House File 371 - Introduced

HOUSE FILE
BY R. OLSON

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

A BILL FOR

An Act concerning mandatory retirement for senior judges.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2339HH 82
ec/je/5

House File 371 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.9204, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. A judge who retires on or after July 1, 1994, and who
1 4 is appointed a senior judge under section 602.9203 shall be
1 5 paid a salary as determined by the general assembly. A senior
1 6 judge or retired senior judge shall be paid an annuity under
1 7 the judicial retirement system in the manner provided in
1 8 section 602.9109, but computed under this section in lieu of
1 9 section 602.9107, as follows: The annuity paid to a senior
1 10 judge or retired senior judge shall be an amount equal to the
1 11 applicable percentage multiplier of the basic senior judge
1 12 salary, multiplied by the judge's years of service prior to
1 13 retirement as a judge of one or more of the courts included
1 14 under this article, for which contributions were made to the
1 15 system, except the annuity of the senior judge or retired
1 16 senior judge shall not exceed an amount equal to the
1 17 applicable specified percentage of the basic senior judge
1 18 salary used in calculating the annuity. However, following
1 19 the twelve=month period during which the senior judge or
1 20 retired senior judge attains ~~seventy=eight~~ eighty years of
1 21 age, the annuity paid to the person shall be an amount equal
1 22 to the applicable percentage multiplier of the basic senior
1 23 judge salary cap, multiplied by the judge's years of service
1 24 prior to retirement as a judge of one or more of the courts
1 25 included under this article, for which contributions were made
1 26 to the system, except that the annuity shall not exceed an
1 27 amount equal to the applicable specified percentage of the
1 28 basic senior judge salary cap. A senior judge or retired
1 29 senior judge shall not receive benefits calculated using a
1 30 basic senior judge salary established after the twelve=month
1 31 period in which the senior judge or retired senior judge
1 32 attains ~~seventy=eight~~ eighty years of age. The state shall
1 33 provide, regardless of age, to an active senior judge or a
1 34 senior judge with six years of service as a senior judge and
1 35 to the judge's spouse, and pay for medical insurance until the

House File 371 - Introduced continued

2 1 judge attains the age of ~~seventy=eight~~ eighty years.
2 2 Sec. 2. Section 602.9204, subsection 2, paragraphs d and
2 3 e, Code 2007, are amended to read as follows:
2 4 d. "Basic senior judge salary cap" means the basic senior
2 5 judge salary, at the end of the twelve=month period during
2 6 which the senior judge or retired senior judge attained
2 7 ~~seventy=eight~~ eighty years of age, of the office in which the
2 8 person last served as a judge before retirement as a judge or
2 9 senior judge.
2 10 e. "Escalator" means the difference between the current
2 11 basic salary, as of the time each payment is made up to and
2 12 including the twelve=month period during which the senior
2 13 judge or retired senior judge attains ~~seventy=eight~~ eighty
2 14 years of age, of the office in which the senior judge last
2 15 served as a judge before retirement as a judge or senior
2 16 judge, and the basic annual salary which the judge is
2 17 receiving at the time the judge becomes separated from
2 18 full=time service as a judge of one or more of the courts
2 19 included in this article, as would be used in computing an
2 20 annuity pursuant to section 602.9107 without service as a
2 21 senior judge.
2 22 Sec. 3. Section 602.9207, subsection 1, Code 2007, is
2 23 amended to read as follows:
2 24 1. A senior judge shall cease to be a senior judge upon
2 25 completion of the twelve=month period during which the judge
2 26 attains ~~seventy=eight~~ eighty years of age. The clerk of the
2 27 supreme court shall make a notation of the retirement of a
2 28 senior judge in the roster of senior judges, at which time the
2 29 senior judge shall become a retired senior judge.
2 30 Sec. 4. Section 602.9208, subsection 1, Code 2007, is
2 31 amended to read as follows:
2 32 1. A senior judge, at any time prior to the end of the
2 33 twelve=month period during which the judge attains
2 34 ~~seventy=eight~~ eighty years of age, may submit to the clerk of
2 35 the supreme court a written request that the judge's name be

House File 371 - Introduced continued

3 1 stricken from the roster of senior judges. Upon the receipt
3 2 of the request the clerk shall strike the name of the person
3 3 from the roster of senior judges, at which time the person
3 4 shall cease to be a senior judge. A person who relinquishes a
3 5 senior judgeship as provided in this subsection may be
3 6 assigned to temporary judicial duties as provided in section
3 7 602.1612.
3 8 EXPLANATION
3 9 This bill increases the mandatory retirement age for senior
3 10 judges from 78 to 80 years of age. Current benefit provisions
3 11 made applicable to senior judges are made subject to the
3 12 increased retirement age.
3 13 LSB 2339HH 82
3 14 ec:nh/je/5

House File 372 - Introduced

HOUSE FILE
BY R. OLSON

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

A BILL FOR

An Act concerning approval of horse racing purse agreements.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2340HH 82
ec/es/88

House File 372 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.6, subsection 4, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. Before a license is granted, the division of criminal
1 4 investigation of the department of public safety shall conduct
1 5 a thorough background investigation of the applicant for a
1 6 license to operate a gambling game operation on an excursion
1 7 gambling boat. The applicant shall provide information on a
1 8 form as required by the division of criminal investigation. A
1 9 qualified sponsoring organization licensed to operate gambling
1 10 games under this chapter shall distribute the receipts of all
1 11 gambling games, less reasonable expenses, charges, taxes,
1 12 fees, and deductions allowed under this chapter, as winnings
1 13 to players or participants or shall distribute the receipts
1 14 for educational, civic, public, charitable, patriotic, or
1 15 religious uses as defined in section 99B.7, subsection 3,
1 16 paragraph "b". However, a licensee to conduct gambling games
1 17 under this chapter shall, unless an operating agreement for an
1 18 excursion gambling boat otherwise provides, distribute at
1 19 least three percent of the adjusted gross receipts for each
1 20 license year for educational, civic, public, charitable,
1 21 patriotic, or religious uses as defined in section 99B.7,
1 22 subsection 3, paragraph "b". However, if a licensee who is
1 23 also licensed to conduct pari=mutuel wagering at a horse
1 24 racetrack has unpaid debt from the pari=mutuel racetrack
1 25 operations, the first receipts of the gambling games operated
1 26 within the racetrack enclosure less reasonable operating
1 27 expenses, taxes, and fees allowed under this chapter shall be
1 28 first used to pay the annual indebtedness. The commission
1 29 shall authorize, subject to the debt payments for horse
1 30 racetracks and the provisions of paragraph "b" for dog
1 31 racetracks, a licensee who is also licensed to conduct
1 32 pari=mutuel dog or horse racing to use receipts from gambling
1 33 games within the racetrack enclosure to supplement purses for
1 34 races particularly for Iowa=bred horses pursuant to an
1 35 agreement which shall be negotiated between the licensee and

House File 372 - Introduced continued

2 1 representatives of the dog or horse owners. For agreements
2 2 subject to commission approval concerning purses for horse
2 3 racing beginning on or after January 1, 2006, and ending
2 4 before January 1, 2021, the agreements shall provide that
2 5 total annual purses for all horse racing shall be no less than
2 6 eleven percent of the first two hundred million dollars of net
2 7 receipts, and six percent of net receipts above two hundred
2 8 million dollars. ~~Agreements~~ Any agreement that ~~are~~ is subject
2 9 to commission approval concerning horse purses for a
2 10 particular period of time beginning on or after January 1,
2 11 2006, and ending before January 1, 2021, shall be ~~jointly~~
2 12 individually submitted to the commission for approval. A
2 13 qualified sponsoring organization shall not make a
2 14 contribution to a candidate, political committee, candidate's
2 15 committee, state statutory political committee, county
2 16 statutory political committee, national political party, or
2 17 fund=raising event as these terms are defined in section
2 18 68A.102. The membership of the board of directors of a
2 19 qualified sponsoring organization shall represent a broad
2 20 interest of the communities. For purposes of this paragraph,
2 21 "net receipts" means the annual adjusted gross receipts from
2 22 all gambling games less the annual amount of money pledged by
2 23 the owner of the facility to fund a project approved to
2 24 receive vision Iowa funds as of July 1, 2004.
2 25 EXPLANATION
2 26 This bill provides that any agreement concerning horse
2 27 purses shall be individually submitted to the racing and
2 28 gaming commission for approval. Current law provides that
2 29 agreements concerning horse purses shall be jointly submitted
2 30 to the commission for approval.
2 31 LSB 2340HH 82
2 32 ec:nh/es/88

House File 373 - Introduced

HOUSE FILE
BY R. OLSON

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

A BILL FOR

An Act relating to the definition of employee as it relates to accessing personnel files.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2360HH 82
ak/es/88

House File 373 - Introduced continued

PAG LIN

1 1 Section 1. Section 91B.2, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. For purposes of this section, "employer" and "employee"
1 4 are defined as provided in section 91A.2. Additionally, for
1 5 the purposes of this section, "employee" includes a former
1 6 employee or a current or former employee's legal
1 7 representative.
1 8 EXPLANATION
1 9 This bill adds two groups of individuals who are allowed
1 10 access to an employee's personnel file with an employer:
1 11 former employees and current and former employees' legal
1 12 representatives.
1 13 LSB 2360HH 82
1 14 ak:nh/es/88

House File 374 - Introduced

HOUSE FILE
BY ANDERSON and FORRISTALL

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

A BILL FOR

An Act relating to the limitation on the reduction in damages awarded to plaintiffs who fail to wear a motor vehicle safety belt or safety harness.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2342HH 82
rh/es/88

House File 374 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 4, paragraph b,
1 2 subparagraph (2), Code 2007, is amended to read as follows:
1 3 (2) If the evidence supports such a finding, the trier of
1 4 fact may find that the plaintiff's failure to wear a safety
1 5 belt or safety harness in violation of this section
1 6 contributed to the plaintiff's claimed injury or injuries, and
1 7 may reduce the amount of plaintiff's recovery by an amount ~~not~~
~~1 8 to exceed five percent of the damages awarded~~ proportionate to
1 9 the degree to which the failure to wear a safety belt or
1 10 safety harness contributed to the plaintiff's claimed injury
1 11 or injuries, after any reductions for comparative fault.
1 12 EXPLANATION
1 13 This bill eliminates the limitation on the reduction in
1 14 damages awarded to plaintiffs who fail to wear a motor vehicle
1 15 safety belt or safety harness. Currently, Code section
1 16 321.445 provides that the trier of fact may reduce the amount
1 17 of a plaintiff's recovery by an amount not to exceed 5 percent
1 18 of the damages awarded after any reductions for comparative
1 19 fault if the evidence supports a finding that the plaintiff's
1 20 failure to wear the belt or harness, in violation of that
1 21 section, contributed to the plaintiff's claimed injury or
1 22 injuries.
1 23 LSB 2342HH 82
1 24 rh:rj/es/88

House File 375 - Introduced

HOUSE FILE
BY BAILEY, WISE, SODERBERG,
and ANDERSON

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

A BILL FOR

An Act relating to distress criteria and the designation of enterprise zones under the enterprise zone program and including effective date and retroactive applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2280HH 82
tm/es/88

House File 375 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.194, subsection 1, paragraph c,
1 2 Code 2007, is amended to read as follows:
1 3 c. The county has experienced a percentage population loss
1 4 that ranks among the top twenty=five counties in the state
1 5 between 1995 and 2000. For purposes of this paragraph, prison
1 6 population shall not be included in the population
1 7 calculations.
1 8 Sec. 2. Section 15E.194, subsection 3, unnumbered
1 9 paragraph 1, Code 2007, is amended to read as follows:
1 10 A city may designate an area of up to four square miles to
1 11 be an enterprise zone if the area is designated a blighted
1 12 area ~~as defined in section 403.17~~ by any city or an economic
1 13 development area pursuant to section 403.4 by a city with a
1 14 population of more than seventy=five thousand located in a
1 15 county with a population of less than one hundred ten thousand
1 16 and the area includes or is located within four miles of at
1 17 least three of the following:
1 18 Sec. 3. Section 15E.194, subsection 5, paragraph a, Code
1 19 2007, is amended to read as follows:
1 20 a. A city of any size or any county may designate an
1 21 enterprise zone at any time prior to July 1, 2010, when a
1 22 business closure or permanent layoff occurs ~~involving~~. The
1 23 business closure or permanent layoff must involve the loss of
1 24 full=time employees, not including retail employees, at one
1 25 place of business totaling at least one thousand employees or
1 26 four percent or more of the county's resident labor force
1 27 based on the most recent annual resident labor force
1 28 statistics from the department of workforce development,
1 29 whichever is lower. A permanent layoff must occur on or after
1 30 July 1, 2005. The enterprise zone may be established on the
1 31 property of the place of business that has closed or imposed a
1 32 permanent layoff and the enterprise zone may include an area
1 33 up to an additional three miles adjacent to the property. The
1 34 area meeting the requirements for enterprise zone eligibility
1 35 under this subsection shall not be included for the purpose of

House File 375 - Introduced continued

2 1 determining the area limitation pursuant to section 15E.192,
2 2 subsection 4. An eligible housing business under section
2 3 15E.193B shall not receive incentives or assistance for a home
2 4 or multiple dwelling unit built or rehabilitated in an
2 5 enterprise zone designated pursuant to this subsection.
2 6 Sec. 4. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 7 The section of this Act amending section 15E.194, subsection
2 8 3, being deemed of immediate importance, takes effect upon
2 9 enactment and applies retroactively to March 1, 2006.
2 10 EXPLANATION
2 11 This bill relates to distress criteria and the designation
2 12 of enterprise zones under the enterprise zone program.
2 13 Currently, an enterprise zone may be designated by a county
2 14 that meets two of four possible distress criteria. One of the
2 15 criteria is that the county has experienced a percentage
2 16 population loss that ranks among the top 25 counties in the
2 17 state between 1995 and 2000. The bill qualifies the
2 18 population criterion by prohibiting the inclusion of prison
2 19 population in the population calculations.
2 20 In 2006, a new type of enterprise zone was enacted,
2 21 effective March 1, 2006, which allows a city to designate an
2 22 area of up to four square miles to be an enterprise zone if
2 23 the area is a blighted area and the area includes or is
2 24 located within four miles of at least three certain types of
2 25 modes of transportation. The bill provides that the new type
2 26 of enterprise zone must be designated a blighted area by any
2 27 city or an economic development area by a city meeting certain
2 28 population requirements pursuant to the "Urban Renewal Law",
2 29 specifically, Code section 403.4. This provision of the bill
2 30 takes effect upon enactment and applies retroactively to March
2 31 1, 2006.
2 32 Currently, a city or county may designate an enterprise
2 33 zone at any time prior to July 1, 2010, when a business
2 34 closure occurs involving the loss of full=time employees, not
2 35 including retail employees, at one place of business totaling

House File 375 - Introduced continued

3 1 at least 1,000 employees or 4 percent or more of the county's
3 2 resident labor force based on the most recent annual resident
3 3 labor force statistics from the department of workforce
3 4 development, whichever is lower. The bill changes the
3 5 requirement from a business closure to a business closure or a
3 6 permanent layoff. The permanent layoff must occur on or after
3 7 July 1, 2005.
3 8 LSB 2280HH 82
3 9 tm:nh/es/88

House File 376 - Introduced

HOUSE FILE
BY KELLEY, WENTHE, MERTZ,
and DRAKE

(COMPANION TO LSB 2296SS
BY HECKROTH)

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

A BILL FOR

An Act modifying and extending state tax benefits for use of soy=based transformer fluid by electric utilities and including effective and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2296HH 82
mg/je/5

House File 376 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.11R, Code 2007, is amended to read
1 2 as follows:
1 3 422.11R SOY=BASED TRANSFORMER FLUID TAX CREDIT.
1 4 The taxes imposed under this division, less the credits
1 5 allowed under sections 422.12 and 422.12B, shall be reduced by
1 6 a soy=based transformer fluid tax credit allowed under chapter
1 7 476D.
1 8 This section is repealed December 31, ~~2008~~ 2010.
1 9 Sec. 2. Section 422.33, subsection 23, Code 2007, is
1 10 amended to read as follows:
1 11 23. The taxes imposed under this division shall be reduced
1 12 by a soy=based transformer fluid tax credit allowed under
1 13 chapter 476D.
1 14 This subsection is repealed December 31, ~~2008~~ 2010.
1 15 Sec. 3. Section 423.4, subsection 7, paragraph c, Code
1 16 2007, is amended to read as follows:
1 17 c. This subsection is repealed December 31, ~~2008~~ 2010.
1 18 Sec. 4. Section 437A.17C, Code 2007, is amended to read as
1 19 follows:
1 20 437A.17C REIMBURSEMENT FOR SOY=BASED TRANSFORMER FLUID.
1 21 A person in possession of a soy=based transformer fluid tax
1 22 credit certificate issued pursuant to chapter 476D may apply
1 23 to the director for a reimbursement of the amount of taxes
1 24 imposed and paid by the person pursuant to this chapter in an
1 25 amount not more than the person received in soy=based
1 26 transformer fluid tax credit certificates pursuant to chapter
1 27 476D. To obtain the reimbursement, the person shall attach to
1 28 the return required under section 437A.8 the soy=based
1 29 transformer fluid tax credit certificates issued to the person
1 30 pursuant to chapter 476D and provide any other information the
1 31 director may require. The director shall direct a warrant to
1 32 be issued to the person for an amount equal to the tax imposed
1 33 and paid by the person pursuant to this chapter but for not
1 34 more than the amount of the soy=based transformer fluid tax
1 35 credit certificates attached to the return.

House File 376 - Introduced continued

This section is repealed December 31, ~~2008~~ 2010.
Sec. 5. Section 476D.2, subsection 1, paragraph a, Code 2007, is amended to read as follows:
a. The costs were incurred after June 30, 2006, and before January 1, ~~2008~~ 2010.
Sec. 6. Section 476D.2, subsection 1, paragraph c, Code 2007, is amended to read as follows:
c. The credit for the purchase and replacement of soy=based transformer fluid used in the transition is limited to ~~two~~ four dollars per gallon. The total number of gallons used in the transition shall not exceed ~~twenty~~ forty thousand gallons per electric utility.
Sec. 7. Section 476D.2, subsection 4, Code 2007, is amended to read as follows:
4. The total amount of soy=based transformer fluid eligible for a tax credit shall not exceed ~~sixty~~ one hundred twenty thousand gallons.
Sec. 8. Section 476D.5, Code 2007, is amended to read as follows:
476D.5 APPLICABILITY == REPEAL.
1. This chapter applies to tax years ending after June 30, 2006, and beginning before January 1, ~~2008~~ 2010.
2. This chapter is repealed December 31, ~~2008~~ 2010.
Sec. 9. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies to applications made on or after the effective date of this Act.

EXPLANATION

This bill extends the repeal of the state tax benefits for the use of soy=based transformer fluid by electric utilities from December 31, 2008, to December 31, 2010. The bill also increases the amount of credit from $2 to $4 per gallon and the amount of gallons that may be used by an electric utility from 20,000 to 40,000 gallons. The total amount of gallons available for the credit is increased from 60,000 to 120,000

House File 376 - Introduced continued

3 1 gallons. The state tax benefits that are affected by this
3 2 extension are the tax credit under the individual or corporate
3 3 income tax and the refund of sales and use taxes or utility
3 4 replacement taxes paid.
3 5 The bill takes effect upon enactment and applies to
3 6 applications for the tax credit made on or after the enactment
3 7 date.
3 8 LSB 2296HH 82
3 9 mg:sc/je/5.1

House File 377 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

An Act relating to the licensing and regulation of plumbers and mechanical professionals, providing an appropriation and penalties, and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1688HH 82
jr/je/5

House File 377 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 104C.1 TITLE.
1 2 This chapter may be known and cited as the "Iowa Plumber
1 3 and Mechanical Professional Licensing Act".
1 4 Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Apprentice" means any person, other than a helper,
1 8 journeyperson, or master, who, as a principal occupation, is
1 9 engaged in working as an employee of a plumbing, HVAC,
1 10 refrigeration, or hydronic systems contractor under the
1 11 supervision of either a master or a journeyperson and is
1 12 learning and assisting in the design, installation, and repair
1 13 of plumbing, HVAC, refrigeration, or hydronic systems, as
1 14 applicable.
1 15 2. "Board" means the plumbing and mechanical systems
1 16 examining board as established pursuant to section 104C.3.
1 17 3. "Contractor" means a person or entity that provides
1 18 plumbing, HVAC, refrigeration, or hydronic systems services on
1 19 a contractual basis and who is paid a predetermined amount
1 20 under that contract for rendering those services.
1 21 4. "Department" means the Iowa department of public
1 22 health.
1 23 5. "Governmental subdivision" means any city, county, or
1 24 combination thereof.
1 25 6. "Helper" means a person engaged in general manual labor
1 26 activities who provides assistance to an apprentice,
1 27 journeyperson, or master.
1 28 7. "HVAC" means heating, ventilation, and air conditioning
1 29 in ducted systems. "HVAC" includes all natural, propane,
1 30 liquid propane, or other gas lines associated with any
1 31 component of an HVAC system.
1 32 8. "Hydronic" means a heating or cooling system that
1 33 transfers heating or cooling by circulating fluid through a
1 34 closed system, including boilers, pressure vessels,
1 35 refrigerated equipment in connection with chilled water

House File 377 - Introduced continued

2 1 systems, all steam piping, hot or chilled water piping
2 2 together with all control devices and accessories, installed
2 3 as part of, or in connection with, any comfort heating or
2 4 comfort cooling system or appliance using a liquid water or
2 5 steam as the heating or cooling media. "Hydronic" includes
2 6 all low=pressure and high=pressure systems.
2 7 9. "Journeyperson" means any person, other than a master,
2 8 who, as a principal occupation, is engaged as an employee of,
2 9 or otherwise working under the direction of, a master in the
2 10 design, installation, and repair of plumbing, HVAC,
2 11 refrigeration, or hydronic systems, as applicable.
2 12 10. "Master" means any person who works in the planning or
2 13 superintending of the design, installation, or repair of
2 14 plumbing, HVAC, refrigeration, or hydronic systems and is
2 15 otherwise lawfully qualified to conduct the business of
2 16 plumbing, HVAC, refrigeration, or hydronic systems, and who is
2 17 familiar with the laws and rules governing the same.
2 18 11. "Mechanical professional" means a person engaged in
2 19 the HVAC, refrigeration, or hydronic industry.
2 20 12. "Mechanical systems" means HVAC, refrigeration, and
2 21 hydronic systems.
2 22 13. "Medical gas piping" means a permanent fixed piping
2 23 system in a health care facility which is used to convey
2 24 oxygen, nitrous oxide, nitrogen, carbon dioxide, helium,
2 25 medical air, and mixtures of these gases from its source to
2 26 the point of use and includes the fixed piping associated with
2 27 a medical, surgical, or gas scavenging vacuum system, as well
2 28 as a bedside suction system.
2 29 14. "Medical gas system installer" means any person who
2 30 installs or repairs medical gas piping, components, and vacuum
2 31 systems, including brazers, who has been issued a valid
2 32 certification from the national inspection testing
2 33 certification (NITC) corporation, or an equivalent authority
2 34 approved by the board.
2 35 15. "Plumbing" means all potable water building supply and

House File 377 - Introduced continued

3 1 distribution pipes, all plumbing fixtures and traps, all
3 2 drainage and vent pipes, and all building drains and building
3 3 sewers, storm sewers, and storm drains, including their
3 4 respective joints and connections, devices, receptors, and
3 5 appurtenances within the property lines of the premises, and
3 6 including the connection to sanitary sewer, storm sewer, and
3 7 domestic water mains. "Plumbing" includes potable water
3 8 piping, potable water treating or using equipment, medical gas
3 9 piping systems, fuel gas piping, water heaters and vents,
3 10 including all natural, propane, liquid propane, or other gas
3 11 lines associated with any component of a plumbing system.
3 12 16. "Refrigeration" means any system of refrigeration
3 13 regardless of the level of power, if such refrigeration is
3 14 intended to be used for the purpose of food and product
3 15 preservation and is not intended to be used for comfort
3 16 systems.
3 17 Sec. 3. NEW SECTION. 104C.3 PLUMBING AND MECHANICAL
3 18 SYSTEMS EXAMINING BOARD.
3 19 1. A plumbing and mechanical systems examining board is
3 20 created within the Iowa department of public health.
3 21 2. The examining board shall be comprised of eleven
3 22 members, appointed by the governor and subject to confirmation
3 23 by the senate, as follows:
3 24 a. The director of the Iowa department of public health or
3 25 the director's designee.
3 26 b. The director of the Iowa department of public safety or
3 27 the director's designee.
3 28 c. One plumbing inspector.
3 29 d. One mechanical inspector.
3 30 e. A contractor who primarily works in rural areas.
3 31 f. An individual licensed as a journeyperson plumber
3 32 pursuant to the provisions of this chapter or, for the initial
3 33 membership of the board, an individual eligible for such
3 34 licensure.
3 35 g. An individual working as a plumbing contractor and

House File 377 - Introduced continued

4 1 licensed as a master plumber pursuant to the provisions of
4 2 this chapter or, for the initial membership of the board, an
4 3 individual eligible for such licensure.
4 4 h. Two individuals licensed as journeyperson mechanical
4 5 professionals pursuant to the provisions of this chapter or,
4 6 for the initial membership of the board, two individuals
4 7 eligible for such licensure.
4 8 i. Two individuals licensed as master mechanical
4 9 professionals pursuant to the provisions of this chapter or,
4 10 for the initial membership of the board, two individuals
4 11 eligible for such licensure. One of these individuals shall
4 12 be a mechanical systems contractor.
4 13 The terms of the two plumber representatives on the board
4 14 shall not expire on the same date, and one of the two plumber
4 15 representatives on the board shall at all times while serving
4 16 on the board be affiliated with a labor union while the other
4 17 shall at all times while serving on the board not be
4 18 affiliated with a labor union.
4 19 The terms of the mechanical professional representatives on
4 20 the board shall not expire on the same date, and at least one
4 21 of the mechanical professional representatives on the board
4 22 shall at all times while serving on the board be affiliated
4 23 with a labor union while at least one of the other mechanical
4 24 professional representatives shall at all times while serving
4 25 on the board not be affiliated with a labor union.
4 26 3. Members shall serve three=year terms except for the
4 27 terms of the initial members, which shall be staggered so that
4 28 three members' terms expire each calendar year. A member of
4 29 the board shall serve no more than three full terms. A
4 30 vacancy in the membership of the board shall be filled by
4 31 appointment by the governor subject to senate confirmation.
4 32 4. If a person who has been appointed to serve on the
4 33 board has ever been disciplined by the board, all board
4 34 complaints and statements of charges, settlement agreements,
4 35 findings of fact, and orders pertaining to the disciplinary

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5 1 action shall be made available to the senate committee to
5 2 which the appointment is referred at the committee's request
5 3 before the full senate votes on the person's appointment.
5 4 5. The board shall organize annually and shall select a
5 5 chairperson and a secretary from its membership. A quorum
5 6 shall consist of a majority of the members of the board.
5 7 6. Members of the board shall receive actual expenses for
5 8 their duties as a member of the examining board. Each member
5 9 of the board may also be eligible to receive compensation as
5 10 provided in section 7E.6
5 11 7. The board may maintain a membership in any national
5 12 organization of state examining boards for the professions of
5 13 plumbing, HVAC, refrigeration, or hydronic professionals, with
5 14 all membership fees to be paid from funds appropriated to the
5 15 board.
5 16 Sec. 4. NEW SECTION. 104C.4 RULES.
5 17 The board shall adopt all rules necessary to carry out the
5 18 licensing and other provisions of this chapter.
5 19 Sec. 5. NEW SECTION. 104C.5 APPLICATIONS FOR
5 20 EXAMINATIONS.
5 21 Any person desiring to take an examination for a license
5 22 issued pursuant to this chapter shall make application to the
5 23 board at least fifteen days before the examination, on a form
5 24 provided by the board. The application shall be accompanied
5 25 by the examination fee and such documents and affidavits as
5 26 are necessary to show the eligibility of the candidate to take
5 27 the examination. All applications shall be in accordance with
5 28 the rules of the department and the board and shall be signed
5 29 by the applicant. The board may require that a recent
5 30 photograph of the applicant be attached to the application.
5 31 Sec. 6. NEW SECTION. 104C.6 EXAMINATIONS.
5 32 1. The board shall give public notice of the time and
5 33 place of all examinations to be held under this chapter. Such
5 34 notice shall be given in such manner as the board deems
5 35 necessary to provide adequate time to allow all candidates for

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6 1 licensure to comply with the provisions of this chapter.
6 2 2. Examinations for the licenses which may be issued
6 3 pursuant to this chapter shall be conducted at least two times
6 4 per year at such time and location as the department may fix
6 5 in cooperation with the board. Applicants who fail to pass an
6 6 examination shall be allowed to retake the examination at the
6 7 next scheduled time. Any subsequent opportunities to take the
6 8 examination are available only at the discretion of the board.
6 9 An applicant who has failed an examination may request in
6 10 writing information from the board concerning the examination
6 11 grade and subject areas or questions where the applicant
6 12 failed to answer correctly, except that if the board
6 13 administers a uniform, standardized examination, the board
6 14 shall only be required to provide the examination grade and
6 15 such other information concerning the applicant's examination
6 16 results which are available to the board.
6 17 3. Prior to each examination, the department shall
6 18 transmit to the board the list of candidates who are eligible
6 19 to take the examinations to be given by the board. In making
6 20 up such list, the department may call upon the board, or any
6 21 member thereof, for information relative to the eligibility of
6 22 any applicant.
6 23 4. An examination shall be evaluated in accordance with
6 24 the rules of the board. After each examination, the board
6 25 shall certify the names of the successful applicants to the
6 26 department in the manner prescribed by the department. The
6 27 department shall then issue the proper license and make the
6 28 required entry in the registry book.
6 29 5. All matters connected with an examination for a license
6 30 shall be filed with the department and preserved for such
6 31 period of time as specified by the state records commission as
6 32 a part of the records of the department. The records, except
6 33 for records which reveal the performance of identified
6 34 candidates, shall be open to public inspection.
6 35 Sec. 7. NEW SECTION. 104C.7 EXAMINATION RULES.

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7 1 The board shall adopt rules relating to all of the
7 2 following:
7 3 1. The qualifications required for applicants seeking to
7 4 take examinations, which qualifications shall include a
7 5 requirement that an applicant who is a contractor shall be
7 6 required to provide the contractor's state contractor
7 7 registration number.
7 8 2. The denial of applicants seeking to take examinations.
7 9 3. The conducting of examinations.
7 10 4. The grading of examinations and passing upon the
7 11 technical qualifications of applicants, as shown by such
7 12 examinations.
7 13 5. The minimum scores required for passing standardized
7 14 examinations.
7 15 6. The selection of nationally recognized vendors
7 16 providing examinations.
7 17 Sec. 8. NEW SECTION. 104C.8 EXAMINATION ASSISTANCE.
7 18 Upon the request of the board, the department shall assign
7 19 one or more employees of the department to assist with any
7 20 examination given by the board. A member of the board shall
7 21 be present and shall have charge of all candidates during the
7 22 examination. An employee assigned by the department shall
7 23 perform such duties to assist with the examination process as
7 24 the board may direct. If the duties of such employees are
7 25 performed away from the seat of government, the employees
7 26 shall receive necessary travel expenses, which shall be paid
7 27 from the appropriations to the board in the same manner in
7 28 which other similar expenses are paid. The department shall
7 29 be reimbursed by the board for costs incurred.
7 30 Sec. 9. NEW SECTION. 104C.9 FEES.
7 31 1. The board shall set the fees for the examination of all
7 32 applicants, by rule, which fees shall be based upon the cost
7 33 of administering the examinations.
7 34 2. The board shall set the license fees and renewal fees
7 35 for all licenses issued pursuant to this chapter, by rule,

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8 1 based upon the costs of sustaining the board and the actual
8 2 costs of licensing.
8 3 3. All fees shall be paid to the treasurer of state and
8 4 shall be deposited in a separate account within the
8 5 department. The moneys in the account and any accrued
8 6 interest, notwithstanding section 12C.7, subsection 2, are
8 7 appropriated to the department to fund the activities and
8 8 operations of the board.
8 9 4. Nothing in this chapter shall be interpreted to
8 10 prohibit the state or any of its governmental subdivisions
8 11 from charging construction permit fees or inspection fees
8 12 related to work performed by plumbers and mechanical
8 13 professionals.
8 14 Sec. 10. NEW SECTION. 104C.10 LICENSE OR CERTIFICATION
8 15 REQUIRED.
8 16 1. Except as provided in section 104C.11, a person shall
8 17 not install or repair plumbing, HVAC, refrigeration, or
8 18 hydronic systems without obtaining a license issued by the
8 19 board, or install or repair medical gas piping systems without
8 20 obtaining a valid certification approved by the board.
8 21 2. Except as provided in section 104C.11, a person shall
8 22 not engage in the business of designing, installing, or
8 23 repairing plumbing, HVAC, refrigeration, or hydronic systems
8 24 unless at all times a licensed master, who shall be
8 25 responsible for the proper designing, installing, and
8 26 repairing of the HVAC, refrigeration, or hydronic system, is
8 27 employed by the person and is actively in charge of the
8 28 plumbing, HVAC, refrigeration, or hydronic work of the person.
8 29 An individual who performs such work pursuant to a business
8 30 operated as a sole proprietorship shall be a licensed master
8 31 in the applicable discipline.
8 32 Sec. 11. NEW SECTION. 104C.11 EXEMPTION FROM LICENSING.
8 33 1. A person who performs plumbing, HVAC, refrigeration, or
8 34 hydronic work solely on the person's principal residence is
8 35 not required to obtain a plumbing, HVAC, refrigeration, or

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9 1 hydronic license if that work is inspected by a person
9 2 licensed under this chapter. All plumbing, HVAC,
9 3 refrigeration, or hydronic work is also subject to any
9 4 applicable local ordinances.
9 5 2. Except as provided in section 104C.17, an architect
9 6 registered pursuant to chapter 544A or an engineer licensed
9 7 pursuant to chapter 542B who performs plumbing, HVAC,
9 8 refrigeration, or hydronic work is not required to obtain a
9 9 plumbing, HVAC, refrigeration, or hydronic license pursuant to
9 10 this chapter.
9 11 Sec. 12. NEW SECTION. 104C.12 FORM OF LICENSE.
9 12 A plumbing, HVAC, refrigeration, or hydronic license shall
9 13 be in the form of a certificate under the seal of the
9 14 department, signed by the Iowa director of public health, and
9 15 shall be issued in the name of the board. The number of the
9 16 book and page of the registry containing the entry of the
9 17 license in the office of the department shall be noted on the
9 18 face of the license.
9 19 Sec. 13. NEW SECTION. 104C.13 LICENSE PRESUMPTIVE
9 20 EVIDENCE.
9 21 A license issued under this chapter shall be presumptive
9 22 evidence of the right of the holder to practice in this state
9 23 the profession specified.
9 24 Sec. 14. NEW SECTION. 104C.14 DISPLAY OF MASTER LICENSE.
9 25 A person holding a master license under this chapter shall
9 26 keep the license publicly displayed in the primary place in
9 27 which the person practices.
9 28 Sec. 15. NEW SECTION. 104C.15 REGISTRY OF LICENSES.
9 29 The name, location, and number of years of practice of the
9 30 person to whom the license has been issued, the number of the
9 31 certificate, and the date of registration thereof shall be
9 32 entered in a registry kept in the office of the department to
9 33 be known as the plumbing, HVAC, refrigeration, or hydronic
9 34 registry. The registry shall be open to public inspection;
9 35 however, the home address of the licensee shall be

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10 1 confidential.
10 2 Sec. 16. NEW SECTION. 104C.16 CHANGE OF RESIDENCE.
10 3 If a person licensed to practice as a plumbing, HVAC,
10 4 refrigeration, or hydronic professional under this chapter
10 5 changes their residence or place of practice, the person shall
10 6 so notify the department.
10 7 Sec. 17. NEW SECTION. 104C.17 PREEMPTION OF LOCAL
10 8 LICENSING REQUIREMENTS.
10 9 1. The provisions of this chapter regarding the licensing
10 10 of plumbing, HVAC, refrigeration, and hydronic professionals
10 11 shall supersede and preempt all plumbing, HVAC, refrigeration,
10 12 or hydronic licensing provisions of all governmental
10 13 subdivisions. On and after the effective date of this Act,
10 14 all plumbing and mechanical licensing provisions promulgated
10 15 by any governmental subdivision shall be null and void, except
10 16 reciprocal licenses as provided in section 104C.21, and of no
10 17 further force and effect, and a governmental subdivision may
10 18 not prohibit a plumbing, HVAC, refrigeration, or hydronic
10 19 professional licensed pursuant to this chapter from performing
10 20 services for which that person is licensed pursuant to this
10 21 chapter.
10 22 2. Nothing in this chapter shall prohibit a governmental
10 23 subdivision from assessing and collecting permit fees or
10 24 inspection fees related to work performed by plumbers and
10 25 mechanical professionals.
10 26 Sec. 18. NEW SECTION. 104C.18 QUALIFICATIONS AND TYPES
10 27 OF LICENSES ISSUED.
10 28 1. GENERAL QUALIFICATIONS. The board shall adopt, by
10 29 rule, general qualifications for licensure. The board may
10 30 consider the past felony record of an applicant only if the
10 31 felony conviction relates directly to the practice of the
10 32 profession for which the applicant requests to be licensed.
10 33 Character references may be required as part of the licensing
10 34 process, but shall not be obtained from licensed members of
10 35 the plumbing or mechanical profession.

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11 1 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES.
11 2 The board shall issue separate licenses for plumbing, HVAC,
11 3 refrigeration, and hydronic professionals as follows:
11 4 a. Apprentice license. In order to be licensed by the
11 5 department as an apprentice, a person shall do all of the
11 6 following:
11 7 (1) File an application, which application shall establish
11 8 that the person meets the minimum requirements adopted by the
11 9 board.
11 10 (2) Certify that the person will work under the
11 11 supervision of a licensed journeyperson or master in the
11 12 applicable discipline.
11 13 (3) Be enrolled in an applicable apprentice program which
11 14 is registered with the United States department of labor
11 15 office of apprenticeship or a successor agency.
11 16 b. Journeyperson license. In order to be licensed by the
11 17 department as a journeyperson in the applicable discipline, a
11 18 person shall do all of the following:
11 19 (1) File an application and pay application fees as
11 20 established by the board, which application shall establish
11 21 that the person meets the minimum educational and experience
11 22 requirements adopted by the board.
11 23 (2) Pass the state journeyperson licensing examination in
11 24 the applicable discipline.
11 25 (3) Provide the board with evidence of having completed at
11 26 least four years of practical experience.
11 27 c. Master license. In order to be licensed by the
11 28 department as a master, a person shall do all of the
11 29 following:
11 30 (1) File an application and pay application fees as
11 31 established by the board, which application shall establish
11 32 that the person meets the minimum educational and experience
11 33 requirements adopted by the board.
11 34 (2) Pass the state master licensing examination for the
11 35 applicable discipline.

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12 1 (3) Provide evidence to the examining board that the
12 2 person has previously been a licensed journeyperson or
12 3 contractor in the applicable discipline or satisfies all
12 4 requirements required to be licensed as a journeyperson in the
12 5 applicable discipline.
12 6 (4) Provide evidence of public liability insurance
12 7 pursuant to section 104C.19.
12 8 3. COMBINED LICENSES. The department may issue single or
12 9 combined licenses to persons who qualify as a master,
12 10 journeyperson, or apprentice under any of the disciplines.
12 11 4. WAIVER. Notwithstanding section 17A.9A, the board may
12 12 waive the written examination requirements set forth in this
12 13 section for journeyperson and master licenses on a case=by=
12 14 case basis if the applicant meets either of the following
12 15 requirements:
12 16 a. The applicant meets both of the following requirements:
12 17 (1) The applicant has previously passed a written
12 18 examination which the board deems to be substantially similar
12 19 to the licensing examination otherwise required by the board
12 20 to obtain the applicable license.
12 21 (2) The applicant has completed at least eight classroom
12 22 hours of continuing education in courses or seminars approved
12 23 by the board within the two=year period immediately preceding
12 24 the date of the applicant's license application.
12 25 b. The applicant can demonstrate to the satisfaction of
12 26 the board that the applicant has five or more years of
12 27 experience prior to the effective date of this Act in the
12 28 plumbing, HVAC, refrigeration, or hydronic business, as
12 29 applicable, which experience is of a nature that the board
12 30 deems to be sufficient to demonstrate continuous professional
12 31 competency consistent with that expected of an individual who
12 32 passes the applicable licensing examination which the
12 33 applicant would otherwise be required to pass.
12 34 Sec. 19. NEW SECTION. 104C.19 INSURANCE REQUIREMENTS.
12 35 1. An applicant for a master license or renewal of an

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13 1 active master license shall provide evidence of liability
13 2 insurance in an amount determined sufficient by the board by
13 3 rule.
13 4 2. If the applicant is engaged in plumbing, HVAC,
13 5 refrigeration, or hydronic work individually through a
13 6 business conducted as a sole proprietorship, the applicant
13 7 shall personally obtain the insurance required by this
13 8 section. If the applicant is engaged in the plumbing, HVAC,
13 9 refrigeration, or hydronic business as an employee or owner of
13 10 a legal entity, then the insurance required by this section
13 11 shall be obtained by the entity and shall cover all plumbing
13 12 or mechanical work performed by the entity.
13 13 3. The insurance shall be written by an insurer licensed
13 14 to do business in this state and each licensed master shall
13 15 maintain on file with the department a certificate evidencing
13 16 the insurance providing that the insurance shall not be
13 17 canceled without the insurer first giving fifteen days written
13 18 notice to the department.
13 19 Sec. 20. NEW SECTION. 104C.20 RENEWAL AND REINSTATEMENT
13 20 OF LICENSES == FEES AND PENALTIES == CONTINUING EDUCATION.
13 21 1. A license issued pursuant to this chapter shall be
13 22 issued for a term of two years.
13 23 2. A license issued under this chapter may be renewed as
13 24 provided by rule adopted by the board upon application by the
13 25 licensee, without examination. Applications for renewal shall
13 26 be made in writing to the department accompanied by the
13 27 required renewal licensing fee at least thirty days prior to
13 28 the expiration date of the license.
13 29 3. A renewal license shall be displayed in connection with
13 30 the original license.
13 31 4. The department shall notify each licensee by mail at
13 32 least sixty days prior to the expiration of a license.
13 33 5. Failure to renew a license within a reasonable time
13 34 after the expiration of the license shall not invalidate the
13 35 license, but a reasonable penalty may be assessed as adopted

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14 1 by rule, in addition to the license renewal fee, to allow
14 2 reinstatement of the license.
14 3 6. A licensee who allows a license to lapse for a period
14 4 of one month or less may reinstate and renew the license
14 5 without examination upon the recommendation of the board and
14 6 upon payment of the applicable renewal and reinstatement fees.
14 7 7. A licensee who allows a license to lapse for a period
14 8 of time greater than one month is required to retake and pass
14 9 the applicable licensing examination in order to obtain
14 10 reinstatement and renewal of that person's license.
14 11 8. The board shall establish continuing education
14 12 requirements pursuant to section 272C.2. The basic continuing
14 13 education requirement for renewal of a license shall be the
14 14 completion, during the immediately preceding license term, of
14 15 the number of classroom hours of instruction required by the
14 16 board in courses or seminars which have been approved by the
14 17 board. The board shall require at least eight classroom hours
14 18 of instruction during each two=year licensing term.
14 19 Sec. 21. NEW SECTION. 104C.21 RECIPROCAL LICENSES.
14 20 The board may license without examination a nonresident
14 21 applicant who is licensed under plumbing, HVAC, refrigeration,
14 22 or hydronic professional licensing statutes of another state
14 23 having similar licensing requirements as those set forth in
14 24 this chapter and the rules adopted under this chapter if the
14 25 other state grants the same reciprocal licensing privileges to
14 26 residents of Iowa who have obtained Iowa plumbing or
14 27 mechanical professional licenses under this chapter. The
14 28 department and the board shall adopt the necessary rules, not
14 29 inconsistent with the law, for carrying out the reciprocal
14 30 relations with other states which are authorized by this
14 31 chapter.
14 32 Sec. 22. NEW SECTION. 104C.22 GROUNDS FOR DENIAL,
14 33 REVOCATION, OR SUSPENSION OF LICENSE.
14 34 A license to practice as a plumbing, HVAC, refrigeration,
14 35 or hydronic professional may be revoked or suspended, or an

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15 1 application for licensure may be denied pursuant to procedures
15 2 established pursuant to chapter 272C by the board, or the
15 3 licensee may be otherwise disciplined in accordance with that
15 4 chapter, when the licensee commits any of the following acts
15 5 or offenses:
15 6 1. Fraud in procuring a license.
15 7 2. Professional incompetence.
15 8 3. Knowingly making misleading, deceptive, untrue, or
15 9 fraudulent misrepresentations in the practice of the
15 10 profession or engaging in unethical conduct or practice
15 11 harmful or detrimental to the public. Proof of actual injury
15 12 need not be established.
15 13 4. Conviction of a felony related to the profession or
15 14 occupation of the licensee or the conviction of any felony
15 15 that would affect the licensee's ability to practice within
15 16 the profession. A copy of the record or conviction or plea of
15 17 guilty shall be conclusive evidence of such conviction.
15 18 5. Fraud in representations as to skill or ability.
15 19 6. Use of untruthful or improbable statements in
15 20 advertisements.
15 21 7. Willful or repeated violations of this chapter.
15 22 8. Aiding and abetting a person who is not licensed
15 23 pursuant to this chapter in that person's pursuit of an
15 24 unauthorized and unlicensed plumbing, HVAC, refrigeration, or
15 25 hydronic professional practice.
15 26 9. Failure to meet the commonly accepted standards of
15 27 professional competence.
15 28 10. Any other such grounds as established by rule by the
15 29 board.
15 30 Sec. 23. NEW SECTION. 104C.23 JURISDICTION OF REVOCATION
15 31 AND SUSPENSION PROCEEDINGS.
15 32 The board shall have exclusive jurisdiction of all
15 33 proceedings to revoke or suspend a license issued pursuant to
15 34 this chapter. The board may initiate proceedings under this
15 35 chapter or chapter 272C, following procedures set out in

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16 1 section 272C.6, either on its own motion or on the complaint
16 2 of any person. Before scheduling a hearing, the board may
16 3 request the department to conduct an investigation into the
16 4 charges to be addressed at the board hearing. The department
16 5 shall report its findings to the board.
16 6 Sec. 24. NEW SECTION. 104C.24 NOTICE AND DEFAULT.
16 7 1. A written notice stating the nature of the charge or
16 8 charges against a licensee and the time and place of the
16 9 hearing before the board on the charges shall be served on the
16 10 licensee not less than thirty days prior to the date of
16 11 hearing either personally or by mailing a copy by certified
16 12 mail to the last known address of the licensee.
16 13 2. If, after having been served with the notice of
16 14 hearing, the licensee fails to appear at the hearing, the
16 15 board may proceed to hear evidence against the licensee and
16 16 may enter such order as is justified by the evidence.
16 17 Sec. 25. NEW SECTION. 104C.25 ADVERTISING == VIOLATIONS
16 18 == PENALTIES.
16 19 1. Only a person who is duly licensed pursuant to this
16 20 chapter may advertise the fact that the person is licensed as
16 21 a plumbing, HVAC, refrigeration, or hydronic professional by
16 22 the state of Iowa.
16 23 2. All written advertisements distributed in this state by
16 24 a person who is engaged in the business of designing,
16 25 installing, or repairing plumbing, HVAC, refrigeration, or
16 26 hydronic systems shall include the listing of at least one
16 27 master license number, as applicable. A master plumbing,
16 28 HVAC, refrigeration, or hydronic professional shall not allow
16 29 the master's license number to be used in connection with the
16 30 advertising for more than one person engaged in the business
16 31 of designing, installing, or repairing plumbing, HVAC,
16 32 refrigeration, or hydronic systems.
16 33 3. A person who engages in the business of designing,
16 34 installing, or repairing plumbing, HVAC, refrigeration, or
16 35 hydronic systems shall display at least one master license

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17 1 number, as applicable, on all of the person's company motor
17 2 vehicles used in the performance of such work.
17 3 4. A person who fraudulently claims to be a licensed
17 4 plumbing, HVAC, refrigeration, or hydronic professional
17 5 pursuant to this chapter, either in writing, cards, signs,
17 6 circulars, advertisements, or other communications, is guilty
17 7 of a simple misdemeanor.
17 8 5. A person who fraudulently lists a master plumbing,
17 9 HVAC, refrigeration, or hydronic license number in connection
17 10 with that person's advertising or falsely displays a master
17 11 plumbing, HVAC, refrigeration, or hydronic professional
17 12 license number is guilty of a simple misdemeanor. In order to
17 13 be entitled to use a license number of a master plumbing,
17 14 HVAC, refrigeration, or hydronic professional, the master
17 15 plumbing, HVAC, refrigeration, or hydronic professional must
17 16 be employed by the person in whose name the business of
17 17 designing, installing, or repairing plumbing or mechanical
17 18 systems is being conducted.
17 19 Sec. 26. NEW SECTION. 104C.26 INJUNCTION.
17 20 A person engaging in any business or in the practice of any
17 21 profession for which a license is required by this chapter
17 22 without such license may be restrained by permanent
17 23 injunction.
17 24 Sec. 27. NEW SECTION. 104C.27 FORGERIES == PENALTY.
17 25 A person who files or attempts to file with the department
17 26 or board any false or forged diploma or certificate, or
17 27 affidavit of identification or qualification, is guilty of a
17 28 serious misdemeanor.
17 29 Sec. 28. NEW SECTION. 104C.28 FRAUD == PENALTY.
17 30 A person who presents to the department or board a diploma
17 31 or certificate of which the person is not the rightful owner,
17 32 for the purpose of procuring a license pursuant to this
17 33 chapter, or who falsely impersonates anyone to whom a license
17 34 has been issued by the board is guilty of a serious
17 35 misdemeanor.

