern Iowa, the child
1 12 and family policy center, the Iowa policy project, and
1 13 representatives of labor organizations and business and
1 14 industry shall cooperate in conducting the study.

1 15 Iowa state university shall submit a report about the
1 16 findings of the study to the general assembly by December 14,
1 17 2007.

1 18 EXPLANATION

1 19 This bill directs Iowa state university to conduct a study
1 20 regarding the economic, fiscal, and social effects that a
1 21 living wage, or self-sufficiency wage, would have in Iowa.
1 22 Two Iowa state university professors with specialized
1 23 knowledge in this area shall conduct and coordinate the study.

1 24 The bill requires that the department of workforce
1 25 development, department of economic development, department of
1 26 human resources, the university of Iowa, the university of
1 27 northern Iowa, the child and family policy center, the Iowa
1 28 policy project, and representatives of labor organizations and
1 29 business and industry also participate in the study.

1 30 A report on the study's findings is due to the legislature
1 31 by December 14, 2007.

1 32 LSB 1890HH 82

1 33 ak:nh/es/88



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House File 314 - Introduced

HOUSE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 89)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to a peace officer's statements to a person
2 operating a noncommercial motor vehicle and holding a
3 commercial driver's license who has been requested to submit
4 to a chemical test in an operating-while-intoxicated case.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1563HV 82
7 rh/sh/8



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PAG LIN

1 1 Section 1. Section 321J.8, subsection 3, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 a. If the person is operating a commercial motor vehicle
1 4 as defined in section 321.1 and either refuses to submit to
1 5 the test or submits to the test and the results indicate an
1 6 alcohol concentration of 0.04 or more, the person is
1 7 disqualified from operating a commercial motor vehicle for the
1 8 applicable period under section 321.208 in addition to any
1 9 revocation of the person's driver's license or nonresident
1 10 operating privilege which may be applicable under this
1 11 chapter.

1 12 b. If the person is operating a noncommercial motor
1 13 vehicle and holding a commercial driver's license as defined
1 14 in section 321.1 and either refuses to submit to the test or
1 15 operates a motor vehicle while under the influence of an
1 16 alcoholic beverage or other drug or controlled substance or a
1 17 combination of such substances, the person is disqualified
1 18 from operating a commercial motor vehicle for the applicable
1 19 period under section 321.208 in addition to any revocation of
1 20 the person's driver's license or nonresident operating
1 21 privilege which may be applicable under this chapter.

1 22 EXPLANATION

1 23 This bill relates to a peace officer's statements to a
1 24 person operating a noncommercial motor vehicle and holding a
1 25 commercial driver's license who has been requested to submit
1 26 to a chemical test in an operating=while=intoxicated case.
1 27 The bill provides that in such a case, a person who either
1 28 refuses to submit to the test or operates a motor vehicle
1 29 while under the influence of an alcoholic beverage or other
1 30 drug or controlled substance or a combination of such
1 31 substances, is disqualified from operating a commercial motor
1 32 vehicle for a one-year period in addition to any revocation of
1 33 the person's driver's license or nonresident operating
1 34 privilege which may be applicable under Code chapter 321J.
1 35 LSB 1563HV 82



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2 1 rh:nh/sh/8



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House File 315 - Introduced

HOUSE FILE
BY FOEGE

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

A BILL FOR

- 1 An Act relating to leaving an unattended child or not properly
- 2 supervised child in a motor vehicle, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2273HH 82
- 5 jm/cf/24

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House File 314 - Introduced continued

1 1 Section 1. NEW SECTION. 321.8A UNATTENDED OR NOT
1 2 PROPERLY SUPERVISED CHILD IN A MOTOR VEHICLE == PUBLICATION.
1 3 The department shall provide information to the public
1 4 concerning the hazards of leaving a child unattended or not
1 5 properly supervised in a motor vehicle. The department is
1 6 encouraged to include such information in the publication
1 7 distributed pursuant to section 321.15.
1 8 Sec. 2. NEW SECTION. 321.276 UNATTENDED OR NOT PROPERLY
1 9 SUPERVISED CHILD IN A MOTOR VEHICLE.
1 10 A person shall not leave a child six years of age or
1 11 younger in a motor vehicle unattended or under the supervision
1 12 of a person who is eleven years of age or younger. A person
1 13 does not violate this section if the person can maintain
1 14 visual contact with the child. A person who violates this
1 15 section commits a simple misdemeanor punishable as a scheduled
1 16 violation under section 805.8A, subsection 14, paragraph "j".
1 17 Sec. 3. Section 602.8108, subsection 2, Code 2007, is
1 18 amended to read as follows:
1 19 2. Except as otherwise provided, the clerk of the district
1 20 court shall report and submit to the state court
1 21 administrator, not later than the fifteenth day of each month,
1 22 the fines and fees received during the preceding calendar
1 23 month. Except as provided in subsections 3, 4, 5, 7, 8, 9,
1 24 10, 11, 12, ~~and~~ 13, and 14, the state court administrator
1 25 shall deposit the amounts received with the treasurer of state
1 26 for deposit in the general fund of the state. The state court
1 27 administrator shall report to the legislative services agency
1 28 within thirty days of the beginning of each fiscal quarter the
1 29 amount received during the previous quarter in the account
1 30 established under this section.
1 31 Sec. 4. Section 602.8108, Code 2007, is amended by adding
1 32 the following new subsection:
1 33 NEW SUBSECTION. 14. The state court administrator shall
1 34 allocate fifty percent of the fines and fees attributable to a
1 35 violation of section 321.276 to the state department of



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House File 314 - Introduced continued

2 1 transportation to be used for the provision of information as
2 2 provided in section 321.8A.

