



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2007

House File 402 - Introduced

HOUSE FILE
BY SHOMSHOR

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring automatic fire sprinkler systems in hotels and
- 2 motels and providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2134YH 82
- 5 eg/je/5



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1 1 Section 1. NEW SECTION. 100.39A AUTOMATIC FIRE SPRINKLER
1 2 SYSTEMS IN HOTELS AND MOTELS == PENALTY.
1 3 1. A hotel or motel approved for construction after July
1 4 1, 2007, shall have an approved automatic sprinkler system, as
1 5 defined in section 100C.1, designed and installed in
1 6 conformity with rules promulgated by the state fire marshal
1 7 pursuant to this chapter. The rules shall require compliance
1 8 with national fire protection association standards, NFPA 13
1 9 and NFPA 13R. A governmental subdivision shall not issue a
1 10 certificate of occupancy or use absent compliance with this
1 11 section by the hotel or motel.
1 12 2. A hotel or motel that is in existence or under
1 13 construction on July 1, 2007, shall have an approved automatic
1 14 sprinkler system designed and installed in conformity with
1 15 rules promulgated by the state fire marshal pursuant to this
1 16 chapter on or before July 1, 2012. A hotel or motel that has
1 17 an approved automatic fire extinguishing system installed
1 18 pursuant to section 100.39 shall be deemed in compliance with
1 19 this section.
1 20 3. Plans and installation of automatic sprinkler systems
1 21 shall be approved by the state fire marshal, a designee of the
1 22 state fire marshal, or local authorities having jurisdiction.
1 23 Except where local fire protection regulations are more
1 24 stringent, the provisions of this section shall be applicable
1 25 to all hotels and motels. The definition of terms shall be in
1 26 conformity, insofar as possible, with definitions found in the
1 27 state building code adopted pursuant to section 103A.7.
1 28 4. The state fire marshal shall enforce this section and
1 29 may implement a program of inspections to monitor compliance
1 30 with this section. Upon inspection, the state fire marshal
1 31 shall issue a written notice to the owner or manager of a
1 32 hotel or motel of compliance or noncompliance with this
1 33 section. If the hotel or motel is in violation of this
1 34 section, the state fire marshal may issue an order to have the
1 35 premises of the hotel or motel vacated and the building closed



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2 1 until an automatic sprinkler system is installed.
2 2 5. An owner, manager, or other employee of a hotel or
2 3 motel shall not hinder, delay, or interfere with an inspection
2 4 conducted to monitor compliance with this section.
2 5 6. Each day that a person violates a provision of this
2 6 section, or rule adopted pursuant to this section, constitutes
2 7 a separate offense for which such person is guilty of a simple
2 8 misdemeanor punishable by a fine of not more than one thousand
2 9 dollars. Upon each conviction, the person shall pay the costs
2 10 incurred by the state fire marshal or the county attorney
2 11 under section 100.14, to obtain such conviction.

2 12 EXPLANATION

2 13 This bill requires that all hotels and motels constructed
2 14 after July 1, 2007, have an automatic sprinkler system. The
2 15 bill requires that hotels and motels in existence on or being
2 16 constructed as of July 1, 2007, have automatic sprinkler
2 17 systems installed on or before July 1, 2012. Hotels and
2 18 motels that already have an automatic fire extinguishing
2 19 system installed pursuant to Code section 100.39 are deemed to
2 20 be in compliance with the automatic sprinkler system
2 21 requirement.

2 22 The bill requires that the automatic sprinkler systems meet
2 23 the national fire protection association standards, NFPA 13
2 24 and NFPA 13R. The bill also requires that the plans and
2 25 installation of the automatic sprinkler systems be approved by
2 26 the state fire marshal, a designee of the state fire marshal,
2 27 or local authorities having jurisdiction. If local fire
2 28 protection standards are more stringent, these standards
2 29 apply. To the extent possible, the definition of terms must
2 30 conform with the state building code.

2 31 The bill requires that the state fire marshal enforce the
2 32 requirement of automatic sprinkler systems. The state fire
2 33 marshal may implement a program of inspections to monitor
2 34 compliance. Upon inspection, the state fire marshal is to
2 35 issue a written notice to the hotel or motel owner or manager



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3 1 of compliance or noncompliance. If a hotel or motel is not in
3 2 compliance, the state fire marshal may issue an order to have
3 3 the premises vacated and the building closed until an
3 4 automatic sprinkler system is installed.

3 5 The bill prohibits an owner, manager, or other employee
3 6 from hindering, delaying, or interfering with an inspection of
3 7 the hotel or motel.

3 8 The bill provides that a person who violates a provision of
3 9 this new Code section 100.39A or rules adopted by the state
3 10 fire marshal is guilty of a simple misdemeanor punishable by
3 11 a fine of not more than \$1,000. Each day of violation
3 12 constitutes a separate offense. Upon conviction, the person
3 13 shall pay the costs incurred by the state fire marshal or the
3 14 county attorney to obtain the conviction.