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18 1 Sec. 29. NEW SECTION. 104C.29 PENALTY.
18 2 A person violating any provision of this chapter, if a
18 3 specific penalty is not otherwise provided, is guilty of a
18 4 simple misdemeanor for the first offense. Each subsequent
18 5 offense is a serious misdemeanor.
18 6 Sec. 30. NEW SECTION. 104C.30 ENFORCEMENT.
18 7 The department shall enforce the provisions of this chapter
18 8 and for that purpose may request the department of inspections
18 9 and appeals to make necessary investigations. Every licensee
18 10 and member of the board shall furnish the department or the
18 11 department of inspections and appeals such evidence as the
18 12 licensee or member may have relative to any alleged violation
18 13 which is being investigated.
18 14 Sec. 31. NEW SECTION. 104C.31 REPORT OF VIOLATORS.
18 15 Every licensee and every member of the board shall report
18 16 to the department the name of every person who is practicing
18 17 as a plumber or mechanical professional without a license
18 18 issued pursuant to this chapter pursuant to the knowledge or
18 19 reasonable belief of the person making the report.
18 20 Sec. 32. NEW SECTION. 104C.32 ATTORNEY GENERAL AND
18 21 COUNTY ATTORNEY.
18 22 Upon request of the department, the attorney general shall
18 23 institute in the name of the state the proper proceedings
18 24 against any person charged by the department with violating
18 25 any provision of this chapter and the county attorney, at the
18 26 request of the attorney general, shall appear and prosecute
18 27 such action when brought in the county attorney's county.
18 28 Sec. 33. Section 272C.1, subsection 6, Code 2007, is
18 29 amended by adding the following new paragraph:
18 30 NEW PARAGRAPH. ae. The plumbing and mechanical systems
18 31 examining board, created pursuant to chapter 104C.
18 32 Sec. 34. Section 272C.3, subsection 2, paragraph a, Code
18 33 2007, is amended to read as follows:
18 34 a. Revoke a license, or suspend a license either until
18 35 further order of the board or for a specified period, upon any

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19 1 of the grounds specified in section 104C.22, 147.55, 148.6,
19 2 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,
19 3 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151
19 4 or 155, as applicable, or upon any other grounds specifically
19 5 provided for in this chapter for revocation of the license of
19 6 a licensee subject to the jurisdiction of that board, or upon
19 7 failure of the licensee to comply with a decision of the board
19 8 imposing licensee discipline;
19 9 Sec. 35. Section 272C.4, subsection 6, Code 2007, is
19 10 amended to read as follows:
19 11 6. Define by rule acts or omissions that are grounds for
19 12 revocation or suspension of a license under section 104C.22,
19 13 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
19 14 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
19 15 602.3203 or chapter 151 or 155, as applicable, and to define
19 16 by rule acts or omissions that constitute negligence, careless
19 17 acts, or omissions within the meaning of section 272C.3,
19 18 subsection 2, paragraph "b", which licensees are required to
19 19 report to the board pursuant to section 272C.9, subsection 2;
19 20 Sec. 36. Section 272C.5, subsection 2, paragraph c, Code
19 21 2007, is amended to read as follows:
19 22 c. Shall state whether the procedures are an alternative
19 23 to or an addition to the procedures stated in sections 104C.23
19 24 and 104C.24, 147.58 through 147.71, 148.6 through 148.9,
19 25 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35,
19 26 543B.36, and 544B.16.
19 27 Sec. 37. EFFECTIVE DATE. This Act takes effect January 1,
19 28 2008.
19 29 EXPLANATION
19 30 This bill establishes a license for persons who provide
19 31 plumbing, heating, ventilation, and air conditioning (HVAC)
19 32 services performed in ducted systems, all gas lines associated
19 33 with any component of a plumbing or mechanical system, or
19 34 services performed on refrigeration or hydronic systems.
19 35 The bill supersedes and preempts all licensing requirements

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of government subdivisions that relate to plumbing, HVAC, refrigeration, or hydronic services.

The bill establishes a licensing board to test, license, and discipline persons licensed under the bill. The board is created as part of the Iowa department of public health, which is required to provide staff support for board operations. Licenses come in three categories and vary according to experience: apprentice, journeyperson, and master. Master licensees must present proof of liability insurance as a condition of licensure.

The bill limits advertising for plumbing, HVAC, refrigeration, or hydronic services to persons licensed.

The bill provides that it is a serious misdemeanor to either forge a diploma or certificate or to commit fraud in order to obtain a license. Any other violation of the Code chapter is a simple misdemeanor.

The bill takes effect January 1, 2008.

LSB 1688HH 82
jr:nh/je/5

House File 378 - Introduced

HOUSE FILE
BY ANDERSON and FORRISTALL

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

A BILL FOR

An Act relating to recovery of prejudgment interest in relation to an offer to confess judgment.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2343HH 82
rh/cf/24

House File 378 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 677.10A PREJUDGMENT INTEREST.
1 2 If any offer to confess judgment is made under this chapter
1 3 and is not accepted, and a subsequent trial results in a
1 4 judgment which is less than the offer to confess judgment,
1 5 prejudgment interest shall not be calculated or be subject to
1 6 recovery after the date of the offer to confess judgment.
1 7 EXPLANATION
1 8 This bill limits recovery of prejudgment interest in any
1 9 pending or proposed action where an offer to confess judgment
1 10 is made, but is not accepted, and a subsequent trial results
1 11 in a judgment that is less than the amount in the offer to
1 12 confess judgment. In such a case, no prejudgment interest is
1 13 to be calculated or is recoverable after the date of the offer
1 14 to confess judgment.
1 15 LSB 2343HH 82
1 16 rh:rj/cf/24

House File 379 - Introduced

HOUSE FILE
BY ANDERSON and FORRISTALL

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

A BILL FOR

An Act relating to the cost of procuring a supersedeas bond.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2347HH 82
rh/gg/14

House File 379 - Introduced continued

PAG LIN

1 1 Section 1. Section 625A.9, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. The amount paid by the judgment debtor
1 4 to procure a supersedeas bond required by the judgment
1 5 creditor to stay execution of the judgment shall be taxed as
1 6 costs to the unsuccessful party unless otherwise ordered by
1 7 the court.
1 8 EXPLANATION
1 9 This bill provides that the amount paid by a judgment
1 10 debtor to procure an appeal bond to prevent the judgment
1 11 creditor from taking action to collect a money judgment
1 12 entered against the judgment debtor while the appeal is
1 13 pending shall be taxed as costs to the losing party unless
1 14 otherwise ordered by the court.
1 15 LSB 2347HH 82
1 16 rh:rj/gg/14

House File 380 - Introduced

HOUSE FILE
BY BUKTA and HUSER

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

A BILL FOR

An Act relating to the application and enforcement of the state building code and providing an applicability date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2120HH 82
eg/je/5

House File 380 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.10, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. In each city with a population of more
1 4 than fifteen thousand that has not adopted a local building
1 5 code that is substantially in accord with standards developed
1 6 by a nationally recognized building code organization. The
1 7 city shall enforce the state building code, including the
1 8 provisions in section 103A.19, subsections 1 through 6.
1 9 Sec. 2. Section 103A.19, unnumbered paragraph 2, Code
1 10 2007, is amended to read as follows:
1 11 In aid of administration and enforcement of the state
1 12 building code, and in addition to and not in limitation of
1 13 powers vested in them by law, each governmental subdivision of
1 14 the state may, and each city designated in section 103A.10,
1 15 subsection 2, paragraph "d", shall:
1 16 Sec. 3. APPLICABILITY DATE. This Act applies to building
1 17 permits issued on or after July 1, 2008.
1 18 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 19 3, shall not apply to this Act.
1 20 EXPLANATION
1 21 Under this bill, a city with a population over 15,000 that
1 22 has not adopted a local building code in accord with standards
1 23 developed by a nationally recognized building code
1 24 organization is required to apply and enforce the state
1 25 building code within its limits.
1 26 The bill provides that the Act applies to building permits
1 27 issued on or after July 1, 2008.
1 28 The bill may include a state mandate as defined in Code
1 29 section 25B.3. The bill makes inapplicable Code section
1 30 25B.2, subsection 3, which would relieve a political
1 31 subdivision from complying with a state mandate if funding for
1 32 the cost of the state mandate is not provided or specified.
1 33 Therefore, political subdivisions are required to comply with
1 34 any state mandate included in the bill.
1 35 LSB 2120HH 82

House File 380 - Introduced continued

2 1 eg:rj/je/5

House File 381 - Introduced

HOUSE FILE
BY CHAMBERS

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

A BILL FOR

1 An Act relating to certain overpayments of moneys to a county.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1652YH 82
4 eg/gg/14

House File 381 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.401, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. qq. Retain overpayments of moneys paid to
1 4 the county in an amount of five dollars or less, unless the
1 5 payor has requested a refund of the overpayment.
1 6 Sec. 2. Section 331.902, Code 2007, is amended by adding
1 7 the following new subsection:
1 8 NEW SUBSECTION. 5. Each elective officer specified in
1 9 subsection 1 shall retain overpayments of fees and other
1 10 charges paid to the county in an amount of five dollars or
1 11 less, unless the payor has requested a refund of the
1 12 overpayment.
1 13 EXPLANATION
1 14 This bill requires that a county keep overpayments of
1 15 moneys paid to the county amounting to $5 or less, unless the
1 16 person who made the overpayment requests a refund of the
1 17 overpayment.
1 18 LSB 1652YH 82
1 19 eg:sc/gg/14.1

House File 382 - Introduced

HOUSE FILE
BY RASMUSSEN

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

A BILL FOR

An Act concerning eligibility requirements for an organization to conduct games of skill, games of chance, and raffles.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1432YH 82
ec/je/5

House File 382 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.7, subsection 1, paragraph m,
1 2 subparagraph (1), Code 2007, is amended to read as follows:
1 3 (1) The organization is exempt from federal income taxes
1 4 under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),
1 5 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the
1 6 Internal Revenue Code as defined in section 422.3~~,~~ or has
1 7 applied for exempt status to the federal internal revenue
1 8 service within the previous twelve months and has not been
1 9 rejected for exempt status as a result of that application;
1 10 the organization is an agency or instrumentality of the United
1 11 States government, this state, or a political subdivision of
1 12 this state~~,~~; or, in lieu of an exemption from federal income
1 13 taxes, the organization is a parent=teacher organization or
1 14 booster club that is recognized as a fund=raiser and supporter
1 15 for a school district organized pursuant to chapter 274 or for
1 16 a school within the school district, in a notarized letter
1 17 signed by the president of the board of directors, the
1 18 superintendent of the school district, or a principal of a
1 19 school within that school district.
1 20 EXPLANATION
1 21 This bill concerns the requirements for an organization to
1 22 be a qualified organization authorized to conduct games of
1 23 skill, games of chance, and raffles under Code chapter 99B.
1 24 The bill provides that an organization is a qualified
1 25 organization if the organization can show it has applied to
1 26 the internal revenue service for tax=exempt status and has not
1 27 been rejected for that status. Current law requires that the
1 28 organization show that it is exempt from federal taxes.
1 29 LSB 1432YH 82
1 30 ec:rj/je/5.1

House File 383 - Introduced

HOUSE FILE
BY ANDERSON and FORRISTALL

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

A BILL FOR

An Act relating to the payment of interest on certain workers' compensation benefit payments and providing an applicability date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2348HH 82
av/gg/14

House File 383 - Introduced continued

PAG LIN

1 1 Section 1. Section 535.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Interest shall be allowed on all money due on judgments
1 4 and decrees of courts at a rate calculated according to
1 5 section 668.13~~, except for~~. However, interest due pursuant to
1 6 section 85.30 ~~for which the rate shall be ten percent per year~~
1 7 shall accrue from the date each compensation payment is due at
1 8 a yearly rate equal to the one=year treasury constant maturity
1 9 published by the federal reserve in the H15 report settled
1 10 immediately prior to or on July 1 plus two percent. This rate
1 11 is applicable to all such compensation payments due during
1 12 each fiscal year beginning on July 1 and ending the following
1 13 June 30.
1 14 Sec. 2. APPLICABILITY DATE. This Act is applicable to
1 15 compensation payments due for personal injuries arising out of
1 16 and in the course of employment under chapters 85, 85A, and
1 17 85B that occur on or after July 1, 2007.
1 18 EXPLANATION
1 19 This bill amends Code section 535.3 to provide that the
1 20 interest rate on overdue payments of weekly workers'
1 21 compensation benefits pursuant to Code section 85.30 shall
1 22 accrue from the date each such payment is due at a yearly rate
1 23 equal to the one=year treasury constant maturity published by
1 24 the federal reserve in the H15 report settled immediately
1 25 prior to or on July 1 plus 2 percent. This is the same rate
1 26 of interest that is allowed on judgments and decrees of
1 27 courts. Currently, the interest rate for such overdue
1 28 payments is 10 percent per year.
1 29 The bill also provides that the interest rate is applicable
1 30 to all such compensation payments due during each fiscal year
1 31 beginning on July 1 and ending the following June 30 for
1 32 personal injuries arising out of and in the course of
1 33 employment that occur on or after July 1, 2007.
1 34 LSB 2348HH 82
1 35 av:nh/gg/14

House File 384 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 80)

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

A BILL FOR

An Act relating to county recorder fees for certified copies of certain vital statistics records, and providing an effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1651HV 82
eg/cf/24

House File 384 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.605, subsections 6 and 7, Code
1 2 2007, are amended to read as follows:
1 3 6. A county fee ~~of four dollars~~ in an amount equal to
1 4 forty percent of the fee collected by the county registrar
1 5 pursuant to section 144.46 for a certified copy of a birth
1 6 record, death record, or marriage certificate.
1 7 7. For filing an application for the license to marry,
1 8 thirty=five dollars~~, which includes payment for one certified~~
1 9 ~~copy of the original certificate of marriage,~~. Out of this
1 10 amount, the county shall retain its fee, pursuant to
1 11 subsection 6, for a certified copy of a marriage certificate
1 12 to be issued following filing of the original certificate of
1 13 marriage~~, four dollars of which shall be retained by the~~
1 14 ~~county pursuant to subsection 6~~. For issuing an application
1 15 for an order of the district court authorizing the validation
1 16 of a license to marry before the expiration of three days from
1 17 the date of issuance of the license, five dollars. The
1 18 district court shall authorize the early validation of a
1 19 marriage license without the payment of any fees imposed in
1 20 this subsection upon showing that the applicant is unable to
1 21 pay the fees.
1 22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 23 immediate importance, takes effect upon enactment.
1 24 EXPLANATION
1 25 The county recorder currently collects a county fee for
1 26 certified copies of a birth record, death record, or marriage
1 27 certificate which are deposited in the county general fund.
1 28 This bill increases the amount of the fee that the county
1 29 recorder can retain from $4 for each record or certificate to
1 30 40 percent of the fee collected by the county recorder
1 31 pursuant to the rules adopted by the department of public
1 32 health for certified copies.
1 33 The bill takes effect upon enactment.
1 34 LSB 1651HV 82
1 35 eg:rj/cf/24

House File 385 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 85)

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

A BILL FOR

An Act relating to the filing of nomination petitions to fill a vacancy on a city council.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1850HV 82
eg/gg/14

House File 385 - Introduced continued

PAG LIN

1 1 Section 1. Section 372.13, subsection 2, paragraph b,
1 2 unnumbered paragraph 1, Code 2007, is amended to read as
1 3 follows:
1 4 By a special election held to fill the office for the
1 5 remaining balance of the unexpired term. If the council opts
1 6 for a special election or a valid petition is filed under
1 7 paragraph "a", the special election may be held concurrently
1 8 with any pending election as provided by section 69.12 if by
1 9 so doing the vacancy will be filled not more than ninety days
1 10 after it occurs. Otherwise, a special election to fill the
1 11 office shall be called by the council at the earliest
1 12 practicable date. The council shall give the county
1 13 commissioner at least thirty=two days' written notice of the
1 14 date chosen for the special election. The council of a city
1 15 where a primary election may be required shall give the county
1 16 commissioner at least sixty days' written notice of the date
1 17 chosen for the special election. A special election held
1 18 under this subsection is subject to sections 376.4 through
1 19 376.11, but the dates for actions in relation to the special
1 20 election~~, including dates for filing of nomination petitions,~~
1 21 shall be calculated with regard to the date for which the
1 22 special election is called. <u>However, a nomination petition</u>
<u>1 23 must be filed not less than twenty=five days before the date</u>
<u>1 24 of the special election and, where a primary election may be</u>
<u>1 25 required, a nomination petition must be filed not less than</u>
<u>1 26 fifty=two days before the date of the special election.</u>
1 27 EXPLANATION
1 28 This bill provides that a nomination petition for a special
1 29 election called to fill a vacancy on a city council must be
1 30 filed not less than 25 days before the date of the special
1 31 election. For those cities where a primary election may be
1 32 required, the nomination petition must be filed not less than
1 33 52 days before the date of the special election.
1 34 LSB 1850HV 82
1 35 eg:sc/gg/14

House File 386

HOUSE FILE
BY UPMEYER

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

A BILL FOR

An Act relating to the legislative review of administrative rules, and rescinding all rules every five years.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2457HH 82
jr/es/88

House File 386 continued

PAG LIN

1 1 Section 1. Section 17A.4, subsection 1, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. Give notice of its intended action by submitting the
1 4 notice to the administrative rules coordinator and the
1 5 administrative code editor. The administrative rules
1 6 coordinator shall assign an ARC number to each rulemaking
1 7 document. The administrative code editor shall publish each
1 8 notice meeting the requirements of this chapter in the Iowa
1 9 administrative bulletin created pursuant to section 17A.6.
1 10 The agency shall also submit a copy of the notice to the
1 11 speaker of the house of representatives and the president of
1 12 the senate who shall refer the rules to the appropriate
1 13 standing committees of the general assembly for additional
1 14 study. Any notice of intended action shall be published at
1 15 least thirty=five days in advance of the action. The notice
1 16 shall include a statement of either the terms or substance of
1 17 the intended action or a description of the subjects and
1 18 issues involved, and the time when, the place where, and the
1 19 manner in which interested persons may present their views.
1 20 Sec. 2. Section 17A.5, subsection 1, Code 2007, is amended
1 21 to read as follows:
1 22 1. Each agency shall file each rule adopted by the agency
1 23 with the office of the administrative rules coordinator and
1 24 provide an exact copy to the administrative code editor. The
1 25 administrative rules coordinator shall assign an ARC number to
1 26 each rulemaking document. The administrative rules
1 27 coordinator shall keep a permanent register of the rules open
1 28 to public inspection. The administrative code editor shall
1 29 publish each rule adopted in accordance with this chapter in
1 30 the Iowa administrative code. The agency shall also submit a
1 31 copy of the adopted rule to the speaker of the house of
1 32 representatives and the president of the senate who shall
1 33 refer the rule to the appropriate standing committees of the
1 34 general assembly for additional study.
1 35 Sec. 3. Section 17A.5, Code 2007, is amended by adding the

House File 386 continued

following new subsection:
NEW SUBSECTION. 3. An administrative rule is rescinded five years after the initial effective date of the rule, excluding the effective dates of later amendments. For rules that are in effect on July 1, 2007, the recision date is July 1, 2012.
Sec. 4. Section 17A.6, subsection 3, unnumbered paragraph 2, Code 2007, is amended to read as follows:
The administrative code editor shall omit or cause to be omitted from the Iowa administrative code any rule or portion of a rule nullified by the general assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa, and shall publish notice of such nullification in the bulletin.
Sec. 5. NEW SECTION. 17A.8A LEGISLATIVE REVIEW OF RULES.
The standing committees of the house of representatives and senate may review any administrative rule. If reviewed, the standing committee reviewing the rule shall report to the house of representatives or senate its findings and recommendations concerning its review. If ordered by the speaker of the house of representatives or the president of the senate, the report of the committee shall be printed in the journal.

EXPLANATION

This bill requires administrative agencies to submit copies of all proposed and adopted administrative rules to the general assembly and would allow standing committees of the house of representatives and senate to review any administrative rule. As part of the rulemaking process, no rule could remain in effect for more than five years.
LSB 2457HH 82
jr:rj/es/88

House File 387 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

An Act relating to the scope of rulemaking authority delegated to an administrative agency.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2456HH 82
jr/es/88

House File 387 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.23, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 An agency shall have only that authority or discretion
1 4 delegated to or conferred upon the agency by law and shall not
1 5 expand or enlarge its authority or discretion beyond the
1 6 powers delegated to or conferred upon the agency. Unless
1 7 otherwise specifically provided by statute, a delegation of
1 8 rulemaking authority to a state agency shall be construed
1 9 narrowly.
1 10 EXPLANATION
1 11 This bill provides that grants of rulemaking authority to a
1 12 state agency are to be construed narrowly, unless the statute
1 13 itself provides otherwise. A narrow construction would
1 14 normally limit the discretion that an agency may exercise in
1 15 interpreting a statutory provision through rulemaking.
1 16 LSB 2456HH 82
1 17 jr:rj/es/88

House File 388 - Introduced

HOUSE FILE
BY GAYMAN, BAILEY, WENTHE, T. OLSON, STAED, JOCHUM, SMITH, KUHN, BELL, WHITEAD, LYKAM, HUNTER, WINCKLER, FORD, REASONER, MURPHY, McCARTHY, MERTZ, WESSEL=KROESCHELL, HEATON, ABDUL=SAMAD, GASKILL, SWAIM, and REICHERT

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

A BILL FOR

An Act creating a generation Iowa commission.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1781YH 82
tm/gg/14

House File 388 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 15.411 GENERATION IOWA
1 2 COMMISSION.
1 3 1. The generation Iowa commission is established within
1 4 the department for purposes of advising and assisting in the
1 5 retention and attraction of the young adult population in the
1 6 state in both urban and rural areas.
1 7 2. a. The commission shall consist of fifteen voting
1 8 members appointed by the governor, subject to confirmation by
1 9 the senate. At the time of appointment or reappointment, a
1 10 member shall be at least eighteen years of age, but less than
1 11 thirty=five years of age. The voting membership shall reflect
1 12 diversity within all of the following areas:
1 13 (1) Geographic location within the state.
1 14 (2) Public, private, and nonprofit sector employment.
1 15 (3) Location of secondary and higher education within and
1 16 outside Iowa.
1 17 (4) Urban and rural residents.
1 18 b. Four members of the general assembly shall serve as
1 19 nonvoting, ex officio members of the commission with two from
1 20 the senate and two from the house of representatives and not
1 21 more than one member from each chamber being from the same
1 22 political party. The two senators shall be designated by the
1 23 president of the senate after consultation with the majority
1 24 and minority leaders of the senate. The two representatives
1 25 shall be designated by the speaker of the house of
1 26 representatives after consultation with the majority and
1 27 minority leaders of the house of representatives.
1 28 3. The voting members shall be appointed in compliance
1 29 with the requirements of sections 69.16, 69.16A, and 69.19,
1 30 and shall serve staggered, three=year terms as designated by
1 31 the governor. Members may be reappointed by the governor
1 32 provided the requirements of subsection 2 are met.
1 33 4. The commission shall annually elect a chairperson and a
1 34 vice chairperson from the voting members of the commission.
1 35 5. The commission shall do all of the following:

House File 388 - Introduced continued

2 1 a. (1) By January 15, 2008, the commission shall submit a
2 2 written report to the governor and the general assembly. The
2 3 report shall include findings and recommendations of the
2 4 commission regarding the status of efforts to attract and
2 5 retain the young adult population in the state, career
2 6 opportunities and educational needs of young adults, and the
2 7 movement of the young adult population between rural areas and
2 8 urban areas and between Iowa and other states. The commission
2 9 shall submit an updated report to the governor and the general
2 10 assembly by January 15, 2009, and by January 15 in every
2 11 odd=numbered year thereafter.
2 12 (2) By January 15 in years when the report required in
2 13 subparagraph (1) is not updated, the commission shall submit
2 14 to the governor and the general assembly a written status
2 15 report which shall include an analysis of progress made during
2 16 the previous calendar year on any recommendations in the
2 17 report and any available updates on data included in the
2 18 report.
2 19 b. Advise and assist the department in activities designed
2 20 to retain and attract the young adult population.
2 21 c. Develop and make available best practices guidelines
2 22 for employers to attract and retain young adult employees.
2 23 EXPLANATION
2 24 This bill creates a generation Iowa commission.
2 25 The bill establishes a generation Iowa commission within
2 26 the department of economic development for purposes of
2 27 advising and assisting in the retention and attraction of the
2 28 young adult population in the state in both urban and rural
2 29 areas. The bill provides that the commission shall consist of
2 30 15 voting members appointed by the governor, subject to
2 31 confirmation by the senate, and four members of the general
2 32 assembly serving as nonvoting, ex officio members.
2 33 The bill requires the commission to annually file certain
2 34 reports with the governor and the general assembly regarding
2 35 the status of efforts to attract and retain the young adult

House File 388 - Introduced continued

3 1 population in the state, career opportunities and educational
3 2 needs of young adults, and the movement of the young adult
3 3 population between rural areas and urban areas and between
3 4 Iowa and other states. The bill requires the commission to
3 5 advise and assist the department in activities designed to
3 6 retain and attract the young adult population and to develop
3 7 and make available best practices guidelines for employers to
3 8 attract and retain young adult employees.
3 9 LSB 1781YH 82
3 10 tm:nh/gg/14.1

House File 389 - Introduced

HOUSE FILE
BY DOLECHECK

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

A BILL FOR

An Act making an appropriation to the department of agriculture and land stewardship for purposes of providing a grant to assist farmers with disabilities and their families.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2092YH 82
pf/cf/24

House File 389 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 259.10 FARMERS WITH DISABILITIES
1 2 == FEDERAL REPLACEMENT FUNDS.
1 3 There is appropriated from the general fund of the state to
1 4 the department of agriculture and land stewardship for the
1 5 fiscal year beginning July 1, 2007, and each subsequent fiscal
1 6 year thereafter the amount of one hundred thirty thousand
1 7 dollars, to be used for a grant to a national nonprofit
1 8 organization with over eighty years of experience in assisting
1 9 children and adults with disabilities and special needs and
1 10 their families through services that include medical
1 11 rehabilitation, job training and employment services, child
1 12 care, adult day services, and camping and recreation. The
1 13 appropriation replaces expired federal funding for a
1 14 nationally recognized program that has been replicated in at
1 15 least thirty other states, but which is not available through
1 16 any other entity in this state, that provides assistance to
1 17 farmers with disabilities in all ninety=nine counties to allow
1 18 the farmers to remain in their own homes and be gainfully
1 19 engaged in farming through provision of agricultural worksite
1 20 and home modification consultations, peer support services,
1 21 services to families, information and referral, and equipment
1 22 loan services.
1 23 EXPLANATION
1 24 This bill creates a standing appropriation of $130,000 from
1 25 the general fund of the state to the department of agriculture
1 26 and land stewardship beginning July 1, 2007, and each fiscal
1 27 year thereafter for a grant to a nonprofit organization to
1 28 replace expired federal funding for a nationally recognized
1 29 program to allow farmers with disabilities to remain in their
1 30 homes and be gainfully engaged in farming.
1 31 LSB 2092YH 82
1 32 pf:nh/cf/24

House File 390 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

An Act requiring diversity training for judges.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2248HH 82
jm/es/88

House File 390 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.1203, Code 2007, is amended to read
1 2 as follows:
1 3 602.1203 PERSONNEL CONFERENCES.
1 4 1. The chief justice may order conferences of judicial
1 5 officers or court employees on matters relating to the
1 6 administration of justice or the affairs of the judicial
1 7 branch.
1 8 2. For judges and other court employees who handle cases
1 9 involving children and family law, the chief justice shall
1 10 require regular training concerning mental or emotional
1 11 disorders which may afflict children and the impact children
1 12 with such disorders have upon their families.
1 13 3. For all judges, the chief justice shall require regular
1 14 diversity training regarding the impact of the court system on
1 15 women, racial and ethnic minorities, and any other areas the
1 16 chief justice deems appropriate under the circumstances.
1 17 EXPLANATION
1 18 This bill requires diversity training for judges. The bill
1 19 provides that the chief justice shall require regular
1 20 diversity training for judges regarding the impact of the
1 21 court system on women, racial and ethnic minorities, and any
1 22 other areas the chief justice deems appropriate under the
1 23 circumstances.
1 24 LSB 2248HH 82
1 25 jm:nh/es/88

House File 391 - Introduced

HOUSE FILE
BY FORD and BERRY

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

A BILL FOR

An Act repealing sentences restricting the maximum accumulation of earned time credits to approximately fifteen percent of a criminal sentence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2205HH 82
jm/gg/14

House File 391 - Introduced continued

PAG LIN

1 1 Section 1. Section 822.2, subsection 1, paragraph f, Code
1 2 2007, is amended to read as follows:
1 3 f. The person's reduction of sentence pursuant to sections
1 4 903A.1 through ~~903A.7~~ 903A.6 has been unlawfully forfeited and
1 5 the person has exhausted the appeal procedure of section
1 6 903A.3, subsection 2.
1 7 Sec. 2. Section 901.8, Code 2007, is amended to read as
1 8 follows:
1 9 901.8 CONSECUTIVE SENTENCES.
1 10 If a person is sentenced for two or more separate offenses,
1 11 the sentencing judge may order the second or further sentence
1 12 to begin at the expiration of the first or succeeding
1 13 sentence. If a person is sentenced for escape under section
1 14 719.4 or for a crime committed while confined in a detention
1 15 facility or penal institution, the sentencing judge shall
1 16 order the sentence to begin at the expiration of any existing
1 17 sentence. If the person is presently in the custody of the
1 18 director of the Iowa department of corrections, the sentence
1 19 shall be served at the facility or institution in which the
1 20 person is already confined unless the person is transferred by
1 21 the director. ~~Except as otherwise provided in section 903A.7,~~
~~1 22 if~~ If consecutive sentences are specified in the order of
1 23 commitment, the several terms shall be construed as one
1 24 continuous term of imprisonment.
1 25 Sec. 3. NEW SECTION. 902.15 APPLICATION OF
1 26 SEVENTY=PERCENT MINIMUM SENTENCES.
1 27 Sections 822.2, 901.8, 902.12, 903A.2, 903A.7, 905.6,
1 28 905.11, 906.4, and 906.15, as the sections appear in the 2007
1 29 Code, remain in effect for inmates sentenced for offenses
1 30 committed prior to July 1, 2007.
1 31 Sec. 4. Section 903A.2, subsection 1, Code 2007, is
1 32 amended to read as follows:
1 33 1. a. Each inmate committed to the custody of the
1 34 director of the department of corrections is eligible to earn
1 35 a reduction of sentence in the manner provided in this

House File 391 - Introduced continued

2 1 section. ~~For purposes of calculating the amount of time by~~
~~2 2 which an inmate's sentence may be reduced, inmates shall be~~
~~2 3 grouped into the following two sentencing categories:~~
2 4 ~~a. Category "A" sentences are those sentences which are~~
~~2 5 not subject to a maximum accumulation of earned time of~~
~~2 6 fifteen percent of the total sentence of confinement under~~
~~2 7 section 902.12. To the extent provided in subsection 5,~~
~~2 8 category "A" sentences also include life sentences imposed~~
~~2 9 under section 902.1.~~ An inmate of an institution under the
2 10 control of the department of corrections ~~who is serving a~~
~~2 11 category "A" sentence~~ is eligible for a reduction of sentence
2 12 equal to one and two=tenths days for each day the inmate
2 13 demonstrates good conduct and satisfactorily participates in
2 14 any program or placement status identified by the director to
2 15 earn the reduction. The programs include but are not limited
2 16 to the following:
2 17 (1) Employment in the institution.
2 18 (2) Iowa state industries.
2 19 (3) An employment program established by the director.
2 20 (4) A treatment program established by the director.
2 21 (5) An inmate educational program approved by the
2 22 director.
2 23 b. ~~However, an~~ An inmate required to participate in a sex
2 24 offender treatment program shall not be eligible for a
2 25 reduction of sentence unless the inmate participates in and
2 26 completes a sex offender treatment program established by the
2 27 director.
2 28 c. An inmate ~~serving a category "A" sentence~~ is eligible
2 29 for an additional reduction of sentence of up to three hundred
2 30 sixty=five days of the full term of the sentence of the inmate
2 31 for exemplary acts. In accordance with section 903A.4, the
2 32 director shall by policy identify what constitutes an
2 33 exemplary act that may warrant an additional reduction of
2 34 sentence.
2 35 ~~b. Category "B" sentences are those sentences which are~~

~~House File 391 - Introduced continued~~

~~3 1 subject to a maximum accumulation of earned time of fifteen~~
~~3 2 percent of the total sentence of confinement under section~~
~~3 3 902.12. An inmate of an institution under the control of the~~
~~3 4 department of corrections who is serving a category "B"~~
~~3 5 sentence is eligible for a reduction of sentence equal to~~
~~3 6 fifteen eighty=fifths of a day for each day of good conduct by~~
~~3 7 the inmate.~~
3 8 Sec. 5. Section 905.6, subsection 9, Code 2007, is amended
3 9 by striking the subsection.
3 10 Sec. 6. Section 906.4, unnumbered paragraph 2, Code 2007,
3 11 is amended by striking the unnumbered paragraph.
3 12 Sec. 7. Section 906.15, unnumbered paragraph 1, Code 2007,
3 13 is amended to read as follows:
3 14 Unless sooner discharged, a person released on parole shall
3 15 be discharged when the person's term of parole equals the
3 16 period of imprisonment specified in the person's sentence,
3 17 less all time served in confinement. Discharge from parole
3 18 may be granted prior to such time, when an early discharge is
3 19 appropriate. The board shall periodically review all paroles,
3 20 and when the board determines that any person on parole is
3 21 able and willing to fulfill the obligations of a law=abiding
3 22 citizen without further supervision, the board shall discharge
3 23 the person from parole. A parole officer shall periodically
3 24 review all paroles assigned to the parole officer, and when
3 25 the parole officer determines that any person assigned to the
3 26 officer is able and willing to fulfill the obligations of a
3 27 law=abiding citizen without further supervision, the officer
3 28 may discharge the person from parole after notification and
3 29 approval of the district director and notification of the
3 30 board of parole. In any event, discharge from parole shall
3 31 terminate the person's sentence. If a person has been
3 32 sentenced to a special sentence under section 903B.1 or
3 33 903B.2, the person may be discharged early from the sentence
3 34 in the same manner as any other person on parole. However, a
3 35 person convicted of a violation of section 709.3, 709.4, or

House File 391 - Introduced continued

709.8 committed on or with a child~~, or a person serving a sentence under section 902.12,~~ shall not be discharged from parole until the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement.

Sec. 8. Sections 902.12, 903A.7, and 905.11, Code 2007, are repealed.

EXPLANATION

This bill repeals the statute subjecting certain criminal sentences to a maximum accumulation of earned time of approximately 15 percent of the total sentence of confinement, otherwise known as a 70=percent sentence and formerly known as an 85=percent sentence.

Under the bill, an offender sentenced for an offense previously subject to a 70=percent minimum sentence serves a sentence that is subject to the same parole eligibility requirements and earned time calculations as other offenders.

Current law provides that a person serving a 70=percent sentence for an offense listed in Code section 902.12 is only eligible for a reduction of sentence equal to 15/85 of a day for each day of good conduct by the inmate, and is not eligible for parole until serving 70 percent of the maximum term of confinement.

The sentence of an offender currently serving a 70=percent sentence prior to July 1, 2007, is not affected by the bill.

LSB 2205HH 82
jm:rj/gg/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

House Study Bill 192

HOUSE FILE
BY (PROPOSED COMMITTEE ON LABOR
BILL BY CHAIRPERSON OLSON)

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

A BILL FOR

An Act relating to the provision of medical services and evaluation of permanent disabilities of injured employees under workers' compensation laws.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2059YC 82
av/je/5

House Study Bill 192 continued

PAG LIN

1 1 Section 1. Section 85.27, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. For purposes of this section, the employer is obliged
1 4 to furnish reasonable services and supplies to treat an
1 5 injured employee, and the employee has the right to choose the
1 6 care. ~~If the employer chooses the care, the~~ The employer
1 7 shall hold the employee harmless for the cost of the care
1 8 ~~until the employer notifies the employee that the employer is~~
~~1 9 no longer authorizing all or any part of the care and the~~
~~1 10 reason for the change in authorization. An employer is not~~
~~1 11 liable for the cost of care that the employer arranges in~~
~~1 12 response to a sudden emergency if the employee's condition,~~
~~1 13 for which care was arranged, is not related to the employment~~
1 14 chosen. The treatment ~~must~~ shall be ~~offered promptly~~ provided
1 15 in a timely manner and be reasonably suited to treat the
1 16 injury without undue inconvenience to the employee. If the
1 17 employer or employee has reason to be dissatisfied with the
1 18 care offered or provided, the employer or employee ~~should~~
1 19 shall communicate the basis of such dissatisfaction to the
1 20 employee or employer, in writing ~~if requested~~, following which
1 21 the employer and the employee may agree to alternate care
1 22 reasonably suited to treat the injury. If the employer and
1 23 employee cannot agree on such alternate care, the commissioner
1 24 may, upon application and reasonable proofs of the necessity
1 25 therefor, allow and order other care. ~~In an emergency, the~~
~~1 26 employee may choose the employee's care at the employer's~~
~~1 27 expense, provided the employer or the employer's agent cannot~~
~~1 28 be reached immediately.~~ An application made under this
1 29 subsection shall be considered an original proceeding for
1 30 purposes of commencement and contested case proceedings under
1 31 section 85.26. The hearing shall be conducted pursuant to
1 32 chapter 17A. Before a hearing is scheduled, the parties may
1 33 choose a telephone hearing or an in=person hearing. A request
1 34 for an in=person hearing shall be approved unless the
1 35 in=person hearing would be impractical because of the distance

House Study Bill 192 continued

2 1 between the parties to the hearing. The workers' compensation
2 2 commissioner shall issue a decision within ~~ten~~ thirty working
2 3 days of receipt of an application for alternate care ~~made~~
~~2 4 pursuant to a telephone hearing or within fourteen working~~
~~2 5 days of receipt of an application for alternate care made~~
~~2 6 pursuant to an in=person hearing~~. ~~The~~ After receiving notice
2 7 of an injury, the employer shall promptly notify an injured
2 8 employee of the employee's ~~ability to contest the employer's~~
~~2 9 choice of~~ right to choose care pursuant to this subsection and
2 10 the employer and the employer's insurer shall not make
2 11 suggestions or otherwise attempt to influence the injured
2 12 employee's choice of a treating physician.
2 13 When it is medically indicated that no significant
2 14 improvement from an injury is anticipated, the employer shall
2 15 obtain a medical opinion regarding the extent of the
2 16 employee's permanent disability and may arrange for a medical
2 17 examination of the injured employee in order to do so. The
2 18 employee shall be paid wages, at the employee's regular rate,
2 19 plus whatever reasonable transportation expenses are incurred
2 20 while attending the examination. The physician chosen by the
2 21 employer to conduct the examination has the right to confer
2 22 with and obtain from any physician retained by the injured
2 23 employee sufficient history of the injury to make a proper
2 24 examination. The refusal of the employee to submit to the
2 25 examination shall suspend the employee's right to any
2 26 compensation during the period of the refusal. Compensation
2 27 shall not be payable for the period of the suspension.
2 28 Sec. 2. Section 85.39, unnumbered paragraph 1, Code 2007,
2 29 is amended to read as follows:
2 30 ~~After an injury, the employee, if requested by the~~
~~2 31 employer, shall submit for examination at some reasonable time~~
~~2 32 and place and as often as reasonably requested, to a physician~~
~~2 33 or physicians authorized to practice under the laws of this~~
~~2 34 state or another state, without cost to the employee; but if~~
~~2 35 the employee requests, the employee, at the employee's own~~

~~House Study Bill 192 continued~~

~~3 1 cost, is entitled to have a physician or physicians of the~~
~~3 2 employee's own selection present to participate in the~~
~~3 3 examination.~~ After the employer obtains a medical opinion
3 4 regarding the extent of an injured employee's permanent
3 5 disability pursuant to section 85.27, subsection 4, and if the
3 6 injured employee believes that the evaluation of the permanent
3 7 disability contained in the opinion is too low, the employee
3 8 has the right to obtain another medical opinion from a
3 9 physician of the employee's choice, at the employer's expense.
3 10 If an employee is required to leave work for which the
3 11 employee is being paid wages to attend ~~the requested~~ an
3 12 examination to obtain another medical opinion, the employee
3 13 shall be compensated at the employee's regular rate for the
3 14 time the employee is required to leave work, and the employee
3 15 shall be furnished transportation to and from the place of
3 16 examination, or the employer may elect to pay the employee the
3 17 reasonable cost of the transportation. ~~The refusal of the~~
~~3 18 employee to submit to the examination shall suspend the~~
~~3 19 employee's right to any compensation for the period of the~~
~~3 20 refusal. Compensation shall not be payable for the period of~~
~~3 21 suspension.~~
3 22 Sec. 3. Section 85.39, unnumbered paragraph 2, Code 2007,
3 23 is amended by striking the unnumbered paragraph.
3 24 EXPLANATION
3 25 This bill relates to the provision of medical services and
3 26 evaluation of permanent disabilities of injured employees
3 27 under the workers' compensation law.
3 28 Code section 85.27, subsection 4, is amended to give an
3 29 injured employee, instead of the employer, the right to choose
3 30 the provider of medical services, at the employer's expense.
3 31 If either the employee or the employer is dissatisfied with
3 32 the care offered or provided, written notice must be given to
3 33 the other party, and upon application and hearing the workers'
3 34 compensation commissioner may allow and order other care. A
3 35 decision for alternate care must be issued by the commissioner

House Study Bill 192 continued

4 1 within 30, instead of 10, working days after receipt of the
4 2 application for alternate care.
4 3 Upon receiving notice of an injury, an employer is also
4 4 required to promptly notify an injured employee of the
4 5 employee's right to choose medical care and the employer and
4 6 the employer's insurer are prohibited from making suggestions
4 7 or otherwise attempting to influence the injured employee's
4 8 choice of a treating physician.
4 9 When it is medically indicated that no significant
4 10 improvement from an injury is anticipated, the employer is
4 11 required to obtain a medical opinion regarding the extent of
4 12 the employee's permanent disability and may arrange for a
4 13 medical examination of the injured employee in order to do so.
4 14 The employee must be paid regular wages and reasonable
4 15 transportation expenses incurred while attending the
4 16 examination. The physician chosen by the employer is entitled
4 17 to confer with and obtain from any physician retained by the
4 18 injured employee sufficient history to conduct a proper
4 19 examination. The refusal of an employee to submit to the
4 20 examination suspends the employee's right to any compensation
4 21 during the period of the refusal. Compensation is not payable
4 22 for the period of the refusal.
4 23 Code section 85.39 is amended to provide that after the
4 24 employer obtains a medical opinion regarding the extent of an
4 25 injured employee's permanent disability pursuant to Code
4 26 section 85.27, subsection 4, and if the employee believes the
4 27 extent of permanent disability identified in the opinion is
4 28 too low, the employee has the right to obtain another medical
4 29 opinion from a physician of the employee's choice, at the
4 30 employer's expense.
4 31 LSB 2059YC 82
4 32 av:rj/je/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

House Study Bill 193

SENATE/HOUSE FILE
BY (PROPOSED CITIZENS' AIDE/
OMBUDSMAN BILL)

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

A BILL FOR

An Act relating to the privacy of social security numbers and other personal information in public records and providing remedies.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1281DP 82
eg/cf/24

House Study Bill 193 continued

PAG LIN

1 1 Section 1. NEW SECTION. 22.21 SOCIAL SECURITY NUMBERS IN
1 2 PUBLIC RECORDS.
1 3 1. To the greatest extent feasible, a government body
1 4 shall not disclose a person's social security number unless
1 5 the disclosure is authorized by law.
1 6 2. A government body shall make reasonable efforts to
1 7 exclude social security numbers from public records, as
1 8 follows:
1 9 a. Exclude social security numbers on licenses, permits,
1 10 and other documents that may be readily observed by the
1 11 public.
1 12 b. Give individuals the option not to submit a social
1 13 security number to the government body.
1 14 c. Any other efforts to prevent social security numbers
1 15 from being included in public records and to protect such
1 16 numbers from disclosure.
1 17 3. If a public record contains a social security number,
1 18 the government body shall determine a method to redact the
1 19 social security number prior to releasing the record if such
1 20 redaction does not materially affect the value of the public
1 21 record and is permitted by law. The redaction of a social
1 22 security number from a public record shall not delay public
1 23 access to the public record except for the time required to
1 24 perform the actual redaction. As used in this section,
1 25 "redact" means to render the social security number unreadable
1 26 or truncated so that no more than the last four digits of the
1 27 social security number may be accessed as part of the record.
1 28 4. This section shall not prohibit a government body from
1 29 lawfully obtaining a person's social security number.
1 30 5. A government body that solicits information containing
1 31 a person's social security number or that is the lawful
1 32 custodian of public records containing social security numbers
1 33 shall, if subject to chapter 17A, adopt rules or, if a
1 34 political subdivision or other public body, adopt guidelines
1 35 to administer the use and disclosure of social security

House Study Bill 193 continued

numbers consistent with this section.
Sec. 2. NEW SECTION. 22.22 PERSONAL INFORMATION == BREACH OF SECURITY == NOTICE.
1. As used in this section:
a. "Breach of security" means the unauthorized access to or acquisition of personal information that compromises the security, confidentiality, or integrity of such personal information. The unauthorized disclosure of personal information subsequent to a good faith, authorized access or acquisition of personal information constitutes a breach of security.
b. "Personal information" means a person's first name or first initial and last name in combination with any one or more of the following data elements that relate to the person if neither the name nor the data elements are encrypted, redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable:
(1) Social security number.
(2) Driver's license number or other unique identification number created or collected by a government body.
(3) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to a person's financial account.
(4) Unique electronic identifier or routing code, in combination with any required security code, access code, or password.
(5) Unique biometric data, such as a fingerprint, voice print, retina or iris image, or other unique physical representation.
2. When the government body that collects, maintains, or possesses a public record containing personal information has reason to believe that a breach of security may occur or has occurred, the government body shall promptly investigate to determine whether personal information has been or may be used

House Study Bill 193 continued

3 1 for an unauthorized purpose. If the government body finds
3 2 that such use has occurred or is likely to occur, the
3 3 government body shall give notice of the breach of security to
3 4 each affected person pursuant to this section. Notice shall
3 5 be made as soon as possible, consistent with the legitimate
3 6 needs of law enforcement as provided in subsection 3.
3 7 3. If requested by a law enforcement agency, the
3 8 government body shall delay giving notice if notice may impede
3 9 a criminal investigation or jeopardize national security. The
3 10 request by a law enforcement agency shall be in writing or
3 11 documented in writing by the government body. The written
3 12 request shall include the name of the law enforcement officer
3 13 making the request and the name of the officer's law
3 14 enforcement agency that is engaged in the investigation.
3 15 After the law enforcement agency notifies the government body
3 16 that notice of the breach of security will no longer impede
3 17 investigation or national security, the government body shall
3 18 give notice to the affected persons without unreasonable
3 19 delay.
3 20 4. The notice shall include, in a clear and conspicuous
3 21 manner, the following:
3 22 a. The incident causing the breach of security.
3 23 b. The type of personal information compromised by the
3 24 breach of security.
3 25 c. The acts taken by the government body to remedy the
3 26 breach of security.
3 27 d. If available, a telephone number that the person may
3 28 call for further information and assistance.
3 29 e. A statement advising the person to vigilantly review
3 30 account statements and monitor the person's credit report.
3 31 5. The government body shall provide notice using one of
3 32 the following methods:
3 33 a. Written notice to the last available address of record.
3 34 b. Electronic mail notice, if the recipient has agreed to
3 35 receive communications electronically and the notice complies