2 3 Sec. 5. Section 805.8A, subsection 14, Code 2007, is
2 4 amended by adding the following new paragraph:

2 5 NEW PARAGRAPH. j. UNATTENDED CHILD IN A MOTOR VEHICLE.
2 6 For a violation under section 321.276, the scheduled fine is
2 7 one hundred dollars.

2 8 EXPLANATION

2 9 This bill creates a criminal offense for leaving an
2 10 unattended or not properly supervised child in a motor
2 11 vehicle.

2 12 The bill provides that a person shall not leave a child in
2 13 a motor vehicle unattended or under the supervision of a
2 14 person who is 11 years of age or younger. A person who is
2 15 able to maintain visual contact with the child in the motor
2 16 vehicle does not violate the bill.

2 17 The bill provides that a person who violates the bill
2 18 commits a simple misdemeanor subject to a scheduled fine of
2 19 \$100.

2 20 The bill provides that 50 percent of the fines and fees
2 21 collected for a violation of the bill shall be used by the
2 22 department of transportation to publicize the hazards of
2 23 leaving an unattended or not properly supervised child in a
2 24 motor vehicle.

2 25 LSB 2273HH 82

2 26 jm:nh/cf/24



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 09, 2007

House File 316 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act relating to the personal needs allowance retained by
2 medical assistance recipients in certain nursing facilities,
3 providing an effective date, and providing for retroactive
4 applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1144YH 82
7 pf/gg/14



Iowa General Assembly
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House File 316 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.30A, Code 2007, is amended to read
1 2 as follows:
1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.
1 4 The personal needs allowance ~~under the medical assistance~~
1 5 ~~program~~, which may be retained by a recipient of medical
1 6 assistance who is a resident of a nursing facility,
1 7 intermediate care facility for persons with mental
1 8 retardation, or intermediate care facility for persons with
1 9 mental illness, as defined in section 135C.1, or a resident of
1 10 a psychiatric medical institution for children as defined in
1 11 section 135H.1, shall be fifty dollars per month.
1 12 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 13 Act, being deemed of immediate importance, takes effect upon
1 14 enactment and is retroactively applicable to July 1, 2006.
1 15 EXPLANATION
1 16 This bill provides that in addition to Medicaid recipients
1 17 who are residents of nursing facilities, residents of
1 18 intermediate care facilities for persons with mental
1 19 retardation, residents of intermediate care facilities for
1 20 persons with mental illness, and residents of psychiatric
1 21 medical institutions for children, are to receive a personal
1 22 needs allowance of \$50 per month. The bill takes effect upon
1 23 enactment and is retroactively applicable to July 1, 2006.
1 24 LSB 1144YH 82
1 25 pf:rj/gg/14.1



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House File 317 - Introduced

HOUSE FILE
 BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 15)

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

A BILL FOR

1 An Act relating to an on-site fiscal review to be conducted under
 2 phase II of the accreditation process upon recommendation by
 3 the school budget review committee.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1226HV 82
 6 kh/je/5



Iowa General Assembly
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House File 317 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 10, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The school budget review committee
1 4 submits to the department a recommendation for a fiscal review
1 5 pursuant to section 257.31, subsection 18.

1 6 Sec. 2. Section 257.31, Code 2007, is amended by adding
1 7 the following new subsection:

1 8 NEW SUBSECTION. 18. If a school district exceeds its
1 9 authorized budget or carries a negative unspent balance for
1 10 two or more consecutive years, the committee may recommend
1 11 that the department implement a phase II on-site visit to
1 12 conduct a fiscal review pursuant to section 256.11, subsection
1 13 10, paragraph "e".

1 14 EXPLANATION

1 15 This bill permits the school budget review committee to
1 16 recommend that the department of education send an
1 17 accreditation team in to a school district for an on-site
1 18 fiscal review under phase II of the accreditation process if a
1 19 school district exceeds its authorized budget or carries a
1 20 negative unspent balance for two or more consecutive years.