3 15 LSB 2134YH 82

3 16 eg:nh/je/5



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HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act providing for an assessment on ethanol for export, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1790YH 82
- 5 da/es/88



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1 1 Section 1. NEW SECTION. 185D.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Assessment" means an excise tax on each gallon of
1 5 ethanol produced in this state as provided in section 185D.2.
1 6 2. "Carrier" means a person involved in the movement of
1 7 ethanol from a terminal who is not an owner of the ethanol.
1 8 3. "Department" means the department of revenue created in
1 9 section 421.2.
1 10 4. "Ethanol" means the same as defined in section 214A.1.
1 11 5. "Export" means the delivery of ethanol across a
1 12 boundary of this state by or for the seller or purchaser of
1 13 ethanol, if the ethanol is produced in this state.
1 14 6. "Exporter" means a person who acquires ethanol in this
1 15 state for export to another state.
1 16 7. "Production facility" means a plant in which ethanol is
1 17 processed for any purpose.
1 18 8. "Terminal" means a storage and distribution facility
1 19 for ethanol that is stored on-site or off-site in bulk and
1 20 that is supplied to a carrier, including a vehicle, pipeline,
1 21 or a marine vessel.
1 22 Sec. 2. NEW SECTION. 185D.2 ASSESSMENT == ETHANOL
1 23 EXPORTS.
1 24 An assessment is imposed on ethanol which is processed by a
1 25 production facility located in this state, if the ethanol is
1 26 exported.
1 27 1. The assessment shall be paid by an exporter on each
1 28 gallon of ethanol exported to another state or another nation
1 29 by the exporter or by a person acting on behalf of the
1 30 exporter, as documented in an invoice maintained as part of
1 31 the exporter's records as provided in section 185D.3.
1 32 2. The assessment shall be equal to one cent for each
1 33 invoiced gallon of exported ethanol subject to the assessment.
1 34 3. An exporter shall file regular periodic returns with
1 35 the department in a manner and according to procedures



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2 1 required by the department.

2 2 a. The filing period for returns shall be established by
2 3 departmental rule, but shall not be more than once each month
2 4 or less than once every three months, unless excused by the
2 5 department.

2 6 b. The department shall to every extent practicable
2 7 coordinate the filing requirements of this section with the
2 8 requirements for other persons filing returns involving
2 9 ethanol or ethanol blended products, including but not limited
2 10 to exporters licensed pursuant to section 452A.4.

2 11 c. The department may require by rule that returns be
2 12 filed by electronic transmission.

2 13 d. A return shall include a statement of the number of
2 14 invoiced gallons of ethanol exported during the preceding
2 15 filing period as provided in this section. The exporter shall
2 16 pay the department the full amount of assessment due for the
2 17 preceding filing period.

2 18 Sec. 3. NEW SECTION. 185D.3 RECORDS.

2 19 1. A person who is an exporter, production facility,
2 20 terminal, or carrier shall maintain records of all business
2 21 transactions by which the ethanol stocks produced in this
2 22 state are exported, as required by the department. An
2 23 exporter's records shall include all invoices accounting for
2 24 the total number of gallons of ethanol exported for each
2 25 filing period as provided in section 185D.2. A person
2 26 required to maintain records under this section shall maintain
2 27 the records for at least three years. However, the department
2 28 may authorize the earlier disposal of the records upon the
2 29 written request of the person, including after a departmental
2 30 examination or audit.

2 31 2. Upon request by the department a person required to
2 32 maintain records under this section shall make the records
2 33 available to the department for examination or audit at the
2 34 person's office during normal business hours. If the person
2 35 maintains the records outside of this state, the person shall



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3 1 make the records available for examination or audit by the
3 2 department at the person's office outside this state without
3 3 expense to the state.
3 4 Sec. 4. NEW SECTION. 185D.4 EXCEPTIONS.
3 5 An exporter who exports less than fifty thousand gallons of
3 6 ethanol per calendar year is not required to pay the
3 7 assessment pursuant to section 185D.2, and the department may
3 8 excuse the person from filing a return or maintaining records
3 9 as otherwise provided in this chapter.
3 10 Sec. 5. NEW SECTION. 185D.5 DEPOSIT OF MONEYS.
3 11 Moneys collected from the assessment imposed pursuant to
3 12 section 185D.2 shall be deposited in the renewable fuel
3 13 infrastructure fund created in section 15G.205.
3 14 Sec. 6. NEW SECTION. 185D.6 OFFENSES == PENALTIES.
3 15 1. A person shall not knowingly do any of the following:
3 16 a. Fail to file a return or submit an assessment as
3 17 required in section 185D.2.
3 18 b. Fail to maintain materially complete and accurate
3 19 records as required pursuant to section 185D.3.
3 20 c. Fail to allow for an examination or inspection of the
3 21 person's records required to be maintained pursuant to section
3 22 185D.3.
3 23 2. A person who violates a provision of this section is
3 24 guilty of a serious misdemeanor. Each day that a continuing
3 25 violation occurs shall be considered a separate offense.
3 26 Sec. 7. NEW SECTION. 185D.7 REPEAL.
3 27 This chapter is repealed on July 1, 2009.
3 28 EXPLANATION
3 29 This bill creates a new Code chapter which imposes an
3 30 assessment on ethanol that is produced in this state for
3 31 export to another state. The provisions of the Code chapter
3 32 are to be administered by the department of revenue. The
3 33 amount of the assessment is 1 cent for each invoiced gallon of
3 34 ethanol exported. The bill establishes procedures for the
3 35 filing of regular periodic returns with the department in a



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4 1 manner and according to procedures required by the department.
4 2 The return must include a statement of the number of invoiced
4 3 gallons of ethanol exported during the preceding filing
4 4 period.

4 5 The bill requires that the exporter and other persons who
4 6 may be involved in an export transaction maintain records of
4 7 their transactions. The bill authorizes the department to
4 8 examine and audit those records.

4 9 The bill provides that an exporter who exports less than
4 10 50,000 gallons of ethanol per calendar year is not required to
4 11 pay the assessment, and the department may excuse the person
4 12 from filing a return or maintaining records as otherwise
4 13 provided in the bill.

4 14 The bill provides that moneys collected from the assessment
4 15 must be deposited in the renewable fuel infrastructure fund
4 16 created in Code section 15G.205.