House Study Bill 193 continued

4 1 with chapter 554D and 15 U.S.C. } 7001.
4 2 c. Telephonic notice, if contact is made directly with the
4 3 affected person.
4 4 d. Substitute notice, if the government body determines
4 5 that the cost of providing notice under paragraphs "a" through
4 6 "c" exceeds twenty=five thousand dollars, the number of
4 7 persons to be notified exceeds fifty thousand, or the
4 8 government body does not have sufficient contact information
4 9 needed to provide notice under paragraphs "a" through "c", as
4 10 follows:
4 11 (1) Electronic mail notice.
4 12 (2) Conspicuous notice posted on the government body's
4 13 website, if available.
4 14 (3) Notification to major statewide media.
4 15 6. Notwithstanding the notice requirements of this
4 16 section, a government body that has developed its own
4 17 notification procedures for a breach of security and timely
4 18 complies with such procedures is deemed to be in compliance
4 19 with this section.
4 20 Sec. 3. NEW SECTION. 22.23 REMEDIES FOR PRIVACY
4 21 VIOLATIONS.
4 22 1. Any person who is injured by a violation of section
4 23 22.21 or 22.22 may institute a civil action to recover actual
4 24 damages, court costs, interest, and attorney fees and to seek
4 25 judicial enforcement of the requirements of section 22.21 or
4 26 22.22 in an action brought against the government body and any
4 27 other persons who would be appropriate defendants under the
4 28 circumstances. The attorney general or any county attorney
4 29 may seek judicial enforcement of section 22.21 or 22.22.
4 30 Suits shall be brought in the district court for the county in
4 31 which the government body has its principal place of business.
4 32 2. The rights and remedies available under this section
4 33 are cumulative to any other rights and remedies available by
4 34 law.
4 35 Sec. 4. Sections 22.3A, subsection 2, unnumbered paragraph

House Study Bill 193 continued

5 1 1; 22.3A, subsection 2, paragraph "a"; 22.7, subsections 27,
5 2 31, and 35; section 22.7, subsection 52, paragraph "g"; 22.8,
5 3 subsections 3 and 4; and 22.10; Code 2007, are amended by
5 4 striking from the applicable section, subsection, or paragraph
5 5 the word "chapter" and inserting in lieu thereof the
5 6 following: "subchapter".
5 7 Sec. 5. CODE EDITOR DIRECTIVE. The Code editor shall
5 8 establish the following subchapters in chapter 22:
5 9 1. Subchapter I, entitled "definitions", shall be
5 10 comprised of section 22.1.
5 11 2. Subchapter II, entitled "access to public records",
5 12 shall be comprised of sections 22.2 through 22.14.
5 13 3. Subchapter III, entitled "privacy", shall be comprised
5 14 of sections 22.21 through 22.23.
5 15 EXPLANATION
5 16 This bill amends the "Open Records Act", Code chapter 22,
5 17 as follows:
5 18 1. New Code section 22.21. While government bodies may
5 19 lawfully obtain a person's social security number, the bill
5 20 specifically directs government bodies not to disclose a
5 21 person's social security number and to take steps to exclude
5 22 social security numbers from public records. For social
5 23 security numbers contained in public records, the bill
5 24 requires the government body to redact such numbers prior to
5 25 the public's access to that record. The bill further directs
5 26 the government body to adopt rules or guidelines, as
5 27 appropriate, to administer the use and disclosure of social
5 28 security numbers.
5 29 2. New Code section 22.22. The bill provides that if the
5 30 security of personal information, as defined, is breached by
5 31 the unauthorized access to or acquisition of such information,
5 32 the government body shall investigate the breach to determine
5 33 whether personal information has been or may be used for an
5 34 unauthorized purpose. If such use has occurred or is likely
5 35 to occur, the government body is required to give notice,

House Study Bill 193 continued

6 1 consistent with law enforcement needs, to each affected
6 2 person. The bill outlines the information required in the
6 3 notice and the methods for accomplishing notice. A government
6 4 body that has its own notice procedures may use such
6 5 procedures in lieu of the bill's notice requirement.
6 6 3. New Code section 22.23. The bill provides remedies to
6 7 enforce the requirements of and provide redress for violations
6 8 of Code sections 22.21 and 22.22, above. Existing enforcement
6 9 and penalty provisions in Code sections 22.5 and 22.6,
6 10 respectively, will also apply to redress violations of Code
6 11 sections 22.21 and 22.22.
6 12 4. The bill includes a Code editor directive to create
6 13 subchapters in Code chapter 22.
6 14 The following Code sections are amended by striking from
6 15 the applicable section, subsection, or paragraph the word
6 16 "chapter" and inserting in lieu thereof the word "subchapter":
6 17 1. Code section 22.3A, subsection 2, concerning access and
6 18 fees for access to public records which are combined with a
6 19 government body's data processing software.
6 20 2. Code section 22.7, subsections 27, 31, 35, and
6 21 subsection 52, paragraph "g", identifying various public
6 22 records that are to be kept confidential.
6 23 3. Code section 22.8, subsections 3 and 4, pertaining to
6 24 actions to restrain the examination of a public record and
6 25 grounds for reasonable delay by a lawful custodian in
6 26 permitting access to a public record.
6 27 4. Code section 22.10 pertaining to civil enforcement
6 28 actions when a lawful custodian has refused to give access to
6 29 public records in violation of the open records Act.
6 30 "Chapter" is the appropriate word in the following Code
6 31 sections as such Code sections would apply to the entire
6 32 chapter:
6 33 1. Code section 22.4 concerning the office hours of the
6 34 lawful custodian of public records.
6 35 2. Code section 22.9 providing that if federal funds or

House Study Bill 193 continued

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  7  1 services would be denied because of a provision of Code
  7  2 chapter 22, the provision must be suspended only to the extent
  7  3 necessary.
  7  4 LSB 1281DP 82
  7  5 eg:sc/cf/24.2
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Senate Amendment 3033

PAG LIN

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     1  1    Amend Senate File 162 as follows:
     1  2 #1.  Page 1, line 17, by striking the words <does
     1  3 not include> and inserting the following:  <includes>.
     1  4
     1  5
     1  6
     1  7 JERRY BEHN
     1  8 BRAD ZAUN
     1  9 MARY A. LUNDBY
     1 10 NANCY J. BOETTGER
     1 11 JAMES A. SEYMOUR
     1 12 PAUL McKINLEY
     1 13 DAVE MULDER
     1 14 DAVID JOHNSON
     1 15 DAVID L. HARTSUCH
     1 16 MARK ZIEMAN
     1 17 JEFF ANGELO
     1 18 STEVE KETTERING
     1 19 RON WIECK
     1 20 HUBERT HOUSER
     1 21 JAMES F. HAHN
     1 22 LARRY McKIBBEN
     1 23 JOHN PUTNEY
     1 24 SF 162.501 82
     1 25 pf/je/6505
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Senate File 170 - Introduced

SENATE FILE
BY BLACK

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

A BILL FOR

An Act relating to the authority of persons to destroy untagged or threatening dogs and the liability of owners of such dogs.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2166SS 82
da/es/88

Senate File 170 - Introduced continued

PAG LIN

1 1 Section 1. Section 351.26, Code 2007, is amended to read
1 2 as follows:
1 3 351.26 RIGHT ~~AND DUTY TO KILL~~ OF PEACE OFFICER TO DESTROY
1 4 UNTAGGED DOG.
1 5 ~~It shall be lawful for any person, and the duty of all~~
~~1 6 peace officers within their respective jurisdictions unless~~
~~1 7 such~~ Unless a jurisdiction ~~shall have~~ has otherwise provided
1 8 for the seizure and impoundment of dogs, ~~to kill any~~ a peace
1 9 officer of the jurisdiction may destroy a dog for which a
1 10 rabies vaccination tag is required, ~~when~~ if the dog is not
1 11 wearing a collar with the rabies vaccination tag attached, and
1 12 the dog appears rabid.
1 13 Sec. 2. Section 351.27, Code 2007, is amended to read as
1 14 follows:
1 15 351.27 RIGHT ~~TO KILL TAGGED~~ OF AUTHORIZED PERSON TO
1 16 DESTROY A DOG.
1 17 ~~It shall be lawful for any~~ An authorized person ~~to kill~~ may
1 18 destroy a dog~~, wearing a collar with a rabies vaccination tag~~
~~1 19 attached, when~~ if the dog is caught in the act of ~~worrying,~~
1 20 chasing, maiming, or killing ~~any~~ a domestic animal or fowl, or
1 21 ~~when such~~ if the dog is attacking or attempting to bite a
1 22 person. For purposes of this section, an "authorized person"
1 23 is the owner or lessee of the land where the dog is located,
1 24 an agent of the owner or lessee, or a person who the owner or
1 25 lessee has given permission to be on the land.
1 26 Sec. 3. Section 351.28, Code 2007, is amended to read as
1 27 follows:
1 28 351.28 LIABILITY FOR DAMAGES.
1 29 The owner of a dog ~~shall be~~ is liable to an injured party
1 30 for all damages done by the dog, when the dog is caught in the
1 31 ~~action~~ act of ~~worrying,~~ chasing, maiming, or killing a
1 32 domestic animal or fowl, or the dog is attacking or attempting
1 33 to bite a person, except when the injured party ~~damaged~~ is
1 34 ~~doing~~ committing an unlawful act~~, directly contributing to the~~
~~1 35 injury~~. ~~This section does not apply to damage done by a dog~~

~~Senate File 170 - Introduced continued~~

~~2 1 affected with hydrophobia unless the owner of the dog had~~
~~2 2 reasonable grounds to know that the dog was afflicted with~~
~~2 3 hydrophobia and by reasonable effort might have prevented the~~
~~2 4 injury.~~

2 5 EXPLANATION

2 6 This bill amends provisions in Code chapter 351, which
2 7 regulates dogs, including by providing for the vaccination of
2 8 dogs for rabies (Code section 351.33), the destruction of dogs
2 9 which are not wearing collars with rabies vaccination tags
2 10 (Code section 351.26), the destruction of dogs which are
2 11 attacking domestic animals, fowl, or persons (Code section
2 12 351.27), and the liability of owners of dogs engaged in an
2 13 attack (Code section 351.28).

2 14 Code section 351.26 authorizes a peace officer or any other
2 15 person to destroy a dog which is not wearing a rabies
2 16 vaccination tag. This bill limits that authority to peace
2 17 officers and requires that the dog appear rabid.

2 18 Code section 351.27 provides that regardless of whether a
2 19 dog has a rabies vaccination tag, any person may destroy the
2 20 dog when it is worrying, chasing, maiming, or killing a
2 21 domestic animal or fowl or is attacking a person. The bill
2 22 limits this right to an authorized person, defined as the
2 23 owner or lessee of the land where the dog is located, an agent
2 24 of the owner or lessee, or a person who the owner or lessee
2 25 has given permission to be on the land. The bill also removes
2 26 the term "worrying".

2 27 Code section 351.28 provides that the owner of a dog is
2 28 liable for damages done by the owner's dog when the dog is
2 29 worrying, chasing, maiming, or killing a domestic animal or is
2 30 attacking a person. However, the Code section provides that
2 31 the owner is not liable in two situations: (1) if the injured
2 32 party suffering the damages is engaged in an unlawful act
2 33 contributing to the injury; and (2) if the dog is infected
2 34 with rabies, unless the owner knew or should have known of the
2 35 dog's condition. The bill replaces the term "worrying" with

Senate File 170 - Introduced continued

3 1 "chasing" and includes "fowl" to be consistent with other Code
3 2 provisions. It provides that the dog's owner is not liable
3 3 for the injured party's damages if the injured party was
3 4 engaged in an unlawful act, regardless of whether it
3 5 contributed to the injury, and it provides that rabies is no
3 6 longer a defense for the dog's owner.
3 7 LSB 2166SS 82
3 8 da:nh/es/88

Senate File 171 - Introduced

SENATE FILE
BY BLACK

(COMPANION TO LSB 2165HH BY
BELL)

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

A BILL FOR

An Act excluding certain severance pay from the individual income tax and including a retroactive applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2165SS 82
mg/es/88

Senate File 171 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 50. Subtract, to the extent included, the
1 4 amount of separation allowance, severance pay, dismissal pay,
1 5 or similar remuneration received by the taxpayer from an
1 6 employer as a result of the taxpayer's loss of employment.
1 7 This subsection does not apply to a taxpayer who was
1 8 employed in a management position.
1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 10 retroactively to January 1, 2007, for tax years beginning on
1 11 or after that date.
1 12 EXPLANATION
1 13 This bill excludes from the individual income tax severance
1 14 pay, separation allowance, or dismissal pay received from an
1 15 employer as a result of the taxpayer's loss of employment if
1 16 the taxpayer is a nonmanagerial worker.
1 17 The bill applies retroactively to January 1, 2007, for tax
1 18 years beginning on or after that date.
1 19 LSB 2165SS 82
1 20 mg:sc/es/88

Senate File 172

SENATE FILE
BY BLACK

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

A BILL FOR

An Act relating to a property tax exemption for certain recreational property and including effective date and retroactive applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2168SS 82
sc/es/88

Senate File 172 continued

PAG LIN

1 1 Section 1. NEW SECTION. 427.17 RECREATIONAL PROPERTY TAX
1 2 EXEMPTION.
1 3 1. a. Recreational property is entitled to the tax
1 4 exemption provided in this section. The amount of the
1 5 exemption is equal to seventy=five percent of the actual value
1 6 of the property.
1 7 b. For purposes of this section, "recreational property"
1 8 means a golf course, downhill skiing area, amusement park,
1 9 outdoor volleyball park, softball park, or water theme park,
1 10 if such property is operated as a commercial enterprise and
1 11 otherwise subject to taxation.
1 12 2. a. An application for this exemption shall be filed
1 13 with the assessor not later than February 1 of the first year
1 14 for which the exemption is requested. The application shall
1 15 describe and locate the property. The assessor shall secure
1 16 the facts relative to recreational property tax exemptions by
1 17 taking the sworn statement, or affirmation, of the owner or
1 18 owners making application. The assessor shall inspect the
1 19 area for which an application is filed and shall submit the
1 20 application, along with the assessor's recommendation, to the
1 21 board of supervisors, or to the city council if the assessor
1 22 is a city assessor, for approval or denial. The exemption
1 23 shall be approved if the property meets the definition of
1 24 recreational property established in subsection 1. An
1 25 applicant for a property tax exemption under this section may
1 26 appeal the decision of the board of supervisors or city
1 27 council to the district court.
1 28 b. Once the exemption has been approved, the area shall
1 29 continue to receive the tax exemption during each year in
1 30 which the area is maintained as recreational property without
1 31 the owner having to refile. The property may be inspected
1 32 each year by the assessor to determine if the area is
1 33 maintained as recreational property. The assessor shall file
1 34 a report with the county auditor of all the exemptions allowed
1 35 in the county under the provisions of this section.

Senate File 172 continued

2 1 3. a. If the property use is changed from recreational
2 2 property use, the assessor shall assess the property for
2 3 taxation at its actual value as of January 1 of the year of
2 4 change in use, and in addition the area shall be subject to a
2 5 recapture tax. The recapture tax shall be computed by
2 6 multiplying the consolidated levy for each year, up to ten
2 7 years, that the property received the exemption times the
2 8 assessed value that would have been taxed but for the
2 9 exemption. This tax shall be entered against the property on
2 10 the tax list for the current year and shall constitute a lien
2 11 against the property in the same manner as a lien for property
2 12 taxes. The tax when collected shall be apportioned in the
2 13 manner provided for the apportionment of the property taxes
2 14 for the applicable tax year.
2 15 b. If the property is sold or transferred, the seller
2 16 shall notify the buyer that the property is partially exempt
2 17 from tax and subject to the recapture tax provisions of this
2 18 section if the use of the property changes from recreational
2 19 property. However, if the use of the property changes due to
2 20 condemnation of the property, the recapture tax provisions do
2 21 not apply.
2 22 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 23 1. This Act, being deemed of immediate importance, takes
2 24 effect upon enactment and applies retroactively to the
2 25 assessment year beginning January 1, 2007.
2 26 2. Notwithstanding the filing deadline in section 427.17,
2 27 subsection 2, paragraph "a", applications filed for the
2 28 assessment year beginning January 1, 2007, shall be filed with
2 29 the assessor by May 1, 2007.
2 30 Sec. 3. INAPPLICABILITY OF CODE SECTION 25B.7. The
2 31 exemption enacted in this Act shall not be considered a new
2 32 property tax exemption for purposes of section 25B.7.
2 33 EXPLANATION
2 34 This bill provides an exemption from property taxation for
2 35 recreational property. "Recreational property" is defined as

Senate File 172 continued

3 1 a golf course, downhill skiing area, amusement park, outdoor
3 2 volleyball park, softball park, or water theme park, if such
3 3 property is operated as a commercial enterprise and otherwise
3 4 subject to taxation. The amount of the exemption is equal to
3 5 75 percent of the property's actual value.
3 6 The bill requires that an owner apply to the assessor for
3 7 the exemption. After inspection of the application and the
3 8 property, the assessor is to forward the application, with
3 9 recommendation, to the board of supervisors or the city
3 10 council, as applicable, for approval or denial. The bill
3 11 provides that the applicant for a recreational property tax
3 12 exemption may appeal the decision of the local governing body
3 13 to the district court.
3 14 The bill provides that if a change in use occurs, the
3 15 property is subject to a recapture tax for up to 10 years
3 16 during which the exemption was provided. However, if the
3 17 change in use occurs as a result of condemnation of the
3 18 property, the recapture tax provisions do not apply.
3 19 The bill takes effect upon enactment and applies
3 20 retroactively to assessment years beginning on or after
3 21 January 1, 2007. For the 2007 assessment year only, new
3 22 applications for exemption are due May 1, 2007. For all other
3 23 years, new applications for exemption are due February 1.
3 24 The bill provides that the recreational property tax
3 25 exemption is not considered a new exemption for purposes of
3 26 the state's obligation for funding new property tax exemptions
3 27 enacted on or after January 1, 1997.
3 28 LSB 2168SS 82
3 29 sc:rj/es/88

Senate File 173 - Introduced

SENATE FILE
BY BLACK

(COMPANION TO LSB 1980HH
BY QUIRK)

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

A BILL FOR

An Act concerning the requirement to conduct county gambling elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1980SS 82
ec/gg/14

Senate File 173 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.7, subsection 11, paragraph d, Code
1 2 2007, is amended to read as follows:
1 3 d. If the proposition to operate gambling games on an
1 4 excursion gambling boat or at a racetrack enclosure is
1 5 approved by a majority of the county electorate voting on the
1 6 proposition, the board of supervisors shall submit the same
1 7 proposition to the county electorate at the general election
1 8 held in 2002 and, unless the operation of gambling games is
1 9 terminated earlier as provided in this chapter or chapter 99D,
1 10 at the general election held at each subsequent eight=year
1 11 interval. However, if a proposition to operate gambling games
1 12 on an excursion gambling boat or at a racetrack enclosure is
1 13 approved by a majority of the county electorate voting on the
1 14 proposition in two successive elections, the proposition shall
1 15 not thereafter be required to be submitted to the county
1 16 electorate.
1 17 EXPLANATION
1 18 This bill provides that if a proposition to operate
1 19 gambling games on an excursion boat or racetrack has been
1 20 approved in two successive elections in a county, the
1 21 proposition to authorize gambling games is not thereafter
1 22 required to be submitted to the county electorate. Current
1 23 law provides that the proposition to conduct gambling games
1 24 shall be resubmitted to the county electorate every eight
1 25 years.
1 26 LSB 1980SS 82
1 27 ec:rj/gg/14

Senate File 174 - Introduced

SENATE FILE
BY BLACK

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

A BILL FOR

An Act relating to body piercing, body modification, and tattooing, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2164SS 82
jr/cf/24

Senate File 174 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.37, Code 2007, is amended to read
1 2 as follows:
1 3 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION ==
1 4 PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
1 5 1. A person shall not own, control and lease, act as an
1 6 agent for, conduct, manage, or operate an establishment to
1 7 practice the art of tattooing, body piercing, or body
1 8 modification, or engage in the practice of tattooing, body
1 9 piercing, or body modification, without first applying for and
1 10 receiving a permit from the Iowa department of public health.
1 11 2. A minor shall not obtain a tattoo, or undergo a body
1 12 piercing or body modification, and a person shall not provide
1 13 a tattoo, body piercing, or body modification to a minor
1 14 unless parental consent has first been obtained. ~~For the~~
~~1 15 purposes of this section, "minor" means an unmarried person~~
~~1 16 who is under the age of eighteen years.~~ The department shall
1 17 develop parental consent forms and procedures for verification
1 18 of the consent by rule.
1 19 2A. For the purposes of this section:
1 20 a. "Body modification" means for commercial purposes the
1 21 permanent or semipermanent deliberate altering of the human
1 22 body for nonmedical reasons. "Body modification" does not
1 23 include tattooing or body piercing.
1 24 b. "Body piercing" means for commercial purposes the act
1 25 of penetrating the skin to make a hole, mark, or scar. "Body
1 26 piercing" does not include the use of a mechanized,
1 27 presterilized, ear=piercing system that penetrates the outer
1 28 perimeter or lobe of the ear, or both.
1 29 c. "Minor" means an unmarried person who is under the age
1 30 of eighteen years.
1 31 3. A person who fails to meet the requirements of
1 32 subsection 1 or a person providing a tattoo, body piercing, or
1 33 body modification to a minor is guilty of ~~a serious~~ an
1 34 aggravated misdemeanor.
1 35 4. The Iowa department of public health shall:

Senate File 174 - Introduced continued

2 1 a. Adopt rules pursuant to chapter 17A and establish and
2 2 collect all fees necessary to administer this section. The
2 3 provisions of chapter 17A, including licensing provisions,
2 4 judicial review, and appeal, shall apply to this chapter.
2 5 b. Establish minimum safety and sanitation criteria for
2 6 the operation of tattooing, body piercing, and body
2 7 modification establishments.
2 8 5. If the Iowa department of public health determines that
2 9 a provision of this section has been or is being violated, the
2 10 department may order that a tattooing, body piercing, or body
2 11 modification establishment not be operated until the necessary
2 12 corrective action has been taken. If the establishment
2 13 continues to be operated in violation of the order of the
2 14 department, the department may request that the county
2 15 attorney or the attorney general make an application in the
2 16 name of the state to the district court of the county in which
2 17 the violations have occurred for an order to enjoin the
2 18 violations and confiscate commercial property and equipment.
2 19 This remedy is in addition to any other legal remedy available
2 20 to the department.
2 21 EXPLANATION
2 22 This bill modifies and expands current restrictions
2 23 relating to performing and receiving a tattoo, and extends
2 24 them to also apply to body piercing and body modification.
2 25 The bill provides that a person shall not own, control and
2 26 lease, act as an agent for, conduct, manage, or operate an
2 27 establishment to practice the art of tattooing, body piercing,
2 28 or body modification, or engage in the practice of tattooing,
2 29 body piercing, or body modification, without having received a
2 30 permit from the Iowa department of public health.
2 31 Additionally, a minor shall not obtain a tattoo, or undergo a
2 32 body piercing or body modification, and a person shall not
2 33 provide a tattoo, body piercing, or body modification to a
2 34 minor unless parental consent has first been obtained. The
2 35 bill provides that parental consent forms and procedures shall

Senate File 174 - Introduced continued

be established by the department by rule.

The bill provides definitions of "body modification", "body piercing", and "minor" and provides that body piercing does not refer to the use of a mechanized, presterilized, ear= piercing system that penetrates the outer perimeter or lobe of the ear, or both.

The bill provides that a person who violates the provisions relating to ownership or operation of an establishment, or who provides a tattoo, body piercing, or body modification to a minor, is guilty of an aggravated misdemeanor. Currently, the corresponding penalty applicable to tattooing is a serious misdemeanor. The bill extends existing provisions relating to rulemaking, establishment of minimum safety and sanitation criteria, and issuance of an order against an establishment to not operate pending corrective action by the department concerning tattooing to body piercing and body modification. The bill also adds a penalty of confiscation of commercial property in the event of continued operation in violation of the order.

LSB 2164SS 82
jr:nh/cf/24

Senate File 175 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1108)

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

A BILL FOR

An Act relating to the disposition of seized property in a criminal proceeding.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1102SV 82
jm/es/88

Senate File 175 - Introduced continued

PAG LIN

1 1 Section 1. Section 809.5, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Seized property which is no longer required as evidence
1 4 or for use in an investigation ~~may~~ shall be returned to the
1 5 owner ~~without the requirement of a hearing~~, provided that the
1 6 person's possession of the property is not prohibited by law
1 7 and there is no forfeiture claim filed on behalf of the state.
1 8 The seizing agency ~~or prosecuting attorney~~ shall send notice
1 9 by regular mail, if the value of the property is less than
1 10 ~~fifty~~ five hundred dollars, or by certified mail, if the value
1 11 of the property is equal to or greater than ~~fifty~~ five hundred
1 12 dollars, to the last known address of any person having an
1 13 ownership or possessory right in the property stating that the
1 14 property ~~is released and~~ must be claimed within thirty days of
1 15 the mailing of the notice. Such notice shall state that if no
1 16 written claim for the property is ~~made upon~~ filed with the
1 17 seizing agency within thirty days after the mailing of notice,
1 18 the property shall be deemed abandoned and disposed of
1 19 accordingly. ~~In the event that there is more than one party~~
~~1 20 who may assert a right to possession or ownership of the~~
~~1 21 property, the~~ The seizing agency shall not release the
1 22 property to any party until the expiration of the date for
1 23 filing claims ~~unless all other claimants execute a written~~
~~1 24 waiver~~. In the event that there is more than one claim filed
1 25 for the return of property under this section, at the
1 26 expiration of the period for filing claims the seizing agency
1 27 ~~or prosecuting attorney~~ shall file a copy of all such claims
1 28 with the clerk of court and the clerk shall proceed as if such
1 29 claims were filed by the parties under section 809.3. In the
1 30 event that no owner can be located or no claim is filed under
1 31 this section for property having a value of less than five
1 32 hundred dollars, the property shall be deemed abandoned and
1 33 the seizing agency shall become the owner of such property and
1 34 may dispose of it in any reasonable manner. For unclaimed
1 35 property having a value equal to or greater than five hundred

Senate File 175 - Introduced continued

2 1 dollars, forfeiture proceedings shall be initiated pursuant to
2 2 the provisions of chapter 809A. If the court does not order
2 3 the property forfeited to the state in the forfeiture
2 4 proceedings pursuant to chapter 809A, the seizing agency shall
2 5 become the owner of the property and may dispose of it in any
2 6 reasonable manner. Unclaimed firearms and ammunition, if not
2 7 forfeited pursuant to chapter 809A, shall be disposed of by
2 8 the department of public safety or the department of natural
2 9 resources pursuant to section 809.21.
2 10 EXPLANATION
2 11 This bill relates to the disposition of seized property in
2 12 a criminal proceeding.
2 13 The bill eliminates the involvement of the prosecuting
2 14 attorney when sending claim notices to persons with possible
2 15 ownership interests in the seized property. Current law
2 16 permits the agency seizing the property or the prosecuting
2 17 attorney to send out claim notices to persons with possible
2 18 ownership interest in seized property.
2 19 Under the bill, if the value of the seized property is less
2 20 than $500, the claim notice shall be sent by regular mail; if
2 21 the value of the seized property is equal to or greater than
2 22 $500, the claim notice shall be sent by certified mail.
2 23 The bill provides that the seizing agency shall not release
2 24 the property to any party until the expiration date for filing
2 25 a claim of ownership for the seized property has expired.
2 26 Under current law, the seizing agency may release the seized
2 27 property prior to the expiration date for filing claims, if
2 28 all the claimants issue a written waiver to the property.
2 29 Under the bill, if a claim of ownership has not been timely
2 30 filed for seized property and the value of the seized property
2 31 is less than $500, the seized property is deemed abandoned and
2 32 the seizing agency becomes the owner of the seized property
2 33 and may dispose of the property in a reasonable manner.
2 34 If a claim of ownership has not been timely filed for
2 35 seized property equal to or greater in value than $500, the

Senate File 175 - Introduced continued

3 1 bill provides that forfeiture proceedings pursuant to Code
3 2 chapter 809A shall be initiated to determine ownership of the
3 3 seized property. If forfeiture proceedings are initiated and
3 4 the property is forfeited, the ownership of the property vests
3 5 with the state pursuant to Code section 809A.16, subsection 4.
3 6 If the court does not order the property forfeited, ownership
3 7 vests with the seizing agency and the seizing agency may
3 8 dispose of the property in a reasonable manner.
3 9 Under the bill and in current law, forfeited property under
3 10 Code chapter 809A is to be delivered to the department of
3 11 justice and disposed of by the department pursuant to Code
3 12 section 809A.17.
3 13 The bill also provides that all unclaimed firearms and
3 14 ammunition, if not forfeited pursuant to Code chapter 809A,
3 15 shall be disposed of by the department of public safety or
3 16 department of natural resources as provided in Code section
3 17 809.21.
3 18 LSB 1102SV 82
3 19 jm:rj/es/88

Senate File 176 - Introduced

SENATE FILE
BY KETTERING

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

A BILL FOR

An Act relating to placement of juveniles on the sex offender registry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2131SS 82
jm/je/5

Senate File 176 - Introduced continued

PAG LIN

1 1 Section 1. Section 692A.2, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. A person is not required to register while
1 4 incarcerated, in foster care, or in a residential treatment
1 5 program. A person who is convicted, as defined in section
1 6 692A.1, of a criminal offense against a minor, sexual
1 7 exploitation, a sexually violent offense, or an other relevant
1 8 offense as a result of adjudication of delinquency in juvenile
1 9 court shall be required to register as required in this
1 10 chapter unless the juvenile court ~~finds~~ makes specific
1 11 findings of fact expressly stated in the record that the
1 12 person should not be required to register under this chapter
1 13 or, alternatively, after making specific findings, the
1 14 juvenile court may require the person to register for less
1 15 than the time period required in this section. If a juvenile
1 16 is required to register and the court later modifies the order
1 17 regarding the requirement to register or period required to
1 18 register, the court shall immediately notify the department.
1 19 Convictions of more than one offense which require
1 20 registration under this chapter but which are prosecuted
1 21 within a single indictment shall be considered as a single
1 22 offense for purposes of registration.
1 23 EXPLANATION
1 24 This bill relates to placement of juveniles on the sex
1 25 offender registry.
1 26 The bill provides that a juvenile adjudicated delinquent
1 27 for a criminal offense against a minor, sexual exploitation,
1 28 sexually violent offense, or an other relevant offense shall
1 29 be required to register as a sex offender unless the juvenile
1 30 court makes specific findings of fact expressly stated in the
1 31 record that the juvenile is not required to register as a sex
1 32 offender or, alternatively, the court may require the person
1 33 to register for less than the time period required.
1 34 Current law provides that if the court finds the juvenile
1 35 should not be required to register, then the juvenile is

Senate File 176 - Introduced continued

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  2  1 exempt from registering as a sex offender.
  2  2 LSB 2131SS 82
  2  3 jm:nh/je/5.1
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Senate File 177 - Introduced

SENATE FILE
BY SENG, KREIMAN, BLACK, RAGAN, BEALL, OLIVE, WOOD, SCHMITZ, HECKROTH, DEARDEN, RIELLY, SCHOENJAHN, FRAISE, DOTZLER, DANIELSON, HATCH, HORN, STEWART, APPEL, COURTNEY, HANCOCK, McCOY, QUIRMBACH, GRONSTAL, ZAUN, CONNOLLY, KETTERING, PUTNEY, GASKILL, MULDER, NOBLE, WIECK, SEYMOUR, HOUSER, BOLKCOM, BOETTGER, HARTSUCH, ANGELO, BEHN, McKIBBEN, and KIBBIE

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

A BILL FOR

1 An Act appropriating moneys for tourism marketing and promotion.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1435SS 82
4 tm/gg/14

Senate File 177 - Introduced continued

PAG LIN

1 1 Section 1. TOURISM MARKETING AND PROMOTION. There is
1 2 appropriated from the general fund of the state to the
1 3 department of economic development for the fiscal year
1 4 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 tourism marketing and promotion, including salaries,
1 8 support, maintenance, and miscellaneous purposes:
1 9 ..... $ 8,300,000
1 10 EXPLANATION
1 11 This bill appropriates $8.3 million to the department of
1 12 economic development from the general fund of the state for FY
1 13 2007=2008 for purposes of tourism marketing and promotion.
1 14 LSB 1435SS 82
1 15 tm:nh/gg/14.1

Senate File 178 - Introduced

SENATE FILE
BY RIELLY, SENG, and
WOOD

(COMPANION TO LSB 2374HH
BY HUSER)

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

A BILL FOR

An Act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2374SS 82
tm/es/88

Senate File 178 - Introduced continued

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1 1 Section 1. Section 428A.8, Code 2007, is amended to read
1 2 as follows:
1 3 428A.8 REMITTANCE TO STATE TREASURER == PORTION RETAINED
1 4 IN COUNTY.
1 5 1. On or before the tenth day of each month the county
1 6 recorder shall determine and pay to the treasurer of state
1 7 eighty=two and three=fourths percent of the receipts from the
1 8 real estate transfer tax collected during the preceding month
1 9 and the treasurer of state shall deposit ~~ninety=five percent~~
~~1 10 of the receipts in the general fund of the state~~ and transfer
1 11 ~~five percent of~~ the receipts ~~to the shelter assistance fund~~
~~1 12 created in section 15.349~~ as provided in subsection 2.
1 13 The county recorder shall deposit the remaining seventeen
1 14 and one=fourth percent of the receipts in the county general
1 15 fund.
1 16 Any tax or additional tax found to be due shall be
1 17 collected by the county recorder. If the county recorder is
1 18 unable to collect the tax, the director of revenue shall
1 19 collect the tax in the same manner as taxes are collected in
1 20 chapter 422, division III. If collected by the director of
1 21 revenue, the director shall pay the county its proportionate
1 22 share of the tax. Section 422.25, subsections 1, 2, 3, and 4,
1 23 and sections 422.26, 422.28 through 422.30, and 422.73,
1 24 consistent with this chapter, apply with respect to the
1 25 collection of any tax or additional tax found to be due, in
1 26 the same manner and with the same effect as if the deed,
1 27 instrument, or writing were an income tax return within the
1 28 meaning of those statutes.
1 29 The county recorder shall keep records and make reports
1 30 with respect to the real estate transfer tax as the director
1 31 of revenue prescribes.
1 32 2. The treasurer of state shall deposit or transfer the
1 33 receipts paid the treasurer of state pursuant to subsection 1
1 34 to either the general fund of the state, the housing trust
1 35 fund created in section 16.181, or the shelter assistance fund

Senate File 178 - Introduced continued

2 1 created in section 15.349 as follows:
2 2 a. For the fiscal year beginning July 1, 2007, ninety=
2 3 five percent of the receipts shall be deposited in the general
2 4 fund and five percent of the receipts shall be transferred to
2 5 the shelter assistance fund.
2 6 b. For the fiscal year beginning July 1, 2008, ninety=
2 7 five percent of the receipts, less one million dollars which
2 8 shall be transferred to the housing trust fund, shall be
2 9 deposited in the general fund and five percent of the receipts
2 10 shall be transferred to the shelter assistance fund.
2 11 c. For the fiscal year beginning July 1, 2009, ninety=
2 12 five percent of the receipts, less two million dollars which
2 13 shall be transferred to the housing trust fund, shall be
2 14 deposited in the general fund and five percent of the receipts
2 15 shall be transferred to the shelter assistance fund.
2 16 d. For the fiscal year beginning July 1, 2010, seventy
2 17 percent of the receipts shall be deposited in the general
2 18 fund, twenty=five percent of the receipts shall be transferred
2 19 to the housing trust fund, and five percent of the receipts
2 20 shall be transferred to the shelter assistance fund.
2 21 e. For the fiscal year beginning July 1, 2011, sixty=five
2 22 percent of the receipts shall be deposited in the general
2 23 fund, thirty percent of the receipts shall be transferred to
2 24 the housing trust fund, and five percent of the receipts shall
2 25 be transferred to the shelter assistance fund.
2 26 f. For the fiscal year beginning July 1, 2012, sixty
2 27 percent of the receipts shall be deposited in the general
2 28 fund, thirty=five percent of the receipts shall be transferred
2 29 to the housing trust fund, and five percent of the receipts
2 30 shall be transferred to the shelter assistance fund.
2 31 g. For the fiscal year beginning July 1, 2013, fifty=five
2 32 percent of the receipts shall be deposited in the general
2 33 fund, forty percent of the receipts shall be transferred to
2 34 the housing trust fund, and five percent of the receipts shall
2 35 be transferred to the shelter assistance fund.

Senate File 178 - Introduced continued

3 1 h. For the fiscal year beginning July 1, 2014, and each
3 2 fiscal year thereafter, fifty percent of the receipts shall be
3 3 deposited in the general fund, forty=five percent of the
3 4 receipts shall be transferred to the housing trust fund, and
3 5 five percent of the receipts shall be transferred to the
3 6 shelter assistance fund.
3 7 EXPLANATION
3 8 This bill relates to the disposition of certain real estate
3 9 transfer tax receipts by the treasurer of state.
3 10 Currently, when there is consideration and the actual
3 11 market value of the real property transferred is in excess of
3 12 $500, the tax is 80 cents for each $500 or fractional part of
3 13 $500 in excess of $500. On or before the 10th day of each
3 14 month, the county recorder determines and pays to the
3 15 treasurer of state 82.75 percent of the receipts from the real
3 16 estate transfer tax collected during the preceding month and
3 17 the treasurer of state deposits 95 percent of the receipts in
3 18 the general fund of the state and transfers 5 percent of the
3 19 receipts to the shelter assistance fund.
3 20 The bill modifies the use of the receipts that are paid to
3 21 the treasurer of state each month. For FY 2008=2009, 95
3 22 percent of the receipts, less $1 million which is transferred
3 23 to the housing trust fund, is deposited in the general fund.
3 24 For FY 2009=2010, 95 percent of the receipts, less $2 million
3 25 which is transferred to the housing trust fund, is deposited
3 26 in the general fund. For FY 2010=2011, the bill reduces the
3 27 percentage of receipts deposited in the general fund to 70
3 28 percent and the percentage is reduced each fiscal year
3 29 thereafter by 5 percent. By FY 2014=2015, and each fiscal
3 30 year thereafter, 50 percent of the receipts received by the
3 31 treasurer of state shall be deposited in the general fund.
3 32 For FY 2010=2011, the bill increases the percentage of
3 33 receipts transferred to the housing trust fund to 25 percent
3 34 and the percentage is increased each fiscal year thereafter by
3 35 5 percent. By FY 2014=2015, and each fiscal year thereafter,

Senate File 178 - Introduced continued

4 1 45 percent of the receipts received by the treasurer of state
4 2 shall be transferred to the housing trust fund. The bill does
4 3 not modify the percentage of receipts being transferred to the
4 4 shelter assistance fund.
4 5 LSB 2374SS 82
4 6 tm:nh/es/88

Senate Resolution 15 - Introduced

PAG LIN

1 1 SENATE RESOLUTION NO.
1 2 BY KIBBIE, APPEL, BEALL, BLACK, BOLKCOM, CONNOLLY,
1 3 COURTNEY, DANIELSON, DEARDEN, DOTZLER, DVORSKY,
1 4 FRAISE, GRONSTAL, HANCOCK, HATCH, HECKROTH, HORN,
1 5 KREIMAN, McCOY, OLIVE, QUIRMBACH, RAGAN, RIELLY,
1 6 SCHMITZ, SCHOENJAHN, SENG, STEWART, and WOOD
1 7 A Resolution opposing the commitment of additional American
1 8 troops to the war in Iraq.
1 9 WHEREAS, the United States strategy and presence on
1 10 the ground in Iraq can only be sustained with the
1 11 support of the American people and bipartisan support
1 12 from Congress; and
1 13 WHEREAS, over 137,000 American military personnel
1 14 are currently serving in Iraq, like thousands of
1 15 others since March 2003, with the bravery and
1 16 professionalism consistent with the finest traditions
1 17 of the United States armed forces, and are deserving
1 18 of the support of all Americans, which strong support
1 19 they have; and
1 20 WHEREAS, more than 2,000 United States military
1 21 personnel have already lost their lives in Iraq, and
1 22 more than 22,500 have been wounded in Iraq; and
1 23 WHEREAS, the deployments of American forces, and
1 24 those that will follow, will have lasting impacts on
1 25 the future recruiting, retention, and readiness of our
1 26 nation's all volunteer force; and
1 27 WHEREAS, in the National Defense Authorization Act
1 28 for Fiscal Year 2006, the Congress stated that
1 29 "calendar year 2006 should be a period of significant
1 30 transition to full sovereignty, with Iraqi security

Senate Resolution 15 - Introduced continued

2 1 forces taking the lead for the security of a free and
2 2 sovereign Iraq"; and
2 3 WHEREAS, a failed state in Iraq would present a
2 4 threat to regional and world peace, and the long=term
2 5 security interests of the United States are best
2 6 served by an Iraq that can sustain, govern, and defend
2 7 itself, and serve as an ally in the war against
2 8 extremists; and
2 9 WHEREAS, Iraq is experiencing a deteriorating and
2 10 ever=widening problem of sectarian and intra=sectarian
2 11 violence based upon political distrust and cultural
2 12 differences between some Sunni and Shia Muslims; and
2 13 WHEREAS, Iraqis must reach political settlements in
2 14 order to achieve reconciliation, and the failure of
2 15 the Iraqis to reach such settlements to support a
2 16 truly unified government greatly contributes to the
2 17 increasing violence in Iraq; and
2 18 WHEREAS, the responsibility for Iraq's internal
2 19 security and halting sectarian violence must rest
2 20 primarily with the Government of Iraq and Iraqi
2 21 Security Forces; and
2 22 WHEREAS, on January 10, 2007, President George W.
2 23 Bush announced his plan to deepen the United States
2 24 military involvement in Iraq by deploying
2 25 approximately 21,000 additional United States combat
2 26 forces to Iraq; and
2 27 WHEREAS, an open=ended commitment of United States
2 28 forces in Iraq is unsustainable and a deterrent to the
2 29 Iraqis making the political compromises and providing
2 30 the personnel and resources that are needed for

Senate Resolution 15 - Introduced continued

3 1 violence to end and for stability and security to be
3 2 achieved in Iraq; and
3 3 WHEREAS, there have been repeated promises by the
3 4 Government of Iraq to assume a greater share of
3 5 security responsibilities, disband militias, consider
3 6 amendments to the Iraq Constitution, enact laws to
3 7 reconcile sectarian differences, and improve the
3 8 quality of life for the Iraqi people, but those
3 9 promises have not been kept; and
3 10 WHEREAS, a successful strategy in Iraq is dependent
3 11 upon the Iraqi leaders fulfilling their promises; and
3 12 WHEREAS, current and former military and foreign
3 13 policy leaders and members of Congress in a bipartisan
3 14 manner have expressed opposition to increasing
3 15 American military presence in Iraq; NOW THEREFORE,
3 16 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
3 17 urges that members of the United States Congress and
3 18 the administration not escalate the United States
3 19 military force presence in Iraq and instead encourage
3 20 Iraqi leaders to foster reconciliation and strengthen
3 21 the unity government to improve that nation's
3 22 security; and
3 23 BE IT FURTHER RESOLVED, That a suitable copy of
3 24 this Resolution shall be sent to George W. Bush,
3 25 President of the United States, to Iowa's
3 26 congressional delegation, and to the members of the
3 27 United States Congress.
3 28 LSB 2559XS 82
3 29 jr:rj/je/5

Senate Study Bill 1222

SENATE FILE
BY (PROPOSED COMMITTEE ON HUMAN RESOURCES BILL BY CHAIRPERSON RAGAN)

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

A BILL FOR

An Act relating to and making an appropriation for the office of substitute decision maker under the department of elder affairs.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2472XC 82
pf/es/88

Senate Study Bill 1222 continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==
1 2 OFFICE OF SUBSTITUTE DECISION MAKER. There is appropriated
1 3 from the general fund of the state to the department of elder
1 4 affairs for the fiscal year beginning July 1, 2007, and ending
1 5 June 30, 2008, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:
1 7 For the state office of substitute decision maker
1 8 established pursuant to chapter 231E:
1 9 ..... $ 635,126
1 10 EXPLANATION
1 11 This bill makes an appropriation from the general fund of
1 12 the state to the department of elder affairs for the office of
1 13 substitute decision maker. The office was established in 2005
1 14 Iowa Acts, chapter 175, within the department of elder affairs
1 15 to create and administer a statewide network of substitute
1 16 decision makers who provide substitute decision=making
1 17 services if other substitute decision makers are not available
1 18 to provide the services. Substitute decision makers include
1 19 guardians, conservators, representative payees, attorneys in
1 20 fact under a power of attorney, and personal representatives.
1 21 Implementation of the office was made contingent upon
1 22 availability of funding as determined by the department of
1 23 elder affairs.
1 24 LSB 2472XC 82
1 25 pf:nh/es/88

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1223

SENATE/HOUSE FILE
BY (PROPOSED CITIZENS' AIDE/
OMBUDSMAN BILL)

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

A BILL FOR

An Act relating to the privacy of social security numbers and other personal information in public records and providing remedies.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1281DP 82
eg/cf/24

Senate Study Bill 1223 continued

PAG LIN

1 1 Section 1. NEW SECTION. 22.21 SOCIAL SECURITY NUMBERS IN
1 2 PUBLIC RECORDS.
1 3 1. To the greatest extent feasible, a government body
1 4 shall not disclose a person's social security number unless
1 5 the disclosure is authorized by law.
1 6 2. A government body shall make reasonable efforts to
1 7 exclude social security numbers from public records, as
1 8 follows:
1 9 a. Exclude social security numbers on licenses, permits,
1 10 and other documents that may be readily observed by the
1 11 public.
1 12 b. Give individuals the option not to submit a social
1 13 security number to the government body.
1 14 c. Any other efforts to prevent social security numbers
1 15 from being included in public records and to protect such
1 16 numbers from disclosure.
1 17 3. If a public record contains a social security number,
1 18 the government body shall determine a method to redact the
1 19 social security number prior to releasing the record if such
1 20 redaction does not materially affect the value of the public
1 21 record and is permitted by law. The redaction of a social
1 22 security number from a public record shall not delay public
1 23 access to the public record except for the time required to
1 24 perform the actual redaction. As used in this section,
1 25 "redact" means to render the social security number unreadable
1 26 or truncated so that no more than the last four digits of the
1 27 social security number may be accessed as part of the record.
1 28 4. This section shall not prohibit a government body from
1 29 lawfully obtaining a person's social security number.
1 30 5. A government body that solicits information containing
1 31 a person's social security number or that is the lawful
1 32 custodian of public records containing social security numbers
1 33 shall, if subject to chapter 17A, adopt rules or, if a
1 34 political subdivision or other public body, adopt guidelines
1 35 to administer the use and disclosure of social security

Senate Study Bill 1223 continued

2 1 numbers consistent with this section.
2 2 Sec. 2. NEW SECTION. 22.22 PERSONAL INFORMATION ==
2 3 BREACH OF SECURITY == NOTICE.
2 4 1. As used in this section:
2 5 a. "Breach of security" means the unauthorized access to
2 6 or acquisition of personal information that compromises the
2 7 security, confidentiality, or integrity of such personal
2 8 information. The unauthorized disclosure of personal
2 9 information subsequent to a good faith, authorized access or
2 10 acquisition of personal information constitutes a breach of
2 11 security.
2 12 b. "Personal information" means a person's first name or
2 13 first initial and last name in combination with any one or
2 14 more of the following data elements that relate to the person
2 15 if neither the name nor the data elements are encrypted,
2 16 redacted, or otherwise altered by any method or technology in
2 17 such a manner that the name or data elements are unreadable:
2 18 (1) Social security number.
2 19 (2) Driver's license number or other unique identification
2 20 number created or collected by a government body.
2 21 (3) Account number, credit card number, or debit card
2 22 number, in combination with any required security code, access
2 23 code, or password that would permit access to a person's
2 24 financial account.
2 25 (4) Unique electronic identifier or routing code, in
2 26 combination with any required security code, access code, or
2 27 password.
2 28 (5) Unique biometric data, such as a fingerprint, voice
2 29 print, retina or iris image, or other unique physical
2 30 representation.
2 31 2. When the government body that collects, maintains, or
2 32 possesses a public record containing personal information has
2 33 reason to believe that a breach of security may occur or has
2 34 occurred, the government body shall promptly investigate to
2 35 determine whether personal information has been or may be used