1 21 LSB 1226HV 82

1 22 kh:nh/je/5



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House File 318 - Introduced

HOUSE FILE

BY SCHUELLER, FREVERT, WENTHE,
 SWAIM, LUKAN, JACOBY,
 QUIRK, KELLEY, STAED, PALMER,
 FOEGE, PETTENGILL, D. TAYLOR,
 H. MILLER, WHITAKER, MERTZ,
 MASCHER, KAUFMANN, GASKILL,
 TOMENGA, GRANZOW, DE BOEF,
 HOFFMAN, and THOMAS

(COMPANION TO SF 45 BY
 HANCOCK)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing volunteer fire fighters and emergency medical
 2 services personnel with an individual income tax credit and
 3 providing effective and retroactive applicability dates.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1288HH 82
 6 mg/gg/14



Iowa General Assembly
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House File 318 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter and
1 4 volunteer emergency medical services personnel credit equal to
1 5 the amount specified in paragraph "b" to compensate the
1 6 taxpayer for the voluntary services.

1 7 b. The amount of the credit is equal to two hundred fifty
1 8 dollars.

1 9 However, if the taxpayer is not a volunteer fire fighter or
1 10 volunteer emergency medical services personnel for the entire
1 11 tax year, the amount of the dollar credit shall be prorated
1 12 and the amount of credit shall equal the maximum amount of
1 13 credit for the tax year, divided by twelve, multiplied by the
1 14 number of months in the tax year the taxpayer was a volunteer.
1 15 The credit shall be rounded to the nearest five dollars. If
1 16 the taxpayer is a volunteer during any part of a month, the
1 17 taxpayer shall be considered a volunteer for the entire month.
1 18 If the taxpayer is a volunteer fire fighter and a volunteer
1 19 emergency medical services personnel during the same month, a
1 20 credit may be claimed for only one volunteer position for that
1 21 month.

1 22 c. The taxpayer is required to have a written statement
1 23 from the fire chief or other appropriate supervisor verifying
1 24 that the taxpayer was a volunteer fire fighter or volunteer
1 25 emergency medical services personnel for the months for which
1 26 the credit under this subsection is claimed.

1 27 d. For purposes of this subsection:

1 28 (1) "Emergency medical services personnel" means an
1 29 emergency medical care provider, as defined in section 147A.1,
1 30 who is certified as a first responder pursuant to chapter
1 31 147A.

1 32 (2) "Volunteer fire fighter" means a volunteer fire
1 33 fighter as defined in section 85.61 who has met the minimum
1 34 training standards established by the fire service training
1 35 bureau pursuant to chapter 100B.



Iowa General Assembly
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House File 319 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 4, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 For purposes of this section, "Internal Revenue Code" means
1 4 the Internal Revenue Code in effect on January 1, ~~2006~~ 2007.
1 5 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 6 unnumbered paragraph 2, Code 2007, is amended to read as
1 7 follows:
1 8 For purposes of this subsection, "Internal Revenue Code"
1 9 means the Internal Revenue Code in effect on January 1, ~~2006~~
1 10 2007.
1 11 Sec. 3. Section 422.3, subsection 5, Code 2007, is amended
1 12 to read as follows:
1 13 5. "Internal Revenue Code" means the Internal Revenue Code
1 14 of 1954, prior to the date of its redesignation as the
1 15 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 16 or means the Internal Revenue Code of 1986 as amended to and
1 17 including January 1, ~~2006~~ 2007.
1 18 Sec. 4. Section 422.10, subsection 3, unnumbered paragraph
1 19 2, Code 2007, is amended to read as follows:
1 20 For purposes of this section, "Internal Revenue Code" means
1 21 the Internal Revenue Code in effect on January 1, ~~2006~~ 2007.
1 22 Sec. 5. Section 422.32, subsection 7, Code 2007, is
1 23 amended to read as follows:
1 24 7. "Internal Revenue Code" means the Internal Revenue Code
1 25 of 1954, prior to the date of its redesignation as the
1 26 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 27 or means the Internal Revenue Code of 1986 as amended to and
1 28 including January 1, ~~2006~~ 2007.
1 29 Sec. 6. Section 422.33, subsection 5, paragraph d,
1 30 unnumbered paragraph 2, Code 2007, is amended to read as
1 31 follows:
1 32 For purposes of this subsection, "Internal Revenue Code"
1 33 means the Internal Revenue Code in effect on January 1, ~~2006~~
1 34 2007.
1 35 Sec. 7. RETROACTIVE APPLICABILITY. This Act applies



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House File 320 - Introduced

HOUSE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 87)

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

A BILL FOR

- 1 An Act relating to the revocation of a person's driver's license
- 2 or nonresident operating privilege for a defendant who has had
- 3 a previous conviction or revocation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1567HV 82
- 6 rh/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
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House File 320 - Introduced continued

PAG LIN

1 1 Section 1. Section 321J.4, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. If a defendant is convicted of a violation of section
1 4 321J.2, and the defendant's driver's license or nonresident
1 5 operating privilege has not already been revoked under section
1 6 321J.9 or 321J.12 for the occurrence from which the arrest
1 7 arose, the department shall revoke the defendant's driver's
1 8 license or nonresident operating privilege for ~~two years~~ one
1 9 year if the defendant has had a previous conviction or
1 10 revocation under this chapter and submitted to chemical
1 11 testing, but for two years if the defendant refused to submit
1 12 to chemical testing. The defendant shall not be eligible for
1 13 any temporary restricted license for one year after the
1 14 effective date of revocation. The defendant shall be ordered
1 15 to install an ignition interlock device of a type approved by
1 16 the commissioner of public safety on all vehicles owned by the
1 17 defendant if the defendant seeks a temporary restricted
1 18 license at the end of the minimum period of ineligibility. A
1 19 temporary restricted license shall not be granted by the
1 20 department until the defendant installs the ignition interlock
1 21 device.