4 17 The bill prohibits an exporter from knowingly failing to
4 18 file a return or submit an assessment, prohibits an exporter
4 19 or other person required to maintain records from failing to
4 20 maintain complete and accurate records, and prohibits such
4 21 persons from preventing the department from examining or
4 22 auditing such records. A person who violates a prohibition is
4 23 guilty of a serious misdemeanor. Each day that a continuing
4 24 violation occurs shall be considered a separate offense. A
4 25 serious misdemeanor is punishable by confinement for no more
4 26 than one year and a fine of at least \$315 but not more than
4 27 \$1,875.

4 28 LSB 1790YH 82

4 29 da:nh/es/88.1



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House File 404 - Introduced

HOUSE FILE
BY S. OLSON and BUKTA

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

A BILL FOR

- 1 An Act relating to enterprise zones that include the site of a
- 2 biodiesel or biodiesel blended fuel production facility.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1898HH 82
- 5 tm/gg/14



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1 1 Section 1. Section 15E.192, subsection 4, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. A county or city may apply to the department for an
1 4 area to be certified as an enterprise zone at any time prior
1 5 to July 1, 2010. However, the total amount of land designated
1 6 as enterprise zones under subsection 1, and any other
1 7 enterprise zones certified by the department, excluding those
1 8 approved pursuant to subsection 2 and section 15E.194,
1 9 subsections 3 ~~and~~, 5, and 6, shall not exceed in the aggregate
1 10 one percent of the total county area.

1 11 Sec. 2. Section 15E.194, subsection 4, Code 2007, is
1 12 amended to read as follows:

1 13 4. The department of economic development shall certify
1 14 eligible enterprise zones that meet the requirements of
1 15 subsection 1 upon request by the county, subsection 2 upon
1 16 request by the city, ~~or~~ subsection 3 upon request by the city,
1 17 or subsection 6 upon request by the city or county, as
1 18 applicable.

1 19 Sec. 3. Section 15E.194, Code 2007, is amended by adding
1 20 the following new subsection:

1 21 NEW SUBSECTION. 6. a. A city of any size or any county
1 22 may designate an enterprise zone provided the enterprise zone
1 23 includes the site or planned site of a biodiesel or biodiesel
1 24 blended fuel production facility. The enterprise zone may
1 25 include an area up to an additional three miles adjacent to
1 26 the property where the production facility is located or
1 27 planned to be located. In order to designate an enterprise
1 28 zone under this subsection, the city or county must include in
1 29 the application required under section 15E.195, subsection 4,
1 30 documentation of a commitment, including a letter of intent,
1 31 to locate the production facility in the enterprise zone. The
1 32 biodiesel or biodiesel blended fuel production facility is an
1 33 eligible business for purposes of section 15E.196.

1 34 b. The area meeting the requirements for enterprise zone
1 35 eligibility under this subsection shall not be included for



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2 1 the purpose of determining the area limitation pursuant to
2 2 section 15E.192, subsection 4. An eligible housing business
2 3 under section 15E.193B shall not receive incentives or
2 4 assistance for a home or multiple dwelling unit built or
2 5 rehabilitated in an enterprise zone designated pursuant to
2 6 this subsection.
2 7 c. For purposes of the investment tax credit available
2 8 under section 15E.196, subsection 3, after verifying
2 9 eligibility for a tax credit under this subsection, the
2 10 department of economic development shall issue a biodiesel
2 11 enterprise zone investment tax credit certificate to be
2 12 attached to the taxpayer's tax return. The tax credit
2 13 certificate shall contain the taxpayer's name, address, tax
2 14 identification number, the date of project completion, the
2 15 amount of credit, other information required by the department
2 16 of revenue, and a place for the name and tax identification
2 17 number of a transferee and the amount of the tax credit being
2 18 transferred. Tax credit certificates issued under this
2 19 paragraph may be transferred to any person or entity. Within
2 20 ninety days of transfer, the transferee must submit the
2 21 transferred tax credit certificate to the department of
2 22 revenue along with a statement containing the transferee's
2 23 name, tax identification number, and address, and the
2 24 denomination that each replacement tax credit certificate is
2 25 to carry and any other information required by the department
2 26 of revenue. Within thirty days of receiving the transferred
2 27 tax credit certificate and the transferee's statement, the
2 28 department of revenue shall issue one or more replacement tax
2 29 credit certificates to the transferee. Each replacement
2 30 certificate must contain the information required for the
2 31 original tax credit certificate and must have the same
2 32 expiration date that appeared on the original tax credit
2 33 certificate. Tax credit certificate amounts of less than the
2 34 minimum amount established by rule of the department of
2 35 economic development shall not be transferable. A tax credit



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3 1 shall not be claimed by a transferee under this paragraph
3 2 until a replacement tax credit certificate identifying the
3 3 transferee as the proper holder has been issued. The
3 4 transferee may use the amount of the tax credit transferred
3 5 against the taxes imposed under chapter 422, divisions II,
3 6 III, and V, and under chapter 432, and against the moneys and
3 7 credits tax imposed in section 533.24, for any tax year the
3 8 original transferor could have claimed the tax credit. Any
3 9 consideration received for the transfer of the tax credit
3 10 shall not be included as income under chapter 422, divisions
3 11 II, III, and V, under chapter 432, or against the moneys and
3 12 credits tax imposed in section 533.24. Any consideration paid
3 13 for the transfer of the tax credit shall not be deducted from
3 14 income under chapter 422, divisions II, III, and V, under
3 15 chapter 432, or against the moneys and credits tax imposed in
3 16 section 533.24.

3 17 d. For purposes of this subsection, the terms "biodiesel"
3 18 and "biodiesel blended fuel" mean the same as defined in
3 19 section 214A.1.