Senate Study Bill 1223 continued

3 1 for an unauthorized purpose. If the government body finds
3 2 that such use has occurred or is likely to occur, the
3 3 government body shall give notice of the breach of security to
3 4 each affected person pursuant to this section. Notice shall
3 5 be made as soon as possible, consistent with the legitimate
3 6 needs of law enforcement as provided in subsection 3.
3 7 3. If requested by a law enforcement agency, the
3 8 government body shall delay giving notice if notice may impede
3 9 a criminal investigation or jeopardize national security. The
3 10 request by a law enforcement agency shall be in writing or
3 11 documented in writing by the government body. The written
3 12 request shall include the name of the law enforcement officer
3 13 making the request and the name of the officer's law
3 14 enforcement agency that is engaged in the investigation.
3 15 After the law enforcement agency notifies the government body
3 16 that notice of the breach of security will no longer impede
3 17 investigation or national security, the government body shall
3 18 give notice to the affected persons without unreasonable
3 19 delay.
3 20 4. The notice shall include, in a clear and conspicuous
3 21 manner, the following:
3 22 a. The incident causing the breach of security.
3 23 b. The type of personal information compromised by the
3 24 breach of security.
3 25 c. The acts taken by the government body to remedy the
3 26 breach of security.
3 27 d. If available, a telephone number that the person may
3 28 call for further information and assistance.
3 29 e. A statement advising the person to vigilantly review
3 30 account statements and monitor the person's credit report.
3 31 5. The government body shall provide notice using one of
3 32 the following methods:
3 33 a. Written notice to the last available address of record.
3 34 b. Electronic mail notice, if the recipient has agreed to
3 35 receive communications electronically and the notice complies

Senate Study Bill 1223 continued

4 1 with chapter 554D and 15 U.S.C. } 7001.
4 2 c. Telephonic notice, if contact is made directly with the
4 3 affected person.
4 4 d. Substitute notice, if the government body determines
4 5 that the cost of providing notice under paragraphs "a" through
4 6 "c" exceeds twenty=five thousand dollars, the number of
4 7 persons to be notified exceeds fifty thousand, or the
4 8 government body does not have sufficient contact information
4 9 needed to provide notice under paragraphs "a" through "c", as
4 10 follows:
4 11 (1) Electronic mail notice.
4 12 (2) Conspicuous notice posted on the government body's
4 13 website, if available.
4 14 (3) Notification to major statewide media.
4 15 6. Notwithstanding the notice requirements of this
4 16 section, a government body that has developed its own
4 17 notification procedures for a breach of security and timely
4 18 complies with such procedures is deemed to be in compliance
4 19 with this section.
4 20 Sec. 3. NEW SECTION. 22.23 REMEDIES FOR PRIVACY
4 21 VIOLATIONS.
4 22 1. Any person who is injured by a violation of section
4 23 22.21 or 22.22 may institute a civil action to recover actual
4 24 damages, court costs, interest, and attorney fees and to seek
4 25 judicial enforcement of the requirements of section 22.21 or
4 26 22.22 in an action brought against the government body and any
4 27 other persons who would be appropriate defendants under the
4 28 circumstances. The attorney general or any county attorney
4 29 may seek judicial enforcement of section 22.21 or 22.22.
4 30 Suits shall be brought in the district court for the county in
4 31 which the government body has its principal place of business.
4 32 2. The rights and remedies available under this section
4 33 are cumulative to any other rights and remedies available by
4 34 law.
4 35 Sec. 4. Sections 22.3A, subsection 2, unnumbered paragraph

Senate Study Bill 1223 continued

5 1 1; 22.3A, subsection 2, paragraph "a"; 22.7, subsections 27,
5 2 31, and 35; section 22.7, subsection 52, paragraph "g"; 22.8,
5 3 subsections 3 and 4; and 22.10; Code 2007, are amended by
5 4 striking from the applicable section, subsection, or paragraph
5 5 the word "chapter" and inserting in lieu thereof the
5 6 following: "subchapter".
5 7 Sec. 5. CODE EDITOR DIRECTIVE. The Code editor shall
5 8 establish the following subchapters in chapter 22:
5 9 1. Subchapter I, entitled "definitions", shall be
5 10 comprised of section 22.1.
5 11 2. Subchapter II, entitled "access to public records",
5 12 shall be comprised of sections 22.2 through 22.14.
5 13 3. Subchapter III, entitled "privacy", shall be comprised
5 14 of sections 22.21 through 22.23.
5 15 EXPLANATION
5 16 This bill amends the "Open Records Act", Code chapter 22,
5 17 as follows:
5 18 1. New Code section 22.21. While government bodies may
5 19 lawfully obtain a person's social security number, the bill
5 20 specifically directs government bodies not to disclose a
5 21 person's social security number and to take steps to exclude
5 22 social security numbers from public records. For social
5 23 security numbers contained in public records, the bill
5 24 requires the government body to redact such numbers prior to
5 25 the public's access to that record. The bill further directs
5 26 the government body to adopt rules or guidelines, as
5 27 appropriate, to administer the use and disclosure of social
5 28 security numbers.
5 29 2. New Code section 22.22. The bill provides that if the
5 30 security of personal information, as defined, is breached by
5 31 the unauthorized access to or acquisition of such information,
5 32 the government body shall investigate the breach to determine
5 33 whether personal information has been or may be used for an
5 34 unauthorized purpose. If such use has occurred or is likely
5 35 to occur, the government body is required to give notice,

Senate Study Bill 1223 continued

6 1 consistent with law enforcement needs, to each affected
6 2 person. The bill outlines the information required in the
6 3 notice and the methods for accomplishing notice. A government
6 4 body that has its own notice procedures may use such
6 5 procedures in lieu of the bill's notice requirement.
6 6 3. New Code section 22.23. The bill provides remedies to
6 7 enforce the requirements of and provide redress for violations
6 8 of Code sections 22.21 and 22.22, above. Existing enforcement
6 9 and penalty provisions in Code sections 22.5 and 22.6,
6 10 respectively, will also apply to redress violations of Code
6 11 sections 22.21 and 22.22.
6 12 4. The bill includes a Code editor directive to create
6 13 subchapters in Code chapter 22.
6 14 The following Code sections are amended by striking from
6 15 the applicable section, subsection, or paragraph the word
6 16 "chapter" and inserting in lieu thereof the word "subchapter":
6 17 1. Code section 22.3A, subsection 2, concerning access and
6 18 fees for access to public records which are combined with a
6 19 government body's data processing software.
6 20 2. Code section 22.7, subsections 27, 31, 35, and
6 21 subsection 52, paragraph "g", identifying various public
6 22 records that are to be kept confidential.
6 23 3. Code section 22.8, subsections 3 and 4, pertaining to
6 24 actions to restrain the examination of a public record and
6 25 grounds for reasonable delay by a lawful custodian in
6 26 permitting access to a public record.
6 27 4. Code section 22.10 pertaining to civil enforcement
6 28 actions when a lawful custodian has refused to give access to
6 29 public records in violation of the open records Act.
6 30 "Chapter" is the appropriate word in the following Code
6 31 sections as such Code sections would apply to the entire
6 32 chapter:
6 33 1. Code section 22.4 concerning the office hours of the
6 34 lawful custodian of public records.
6 35 2. Code section 22.9 providing that if federal funds or

Senate Study Bill 1223 continued

7 1 services would be denied because of a provision of Code
7 2 chapter 22, the provision must be suspended only to the extent
7 3 necessary.
7 4 LSB 1281DP 82
7 5 eg:sc/cf/24.2

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1224

SENATE FILE
BY (PROPOSED COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT BILL BY CHAIRPERSON BLACK)

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

A BILL FOR

An Act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2216SC 82
av/je/5

Senate Study Bill 1224 continued

PAG LIN

1 1 Section 1. Section 483A.1, subsection 1, paragraph q, Code
1 2 2007, is amended to read as follows:
1 3 q. Wildlife habitat fee ..... $ ~~8.00~~ 11.00
1 4 Sec. 2. Section 483A.1, subsection 2, paragraph r, Code
1 5 2007, is amended to read as follows:
1 6 r. Wildlife habitat fee ..... $ ~~8.00~~ 11.00
1 7 Sec. 3. Section 483A.3, Code 2007, is amended by adding
1 8 the following new subsection:
1 9 NEW SUBSECTION. 3. Notwithstanding subsections 1 and 2,
1 10 any increase in revenues received on or after July 1, 2007,
1 11 pursuant to this section as a result of fee increases pursuant
1 12 to this Act, shall be used by the commission only for the
1 13 purpose of the upland game bird habitat development program as
1 14 provided in section 483A.3B. The commission shall not reduce
1 15 on an annual basis for these purposes the amount of other
1 16 funds being expended as of July 1, 2007.
1 17 Sec. 4. NEW SECTION. 483A.3B UPLAND GAME BIRD HABITAT
1 18 DEVELOPMENT PROGRAMS.
1 19 1. ALLOCATION OF REVENUE == ACCOUNTS. All revenue
1 20 collected from increases in wildlife habitat fees as provided
1 21 in section 483A.3, subsection 3, that is deposited in the
1 22 state fish and game protection fund shall be allocated as
1 23 follows:
1 24 a. Two dollars of each wildlife habitat fee collected
1 25 shall be allocated to the upland game bird wetlands
1 26 conservation account.
1 27 b. One dollar of each wildlife habitat fee collected shall
1 28 be allocated to the upland game bird buffer strip assistance
1 29 account.
1 30 c. Notwithstanding section 12C.7, subsection 2, interest
1 31 or earnings on moneys collected from wildlife habitat fees
1 32 that are deposited in each account created under this section
1 33 shall be credited to that account. Notwithstanding section
1 34 8.33 or section 456A.17, moneys credited to each account
1 35 created under this section shall not revert to the state

Senate Study Bill 1224 continued

2 1 general fund at the close of a fiscal year.
2 2 d. All revenue generated by increases in the wildlife
2 3 habitat fee as provided in section 483A.3, subsection 3, shall
2 4 be used as provided in this section, except for that part
2 5 which is specified by the department for use in paying
2 6 administrative expenses as provided in section 456A.17.
2 7 2. UPLAND GAME BIRD WETLANDS CONSERVATION PROGRAM.
2 8 a. All moneys allocated to the upland game bird wetlands
2 9 conservation account shall be used by the department only to
2 10 carry out the purposes of the upland game bird wetlands
2 11 conservation program and shall be used in addition to funds
2 12 already being expended by the department each year for
2 13 wetlands conservation purposes.
2 14 b. The purpose of the upland game bird wetlands
2 15 conservation program is to create a sustained source of
2 16 revenue to be used by the department to qualify for federal
2 17 matching funds that are available for wetlands conservation
2 18 under the federal North American Wetlands Conservation Act
2 19 program, 16 U.S.C. } 4401=4414, and to undertake projects in
2 20 conjunction with county conservation boards and other partners
2 21 that will aid in wetlands and associated upland habitat
2 22 conservation in the state, including the acquisition,
2 23 restoration, maintenance, or preservation of wetlands and
2 24 associated upland habitat.
2 25 c. (1) All moneys that are allocated to the upland game
2 26 bird wetlands conservation account shall accumulate in the
2 27 account until the account balance is equal to one million
2 28 dollars or an amount sufficient to be used by the department
2 29 to qualify for federal matching funds. Each time the account
2 30 balance reaches an amount sufficient to be used by the
2 31 department to qualify for federal matching funds, the
2 32 department shall apply for such matching funds, and upon
2 33 obtaining such funds, shall expend the state and federal
2 34 revenues available at that time to undertake projects as set
2 35 forth in paragraph "b".

Senate Study Bill 1224 continued

3 1 (2) Additional moneys that are generated by upland game
3 2 bird wildlife habitat fees and allocated to the upland game
3 3 bird wetlands conservation account shall again accumulate in
3 4 the account, and each time the account balance is equal to one
3 5 million dollars or an amount sufficient to be used by the
3 6 department to qualify for federal matching funds, the
3 7 department shall again apply for federal matching funds, and
3 8 upon obtaining such funds, shall expend the state and federal
3 9 revenues available at that time to undertake projects as set
3 10 forth in paragraph "b".
3 11 d. The department shall use all state revenue and federal
3 12 matching funds obtained under the federal North American
3 13 Wetlands Conservation Act to undertake the purposes of the
3 14 upland game bird wetlands conservation program as set forth in
3 15 paragraph "b". State revenue allocated to the account shall
3 16 be used by the department only for projects that increase
3 17 public recreational hunting opportunities in the state and
3 18 shall not be used for projects on private land that is not
3 19 accessible to the public for recreational hunting.
3 20 3. UPLAND GAME BIRD BUFFER STRIP ASSISTANCE PROGRAM.
3 21 a. All moneys allocated to the upland game bird buffer
3 22 strip assistance account shall be used by the department only
3 23 to carry out the purposes of the upland game bird buffer strip
3 24 assistance program and shall be used in addition to funds
3 25 already being expended by the department each year for such
3 26 purposes. The department shall not reduce the amount of other
3 27 funds being expended for these purposes as of July 1, 2007.
3 28 b. The purpose of the upland game bird buffer strip
3 29 assistance program is to increase landowner participation in
3 30 federally funded conservation programs that benefit upland
3 31 game birds and to increase opportunities for recreational
3 32 hunting on private lands. To the extent possible, moneys
3 33 allocated to the upland game bird buffer strip assistance
3 34 account shall be used in conjunction with and to qualify for
3 35 additional funding from private conservation organizations and

Senate Study Bill 1224 continued

4 1 other state and federal agencies to accomplish the purposes of
4 2 the program. The funds may be used to provide private
4 3 landowners with cost=sharing assistance for habitat
4 4 improvement practices on projects that are not eligible for
4 5 federal programs or where federal funding for such projects is
4 6 not adequate. The department may utilize the funds to provide
4 7 marketing and outreach efforts to landowners in order to
4 8 maximize landowners' use of federal conservation programs.
4 9 c. (1) All moneys that are allocated to the upland game
4 10 bird buffer strip assistance account shall accumulate in the
4 11 account for a period of five years. At the end of the five=
4 12 year period, the moneys in the account shall be used by the
4 13 department to carry out the purposes of the upland game bird
4 14 buffer strip assistance program as set forth in paragraph "b".
4 15 The cost=share assistance shall be provided to applicants on a
4 16 first=come, first=served basis until the moneys accumulated in
4 17 the account during that period are exhausted. The department
4 18 shall, by rule pursuant to chapter 17A, establish eligibility
4 19 requirements for the program and procedures for applications
4 20 for and approval of projects to be funded under the program.
4 21 The department shall expend moneys from the account only for
4 22 projects on private land that is accessible to the public for
4 23 recreational hunting.
4 24 (2) Additional moneys that are generated by upland game
4 25 bird wildlife habitat fees and allocated to the upland game
4 26 bird buffer strip assistance account shall accumulate in the
4 27 account and shall be used by the department every five years
4 28 as set forth in subparagraph (1).
4 29 4. DEFINITION. As used in this section, "upland game
4 30 bird" means a pheasant or a quail.
4 31 EXPLANATION
4 32 This bill increases the wildlife habitat fee by $3,
4 33 appropriates the increase in moneys collected, and creates
4 34 programs to expend the moneys for upland game bird habitat
4 35 development.

Senate Study Bill 1224 continued

5 1 The bill provides that all increases in wildlife habitat
5 2 fees collected shall be forwarded by the department of natural
5 3 resources to the treasurer of state for placement in the state
5 4 fish and game protection fund and are appropriated to the
5 5 department to be used solely for the purposes set forth in the
5 6 bill.
5 7 Revenue deposited in the state fish and game protection
5 8 fund is allocated by the bill into two separate accounts, with
5 9 $2 of each fee collected to be allocated to the upland game
5 10 bird wetlands conservation account and $1 of each fee
5 11 collected to be allocated to the upland game bird buffer strip
5 12 assistance account. Interest or earnings on moneys contained
5 13 in each account must be credited to the account, and moneys in
5 14 each account do not revert to the general fund at the close of
5 15 the fiscal year.
5 16 Moneys allocated to the upland game bird wetlands
5 17 conservation account by the bill must be used by the
5 18 department only to carry out the purposes of the upland game
5 19 bird wetlands conservation program, which are to create a
5 20 sustained source of revenue to be used by the department to
5 21 qualify for federal matching funds that are available for
5 22 wetlands conservation under the federal North American
5 23 Wetlands Conservation Act and to undertake projects in
5 24 conjunction with county conservation boards and other partners
5 25 that will aid in wetlands and associated upland habitat
5 26 conservation in the state, including the acquisition,
5 27 restoration, maintenance, or preservation of wetlands and
5 28 associated upland habitat.
5 29 The bill provides that moneys that are allocated to the
5 30 upland game bird wetlands conservation account shall
5 31 accumulate in the account until the account balance is equal
5 32 to $1 million or an amount sufficient to be used by the
5 33 department to qualify for federal matching funds. Each time
5 34 the account balance reaches the necessary amount, the
5 35 department is required to apply for such matching funds, and

Senate Study Bill 1224 continued

6 1 upon obtaining those funds, expend the state and federal
6 2 revenues available to carry out the purposes of the upland
6 3 game bird wetlands conservation program. The bill provides
6 4 that state revenue allocated to the account shall be used for
6 5 projects that increase public recreational hunting
6 6 opportunities in the state and shall not be used on private
6 7 land that is not accessible to the public for recreational
6 8 hunting.
6 9 Moneys allocated to the upland game bird buffer strip
6 10 assistance account must be used by the department only to
6 11 carry out the purpose of the upland game bird buffer strip
6 12 assistance program, which is to increase landowner
6 13 participation in federally funded conservation programs that
6 14 benefit upland game birds and to increase opportunities for
6 15 recreational hunting on private lands.
6 16 The bill provides that moneys allocated to the upland game
6 17 bird buffer strip assistance account shall accumulate in the
6 18 account for five years and then be used by the department to
6 19 carry out the purposes of the upland game bird buffer strip
6 20 assistance program. The bill provides that cost=share
6 21 assistance given under the program shall be on a first=come,
6 22 first=served basis until the moneys allocated to the account
6 23 during that period are exhausted. The department is required
6 24 to adopt rules to establish eligibility requirements and
6 25 procedures for applications for and approval of projects to be
6 26 funded under the program. The process is then repeated every
6 27 five years using funds that have accumulated in the account.
6 28 For purposes of the bill, an "upland game bird" is a
6 29 pheasant or a quail.
6 30 LSB 2216SC 82
6 31 av:rj/je/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1225

SENATE FILE
BY (PROPOSED COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT BILL BY CHAIRPERSON BLACK)

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

A BILL FOR

An Act providing preferences for nonresident landowners to obtain wild turkey and antlered or any sex deer hunting licenses.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2424SC 82
av/es/88

Senate Study Bill 1225 continued

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1 1 Section 1. Section 483A.7, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Nonresidents owning land in this state
1 4 shall be given preference for twenty=five percent of the
1 5 nonresident wild turkey hunting licenses that are available
1 6 under subsection 3. The wild turkey hunting licenses issued
1 7 pursuant to this subsection shall be valid to hunt on the
1 8 nonresident's land only. The commission, by rule, shall
1 9 establish procedures for applying for the licenses issued
1 10 pursuant to this subsection. If one or more parcels of land
1 11 have multiple nonresident owners, only one of the nonresident
1 12 owners is eligible for a nonresident wild turkey hunting
1 13 license issued pursuant to this subsection. If a nonresident
1 14 jointly owns land in this state with a resident, the
1 15 nonresident shall not be given a preference for a nonresident
1 16 wild turkey hunting license. The department shall require a
1 17 nonresident landowner applying for a nonresident wild turkey
1 18 hunting license pursuant to this subsection to prove land
1 19 ownership by exhibiting proof that the nonresident pays
1 20 property taxes in this state.
1 21 Sec. 2. Section 483A.8, Code 2007, is amended by adding
1 22 the following new subsection:
1 23 NEW SUBSECTION. 4A. Nonresidents owning land in this
1 24 state shall be given a preference for twenty=five percent of
1 25 the nonresident antlered or any sex deer hunting licenses that
1 26 are available under subsection 3. Licenses issued pursuant to
1 27 this subsection shall be valid to hunt on the nonresident's
1 28 land only. The commission, by rule, shall establish
1 29 procedures for applying for the licenses issued pursuant to
1 30 this subsection. If one or more parcels of land have multiple
1 31 nonresident owners, only one of the nonresident owners is
1 32 eligible for a nonresident antlered or any sex deer hunting
1 33 license. If a nonresident jointly owns land in this state
1 34 with a resident, the nonresident shall not be given preference
1 35 for a nonresident antlered or any sex deer hunting license.

Senate Study Bill 1225 continued

2 1 The department shall require a nonresident landowner applying
2 2 for a license pursuant to this subsection to prove land
2 3 ownership by exhibiting proof that the nonresident pays
2 4 property taxes in this state.
2 5 Sec. 3. Section 483A.8, subsection 5, Code 2007, is
2 6 amended to read as follows:
2 7 5. A nonresident owning land in this state may apply for a
2 8 nonresident antlered or any sex deer hunting license, and the
2 9 provisions of ~~subsection~~ subsections 3 and 4A shall apply.
2 10 However, if a nonresident owning land in this state is
2 11 unsuccessful in obtaining one of the nonresident antlered or
2 12 any sex deer hunting licenses, the landowner shall be given
2 13 preference for one of the antlerless deer only nonresident
2 14 deer hunting licenses available pursuant to subsection 3. A
2 15 nonresident owning land in this state shall pay the fee for a
2 16 nonresident antlerless only deer license and the license shall
2 17 be valid to hunt on the nonresident's land only. If one or
2 18 more parcels of land have multiple nonresident owners, only
2 19 one of the nonresident owners is eligible for a nonresident
2 20 antlerless only deer license. If a nonresident jointly owns
2 21 land in this state with a resident, the nonresident shall not
2 22 be given preference for a nonresident antlerless only deer
2 23 license. The department may require proof of land ownership
2 24 from a nonresident landowner applying for a nonresident
2 25 antlerless only deer license.
2 26 EXPLANATION
2 27 This bill provides preferences for nonresident landowners
2 28 to obtain wild turkey and antlered or any sex deer hunting
2 29 licenses.
2 30 The bill requires that nonresidents owning land in this
2 31 state be given preference for 25 percent of the 2,300
2 32 nonresident wild turkey hunting licenses that are available
2 33 for issuance each year. A license issued pursuant to the new
2 34 provision is valid to hunt on the nonresident landowner's
2 35 property only. If there are multiple nonresident landowners

Senate Study Bill 1225 continued

3 1 of a parcel of land, only one of the owners is eligible for a
3 2 license pursuant to this provision. If a nonresident jointly
3 3 owns land with a resident, the nonresident is not entitled to
3 4 the preference. The department of natural resources is
3 5 authorized to establish procedures by rule for applying for
3 6 the license and to require a nonresident landowner applying
3 7 for a license to prove land ownership by exhibiting proof of
3 8 payment of property taxes in this state.
3 9 The bill also requires that nonresidents owning land in
3 10 this state be given preference for 25 percent of the 6,000
3 11 nonresident antlered or any sex deer hunting licenses that are
3 12 available for issuance each year. A license issued pursuant
3 13 to this provision is valid to hunt on the nonresident
3 14 landowner's property only. The department of natural
3 15 resources is authorized to establish procedures by rule for
3 16 applying for the license and to require a nonresident
3 17 landowner applying for a license to prove land ownership by
3 18 exhibiting proof of payment of property taxes in this state.
3 19 The stipulations concerning multiple nonresident landowners
3 20 and joint resident and nonresident landowners are the same as
3 21 for wild turkey hunting licenses. If a nonresident landowner
3 22 is unsuccessful in obtaining an antlered or any sex deer
3 23 hunting license pursuant to Code section 483A.8, subsection 3
3 24 or 4A, the landowner is given preference to obtain an
3 25 antlerless deer only deer hunting license pursuant to Code
3 26 section 483A.8, subsection 5.
3 27 LSB 2424SC 82
3 28 av:nh/es/88

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1226

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

An Act relating to regulation of underground storage tanks by the department of natural resources, making appropriations, and providing contingent effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1404DP 82
tm/es/88

Senate Study Bill 1226 continued

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1 1 Section 1. Section 455B.474, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. Maintaining records of any monitoring or leak detection
1 4 system, inventory control system, ~~or~~ tank testing or
1 5 comparable system, and periodic underground storage tank
1 6 facility compliance inspections conducted by inspectors
1 7 certified by the department.
1 8 Sec. 2. Section 455B.474, subsection 1, Code 2007, is
1 9 amended by adding the following new paragraph:
1 10 NEW PARAGRAPH. i. Establishing a certified compliance
1 11 inspector program administered by the department for
1 12 underground storage tank facility compliance inspections.
1 13 (1) The certified compliance inspector program shall
1 14 provide for, but not be limited to, all of the following:
1 15 (a) Mandatory periodic underground storage tank facility
1 16 compliance inspections by owners and operators using
1 17 inspectors certified by the department.
1 18 (b) Compliance inspector qualifications, certification
1 19 procedures, certification and renewal fees sufficient to cover
1 20 administrative costs, continuing education requirements,
1 21 inspector discipline standards including certification
1 22 suspension and revocation for good cause, compliance
1 23 inspection standards, professional liability bonding or
1 24 insurance requirements, and any other requirements as the
1 25 commission may deem appropriate. Certification and renewal
1 26 fees received by the department are appropriated to the
1 27 department for purposes of the administration of the certified
1 28 compliance inspector program.
1 29 (2) The department shall continue to conduct independent
1 30 inspections as provided in section 455B.475 as deemed
1 31 appropriate to assure effective compliance and enforcement and
1 32 for the purpose of auditing the accuracy and completeness of
1 33 inspections conducted by certified compliance inspectors.
1 34 (3) Acts or omissions by a certified compliance inspector,
1 35 the state, or the department regarding certification, renewal,

Senate Study Bill 1226 continued

2 1 oversight of the certification process, continuing education,
2 2 discipline, inspection standards, or any other actions, rules,
2 3 or regulations arising out of the certification, inspections,
2 4 or duties imposed by this section shall not be cause for a
2 5 claim against the state or the department within the meaning
2 6 of chapter 669 or any other provision of the Iowa Code.
2 7 Sec. 3. Section 455B.474, subsection 1, paragraph d,
2 8 subparagraph (2), subparagraph division (e), Code 2007, is
2 9 amended to read as follows:
2 10 (e) A site cleanup report which classifies a site as
2 11 either high risk, low risk, or no action required shall be
2 12 submitted by a groundwater professional to the department with
2 13 a certification that the report complies with the provisions
2 14 of this chapter and rules adopted by the department. The
2 15 report shall be determinative of the appropriate
2 16 classification of the site. However, if the report is found
2 17 to be inaccurate or incomplete, and if based upon information
2 18 in the report the risk classification of the site cannot be
2 19 reasonably determined by the department based upon industry
2 20 standards, the department shall work with the groundwater
2 21 professional to obtain the additional information necessary to
2 22 appropriately classify the site. A groundwater professional
2 23 who knowingly or intentionally makes a false statement or
2 24 misrepresentation which results in a mistaken classification
2 25 of a site shall be guilty of a serious misdemeanor and shall
2 26 have the groundwater professional's certification revoked
2 27 under this section ~~455G.18~~.
2 28 Sec. 4. Section 455B.474, subsection 1, paragraph f,
2 29 subparagraph (5), Code 2007, is amended to read as follows:
2 30 (5) A corrective action design report submitted by a
2 31 groundwater professional shall be accepted by the department
2 32 and shall be primarily relied upon by the department to
2 33 determine the corrective action response requirements of the
2 34 site. However, if the corrective action design report is
2 35 found to be inaccurate or incomplete, and if based upon

Senate Study Bill 1226 continued

3 1 information in the report the appropriate corrective action
3 2 response cannot be reasonably determined by the department
3 3 based upon industry standards, the department shall work with
3 4 the groundwater professional to obtain the additional
3 5 information necessary to appropriately determine the
3 6 corrective action response requirements. A groundwater
3 7 professional who knowingly or intentionally makes a false
3 8 statement or misrepresentation which results in an improper or
3 9 incorrect corrective action response shall be guilty of a
3 10 serious misdemeanor and shall have the groundwater
3 11 professional's certification revoked under this section
3 12 ~~455G.18~~.
3 13 Sec. 5. Section 455B.474, Code 2007, is amended by adding
3 14 the following new subsections:
3 15 NEW SUBSECTION. 8. Requirements as may be necessary to
3 16 maintain state program approval and which are consistent with
3 17 applicable provisions of the federal Energy Policy Act of
3 18 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
3 19 Storage Tank Compliance, as codified in 42 U.S.C. } 6991 et
3 20 seq.
3 21 a. The commission shall adopt rules establishing a
3 22 training program applicable to owners and operators of
3 23 underground storage tanks. The rules may include provisions
3 24 for department certification of operators, self=certification
3 25 by owners and operators, education and training requirements,
3 26 owner requirements to assure operator qualifications, and
3 27 assessment of education, training, and certification fees.
3 28 The rules shall be consistent with and sufficient to comply
3 29 with the operator training requirements as provided in 42
3 30 U.S.C. 6991i, guidance adopted pursuant to that provision by
3 31 the administrator of the United States environmental
3 32 protection agency, and state program approval requirements
3 33 under 42 U.S.C. 6991i(b).
3 34 b. The commission shall adopt rules consistent with and
3 35 sufficient to comply with the provisions of 42 U.S.C. 6991k,

Senate Study Bill 1226 continued

4 1 guidance adopted by the administrator of the United States
4 2 Environmental Protection Agency pursuant to that provision,
4 3 and state program approval requirements under 42 U.S.C.
4 4 6991k(a)(3).
4 5 c. The commission shall adopt rules applicable to
4 6 secondary containment requirements consistent with and
4 7 sufficient to comply with the provisions of Pub. L. 109=58,
4 8 Title XV, section 1530(a), as codified at 42 U.S.C.
4 9 6991b(i)(1), and guidance adopted by the administrator of the
4 10 United States environmental protection agency pursuant to that
4 11 provision. Rules adopted under this paragraph shall not amend
4 12 or modify the secondary containment requirements in subsection
4 13 1, paragraph "f", subparagraph (9).
4 14 NEW SUBSECTION. 9. a. Groundwater professionals shall be
4 15 certified. The commission shall adopt rules pursuant to
4 16 chapter 17A for such certifications, and the rules shall
4 17 include provisions for certification suspension or revocation
4 18 for good cause.
4 19 b. A groundwater professional is a person who provides
4 20 subsurface soil contamination and groundwater consulting
4 21 services or who contracts to perform remediation or corrective
4 22 action services and is one or more of the following:
4 23 (1) A person certified by the American institute of
4 24 hydrology, the national water well association, the American
4 25 board of industrial hygiene, or the association of groundwater
4 26 scientists and engineers.
4 27 (2) A professional engineer licensed in Iowa.
4 28 (3) A professional geologist certified by a national
4 29 organization.
4 30 (4) Any person who has five years of direct and related
4 31 experience and training as a groundwater professional or in
4 32 the field of earth sciences.
4 33 (5) Any other person with a license, certification, or
4 34 registration to practice hydrogeology or groundwater hydrology
4 35 issued by any state in the United States or by any national

Senate Study Bill 1226 continued

5 1 organization, provided that the license, certification, or
5 2 registration process requires, at a minimum, all of the
5 3 following:
5 4 (a) Possession of a bachelor's degree from an accredited
5 5 college.
5 6 (b) Five years of related professional experience.
5 7 c. The department of natural resources may provide for a
5 8 civil penalty of no more than fifty dollars for failure to
5 9 obtain certification. An interested person may obtain a list
5 10 of certified groundwater professionals from the department of
5 11 natural resources. The department may impose and retain a fee
5 12 for the certification of persons under this subsection
5 13 sufficient to cover the costs of administration.
5 14 d. The certification of groundwater professionals shall
5 15 not impose liability on the board, the department, or the fund
5 16 for any claim or cause of action of any nature, based on the
5 17 action or inaction of a groundwater professional certified
5 18 pursuant to this subsection.
5 19 e. A person who requests certification under this
5 20 subsection shall be required to attend a course of instruction
5 21 and pass a certification examination. An applicant who
5 22 successfully passes the examination shall be certified as a
5 23 groundwater professional.
5 24 f. All groundwater professionals shall be required to
5 25 complete continuing education requirements as adopted by rule
5 26 by the commission.
5 27 g. The commission may provide for exemption from the
5 28 certification requirements of this subsection and rules
5 29 adopted hereunder for a professional engineer licensed
5 30 pursuant to chapter 542B, if the person is qualified in the
5 31 field of geotechnical, hydrological, environmental
5 32 groundwater, or hydrogeological engineering.
5 33 h. Notwithstanding the certification requirements of this
5 34 subsection, a site cleanup report or corrective action design
5 35 report submitted by a certified groundwater professional shall

Senate Study Bill 1226 continued

6 1 be accepted by the department in accordance with subsection 1,
6 2 paragraph "d", subparagraph (2), subparagraph subdivision (e),
6 3 and paragraph "f", subparagraph (5).
6 4 NEW SUBSECTION. 10. Requirements that persons and
6 5 companies performing or providing services for underground
6 6 storage tank installations, installation inspections, testing,
6 7 and permanent closures be certified by the department. This
6 8 provision does not apply to persons performing services in
6 9 their official capacity and as authorized by the state fire
6 10 marshal's office or fire departments of political subdivisions
6 11 of the state. The rules adopted by the commission shall
6 12 include all of the following:
6 13 a. Establishing separate certification criteria applicable
6 14 to underground storage tank installers and installation
6 15 inspectors, underground storage tank testers, and persons
6 16 conducting underground storage tank closure activities as
6 17 required by commission rules.
6 18 b. Establishing minimum qualifications for certification
6 19 including but not limited to considerations based on
6 20 education, character, professional ethics, experience,
6 21 manufacturer or other private agency certification, training
6 22 and apprenticeship, and field demonstration of competence.
6 23 The rules may provide for exemption from education,
6 24 experience, and training requirements for a licensed engineer
6 25 for whom underground storage tank installation is within the
6 26 scope of their license and practice but shall require
6 27 compliance with other certification requirements.
6 28 c. Requiring a written examination developed and
6 29 administered by the department or by some other qualified
6 30 public or private entity identified by the department. The
6 31 department may contract with a public or private entity to
6 32 administer the department's examination or a department
6 33 approved third party examination. The examination shall, at a
6 34 minimum, be sufficient to establish knowledge of all
6 35 applicable underground storage tank rules adopted under this

Senate Study Bill 1226 continued

7 1 section, private industry standards, federal standards, and
7 2 other applicable standards adopted by the Iowa fire marshal's
7 3 office pursuant to chapter 101.
7 4 d. Providing for a minimum two=year renewable
7 5 certification period. A person may apply for a combined
7 6 certificate applicable to underground storage tank installer
7 7 and installer inspector certification, tester certification,
7 8 and closure certification.
7 9 e. Providing that certificate holders obtain and provide
7 10 proof of financial responsibility for environmental liability
7 11 with minimum liability limits of one million dollars per
7 12 occurrence and in the aggregate. The rules may provide
7 13 exemptions where the certificate holder is employed by the
7 14 owner or operator of the underground storage tank system and
7 15 the underground storage tank system is covered by a financial
7 16 responsibility mechanism under subsection 2.
7 17 f. Providing criteria for the department to take
7 18 disciplinary action including issuance of warnings,
7 19 reprimands, suspension and probation, and revocation. Any
7 20 certificate holder subject to suspension or revocation shall
7 21 be entitled to notice and an opportunity for an evidentiary
7 22 hearing as provided in section 17A.18.
7 23 g. Providing for certification reciprocity between states
7 24 upon demonstration that the out of state certification
7 25 criteria is substantially equivalent to rules adopted by the
7 26 commission.
7 27 h. Providing for assessment of fees sufficient to cover
7 28 the costs of administration of the certification program. A
7 29 separate fee may be established for persons applying for a
7 30 combination of installer and installer inspector, testing, or
7 31 closure certifications. Fees received by the department
7 32 pursuant to this subsection are appropriated to the department
7 33 for purposes of the administration of activities under this
7 34 subsection.
7 35 i. Notwithstanding subsection 7, the commission may adopt

Senate Study Bill 1226 continued

8 1 rules requiring that all underground storage tank
8 2 installations, installation inspections, testing, and closure
8 3 activities be conducted by persons certified in accordance
8 4 with this subsection.
8 5 j. Acts or omissions of a person certified under this
8 6 subsection, the state, or the department regarding
8 7 certification, renewal, oversight of the certification
8 8 process, continuing education, discipline, inspection
8 9 standards, or any other actions including department onsite
8 10 supervision of certified activities, rules, or regulations
8 11 arising out of the certification, shall not be cause for a
8 12 claim against the state or the department within the meaning
8 13 of chapter 669 or any other provision of the Code.
8 14 Sec. 6. Section 455H.105, subsection 5, Code 2007, is
8 15 amended to read as follows:
8 16 5. Adopt rules establishing requirements for the
8 17 submission, performance, and verification of site assessments,
8 18 cleanup plans, and certifications of completion. The rules
8 19 shall provide that all site assessments, cleanup plans, and
8 20 certifications of completion submitted by a participant shall
8 21 be prepared by or under the supervision of an appropriately
8 22 trained professional, including a groundwater professional
8 23 certified pursuant to section ~~455G.18~~ 455B.474.
8 24 Sec. 7. TRANSITIONAL PROVISIONS.
8 25 1. Not later than August 1, 2007, the environmental
8 26 protection commission shall adopt administrative rules
8 27 previously adopted by the Iowa comprehensive petroleum
8 28 underground storage tank fund board pursuant to section
8 29 455G.17 in existence on the effective date of this Act by
8 30 emergency rulemaking pursuant to section 17A.4, subsection 2,
8 31 and section 17A.5, subsection 2, paragraph "b". The rules
8 32 shall become effective immediately upon filing or on a later
8 33 effective date specified in the rules. Any rules adopted in
8 34 accordance with the provisions of this section shall also be
8 35 published as notice of intended action as provided in section

Senate Study Bill 1226 continued

9 1 17A.4.
9 2 2. Following the adoption of emergency rules, the
9 3 commission shall commence rulemaking procedures for the
9 4 administration of section 455B.474, subsection 10.
9 5 3. Any registration or certification issued pursuant to
9 6 section 455G.17 shall continue in full force and effect until
9 7 expiration or renewal.
9 8 Sec. 8. Section 455G.17, Code 2007, is repealed.
9 9 Sec. 9. Section 455G.18, Code 2007, is repealed.
9 10 Sec. 10. CONTINGENT EFFECTIVE DATE. The section of this
9 11 Act repealing section 455G.17, shall take effect upon the Code
9 12 editor's receipt of notice from the environmental protection
9 13 commission stating that emergency rules required under the
9 14 section of this Act relating to transitional provisions have
9 15 taken effect.
9 16 EXPLANATION
9 17 This bill relates to the regulation of underground storage
9 18 tanks by the department of natural resources.
9 19 The bill requires the maintaining of records by owners and
9 20 operators of underground storage tanks for periodic
9 21 underground storage tank facility compliance inspections
9 22 conducted by inspectors certified by the department.
9 23 The bill requires the department to administer a certified
9 24 compliance inspector program for underground storage tank
9 25 facility compliance inspections. The bill provides that the
9 26 program shall include mandatory periodic underground storage
9 27 tank facility compliance inspections by owners and operators
9 28 using inspectors certified by the department. The bill
9 29 requires the department to continue to conduct independent
9 30 inspections as deemed appropriate. The bill appropriates
9 31 moneys received by the department for certification and
9 32 renewal fees for purposes of the administration of the
9 33 certified compliance inspector program. The bill provides
9 34 that acts or omissions of the certified compliance inspectors,
9 35 the state, or the department regarding certification, renewal,

Senate Study Bill 1226 continued

10 1 oversight of the certification process, continuing education,
10 2 discipline, inspection standards, or any other actions, rules,
10 3 or regulations arising out of the certification, inspections,
10 4 or duties imposed by these provisions shall not be cause for a
10 5 claim against the state or the department.
10 6 The bill requires the environmental protection commission
10 7 to adopt rules for requirements as may be necessary to
10 8 maintain state program approval and which are consistent with
10 9 applicable provisions of the federal Energy Policy Act of
10 10 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
10 11 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.
10 12 The bill provides that the commission shall adopt rules
10 13 establishing a training program applicable to owners and
10 14 operators of underground storage tanks. The bill provides
10 15 that the rules may include provisions for department
10 16 certification of operators, self=certification by owners and
10 17 operators, education and training requirements, owner
10 18 requirements to assure operator qualifications, and assessment
10 19 of education, training, and certification fees. The bill
10 20 requires the rules to be consistent with and sufficient to
10 21 comply with certain federal requirements.
10 22 The bill repeals Code section 455G.17 relating to
10 23 certification of different classes of persons as underground
10 24 storage tank installation inspectors. The repeal takes effect
10 25 upon the Code editor's receipt of notice from the
10 26 environmental protection commission stating that emergency
10 27 rules required under this bill have taken effect.
10 28 The bill repeals Code section 455G.18 relating to the
10 29 certification of groundwater professionals and moves
10 30 substantially the same provisions to Code chapter 455B. The
10 31 bill removes a requirement that certification courses and
10 32 examinations be held by the administrator of the Iowa
10 33 comprehensive petroleum underground storage tank fund and
10 34 removes other outdated provisions. The bill makes conforming
10 35 amendments.

Senate Study Bill 1226 continued

11 1 The bill requires that persons and companies performing or
11 2 providing services for underground storage tank installations,
11 3 installation inspections, testing, and permanent closures be
11 4 certified by the department. The bill provides that the rules
11 5 shall include establishing separate certification criteria
11 6 applicable to underground storage tank installers and
11 7 installation inspectors, underground storage tank testers, and
11 8 persons conducting underground storage tank closure
11 9 activities, establishing minimum qualifications for
11 10 certification, requiring a written examination developed and
11 11 administered by the department or by some other qualified
11 12 public or private entity identified by the department,
11 13 providing for a minimum two=year renewable certification
11 14 period, allowing a person to apply for a combined certificate,
11 15 providing that certificate holders obtain and provide proof of
11 16 financial responsibility for environmental liability with
11 17 minimum liability limits of $1 million per occurrence and in
11 18 the aggregate, providing criteria for the department to take
11 19 disciplinary action against certificate holders, and providing
11 20 for certification reciprocity between states, providing for
11 21 assessment of fees sufficient to cover the costs of
11 22 administration of the certification program. The bill that
11 23 fees received by the department are appropriated to the
11 24 department for purposes of the administration of these
11 25 provisions. The bill allows the adoption of rules requiring
11 26 that all underground storage tank installations, installation
11 27 inspectors, testing, and closure activities be conducted by
11 28 persons certified pursuant to these provisions. The bill
11 29 provides that acts or omissions of certified persons, the
11 30 state, or the department regarding certification, renewal,
11 31 oversight of the certification process, continuing education,
11 32 discipline, inspection standards, or any other actions
11 33 including department onsite supervision of certified
11 34 activities, rules, or regulations arising out of the
11 35 certification, shall not be cause for a claim against the

Senate Study Bill 1226 continued

12 1 state or the department.
12 2 The bill provides that, not later than August 1, 2007, the
12 3 environmental protection commission shall adopt administrative
12 4 rules previously adopted by the Iowa comprehensive petroleum
12 5 underground storage tank fund board pursuant to Code section
12 6 455G.17 in existence on the effective date of this Act by
12 7 emergency rulemaking. The bill provides that, following the
12 8 adoption of emergency rules, the commission shall commence
12 9 rulemaking procedures for the administration of Code section
12 10 455B.474, subsection 10. The bill provides that any
12 11 registration or certification issued pursuant to Code section
12 12 455G.17 shall continue in full force and effect until
12 13 expiration or renewal.
12 14 LSB 1404DP 82
12 15 tm:nh/es/88.1

Senate Study Bill 1227

SENATE FILE
BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON CONNOLLY)

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

A BILL FOR

An Act removing the limitation on the length of a leave of absence for service in elective office.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1921SC 82
sc/es/88

Senate Study Bill 1227 continued

PAG LIN

1 1 Section 1. Section 55.1, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 An employee shall not be prohibited from returning to
1 4 regular employment before the period expires for which the
1 5 leave of absence was granted. This section applies only to
1 6 employers which employ twenty or more full=time persons. ~~The~~
~~1 7 leave of absence granted by this section need not exceed six~~
~~1 8 years.~~ The leave of absence granted by this section does not
1 9 apply to an elective office held by the employee prior to the
1 10 election.
1 11 EXPLANATION
1 12 Current law provides that a leave of absence granted to a
1 13 person elected to a municipal, county, state, or federal
1 14 office need not exceed six years. This bill removes the
1 15 six=year limitation.
1 16 LSB 1921SC 82
1 17 sc:nh/es/88

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1228

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

An Act concerning gambling games on gambling structures.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1955XC 82
ec/gg/14

Senate Study Bill 1228 continued

PAG LIN

1 1 Section 1. Section 97A.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. All peace officer members of the division of state
1 4 patrol and the division of criminal investigation or the
1 5 predecessor divisions or subunits in the department of public
1 6 safety, excepting the members of the clerical force, who are
1 7 employed by the state of Iowa on July 4, 1949, and all persons
1 8 thereafter employed as members of such divisions or the
1 9 predecessor divisions or subunits in the department of public
1 10 safety or division of narcotics enforcement or division of
1 11 state fire marshal or the predecessor divisions or subunits,
1 12 except the members of the clerical force, shall be members of
1 13 this system, except as otherwise provided in subsection 3.
1 14 Effective July 1, 1994, gaming enforcement officers employed
1 15 by the division of criminal investigation for excursion boat
1 16 and gambling structure gambling enforcement activities and
1 17 fire prevention inspector peace officers employed by the
1 18 department of public safety shall be members of this system,
1 19 except as otherwise provided in subsection 3 or section
1 20 97B.42B. Such members shall not be required to make
1 21 contributions under any other pension or retirement system of
1 22 the state of Iowa, anything to the contrary notwithstanding.
1 23 Sec. 2. Section 97B.42B, subsection 1, paragraph a, Code
1 24 2007, is amended to read as follows:
1 25 a. Gaming enforcement officers employed by the division of
1 26 criminal investigation for excursion boat and gambling
1 27 structure gambling enforcement activities.
1 28 Sec. 3. Section 99B.6, subsection 8, Code 2007, is amended
1 29 to read as follows:
1 30 8. Gambling games authorized under chapter 99F may be
1 31 conducted on an excursion gambling boat or gambling structure
1 32 which is licensed as an establishment that serves or sells
1 33 alcoholic beverages, wine, or beer as defined in section 123.3
1 34 if the gambling games are conducted pursuant to chapter 99F
1 35 and rules adopted under chapter 99F. Notwithstanding section

Senate Study Bill 1228 continued

2 1 123.3, subsection 26, paragraph "b", a person holding a
2 2 federal gambling permit and licensed to conduct gambling games
2 3 pursuant to chapter 99F may hold a liquor license.
2 4 Sec. 4. Section 99D.5, subsection 5, paragraph c, Code
2 5 2007, is amended to read as follows:
2 6 c. Place a wager on an entry in a race or on a gambling
2 7 game operated on an excursion gambling boat or gambling
2 8 structure.
2 9 Sec. 5. Section 99F.1, Code 2007, is amended by adding the
2 10 following new subsection:
2 11 NEW SUBSECTION. 11A. "Gambling structure" means any
2 12 man=made stationary structure approved by the commission that
2 13 does not include a racetrack enclosure which is subject to
2 14 land=based building codes rather than maritime or Iowa
2 15 department of natural resources inspection laws and
2 16 regulations on which lawful gambling is authorized and
2 17 licensed as provided in this chapter.
2 18 Sec. 6. Section 99F.1, subsection 12, Code 2007, is
2 19 amended to read as follows:
2 20 12. "Gaming floor" means that portion of an excursion
2 21 gambling boat, gambling structure, or racetrack enclosure in
2 22 which gambling games are conducted as designated by the
2 23 commission.
2 24 Sec. 7. Section 99F.3, Code 2007, is amended to read as
2 25 follows:
2 26 99F.3 ~~EXCURSION BOAT~~ GAMBLING GAMES AUTHORIZED.
2 27 The system of wagering on a gambling game as provided by
2 28 this chapter is legal, when conducted on an excursion gambling
2 29 boat, gambling structure, or racetrack enclosure at authorized
2 30 locations by a licensee as provided in this chapter.
2 31 Sec. 8. Section 99F.4, Code 2007, is amended by adding the
2 32 following new subsection:
2 33 NEW SUBSECTION. 25. To license the licensee of a gambling
2 34 structure subject to the provisions of this chapter and rules
2 35 adopted pursuant to this chapter relating to gambling and as

Senate Study Bill 1228 continued

3 1 provided in section 99F.4D.
3 2 Sec. 9. NEW SECTION. 99F.4D GAMBLING GAMES AT GAMBLING
3 3 STRUCTURES == REQUIREMENTS.
3 4 Unless otherwise provided by this chapter, the provisions
3 5 of this chapter applicable to an excursion gambling boat shall
3 6 also apply to a gambling structure.
3 7 Sec. 10. Section 99F.5, Code 2007, is amended to read as
3 8 follows:
3 9 99F.5 LICENSE TO CONDUCT GAMBLING GAMES ON EXCURSION
3 10 GAMBLING BOAT == LICENSE TO OPERATE BOAT == APPLICATIONS ==
3 11 OPERATING AGREEMENTS == FEE.
3 12 1. A qualified sponsoring organization may apply to the
3 13 commission for a license to conduct gambling games on an
3 14 excursion gambling boat or gambling structure as provided in
3 15 this chapter. A person may apply to the commission for a
3 16 license to operate an excursion gambling boat. An operating
3 17 agreement entered into on or after May 6, 2004, between a
3 18 qualified sponsoring organization and an operator of an
3 19 excursion gambling boat or gambling structure shall provide
3 20 for a minimum distribution by the qualified sponsoring
3 21 organization for educational, civic, public, charitable,
3 22 patriotic, or religious uses as defined in section 99B.7,
3 23 subsection 3, paragraph "b", that averages at least three
3 24 percent of the adjusted gross receipts for each license year.
3 25 The application shall be filed with the administrator of the
3 26 commission at least ninety days before the first day of the
3 27 next excursion season as determined by the commission, shall
3 28 identify the excursion gambling boat upon which gambling games
3 29 will be authorized, shall specify the exact location where the
3 30 excursion gambling boat will be docked, and shall be in a form
3 31 and contain information as the commission prescribes. The
3 32 minimum ~~passenger~~ capacity of an excursion gambling boat or
3 33 gambling structure is two hundred fifty persons.
3 34 2. The annual license fee to operate an excursion gambling
3 35 boat shall be based on the passenger=carrying capacity

Senate Study Bill 1228 continued

4 1 including crew, for which the excursion gambling boat is
4 2 registered. For a gambling structure, the annual license fee
4 3 shall be based on the capacity of the gambling structure. The
4 4 annual fee shall be five dollars per person capacity.
4 5 Sec. 11. Section 99F.7, subsection 1, Code 2007, is
4 6 amended to read as follows:
4 7 1. If the commission is satisfied that this chapter and
4 8 its rules adopted under this chapter applicable to licensees
4 9 have been or will be complied with, the commission shall issue
4 10 a license for a period of not more than three years to an
4 11 applicant to own a gambling game operation, to an applicant to
4 12 operate a gambling structure, and to an applicant to operate
4 13 an excursion gambling boat. The commission shall decide which
4 14 of the gambling games authorized under this chapter the
4 15 commission will permit. The commission shall decide the
4 16 number, location, and type of gambling structures and
4 17 excursion gambling boats licensed under this chapter ~~for~~. The
4 18 commission shall allow the operation of an excursion boat or
4 19 moored barge on or within one thousand feet of the high water
4 20 marks of the rivers, lakes, and reservoirs of this state~~. An~~
~~4 21 excursion gambling boat may be located or operated on a~~
~~4 22 natural or man=made lake or reservoir if the lake or reservoir~~
~~4 23 is of sufficient size to accommodate recreational activity.~~
~~4 24 An excursion gambling boat may also be located on a man=made~~
~~4 25 basin or other body of water adjacent to a river, provided it~~
~~4 26 is located no more than one thousand feet from the high water~~
~~4 27 mark of the river,~~ as established by the commission in
4 28 consultation with the United States army corps of engineers,
4 29 the department of natural resources, or other appropriate
4 30 regulatory agency. The license shall set forth, as
4 31 applicable, the name of the licensee, the type of license
4 32 granted, the location of the gambling structure or the place
4 33 where the excursion gambling boats will operate and dock, and
4 34 the time and number of days during the excursion season and
4 35 the off season when gambling may be conducted by the licensee.