1 22 EXPLANATION

1 23 This bill amends Code section 321J.4, relating to the
1 24 revocation of a defendant's driver's license or nonresident
1 25 operating privilege where the defendant has had a previous
1 26 operating=~~while~~=intoxicated conviction or revocation under
1 27 Code chapter 321J. The bill specifies that a defendant who
1 28 has had such a previous conviction or revocation who submitted
1 29 to chemical testing shall be subject to a one=~~year~~ driver's
1 30 license or nonresident operating privilege revocation period.
1 31 However, if the defendant refused to submit to chemical
1 32 testing, the defendant shall be subject to a two=~~year~~
1 33 revocation period. This change is consistent with the
1 34 revocation periods contained in Code sections 321J.9 and
1 35 321J.12.



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House File 320 - Introduced continued

2 1 LSB 1567HV 82
2 2 rh:nh/gg/14



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House File 321 - Introduced

HOUSE FILE

BY HEDDENS, WESSEL=KROESCHELL,
 GAYMAN, SHOMSHOR, FREVERT,
 BUKTA, ABDUL-SAMAD, H. MILLER,
 JOCHUM, BELL, PETERSEN,
 T. TAYLOR, R. OLSON, SCHUELLER,
 BAILEY, WENTHE, LENSING, FORD,
 FOEGE, SMITH, KRESSIG, REASONER,
 and D. TAYLOR

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

A BILL FOR

1 An Act requiring health insurance coverage for certain dependent
 2 children who are full-time students and require a medically
 3 necessary leave of absence from school.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1437HH 82
 6 av/cf/24

PAG LIN



Iowa General Assembly
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House File 320 - Introduced continued

1 1 Section 1. NEW SECTION. 514C.23 COVERAGE OF STUDENTS.
1 2 1. Notwithstanding the uniformity of treatment
1 3 requirements of section 514C.6, a policy or contract providing
1 4 for third-party payment or prepayment of health or medical
1 5 expenses, which provides coverage for dependent children of an
1 6 insured or subscriber beyond the age of eighteen years if the
1 7 child is a full-time student, shall include coverage during a
1 8 dependent's medically necessary leave of absence from school
1 9 for a period not to exceed twelve months or until the date on
1 10 which coverage would otherwise end pursuant to the terms and
1 11 conditions of the policy or contract, whichever comes first.
1 12 Any breaks in the school semester shall not disqualify a
1 13 dependent child from coverage under this section. Entitlement
1 14 to coverage under this section shall be established by
1 15 submitting documentation and certification of medical
1 16 necessity to the insurer from the student's attending
1 17 physician, which shall be considered prima facie evidence of
1 18 entitlement to coverage under this section. The date of the
1 19 documentation and certification of medical necessity of a
1 20 leave of absence shall be the date the entitlement to
1 21 insurance coverage required by this section commences.
1 22 2. a. This section applies to the following classes of
1 23 third-party payment provider contracts or policies delivered,
1 24 issued for delivery, continued, or renewed in this state on or
1 25 after July 1, 2007:
1 26 (1) Individual or group accident and sickness insurance
1 27 providing coverage on an expense-incurred basis.
1 28 (2) Any individual or group hospital or medical service
1 29 contract issued pursuant to chapter 509, 514, or 514A.
1 30 (3) Any individual or group health maintenance
1 31 organization contract regulated under chapter 514B.
1 32 (4) Any other entity engaged in the business of insurance,
1 33 risk transfer, or risk retention, which is subject to the
1 34 jurisdiction of the commissioner.
1 35 (5) A plan established pursuant to chapter 509A for public



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House File 320 - Introduced continued

2 1 employees.
2 2 (6) An organized delivery system licensed by the director
2 3 of public health.
2 4 b. This section shall not apply to accident-only,
2 5 specified disease, short-term hospital or medical, hospital
2 6 confinement indemnity, credit, dental, vision, Medicare
2 7 supplement, long-term care, basic hospital and medical=
2 8 surgical expense coverage as defined by the commissioner,
2 9 disability income insurance coverage, coverage issued as a
2 10 supplement to liability insurance, workers' compensation or
2 11 similar insurance, or automobile medical payment insurance, or
2 12 individual accident and sickness policies issued to
2 13 individuals or to individual members of a member association.