3 20 EXPLANATION

3 21 This bill relates to enterprise zones that include the site
3 22 of a biodiesel or biodiesel blended fuel production facility.

3 23 The bill allows any city or county to designate an
3 24 enterprise zone provided the enterprise zone includes the site
3 25 or planned site of a biodiesel or biodiesel blended fuel
3 26 production facility. The bill allows the enterprise zone to
3 27 include an area up to an additional three miles adjacent to
3 28 the property where the production facility is located or
3 29 planned to be located. The bill requires the city or county
3 30 to include in the application submitted to the department of
3 31 economic development for certification of the enterprise zone
3 32 documentation of a commitment, including a letter of intent,
3 33 to locate the production facility in the enterprise zone. The
3 34 bill provides that the biodiesel or biodiesel blended fuel
3 35 production facility is an eligible business for purposes of



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4 1 incentives and assistance under the enterprise zone program.
4 2 The bill provides that an enterprise zone that includes the
4 3 site of a biodiesel or biodiesel blended fuel production
4 4 facility is not included for purposes of area limitations
4 5 under the enterprise zone laws, and eligible housing
4 6 businesses under the enterprise zone laws are not eligible to
4 7 receive incentives or assistance for a home or multiple
4 8 dwelling unit built or rehabilitated in such enterprise zones.
4 9 Currently, one of the incentives or types of assistance
4 10 available to an eligible business under the enterprise zone is
4 11 an investment tax credit. The bill provides that investment
4 12 tax credits for an eligible business in a biodiesel enterprise
4 13 zone are transferable.
4 14 LSB 1898HH 82
4 15 tm:sc/gg/14.1



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House File 405 - Introduced

HOUSE FILE

BY ALONS, BAUDLER, CHAMBERS,
DE BOEF, DEYOE, FORRISTALL,
GRANZOW, GRASSLEY, HUSEMAN,
LUKAN, S. OLSON, ROBERTS,
SANDS, SODERBERG, TYMESON,
VAN ENGELHOFEN, VAN FOSSEN,
WATTS, WINDSCHITL, and WORTHAN

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

A BILL FOR

- 1 An Act eliminating the exception to the Iowa English language
- 2 reaffirmation law for driver's license-related communications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1205YH 82
- 5 ec/gg/14



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1 1 Section 1. Section 1.18, subsection 4, paragraph i, Code
1 2 2007, is amended by striking the paragraph.
1 3 EXPLANATION
1 4 This bill eliminates the specific exception to the Iowa
1 5 English language reaffirmation law for any communications,
1 6 examinations, or publications produced or utilized by a
1 7 driver's license station. The law generally requires official
1 8 government documents to be in the English language.
1 9 LSB 1205YH 82
1 10 ec:rj/gg/14



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House File 406 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act relating to civil service employment residency
- 2 requirements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1949YH 82
- 5 eg/je/5



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1 1 Section 1. Section 400.17, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 Employees shall not be required to be a resident of the
1 4 city or state in which they are employed, ~~but they shall~~
~~1 5 become a resident of the state at.~~ Cities may set reasonable
1 6 maximum distances outside of the corporate limits of the city,
1 7 whether inside or outside of the state, that employees may
1 8 live. At the time such appointment or employment begins and
1 9 ~~shall remain a resident of the state during employment the~~
1 10 employee shall live within the distances designated by the
1 11 city. Cities may set reasonable maximum distances outside of
~~1 12 the corporate limits of the city that police officers, fire~~
~~1 13 fighters and other critical municipal employees may live.~~

1 14 EXPLANATION

1 15 Under current law, an employee under civil service is
1 16 required to be a resident of the state. This bill eliminates
1 17 the state residency requirement. However, cities may set
1 18 reasonable maximum distances outside of the corporate limits
1 19 of the city that employees may live.

1 20 LSB 1949YH 82

1 21 eg:sc/je/5.1



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House File 407 - Introduced

HOUSE FILE

BY SANDS, STRUYK, GRANZOW, WATTS,
HUSEMAN, JACOBS, RAECKER,
SODERBERG, WINDSCHITL, DOLECHECK,
KAUFMANN, CHAMBERS, DEYOE,
UPMEYER, TYMESON, CLUTE, HORBACH,
PAULSEN, and DE BOEF

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the state general fund expenditure limitation
- 2 and making appropriations to repay certain funds, and
- 3 providing effective and applicability dates.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1304HH 82
- 6 jp/je/5



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1 1 Section 1. Section 8.54, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. There is created a state general fund expenditure
1 4 limitation for each fiscal year calculated as provided in this
1 5 section. An expenditure limitation shall be used for ~~the~~
~~1 6 portion of the budget process commencing on the date the~~
1 7 revenue estimating conference agrees to a revenue estimate for
1 8 the following fiscal year in accordance with section 8.22A,
1 9 subsection 3, and ending with the ~~governor's final approval or~~
~~1 10 disapproval of the appropriations bills applicable to that~~
~~1 11 fiscal year that were passed prior to July 1 of that fiscal~~
~~1 12 year in a regular or extraordinary legislative session close~~
1 13 of the fiscal year for which the expenditure limitation was
1 14 calculated. Once the fiscal year for which the expenditure
1 15 limitation was calculated commences, the expenditure
1 16 limitation for that fiscal year is not subject to adjustment
1 17 or readjustment except by law enacted for that purpose.
1 18 Sec. 2. Section 8.54, Code 2007, is amended by adding the
1 19 following new subsections:
1 20 NEW SUBSECTION. 8. a. The requirements of this
1 21 subsection are only applicable under the state general fund
1 22 expenditure limitation for a fiscal year when the adjusted
1 23 revenue estimate used to establish the expenditure limitation
1 24 for that fiscal year represents an increase of more than two
1 25 percent over the adjusted revenue estimate used to establish
1 26 the expenditure limitation for the immediately preceding
1 27 fiscal year.
1 28 b. If an appropriation is made for a fiscal year from a
1 29 source other than the general fund of the state for a
1 30 designated purpose and in either of the two fiscal years
1 31 immediately preceding that fiscal year the designated purpose
1 32 was funded by an appropriation from the general fund of the
1 33 state, for the purposes of the state general fund expenditure
1 34 limitation, the amount of the appropriation from the other
1 35 source shall be considered to have been transferred to and