Senate Study Bill 1228 continued

5 1 Sec. 12. Section 99F.7, subsection 2, Code 2007, is
5 2 amended by adding the following new paragraph:
5 3 NEW PARAGRAPH. c. A person awarded a new license to
5 4 conduct gambling games on an excursion gambling boat or
5 5 gambling structure in the same county as another licensed
5 6 excursion gambling boat or gambling structure shall only be
5 7 licensed to operate an excursion gambling boat or gambling
5 8 structure that is located at a similarly situated site and
5 9 operated as a substantially similar facility as any other
5 10 excursion gambling boat or gambling structure in the county.
5 11 Sec. 13. Section 99F.9, subsections 3 and 5, Code 2007,
5 12 are amended to read as follows:
5 13 3. The licensee may receive wagers only from a person
5 14 present on a licensed excursion gambling boat, licensed
5 15 gambling structure, or in a licensed racetrack enclosure.
5 16 5. A person under the age of twenty=one years shall not
5 17 make or attempt to make a wager on an excursion gambling boat,
5 18 gambling structure, or in a racetrack enclosure and shall not
5 19 be allowed on the gaming floor of an excursion gambling boat
5 20 or gambling structure or in the wagering area, as defined in
5 21 section 99D.2, or on the gaming floor of a racetrack
5 22 enclosure. However, a person eighteen years of age or older
5 23 may be employed to work on the gaming floor of an excursion
5 24 gambling boat or gambling structure or in the wagering area or
5 25 on the gaming floor of a racetrack enclosure. A person who
5 26 violates this subsection with respect to making or attempting
5 27 to make a wager commits a scheduled violation under section
5 28 805.8C, subsection 5.
5 29 Sec. 14. Section 99F.10, subsections 1, 2, and 4, Code
5 30 2007, are amended to read as follows:
5 31 1. A qualified sponsoring organization conducting gambling
5 32 games on an excursion gambling boat or gambling structure
5 33 licensed under section 99F.7 shall pay the tax imposed by
5 34 section 99F.11.
5 35 2. An excursion gambling boat or gambling structure

Senate Study Bill 1228 continued

6 1 licensee shall pay to the commission a regulatory fee to be
6 2 charged as provided in this section.
6 3 4. In determining the license fees and state regulatory
6 4 fees to be charged as provided under section 99F.4 and this
6 5 section, the commission shall use as the basis for determining
6 6 the amount of revenue to be raised from the license fees and
6 7 regulatory fees the amount appropriated to the commission plus
6 8 the cost of salaries for no more than two special agents for
6 9 each excursion gambling boat or gambling structure and no more
6 10 than four gaming enforcement officers for each excursion
6 11 gambling boat or gambling structure with a patron capacity of
6 12 less than two thousand persons or no more than five gaming
6 13 enforcement officers for each excursion gambling boat or
6 14 gambling structure with a patron capacity of at least two
6 15 thousand persons, plus any direct and indirect support costs
6 16 for the agents and officers, for the division of criminal
6 17 investigation's excursion gambling boat or gambling structure
6 18 activities.
6 19 Sec. 15. Section 99F.11, subsection 2, Code 2007, is
6 20 amended to read as follows:
6 21 2. The tax rate imposed each fiscal year on any amount of
6 22 adjusted gross receipts over three million dollars shall be as
6 23 follows:
6 24 a. If the licensee is an excursion gambling boat or
6 25 gambling structure, twenty=two percent.
6 26 b. If the licensee is a racetrack enclosure conducting
6 27 gambling games and another licensee that is an excursion
6 28 gambling boat or gambling structure is located in the same
6 29 county, then the following rate, as applicable:
6 30 (1) If the licensee of the racetrack enclosure has not
6 31 been issued a table games license during the fiscal year or if
6 32 the adjusted gross receipts from gambling games of the
6 33 licensee in the prior fiscal year were less than one hundred
6 34 million dollars, twenty=two percent.
6 35 (2) If the licensee of the racetrack enclosure has been

Senate Study Bill 1228 continued

7 1 issued a table games license during the fiscal year or prior
7 2 fiscal year and the adjusted gross receipts from gambling
7 3 games of the licensee in the prior fiscal year were one
7 4 hundred million dollars or more, twenty=two percent on
7 5 adjusted gross receipts received prior to the operational date
7 6 and twenty=four percent on adjusted gross receipts received on
7 7 or after the operational date. For purposes of this
7 8 subparagraph, the operational date is the date the commission
7 9 determines table games became operational at the racetrack
7 10 enclosure.
7 11 c. If the licensee is a racetrack enclosure conducting
7 12 gambling games and no licensee that is an excursion gambling
7 13 boat <u>or gambling structure</u> is located in the same county,
7 14 twenty=four percent.
7 15 Sec. 16. Section 99F.12, subsection 2, Code 2007, is
7 16 amended to read as follows:
7 17 2. The licensee shall furnish to the commission reports
7 18 and information as the commission may require with respect to
7 19 its activities. The gross receipts and adjusted gross
7 20 receipts from gambling shall be separately handled and
7 21 accounted for from all other moneys received from operation of
7 22 an excursion gambling boat or from operation of a racetrack
7 23 enclosure <u>or gambling structure</u> licensed to conduct gambling
7 24 games. The commission may designate a representative to board
7 25 a licensed excursion gambling boat or to enter a racetrack
7 26 enclosure <u>or gambling structure</u> licensed to conduct gambling
7 27 games, who shall have full access to all places within the
7 28 enclosure of the boat<u>, the gambling structure,</u> or the
7 29 racetrack enclosure, who shall directly supervise the handling
7 30 and accounting of all gross receipts and adjusted gross
7 31 receipts from gambling, and who shall supervise and check the
7 32 admissions. The compensation of a representative shall be
7 33 fixed by the commission but shall be paid by the licensee.
7 34 Sec. 17. Section 99F.15, subsection 3, Code 2007, is
7 35 amended to read as follows:

Senate Study Bill 1228 continued

8 1 3. A person wagering or accepting a wager at any location
8 2 outside an excursion gambling boat, gambling structure, or a
8 3 racetrack enclosure is in violation of section 725.7.
8 4 Sec. 18. Section 99F.15, subsection 4, unnumbered
8 5 paragraph 1, Code 2007, is amended to read as follows:
8 6 A person commits a class "D" felony and, in addition, shall
8 7 be barred for life from excursion gambling boats and gambling
8 8 structures under the jurisdiction of the commission, if the
8 9 person does any of the following:
8 10 Sec. 19. Section 99F.15, subsection 4, paragraphs a and b,
8 11 Code 2007, are amended to read as follows:
8 12 a. Offers, promises, or gives anything of value or benefit
8 13 to a person who is connected with an excursion gambling boat
8 14 or gambling structure operator including, but not limited to,
8 15 an officer or employee of a licensee or holder of an
8 16 occupational license pursuant to an agreement or arrangement
8 17 or with the intent that the promise or thing of value or
8 18 benefit will influence the actions of the person to whom the
8 19 offer, promise, or gift was made in order to affect or attempt
8 20 to affect the outcome of a gambling game, or to influence
8 21 official action of a member of the commission.
8 22 b. Solicits or knowingly accepts or receives a promise of
8 23 anything of value or benefit while the person is connected
8 24 with an excursion gambling boat or gambling structure
8 25 including, but not limited to, an officer or employee of a
8 26 licensee, or holder of an occupational license, pursuant to an
8 27 understanding or arrangement or with the intent that the
8 28 promise or thing of value or benefit will influence the
8 29 actions of the person to affect or attempt to affect the
8 30 outcome of a gambling game, or to influence official action of
8 31 a member of the commission.
8 32 Sec. 20. Section 533C.103, subsection 13, Code 2007, is
8 33 amended to read as follows:
8 34 13. Pari=mutuel wagering, racetracks, ~~and~~ excursion
8 35 gambling boats, and gambling structures as provided in

Senate Study Bill 1228 continued

9 1 chapters 99D and 99F.
9 2 EXPLANATION
9 3 This bill authorizes gambling games currently authorized by
9 4 Code chapter 99F on excursion gambling boats, moored barges,
9 5 and certain racetrack enclosures on a land=based gambling
9 6 structure. The bill defines a gambling structure as any
9 7 man=made stationary structure that does not include a
9 8 racetrack enclosure which is subject to land=based building
9 9 codes rather than maritime or Iowa department of natural
9 10 resources inspection laws and regulations on which lawful
9 11 gambling is authorized and licensed as provided in Code
9 12 chapter 99F.
9 13 New Code section 99F.4D provides that unless otherwise
9 14 provided by Code chapter 99F, the provisions governing an
9 15 excursion gambling boat shall also apply to a gambling
9 16 structure. The bill further specifically provides that
9 17 provisions governing the regulatory fees and taxes owed by
9 18 excursion gambling boats apply in the same manner to a
9 19 gambling structure.
9 20 Code section 99F.7, subsection 1, is amended to provide
9 21 that an excursion boat or moored barge shall be permitted on
9 22 or within 1,000 feet of the high water mark of a river, lake,
9 23 or reservoir as established by the racing and gaming
9 24 commission.
9 25 Code section 99F.7, subsection 2, is also amended to
9 26 provide that any new license to conduct gambling games on an
9 27 excursion gambling boat or gambling structure in the same
9 28 county as another licensed boat or structure shall be granted
9 29 only if the new license is located at a similarly situated
9 30 site and operated as a similar facility as any other licensed
9 31 boat or structure in the county.
9 32 LSB 1955XC 82
9 33 ec:rj/gg/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1229

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON CONNOLLY)

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

A BILL FOR

An Act allowing a voter to register to vote and to vote after regular registration and prior to voting in an election.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2469SC 82
sc/gg/14

Senate Study Bill 1229 continued

PAG LIN

1 1 Section 1. NEW SECTION. 48A.7A ELECTION DAY AND
1 2 IN=PERSON ABSENTEE REGISTRATION.
1 3 1. a. A person who is eligible to register to vote and to
1 4 vote may register on election day by appearing in person at
1 5 the polling place for the precinct in which the individual
1 6 resides and completing a voter registration application,
1 7 making written oath, and providing proof of identity and
1 8 residence.
1 9 b. For purposes of this section, a person may establish
1 10 identity and residence by presenting to the appropriate
1 11 precinct election official a current and valid Iowa driver's
1 12 license or Iowa nonoperator's identification card or by
1 13 presenting a current and valid form of photographic
1 14 identification approved by rule by the state registrar of
1 15 voters. If the photographic identification presented does not
1 16 contain the person's current address in the precinct, the
1 17 person shall also present a current document that shows the
1 18 person's name and address in the precinct. The state
1 19 registrar of voters by rule shall designate which documents
1 20 are acceptable to show proof of residency.
1 21 c. In lieu of paragraph "b", a person wishing to vote may
1 22 establish identity and residency in the precinct by written
1 23 oath of a person who is registered to vote in the precinct.
1 24 The registered voter's oath shall attest to the stated
1 25 identity of the person wishing to vote and that the person is
1 26 a current resident of the precinct. The oath must be signed
1 27 by the attesting registered voter in the presence of the
1 28 appropriate precinct election official. A registered voter
1 29 who has signed an oath on election day attesting to a person's
1 30 identity and residency as provided in this paragraph is
1 31 prohibited from signing any further oaths as provided in this
1 32 paragraph on that day.
1 33 2. The oath required in subsection 1, paragraph "a", and
1 34 in paragraph "c", if applicable, shall be attached to the
1 35 voter registration application, and the information contained

Senate Study Bill 1229 continued

2 1 in the oath shall be recorded on the voter registration
2 2 records of the person registering to vote and on the voter
2 3 registration records of the registered voter attesting by oath
2 4 on behalf of a person registering to vote if applicable.
2 5 3. At any time before election day, a person who appears
2 6 in person at the commissioner's office or at a satellite
2 7 absentee voting station after the deadline for registration in
2 8 section 48A.9, may register to vote and vote an absentee
2 9 ballot by following the procedure in this section for
2 10 registering to vote on election day. A person who wishes to
2 11 vote in person at the polling place on election day and who
2 12 has not registered to vote before the deadline for registering
2 13 in section 48A.9, is required to register to vote at the
2 14 polling place on election day following the procedure in this
2 15 section.
2 16 4. The form of the written oaths required in this section
2 17 shall be prescribed by rule by the state registrar of voters.
2 18 Sec. 2. Section 48A.9, subsection 1, Code 2007, is amended
2 19 to read as follows:
2 20 1. Registration closes at five p.m. eleven days before
2 21 each election except primary and general elections. For
2 22 primary and general elections, registration closes at five
2 23 p.m. ten days before the election. An eligible elector may
2 24 register during the time registration is closed in the
2 25 elector's precinct but the registration shall not become
2 26 effective until registration opens again in the elector's
2 27 precinct, except as otherwise provided in section 48A.7A.
2 28 Sec. 3. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION
2 29 DAY AND IN=PERSON ABSENTEE REGISTRATION FORM.
2 30 1. Within forty=five days of receiving a voter
2 31 registration form completed under section 48A.7A, the
2 32 commissioner shall send an acknowledgment to the registrant,
2 33 in the manner provided in section 48A.26, subsections 2
2 34 through 5, as applicable, at the mailing address shown on the
2 35 registration form. The acknowledgment shall be sent by

Senate Study Bill 1229 continued

3 1 nonforwardable mail.
3 2 2. If the acknowledgment is returned as undeliverable by
3 3 the postal service, the commissioner shall attempt to contact
3 4 the voter by forwardable mail. If the voter does not respond,
3 5 the commissioner shall cancel the registration and shall
3 6 immediately notify the state registrar of voters and the
3 7 county attorney.
3 8 Sec. 4. Section 49.77, subsection 4, Code 2007, is amended
3 9 to read as follows:
3 10 4. a. A person whose name does not appear on the election
3 11 register of the precinct in which that person claims the right
3 12 to vote shall not be permitted to vote, unless the person
3 13 affirms that the person is currently registered in the county
3 14 and presents proof of identity, or the commissioner informs
3 15 the precinct election officials that an error has occurred and
3 16 that the person is a registered voter of that precinct. If
3 17 the commissioner finds no record of the person's registration
3 18 but the person insists that the person is a registered voter
3 19 of that precinct, the precinct election officials shall allow
3 20 the person to cast a ballot in the manner prescribed by
3 21 section 49.81.
3 22 b. If the voter informs the precinct election official
3 23 that the voter resides in the precinct and is not registered
3 24 to vote, the voter may register to vote pursuant to section
3 25 48.7A and cast a ballot. If such a voter is unable to
3 26 establish identity and residency in the manner provided in
3 27 section 48.7A, subsection 1, paragraph "b" or "c", the voter
3 28 shall be allowed to cast a ballot in the manner prescribed by
3 29 section 49.81.
3 30 c. A person who has been sent an absentee ballot by mail
3 31 but for any reason has not received it shall be permitted to
3 32 cast a ballot in person pursuant to section 53.19 and in the
3 33 manner prescribed by section 49.81.
3 34 EXPLANATION
3 35 This bill allows a person to register to vote after the

Senate Study Bill 1229 continued

4 1 normal statutory deadline for registration for an election and
4 2 to vote in that election.
4 3 The bill provides that a person eligible to register to
4 4 vote and to vote may register in person at the polling place
4 5 on election day by completing a voter registration form,
4 6 making written oath, and providing proof of identity and proof
4 7 of residency in the precinct. If the person does not have
4 8 such proof, the bill allows identity and residency in the
4 9 precinct to be established by written oath of a registered
4 10 voter of the precinct. The bill allows a person who cannot
4 11 establish identity and residency in the precinct by either of
4 12 these methods to vote a provisional ballot.
4 13 The bill also provides that at any time before election day
4 14 and after the normal deadline for registering to vote, a
4 15 person may vote absentee at the commissioner's office or at a
4 16 satellite absentee voting station by registering in the same
4 17 manner as registration may be accomplished on election day.
4 18 The bill requires the county commissioner of elections to
4 19 send acknowledgment of election day and in=person absentee
4 20 registrations within 45 days of receiving the voter
4 21 registration form. If the acknowledgment is returned as
4 22 undeliverable, the commissioner is required to attempt contact
4 23 by forwardable mail. If the voter does not respond, the
4 24 commissioner is required to cancel the registration and
4 25 immediately notify the state registrar of voters (secretary of
4 26 state) and the county attorney.
4 27 LSB 2469SC 82
4 28 sc:rj/gg/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1230

SENATE/HOUSE FILE
BY (PROPOSED TREASURER OF STATE BILL)

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

A BILL FOR

An Act relating to the issuance of gift cards and gift certificates, including providing for abandonment, establishing restrictions on fees and charges, prohibiting expiration dates and other restrictive terms, and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1215XD 82
rn/gg/14

Senate Study Bill 1230 continued

PAG LIN

1 1 Section 1. NEW SECTION. 555D.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Gift card" means an electronic payment instrument in
1 5 the form of a plastic card or similar physical medium,
1 6 commonly known as a stored value or prepaid card, in which the
1 7 monetary value is recorded on the card itself or at a central
1 8 database, and which represents a promise by the issuer of the
1 9 card that consumer goods, services, or whatever else the
1 10 issuer provides will be rendered to the bearer of the
1 11 instrument in exchange for monetary value stated or stored on
1 12 or credited to the instrument, but excludes a debit card
1 13 linked to a deposit account in a banking or financial
1 14 organization, a payroll debit card, a government benefit card,
1 15 a flexible spending card, an insurance claim card, an employee
1 16 reward card, a travel expense card, a transportation card, and
1 17 similar electronic payment instruments.
1 18 2. "Gift certificate" means a payment instrument in paper
1 19 or electronic form that represents the promise of the issuer
1 20 of the certificate that goods, services, or whatever else the
1 21 issuer provides will be rendered to the bearer of the
1 22 certificate up to the value of the certificate in the amount
1 23 of money stated on the face of the certificate.
1 24 3. "Issuer" means the retailer, merchant, or vendor who
1 25 issued a gift card or gift certificate, or a provider of
1 26 services, that has the obligation to accept the gift card or
1 27 gift certificate as payment and deliver goods, provide
1 28 services, or render whatever else may be purchased by the card
1 29 or certificate.
1 30 Sec. 2. NEW SECTION. 555D.2 EXPIRATION DATES PROHIBITED
1 31 == EXCEPTIONS.
1 32 1. Except as provided in subsection 2, an issuer of a gift
1 33 card or gift certificate in this state shall not:
1 34 a. Issue a gift card or gift certificate that has an
1 35 expiration date or enforce an expiration date against the

Senate Study Bill 1230 continued

2 1 bearer of a gift card or gift certificate.
2 2 b. Assess or deduct any charge or fee from the monetary
2 3 value of a gift card or gift certificate, including but not
2 4 limited to a service, maintenance, cash=out, reactivation,
2 5 replacement card, dormancy, or inactivity fee.
2 6 c. If a transaction is made with a gift certificate for an
2 7 amount that is less than the value of the certificate, fail or
2 8 refuse to do one of the following:
2 9 (1) Pay the unused balance of the certificate's value to
2 10 the bearer.
2 11 (2) Issue to the bearer a new card or certificate for the
2 12 unused value.
2 13 d. If the remaining value of a gift card or gift
2 14 certificate is less than five dollars, fail or refuse to
2 15 redeem that card or certificate in cash for its remaining
2 16 value on demand of the bearer.
2 17 e. If a gift card or gift certificate remains unused or
2 18 unredeemed for more than three years after it was sold or
2 19 issued, fail or refuse to administer the unused or unredeemed
2 20 proceeds of the card or certificate in accordance with the
2 21 provisions of chapter 556.
2 22 2. a. A person or entity may enforce against the bearer
2 23 an expiration date in a gift card or a gift certificate in
2 24 circumstances where:
2 25 (1) The gift card or gift certificate is issued pursuant
2 26 to an awards, loyalty, or promotional program or in other
2 27 similar circumstances where no money or other thing of value
2 28 is given in exchange for the card or certificate.
2 29 (2) The gift card or gift certificate is donated to a
2 30 charitable organization without any money or other thing of
2 31 value being given in exchange for the card or certificate and
2 32 the charitable organization uses the card or certificate
2 33 solely to provide its charitable services or for its
2 34 fund=raising activities.
2 35 b. An expiration date displayed on a gift card or gift

Senate Study Bill 1230 continued

3 1 certificate which was issued or donated as described in
3 2 paragraph "a", subparagraph (1) or (2), shall be disclosed
3 3 clearly and legibly on the gift card or gift certificate in a
3 4 location on the card or certificate where it is visible to any
3 5 purchaser before purchasing the card or certificate, and shall
3 6 be at least one year from the date the gift card or gift
3 7 certificate is issued and delivered to the bearer.
3 8 3. The provisions of subsection 1 shall not apply to a
3 9 gift card or gift certificate issued by a banking or financial
3 10 organization, as defined in section 556.1, that is organized
3 11 under the federal National Bank Act, 12 U.S.C. } 12, et seq.,
3 12 or the federal Home Owners' Loan Act, 12 U.S.C. } 1461, et
3 13 seq., if all of the following conditions are met:
3 14 a. The federal statutory law and regulations applicable to
3 15 the gift card or gift certificate explicitly permit the
3 16 banking or financial organization to issue the gift card or
3 17 the gift certificate and to impose the expiration dates and
3 18 the type and amount of service fees that the banking or
3 19 financial organization imposes, in the manner in which the
3 20 banking or financial organization has done so.
3 21 b. The banking or financial organization alone has the
3 22 liability to the purchaser or bearer of the gift card or gift
3 23 certificate to redeem the card or certificate.
3 24 c. The contractual relationship in regard to the gift card
3 25 or the gift certificate is solely between the issuing banking
3 26 or financial organization and the purchaser or bearer of the
3 27 card or certificate.
3 28 d. Only the banking or financial organization establishes
3 29 the terms and conditions of the gift card or gift certificate.
3 30 e. Only the banking or financial organization charges,
3 31 retains, and profits from any fees associated with the gift
3 32 card or gift certificate.
3 33 Sec. 3. NEW SECTION. 555D.3 PENALTIES.
3 34 A violation of this chapter is an unlawful practice under
3 35 section 714.16, and is additionally subject to the penalty

Senate Study Bill 1230 continued

4 1 provisions of section 537.5201.
4 2 Sec. 4. NEW SECTION. 556.8A GIFT CARDS AND GIFT
4 3 CERTIFICATES.
4 4 1. For purposes of this section, unless the context
4 5 otherwise requires:
4 6 a. "Domicile" means the state of incorporation of an
4 7 issuer that is a corporation and the state of the principal
4 8 place of business of an issuer that is not a corporation.
4 9 b. "Gift card", "gift certificate", and "issuer" mean the
4 10 same as defined in section 555D.1.
4 11 2. A gift card or gift certificate that remains unused or
4 12 unredeemed for more than three years after it was sold or
4 13 issued is presumed abandoned unless the owner or bearer of
4 14 that card or certificate has within three years either:
4 15 a. Increased or decreased the amount of the value stated
4 16 or stored on, credited to, or represented by the card or
4 17 certificate.
4 18 b. Communicated with the issuer of the card or certificate
4 19 concerning the value of or the balance remaining on the card
4 20 or certificate, in writing or by other means as shown in a
4 21 contemporaneous record prepared by or on behalf of the issuer.
4 22 3. The proceeds of a gift card or gift certificate
4 23 presumed abandoned is the monetary value of the card or
4 24 certificate at the time that the card or certificate is
4 25 presumed abandoned.
4 26 4. A gift card or gift certificate that is presumed
4 27 abandoned is subject to the custody of the treasurer of state
4 28 in any of the following circumstances:
4 29 a. The last known address of the purchaser or bearer of
4 30 the card or certificate, as shown on the records of the
4 31 issuer, is in this state.
4 32 b. The records of the issuer do not show the identity of
4 33 the purchaser or bearer of the card or certificate, but it is
4 34 established that the last known address of the purchaser or
4 35 bearer is in this state.

Senate Study Bill 1230 continued

5 1 c. The records of the issuer of the card or certificate do
5 2 not show any last known address of the purchaser or bearer and
5 3 the issuer is domiciled in this state.
5 4 d. The records of the issuer show that the last known
5 5 address of the purchaser or bearer is in a state that does not
5 6 provide for the escheat or custodial taking of a gift card or
5 7 gift certificate or is in a foreign country and the issuer is
5 8 domiciled in this state.
5 9 e. The records of the seller or issuer show that the gift
5 10 card or gift certificate was purchased or issued in this
5 11 state, the issuer is domiciled in a state that does not
5 12 provide for the escheat or custodial taking of a gift card or
5 13 gift certificate, and the last known address of the purchaser
5 14 or bearer is unknown or in a state that does not provide for
5 15 the escheat or custodial taking of a gift card or gift
5 16 certificate.
5 17 5. The expiration of any period of time for the use or
5 18 redemption of a gift card or gift certificate issued in a
5 19 state permitting an expiration date shall not prevent an
5 20 unused or unredeemed gift card or gift certificate from being
5 21 presumed abandoned and shall not affect the duty of the issuer
5 22 to report and deliver the proceeds of those unused cards or
5 23 unredeemed certificates to the treasurer of state as provided
5 24 in this chapter.
5 25 6. An issuer may redeem a gift card or gift certificate
5 26 after that card or certificate was presumed abandoned and the
5 27 proceeds delivered into the custody of the treasurer of state,
5 28 and the treasurer of state shall reimburse the issuer as
5 29 provided in section 556.14, subsection 4.
5 30 7. It shall be contrary to public policy for an issuer to
5 31 organize or form a subsidiary business entity to be the issuer
5 32 of its gift cards or gift certificates if doing so would
5 33 result in a disposition of unused or unredeemed gift cards or
5 34 gift certificates other than as provided in this section and
5 35 subject to the custody of the treasurer of state.

Senate Study Bill 1230 continued

6 1 8. This section shall not apply to the following gift
6 2 cards and gift certificates:
6 3 a. Gift cards or gift certificates issued pursuant to an
6 4 awards, loyalty, or promotional program or in other similar
6 5 circumstances where no money or other thing of value is given
6 6 in exchange for the card or certificate.
6 7 b. Gift cards or gift certificates donated to a charitable
6 8 organization without any money or other thing of value being
6 9 given in exchange for the card or certificate and the
6 10 charitable organization uses the card or certificate solely to
6 11 provide its charitable services or for its fund=raising
6 12 activities.
6 13 9. This section does not relieve an issuer of an
6 14 obligation arising prior to the effective date of this Act to
6 15 report and pay the proceeds of an unused gift card or an
6 16 unredeemed gift certificate to the treasurer of state.
6 17 Sec. 5. Section 556.9, subsection 2, Code 2007, is amended
6 18 by striking the subsection.
6 19 EXPLANATION
6 20 This bill relates to the issuance of gift cards and gift
6 21 certificates, and the circumstances under which they shall be
6 22 considered unclaimed property.
6 23 The bill defines a "gift card" as an electronic payment
6 24 instrument in the form of a plastic card or similar physical
6 25 medium, in which the monetary value is recorded on the card or
6 26 at a central database, and which represents a promise by the
6 27 issuer of the card that consumer goods, services, or whatever
6 28 else the issuer provides will be rendered to the bearer of the
6 29 instrument in exchange for the monetary value of other
6 30 electronic payment instruments from the definition. The bill
6 31 defines a "gift certificate" as a payment instrument in paper
6 32 or electronic form that represents the promise of the issuer
6 33 of the certificate that goods, services, or whatever else the
6 34 issuer provides will be rendered to the bearer of the
6 35 certificate up to the value of the certificate.

Senate Study Bill 1230 continued

7 1 The bill prohibits the issuance of a gift card or gift
7 2 certificate in Iowa that has an expiration date or the
7 3 enforcing of an expiration date against the bearer of a gift
7 4 card or gift certificate. The bill also prohibits assessing
7 5 or deducting any charge or fee from the monetary value of a
7 6 gift card or a gift certificate, including but not limited to
7 7 a service, maintenance, cash=out, reactivation, replacement
7 8 card, dormancy, or inactivity fee. Additionally, an issuer
7 9 may not fail or refuse to pay the unused balance or issue a
7 10 new card or certificate for that balance if a transaction is
7 11 made with a gift certificate for an amount that is less than
7 12 the value of the certificate, fail or refuse to redeem a card
7 13 or certificate in cash for a remaining value of less than five
7 14 dollars, or fail or refuse to administer a card or certificate
7 15 which remains unused or unredeemed for more than three years
7 16 after it was sold or issued in accordance with the unclaimed
7 17 property provisions of Code chapter 556.
7 18 The bill provides for exceptions to the prohibition against
7 19 expiration dates. The bill provides that a gift card or gift
7 20 certificate may be issued with an expiration date if issued
7 21 pursuant to an awards, loyalty, or promotional program or
7 22 similar circumstances where no money or other thing of value
7 23 is given in exchange for the card or certificate, or if
7 24 donated to a charitable organization without any money or
7 25 other thing of value being given in exchange for the card or
7 26 certificate and the charitable organization uses the card or
7 27 certificate solely to provide its charitable services or for
7 28 its fund=raising activities. In either of these situations,
7 29 the bill provides that an expiration date shall be disclosed
7 30 clearly and legibly on the gift card or gift certificate and
7 31 that the expiration date shall be at least one year from the
7 32 date the gift card or gift certificate is issued and delivered
7 33 to the bearer.
7 34 The bill also specifies that the prohibition shall not
7 35 extend to a gift card or gift certificate issued by a banking

Senate Study Bill 1230 continued

8 1 or financial organization organized under the federal National
8 2 Bank Act or the federal Home Owners' Loan Act, if several
8 3 specified conditions are met.
8 4 The bill prescribes that an issuer in violation of these
8 5 provisions shall be subject to the consumer fraud provisions
8 6 of Code section 716.14, and shall additionally be subject to a
8 7 civil action under Code section 537.5201 in which actual
8 8 damages may be recovered and a penalty assessed in an amount
8 9 not less than $100 nor more than $1,000 per violation.
8 10 With reference to Code chapter 556, the bill provides that
8 11 a gift card or gift certificate that remains unused or
8 12 unredeemed for more than three years after it was sold or
8 13 issued is presumed abandoned unless the owner or bearer has
8 14 within the three years either increased or decreased the
8 15 amount of the value stated or stored on, credited to, or
8 16 represented by the card or certificate; or communicated with
8 17 the issuer of the card or certificate concerning the value of
8 18 or the balance remaining on the card or certificate. If
8 19 presumed abandoned, the bill states that the proceeds of a
8 20 gift card or certificate shall be the monetary value of the
8 21 card or certificate at the time that it is presumed abandoned.
8 22 The bill specifies the various instances in which the
8 23 treasurer of state shall assume custody of the gift card or
8 24 certificate presumed abandoned, and provides that an issuer
8 25 may redeem a gift card or gift certificate after that card or
8 26 certificate was presumed abandoned and the proceeds delivered
8 27 into the custody of the treasurer of state, with reimbursement
8 28 by the treasurer of state. The bill states that an issuer
8 29 shall not form a subsidiary business entity to be the issuer
8 30 of its gift cards or gift certificates if doing so would
8 31 result in a disposition of unused or unredeemed gift cards or
8 32 gift certificates other than as provided in the bill and
8 33 subject to the custody of the treasurer of state. The bill
8 34 provides an exception from these unclaimed property provisions
8 35 for gift cards or certificates issued pursuant to an awards,

Senate Study Bill 1230 continued

9 1 loyalty, or promotional program or donated to a charitable
9 2 organization. The bill states that the new provisions
9 3 relating to Code chapter 556 do not relieve an issuer of an
9 4 obligation arising prior to the effective date of the bill to
9 5 report and pay the proceeds of an unused gift card or an
9 6 unredeemed gift certificate to the treasurer of state.
9 7 The bill repeals a provision in Code chapter 556 which
9 8 currently permits the deduction from the face value of a gift
9 9 certificate a charge imposed due to the failure of the owner
9 10 of the gift certificate to present the gift certificate in a
9 11 timely manner if a valid and enforceable written contract
9 12 exists between the issuer and the owner of the gift
9 13 certificate and the issuer regularly imposes such charges and
9 14 does not regularly reverse or otherwise cancel them.
9 15 LSB 1215XD 82
9 16 rn:nh/gg/14.2

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1231

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

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

A BILL FOR

An Act requiring insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2148SC 82
av/cf/24

Senate Study Bill 1231 continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 HUMAN PAPILLOMA VIRUS
1 2 VACCINATIONS == COVERAGE.
1 3 1. Notwithstanding the uniformity of treatment
1 4 requirements of section 514C.6, a contract, policy, or plan
1 5 providing for third=party payment or prepayment of health or
1 6 medical expenses that provides coverage benefits for any
1 7 vaccination or immunization shall provide coverage benefits
1 8 for a vaccination for human papilloma virus, including but not
1 9 limited to the following classes of third=party payment
1 10 provider contracts, policies, or plans delivered, issued for
1 11 delivery, continued, or renewed in this state on or after
1 12 January 1, 2008:
1 13 a. Individual or group accident and sickness insurance
1 14 providing coverage on an expense=incurred basis.
1 15 b. An individual or group hospital or medical service
1 16 contract issued pursuant to chapter 509, 514, or 514A.
1 17 c. An individual or group health maintenance organization
1 18 contract regulated under chapter 514B.
1 19 d. An individual or group Medicare supplemental policy,
1 20 unless coverage pursuant to such policy is preempted by
1 21 federal law.
1 22 e. A plan established pursuant to chapter 509A for public
1 23 employees.
1 24 2. This section shall not apply to accident only,
1 25 specified disease, short=term hospital or medical, hospital
1 26 confinement indemnity, credit, dental, vision, long=term care,
1 27 basic hospital and medical=surgical expense coverage as
1 28 defined by the commissioner, disability income insurance
1 29 coverage, coverage issued as a supplement to liability
1 30 insurance, workers' compensation or similar insurance, or
1 31 automobile medical payment insurance.
1 32 3. As used in this section, "human papilloma virus" means
1 33 the human papilloma virus as defined by the centers for
1 34 disease control and prevention of the United States department
1 35 of health and human services.

Senate Study Bill 1231 continued

2 1 4. The commissioner of insurance shall adopt rules
2 2 pursuant to chapter 17A as necessary to administer this
2 3 section.
2 4 EXPLANATION
2 5 This bill requires insurers offering certain individual or
2 6 group health insurance contracts, policies, or plans in the
2 7 state to provide coverage for vaccinations for human papilloma
2 8 virus.
2 9 The provisions of the bill are applicable to third=party
2 10 payment provider contracts, policies, or plans delivered,
2 11 issued for delivery, continued, or renewed in this state on or
2 12 after January 1, 2008.
2 13 The commissioner of insurance is required to adopt rules
2 14 under Code chapter 17A to administer the provisions of the
2 15 bill.
2 16 New Code section 514C.23 requires specified individual and
2 17 group health insurance contracts, policies, or plans that
2 18 provide coverage of any vaccinations or immunizations to
2 19 provide coverage of a vaccination for human papilloma virus.
2 20 The bill defines "human papilloma virus" to mean the human
2 21 papilloma virus as defined by the centers for disease control
2 22 and prevention of the United States department of health and
2 23 human services.
2 24 LSB 2148SC 82
2 25 av:rj/cf/24

Senate Study Bill 1232

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

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

A BILL FOR

An Act relating to the Iowa law enforcement academy and minimum entrance requirements.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2423XC 82
rh/je/5

Senate Study Bill 1232 continued

PAG LIN

1 1 Section 1. Section 80B.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Minimum entrance requirements, course of study,
1 4 attendance requirements, and equipment and facilities required
1 5 at approved law enforcement training schools. Minimum ~~age~~
1 6 requirements for entrance to an approved law enforcement
1 7 training ~~schools~~ school shall include requirements that a
1 8 person be eighteen years of age and a citizen of the United
1 9 States or an alien who has been lawfully admitted into the
1 10 United States for permanent residence and who intends to
1 11 become a citizen of the United States within eight years of
1 12 commencing employment with a state or local law enforcement
1 13 agency. Minimum course of study requirements shall include a
1 14 separate domestic abuse curriculum, which may include, but is
1 15 not limited to, outside speakers from domestic abuse shelters
1 16 and crime victim assistance organizations. Minimum course of
1 17 study requirements shall also include a sexual assault
1 18 curriculum.
1 19 EXPLANATION
1 20 This bill relates to the Iowa law enforcement academy and
1 21 minimum entrance requirements.
1 22 The bill provides that minimum requirements for entrance to
1 23 an approved law enforcement training school, which include a
1 24 minimum age of 18, shall also include a requirement that a
1 25 person be a citizen of the United States or an alien who has
1 26 been lawfully admitted into the United States for permanent
1 27 residence and who intends to become a citizen of the United
1 28 States within eight years of commencing employment with a
1 29 state or local law enforcement agency.
1 30 LSB 2423XC 82
1 31 rh:rj/je/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1233

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

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

A BILL FOR

An Act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1124XG 82
pf/gg/14

Senate Study Bill 1233 continued

PAG LIN

1 1 Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS
1 2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
1 3 tobacco trust created in section 12.65 to the following
1 4 departments for the fiscal year beginning July 1, 2007, and
1 5 ending June 30, 2008, the following amounts, or so much
1 6 thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 1. To the department of human services:
1 9 a. To supplement the medical assistance program
1 10 appropriations for the fiscal year, including for
1 11 reimbursement of noninstitutional medical assistance providers
1 12 with the exception of anesthesia and dental providers and to
1 13 continue the resource=based relative value system of
1 14 reimbursement based upon the reimbursement rates established
1 15 for the fiscal year beginning July 1, 2007, and ending June
1 16 30, 2008; for reimbursement of dental services, hospitals,
1 17 home health care services, critical access hospitals,
1 18 expansion of home health care services and habilitative day
1 19 care for children with special needs, and expansion of respite
1 20 care services provided through home and community=based
1 21 waivers based upon the reimbursement rates established for the
1 22 fiscal year beginning July 1, 2007, and ending June 30, 2008;
1 23 and for provision of coverage to women who require treatment
1 24 for breast or cervical cancer as provided in section 249A.3,
1 25 subsection 2, paragraph "b":
1 26 ..... $ 35,327,368
1 27 Of the amount appropriated in this paragraph, $250,000
1 28 shall be used to continue the efforts of the Iowa chronic care
1 29 consortium pursuant to 2003 Iowa Acts, chapter 112, section
1 30 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
1 31 and 167.
1 32 b. For child and family services and adoption subsidy
1 33 services including for reimbursement of rehabilitative
1 34 treatment and support services providers, adoption,
1 35 independent living, shelter care, and home studies services

Senate Study Bill 1233 continued

2 1 providers, and other service providers under the purview of
2 2 the department of human services:
2 3 ..... $ 3,761,677
2 4 c. To continue the supplementation of the children's
2 5 health insurance program appropriation:
2 6 ..... $ 200,000
2 7 d. To continue supplementation of the state supplementary
2 8 assistance program including reimbursements for residential
2 9 care facilities and in=home health services:
2 10 ..... $ 182,381
2 11 e. For general administration of health=related programs:
2 12 ..... $ 274,000
2 13 2. To the Iowa department of public health:
2 14 a. For the tobacco use prevention and control initiative,
2 15 including efforts at the state and local levels, as provided
2 16 in chapter 142A:
2 17 ..... $ 5,928,465
2 18 (1) The director of public health shall dedicate
2 19 sufficient resources to promote and ensure retailer compliance
2 20 with tobacco laws and ordinances relating to persons under 18
2 21 years of age, and shall prioritize the state's compliance in
2 22 the allocation of available funds to comply with 42 U.S.C. }
2 23 300x=26 and section 453A.2.
2 24 (2) Of the full=time equivalent positions funded in this
2 25 paragraph "a", two full=time equivalent positions shall be
2 26 utilized to provide for enforcement of tobacco laws,
2 27 regulations, and ordinances under a chapter 28D agreement
2 28 entered into between the Iowa department of public health and
2 29 the alcoholic beverages division of the department of
2 30 commerce.
2 31 (3) Of the funds appropriated in this paragraph "a", not
2 32 more than $525,759 shall be expended on administration and
2 33 management of the program.
2 34 (4) Of the funds appropriated in this paragraph "a", not
2 35 less than 80 percent of the amount expended in the fiscal year

Senate Study Bill 1233 continued

3 1 beginning July 1, 2001, for community partnerships shall be
3 2 expended in the fiscal year beginning July 1, 2007, for that
3 3 purpose.
3 4 b. For provision of smoking cessation and smoking=related
3 5 diseases products as provided in this paragraph:
3 6 ..... $ 75,000
3 7 The department shall award grants to free health clinics
3 8 that are tax=exempt organizations pursuant to 26 U.S.C. } 501
3 9 (c)(3) to fund the provision of smoking cessation and smoking=
3 10 related diseases products to patients. The department shall
3 11 adopt a methodology for the awarding of the grants to the
3 12 health clinics based upon the order of receipt of
3 13 applications.
3 14 c. For additional substance abuse treatment under the
3 15 substance abuse treatment program:
3 16 ..... $ 13,800,000
3 17 (1) The department shall use funds appropriated in this
3 18 paragraph "c" to enhance the quality of and to expand the
3 19 capacity to provide 24=hour substance abuse treatment
3 20 programs.
3 21 (2) The department shall use funds appropriated in this
3 22 paragraph "c" to expand the length of individual client
3 23 substance abuse treatment plans, as necessary to reduce
3 24 program recidivism.
3 25 (3) The department shall use funds appropriated in this
3 26 paragraph "c" to share research=based best practices for
3 27 treatment with substance abuse treatment facilities.
3 28 (4) The department shall use funds appropriated in this
3 29 paragraph "c" to develop a results=based funding approach for
3 30 substance abuse treatment services.
3 31 (5) The department shall use funds appropriated in this
3 32 paragraph "c" to develop a program to encourage individuals
3 33 who are successfully managing their substance abuse problems
3 34 to serve as role models.
3 35 (6) The department shall submit a report annually by March

Senate Study Bill 1233 continued

4 1 1, to the governor and the general assembly delineating the
4 2 success rates of the substance abuse treatment programs that
4 3 receive funding under this paragraph "c".
4 4 d. For the healthy Iowans 2010 plan within the Iowa
4 5 department of public health:
4 6 ..... $ 2,509,960
4 7 (1) Of the funds appropriated in this paragraph "d", not
4 8 more than $1,157,482 shall be used for essential public health
4 9 services that promote healthy aging throughout the lifespan,
4 10 contracted through a formula for local boards of health, to
4 11 enhance health promotion and disease prevention services.
4 12 (2) Of the funds appropriated in this paragraph "d", not
4 13 more than $387,320 shall be used for the continuation and
4 14 support of a coordinated system of delivery of trauma and
4 15 emergency medical services.
4 16 (3) Of the funds appropriated in this paragraph "d", not
4 17 more than $600,000 shall be used for the state poison control
4 18 center.
4 19 (4) Of the funds appropriated in this paragraph "d", not
4 20 more than $288,770 shall be used for the development of
4 21 scientific and medical expertise in environmental
4 22 epidemiology.
4 23 (5) Of the funds appropriated in this paragraph "d", not
4 24 more than $76,388 shall be used for the childhood lead
4 25 poisoning prevention program.
4 26 e. For the automated external defibrillator grant program
4 27 established pursuant to section 135.26:
4 28 ..... $ 350,000
4 29 f. For the center for congenital and inherited disorders
4 30 established pursuant to section 136A.3:
4 31 ..... $ 26,000
4 32 g. For a grant program to provide substance abuse
4 33 prevention programming for children:
4 34 ..... $ 1,050,000
4 35 (1) Of the funds appropriated in this paragraph "g",