2 14 EXPLANATION

2 15 This bill requires health insurance coverage for certain
2 16 dependent children who are full-time students.
2 17 The bill provides that a policy or contract providing for
2 18 third-party payment or prepayment of health or medical
2 19 expenses, which provides coverage for dependent children of an
2 20 insured or subscriber beyond the age of 18 years if the child
2 21 is a full-time student, shall include coverage during a
2 22 dependent's medically necessary leave of absence from school
2 23 for a period not to exceed 12 months or until the date on
2 24 which coverage would otherwise end pursuant to the terms and
2 25 conditions of the policy, whichever comes first. The bill
2 26 provides that entitlement to the coverage must be established
2 27 by submitting documentation and certification of medical
2 28 necessity to the insurer from the student's treating
2 29 physician, which shall be considered prima facie evidence of
2 30 entitlement to coverage under the new provision. The date of
2 31 such documentation and certification is the date the
2 32 entitlement to such insurance coverage commences.
2 33 The coverage requirement applies to third-party payment
2 34 provider contracts or policies that are individual or group
2 35 accident and sickness insurance providing coverage on an



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3 1 expense=incurred basis; individual or group hospital or
3 2 medical service contracts issued pursuant to Code chapter 509,
3 3 514, or 514A; individual or group health maintenance
3 4 organization contracts regulated under Code chapter 514B;
3 5 other entities engaged in the business of insurance, risk
3 6 transfer, or risk retention, which are subject to the
3 7 jurisdiction of the commissioner; plans established pursuant
3 8 to Code chapter 509A for public employees; and organized
3 9 delivery systems licensed by the director of public health.

3 10 The bill requirements are applicable to such contracts or
3 11 policies delivered, issued for delivery, continued, or renewed
3 12 in this state on or after July 1, 2007.

3 13 The bill requirements do not apply to accident=only,
3 14 specified disease, short=term hospital or medical, hospital
3 15 confinement indemnity, credit, dental, vision, Medicare
3 16 supplement, long=term care, basic hospital and medical=
3 17 surgical expense coverage as defined by the commissioner,
3 18 disability income insurance coverage, coverage issued as a
3 19 supplement to liability insurance, workers' compensation or
3 20 similar insurance, automobile medical payment insurance, or
3 21 individual accident and sickness policies issued to
3 22 individuals or to individual members of a member association.

3 23 LSB 1437HH 82

3 24 av:nh/cf/24



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House File 322 - Introduced

HOUSE FILE
BY FREVERT

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

A BILL FOR

1 An Act relating to a tax credit for pollution=control and
2 recycling property connected to property used for the care and
3 feeding of livestock, and providing for the Act's
4 applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1295HH 82
7 da/sh/8



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House File 322 - Introduced continued

PAG LIN

1 1 Section 1. Section 427.1, subsection 19, Code 2007, is
1 2 amended to read as follows:
1 3 19. POLLUTION CONTROL AND RECYCLING. Pollution=control or
1 4 recycling property as defined in this subsection shall be
1 5 exempt from taxation to the extent provided in this
1 6 subsection, upon compliance with the provisions of this
1 7 subsection.
1 8 a. This exemption shall apply to new installations of
1 9 pollution=control or recycling property beginning on January 1
1 10 after the construction or installation of the property is
1 11 completed. This exemption shall apply beginning on January 1,
1 12 1975, to existing pollution=control property if its
1 13 construction or installation was completed after September 23,
1 14 1970, and this exemption shall apply beginning January 1,
1 15 1994, to recycling property.
1 16 b. This exemption shall be limited to the market value, as
1 17 defined in section 441.21, of the pollution=control or
1 18 recycling property. If the pollution=control or recycling
1 19 property is assessed with other property as a unit, this
1 20 exemption shall be limited to the net market value added by
1 21 the pollution=control or recycling property, determined as of
1 22 the assessment date.
1 23 c. Application for this exemption shall be filed with the
1 24 assessing authority not later than the first of February of
1 25 the first year for which the exemption is requested, on forms
1 26 provided by the department of revenue.
1 27 (1) The application shall describe and locate the specific
1 28 pollution=control or recycling property to be exempted.
1 29 (2) The application for a specific pollution=control or
1 30 recycling property shall be accompanied by a certificate of
1 31 the department of natural resources certifying that the
1 32 primary use of the pollution=control property is to control or
1 33 abate pollution of any air or water of this state or to
1 34 enhance the quality of any air or water of this state or, if
1 35 the property is recycling property, that the primary use of



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House File 322 - Introduced continued

2 1 the property is for recycling.

2 2 d. A taxpayer may seek judicial review of a determination
2 3 of the department or, on appeal, of the environmental
2 4 protection commission in accordance with the provisions of
2 5 chapter 17A.

2 6 e. The environmental protection commission of the
2 7 department of natural resources shall adopt rules relating to
2 8 certification under this subsection and information to be
2 9 submitted for evaluating pollution=control or recycling
2 10 property for which a certificate is requested. The department
2 11 of revenue shall adopt any rules necessary to implement this
2 12 subsection, including rules on identification and valuation of
2 13 pollution=control or recycling property. All rules adopted
2 14 shall be subject to the provisions of chapter 17A.