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2 1 appropriated from the general fund of the state and shall be
2 2 counted as both a new revenue causing readjustment of the
2 3 expenditure limitation amount and as an appropriation made
2 4 under the expenditure limitation amount. Subject to the
2 5 applicability condition in paragraph "a", the requirements of
2 6 this subsection shall apply to either or both the initial and
2 7 immediately succeeding fiscal years for which the
2 8 appropriation is made from the other funding source.

2 9 NEW SUBSECTION. 9. a. Commencing during the fiscal year
2 10 that begins July 1, 2008, if the adjusted revenue estimate
2 11 used to establish the expenditure limitation for the
2 12 succeeding fiscal year represents an increase over the
2 13 adjusted revenue estimate used to establish the expenditure
2 14 limitation for the fiscal year in progress by a percentage
2 15 amount listed in this paragraph, there is appropriated from
2 16 the general fund of the state to the office of the treasurer
2 17 of state for the succeeding fiscal year, the indicated amount.
2 18 An appropriation made pursuant to this subsection shall be
2 19 counted under the state general fund expenditure limitation
2 20 amount for the fiscal year for which the appropriation is
2 21 made. The treasurer of state shall distribute the
2 22 appropriation as provided in paragraph "b" to be used to
2 23 restore funding that was transferred to the general fund of
2 24 the state or appropriated from various funds and accounts in
2 25 lieu of funding from the general fund of the state. The
2 26 appropriation made in this paragraph shall continue on an
2 27 annual basis until the amounts listed in paragraph "b" have
2 28 all been distributed. If the amount appropriated would exceed
2 29 the amount remaining to be distributed, the appropriation
2 30 shall be reduced by the excess.

2 31 (1) For an increase in the adjusted revenue estimate of
2 32 more than two percent but less than four percent, the
2 33 appropriation made in this paragraph "a" shall be an amount
2 34 equal to one-half of one percent of the adjusted revenue
2 35 estimate used to establish the state general fund expenditure



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3 1 limitation for the fiscal year for which the appropriation is
3 2 made.

3 3 (2) For an increase in the adjusted revenue estimate of at
3 4 least four percent but less than six percent, the
3 5 appropriation made in this paragraph "a" shall be an amount
3 6 equal to one percent of the adjusted revenue estimate used to
3 7 establish the state general fund expenditure limitation for
3 8 the fiscal year for which the appropriation is made.

3 9 (3) For an increase in the adjusted revenue estimate of at
3 10 least six percent but less than eight percent, the
3 11 appropriation made in this paragraph "a" shall be an amount
3 12 equal to one and one-half percent of the adjusted revenue
3 13 estimate used to establish the state general fund expenditure
3 14 limitation for the fiscal year for which the appropriation is
3 15 made.

3 16 (4) For an increase in the adjusted revenue estimate of
3 17 eight percent or more, the appropriation made in this
3 18 paragraph "a" shall be an amount equal to two percent of the
3 19 adjusted revenue estimate used to establish the state general
3 20 fund expenditure limitation for the fiscal year for which the
3 21 appropriation is made.

3 22 b. The appropriation made in paragraph "a" shall be
3 23 annually, if necessary, distributed as provided in this
3 24 paragraph "b". Unless otherwise provided by law,
3 25 notwithstanding section 8.33, moneys distributed in accordance
3 26 with this paragraph that remain unencumbered or unobligated at
3 27 the close of the fiscal year shall not revert but shall remain
3 28 available for expenditure for the purposes designated until
3 29 expended.

3 30 (1) Moneys appropriated in paragraph "a" shall be
3 31 distributed to the funds and departments listed in this
3 32 subparagraph, in the order and amounts listed until the full
3 33 amounts listed have been distributed. To the extent the
3 34 appropriation for a fiscal year is insufficient to fully fund
3 35 an amount listed or remaining, the amount of the insufficiency



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4 1 shall be distributed from the next succeeding appropriation or
4 2 appropriations. When all amounts listed in this subparagraph
4 3 have been distributed in full, any remaining amounts of the
4 4 appropriation made in paragraph "a" shall be distributed as
4 5 provided in subparagraph (2). Moneys distributed pursuant to
4 6 this subparagraph (1) shall be used for the purposes of the
4 7 fund or department to which distributed, unless a purpose is
4 8 stated with the amount:

4 9 (a) The innovations fund created in section 8.63, four
4 10 hundred thousand dollars.

4 11 (b) The state department of transportation to be used for
4 12 aviation hangars, three hundred sixty thousand dollars, and
4 13 for airport engineering studies and improvement projects,
4 14 three hundred forty-seven thousand dollars.

4 15 (c) The special all-terrain vehicle fund created pursuant
4 16 to section 321I.8, eight hundred thousand dollars.

4 17 (d) The victim compensation fund established in section
4 18 915.94, one million dollars.

4 19 (e) The special snowmobile fund created pursuant to
4 20 section 321G.7, one million dollars.

4 21 (f) The revolving fund created in section 602.1302, for
4 22 the purpose of paying jury and witness fees and mileage by the
4 23 judicial branch, and for payment of other trial-related
4 24 expenses, one million dollars.