Senate Study Bill 1233 continued

5 1 $500,000 shall be utilized to provide funding for
5 2 organizations that provide programming for children by
5 3 utilizing mentors. Of the amount specified in this
5 4 subparagraph (1), $25,000 shall be utilized to provide grants
5 5 to small community=based organizations that meet the
5 6 requirements of this subparagraph (1). Programs approved for
5 7 grants under this subparagraph (1) shall be certified or will
5 8 be certified within six months of receiving the grant award by
5 9 the Iowa commission on volunteer services as utilizing the
5 10 standards for effective practice for mentoring programs.
5 11 (2) Of the funds appropriated in this paragraph "g",
5 12 $500,000 shall be utilized to provide funding for
5 13 organizations that provide programming that includes out=of=
5 14 school youth development and opportunities for character
5 15 development, youth development, and leadership. Of the amount
5 16 specified in this subparagraph (2), $25,000 shall be utilized
5 17 to provide grants to small community=based organizations that
5 18 meet the requirements of this subparagraph (2). The programs
5 19 shall also be recognized as being programs that are
5 20 scientifically=based with evidence of their effectiveness in
5 21 reducing substance abuse in children.
5 22 (3) All grant recipients under this paragraph "g" shall
5 23 participate in a program evaluation as a requirement for
5 24 receiving grant funds.
5 25 (4) Of the funds appropriated in this paragraph "g",
5 26 $50,000 shall be used to administer substance abuse prevention
5 27 grants and for program evaluations.
5 28 h. For providing grants to individual patients who have
5 29 phenylketonuria (PKU) to assist with the costs of necessary
5 30 special foods:
5 31 ..... $ 100,000
5 32 i. For additional funding to leverage federal funding
5 33 through the federal Ryan White Care Act, Title II, AIDS drug
5 34 assistance program supplemental drug treatment grants:
5 35 ..... $ 275,000

Senate Study Bill 1233 continued

6 1 3. To the department of corrections:
6 2 ..... $ 3,676,474
6 3 a. Of the funds appropriated in this subsection, $228,216
6 4 is allocated to the first judicial district department of
6 5 correctional services. Of the funds allocated, $100,000 shall
6 6 be used for community=based corrections, and $128,216 shall be
6 7 used to replace expired federal funding for dual diagnosis
6 8 offenders.
6 9 b. Of the funds appropriated in this subsection, $406,217
6 10 is allocated to the second judicial district department of
6 11 correctional services. Of the funds allocated, $100,000 shall
6 12 be used for community=based corrections and $306,217 shall be
6 13 used to replace expired federal funding for day programming
6 14 and to replace expired federal funding for the drug court
6 15 program with $50,000 of this amount being used for substance
6 16 abuse treatment.
6 17 c. Of the funds appropriated in this subsection, $200,359
6 18 is allocated to the third judicial district department of
6 19 correctional services. Of the funds allocated, $100,000 shall
6 20 be used for community=based corrections, and $100,359 shall be
6 21 used to replace expired federal funding for the drug court
6 22 program.
6 23 d. Of the funds appropriated in this subsection, $291,731
6 24 is allocated to the fourth judicial district department of
6 25 correctional services. Of the funds allocated, $100,000 shall
6 26 be used for community=based corrections, and $191,731 shall be
6 27 used for the drug court program.
6 28 e. Of the funds appropriated in this subsection, $355,693
6 29 is allocated to the fifth judicial district department of
6 30 correctional services. Of the funds allocated, $100,000 shall
6 31 be used for community=based corrections, and $255,693 shall be
6 32 used to replace expired federal funding for the drug court
6 33 program.
6 34 f. Of the funds appropriated in this subsection, $164,741
6 35 is allocated to the sixth judicial district department of

Senate Study Bill 1233 continued

7 1 correctional services. Of the funds allocated, $100,000 shall
7 2 be used for community=based corrections, and $64,741 shall be
7 3 used to replace expired federal funding for dual diagnosis
7 4 offenders.
7 5 g. Of the funds appropriated in this subsection, $232,232
7 6 is allocated to the seventh judicial district department of
7 7 correctional services. Of the funds allocated, $100,000 shall
7 8 be used for community=based corrections, and $132,232 shall be
7 9 used to replace expired federal funding for the drug court
7 10 program.
7 11 h. Of the funds appropriated in this subsection, $300,000
7 12 is allocated to the eighth judicial district department of
7 13 correctional services. Of the funds allocated, $100,000 shall
7 14 be used for community=based corrections, and $200,000 shall be
7 15 used to implement an adult drug court program.
7 16 i. Of the funds appropriated in this subsection,
7 17 $1,497,285 is allocated to the Fort Madison correctional
7 18 facility for the clinical care unit.
7 19 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==
7 20 REIMBURSEMENT INCREASE. There is appropriated from the
7 21 healthy Iowans tobacco trust created in section 12.65 to the
7 22 property tax relief fund created in section 426B.1 for the
7 23 fiscal year beginning July 1, 2007, and ending June 30, 2008,
7 24 the following amount, or so much thereof as is necessary, to
7 25 be used for the purposes designated:
7 26 For assistance to the counties with limited county mental
7 27 health, mental retardation, and developmental disabilities
7 28 services fund balances which were selected in accordance with
7 29 2000 Iowa Acts, chapter 1221, section 3, to receive such
7 30 assistance in the same amount provided during the fiscal year
7 31 beginning July 1, 2000, and ending June 30, 2001, to pay
7 32 reimbursement increases in accordance with 2000 Iowa Acts,
7 33 chapter 1221, section 3:
7 34 ..... $ 146,750
7 35 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from

Senate Study Bill 1233 continued

8 1 the healthy Iowans tobacco trust created in section 12.65, to
8 2 the Iowa empowerment fund created in section 28.9 for the
8 3 fiscal year beginning July 1, 2007, and ending June 30, 2008,
8 4 for deposit in the school ready children grants account:
8 5 ..... $ 2,153,250
8 6 Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is
8 7 appropriated from the healthy Iowans tobacco trust created in
8 8 section 12.65 to the department of economic development for
8 9 the fiscal year beginning July 1, 2007, and ending June 30,
8 10 2008, the following amount, or so much thereof as is
8 11 necessary, to be used for the purpose designated:
8 12 For allocation to the Iowa commission on volunteer services
8 13 for the Iowa's promise and mentoring partnership program:
8 14 ..... $ 125,000
8 15 Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated
8 16 from the healthy Iowans tobacco trust created in section
8 17 12.65, to the department of education for the fiscal year
8 18 beginning July 1, 2007, and ending June 30, 2008, the
8 19 following amount, or so much thereof as is necessary, to be
8 20 used for the purpose designated:
8 21 To continue the competitive grants program to expand the
8 22 availability of before and after school programs:
8 23 ..... $ 150,000
8 24 School districts and other public and private organizations
8 25 shall be eligible to apply for a grant from the program.
8 26 Grant applications shall be assessed by the department based
8 27 on the targeted student population and whether the application
8 28 demonstrates partnerships and collaboration with
8 29 not=for=profit community organizations, if appropriate;
8 30 indicates that the school district or organization has access
8 31 to training for the program; provides for a safe and engaging
8 32 environment; combines academic, enrichment, cultural, and
8 33 recreational activities; provides for no less than a 20
8 34 percent match; and demonstrates that the school district or
8 35 organization is able to sustain the program after the grant is

Senate Study Bill 1233 continued

9 1 exhausted. The types of activities supported by an applicant
9 2 may include but are not limited to tutoring and supplementing
9 3 instruction in basic skills, such as reading, math, and
9 4 science; drug and violence prevention curricula and
9 5 counseling; youth leadership activities; volunteer and service
9 6 learning opportunities; career and vocational awareness
9 7 preparation; courses and enrichment in arts and culture;
9 8 computer instruction; character development and civic
9 9 participation; language instruction, including English as a
9 10 second language; mentoring; positive interaction with law
9 11 enforcement; supervised recreation programs; or health and
9 12 nutrition programs. The department shall make every attempt
9 13 to leverage additional funding from other public and private
9 14 sources to support the program provided under this section.
9 15 Sec. 6. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.
9 16 In addition to the amount transferred pursuant to section
9 17 12E.12, subsection 1, paragraph "b", subparagraph (2),
9 18 subparagraph subdivision (b), $9,100,000 is transferred from
9 19 the endowment for Iowa's health account of the tobacco
9 20 settlement trust fund created in section 12E.12 to the healthy
9 21 Iowans tobacco trust created in section 12.65 for the fiscal
9 22 year beginning July 1, 2007, and ending June 30, 2008.
9 23 EXPLANATION
9 24 This bill relates to and makes appropriations from the
9 25 healthy Iowans tobacco trust to the following departments for
9 26 fiscal year 2007=2008:
9 27 To the department of human services:
9 28 1. To supplement the medical assistance appropriation
9 29 including reimbursement for all noninstitutional providers
9 30 with the exception of anesthesia and dental providers and for
9 31 continuation of the resource=based relative value system; for
9 32 reimbursement for dental services, hospitals, home health
9 33 agencies, critical access hospitals, the expansion of home
9 34 health care services and habilitative day care services, for
9 35 children with special needs, and expansion of respite care

Senate Study Bill 1233 continued

10 1 services provided through home and community=based services
10 2 waivers; and for provision of coverage to women who require
10 3 treatment for breast or cervical cancer. A portion of the
10 4 funds are to be used to continue the chronic care consortium.
10 5 2. For child and family services and adoption subsidy
10 6 services including for reimbursement of rehabilitative
10 7 treatment and support services providers, adoption,
10 8 independent living, shelter care, and home studies services
10 9 providers, and other service providers under the purview of
10 10 the department of human services.
10 11 3. For supplementation of the appropriation for the
10 12 children's health insurance program.
10 13 4. For supplementation of the state supplementary
10 14 assistance program.
10 15 5. For general administration of health=related programs.
10 16 To the Iowa department of public health:
10 17 1. For the tobacco use prevention and control program for
10 18 additional substance abuse treatment and for smoking cessation
10 19 and smoking=related disease products.
10 20 2. For development of a healthy Iowans 2010 plan for the
10 21 following purposes: for essential public health services that
10 22 promote healthy aging throughout the lifespan, contracted
10 23 through a formula by local boards of health, to enhance health
10 24 promotion and disease prevention services; for the
10 25 implementation and support of a coordinated system of delivery
10 26 of trauma and emergency medical services; for the poison
10 27 control center; for development of scientific and medical
10 28 expertise in environmental epidemiology; and for the childhood
10 29 lead poisoning prevention program.
10 30 3. For the automated external defibrillator grant program.
10 31 4. For the center for congenital and inherited disorders.
10 32 5. For a grant program to provide substance abuse
10 33 prevention programming for children with specific criteria.
10 34 6. For a grant program for individuals with
10 35 phenylketonuria (PKU).

Senate Study Bill 1233 continued

11 1 7. For leveraging of federal funds under the federal Ryan
11 2 White Care Act.
11 3 To the department of corrections: for community=based
11 4 corrections, day programming, the drug court program, and for
11 5 the Fort Madison correctional facility for the clinical care
11 6 unit.
11 7 The bill appropriates funds for fiscal year 2007=2008 to
11 8 the property tax relief fund for the fiscal year beginning
11 9 July 1, 2007, and ending June 30, 2008, for assistance to
11 10 counties with limited county mental health, mental
11 11 retardation, and developmental disabilities services fund
11 12 balances to pay reimbursement increases in the same amount as
11 13 provided in the fiscal year beginning July 1, 2000, and ending
11 14 June 30, 2001.
11 15 The bill appropriates funds to the Iowa empowerment fund
11 16 for the fiscal year beginning July 1, 2007, and ending June
11 17 30, 2008, for deposit in the school ready children grants
11 18 account.
11 19 The bill appropriates funds to the department of economic
11 20 development for FY 2007=2008 for allocation to the Iowa
11 21 commission on volunteer services for the Iowa's promise and
11 22 mentoring partnership program.
11 23 The bill appropriates funds to the department of education
11 24 to continue the competitive grants program to expand the
11 25 availability of before and after school programs.
11 26 The bill provides for the transfer of additional funds from
11 27 the endowment for Iowa's health account to the healthy Iowans
11 28 tobacco trust for the fiscal year beginning July 1, 2007, and
11 29 ending June 30, 2008.
11 30 LSB 1124XG 82
11 31 pf:mg/gg/14.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1234

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

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

A BILL FOR

An Act prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1098SC 82
rh/je/5

Senate Study Bill 1234 continued

PAG LIN

1 1 Section 1. Section 724.26, Code 2007, is amended to read
1 2 as follows:
1 3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION
1 4 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND
1 5 OTHERS.
1 6 1. A person who is convicted of a felony in a state or
1 7 federal court, or who is adjudicated delinquent on the basis
1 8 of conduct that would constitute a felony if committed by an
1 9 adult, and who knowingly has under the person's dominion and
1 10 control or possession, receives, or transports or causes to be
1 11 transported a firearm or offensive weapon is guilty of a class
1 12 "D" felony.
1 13 2. A person who is subject to a protective order under 18
1 14 U.S.C. } 922(g)(8) or who has been convicted of a misdemeanor
1 15 crime of domestic violence under 18 U.S.C. } 922(g)(9), and
1 16 who knowingly sells, disposes of, possesses, ships,
1 17 transports, or receives a firearm or offensive weapon, is
1 18 guilty of a class "D" felony. Such a person shall not be
1 19 eligible to obtain a permit under this chapter and any permits
1 20 issued to such a person are deemed revoked.
1 21 3. Except as provided in section 809A.17, subsection 5,
1 22 paragraph "b", a firearm or offensive weapon seized under this
1 23 section shall be disposed of in any of the following ways:
1 24 a. Held as evidence if used or intended to be used in any
1 25 manner or part to facilitate conduct giving rise to a
1 26 violation described in subsection 2.
1 27 b. Transferred to the custody of a qualified person in
1 28 this state, as determined by the court. The qualified person
1 29 shall not reside in the home of a person found guilty of an
1 30 offense under this section and must be able to lawfully
1 31 possess a firearm or offensive weapon in this state.
1 32 c. Stored by the county sheriff. The court shall assess
1 33 the defendant, in addition to any penalty, a fee of fifty
1 34 dollars plus the cost of any other expenses for storing the
1 35 firearm or offensive weapon, payable to the county sheriff's

Senate Study Bill 1234 continued

2 1 office.
2 2 EXPLANATION
2 3 This bill amends Code section 724.26 to prohibit the
2 4 knowing sale, disposal, possession, shipment, transportation,
2 5 or receipt of a firearm or offensive weapon by a person who is
2 6 the subject of a protective order under federal law (18 U.S.C.
2 7 } 922(g)(8)) or by a person who has been convicted of a
2 8 misdemeanor crime of domestic violence under federal law (18
2 9 U.S.C. } 922(g)(9)).
2 10 Violation of the prohibition is a class "D" felony. A
2 11 class "D" felony is punishable by confinement for no more than
2 12 five years and a fine of at least $750 but not more than
2 13 $7,500. Such a person shall not be eligible to obtain a
2 14 permit to carry weapons or a permit to acquire pistols or
2 15 revolvers.
2 16 The bill further provides that unless a forfeiture
2 17 proceeding has been initiated, a firearm or offensive weapon
2 18 seized under the bill and Code section 724.26 shall be
2 19 disposed of in any one of the following ways:
2 20 1. Held in evidence if the firearm or offensive weapon was
2 21 used or intended to be used in any part to facilitate conduct
2 22 giving rise to any of the delineated violations.
2 23 2. Transferred to a person who does not live with the
2 24 offender and who is qualified in Iowa to possess a firearm or
2 25 offensive weapon, as determined by the court.
2 26 3. Stored by the county sheriff. The court shall assess
2 27 the defendant, in addition to any other penalty, a fee of $50
2 28 plus the costs of any other expenses to cover storage costs.
2 29 LSB 1098SC 82
2 30 rh:rj/je/5

Senate Study Bill 1235

SENATE FILE
BY (PROPOSED COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT BILL BY CHAIRPERSON BLACK)

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

A BILL FOR

1 An Act relating to water quality.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1804XC 82
4 tm/je/5

Senate Study Bill 1235 continued

PAG LIN

1 1 Section 1. NEW SECTION. 7.23 WATERSHED COUNSELOR.
1 2 1. The governor shall establish a position of watershed
1 3 counselor as part of the governor's office and appoint a
1 4 person in the governor's office or the lieutenant governor's
1 5 office to serve in the position.
1 6 2. The watershed counselor shall do all of the following:
1 7 a. Coordinate staff communication, programs, and funding
1 8 in state agencies responsible for water resources with the
1 9 purpose of achieving common goals.
1 10 b. Develop a strategic water plan for the state which
1 11 includes water quality and water quantity considerations. The
1 12 plan shall be filed with the general assembly and with the
1 13 governor by December 31, 2008.
1 14 c. Update the strategic water plan by January 1, 2010, and
1 15 at five=year intervals thereafter.
1 16 d. File a written progress report with the general
1 17 assembly and the governor by January 15 of each year beginning
1 18 in the calendar year 2010 regarding the achievement of goals
1 19 stated in the strategic water plan.
1 20 e. Coordinate the development and implementation of the
1 21 goals identified in the strategic water plan.
1 22 f. Monitor and regularly assess if water programs and
1 23 processes administered by agencies in the executive branch are
1 24 enabling the strategic water plan goals to be achieved and if
1 25 progress is being made toward achieving the goals.
1 26 g. In consultation with the secretary of agriculture and
1 27 the director of the department of natural resources, lead the
1 28 science advisory council established in section 7.25.
1 29 h. In an effort to achieve strategic water plan goals,
1 30 coordinate watershed programs with local governments, the
1 31 state government, the federal government, community colleges,
1 32 and nongovernmental entities.
1 33 i. Direct a statewide ongoing comprehensive assessment and
1 34 planning process for eight=digit hydrologic unit code
1 35 watersheds that enables the continued priority identification

Senate Study Bill 1235 continued

2 1 of impairments to water quality and the potential sources of
2 2 the impairments. Data collected and modeling conducted
2 3 through this process are for planning purposes only and shall
2 4 not be used in an enforcement action. Individual identifying
2 5 data shall not be considered a public record subject to
2 6 examination and copying under chapter 22. The geological
2 7 survey bureau of the department of natural resources and the
2 8 division of soil conservation of the department of agriculture
2 9 and land stewardship shall cooperatively assist locally led
2 10 watershed groups in the development of eight=digit hydrologic
2 11 unit code watershed goals.
2 12 3. The watershed counselor shall not be considered an
2 13 agency under section 17A.2 and shall not have any independent
2 14 authority to regulate.
2 15 4. The department of natural resources shall provide any
2 16 information or data requested by the watershed counselor.
2 17 Sec. 2. NEW SECTION. 7.24 STRATEGIC WATER PLAN.
2 18 1. The watershed counselor shall do all of the following
2 19 for purposes of developing the strategic water plan:
2 20 a. Consult with the department of natural resources, the
2 21 department of agriculture and land stewardship, organizations
2 22 represented on the watershed improvement review board
2 23 established in section 466A.3, the Iowa division of the
2 24 natural resources conservation service of the United States
2 25 department of agriculture, the state soil conservation
2 26 committee established in section 161A.4, and any other
2 27 entities deemed appropriate by the watershed counselor.
2 28 b. Review the water quality programs administered by the
2 29 department of natural resources, the department of agriculture
2 30 and land stewardship, and soil and water conservation
2 31 districts.
2 32 c. Review recommendations of the sustainable natural
2 33 resource funding study established in 2006 Iowa Acts, ch.
2 34 1185. This review is not required for the development of
2 35 strategic water plans subsequent to the initial strategic

Senate Study Bill 1235 continued

3 1 water plan.
3 2 d. Review recommendations from the watershed quality
3 3 planning task force established in 2006 Iowa Acts, ch. 1145.
3 4 This review is not required for the development of strategic
3 5 water plans subsequent to the initial strategic water plan.
3 6 2. A strategic water plan shall include all of the
3 7 following:
3 8 a. The status of water quality and quantity programs and
3 9 resources.
3 10 b. A review of financial and personnel resources available
3 11 to water quality and quantity programs in the state and their
3 12 use.
3 13 c. A needs assessment to implement water programs in the
3 14 state including staff and program funding resources to
3 15 implement the strategic water plan.
3 16 d. An inventory and status of watershed improvement
3 17 projects including private, local, state, and federally funded
3 18 projects. The inventory shall include a description of each
3 19 project, the development or implementation phase of each
3 20 project, any available documented outcomes of each project,
3 21 and the amount of public and private resources invested in
3 22 each project.
3 23 e. Priority identification of watersheds in the state for
3 24 focused watershed improvement efforts during the term of the
3 25 strategic water plan.
3 26 f. Criteria used by the watershed counselor for priority
3 27 identification of watersheds in the state.
3 28 g. Identification of plans for providing financial and
3 29 technical assistance to locally led watershed improvement
3 30 efforts including the assessment of the watersheds for sources
3 31 of impairment.
3 32 h. Recommendations for legislative action and plans to
3 33 enable the achievement of goals on an eight=digit hydrologic
3 34 unit code watershed basis.
3 35 3. In addition to the elements in subsection 2, the

Senate Study Bill 1235 continued

4 1 initial strategic water plan shall include all of the
4 2 following:
4 3 a. Recommendations to establish a delivery infrastructure
4 4 for achieving watershed goals on an eight=digit hydrologic
4 5 unit code watershed basis including necessary resources and
4 6 program development.
4 7 b. Recommendations to establish a locally led process to
4 8 identify water quality improvement goals in eight=digit
4 9 hydrologic unit code watersheds and strategic plans for
4 10 working toward the achievement of those goals.
4 11 c. Recommendations for a process and resources necessary
4 12 to establish watershed assessments on watersheds identified as
4 13 a priority for water quality improvement in the strategic
4 14 water plan.
4 15 d. Data from a statewide watershed assessment conducted by
4 16 the department of natural resources that enables the priority
4 17 identification of priority watershed for water quality
4 18 improvement efforts.
4 19 4. The strategic water plan shall not be submitted to the
4 20 governor and general assembly unless the plan is approved by
4 21 the watershed improvement review board. Prior to submitting
4 22 the plan to the board for approval, the watershed counselor
4 23 shall allow a period of not less than sixty days for public
4 24 comment on the plan.
4 25 Sec. 3. NEW SECTION. 7.25 SCIENCE ADVISORY COUNCIL.
4 26 A science advisory council is established with membership
4 27 determined by the watershed counselor in consultation with the
4 28 secretary of agriculture and the director of the department of
4 29 natural resources. The council shall recommend basic
4 30 scientific standards on which state environmental rules shall
4 31 be based. The standards shall be adopted by the environmental
4 32 protection commission by rule. A notice of intended action
4 33 filed by the commission shall substantially reflect any
4 34 conclusions made by the science advisory council.
4 35 Sec. 4. Section 22.7, Code 2007, is amended by adding the

Senate Study Bill 1235 continued

5 1 following new subsections:
5 2 NEW SUBSECTION. 58. Individual identifying data collected
5 3 as part of a statewide ongoing comprehensive assessment and
5 4 planning process for eight=digit hydrologic unit code
5 5 watersheds pursuant to section 7.23, subsection 2.
5 6 NEW SUBSECTION. 59. Information collected or provided
5 7 during the provision of services listed in section 161A.101,
5 8 subsection 2.
5 9 Sec. 5. NEW SECTION. 161A.101 VOLUNTARY ENVIRONMENTAL
5 10 PERFORMANCE BUREAU.
5 11 1. A voluntary environmental performance bureau is
5 12 established within the division.
5 13 2. The bureau shall do all of the following:
5 14 a. Assist agricultural producers with a review of
5 15 regulatory and conservation needs and opportunities.
5 16 b. Conduct voluntary farm assessments and manure
5 17 management planning for both permitted and nonpermitted open
5 18 feedlots operations and confinement feeding operation
5 19 structures.
5 20 c. Provide comprehensive evaluations of associated field
5 21 conservation practices.
5 22 d. Provide compliance assistance to agricultural producers
5 23 with respect to applicable state and federal regulations.
5 24 e. Communicate regulatory requirements for agricultural
5 25 producers to the general public through electronic and other
5 26 means.
5 27 f. Collaborate with the department to develop eight=digit
5 28 hydrologic unit code watershed goals.
5 29 3. The bureau may contract and train third=party vendors
5 30 to provide any of the services listed in subsection 2.
5 31 4. Any information obtained or provided during the
5 32 provision of services listed in subsection 2 shall not be used
5 33 in an enforcement action and shall not be considered public
5 34 records subject to examination and copying under chapter 22.
5 35 5. Activities under subsection 2 conducted by the bureau

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6 1 or a third=party vendor shall not take the form of enforcement
6 2 activities.
6 3 Sec. 6. Section 455B.173, subsection 2, Code 2007, is
6 4 amended by adding the following new unnumbered paragraph:
6 5 NEW UNNUMBERED PARAGRAPH. If the United States
6 6 environmental protection agency has established nationally
6 7 recommended water quality criteria pursuant to section
6 8 304(a)(1) of the federal Clean Water Act, a state water
6 9 quality standard shall not be more restrictive than the
6 10 federal recommendation. A state water quality standard shall
6 11 not be modified to be more restrictive unless all of the
6 12 following are met:
6 13 a. The rule is required by the federal Clean Water Act.
6 14 b. Research and practice trials have demonstrated that the
6 15 standards or requirements of the more restrictive rule can be
6 16 met with the use of economically feasible technology.
6 17 c. The established or modified rule provides a reasonable
6 18 time frame for accomplishing the goals of the water quality
6 19 standard considering the scope of the economic impact of the
6 20 rule and the number of land acres impacted by the rule should
6 21 the new restriction cause a water segment to be placed on the
6 22 section 303(d) list.
6 23 d. A rule establishing or modifying a nutrient standard
6 24 shall not be adopted unless the standard can be met with
6 25 available voluntary land care programs.
6 26 Sec. 7. Section 455B.173, Code 2007, is amended by adding
6 27 the following new subsection:
6 28 NEW SUBSECTION. 14. Adopt rules establishing a program
6 29 for water quality credit trading for nutrients, sediments, and
6 30 other pollutants. The program shall be designed to do all of
6 31 the following:
6 32 a. Achieve water quality improvements more quickly than
6 33 would otherwise be possible.
6 34 b. Lead to a more cost=effective way to achieve water
6 35 quality standards in waters of the state.

Senate Study Bill 1235 continued

7 1 c. Provide economic incentives for reductions in nonpoint
7 2 source pollution.
7 3 d. Provide other environmental benefits including but not
7 4 limited to restoring natural flow patterns, improving aquatic
7 5 habitat, increasing the ability of streams to process certain
7 6 pollutants, and creating stream buffers, shading, and other
7 7 benefits that go beyond reducing pollutants.
7 8 Sec. 8. Section 455B.174, Code 2007, is amended by adding
7 9 the following new subsection:
7 10 NEW SUBSECTION. 6. Conduct watershed assessments,
7 11 including modeling and water monitoring prior to the
7 12 development of total maximum daily loads. If a total maximum
7 13 daily load has been developed by the effective date of this
7 14 Act, watershed assessments shall be conducted and the total
7 15 maximum daily load shall be modified accordingly. A watershed
7 16 assessment shall include a scientific identification of
7 17 geographic areas to prioritize for achieving total maximum
7 18 daily loads. The department may contract with a third party
7 19 for purposes of conducting the watershed assessments.
7 20 Sec. 9. NEW SECTION. 459.104 VARIANCES.
7 21 A person who owns or operates a confinement feeding
7 22 operation may apply for a variance from the rules or standards
7 23 adopted by the department by filing an application with the
7 24 department. The application shall be accompanied by such
7 25 information and data required by the department.
7 26 1. The director shall promptly investigate the application
7 27 and approve or disapprove the application. The director may
7 28 grant a variance if the director finds that the applicant
7 29 satisfactorily demonstrates that the management or control
7 30 system adopted for the confinement feeding operation will
7 31 provide an equivalent level of performance to that achieved by
7 32 the requirement from which a variance is requested absent the
7 33 additional management or control system. Demonstration of
7 34 equivalent performance may include submitted results of
7 35 computer modeling which compares the predicted performance of

Senate Study Bill 1235 continued

8 1 the proposed management or control system with that achieved
8 2 by the requirement from which a variance is sought.
8 3 2. The applicant may request a review hearing before the
8 4 department if the application is denied.
8 5 3. The director may grant a variance for a specific period
8 6 of time or a permanent variance, as deemed necessary and
8 7 appropriate by the director.
8 8 4. The director shall maintain a record of each variance
8 9 granted specifying the reasons for its issuance or extension.
8 10 Sec. 10. Section 466A.3, Code 2007, is amended by adding
8 11 the following new subsection:
8 12 NEW SUBSECTION. 5. A voting member of the board who is
8 13 not a state employee as defined in section 68B.2 shall be paid
8 14 a per diem as specified in section 7E.6.
8 15 Sec. 11. CLEAN WATER ACT. The department of natural
8 16 resources and the department of agriculture and land
8 17 stewardship shall work with the United States environmental
8 18 protection agency to modify the portion of the federal Clean
8 19 Water Act delegation agreement to move the administration of
8 20 section 319 of the federal Clean Water Act to the department
8 21 of agriculture and land stewardship.
8 22 Sec. 12. AGRICULTURAL DRAINAGE WELL WATER QUALITY
8 23 ASSISTANCE PROGRAM. The department of agriculture and land
8 24 stewardship shall increase the amount of assistance provided
8 25 under the agricultural drainage well water quality assistance
8 26 program established pursuant to section 460.304.
8 27 Sec. 13. RESEARCH. With appropriated moneys and grants
8 28 received by Iowa state university of science and technology,
8 29 the college of agriculture shall take the lead in conducting
8 30 basic and applied research and education to determine
8 31 practicable science=based solutions for nutrient and sediment
8 32 impairment issues. The college shall do all of the following:
8 33 1. Leverage research and education efforts, collaborate
8 34 with other colleges and centers at Iowa state university of
8 35 science and technology and other land grant or United States

Senate Study Bill 1235 continued

9 1 department of agriculture research institutions.
9 2 2. Develop land care program templates for successfully
9 3 minimizing water quality impacts from the production of farm
9 4 commodities, including corn and soybeans, with minimal crop
9 5 yield losses.
9 6 3. Research agronomic fertilization needs of crops
9 7 throughout the state, beginning with corn and soybeans, to
9 8 develop recommendations both to meet crop needs and minimize
9 9 the potential for nutrient runoff, including but not limited
9 10 to whether manure can be applied to a soybean crop without
9 11 increasing the amount of nitrogen runoff from what is expected
9 12 from a corn crop. The research shall evaluate at a minimum
9 13 the effects of various application rates, a corn and soybean
9 14 rotation, and continuous corn production for comparison
9 15 purposes.
9 16 4. Research alternatives to reduce the water impact of
9 17 man=made drainage while continuing to meet land drainage needs
9 18 for working agricultural lands.
9 19 5. Consult with the water counselor in developing its
9 20 research plan.
9 21 EXPLANATION
9 22 This bill relates to water quality.
9 23 The bill requires the governor to establish a position of
9 24 watershed counselor as part of the governor's office and
9 25 appoint a person in the governor's office or the lieutenant
9 26 governor's office to serve in the position. The bill requires
9 27 the watershed counselor to coordinate staff communication,
9 28 programs, and funding in state agencies responsible for water
9 29 resources with the purpose of achieving common goals; develop
9 30 a strategic water plan for the state; update the strategic
9 31 water plan by January 1, 2010, and at five=year intervals
9 32 thereafter; file a written progress report with the general
9 33 assembly and the governor by January 15 of each year beginning
9 34 in the calendar year 2010; coordinate the development and
9 35 implementation of the goals identified in the strategic water

Senate Study Bill 1235 continued

10 1 plan; monitor and regularly assess if water programs and
10 2 processes administered by agencies in the executive branch are
10 3 enabling the strategic water plan goals to be achieved; in
10 4 consultation with the secretary of agriculture and the
10 5 director of the department of natural resources, lead the
10 6 science advisory council; in an effort to achieve strategic
10 7 water plan goals, coordinate watershed programs with local
10 8 governments, the state government, the federal government,
10 9 community colleges, and nongovernmental entities; and direct a
10 10 statewide ongoing comprehensive assessment and planning
10 11 process for eight=digit hydrologic unit code watersheds that
10 12 enables the continued priority identification of water quality
10 13 impairments and their potential sources.
10 14 The bill provides that the watershed counselor shall not be
10 15 considered an agency under Code section 17A.2 and shall not
10 16 have any independent authority to regulate. The bill provides
10 17 that the department of natural resources shall provide any
10 18 information or data requested by the watershed counselor.
10 19 The bill provides that, for purposes of developing the
10 20 strategic water plan, the watershed counselor shall consult
10 21 with the department of natural resources, the department of
10 22 agriculture and land stewardship, organizations represented on
10 23 the watershed improvement review board established in Code
10 24 section 466A.3, the Iowa division of the United States
10 25 department of agriculture, natural resources conservation
10 26 service, the state soil conservation committee established in
10 27 Code section 161A.4, and any other entities deemed appropriate
10 28 by the watershed counselor; review the water quality programs
10 29 administered by the department of natural resources, the
10 30 department of agriculture and land stewardship, and soil and
10 31 water conservation districts; review recommendations of the
10 32 sustainable natural resource funding study; and review
10 33 recommendations from the watershed quality planning task
10 34 force.
10 35 The bill provides that the initial strategic water plan and

Senate Study Bill 1235 continued

11 1 subsequent strategic water plans shall include certain data
11 2 and recommendations. The bill requires the strategic water
11 3 plan to be approved by the watershed improvement review board.
11 4 The bill establishes a science advisory council with
11 5 membership determined by the watershed counselor in
11 6 consultation with the secretary of agriculture and the
11 7 director of the department of natural resources. The bill
11 8 requires the council to recommend basic scientific standards
11 9 on which state environmental rules shall be based. The bill
11 10 requires the standards to be adopted by the environmental
11 11 protection commission.
11 12 The bill provides that individual identifying data
11 13 collected as part of a statewide ongoing comprehensive
11 14 assessment and planning process for eight=digit hydrologic
11 15 unit code watersheds and information collected or provided
11 16 during the provision of services by the voluntary
11 17 environmental performance bureau are not open records.
11 18 The bill establishes within the division of soil
11 19 conservation of the department of agriculture and land
11 20 stewardship a voluntary environmental performance bureau. The
11 21 bill requires the bureau to assist agricultural producers with
11 22 a review of regulatory and conservation needs and
11 23 opportunities, conduct voluntary farm assessments and manure
11 24 management planning for both permitted and nonpermitted open
11 25 feedlots operations and confinement feeding operation
11 26 structures, provide comprehensive evaluations of associated
11 27 field conservation practices, provide compliance assistance to
11 28 agricultural producers with respect to applicable state and
11 29 federal regulations, communicate regulatory requirements for
11 30 agricultural producers to the general public through
11 31 electronic and other means, and collaborate with the
11 32 department to develop eight=digit hydrologic unit code
11 33 watershed goals. The bill allows the bureau to contract and
11 34 train third=party vendors to provide any of the services
11 35 required of the bureau and that such services conducted by the

Senate Study Bill 1235 continued

12 1 bureau or a third=party vendor shall not take the form of
12 2 enforcement activities.
12 3 The bill provides that if the United States environmental
12 4 protection agency has established nationally recommended water
12 5 quality criteria pursuant to the federal Clean Water Act, a
12 6 state water quality standard shall not be more restrictive
12 7 than the federal recommendation. The bill provides that a
12 8 state water quality standard shall not be modified to be more
12 9 restrictive unless the rule is required by the federal Clean
12 10 Water Act, research and practice trials have demonstrated that
12 11 the standards or requirements of the more restrictive rule can
12 12 be met with the use of economically feasible technology, the
12 13 established or modified rule provides a reasonable time frame
12 14 for accomplishing the goals of the water quality standard,
12 15 and, if the rule establishes or modifies a nutrient standard,
12 16 the rule shall not be adopted unless the standard can be met
12 17 with available voluntary land care programs.
12 18 The bill requires the environmental protection commission
12 19 to adopt rules establishing a program for water quality credit
12 20 trading for nutrients, sediments, and other pollutants.
12 21 The bill requires the department of natural resources to
12 22 conduct watershed assessments, including modeling and water
12 23 monitoring prior to the development of total maximum daily
12 24 loads. The bill provides that, if a total maximum daily load
12 25 has been developed by the effective date of this bill,
12 26 watershed assessments shall be conducted and the total maximum
12 27 daily load shall be modified accordingly.
12 28 The bill provides that a person who owns or operates a
12 29 confinement feeding operation may apply for a variance from
12 30 the rules or standards adopted by the department of natural
12 31 resources by filing an application with the department. The
12 32 bill requires the director of the department to promptly
12 33 investigate the application and approve or disapprove the
12 34 application. The director may grant a variance if certain
12 35 findings are made. The bill allows the applicant to request a

Senate Study Bill 1235 continued

13 1 review hearing before the department if the application is
13 2 denied. The bill allows the director to grant a variance for
13 3 a specific period of time or permanently. The bill requires
13 4 the director to maintain a record of each variance granted
13 5 specifying the reasons for its issuance or extension.
13 6 The bill provides that any voting member of the watershed
13 7 improvement review board who is not a state employee shall be
13 8 paid a per diem.
13 9 The bill requires the department of natural resources and
13 10 the department of agriculture and land stewardship to work
13 11 with the United States environmental protection agency to
13 12 modify the portion of the federal Clean Water Act delegation
13 13 agreement to move the administration of section 319 of the
13 14 federal Clean Water Act to the department of agriculture and
13 15 land stewardship.
13 16 The bill requires the department of agriculture and land
13 17 stewardship to increase assistance under the agricultural
13 18 drainage well water quality assistance program.
13 19 The bill provides that, with appropriated moneys and grants
13 20 received by Iowa state university of science and technology,
13 21 the college of agriculture shall take the lead in conducting
13 22 basic and applied research and education to determine
13 23 practicable science=based solutions for nutrient and sediment
13 24 impairment issues.
13 25 LSB 1804XC 82
13 26 tm:rj/je/5.1

Senate Study Bill 1236

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

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

A BILL FOR

An Act modifying water service requirements for rural water providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1992SC 82
eg/gg/14

Senate Study Bill 1236 continued

PAG LIN

1 1 Section 1. NEW SECTION. 357A.2A WATER SERVICE WITHIN TWO
1 2 MILES OF A CITY == NOTICE.
1 3 1. A district or a rural water association incorporated
1 4 under this chapter or chapter 504 shall not provide water
1 5 service, other than water service provided as of April 1,
1 6 1987, within two miles of the limits of a city, except as
1 7 provided in this section.
1 8 2. A district or a rural water association incorporated
1 9 under this chapter or chapter 504 may give notice of intent to
1 10 provide water service to a new area within two miles of a city
1 11 by submitting a water plan to the city council, or if the city
1 12 has a municipal water utility that is governed by a board of
1 13 trustees to the city's utility board. The plan is only
1 14 required to indicate the area within two miles of the city
1 15 which the district or rural water association intends to
1 16 serve. If the city fails to respond to the plan within ninety
1 17 days of the city's receipt of the plan, the district or rural
1 18 water association may provide service in the area designated
1 19 in the plan. The city may inform the district or the rural
1 20 water association within ninety days of the city's receipt of
1 21 the plan that the city requires additional time or information
1 22 to study the question of providing water service outside the
1 23 limits of the city. If additional time or information is
1 24 required, the city shall respond to the plan within one
1 25 hundred eighty days of the city's receipt of the plan. In
1 26 responding to the plan, the city may waive its right to
1 27 provide water service within the areas designated for service
1 28 by the district or rural water association, or the city may
1 29 reserve the right to provide water service in some or all of
1 30 the areas which the district or association intends to serve.
1 31 If the city reserves the right to provide water service within
1 32 some or all of the areas which the district or rural water
1 33 association intends to serve, the city shall provide service
1 34 within four years of the city's receipt of the plan. This
1 35 section does not preclude a city from providing water service

Senate Study Bill 1236 continued

2 1 in an area which is annexed by the city.
2 2 Sec. 2. Section 357A.2, unnumbered paragraphs 4 and 5,
2 3 Code 2007, are amended by striking the unnumbered paragraphs.
2 4 EXPLANATION
2 5 This bill creates new Code section 357A.2A that is
2 6 substantially similar to current Code section 357A.2 that
2 7 restricts a rural water district or a rural water association
2 8 from providing water service within two miles of a city. A
2 9 rural water district or a rural water association that intends
2 10 to provide such water service is required to notify the city
2 11 council or the city's utility board.
2 12 The bill makes the distinction between a rural water
2 13 district and a rural water association. A rural water
2 14 association is not a "district", i.e., organized under Code
2 15 chapter 357A. See Rural Water System #1 v. City of Sioux
2 16 Center, Iowa, 202 F.3d 1035 (8th Cir. 2000).
2 17 LSB 1992SC 82
2 18 eg:rj/gg/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1237

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

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

A BILL FOR

An Act relating to county general obligation bonds by modifying the definition of essential county purpose and by changing the requirements under which a county may issue general county purpose bonds without an election.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1658SC 82
eg/es/88

Senate Study Bill 1237 continued

PAG LIN

1 1 Section 1. Section 331.441, subsection 2, paragraph b,
1 2 subparagraph (5), subparagraph subdivisions (a) through (e),
1 3 Code 2007, are amended to read as follows:
1 4 (a) ~~Four~~ Six hundred thousand dollars in a county having a
1 5 population of twenty=five thousand or less.
1 6 (b) ~~Five~~ Seven hundred fifty thousand dollars in a county
1 7 having a population of more than twenty=five thousand but not
1 8 more than fifty thousand.
1 9 (c) ~~Six~~ Nine hundred thousand dollars in a county having a
1 10 population of more than fifty thousand but not more than one
1 11 hundred thousand.
1 12 (d) ~~Eight~~ One million two hundred thousand dollars in a
1 13 county having a population of more than one hundred thousand
1 14 but not more than two hundred thousand.
1 15 (e) One million five hundred thousand dollars in a county
1 16 having a population of more than two hundred thousand.
1 17 Sec. 2. Section 331.441, subsection 2, paragraph b, Code
1 18 2007, is amended by adding the following new subparagraph:
1 19 NEW SUBPARAGRAPH. (16) Capital projects for the
1 20 construction, reconstruction, improvement, repair, or
1 21 equipping of bridges, roads, and culverts.
1 22 Sec. 3. Section 331.442, subsection 5, paragraph a,
1 23 subparagraphs (1) through (3), Code 2007, are amended to read
1 24 as follows:
1 25 (1) In counties having a population of twenty thousand or
1 26 less, in an amount of not more than ~~fifty~~ one hundred thousand
1 27 dollars.
1 28 (2) In counties having a population of over twenty
1 29 thousand and not over fifty thousand, in an amount of not more
1 30 than ~~one~~ two hundred thousand dollars.
1 31 (3) In counties having a population of over fifty
1 32 thousand, in an amount of not more than ~~one~~ three hundred
1 33 ~~fifty~~ thousand dollars.
1 34 EXPLANATION
1 35 Currently, a county may issue general obligation bonds for

Senate Study Bill 1237 continued

2 1 an essential county purpose to construct and reconstruct
2 2 public buildings without the bonds being approved at an
2 3 election when the cost does not exceed certain limits based
2 4 upon the population of the county. This bill increases the
2 5 cost limits for such public buildings.
2 6 The bill also amends the definition of an "essential county
2 7 purpose", allowing a county to issue general obligation bonds
2 8 without an election for the construction, reconstruction,
2 9 improvement, repair, or equipping of bridges, roads, and
2 10 culverts.
2 11 Currently, a county may proceed to issue general obligation
2 12 bonds for a general county purpose without an election by
2 13 providing the required notice in Code section 331.442,
2 14 subsection 5, subject to petition for an election, if the bond
2 15 amount does not exceed certain amounts based on the population
2 16 of the county. The bill increases those bond amounts.
2 17 LSB 1658SC 82
2 18 eg:sc/es/88.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1238

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

An Act relating to regulation of children's services by the department of human services by increasing the age for certain children receiving child care regulated by the department and revising child welfare and juvenile justice service provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1245DP 82
jp/je/5

Senate Study Bill 1238 continued

PAG LIN

1 1 DIVISION I
1 2 CHILD CARE SERVICES
1 3 Section 1. Section 237A.1, subsection 2, Code 2007, is
1 4 amended to read as follows:
1 5 2. "Child" means ~~either~~ any of the following:
1 6 a. A person twelve years of age or younger.
1 7 b. A person thirteen years of age or older but younger
1 8 than nineteen years of age who has a developmental disability
1 9 as defined under the federal Developmental Disabilities
1 10 Assistance and Bill of Rights Act of 2000, Pub. L. No.
1 11 106=402, as codified in 42 U.S.C. } 15002(8).
1 12 c. A person thirteen years of age or older but younger
1 13 than nineteen years of age who is living in a family setting
1 14 in which special family circumstances exist that would place
1 15 at risk the person's safety and well=being if the person is
1 16 left alone in the setting.
1 17 Sec. 2. STATE CHILD CARE ASSISTANCE PROGRAM. The
1 18 department of human services shall revise the eligibility
1 19 provisions applicable to the state child care assistance
1 20 program under section 237A.13 in order to include eligibility,
1 21 effective July 1, 2007, for a person who is living in a family
1 22 setting in which special circumstances exist, in accordance
1 23 with the change in the definition of the term "child" made to
1 24 section 237A.1, subsection 2, paragraph "c", as enacted in
1 25 this division of this Act.
1 26 DIVISION II
1 27 INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE
1 28 Sec. 3. Section 232.2, subsection 4, paragraph e, Code
1 29 2007, is amended to read as follows:
1 30 e. ~~To the extent the records are available and accessible,~~
1 31 ~~a summary of~~ The most recent information available regarding
1 32 the child's health and education records, including the date
1 33 the records were supplied to the agency or individual who is
1 34 the child's foster care provider.
1 35 Sec. 4. Section 232.2, subsection 4, paragraph i, Code

Senate Study Bill 1238 continued

2 1 2007, is amended to read as follows:
2 2 i. A provision that a designee of the department or other
2 3 person responsible for placement of a child out of state shall
2 4 visit the child at least once every ~~twelve~~ six months.
2 5 Sec. 5. Section 232.57, subsection 1, Code 2007, is
2 6 amended to read as follows:
2 7 1. For the purposes of this division, unless the context
2 8 otherwise requires, "reasonable efforts" means the efforts
2 9 made to prevent permanent removal of a child from the child's
2 10 home and to encourage reunification of the child with the
2 11 child's parents and family. Reasonable efforts shall include
2 12 but are not limited to giving consideration, if appropriate,
2 13 to interstate placement of a child in the permanency planning
2 14 decisions involving the child and giving consideration to
2 15 in=state and out=of=state placement options at a permanency
2 16 hearing and when using concurrent planning. If a court order
2 17 includes a determination that continuation of the child in the
2 18 child's home is not appropriate or not possible, reasonable
2 19 efforts may include the efforts made in a timely manner to
2 20 finalize a permanency plan for the child.
2 21 Sec. 6. Section 232.58, subsection 2, Code 2007, is
2 22 amended to read as follows:
2 23 2. Reasonable notice shall be provided of a permanency
2 24 hearing for an out=of=home placement in which the court order
2 25 has included a determination that continuation of the child in
2 26 the child's home is contrary to the child's welfare. A
2 27 permanency hearing shall be conducted in substantial
2 28 conformance with the provisions of section 232.99. During the
2 29 hearing, the court shall consider the child's need for a
2 30 secure and permanent placement in light of any case permanency
2 31 plan or evidence submitted to the court and the reasonable
2 32 efforts made concerning the child. Upon completion of the
2 33 hearing, the court shall enter written findings identifying a
2 34 primary permanency goal for the child. If a case permanency
2 35 plan is in effect at the time of the hearing, the court shall