2 15 f. For the purposes of this subsection, "~~pollution=control~~
2 16 all of the following apply:

2 17 (1) (a) "Pollution=control property" means personal
2 18 property or improvements to real property, or any portion
2 19 thereof, used primarily to control or abate pollution of any
2 20 air or water of this state or used primarily to enhance the
2 21 quality of any air or water of this state and "recycling
2 22 property" means personal property or improvements to real
2 23 property or any portion of the property, used primarily in the
2 24 manufacturing process and resulting directly in the conversion
2 25 of waste glass, waste plastic, wastepaper products, waste
2 26 paperboard, or waste wood products into new raw materials or
2 27 products composed primarily of recycled material. In the
2 28 event such property shall also serve other purposes or uses of
2 29 productive benefit to the owner of the property, only such
2 30 portion of the assessed valuation thereof as may reasonably be
2 31 calculated to be necessary for and devoted to the control or
2 32 abatement of pollution, to the enhancement of the quality of
2 33 the air or water of this state, or for recycling shall be
2 34 exempt from taxation under this subsection.

2 35 (b) "Pollution=control property" or "recycling property"



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House File 322 - Introduced continued

3 1 does not include property used for purposes related to the
 3 2 care and feeding of livestock as defined in section 169C.1,
 3 3 except for property which is eligible for a family farm tax
 3 4 credit as provided in chapter 425A. The exemption calculated
 3 5 for pollution-control property or recycling property used for
 3 6 the purpose of care and feeding of livestock and which is
 3 7 eligible for a family farm tax credit is limited to the first
 3 8 one hundred thousand dollars of the property's assessed value.

3 9 ~~(2) For the purposes of this subsection, "pollution"~~
 3 10 "Pollution" means air pollution as defined in section 455B.131
 3 11 or water pollution as defined in section 455B.171.

3 12 (3) "Water of the state" means the water of the state as
 3 13 defined in section 455B.171.

3 14 (4) "Enhance the quality" means to diminish the level of
 3 15 pollutants below the air or water quality standards
 3 16 established by the environmental protection commission of the
 3 17 department of natural resources.

3 18 Sec. 2. APPLICABILITY. This Act is applicable for tax
 3 19 years beginning on and after January 1, 2008.

3 20 EXPLANATION
 3 21 This bill amends Code section 427.1, which provides a
 3 22 number of exemptions from property taxation. The section
 3 23 includes an exemption for certain types of pollution-control
 3 24 and recycling property as certified by the department of
 3 25 natural resources. The bill limits this tax exemption for
 3 26 such property that is related to the care and feeding of
 3 27 livestock by requiring that the property used for the care and
 3 28 feeding of livestock must be eligible for a family farm tax
 3 29 credit under Code chapter 425A. The bill also provides that
 3 30 the tax credit still available is limited to the first
 3 31 \$100,000 of the property's assessed value.

3 32 The bill is applicable for tax years beginning on and after
 3 33 January 1, 2008.

3 34 LSB 1295HH 82
 3 35 da:nh/sh/8



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House File 323 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to the provision of medical assistance to certain
- 2 persons.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1789YH 82
- 5 pf/gg/14



Iowa General Assembly
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House File 323 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.3, subsection 1, paragraph g, Code
1 2 2007, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (3) Is a person who has attained
1 4 nineteen years of age but has not attained twenty-one years of
1 5 age, whose income is not more than one hundred thirty-three
1 6 percent of the federal poverty level, as defined by the most
1 7 recently revised poverty income guidelines published by the
1 8 United States department of health and human services.

1 9 EXPLANATION

1 10 This bill provides that persons ages 19 to 21 whose income
1 11 is not more than 133 percent of the federal poverty level are
1 12 eligible for the medical assistance program.

1 13 LSB 1789YH 82

1 14 pf:nh/gg/14



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House File 324 - Introduced

HOUSE FILE
BY T. TAYLOR

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

A BILL FOR

- 1 An Act providing for fair share agreements relating to collective
- 2 bargaining and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1856YH 82
- 5 ec/je/5



Iowa General Assembly
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February 09, 2007

House File 324 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.8, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Refuse to join or participate in the activities of
1 4 employee organizations, including the payment of any dues,
1 5 fees or assessments or service fees of any type, except as
1 6 provided in section 20.9.

1 7 Sec. 2. Section 20.9, Code 2007, is amended to read as
1 8 follows:

1 9 20.9 SCOPE OF NEGOTIATIONS.