4 25 (g) The brucellosis and tuberculosis eradication fund
4 26 created in section 165.18, one million dollars.

4 27 (h) The agricultural drainage well water quality
4 28 assistance fund created in section 460.303, one million one
4 29 hundred thousand dollars.

4 30 (i) The property tax relief fund risk pool created in
4 31 section 426B.5, subsection 2, three million five hundred
4 32 thousand dollars.

4 33 (j) The title guaranty fund created in section 16.91, two
4 34 million seven hundred thousand dollars.

4 35 (k) The waste tire management fund created in section



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5 1 455D.11C, four million six hundred thousand dollars.
5 2 (l) The groundwater protection fund established in section
5 3 455E.11, five million two hundred thousand dollars.
5 4 (m) The state department of transportation to be used for
5 5 recreational trails projects, five million five hundred
5 6 thousand dollars.
5 7 (n) The strategic investment fund created in section
5 8 15.313, three million dollars.
5 9 (o) The physical infrastructure assistance fund created in
5 10 section 15E.175, two million five hundred thousand dollars.
5 11 (p) The value-added agricultural products and processes
5 12 financial assistance fund created in section 15E.112, seven
5 13 hundred fifty thousand dollars.
5 14 (q) The school infrastructure fund created in section
5 15 12.82, twenty-two million dollars.
5 16 (2) When the amounts listed in subparagraph (1) have all
5 17 been distributed, any remaining amounts of the appropriation
5 18 made in paragraph "a" shall be annually distributed to the
5 19 account and funds listed in this subparagraph (2) until the
5 20 full amounts listed have been distributed. If the
5 21 appropriation is insufficient to fully fund all amounts listed
5 22 or remaining, the appropriation shall be prorated among the
5 23 account and funds based upon an amount's proportion of the
5 24 total amount to be distributed. The distribution of the
5 25 appropriation made in paragraph "a" shall continue in
5 26 succeeding fiscal years until the entire amount listed for
5 27 each account or fund in this subparagraph (2) has been
5 28 distributed. Moneys distributed shall be used for the
5 29 purposes of the account or fund to which distributed:
5 30 (a) The environment first fund created in section 8.57A,
5 31 sixty-nine million five hundred thousand dollars.
5 32 (b) The rebuild Iowa infrastructure fund created in
5 33 section 8.57, subsection 6, sixty million five hundred sixty
5 34 thousand dollars.
5 35 (c) The Iowa comprehensive petroleum underground storage



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6 1 tank fund created in section 455G.3, forty-eight million
6 2 dollars.

6 3 c. This subsection is repealed on July 1 following the
6 4 fiscal year in which all amounts listed in paragraph "b" have
6 5 been paid in full. The treasurer of state shall notify the
6 6 Code editor when the amounts have been paid in full.

6 7 Sec. 3. EFFECTIVE AND APPLICABILITY DATES. The section of
6 8 this Act amending section 8.54, subsection 2, and the
6 9 provision of the section of this Act enacting section 8.54,
6 10 subsection 8, take effect July 1, 2008, and are first
6 11 applicable to the state general fund expenditure limitation
6 12 established for the fiscal year beginning July 1, 2009.

6 13 EXPLANATION

6 14 This bill relates to the state general fund expenditure
6 15 limitation by extending the duration of the limitation,
6 16 providing for inclusion under the limitation of appropriations
6 17 previously made from the state general fund that are made from
6 18 another fund, and establishing standing appropriations in the
6 19 event state general fund revenues are projected to increase by
6 20 a certain amount.

6 21 The bill requires the expenditure limitation to be used for
6 22 the budget process until the close of the fiscal year to which
6 23 the expenditure limitation applies. Current law provides the
6 24 expenditure limitation is applicable for the budget process
6 25 until the governor's final approval or disapproval of the
6 26 appropriations bills that were passed prior to July 1 of the
6 27 fiscal year to which the limitation applies. Under the bill,
6 28 once the fiscal year for which the expenditure limitation was
6 29 calculated commences, the expenditure limitation for that
6 30 fiscal year is not subject to adjustment or readjustment
6 31 except by law enacted for that purpose.

6 32 The bill provides a new requirement applies if the adjusted
6 33 revenue estimate used to establish the expenditure limitation
6 34 is projected to be more than 2 percent over the adjusted
6 35 revenue estimate for the immediately preceding fiscal year.



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7 1 Under the new requirement, if an appropriation is made for a
7 2 fiscal year from a source other than the general fund of the
7 3 state for a designated purpose and in either of the two fiscal
7 4 years immediately preceding that fiscal year the designated
7 5 purpose was funded by an appropriation from the general fund
7 6 of the state, for the purposes of the state general fund
7 7 expenditure limitation, the appropriation from the other
7 8 source shall be considered to have been transferred to and
7 9 appropriated from the general fund of the state and shall be
7 10 counted as both a new revenue and an appropriation made under
7 11 the expenditure limitation amount. "New revenue" is a defined
7 12 term that means a revenue amount that was not included in the
7 13 estimate made by the revenue estimating conference that was
7 14 used to calculate the initial state general fund expenditure
7 15 limitation for a fiscal year. The state general fund
7 16 expenditure limitation is adjusted to include 95 percent of
7 17 the new revenue. The requirements apply to the initial and
7 18 immediately succeeding fiscal years for which the
7 19 appropriation is made from the other funding source.