Senate Study Bill 1238 continued

3 1 also make a determination as to whether reasonable progress is
3 2 being made in achieving the permanency goal and in complying
3 3 with the other provisions of that case permanency plan.
3 4 Sec. 7. Section 232.102, subsection 10, paragraph a,
3 5 unnumbered paragraph 1, Code 2007, is amended to read as
3 6 follows:
3 7 As used in this division, "reasonable efforts" means the
3 8 efforts made to preserve and unify a family prior to the
3 9 out=of=home placement of a child in foster care or to
3 10 eliminate the need for removal of the child or make it
3 11 possible for the child to safely return to the family's home.
3 12 Reasonable efforts shall include but are not limited to giving
3 13 consideration, if appropriate, to interstate placement of a
3 14 child in the permanency planning decisions involving the child
3 15 and giving consideration to in=state and out=of=state
3 16 placement options at a permanency hearing and when using
3 17 concurrent planning. If returning the child to the family's
3 18 home is not appropriate or not possible, reasonable efforts
3 19 shall include the efforts made in a timely manner to finalize
3 20 a permanency plan for the child. A child's health and safety
3 21 shall be the paramount concern in making reasonable efforts.
3 22 Reasonable efforts may include intensive family preservation
3 23 services or family=centered services, if the child's safety in
3 24 the home can be maintained during the time the services are
3 25 provided. In determining whether reasonable efforts have been
3 26 made, the court shall consider both of the following:
3 27 Sec. 8. Section 232.104, subsection 1, paragraph c, Code
3 28 2007, is amended to read as follows:
3 29 c. Reasonable notice of a permanency hearing shall be
3 30 provided to the parties. A permanency hearing shall be
3 31 conducted in substantial conformance with the provisions of
3 32 section 232.99. During the hearing, the court shall consider
3 33 the child's need for a secure and permanent placement in light
3 34 of any permanency plan or evidence submitted to the court and
3 35 the reasonable efforts made concerning the child. Upon

Senate Study Bill 1238 continued

4 1 completion of the hearing, the court shall enter written
4 2 findings and make a determination identifying a primary
4 3 permanency goal for the child. If a permanency plan is in
4 4 effect at the time of the hearing, the court shall also make a
4 5 determination as to whether reasonable progress is being made
4 6 in achieving the permanency goal and complying with the other
4 7 provisions of that permanency plan.
4 8 DIVISION III
4 9 CHILD WELFARE FAMILY=CENTERED AND
4 10 FAMILY PRESERVATION SERVICES
4 11 Sec. 9. Section 225C.49, subsection 1, unnumbered
4 12 paragraph 1, Code 2007, is amended to read as follows:
4 13 The department shall provide coordination of the programs
4 14 administered by the department which serve individuals with a
4 15 disability and the individuals' families, including but not
4 16 limited to the following juvenile justice and child welfare
4 17 services: family=centered ~~and intensive family preservation~~
4 18 services described under section 232.102, decategorization of
4 19 child welfare funding provided for under section 232.188, and
4 20 foster care services paid under section 234.35, subsection 3.
4 21 The department shall regularly review administrative rules
4 22 associated with such programs and make recommendations to the
4 23 council on human services, governor, and general assembly for
4 24 revisions to remove barriers to the programs for individuals
4 25 with a disability and the individuals' families including the
4 26 following:
4 27 Sec. 10. Section 232.102, subsection 10, Code 2007, is
4 28 amended to read as follows:
4 29 10. a. As used in this division, "reasonable efforts"
4 30 means the efforts made to preserve and unify a family prior to
4 31 the out=of=home placement of a child in foster care or to
4 32 eliminate the need for removal of the child or make it
4 33 possible for the child to safely return to the family's home.
4 34 If returning the child to the family's home is not appropriate
4 35 or not possible, reasonable efforts shall include the efforts

Senate Study Bill 1238 continued

5 1 made in a timely manner to finalize a permanency plan for the
5 2 child. A child's health and safety shall be the paramount
5 3 concern in making reasonable efforts. Reasonable efforts may
5 4 include ~~intensive family preservation services or~~ but are not
5 5 limited to family=centered services, if the child's safety in
5 6 the home can be maintained during the time the services are
5 7 provided. In determining whether reasonable efforts have been
5 8 made, the court shall consider both of the following:
5 9 (1) The type, duration, and intensity of services or
5 10 support offered or provided to the child and the child's
5 11 family. If ~~intensive family preservation~~ family=centered
5 12 services were not provided, the court record shall enumerate
5 13 the reasons the services were not provided, including but not
5 14 limited to whether the services were not available, not
5 15 accepted by the child's family, judged to be unable to protect
5 16 the child and the child's family during the time the services
5 17 would have been provided, judged to be unlikely to be
5 18 successful in resolving the problems which would lead to
5 19 removal of the child, or other services were found to be more
5 20 appropriate.
5 21 (2) The relative risk to the child of remaining in the
5 22 child's home versus removal of the child.
5 23 b. As used in this section~~:~~
5 24 ~~(1) "Family=centered~~, "family=centered services" means
5 25 services ~~which utilize a comprehensive approach to addressing~~
5 26 ~~the problems of individual family members, whether or not the~~
5 27 ~~problems are integrally related to the family, within the~~
5 28 ~~context of the family~~ and other support intended to safely
5 29 maintain a child with the child's family or with a relative,
5 30 to safely and in a timely manner return a child to the home of
5 31 the child's parent or relative, or to promote achievement of
5 32 concurrent planning goals by identifying and helping the child
5 33 secure placement for adoption, with a guardian, or with other
5 34 alternative permanent family connections. Family=centered
5 35 services are adapted to the individual needs of a family in

Senate Study Bill 1238 continued

6 1 ~~the~~ regard to the specific services and other support provided
6 2 to the child's family and the intensity and duration of
6 3 service delivery ~~and~~. Family=centered services are intended
6 4 to preserve a child's connections to the child's neighborhood,
6 5 community, and family and to improve the overall capacity of
6 6 the child's family ~~functioning~~ to provide for the needs of the
6 7 children in the family.
6 8 ~~(2) "Intensive family preservation services" means~~
~~6 9 services provided to a family with a child who is at imminent~~
~~6 10 risk of out=of=home placement. The services are designed to~~
~~6 11 address any problem creating the need for out=of=home~~
~~6 12 placement and have the following characteristics: are~~
~~6 13 persistently offered but provided at the family's option; are~~
~~6 14 provided in the family's home; are available twenty=four hours~~
~~6 15 per day; provide a response within twenty=four hours of the~~
~~6 16 initial contact for assistance; have worker caseloads of not~~
~~6 17 more than two through four families per worker at any one~~
~~6 18 time; are provided for a period of four to six weeks; and~~
~~6 19 provide funding in order to meet the special needs of a~~
~~6 20 family.~~
6 21 Sec. 11. Section 234.6, subsection 6, paragraph c, Code
6 22 2007, is amended to read as follows:
6 23 c. ~~Intensive family preservation services and~~
~~6 24 family=centered~~ Family=centered services, as defined in
6 25 section 232.102, subsection 10, paragraph "b".
6 26 DIVISION IV
6 27 CHILD=PLACING AGENCY INSPECTIONS
6 28 Sec. 12. Section 238.20, Code 2007, is amended to read as
6 29 follows:
6 30 238.20 MINIMUM INSPECTION == RECORD.
6 31 Authorized employees of the department of inspections and
6 32 appeals shall visit and inspect the premises of licensed
6 33 child=placing agencies at least once every ~~six~~ twelve months
6 34 and make and preserve written reports of the conditions found.
6 35 DIVISION V

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7 1 LICENSED FOSTER CARE == RECORD CHECKS
7 2 Sec. 13. Section 237.8, subsection 2, paragraph a,
7 3 subparagraph (1), Code 2007, is amended to read as follows:
7 4 (1) If a person is being considered for licensure under
7 5 this chapter, or for employment involving direct
7 6 responsibility for a child or with access to a child when the
7 7 child is alone, by a licensee under this chapter, or if a
7 8 person will reside in a facility utilized by a licensee, and
7 9 if the person has been convicted of a crime or has a record of
7 10 founded child abuse, the department and the licensee for an
7 11 employee of the licensee shall perform an evaluation to
7 12 determine whether the crime or founded child abuse warrants
7 13 prohibition of licensure, employment, or residence in the
7 14 facility. The department shall conduct criminal and child
7 15 abuse record checks in this state and ~~may conduct these checks~~
7 16 in other states. The criminal record checks shall include but
7 17 are not limited to a fingerprint=based check made through the
7 18 databases of the national crime information center of the
7 19 United States department of justice, federal bureau of
7 20 investigation. The evaluation shall be performed in
7 21 accordance with procedures adopted for this purpose by the
7 22 department.
7 23
7 24 EXPLANATION
7 25 This bill relates to regulation of children's services by
7 26 the department of human services by increasing the age for
7 27 certain children receiving child care and revising child
7 28 welfare and juvenile justice service provisions. The bill is
7 29 organized into divisions.
7 30 CHILD CARE SERVICES. This division amends the definition
7 31 of child used in Code chapter 237A, relating to child care
7 32 regulated by the department of human services. Current law
7 33 provides that a child, for purposes of regulation under the
7 34 chapter, either is age 12 or younger or is age 13 through 18
7 35 and has a developmental disability. The bill adds a third

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8 1 category of a person who is age 13 through 18 and is living in
8 2 a family setting in which special family circumstances exist
8 3 that would place at risk the person's safety and well=being if
8 4 the person is left alone in the setting.
8 5 The department is required to revise the eligibility
8 6 provisions for the state child care assistance program to
8 7 include eligibility for the new category effective July 1,
8 8 2007.
8 9 INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE. This
8 10 division makes changes to the term "reasonable efforts" used
8 11 in Code chapter 232, relating to juvenile justice and child
8 12 welfare. The term refers to the efforts made to preserve and
8 13 unify a family prior to the out=of=home placement of a child
8 14 in foster care or to eliminate the need for removal of the
8 15 child or make it possible for the child to safely return to
8 16 the family's home. The changes are to comply with the federal
8 17 Safe and Timely Interstate Placement of Foster Care Children
8 18 Act of 2006.
8 19 Code section 232.2, providing the definitions used in the
8 20 Code chapter, is amended to revise the requirements in the
8 21 case permanency plan definition for a child who is subject to
8 22 an out=of=home placement. The bill replaces the current
8 23 requirement to provide a summary of the child's health and
8 24 education records to the extent the records are available with
8 25 a requirement to include the most recent information available
8 26 regarding the records. The current requirement for making a
8 27 visit to a child in an out=of=state placement at least every
8 28 12 months is changed to at least every six months.
8 29 The reasonable efforts provisions are addressed in Code
8 30 section 232.57, relating to delinquency proceedings, and in
8 31 Code section 232.102, relating to child in need of assistance
8 32 proceedings. The bill provides that such efforts include
8 33 giving consideration, if appropriate, to interstate placement
8 34 of a child in the permanency planning decisions involving the
8 35 child and giving consideration to in=state and out=of=state

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9 1 placement options at a permanency hearing and when using
9 2 concurrent planning. Concurrent planning means that the
9 3 planning to place a child for adoption or with a guardian can
9 4 be performed at the same time as planning to return the child
9 5 to the child's home.
9 6 Code sections 232.58 and 232.104, relating to the
9 7 permanency hearings held concerning a child subject to an
9 8 order for an out=of=home placement, are amended to require the
9 9 court to consider the reasonable efforts made concerning the
9 10 child.
9 11 CHILD WELFARE FAMILY=CENTERED AND FAMILY PRESERVATION
9 12 SERVICES. This division addresses child welfare
9 13 family=centered and family preservation services administered
9 14 by the department of human services.
9 15 Code section 232.102, relating to juvenile court
9 16 dispositional orders when a child has been found to be a child
9 17 in need of assistance, is amended. When the court orders
9 18 transfer of custody from the child's parent, current law
9 19 requires identification of the "reasonable efforts" that have
9 20 been made to preserve and unify a family prior to the
9 21 out=of=home placement of a child in foster care or to
9 22 eliminate the need for removal of the child or make it
9 23 possible for the child to safely return to the family's home.
9 24 The bill eliminates references to the term "intensive
9 25 family preservation services" as a form of reasonable efforts
9 26 and expands the scope of the term "family=centered services"
9 27 as a form of reasonable efforts. The existing focus of
9 28 family=centered services as a comprehensive approach to
9 29 addressing the problems of individual family members within
9 30 the context of the family is eliminated. Instead, the bill
9 31 provides that family=centered services means services and
9 32 other support intended to safely maintain a child with the
9 33 child's family or with a relative, to safely and in a timely
9 34 manner return a child to the home of the child's parent or
9 35 relative, or to promote achievement of concurrent planning

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10 1 goals by identifying and helping the child secure placement
10 2 for adoption, with a guardian, or with other alternative
10 3 permanent family connections. Furthermore, these services are
10 4 to be adapted to individual family needs and are intended to
10 5 preserve a child's existing connections and improve the
10 6 capacity of the child's family to provide for the needs of the
10 7 children of the family.
10 8 The bill makes conforming amendments to Code sections
10 9 225C.49, relating to department of human services duties
10 10 involving individuals with a disability, and 234.6, relating
10 11 to the duties of the department of human services child
10 12 welfare administrator, to eliminate references to intensive
10 13 family preservation services.
10 14 CHILD=PLACING AGENCY INSPECTIONS. This division amends
10 15 Code section 238.20 to change the minimum period within which
10 16 the department of inspections and appeals is required to visit
10 17 and inspect the premises of a licensed child placing agency
10 18 from six months to 12 months. These agencies are engaged in
10 19 placing children permanently or temporarily in private family
10 20 homes for adoption or foster care or in receiving children for
10 21 such placement. The agencies are licensed by the department
10 22 of human services.
10 23 LICENSED FOSTER CARE == RECORD CHECKS. This division
10 24 amends Code section 237.8, relating to requirements for foster
10 25 care licensing. Existing law authorizes the department of
10 26 human services to conduct criminal and child abuse record
10 27 checks in other states. The bill requires the checks to be
10 28 made in other states. In addition, the bill requires the
10 29 criminal record checks to include a fingerprint=based check
10 30 made through the databases of the national crime information
10 31 center of the United States department of justice, federal
10 32 bureau of investigation.
10 33 LSB 1245DP 82
10 34 jp:nh/je/5.2

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1239

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

An Act relating to support including child support provisions relating to passport sanctions for nonpayment of child support and mandatory review and adjustment of child support orders, medical support, and support payments, providing effective dates, and providing for retroactive applicability.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1241DP 82
pf/je/5

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1 1 DIVISION I
1 2 PASSPORT SANCTIONS
1 3 Section 1. Section 252B.5, subsection 11, paragraph a,
1 4 Code 2007, is amended to read as follows:
1 5 a. Comply with federal procedures to periodically certify
1 6 to the secretary of the United States department of health and
1 7 human services, a list of the names of obligors determined by
1 8 the unit to owe delinquent support, under a support order as
1 9 defined in section 252J.1, in excess of ~~five~~ two thousand five
1 10 hundred dollars. The certification of the delinquent amount
1 11 owed may be based upon one or more support orders being
1 12 enforced by the unit if the delinquent support owed exceeds
1 13 ~~five~~ two thousand five hundred dollars. The certification
1 14 shall include any amounts which are delinquent pursuant to the
1 15 periodic payment plan when a modified order has been
1 16 retroactively applied. The certification shall be in a format
1 17 and shall include any supporting documentation required by the
1 18 secretary.
1 19 Sec. 2. Section 252B.5, subsection 11, paragraph b,
1 20 subparagraph (1), subparagraph subdivision (b), Code 2007, is
1 21 amended to read as follows:
1 22 (b) A statement providing information that if the
1 23 delinquency is in excess of ~~five~~ two thousand five hundred
1 24 dollars, the United States secretary of state may apply a
1 25 passport sanction by revoking, restricting, limiting, or
1 26 refusing to issue a passport as provided in 42 U.S.C. }
1 27 652(k).
1 28 Sec. 3. Section 252B.5, subsection 11, paragraph b,
1 29 subparagraph (2), subparagraph subdivision (a), unnumbered
1 30 paragraph 1, Code 2007, is amended to read as follows:
1 31 A challenge shall be based upon mistake of fact. For the
1 32 purposes of this subsection, "mistake of fact" means a mistake
1 33 in the identity of the obligor or a mistake in the amount of
1 34 the delinquent child support owed if the amount did not exceed
1 35 ~~five~~ two thousand five hundred dollars on the date of the

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2 1 unit's decision on the challenge.
2 2 Sec. 4. Section 252B.5, subsection 11, paragraph c, Code
2 3 2007, is amended to read as follows:
2 4 c. Following certification to the secretary, if the unit
2 5 determines that an obligor no longer owes delinquent support
2 6 in excess of ~~five~~ two thousand five hundred dollars, the unit
2 7 shall provide information and notice as the secretary requires
2 8 to withdraw the certification for passport sanction.
2 9 Sec. 5. EFFECTIVE DATE. This division of this Act takes
2 10 effect October 1, 2007.
2 11 DIVISION II
2 12 MANDATORY REVIEW AND ADJUSTMENT
2 13 OF CHILD SUPPORT ORDERS
2 14 Sec. 6. Section 252B.26, Code 2007, is amended to read as
2 15 follows:
2 16 252B.26 SERVICE OF PROCESS.
2 17 Notwithstanding any provision of law to the contrary, the
2 18 unit may serve a petition, notice, or rule to show cause under
2 19 chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified
2 20 in each chapter, or as follows:
2 21 1. The unit may serve a petition, notice, or rule to show
2 22 cause by certified mail. Return acknowledgment is required to
2 23 prove service by certified mail, rules of civil procedure
2 24 1.303(5) and 1.308(5) shall not apply, and the return
2 25 acknowledgment shall be filed with the clerk of court.
2 26 2. The unit may serve a notice of intent under chapter
2 27 252H, or a notice of decision under section 252H.14A, upon any
2 28 party or parent who is receiving family investment program
2 29 assistance for the parent or child by sending the notice by
2 30 regular mail to the address maintained by the department.
2 31 Rules of civil procedure 1.303(5) and 1.308(5) shall not apply
2 32 and the unit shall file proof of service as provided in
2 33 chapter 252H. If the notice is determined to be
2 34 undeliverable, the unit shall serve the notice as otherwise
2 35 provided in this section or by personal service.

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3 1 Sec. 7. Section 252H.7, subsection 2, unnumbered paragraph
3 2 1, Code 2007, is amended to read as follows:
3 3 A parent may waive the postreview waiting period provided
3 4 for in section 252H.8, subsection 1A or 6, for a court hearing
3 5 or in section 252H.17 for requesting of a second review.
3 6 Sec. 8. Section 252H.8, subsection 1, Code 2007, is
3 7 amended to read as follows:
3 8 1. For actions initiated under ~~subchapter II~~ section
3 9 252H.15, either parent or the unit may request a court hearing
3 10 within thirty days from the date of issuance of the notice of
3 11 decision under section 252H.16, or within ten days of the date
3 12 of issuance of the second notice of decision under section
3 13 252H.17, whichever is later.
3 14 Sec. 9. Section 252H.8, Code 2007, is amended by adding
3 15 the following new subsection:
3 16 NEW SUBSECTION. 1A. For actions initiated under section
3 17 252H.14A, either parent or the unit may request a court
3 18 hearing within ten days of the issuance of the second notice
3 19 of decision under section 252H.17.
3 20 Sec. 10. Section 252H.8, subsection 4, paragraph b, Code
3 21 2007, is amended to read as follows:
3 22 b. The return of service, proof of service, acceptance of
3 23 service, or signed statement by the parent requesting review
3 24 and adjustment or requesting modification, waiving service of
3 25 the notice.
3 26 Sec. 11. Section 252H.8, subsection 6, Code 2007, is
3 27 amended to read as follows:
3 28 6. For actions initiated under ~~subchapter II~~ section
3 29 252H.15, a hearing shall not be held for at least thirty=one
3 30 days following the date of issuance of the notice of decision
3 31 unless the parents have jointly waived, in writing, the
3 32 thirty=day postreview period.
3 33 Sec. 12. Section 252H.9, subsection 1, Code 2007, is
3 34 amended to read as follows:
3 35 1. If timely request for a court hearing is not made

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4 1 pursuant to section 252H.8, the unit shall prepare and present
4 2 an administrative order for adjustment or modification, as
4 3 applicable, for review and approval, ex parte, to the district
4 4 court where the order to be adjusted or modified is filed.
4 5 Notwithstanding any other law to the contrary, if more than
4 6 one support order exists involving children with the same
4 7 legally established parents, for the purposes of this
4 8 subsection, the district court reviewing and approving the
4 9 matter shall have jurisdiction over all other support orders
4 10 entered by a court of this state and affected under this
4 11 subsection.
4 12 Sec. 13. Section 252H.10, unnumbered paragraph 1, Code
4 13 2007, is amended to read as follows:
4 14 Pursuant to section 598.21C, any administrative or court
4 15 order resulting from an action initiated under this chapter
4 16 may be made retroactive only ~~to~~ from three months after the
4 17 date that all parties were successfully served the notice
4 18 required under section 252H.14A, 252H.15, or section 252H.19,
4 19 as applicable.
4 20 Sec. 14. Section 252H.11, subsection 2, Code 2007, is
4 21 amended to read as follows:
4 22 2. If the modification action filed by the parent is
4 23 subsequently dismissed before being heard by the court, the
4 24 unit shall continue the action previously initiated under
4 25 subchapter II or III, or initiate a new action as follows:
4 26 a. If the unit previously initiated an action under
4 27 subchapter II, and had not issued a notice of decision as
4 28 required under section 252H.14A or 252H.16, the unit shall
4 29 proceed as follows:
4 30 (1) If notice of intent to review was served ninety days
4 31 or less prior to the date the modification action filed by the
4 32 parent is dismissed, the unit shall complete the review and
4 33 issue the notice of decision.
4 34 (2) If the modification action filed by the parent is
4 35 dismissed more than ninety days after the original notice of

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5 1 intent to review was served, the unit shall serve or issue a
5 2 new notice of intent to review and conduct the review.
5 3 (3) If the unit initiated a review under section 252H.14A,
5 4 the unit may issue the notice of decision.
5 5 b. If the unit previously initiated an action under
5 6 subchapter II and had issued the notice of decision as
5 7 required under section 252H.14A or 252H.16, the unit shall
5 8 proceed as follows:
5 9 (1) If the notice of decision was issued ninety days or
5 10 less prior to the date the modification action filed by the
5 11 parent is dismissed, the unit shall request, obtain, and
5 12 verify any new or different information concerning the
5 13 financial circumstances of the parents and issue a revised
5 14 notice of decision to each parent, or if applicable, to the
5 15 parent's attorney.
5 16 (2) If the modification action filed by the parent is
5 17 dismissed more than ninety days after the date of issuance of
5 18 the notice of decision, the unit shall serve or issue a new
5 19 notice of intent to review pursuant to section 252H.15 and
5 20 conduct a review pursuant to section 252H.16, or conduct a
5 21 review and serve a new notice of decision under section
5 22 252H.14A.
5 23 c. If the unit previously initiated an action under
5 24 subchapter III, the unit shall proceed as follows:
5 25 (1) If the modification action filed by the parent is
5 26 dismissed more than ninety days after the original notice of
5 27 intent to modify was served, the unit shall serve a new notice
5 28 of intent to modify pursuant to section 252H.19.
5 29 (2) If the modification action filed by the parent is
5 30 dismissed ninety days or less after the original notice of
5 31 intent to modify was served, the unit shall complete the
5 32 original modification action initiated by the unit under this
5 33 subchapter.
5 34 (3) Each parent shall be allowed at least twenty days from
5 35 the date the administrative modification action is reinstated

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6 1 to request a court hearing as provided for in section 252H.8.
6 2 Sec. 15. NEW SECTION. 252H.14A REVIEWS INITIATED BY THE
6 3 CHILD SUPPORT RECOVERY UNIT == ABBREVIATED METHOD.
6 4 1. Notwithstanding section 252H.15, to assist the unit in
6 5 meeting the requirement for reviews and adjustments under the
6 6 federal Deficit Reduction Act of 2005, Pub. L. No. 109=171,
6 7 the unit may use procedures under this section to review a
6 8 support order if all the following apply:
6 9 a. The right to ongoing child support is assigned to the
6 10 state of Iowa due to the receipt of family investment program
6 11 assistance, and a review of the support order is required
6 12 under section 7302 of the federal Deficit Reduction Act of
6 13 2005, Pub. L. No. 109=171.
6 14 b. The unit has access to information concerning the
6 15 financial circumstances of each parent and one of the
6 16 following applies:
6 17 (1) The parent is a recipient of family investment program
6 18 assistance, medical assistance, or food assistance from the
6 19 department.
6 20 (2) The parent's income is from supplemental security
6 21 income paid pursuant to 42 U.S.C. } 1381a.
6 22 (3) The parent is a recipient of disability benefits under
6 23 the Act because of the parent's disability.
6 24 (4) The parent is an inmate of an institution under the
6 25 control of the department of corrections.
6 26 2. If the conditions of subsection 1 are met, the unit may
6 27 conduct a review and determine whether an adjustment is
6 28 appropriate using information accessible by the unit without
6 29 issuing a notice under section 252H.15 or requesting
6 30 additional information from the parent.
6 31 3. Upon completion of the review, the unit shall issue a
6 32 notice of decision to each parent, or if applicable, to each
6 33 parent's attorney. The notice shall be served in accordance
6 34 with the rules of civil procedure or as provided in section
6 35 252B.26.

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7 1 4. All of the following shall be included in the notice of
7 2 decision:
7 3 a. The legal basis and purpose of the action, including an
7 4 explanation of the procedures for determining child support,
7 5 the criteria for determining the appropriateness of an
7 6 adjustment, and a statement that the unit used the child
7 7 support guidelines established pursuant to section 598.21B and
7 8 the provisions for medical support pursuant to chapter 252E.
7 9 b. Information sufficient to identify the affected parties
7 10 and the support order or orders affected.
7 11 c. An explanation of the legal rights and responsibilities
7 12 of the affected parties, including time frames in which the
7 13 parties must act.
7 14 d. A statement indicating whether the unit finds that an
7 15 adjustment is appropriate and the basis for the determination.
7 16 e. Procedures for contesting the action, including that if
7 17 a parent requests a second review both parents will be
7 18 requested to submit financial or income information as
7 19 necessary for application of the child support guidelines
7 20 established pursuant to section 598.21B.
7 21 f. Other information as appropriate.
7 22 5. Section 252H.16, subsection 5, regarding a revised
7 23 notice of decision shall apply to a notice of decision issued
7 24 under this section.
7 25 6. Each parent shall have the right to challenge the
7 26 notice of decision issued under this section by requesting a
7 27 second review by the unit as provided in section 252H.17. If
7 28 there is no new or different information to consider for the
7 29 second review, the unit shall issue a second notice of
7 30 decision based on prior information. Each parent shall have
7 31 the right to challenge the second notice of decision by
7 32 requesting a court hearing as provided in section 252H.8.
7 33 Sec. 16. Section 252H.15, subsection 1, Code 2007, is
7 34 amended to read as follows:
7 35 1. ~~Prior~~ Unless an action is initiated under section

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8 1 252H.14A, prior to conducting a review of a support order, the
8 2 unit shall issue a notice of intent to review and adjust to
8 3 each parent, or if applicable, to each parent's attorney.
8 4 However, notice to a child support agency or an agency
8 5 entitled to receive child or medical support payments as the
8 6 result of an assignment of support rights is not required.
8 7 Sec. 17. Section 252H.16, subsection 1, Code 2007, is
8 8 amended to read as follows:
8 9 1. ~~The~~ For actions initiated under section 252H.15, the
8 10 unit shall conduct the review and determine whether an
8 11 adjustment is appropriate. As necessary, the unit shall make
8 12 a determination of the controlling order or the amount of
8 13 delinquent support due based upon the receipt of social
8 14 security disability payments as provided in sections 598.22
8 15 and 598.22C.
8 16 Sec. 18. Section 252H.17, subsections 1, 2, and 6, Code
8 17 2007, are amended to read as follows:
8 18 1. Each parent shall have the right to challenge the
8 19 notice of decision issued under section 252H.14A or 252H.16,
8 20 by requesting a second review by the unit.
8 21 2. A challenge shall be submitted, in writing, to the
8 22 local child support office that issued the notice of decision,
8 23 within thirty days of service of the notice of decision under
8 24 section 252H.14A or within ten days of the issuance of the
8 25 notice of decision under section 252H.16.
8 26 6. The unit shall conduct a second review, utilizing any
8 27 new or additional information provided or available since
8 28 issuance of the notice of decision under section 252H.14A or
8 29 under section 252H.16, to determine whether an adjustment is
8 30 appropriate.
8 31 Sec. 19. RULES. Until the department of human services
8 32 amends rules pursuant to chapter 17A necessary to conform with
8 33 this Act, any existing rule relating to review and adjustment
8 34 of support orders shall also apply to reviews initiated under
8 35 section 252H.14A, as created in this Act, except that a

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9 1 provision for a time limit, notice, or other procedure which
9 2 conflicts with a provision of this Act shall not apply.
9 3 Sec. 20. EFFECTIVE DATE. This division of this Act takes
9 4 effect October 1, 2007.
9 5 DIVISION III
9 6 MEDICAL SUPPORT
9 7 Sec. 21. Section 252B.5, subsection 2, Code 2007, is
9 8 amended to read as follows:
9 9 2. Aid in establishing paternity and securing a court or
9 10 administrative order for support pursuant to chapter 252A,
9 11 252C, 252F, or 600B, or any other chapter providing for the
9 12 establishment of paternity or support. In an action to
9 13 establish support, the resident parent may be a proper party
9 14 defendant as described in section 252H.3A for purposes of
9 15 determining medical support as provided in section 252E.1A.
9 16 The unit's independent cause of action shall not bar a party
9 17 from seeking support in a subsequent proceeding.
9 18 Sec. 22. Section 252C.1, subsection 6, Code 2007, is
9 19 amended to read as follows:
9 20 6. "Medical support" means either the provision of
9 21 coverage under a health benefit plan, including a group or
9 22 employment=related or an individual health benefit plan, or a
9 23 health benefit plan provided pursuant to chapter 514E, to meet
9 24 the medical needs of a dependent and the cost of any premium
9 25 required by a health benefit plan, or the payment to the
9 26 obligee of a monetary amount in lieu of providing coverage
9 27 under a health benefit plan, either of which is an obligation
9 28 separate from any monetary amount of child support ordered to
9 29 be paid. "Medical support" which consists of payment of a
9 30 monetary amount in lieu of a health benefit plan is also an
9 31 obligation separate from any monetary amount a parent is
9 32 ordered to pay for uncovered medical expenses pursuant to the
9 33 guidelines established pursuant to section 598.21B.
9 34 Sec. 23. Section 252C.3, subsection 1, unnumbered
9 35 paragraph 1, Code 2007, is amended to read as follows:

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10 1 The administrator may issue a notice stating the intent to
10 2 secure an order for either ~~payment of~~ medical support
10 3 ~~established~~ as ~~defined~~ provided in chapter 252E or payment of
10 4 an accrued or accruing support debt due and owed to the
10 5 department or an individual under section 252C.2, or both.
10 6 The notice shall be served upon the responsible person in
10 7 accordance with the rules of civil procedure. The notice
10 8 shall include all of the following:
10 9 Sec. 24. Section 252C.3, subsection 1, paragraph c,
10 10 subparagraph (1), Code 2007, is amended to read as follows:
10 11 (1) A statement that if the responsible person desires to
10 12 discuss the amount of support that ~~the~~ a responsible person
10 13 should be required to pay, the responsible person may, within
10 14 ten days after being served, contact the office of the child
10 15 support recovery unit which sent the notice and request a
10 16 negotiation conference.
10 17 Sec. 25. Section 252C.12, subsection 2, Code 2007, is
10 18 amended to read as follow:
10 19 2. Upon receipt of a signed statement from ~~the~~ each
10 20 responsible person waiving the time limitations established in
10 21 section 252C.3, the administrator may proceed to enter an
10 22 order for support and the court may approve the order, whether
10 23 or not the time limitations have expired.
10 24 Sec. 26. Section 252D.18A, Code 2007, is amended to read
10 25 as follows:
10 26 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS == ORDERS FOR
10 27 HEALTH BENEFIT PLANS == AMOUNTS WITHHELD BY PAYOR.
10 28 When the obligor ~~is responsible for paying~~ has more than
10 29 one support obligation ~~and~~ or the payor of income has received
10 30 more than one ~~income withholding~~ order or notice ~~of an order~~
10 31 for the obligor for income withholding or for coverage under a
10 32 health benefit plan pursuant to chapter 252E, the payor shall
10 33 withhold amounts in accordance with all of the following:
10 34 1. The total of all amounts withheld shall not exceed the
10 35 amounts specified in 15 U.S.C. } 1673(b). For orders or

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11 1 notices issued by the child support recovery unit, the limit
11 2 for the amount to be withheld shall be specified in the order
11 3 or notice.
11 4 2. As reimbursement for the payor's processing costs, the
11 5 payor may deduct a fee of no more than two dollars for each
11 6 payment withheld in addition to the amount withheld for
11 7 support.
11 8 3. Priority shall be given to the withholding of current
11 9 support ~~rather than delinquent support~~. The payor shall not
11 10 allocate amounts withheld in a manner which results in the
11 11 failure to withhold an amount for one or more of the current
11 12 child or spousal support obligations. If the limits specified
11 13 in subsection 1 prevent withholding the full amount specified
11 14 in the order or notice, the payor shall withhold amounts in
11 15 the following priority:
11 16 a. Withhold the amount specified for current child and
11 17 spousal support. To arrive at the amount to be withheld for
11 18 each obligee, the payor shall total the amounts due for
11 19 current child and spousal support under the income withholding
11 20 orders and the notices of orders and determine the
11 21 proportionate share for each obligee. The proportionate share
11 22 shall be determined by dividing the amount due for current
11 23 child and spousal support for each order or notice of order by
11 24 the total due for current child and spousal support for all
11 25 orders and notices of orders. The results are the percentages
11 26 of the obligor's net income which shall be withheld for each
11 27 obligee.
11 28 b. If, after completing the calculation in paragraph "a",
11 29 the withholding limit specified under subsection 1 has not
11 30 been attained, the payor shall withhold the amount necessary
11 31 to comply with an order or notice of order for a current
11 32 premium for coverage of a child under a health benefit plan as
11 33 provided in section 252D.30 or section 252E.1A, subsection 2,
11 34 or for a current monetary amount for the child for medical
11 35 support. If there is more than one medical support order or

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12 1 notice of order for a current monetary amount for a child, the
12 2 payor shall total the amounts due for current monetary amounts
12 3 for all children for medical support and determine the
12 4 proportionate share for each obligee. The proportionate
12 5 amounts shall be established utilizing the procedures
12 6 established in paragraph "a" for current child and spousal
12 7 support obligations.
12 8 ~~b.~~ c. If, after completing the ~~calculation~~ calculations
12 9 in ~~paragraph~~ paragraphs "a" and "b", the withholding limit
12 10 specified under subsection 1 has not been attained, the payor
12 11 shall total the amounts due for arrearages and determine the
12 12 proportionate share for each obligee. The proportionate share
12 13 amounts shall be established utilizing the procedures
12 14 established in paragraph "a" for current child and spousal
12 15 support obligations.
12 16 4. The payor shall identify and report payments by the
12 17 obligor's name, account number, amount, and date withheld
12 18 pursuant to section 252D.17. ~~Until October 1, 1999, if~~
~~12 19 payments for multiple obligees are combined, the portion of~~
~~12 20 the payment attributable to each obligee shall be specifically~~
~~12 21 identified. Beginning October 1, 1999, if~~ If payments for
12 22 multiple obligees are combined, the portion of the payment
12 23 attributable to each obligee shall be specifically identified
12 24 only if the payor is directed to do so by the child support
12 25 recovery unit.
12 26 Sec. 27. Section 252E.1, subsection 9, Code 2007, is
12 27 amended to read as follows:
12 28 9. "Medical support" means either the provision of a
12 29 health benefit plan, including a group or employment=related
12 30 or an individual health benefit plan, or a health benefit plan
12 31 provided pursuant to chapter 514E, to meet the medical needs
12 32 of a dependent and the cost of any premium required by a
12 33 health benefit plan, or the payment to the obligee of a
12 34 monetary amount in lieu of a health benefit plan, either of
12 35 which is an obligation separate from any monetary amount of

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13 1 child support ordered to be paid. Medical support is not
13 2 alimony. "Medical support" which consists of payment of a
13 3 monetary amount in lieu of a health benefit plan is also an
13 4 obligation separate from any monetary amount a parent is
13 5 ordered to pay for uncovered medical expenses pursuant to the
13 6 guidelines established pursuant to section 598.21B.
13 7 Sec. 28. NEW SECTION. 252E.1A ESTABLISHING AND MODIFYING
13 8 ORDERS FOR MEDICAL SUPPORT.
13 9 This section shall apply to all initial or modified orders
13 10 for support entered under chapter 234, 252A, 252C, 252F, 252H,
13 11 598, 600B, or any other applicable chapter.
13 12 1. An order or judgment that provides for temporary or
13 13 permanent support for a child shall include a provision for
13 14 medical support for the child as provided in this section.
13 15 2. The court shall order as medical support for the child
13 16 a health benefit plan if available to either parent at the
13 17 time the order is entered or modified. A plan is available if
13 18 the plan is accessible and the cost of the plan is reasonable.
13 19 a. The cost of a health benefit plan is considered
13 20 reasonable, and such amount shall be stated in the order, if
13 21 one of the following applies:
13 22 (1) The premium cost for a child to the parent ordered to
13 23 provide the plan does not exceed five percent of that parent's
13 24 gross income.
13 25 (2) The premium cost for a child exceeds five percent of
13 26 the gross income of the parent ordered to provide the plan and
13 27 that parent consents or does not object to entry of that
13 28 order.
13 29 b. For purposes of this section, "gross income" has the
13 30 same meaning as gross income for calculation of support under
13 31 the guidelines established under section 598.21B.
13 32 c. For purposes of this section, the premium cost for a
13 33 child to the parent ordered to provide the plan means the
13 34 amount of the premium cost for family coverage to the parent
13 35 which is in excess of the premium cost for single coverage,

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14 1 regardless of the number of individuals covered under the
14 2 plan. However, this paragraph shall not be interpreted to
14 3 reduce the amount of the health insurance premium deduction a
14 4 parent may be entitled to when calculating the amount of a
14 5 child support obligation under Iowa rule 9.5 of the child
14 6 support guidelines.
14 7 3. If a health benefit plan is not available at the time
14 8 of the entry of the order, the court shall order a reasonable
14 9 monetary amount in lieu of a health benefit plan, which amount
14 10 shall be stated in the order. For purposes of this
14 11 subsection, a reasonable amount means five percent of the
14 12 gross income of the parent ordered to provide the monetary
14 13 amount for medical support. This subsection shall not apply
14 14 in any of the following circumstances:
14 15 a. If the parent's monthly support obligation established
14 16 pursuant to the child support guidelines prescribed by the
14 17 supreme court pursuant to section 598.21B is the minimum
14 18 obligation amount.
14 19 b. If subsection 7, paragraph "e" applies.
14 20 4. If the court orders the custodial parent to provide a
14 21 health benefit plan under subsection 2, the court may also
14 22 order the noncustodial parent to provide a reasonable monetary
14 23 amount in lieu of a health benefit plan. For purposes of this
14 24 subsection, a reasonable monetary amount means an amount not
14 25 to exceed the lesser of a reasonable amount as described in
14 26 subsection 3, or the premium cost of coverage for the child to
14 27 the custodial parent as described in subsection 2, paragraph
14 28 "c".
14 29 5. Notwithstanding the requirements of this section, the
14 30 court may order provisions in the alternative to those
14 31 provided in this section to address the health care needs of
14 32 the child if the court determines that extreme circumstances
14 33 so require and documents the court's written findings in the
14 34 order.
14 35 6. An order, decree, or judgment entered before March 1,

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15 1 2008, that provides for the support of a child may be modified
15 2 in accordance with this section.
15 3 7. If the child support recovery unit is providing
15 4 services under chapter 252B and initiating an action to
15 5 establish or modify support, all the following shall also
15 6 apply:
15 7 a. If a health benefit plan is available as described in
15 8 subsection 2 to the noncustodial parent, the unit shall seek
15 9 an order for the noncustodial parent to provide the plan.
15 10 b. If a health benefit plan is available as described in
15 11 subsection 2 to the custodial parent and not to the
15 12 noncustodial parent, the unit shall seek an order for the
15 13 custodial parent to provide the plan.
15 14 c. If a health benefit plan is available as described in
15 15 subsection 2 to each parent, and if there is an order for
15 16 joint physical care, the unit shall seek an order for the
15 17 parent currently ordered to provide a health benefit plan to
15 18 provide the plan. If there is no current order for a health
15 19 benefit plan for the child, the unit shall seek an order for
15 20 the parent who is currently providing a health benefit plan to
15 21 provide the plan.
15 22 d. If a health benefit plan is not available, and the
15 23 noncustodial parent does not have income which may be subject
15 24 to income withholding for collection of a reasonable monetary
15 25 amount in lieu of a health benefit plan at the time of the
15 26 entry of the order, the unit shall seek an order that the
15 27 noncustodial parent provide a health benefit plan when a plan
15 28 becomes available at reasonable cost, and the order shall
15 29 specify the amount of reasonable cost as defined in subsection
15 30 2.
15 31 e. This section shall not apply to chapter 252H,
15 32 subchapter IV.
15 33 Sec. 29. NEW SECTION. 252E.2A SATISFACTION OF MEDICAL
15 34 SUPPORT ORDER.
15 35 This section shall apply if the child support recovery unit

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16 1 is providing services under chapter 252B.
16 2 1. Notwithstanding any law to the contrary and without a
16 3 court order, a medical support order for a child shall be
16 4 deemed satisfied with regard to the department, the child, the
16 5 obligor, and the obligee for the period during which all the
16 6 following conditions are met:
16 7 a. The order is issued under any applicable chapter of the
16 8 Code.
16 9 b. The unit is notified that the conditions of paragraph
16 10 "c" are met and there is a pending action to establish or
16 11 modify support initiated by the unit, or the parent ordered to
16 12 provide medical support submits a written statement to the
16 13 unit that the requirements of paragraph "c" are met.
16 14 c. The parent ordered to provide medical support or the
16 15 parent from whom the unit is seeking to establish or modify
16 16 medical support meets at least one of the following
16 17 conditions:
16 18 (1) The parent is an inmate of an institution under the
16 19 control of the department of corrections or a comparable
16 20 institution in another state.
16 21 (2) The parent's monthly child support obligation under
16 22 the guidelines established pursuant to section 598.21B is the
16 23 minimum obligation amount.
16 24 (3) The parent is a recipient of assistance under chapter
16 25 239B or 249A, or under comparable laws of another state.
16 26 (4) The parent is residing with any child for whom the
16 27 parent is legally responsible and that child is a recipient of
16 28 assistance under chapter 239B, 249A, or 514I, or under
16 29 comparable laws of another state. For purposes of this
16 30 subparagraph, "legally responsible" means the parent has a
16 31 legal obligation to the child as specified in Iowa rule 9.7 of
16 32 the child support guidelines.
16 33 d. The unit files a notice of satisfaction with the clerk
16 34 of the district court. The effective date of the satisfaction
16 35 shall be stated in the notice and the effective date shall be

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17 1 no later than forty=five days after the unit issues the notice
17 2 of satisfaction.
17 3 2. If a medical support order is satisfied under
17 4 subsection 1, the satisfaction shall continue until all of the
17 5 following apply:
17 6 a. The unit is notified that none of the conditions
17 7 specified in subsection 1, paragraph "c", still applies.
17 8 b. The unit files a satisfaction termination notice that
17 9 the requirements for a satisfaction under this section no
17 10 longer apply. The effective date shall be stated in the
17 11 satisfaction termination notice and the effective date shall
17 12 be no later than forty=five days after the unit issues the
17 13 satisfaction termination notice.
17 14 3. The unit shall mail a copy of the notice of
17 15 satisfaction and the satisfaction termination notice to the
17 16 last known address of the obligor and obligee.
17 17 4. The department of human services may match data for
17 18 enrollees of the hawk=i program created pursuant to chapter
17 19 514I with data of the unit to assist the unit in implementing
17 20 this section.
17 21 5. An order, decree, or judgment entered or pending on or
17 22 before March 1, 2008, that provides for the support of a child
17 23 may be satisfied as provided in this section.
17 24 Sec. 30. Section 252E.4, subsection 1, Code 2007, is
17 25 amended to read as follows:
17 26 1. When a support order requires an obligor to provide
17 27 coverage under a health benefit plan, the district court or
17 28 the department may enter an ex parte order directing an
17 29 employer to take all actions necessary to enroll an obligor's
17 30 dependent for coverage under a health benefit plan or may
17 31 include the provisions in an ex parte income withholding order
17 32 or notice of income withholding pursuant to chapter 252D. The
17 33 child support recovery unit, where appropriate, shall issue a
17 34 national medical support notice to an employer within two
17 35 business days after the date information regarding a newly

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18 1 hired employee is entered into the centralized employee
18 2 registry and matched with a noncustodial parent in the case
18 3 being enforced by the unit, or upon receipt of other
18 4 employment information for such parent. The department may
18 5 amend the information in the ex parte order or may amend or
18 6 terminate the national medical support notice regarding health
18 7 insurance provisions if necessary to comply with health
18 8 insurance requirements including but not limited to the
18 9 provisions of section 252E.2, subsection 2, or to correct a
18 10 mistake of fact.
18 11 Sec. 31. Section 252E.5, subsection 3, Code 2007, is
18 12 amended to read as follows:
18 13 3. The employer shall withhold from the employee's
18 14 compensation, the employee's share, if any, of premiums for
18 15 the health benefit plan in an amount that does not exceed the
18 16 amount specified in the national medical support notice or
18 17 other notice or the amount specified in 15 U.S.C. } 1673(b)
18 18 and which is consistent with federal law. The employer shall
18 19 forward the amount withheld to the insurer. If the employee
18 20 has more than one obligation and if there is insufficient
18 21 compensation available to meet the employee's share necessary
18 22 for coverage of the child under a health benefit plan as
18 23 required under this section or section 252D.30, and to comply
18 24 with an order to withhold or notice under section 252D.17, the
18 25 employer shall allocate the funds available in accordance with
18 26 section 252D.18A.
18 27 Sec. 32. Section 252F.1, Code 2007, is amended by adding
18 28 the following new subsection:
18 29 NEW SUBSECTION. 3A. "Party" means a putative father or a
18 30 mother.
18 31 Sec. 33. Section 252F.3, subsection 1, unnumbered
18 32 paragraph 1, Code 2007, is amended to read as follows:
18 33 The unit may prepare a notice of alleged paternity and
18 34 support debt to be served on ~~the putative father~~ a party if
18 35 the mother of the child provides a written statement to the

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19 1 unit certifying in accordance with section 622.1 that the
19 2 putative father is or may be the biological father of the
19 3 child or children involved. The notice shall be accompanied
19 4 by a copy of the statement and served on the ~~putative father~~
19 5 party in accordance with rule of civil procedure 1.305.
19 6 Service upon the mother shall not constitute valid service
19 7 upon the putative father. The notice shall include or be
19 8 accompanied by all of the following:
19 9 Sec. 34. Section 252F.3, subsection 1, paragraphs d, f, g,
19 10 h, j, k, and m, Code 2007, are amended to read as follows:
19 11 d. A statement that if paternity is established, ~~the~~
~~19 12 putative father~~ a party has a duty to provide accrued and
19 13 accruing medical support to the child or children in
19 14 accordance with chapter 252E.
19 15 f. (1) The right of ~~the putative father~~ a party to request
19 16 a conference with the unit to discuss paternity establishment
19 17 and the amount of support that ~~the putative father~~ a party may
19 18 be required to ~~pay~~ provide, within ten days of the date of
19 19 service of the original notice or, if paternity is contested
19 20 and paternity testing is conducted, within ten days of the
19 21 date the paternity test results are issued or mailed to ~~the~~
~~19 22 putative father~~ a party by the unit.
19 23 (2) A statement that if a conference is requested, ~~the~~
~~19 24 putative father~~ a party shall have one of the following time
19 25 frames, whichever is the latest, to send a written request for
19 26 a court hearing on the issue of support to the unit:
19 27 (a) Ten days from the date set for the conference.
19 28 (b) Twenty days from the date of service of the original
19 29 notice.
19 30 (c) If paternity was contested and paternity testing was
19 31 conducted, and ~~the putative father~~ a party does not deny
19 32 paternity after the testing or challenge the paternity test
19 33 results, twenty days from the date paternity test results are
19 34 issued or mailed by the unit to the ~~putative father~~ party.
19 35 (3) A statement that after the holding of the conference,

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20 1 the unit shall issue a new notice of alleged paternity and
20 2 finding of financial responsibility for child support or
20 3 medical support, or both, to be provided in person to ~~the~~
20 4 ~~putative father~~ each party or sent to ~~the putative father~~ each
20 5 party by regular mail addressed to the ~~putative father's~~
20 6 party's last known address or, if applicable, to the last
20 7 known address of the ~~putative father's~~ party's attorney.
20 8 (4) A statement that if the unit issues a new notice of
20 9 alleged paternity and finding of financial responsibility for
20 10 child support or medical support, or both, ~~the putative father~~
20 11 a party shall have one of the following time frames, whichever
20 12 is the latest, to send a written request for a court hearing
20 13 on the issue of support to the unit:
20 14 (a) Ten days from the date of issuance of the new notice.
20 15 (b) Twenty days from the date of service of the original
20 16 notice.
20 17 (c) If paternity was contested and paternity testing
20 18 conducted, and ~~the putative father~~ a party does not deny
20 19 paternity after the testing or challenge the paternity test
20 20 results, twenty days from the date the paternity test results
20 21 are issued or mailed to the ~~putative father~~ party by the unit.
20 22 g. A statement that if a conference is not requested, and
20 23 ~~the putative father~~ a party does not deny paternity or
20 24 challenge the results of any paternity testing conducted but
20 25 objects to the finding of financial responsibility or the
20 26 amount of child support or medical support, or both, the
20 27 ~~putative father~~ party shall send a written request for a court
20 28 hearing on the issue of support to the unit within twenty days
20 29 of the date of service of the original notice, or, if
20 30 paternity was contested and paternity testing conducted, and
20 31 ~~the putative father~~ a party does not deny paternity after the
20 32 testing or challenge the paternity test results, within twenty
20 33 days from the date the paternity test results are issued or
20 34 mailed to the ~~putative father~~ party by the unit, whichever is
20 35 later.