1 10 1. The public employer and the employee organization shall
1 11 meet at reasonable times, including meetings reasonably in
1 12 advance of the public employer's budget-making process, to
1 13 negotiate in good faith with respect to wages, hours,
1 14 vacations, insurance, holidays, leaves of absence, shift
1 15 differentials, overtime compensation, supplemental pay,
1 16 seniority, transfer procedures, job classifications, health
1 17 and safety matters, evaluation procedures, procedures for
1 18 staff reduction, in-service training, fair share agreements,
1 19 and other matters mutually agreed upon. Negotiations shall
1 20 also include terms authorizing dues checkoff for members of
1 21 the employee organization, terms for payroll deduction of fair
1 22 share fees of nonmembers of the employee organization, and
1 23 grievance procedures for resolving any questions arising under
1 24 the agreement, which shall be embodied in a written agreement
1 25 and signed by the parties. If an agreement provides for dues
1 26 checkoff, a member's dues may be checked off only upon the
1 27 member's written request and the member may terminate the dues
1 28 checkoff at any time by giving thirty days' written notice.
1 29 Such obligation to negotiate in good faith does not compel
1 30 either party to agree to a proposal or make a concession.

1 31 2. a. Notwithstanding any provision of state law to the
1 32 contrary, a negotiated agreement for fair share fees shall not
1 33 provide for the termination of the employment of a public
1 34 employee for failure to pay membership dues and charges or
1 35 fair share fees of an employee organization, but shall provide



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2 1 that, commencing on the effective date of a collective
2 2 bargaining agreement which provides for a fair share fee, the
2 3 public employer shall deduct once each month from the wages or
2 4 salaries of nonmembers of the certified employee organization
2 5 the amount of the fair share fee and transmit the amount
2 6 deducted to the certified employee organization within
2 7 fourteen days of the deduction.

2 8 b. Every negotiated agreement for fair share fees shall
2 9 conform with the requirements of the Constitution of the
2 10 United States and the Constitution of the State of Iowa, and
2 11 shall provide, if required, for the following:

2 12 (1) The certified employee organization may charge
2 13 nonmembers of the employee organization a fair share fee,
2 14 which shall not exceed the amount of dues and charges required
2 15 to be paid by a member in good standing of the employee
2 16 organization.

2 17 (2) The certified employee organization shall furnish
2 18 advance written notice of the amount of the fair share fee to
2 19 the nonmember employees who will be assessed the fee. The
2 20 notice shall inform the nonmember of a procedure by which the
2 21 nonmember may object to and receive a reduction of the pro
2 22 rata share of the fee attributed to purposes unrelated to
2 23 collective bargaining, contract administration, or the pursuit
2 24 of other matters affecting wages, hours, and other conditions
2 25 of employment. The notice also shall inform the nonmember of
2 26 a procedure by which the nonmember is afforded an opportunity
2 27 to challenge the amount of the fee before an impartial
2 28 decision maker. All fees reasonably in dispute during the
2 29 challenge period shall be held by the certified employee
2 30 organization in an interest-bearing escrow account until final
2 31 resolution is made by the impartial decision maker, at which
2 32 time such funds shall be disbursed in accordance with the
2 33 decision maker's award.

2 34 (3) The public employer shall provide the certified
2 35 employee organization with a list of the names and addresses



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3 1 of all nonmember employees in the bargaining unit that is
3 2 represented by the employee organization.
3 3 3. Nothing in this section, section 20.8, or in the terms
3 4 of a fair share agreement shall be deemed to require a public
3 5 employee to become a member of an employee organization.
3 6 4. Nothing in this section shall diminish the authority
3 7 and power of the department of administrative services, board
3 8 of regents' merit system, Iowa public broadcasting board's
3 9 merit system, or any civil service commission established by
3 10 constitutional provision, statute, charter or special act to
3 11 recruit employees, prepare, conduct and grade examinations,
3 12 rate candidates in order of their relative scores for
3 13 certification for appointment or promotion or for other
3 14 matters of classification, reclassification or appeal rights
3 15 in the classified service of the public employer served.
3 16 5. All retirement systems shall be excluded from the scope
3 17 of negotiations.
3 18 Sec. 3. Section 731.3, Code 2007, is amended to read as
3 19 follows:
3 20 731.3 CONTRACTS TO EXCLUDE UNLAWFUL.
3 21 ~~It~~ Except as provided in sections 20.8, 20.9, and 731.4A,
3 22 it shall be unlawful for any person, firm, association,
3 23 corporation or labor organization to enter into any
3 24 understanding, contract, or agreement, whether written or
3 25 oral, to exclude from employment members of a labor union,
3 26 organization or association, or persons who do not belong to,
3 27 or who refuse to join, a labor union, organization or
3 28 association, or because of resignation or withdrawal
3 29 therefrom.
3 30 Sec. 4. Section 731.4, Code 2007, is amended to read as
3 31 follows:
3 32 731.4 UNION DUES AS PREREQUISITE TO EMPLOYMENT ==
3 33 PROHIBITED.
3 34 ~~It~~ Except as provided in sections 20.8, 20.9, and 731.4A,
3 35 it shall be unlawful for any person, firm, association, labor



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4 1 organization or corporation, or political subdivision, either
4 2 directly or indirectly, or in any manner or by any means as a
4 3 prerequisite to or a condition of employment to require any
4 4 person to pay dues, charges, fees, contributions, fines or
4 5 assessments to any labor union, labor association or labor
4 6 organization.

4 7 Sec. 5. NEW SECTION. 731.4A FAIR SHARE FEE AGREEMENTS.