7 20 The bill provides that if the adjusted revenue estimate
7 21 used to establish the expenditure limitation for the
7 22 succeeding fiscal year is projected to be an increase over the
7 23 adjusted revenue estimate for the fiscal year in progress by
7 24 at least a specified amount, certain standing limited
7 25 appropriations are made. "Adjusted revenue estimate" is a
7 26 defined term that means a projection approved by the revenue
7 27 estimating conference for purposes of the expenditure
7 28 limitation as adjusted by subtracting estimated tax refunds
7 29 payable from that estimated revenue and adding any new
7 30 revenues which may be considered to be eligible for deposit in
7 31 the general fund.

7 32 If the increase is projected to be more than 2 percent but
7 33 less than 4 percent, the amount of the standing appropriation
7 34 is 0.50 percent of the adjusted revenue estimate; for a
7 35 projected increase of 4 percent but less than 6 percent, the



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8 1 amount is 1 percent of the adjusted revenue estimate; for an
8 2 increase of 6 percent but less than 8 percent, the amount is
8 3 1.5 percent of the adjusted revenue estimate; and for an
8 4 increase of 8 percent or more, the increase is 2 percent of
8 5 the adjusted revenue estimate. The amount of the standing
8 6 limited appropriation is counted under the expenditure
8 7 limitation amount for that fiscal year. The standing
8 8 appropriation is made to the treasurer of state for
8 9 distribution as provided in the bill to restore funding that
8 10 was appropriated from various funds and accounts in lieu of
8 11 the state general fund. These contingent annual standing
8 12 limited appropriations are first made for the fiscal year
8 13 beginning July 1, 2009.
8 14 The bill provides for distribution of the repayment funding
8 15 in two groups. The first group is to be repaid in the order
8 16 listed until all are paid in full. Once the first group is
8 17 repaid, the second group is to be repaid next. If the amount
8 18 of the standing appropriation is insufficient to pay in full
8 19 all the amounts listed for the second group, the
8 20 appropriations are to be prorated among the second group. The
8 21 distributions of the appropriations shall continue to be made
8 22 for the second group until all amounts listed are repaid.
8 23 Some provisions of the bill take effect July 1, 2008, and
8 24 are first applicable to the state general fund expenditure
8 25 limitation established for the fiscal year beginning July 1,
8 26 2009.
8 27 LSB 1304HH 82
8 28 jp:mg/je/5



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House File 408 - Introduced

HOUSE FILE

BY HEATON, HOFFMAN, MAY,
SANDS, ANDERSON, DRAKE, GREINER,
RAYHONS, FORRISTALL, DEYOE,
BOAL, HUSEMAN, RASMUSSEN,
CHAMBERS, ALONS, TJEPKES,
DE BOEF, JACOBS, LUKAN, ARNOLD,
STRUYK, S. OLSON, and GRANZOW

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making an appropriation to eliminate overtime incurred by
- 2 employees of the department of corrections and judicial
- 3 district departments of correctional services.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1796YH 82
- 6 jm/es/88



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House File 408 - Introduced continued

PAG LIN

1 1 Section 1. ELIMINATION OF OVERTIME == DEPARTMENT OF
1 2 CORRECTIONS AND JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
1 3 SERVICES. There is appropriated from the general fund of the
1 4 state to the department of corrections for the fiscal year
1 5 beginning July 1, 2007, and ending June 30, 2008, the
1 6 following amount, or so much thereof as is necessary, to be
1 7 used for the purposes designated:

1 8 For the hiring of additional employees in order to
1 9 eliminate overtime incurred by current employees of the
1 10 department of corrections and the judicial district
1 11 departments of correctional services:

1 12 \$ 2,634,117

1 13 Notwithstanding section 8.33, moneys appropriated in this
1 14 section that remain unencumbered or unobligated at the close
1 15 of the fiscal year shall not revert but shall remain available
1 16 for expenditure for the purposes designated until the close of
1 17 the succeeding fiscal year.

1 18 EXPLANATION

1 19 This bill makes an appropriation to eliminate overtime
1 20 incurred by employees of the department of corrections and
1 21 judicial district departments of correctional services.

1 22 The bill appropriates for FY 2007=2008 \$2,634,177 to the
1 23 department of corrections for the specific purpose of hiring
1 24 additional employees in order to eliminate overtime.

1 25 Moneys appropriated in the bill that remain unencumbered or
1 26 unobligated at the end of the fiscal year do not revert until
1 27 the close of the succeeding fiscal year.

1 28 LSB 1796YH 82

1 29 jm:nh/es/88



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House File 409 - Introduced

HOUSE FILE
BY THOMAS

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

A BILL FOR

- 1 An Act permitting bingo at county fairs.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2079HH 82
- 4 ec/gg/14



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House File 409 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.7, subsection 1, paragraph c, Code
1 2 2007, is amended by adding the following new unnumbered
1 3 paragraph:
1 4 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
1 5 this section to the contrary, a fair conducting a fair event
1 6 under the provisions of chapter 174 may be issued a limited
1 7 license to conduct a bingo occasion once per day during the
1 8 duration of the fair event. However, the bingo occasion shall
1 9 only be conducted by the sponsor of the fair event or a
1 10 qualified organization licensed under this section that has
1 11 received permission from the sponsor of the fair event to
1 12 conduct bingo.

1 13 EXPLANATION

1 14 This bill permits county fairs to obtain a limited license
1 15 to sponsor or authorize a qualified organization to conduct a
1 16 bingo occasion once each day during the duration of the fair.
1 17 LSB 2079HH 82
1 18 ec:nh/gg/14



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House File 410 - Introduced

HOUSE FILE
BY REASONER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing an exemption from sales tax for light bulbs used
- 2 in poultry operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1985YH 82
- 5 da/es/88



Iowa General Assembly
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House File 410 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 92. Fluorescent or incandescent light
1 4 bulbs that are used in poultry operations housing layer=type
1 5 chickens to produce eggs.