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21 1 h. A statement that if a timely written request for a
21 2 hearing on the issue of support is received by the unit, the
21 3 ~~putative father~~ party shall have the right to a hearing to be
21 4 held in district court and that if no timely written request
21 5 is received and paternity is not contested, the administrator
21 6 shall enter an order establishing the putative father as the
21 7 father of the child or children and establishing child support
21 8 or medical support, or both, in accordance with the notice of
21 9 alleged paternity and support debt.
21 10 j. A written explanation of ~~the putative father's~~ a
21 11 party's right to deny paternity, the procedures for denying
21 12 paternity, and the consequences of the denial.
21 13 k. A statement that if ~~the putative father~~ a party
21 14 contests paternity, the ~~putative father~~ party shall have
21 15 twenty days from the date of service of the original notice to
21 16 submit a written denial of paternity to the unit.
21 17 m. A statement that if paternity tests are conducted, the
21 18 unit shall provide a copy of the test results to ~~the putative~~
~~21 19 father~~ each party in person or send a copy to ~~the putative~~
~~21 20 father~~ each party by regular mail, addressed to the ~~putative~~
~~21 21 father's~~ party's last known address, or, if applicable, to the
21 22 last known address of the ~~putative father's~~ party's attorney.
21 23 Sec. 35. Section 252F.3, subsection 3, unnumbered
21 24 paragraph 1, Code 2007, is amended to read as follows:
21 25 If notice is served on ~~the putative father~~ a party, the
21 26 unit shall file a true copy of the notice and the original
21 27 return of service with the appropriate clerk of the district
21 28 court as follows:
21 29 Sec. 36. Section 252F.3, subsection 4, unnumbered
21 30 paragraph 1, Code 2007, is amended to read as follows:
21 31 A ~~putative father~~ party or the child support recovery unit
21 32 may request a court hearing regarding establishment of
21 33 paternity or a determination of support, or both.
21 34 Sec. 37. Section 252F.3, subsection 4, paragraph c, Code
21 35 2007, is amended to read as follows:

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22 1 c. Any objection to the results of paternity tests shall
22 2 be filed no later than twenty days after the date paternity
22 3 test results are issued or mailed to ~~the putative father~~ each
22 4 party by the unit. Any objection to paternity test results
22 5 filed by a party more than twenty days after the date
22 6 paternity tests are issued or mailed to the ~~putative father~~
22 7 party by the unit shall not be accepted or considered by the
22 8 court.
22 9 Sec. 38. Section 252F.3, subsection 5, Code 2007, is
22 10 amended to read as follows:
22 11 5. If a timely written response and request for a court
22 12 hearing is not received by the unit and ~~the putative father~~ a
22 13 party does not deny paternity, the administrator shall enter
22 14 an order in accordance with section 252F.4.
22 15 Sec. 39. Section 252F.3, subsection 6, paragraphs a, f, and
22 16 m, Code 2007, are amended to read as follows:
22 17 a. If a party contests the establishment of paternity, the
22 18 party shall submit, within twenty days of service of the
22 19 notice on the ~~putative father~~ party under subsection 1, a
22 20 written statement contesting paternity establishment to the
22 21 unit. Upon receipt of a written challenge of paternity
22 22 establishment, or upon initiation by the unit, the
22 23 administrator shall enter ex parte administrative orders
22 24 requiring the mother, child or children involved, and the
22 25 putative father to submit to paternity testing. Either the
22 26 mother or putative father may contest paternity under this
22 27 chapter.
22 28 f. An original copy of the test results shall be filed
22 29 with the clerk of the district court in the county where the
22 30 notice was filed. The child support recovery unit shall issue
22 31 a copy of the filed test results to ~~the putative father and~~
~~22 32 mother of the child or children~~ each party in person, or by
22 33 regular mail to the last known address of each, or if
22 34 applicable, to the last known address of the attorney for
22 35 each. However, if the action is the result of a request from

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23 1 a foreign jurisdiction, the unit shall issue a copy of the
23 2 results to the initiating agency in that foreign jurisdiction.
23 3 m. If the paternity test results exclude the putative
23 4 father as a potential biological father of the child or
23 5 children, and additional tests are not requested by either
23 6 party or conducted on the unit's initiative, or if additional
23 7 tests exclude the putative father as a potential biological
23 8 father, the unit shall withdraw its action against the
23 9 putative father and shall file a notice of the withdrawal with
23 10 the clerk of the district court, and shall provide a copy of
23 11 the notice to ~~the putative father~~ each party in person, or by
23 12 regular mail sent to ~~the putative father's~~ each party's last
23 13 known address, or if applicable, the last known address of the
23 14 ~~putative father's~~ party's attorney.
23 15 Sec. 40. Section 252F.4, Code 2007, is amended to read as
23 16 follows:
23 17 252F.4 ENTRY OF ORDER.
23 18 1. If ~~the putative father fails~~ both parties fail to
23 19 respond to the initial notice within twenty days after the
23 20 date of service of the notice or ~~fails~~ fail to appear at a
23 21 conference pursuant to section 252F.3 on the scheduled date of
23 22 the conference, and paternity has not been contested and ~~the~~
~~23 23 putative father fails~~ both parties fail to timely request a
23 24 court hearing on the issue of support, the administrator shall
23 25 enter an order against the ~~putative father~~ parties, declaring
23 26 the putative father to be the legal father of the child or
23 27 children involved and assessing any accrued and accruing child
23 28 support obligation pursuant to the guidelines established
23 29 under section 598.21B, and medical support pursuant to chapter
23 30 252E~~, against the father~~.
23 31 2. If paternity is contested pursuant to section 252F.3,
23 32 subsection 6, and the party contesting paternity fails to
23 33 appear for a paternity test and fails to request a
23 34 rescheduling pursuant to section 252F.3, or fails to appear
23 35 for both the initial and the rescheduled paternity tests and

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24 1 ~~the putative father fails~~ both parties fail to timely request
24 2 a court hearing on the issue of support, the administrator
24 3 shall enter an order against the ~~putative father~~ parties
24 4 declaring the putative father to be the legal father of the
24 5 child or children involved and assessing any accrued and
24 6 accruing child support obligation pursuant to the guidelines
24 7 established under section 598.21B, and medical support
24 8 pursuant to chapter 252E~~, against the father~~.
24 9 3. If ~~the putative father appears at~~ a conference pursuant
24 10 to section 252F.3 is held, and paternity is not contested, and
24 11 ~~the putative father fails~~ both parties fail to timely request
24 12 a court hearing on the issue of support, the administrator
24 13 shall enter an order against the ~~putative father~~ parties after
24 14 the second notice has been sent declaring the putative father
24 15 to be the legal father of the child or children involved and
24 16 assessing any accrued and accruing child support obligation
24 17 pursuant to the guidelines established under section 598.21B,
24 18 and medical support pursuant to chapter 252E~~, against the~~
~~24 19 father~~.
24 20 4. If paternity was contested and paternity testing was
24 21 performed and the putative father was not excluded, if the
24 22 test results indicate that the probability of the putative
24 23 father's paternity is ninety=five percent or greater, if the
24 24 test results are not timely challenged, and if ~~the putative~~
~~24 25 father fails~~ both parties fail to timely request a court
24 26 hearing on the issue of support, the administrator shall enter
24 27 an order against the ~~putative father~~ parties declaring the
24 28 putative father to be the legal father of the child or
24 29 children involved and assessing any accrued and accruing child
24 30 support obligation pursuant to the guidelines established
24 31 under section 598.21B, and medical support pursuant to chapter
24 32 252E~~, against the father~~.
24 33 5. The administrator shall establish a support obligation
24 34 under this section based upon the best information available
24 35 to the unit and pursuant to section 252B.7A.

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25 1 6. The order shall contain all of the following:
25 2 a. A declaration of paternity.
25 3 b. The amount of monthly support to be paid, with
25 4 direction as to the manner of payment.
25 5 c. The amount of accrued support.
25 6 d. The name of the custodial parent or caretaker.
25 7 e. The name and birth date of the child or children to
25 8 whom the order applies.
25 9 f. A statement that property of ~~the father~~ a party ordered
25 10 to provide support is subject to income withholding, liens,
25 11 garnishment, tax offset, and other collection actions.
25 12 g. The medical support required pursuant to chapter 598
25 13 and chapter 252E.
25 14 h. A statement that ~~the father~~ a party who is ordered to
25 15 provide support is required to inform the child support
25 16 recovery unit, on a continuing basis, of the name and address
25 17 of the ~~father's~~ party's current employer, whether the ~~father~~
25 18 party has access to health insurance coverage ~~through~~
25 19 ~~employment or at reasonable cost through other sources~~ as
25 20 required in the order, and if so, the health insurance policy
25 21 information.
25 22 i. If paternity was contested, the amount of any judgment
25 23 assessed to the ~~father~~ contesting party for costs of paternity
25 24 tests conducted pursuant to this chapter.
25 25 j. Statements as required pursuant to section 598.22B.
25 26 7. If paternity is not contested but ~~the putative father~~ a
25 27 party does wish to challenge the issues of child or medical
25 28 support, the administrator shall enter an order establishing
25 29 paternity and reserving the issues of child or medical support
25 30 for determination by the district court.
25 31 Sec. 41. Section 252F.5, subsection 2, Code 2007, is
25 32 amended to read as follows:
25 33 2. An action under this chapter may be certified to the
25 34 district court if a party timely contests paternity
25 35 establishment or paternity test results, or if ~~the putative~~

~~Senate Study Bill 1239 continued~~

~~26 1 father~~ a party requests a court hearing on the issues of child
26 2 or medical support, or both, or upon the initiation of the
26 3 unit as provided in this chapter. Review by the district
26 4 court shall be an original hearing before the court.
26 5 Sec. 42. Section 252F.5, subsection 3, paragraph c, Code
26 6 2007, is amended to read as follows:
26 7 c. A timely written objection to paternity establishment
26 8 or paternity test results has been received from a party, or a
26 9 timely written request for a court hearing on the issue of
26 10 support has been received from ~~the putative father~~ a party by
26 11 the unit, or the unit has requested a court hearing on the
26 12 unit's own initiative.
26 13 Sec. 43. Section 252H.2, subsection 2, paragraph b, Code
26 14 2007, is amended to read as follows:
26 15 b. An addition of or change to provisions for medical
26 16 support as ~~defined~~ provided in ~~section 252E.1~~ chapter 252E.
26 17 Sec. 44. Section 252H.2, subsection 13, Code 2007, is
26 18 amended to read as follows:
26 19 13. "Support order" means ~~a "court order" as defined in~~
~~26 20 section 252C.1 or an order establishing support entered~~
~~26 21 pursuant to an administrative or quasi=judicial process if~~
~~26 22 authorized by law~~ an order for support issued pursuant to
26 23 chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or
26 24 any other applicable chapter, or under a comparable statute of
26 25 a foreign jurisdiction as registered with the clerk of court
26 26 or certified to the child support recovery unit.
26 27 Sec. 45. NEW SECTION. 252H.3A ADDING A PARTY.
26 28 A mother or father may be added as a proper party defendant
26 29 to a support order upon service of a notice as provided in
26 30 this chapter and without a court order as provided in the
26 31 rules of civil procedure.
26 32 Sec. 46. Section 252H.14, subsection 1, paragraph b, Code
26 33 2007, is amended to read as follows:
26 34 ~~b. The right to any ongoing medical support obligation is~~
~~26 35 currently assigned to the state due to the receipt of public~~

~~Senate Study Bill 1239 continued~~

~~27 1 assistance unless:~~
27 2 ~~(1)~~ b. The support order does not already ~~includes~~
27 3 include provisions ~~requiring the parent ordered to pay child~~
~~27 4 support to also provide~~ for medical support.
27 5 ~~(2) The parent entitled to receive support has~~
~~27 6 satisfactory health insurance coverage for the children,~~
~~27 7 excluding coverage resulting from the receipt of public~~
~~27 8 assistance benefits.~~
27 9 Sec. 47. Section 252H.14, subsection 2, Code 2007, is
27 10 amended to read as follows:
27 11 2. The unit may periodically initiate a request to a child
27 12 support agency of another state to conduct a review of a
27 13 support order entered in that state when the right to any
27 14 ongoing child or medical support obligation due under the
27 15 order is currently assigned to the state of Iowa or if the
27 16 order does not include provisions for medical support.
27 17 Sec. 48. Section 598.21B, subsection 3, Code 2007, is
27 18 amended to read as follows:
27 19 3. MEDICAL SUPPORT. The court shall order ~~as~~ child
27 20 medical support ~~a health benefit plan as defined in chapter~~
~~27 21 252E if available to either parent at a reasonable cost. A~~
~~27 22 health benefit plan is considered reasonable in cost if it is~~
~~27 23 employment=related or other group health insurance, regardless~~
~~27 24 of the service delivery mechanism~~ as provided in section
27 25 252E.1A. The premium cost of ~~the~~ a health benefit plan may be
27 26 considered by the court as a reason for varying from the child
27 27 support guidelines. ~~If a health benefit plan is not available~~
~~27 28 at a reasonable cost, the court may order any other provisions~~
~~27 29 for medical support as defined in chapter 252E.~~
27 30 Sec. 49. Section 598.21C, subsection 2, paragraph a, Code
27 31 2007, is amended to read as follows:
27 32 a. Subject to 28 U.S.C. } 1738B, but notwithstanding
27 33 subsection 1, a substantial change of circumstances exists
27 34 when the court order for child support varies by ten percent
27 35 or more from the amount which would be due pursuant to the

Senate Study Bill 1239 continued

28 1 most current child support guidelines established pursuant to
28 2 section 598.21B or ~~the obligor~~ a parent has ~~access to~~ a health
28 3 benefit plan~~,~~ available as provided in section 252E.1A and the
28 4 current order for support does not contain provisions for
28 5 medical support~~, and the dependents are not covered by a~~
~~28 6 health benefit plan provided by the obligee, excluding~~
~~28 7 coverage pursuant to chapter 249A or a comparable statute of a~~
~~28 8 foreign jurisdiction~~.
28 9 Sec. 50. AMENDING AND NULLIFICATION OF ADMINISTRATIVE
28 10 RULES. Until the department of human services amends rules
28 11 pursuant to chapter 17A necessary to conform with this Act,
28 12 all of the following shall apply:
28 13 1. The child support recovery unit may initiate
28 14 proceedings to establish or modify orders for medical support
28 15 for a child in accordance with section 252E.1A as created in
28 16 this Act, regardless of whether support is assigned to the
28 17 state.
28 18 2. The term "child support account" in existing rules
28 19 shall also mean a specified monetary amount for medical
28 20 support, unless the context otherwise requires.
28 21 3. A reference to a health benefit plan at reasonable cost
28 22 shall mean reasonable cost as defined in section 252E.1A, as
28 23 created in this Act.
28 24 4. A requirement for including a provision for an
28 25 employment=related or other group health benefit plan, or for
28 26 determining medical support, shall be limited and applied in
28 27 accordance with section 252E.1A, as created in this Act.
28 28 Sec. 51. EFFECTIVE DATE. This division of this Act takes
28 29 effect March 1, 2008.
28 30 DIVISION IV
28 31 SUPPORT PAYMENT INTEREST
28 32 Sec. 52. Section 252B.13A, Code 2007, is amended by adding
28 33 the following new subsection:
28 34 NEW SUBSECTION. 3. Notwithstanding section 12C.7,
28 35 subsection 2, interest earned on moneys received under this

Senate Study Bill 1239 continued

29 1 section shall be credited to the child support payments
29 2 account.
29 3 Sec. 53. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
29 4 This division of this Act, being deemed of immediate
29 5 importance, takes effect upon enactment, and is retroactively
29 6 applicable to July 1, 2006.
29 7 EXPLANATION
29 8 This bill relates to child support provisions.
29 9 Division I of the bill relates to child support sanctions.
29 10 The federal Deficit Reduction Act of 2005 decreased the
29 11 threshold for child support cases subject to United States
29 12 passport sanctions due to nonpayment of child support.
29 13 Previously, if a parent owed more than $5,000 in delinquent
29 14 support, the parent was subject to the sanction. Under the
29 15 new federal requirement, if a parent owes more than $2,500 in
29 16 delinquent support, the parent is subject to the sanction.
29 17 The bill amends current law to comply with the new federal
29 18 requirement. This division of the bill takes effect October
29 19 1, 2007.
29 20 Division II of the bill relates to the requirement under
29 21 the federal Deficit Reduction Act of 2005 for additional
29 22 reviews and adjustments of court orders. The bill provides an
29 23 expedited procedure for the child support recovery unit to
29 24 complete a portion of these additional reviews and
29 25 adjustments. The bill makes conforming changes to notice
29 26 requirements to reference the new expedited procedure in
29 27 addition to the existing review and adjustment procedure. The
29 28 bill provides that the child support recovery unit may use the
29 29 expedited procedure if the right to ongoing child support is
29 30 assigned to the state of Iowa due to the receipt of family
29 31 investment program assistance; a review of the support order
29 32 is required under the federal Deficit Reduction Act of 2005;
29 33 and the child support recovery unit has access to information
29 34 concerning the financial circumstances of each parent and one
29 35 of the following applies: (1) the parent is a recipient of

Senate Study Bill 1239 continued

30 1 family investment program assistance, medical assistance, or
30 2 food assistance from the department of human services; (2) the
30 3 parent's income is from supplemental security income; (3) the
30 4 parent is a recipient of disability benefits under the Social
30 5 Security Act because of the parent's disability; or (4) the
30 6 parent is an inmate of an institution under the control of the
30 7 department of corrections. Once the expedited review is
30 8 completed, the bill provides for the issuance of a notice of
30 9 decision, a revised notice of decision, the right to challenge
30 10 the initial notice of decision, and the right to challenge the
30 11 second notice of decision by requesting a court hearing.
30 12 The bill also provides for the application of existing
30 13 rules until the department of human services is able to amend
30 14 the rules to conform with the new procedure, except that a
30 15 provision for a time limit, notice, or other procedure which
30 16 is different from the provisions in the bill do not apply.
30 17 This division of the bill takes effect October 1, 2007.
30 18 Division III of the bill relates to medical support. The
30 19 bill makes changes to existing medical support provisions to
30 20 include both the custodial parent and noncustodial parent in
30 21 ordering medical support for the child at reasonable cost to
30 22 the parent. The bill specifies what reasonable cost is and
30 23 provides that if a parent does not have access to reasonable
30 24 cost health insurance, cash medical support may be provided in
30 25 lieu of the coverage. This division of the bill takes effect
30 26 March 1, 2008.
30 27 Division IV provides that interest earned on moneys
30 28 received by the collection services center as support payments
30 29 does not revert to the general fund but is to be credited to
30 30 the child support payments account. This division takes
30 31 effect upon enactment and is retroactively applicable to July
30 32 1, 2006.
30 33 LSB 1241DP 82
30 34 pf:nh/je/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 14, 2007

Senate Study Bill 1240

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

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

A BILL FOR

An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1113XG 82
ec/je/5

Senate Study Bill 1240 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES. There
1 2 is appropriated from the general fund of the state to the
1 3 department of administrative services for the fiscal year
1 4 beginning July 1, 2007, and ending June 30, 2008, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 1. For salaries, support, maintenance, and miscellaneous
1 8 purposes:
1 9 ..... $ 6,296,632
1 10 UTILITY COSTS
1 11 2. For the payment of utility costs:
1 12 ..... $ 3,953,105
1 13 Notwithstanding section 8.33, any excess funds appropriated
1 14 for utility costs in this subsection shall not revert to the
1 15 general fund of the state at the end of the fiscal year but
1 16 shall remain available for expenditure for the purposes of
1 17 this subsection during the succeeding fiscal year.
1 18 It is the intent of the general assembly that the
1 19 department shall reduce utility costs through energy
1 20 conservation practices. The goal of the general assembly is
1 21 to reduce energy use by ten percent to save money, conserve
1 22 energy resources, and reduce pollution.
1 23 3. For distribution to other governmental entities:
1 24 ..... $ 2,000,000
1 25 Moneys appropriated in this subsection shall be separately
1 26 accounted for in a distribution account and shall be
1 27 distributed to other governmental entities based upon a
1 28 formula established by the department to pay for services
1 29 provided to such other governmental entities by the department
1 30 associated with the integrated information for Iowa system.
1 31 4. Members of the general assembly serving as members of
1 32 the deferred compensation advisory board shall be entitled to
1 33 receive per diem and necessary travel and actual expenses
1 34 pursuant to section 2.10, subsection 5, while carrying out
1 35 their official duties as members of the board.

Senate Study Bill 1240 continued

2 1 5. Any funds and premiums collected by the department for
2 2 workers' compensation shall be segregated into a separate
2 3 workers' compensation fund in the state treasury to be used
2 4 for payment of state employees' workers' compensation claims
2 5 and administrative costs. Notwithstanding section 8.33,
2 6 unencumbered or unobligated moneys remaining in this workers'
2 7 compensation fund at the end of the fiscal year shall not
2 8 revert but shall be available for expenditure for purposes of
2 9 the fund for subsequent fiscal years.
2 10 Sec. 2. REVOLVING FUNDS. There is appropriated to the
2 11 department of administrative services for the fiscal year
2 12 beginning July 1, 2007, and ending June 30, 2008, from the
2 13 revolving funds designated in chapter 8A and from internal
2 14 service funds created by the department, such amounts as the
2 15 department deems necessary for the operation of the department
2 16 consistent with the requirements of chapter 8A.
2 17 Sec. 3. FUNDING FOR IOWACCESS.
2 18 1. Notwithstanding section 321A.3, subsection 1, for the
2 19 fiscal year beginning July 1, 2007, and ending June 30, 2008,
2 20 the first $1,000,000 collected and transferred by the
2 21 department of transportation to the treasurer of state with
2 22 respect to the fees for transactions involving the furnishing
2 23 of a certified abstract of a vehicle operating record under
2 24 section 321A.3, subsection 1, shall be transferred to the
2 25 IowAccess revolving fund established by section 8A.224 and
2 26 administered by the department of administrative services for
2 27 the purposes of developing, implementing, maintaining, and
2 28 expanding electronic access to government records as provided
2 29 by law.
2 30 2. All fees collected with respect to transactions
2 31 involving IowAccess shall be deposited in the IowAccess
2 32 revolving fund and shall be used only for the support of
2 33 IowAccess projects.
2 34 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
2 35 CHARGE. For the fiscal year beginning July 1, 2007, and

Senate Study Bill 1240 continued

3 1 ending June 30, 2008, the monthly per contract administrative
3 2 charge which may be assessed by the department of
3 3 administrative services shall be $2.00 per contract on all
3 4 health insurance plans administered by the department.
3 5 Sec. 5. AUDITOR OF STATE. There is appropriated from the
3 6 general fund of the state to the office of the auditor of
3 7 state for the fiscal year beginning July 1, 2007, and ending
3 8 June 30, 2008, the following amount, or so much thereof as is
3 9 necessary, to be used for the purposes designated:
3 10 For salaries, support, maintenance, and miscellaneous
3 11 purposes:
3 12 ..... $ 1,211,873
3 13 The auditor of state may retain additional full=time
3 14 equivalent positions as is reasonable and necessary to perform
3 15 governmental subdivision audits which are reimbursable
3 16 pursuant to section 11.20 or 11.21, to perform audits which
3 17 are requested by and reimbursable from the federal government,
3 18 and to perform work requested by and reimbursable from
3 19 departments or agencies pursuant to section 11.5A or 11.5B.
3 20 The auditor of state shall notify the department of
3 21 management, the legislative fiscal committee, and the
3 22 legislative services agency of the additional full=time
3 23 equivalent positions retained.
3 24 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
3 25 is appropriated from the general fund of the state to the Iowa
3 26 ethics and campaign disclosure board for the fiscal year
3 27 beginning July 1, 2007, and ending June 30, 2008, the
3 28 following amount, or so much thereof as is necessary, for the
3 29 purposes designated:
3 30 For salaries, support, maintenance, and miscellaneous
3 31 purposes:
3 32 ..... $ 517,669
3 33 Sec. 7. DEPARTMENT OF COMMERCE. There is appropriated
3 34 from the general fund of the state to the department of
3 35 commerce for the fiscal year beginning July 1, 2007, and

Senate Study Bill 1240 continued

4 1 ending June 30, 2008, the following amounts, or so much
4 2 thereof as is necessary, for the purposes designated:
4 3 1. ALCOHOLIC BEVERAGES DIVISION
4 4 For salaries, support, maintenance, and miscellaneous
4 5 purposes:
4 6 ..... $ 2,057,289
4 7 2. BANKING DIVISION
4 8 For salaries, support, maintenance, and miscellaneous
4 9 purposes:
4 10 ..... $ 7,632,241
4 11 3. CREDIT UNION DIVISION
4 12 For salaries, support, maintenance, and miscellaneous
4 13 purposes:
4 14 ..... $ 1,557,726
4 15 4. INSURANCE DIVISION
4 16 a. For salaries, support, maintenance, and miscellaneous
4 17 purposes:
4 18 ..... $ 4,655,809
4 19 b. The insurance division may reallocate authorized full=
4 20 time equivalent positions as necessary to respond to
4 21 accreditation recommendations or requirements. The insurance
4 22 division expenditures for examination purposes may exceed the
4 23 projected receipts, refunds, and reimbursements, estimated
4 24 pursuant to section 505.7, subsection 7, including the
4 25 expenditures for retention of additional personnel, if the
4 26 expenditures are fully reimbursable and the division first
4 27 does both of the following:
4 28 (1) Notifies the department of management, the legislative
4 29 services agency, and the legislative fiscal committee of the
4 30 need for the expenditures.
4 31 (2) Files with each of the entities named in subparagraph
4 32 (1) the legislative and regulatory justification for the
4 33 expenditures, along with an estimate of the expenditures.
4 34 c. The insurance division shall allocate $10,000 from the
4 35 examination receipts for the payment of its fees to the

Senate Study Bill 1240 continued

5 1 national conference of insurance legislators.
5 2 5. PROFESSIONAL LICENSING AND REGULATION BUREAU
5 3 For salaries, support, maintenance, and miscellaneous
5 4 purposes:
5 5 ..... $ 898,343
5 6 6. UTILITIES DIVISION
5 7 a. For salaries, support, maintenance, and miscellaneous
5 8 purposes:
5 9 ..... $ 7,266,919
5 10 b. The utilities division may expend additional funds,
5 11 including funds for additional personnel, if those additional
5 12 expenditures are actual expenses which exceed the funds
5 13 budgeted for utility regulation and the expenditures are fully
5 14 reimbursable. Before the division expends or encumbers an
5 15 amount in excess of the funds budgeted for regulation, the
5 16 division shall first do both of the following:
5 17 (1) Notify the department of management, the legislative
5 18 services agency, and the legislative fiscal committee of the
5 19 need for the expenditures.
5 20 (2) File with each of the entities named in subparagraph
5 21 (1) the legislative and regulatory justification for the
5 22 expenditures, along with an estimate of the expenditures.
5 23 7. CHARGES == TRAVEL. Each division and the office of
5 24 consumer advocate shall include in its charges assessed or
5 25 revenues generated, an amount sufficient to cover the amount
5 26 stated in its appropriation, and any state=assessed indirect
5 27 costs determined by the department of administrative services.
5 28 The director of the department of commerce shall review on a
5 29 quarterly basis all out=of=state travel for the previous
5 30 quarter for officers and employees of each division of the
5 31 department if the travel is not already authorized by the
5 32 executive council.
5 33 Sec. 8. DEPARTMENT OF COMMERCE == PROFESSIONAL LICENSING
5 34 AND REGULATION. There is appropriated from the housing
5 35 improvement fund of the Iowa department of economic

Senate Study Bill 1240 continued

6 1 development to the bureau of professional licensing and
6 2 regulation of the banking division of the department of
6 3 commerce for the fiscal year beginning July 1, 2007, and
6 4 ending June 30, 2008, the following amount, or so much thereof
6 5 as is necessary, to be used for the purposes designated:
6 6 For salaries, support, maintenance, and miscellaneous
6 7 purposes:
6 8 ..... $ 62,317
6 9 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is
6 10 appropriated from the general fund of the state to the offices
6 11 of the governor and the lieutenant governor for the fiscal
6 12 year beginning July 1, 2007, and ending June 30, 2008, the
6 13 following amounts, or so much thereof as is necessary, to be
6 14 used for the purposes designated:
6 15 1. GENERAL OFFICE
6 16 For salaries, support, maintenance, and miscellaneous
6 17 purposes for the general office of the governor and the
6 18 general office of the lieutenant governor:
6 19 ..... $ 2,168,269
6 20 2. TERRACE HILL QUARTERS
6 21 For salaries, support, maintenance, and miscellaneous
6 22 purposes for the governor's quarters at Terrace Hill:
6 23 ..... $ 401,310
6 24 3. ADMINISTRATIVE RULES COORDINATOR
6 25 For salaries, support, maintenance, and miscellaneous
6 26 purposes for the office of administrative rules coordinator:
6 27 ..... $ 154,755
6 28 4. NATIONAL GOVERNORS ASSOCIATION
6 29 For payment of Iowa's membership in the national governors
6 30 association:
6 31 ..... $ 80,600
6 32 5. STATE=FEDERAL RELATIONS
6 33 For salaries, support, maintenance, and miscellaneous
6 34 purposes:
6 35 ..... $ 123,927

Senate Study Bill 1240 continued

7 1 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
7 2 1. There is appropriated from the general fund of the
7 3 state to the governor's office of drug control policy for the
7 4 fiscal year beginning July 1, 2007, and ending June 30, 2008,
7 5 the following amount, or so much thereof as is necessary, to
7 6 be used for the purposes designated:
7 7 For salaries, support, maintenance, and miscellaneous
7 8 purposes, including statewide coordination of the drug abuse
7 9 resistance education (D.A.R.E.) programs or similar programs:
7 10 ..... $ 338,099
7 11 2. The governor's office of drug control policy, in
7 12 consultation with the department of public health, and after
7 13 discussion and collaboration with all interested agencies,
7 14 shall coordinate substance abuse treatment and prevention
7 15 efforts in order to avoid duplication of services.
7 16 3. For support of multijurisdictional drug enforcement
7 17 programs:
7 18 ..... $ 1,800,000
7 19 If federal funding is received for multijurisdictional drug
7 20 enforcement programs during the fiscal year beginning July 1,
7 21 2007, and ending June 30, 2008, of the moneys appropriated in
7 22 this section an amount equal to the federal funding received
7 23 shall revert to the general fund of the state at the end of
7 24 the fiscal year. The programs shall provide for at least a 25
7 25 percent local match.
7 26 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is
7 27 appropriated from the general fund of the state to the
7 28 department of human rights for the fiscal year beginning July
7 29 1, 2007, and ending June 30, 2008, the following amounts, or
7 30 so much thereof as is necessary, to be used for the purposes
7 31 designated:
7 32 1. CENTRAL ADMINISTRATION DIVISION
7 33 For salaries, support, maintenance, and miscellaneous
7 34 purposes:
7 35 ..... $ 326,425

Senate Study Bill 1240 continued

8 1 2. DEAF SERVICES DIVISION
8 2 For salaries, support, maintenance, and miscellaneous
8 3 purposes:
8 4 ..... $ 390,315
8 5 The fees collected by the division for provision of
8 6 interpretation services by the division to obligated agencies
8 7 shall be disbursed pursuant to the provisions of section 8.32,
8 8 and shall be dedicated and used by the division for continued
8 9 and expanded interpretation services.
8 10 3. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE
8 11 DIVISION
8 12 For support, maintenance, and miscellaneous purposes:
8 13 ..... $ 86,000
8 14 4. PERSONS WITH DISABILITIES DIVISION
8 15 For salaries, support, maintenance, and miscellaneous
8 16 purposes:
8 17 ..... $ 194,212
8 18 5. LATINO AFFAIRS DIVISION
8 19 For salaries, support, maintenance, and miscellaneous
8 20 purposes:
8 21 ..... $ 179,433
8 22 6. STATUS OF WOMEN DIVISION
8 23 For salaries, support, maintenance, and miscellaneous
8 24 purposes, including the Iowans in transition program, and the
8 25 domestic violence and sexual assault=related grants:
8 26 ..... $ 343,555
8 27 7. STATUS OF AFRICAN=AMERICANS DIVISION
8 28 For salaries, support, maintenance, and miscellaneous
8 29 purposes:
8 30 ..... $ 154,725
8 31 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
8 32 For salaries, support, maintenance, and miscellaneous
8 33 purposes:
8 34 ..... $ 1,587,333
8 35 The criminal and juvenile justice planning advisory council

Senate Study Bill 1240 continued

9 1 and the juvenile justice advisory council shall coordinate
9 2 their efforts in carrying out their respective duties relative
9 3 to juvenile justice.
9 4 9. SHARED STAFF. The divisions of the department of human
9 5 rights shall retain their individual administrators, but shall
9 6 share staff to the greatest extent possible.
9 7 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
9 8 appropriated from the general fund of the state to the
9 9 department of inspections and appeals for the fiscal year
9 10 beginning July 1, 2007, and ending June 30, 2008, the
9 11 following amounts, or so much thereof as is necessary, for the
9 12 purposes designated:
9 13 1. ADMINISTRATION DIVISION
9 14 For salaries, support, maintenance, and miscellaneous
9 15 purposes:
9 16 ..... $ 2,074,767
9 17 2. ADMINISTRATIVE HEARINGS DIVISION
9 18 For salaries, support, maintenance, and miscellaneous
9 19 purposes:
9 20 ..... $ 680,533
9 21 3. INVESTIGATIONS DIVISION
9 22 For salaries, support, maintenance, and miscellaneous
9 23 purposes:
9 24 ..... $ 1,526,415
9 25 4. HEALTH FACILITIES DIVISION
9 26 For salaries, support, maintenance, and miscellaneous
9 27 purposes:
9 28 ..... $ 2,412,647
9 29 5. EMPLOYMENT APPEAL BOARD
9 30 For salaries, support, maintenance, and miscellaneous
9 31 purposes:
9 32 ..... $ 56,294
9 33 The employment appeal board shall be reimbursed by the
9 34 labor services division of the department of workforce
9 35 development for all costs associated with hearings conducted

Senate Study Bill 1240 continued

10 1 under chapter 91C, related to contractor registration. The
10 2 board may expend, in addition to the amount appropriated under
10 3 this subsection, additional amounts as are directly billable
10 4 to the labor services division under this subsection and to
10 5 retain the additional full=time equivalent positions as needed
10 6 to conduct hearings required pursuant to chapter 91C.
10 7 6. CHILD ADVOCACY BOARD
10 8 For foster care review and the court appointed special
10 9 advocate program, including salaries, support, maintenance,
10 10 and miscellaneous purposes:
10 11 ..... $ 2,368,308
10 12 a. The department of human services, in coordination with
10 13 the child advocacy board and the department of inspections and
10 14 appeals, shall submit an application for funding available
10 15 pursuant to Title IV=E of the federal Social Security Act for
10 16 claims for child advocacy board administrative review costs.
10 17 b. The court appointed special advocate program shall
10 18 investigate and develop opportunities for expanding fund=
10 19 raising for the program.
10 20 c. Administrative costs charged by the department of
10 21 inspections and appeals for items funded under this subsection
10 22 shall not exceed 4 percent of the amount appropriated in this
10 23 subsection.
10 24 Sec. 13. RACING AND GAMING COMMISSION.
10 25 1. RACETRACK REGULATION
10 26 There is appropriated from the general fund of the state to
10 27 the racing and gaming commission of the department of
10 28 inspections and appeals for the fiscal year beginning July 1,
10 29 2007, and ending June 30, 2008, the following amount, or so
10 30 much thereof as is necessary, to be used for the purposes
10 31 designated:
10 32 For salaries, support, maintenance, and miscellaneous
10 33 purposes for the regulation of pari=mutuel racetracks:
10 34 ..... $ 2,671,410
10 35 2. EXCURSION BOAT REGULATION

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11 1 There is appropriated from the general fund of the state to
11 2 the racing and gaming commission of the department of
11 3 inspections and appeals for the fiscal year beginning July 1,
11 4 2007, and ending June 30, 2008, the following amount, or so
11 5 much thereof as is necessary, to be used for the purposes
11 6 designated:
11 7 For salaries, support, maintenance, and miscellaneous
11 8 purposes for administration and enforcement of the excursion
11 9 boat gambling laws:
11 10 ..... $ 3,199,440
11 11 Sec. 14. USE TAX APPROPRIATION. There is appropriated
11 12 from the use tax receipts collected pursuant to sections
11 13 423.26 and 423.27 prior to their deposit in the road use tax
11 14 fund pursuant to section 423.43 to the administrative hearings
11 15 division of the department of inspections and appeals for the
11 16 fiscal year beginning July 1, 2007, and ending June 30, 2008,
11 17 the following amount, or so much thereof as is necessary, for
11 18 the purposes designated:
11 19 For salaries, support, maintenance, and miscellaneous
11 20 purposes:
11 21 ..... $ 1,543,342
11 22 Sec. 15. DEPARTMENT OF MANAGEMENT. There is appropriated
11 23 from the general fund of the state to the department of
11 24 management for the fiscal year beginning July 1, 2007, and
11 25 ending June 30, 2008, the following amounts, or so much
11 26 thereof as is necessary, to be used for the purposes
11 27 designated:
11 28 1. GENERAL OFFICE
11 29 For salaries, support, maintenance, and miscellaneous
11 30 purposes:
11 31 ..... $ 3,031,168
11 32 2. For deposit in the local government innovation fund
11 33 established in section 8.64:
11 34 ..... $ 300,000
11 35 Sec. 16. ROAD USE TAX APPROPRIATION. There is

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12 1 appropriated from the road use tax fund to the department of
12 2 management for the fiscal year beginning July 1, 2007, and
12 3 ending June 30, 2008, the following amount, or so much thereof
12 4 as is necessary, to be used for the purposes designated:
12 5 For salaries, support, maintenance, and miscellaneous
12 6 purposes:
12 7 ..... $ 56,000
12 8 Sec. 17. DEPARTMENT OF REVENUE. There is appropriated
12 9 from the general fund of the state to the department of
12 10 revenue for the fiscal year beginning July 1, 2007, and ending
12 11 June 30, 2008, the following amounts, or so much thereof as is
12 12 necessary, to be used for the purposes designated:
12 13 For salaries, support, maintenance, and miscellaneous
12 14 purposes:
12 15 ..... $ 25,301,646
12 16 Of the funds appropriated pursuant to this section,
12 17 $400,000 shall be used to pay the direct costs of compliance
12 18 related to the collection and distribution of local sales and
12 19 services taxes imposed pursuant to chapters 423B and 423E.
12 20 The director of revenue shall prepare and issue a state
12 21 appraisal manual and the revisions to the state appraisal
12 22 manual as provided in section 421.17, subsection 17, without
12 23 cost to a city or county.
12 24 The department of revenue shall submit a written report to
12 25 the general assembly by January 1, 2008, concerning the
12 26 department's progress in developing a system to track tax
12 27 credits.
12 28 If the director of revenue determines that contracting for
12 29 an upgrade of the department's computer assisted collections
12 30 system would result in generating significantly increased net
12 31 collection revenues for the fiscal year beginning July 1,
12 32 2007, and ending June 30, 2008, in excess of $3.3 million, the
12 33 director is authorized to procure such upgrade from the
12 34 current vendor.
12 35 Sec. 18. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is

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13 1 appropriated from the motor fuel tax fund created by section
13 2 452A.77 to the department of revenue for the fiscal year
13 3 beginning July 1, 2007, and ending June 30, 2008, the
13 4 following amount, or so much thereof as is necessary, to be
13 5 used for the purposes designated:
13 6 For salaries, support, maintenance, and miscellaneous
13 7 purposes for administration and enforcement of the provisions
13 8 of chapter 452A and the motor vehicle use tax program:
13 9 ..... $ 1,291,841
13 10 Sec. 19. SECRETARY OF STATE. There is appropriated from
13 11 the general fund of the state to the office of the secretary
13 12 of state for the fiscal year beginning July 1, 2007, and
13 13 ending June 30, 2008, the following amounts, or so much
13 14 thereof as is necessary, to be used for the purposes
13 15 designated:
13 16 1. ADMINISTRATION AND ELECTIONS
13 17 For salaries, support, maintenance, and miscellaneous
13 18 purposes:
13 19 ..... $ 1,131,015
13 20 2. BUSINESS SERVICES
13 21 For salaries, support, maintenance, and miscellaneous
13 22 purposes:
13 23 ..... $ 1,818,716
13 24 Sec. 20. SECRETARY OF STATE FILING FEES REFUND.
13 25 Notwithstanding the obligation to collect fees pursuant to the
13 26 provisions of section 490.122, subsection 1, paragraphs "a"
13 27 and "s", and section 504.113, subsection 1, paragraphs "a",
13 28 "c", "d", "j", "k", "l", and "m", for the fiscal year
13 29 beginning July 1, 2007, and ending June 30, 2008, the
13 30 secretary of state may refund these fees to the filer pursuant
13 31 to rules established by the secretary of state. The decision
13 32 of the secretary of state not to issue a refund under rules
13 33 established by the secretary of state is final and not subject
13 34 to review pursuant to the provisions of the Iowa
13 35 administrative procedure Act, chapter 17A.

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14 1 Sec. 21. TREASURER. There is appropriated from the
14 2 general fund of the state to the office of treasurer of state
14 3 for the fiscal year beginning July 1, 2007, and ending June
14 4 30, 2008, the following amount, or so much thereof as is
14 5 necessary, to be used for the purposes designated:
14 6 For salaries, support, maintenance, and miscellaneous
14 7 purposes:
14 8 ..... $ 962,520
14 9 The office of treasurer of state shall supply clerical and
14 10 secretarial support for the executive council.
14 11 Sec. 22. ROAD USE TAX APPROPRIATION. There is
14 12 appropriated from the road use tax fund to the office of
14 13 treasurer of state for the fiscal year beginning July 1, 2007,
14 14 and ending June 30, 2008, the following amount, or so much
14 15 thereof as necessary, to be used for the purposes designated:
14 16 For enterprise resource management costs related to the
14 17 distribution of road use tax funds:
14 18 ..... $ 93,148
14 19 Sec. 23. IPERS == GENERAL OFFICE. There is appropriated
14 20 from the Iowa public employees' retirement system fund to the
14 21 Iowa public employees' retirement system for the fiscal year
14 22 beginning July 1, 2007, and ending June 30, 2008, the
14 23 following amount, or so much thereof as is necessary, to be
14 24 used for the purposes designated:
14 25 For salaries, support, maintenance, and other operational
14 26 purposes to pay the costs of the Iowa public employees'
14 27 retirement system:
14 28 ..... $ 17,063,076
14 29 Sec. 24. DEPARTMENT OF MANAGEMENT == PROPERTY TAX CREDIT
14 30 FUND. There is appropriated from the general fund of the
14 31 state to the department of management for the fiscal year
14 32 beginning July 1, 2007, and ending June 30, 2008, the
14 33 following amount, or so much thereof as is necessary, to be
14 34 used for the purposes designated:
14 35 For deposit into the property tax credit fund:

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15 1 ..... $ 40,000,000
15 2 Sec. 25. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
15 3 GENERAL FUND REIMBURSEMENT.
15 4 1. Notwithstanding section 8.57, prior to the
15 5 appropriation and distribution to the senior living trust fund
15 6 and the cash reserve fund of the surplus existing in the
15 7 general fund of the state at the conclusion of the fiscal year
15 8 beginning July 1, 2006, and ending June 30, 2007, pursuant to
15 9 section 8.57, subsections 1 and 2, of that surplus,
15 10 $119,868,964 is appropriated to the property tax credit fund
15 11 which shall be created in the office of the treasurer of state
15 12 to be used for the purposes of this section.
15 13 2. Notwithstanding the amount of the standing
15 14 appropriation from the general fund of the state in the
15 15 following designated sections and notwithstanding any
15 16 conflicting provisions or voting requirements of section 8.56,
15 17 there is appropriated from the property tax credit fund in
15 18 lieu of the appropriations in the following designated
15 19 sections for the fiscal year beginning July 1, 2007, and
15 20 ending June 30, 2008, the following amounts for the following
15 21 designated purposes:
15 22 a. For reimbursement for the homestead property tax credit
15 23 under section 425.1:
15 24 ..... $102,658,781
15 25 b. For reimbursement for the agricultural land and family
15 26 farm tax credits under sections 425A.1 and 426.1:
15 27 ..... $ 34,610,183
15 28 c. For reimbursement for the military service tax credit
15 29 under section 426A.1A:
15 30 ..... $ 2,800,000
15 31 d. For implementing the elderly and disabled tax credit
15 32 and reimbursement pursuant to sections 425.16 through 425.40:
15 33 ..... $ 19,800,000
15 34 If the director of revenue determines that the amount of
15 35 claims for credit for property taxes due plus the amount of

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16 1 claims for reimbursement for rent constituting property taxes
16 2 paid which are to be paid during the fiscal year may exceed
16 3 the amount appropriated, the director shall estimate the
16 4 percentage of the credits and reimbursements which will be
16 5 funded by the appropriation. The county treasurer shall
16 6 notify the director of the amount of property tax credits
16 7 claimed by June 8, 2007. The director shall estimate the
16 8 percentage of the property tax credit and rent reimbursement
16 9 claims that will be funded by the appropriation and notify the
16 10 county treasurer of the percentage estimate by June 15, 2007.
16 11 The estimated percentage shall be used in computing for each
16 12 claim the amount of property tax credit and reimbursement for
16 13 rent constituting property taxes paid for that fiscal year.
16 14 If the director overestimates the percentage of funding,
16 15 claims for reimbursement for rent constituting property taxes
16 16 paid shall be paid until they can no longer be paid at the
16 17 estimated percentage of funding. Rent reimbursement claims
16 18 filed after that point in time shall receive priority and
16 19 shall be paid in the following fiscal year. If the director
16 20 underestimates the percentage of funding, the overage shall
16 21 remain in the fund established in section 425.39 for payments
16 22 to be made in the next fiscal year.
16 23
16 24 EXPLANATION
16 25 This bill relates to and appropriates moneys to various
16 26 state departments, agencies, and funds for the fiscal year
16 27 beginning July 1, 2007, and ending June 30, 2008. The bill
16 28 makes appropriations to state departments and agencies
16 29 including the department of administrative services, auditor
16 30 of state, Iowa ethics and campaign disclosure board,
16 31 department of commerce, offices of governor and lieutenant
16 32 governor, Terrace Hill quarters and drug control policy
16 33 office, department of human rights, department of inspections
16 34 and appeals, department of management, Iowa public employees'
16 35 retirement system, secretary of state, treasurer of state, and

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17 1 department of revenue. The bill also appropriates funding for
17 2 the state's membership in the national governors association.
17 3 The bill also appropriates money to the department of
17 4 management for deposit in a property tax credit fund and
17 5 provides, for FY 2007=2008, that the following property tax
17 6 credits are funded from the property tax credit fund instead
17 7 of the general fund of the state: homestead, agricultural
17 8 land and family farm, military service, and elderly and
17 9 disabled tax credit and reimbursement.
17 10 LSB 1113XG 82
17 11 ec:mg/je/5.4