4 8 A labor union, labor association, labor organization, or
4 9 employee organization, which is the certified or recognized
4 10 exclusive representative for collective bargaining under
4 11 applicable federal or state law, may enter into an agreement
4 12 with the employer of the employees it is certified or
4 13 recognized to represent in collective bargaining that, as a
4 14 condition of continued employment, requires employees, after
4 15 thirty days of employment, either to become a member of the
4 16 certified or recognized labor union, labor association, labor
4 17 organization, or employee organization, or to pay a fair share
4 18 fee to the extent permitted by the Constitution of the United
4 19 States, the Constitution of the State of Iowa, and federal
4 20 law. Nothing in this section shall be deemed to require an
4 21 employee to become a member of a labor union, labor
4 22 association, labor organization, or employee organization.

4 23 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
4 24 immediate importance, takes effect upon enactment.

4 25 EXPLANATION

4 26 This bill authorizes the negotiating of fair share
4 27 agreements in collective bargaining agreements.

4 28 Code chapter 20, concerning collective bargaining for
4 29 public employment, is amended to authorize fair share
4 30 agreements. Code section 20.9 is amended to provide that the
4 31 scope of negotiations for purposes of a collective bargaining
4 32 agreement includes negotiating fair share agreements and the
4 33 terms for payroll deductions of fair share fees for nonmembers
4 34 of an employee organization. The bill provides that a
4 35 negotiated fair share agreement shall provide that the public



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5 1 employer deduct once each month from the wages of nonmembers
5 2 of an applicable employee organization the amount of the fair
5 3 share fee and transmit it to the certified employee
5 4 organization within 14 days of the deduction. The bill
5 5 further requires that the agreement for fair share fees
5 6 provide that the fair share fee shall not exceed the amount of
5 7 dues and charges required of a member of the employee
5 8 organization, that the certified employee organization provide
5 9 advance written notice of the fee and a procedure for
5 10 nonmembers to object to and receive a reduction of the share
5 11 of the fee unrelated to collective bargaining, contract
5 12 administration, and other related matters, that an impartial
5 13 procedure be provided for resolving fair share fee disputes,
5 14 and that the public employer furnish the employee organization
5 15 with a list of the names and addresses of all nonmembers. The
5 16 bill also provides that nothing in a fair share agreement
5 17 shall provide for the termination of employment for failure to
5 18 pay a fair share fee or shall require a public employee to
5 19 become a member of an employee organization.

5 20 Code chapter 731, concerning labor union membership, is
5 21 also amended to authorize fair share agreements. New Code
5 22 section 731.4A provides that a labor union may enter into an
5 23 agreement with an employer that, as a condition of continued
5 24 employment, requires employees whom the union is certified to
5 25 represent to become a member of the labor union or to pay a
5 26 fair share fee to the extent permitted by the United States
5 27 Constitution, the Iowa Constitution, and applicable federal
5 28 law. The new Code section provides that nothing in this Code
5 29 section shall be deemed to require an employee to become a
5 30 member of a labor union.

5 31 The bill takes effect upon enactment.

5 32 LSB 1856YH 82

5 33 ec:rj/je/5.1



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House Resolution 18 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO. ____
1 2 BY TYMESON and SMITH
1 3 A Resolution honoring the memory of John Wayne on the
1 4 100th anniversary of his birth.
1 5 WHEREAS, Marion Robert Morrison was born May 26,
1 6 1907, in Winterset, Iowa; and
1 7 WHEREAS, while a student at the University of
1 8 Southern California, cowboy actor Tom Mix got young
1 9 Marion a summer job as a prop man at a film studio,
1 10 where he began acting in a few bit parts under the
1 11 name "John Wayne"; and
1 12 WHEREAS, over the next 50 years John Wayne became a
1 13 cinematic legend, starring in 152 movies; and
1 14 WHEREAS, more than a movie star, John Wayne
1 15 typified the best in American character, a quiet man
1 16 of strength, without guile, greed, or bluster; and
1 17 WHEREAS, John Wayne can best be summed up in the
1 18 words of former President Jimmy Carter, who said: "In
1 19 an age of few heroes, he was the genuine article.";
1 20 and
1 21 WHEREAS, in 1979, in recognition of his
1 22 "distinguished career as an actor and his service to
1 23 the nation", John Wayne was awarded the Congressional
1 24 Gold Medal, joining such luminaries as George
1 25 Washington, Charles Lindbergh, and Jonas Salk; and
1 26 WHEREAS, the legacy of John Wayne remains, through
1 27 the good works of the John Wayne Cancer Foundation and
1 28 Cancer Institute; and
1 29 WHEREAS, the city of Winterset, Iowa, will hold a
1 30 gala centennial May 25 through May 27, 2007; NOW



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2 1 THEREFORE,
2 2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 3 That the House of Representatives honors the memory of
2 4 this great American and encourages all Iowans to
2 5 participate in the Winterset celebrations.
2 6 LSB 2044HH 82
2 7 jr:nh/gg/14