1 6 EXPLANATION
1 7 This bill amends Code section 423.3 which exempts a number
1 8 of items from the tax imposed upon the sales price of sales of
1 9 tangible personal property sold at retail in this state to
1 10 consumers. The bill exempts fluorescent or incandescent light
1 11 bulbs that are used in poultry operations housing layer=type
1 12 chickens to produce eggs.

1 13 LSB 1985YH 82
1 14 da:sc/es/88



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House File 411 - Introduced

HOUSE FILE

BY DAVITT, THOMAS, BAILEY,
SCHUELLER, GASKILL, D. OLSON,
WHITAKER, MERTZ, GAYMAN, KUHN,
STAED, KRESSIG, SHOMSHOR,
R. OLSON, LENSING, WINCKLER,
L. MILLER, PAULSEN, JACOBY,
T. OLSON, VAN FOSSEN, WISE,
BOAL, REICHERT, UPMEYER,
MASCHER, JOCHUM, PETTENGILL,
TOMENGA, WENTHE, PETERSEN,
and PALMER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act creating a film, television, and video project promotion
2 program and fund and an Iowa film advisory board, providing
3 tax credits and income exclusions, making appropriations, and
4 including effective and retroactive applicability dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1515YH 82
7 tm/cf/24



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1 1 Section 1. NEW SECTION. 15.391 SHORT TITLE.
1 2 This part shall be known as the "Film, Television, and
1 3 Video Project Promotion Program".
1 4 Sec. 2. NEW SECTION. 15.392 PURPOSE.
1 5 The purpose of the film, television, and video project
1 6 promotion program is to assist legitimate film, television,
1 7 and video producers in the production of film, television, and
1 8 video projects in the state and to increase the fiscal impact
1 9 on the state's economy of film, television, and video projects
1 10 produced in the state. The program includes assistance in the
1 11 production of advertising projects in a film, television, or
1 12 video medium.
1 13 Sec. 3. NEW SECTION. 15.393 FILM, TELEVISION, AND VIDEO
1 14 PROJECT PROMOTION PROGRAM == TAX CREDITS AND EXCLUSION.
1 15 1. The department shall establish and administer a film,
1 16 television, and video project promotion program that provides
1 17 for the registration of projects to be shot on location in the
1 18 state. A project that is registered under the program is
1 19 entitled to the assistance provided in subsection 2. A fee
1 20 shall not be charged for registering. The department shall
1 21 not register a project unless the department determines that
1 22 all of the following are met:
1 23 a. The project is a legitimate effort to produce an entire
1 24 film, television, or video episode or a film, television, or
1 25 video segment in the state.
1 26 b. The project will include expenditures of at least one
1 27 hundred thousand dollars in the state and have an economic
1 28 impact on the economy of the state or locality sufficient to
1 29 justify assistance under the program.
1 30 c. The project will further tourism, economic development,
1 31 and population retention or growth in the state or locality.
1 32 d. Other criteria established by rule relating to the
1 33 economic impact and promotional aspects of the project on the
1 34 state or locality.
1 35 2. A project registered with the department under the



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2 1 program is eligible for the following assistance:
2 2 a. (1) For tax years beginning on or after January 1,
2 3 2007, a qualified expenditure tax credit shall be allowed
2 4 against the taxes imposed in chapter 422, divisions II, III,
2 5 and V, and in chapter 432, and against the moneys and credits
2 6 tax imposed in section 533.24, for a portion of a taxpayer's
2 7 qualified expenditures in a project registered under the
2 8 program. The tax credit shall equal twenty-five percent of
2 9 the qualified expenditures on a project. An individual may
2 10 claim a tax credit under this paragraph "a" of a partnership,
2 11 limited liability company, S corporation, estate, or trust
2 12 electing to have income taxed directly to the individual. The
2 13 amount claimed by the individual shall be based upon the pro
2 14 rata share of the individual's earnings from the partnership,
2 15 limited liability company, S corporation, estate, or trust.
2 16 Any tax credit in excess of the taxpayer's liability for the
2 17 tax year may be credited to the tax liability for the
2 18 following five years or until depleted, whichever is earlier.
2 19 A tax credit shall not be carried back to a tax year prior to
2 20 the tax year in which the taxpayer claims the tax credit. A
2 21 tax credit shall not be transferable to any other taxpayer.
2 22 (2) A qualified expenditure by a taxpayer is a payment to
2 23 an Iowa resident or an Iowa-based business for the sale,
2 24 rental, or furnishing of tangible personal property or for
2 25 services directly related to the registered project including
2 26 but not limited to aircraft, vehicles, equipment, materials,
2 27 supplies, accounting, animals and animal care, artistic and
2 28 design services, graphics, construction, data and information
2 29 services, delivery and pickup services, graphics, labor and
2 30 personnel, lighting, makeup and hairdressing, film, music,
2 31 photography, sound, video and related services, printing,
2 32 research, site fees and rental, travel related to Iowa distant
2 33 locations, trash removal and cleanup, and wardrobe. For the
2 34 purposes of this subparagraph, "labor and personnel" does not
2 35 include the director, producers, or cast members other than



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3 1 extras and stand-ins. The department of revenue, in
3 2 consultation with the department of economic development,
3 3 shall by rule establish a list of eligible expenditures.
3 4 (3) A taxpayer claiming a tax credit under this paragraph
3 5 "a", a business in which such taxpayer has an equity interest,
3 6 and a business in which such taxpayer participates in its
3 7 management is not eligible to receive the adjusted gross
3 8 income reduction under paragraph "c".
3 9 b. (1) For tax years beginning on or after January 1,
3 10 2007, an investment tax credit shall be allowed against the
3 11 taxes imposed in chapter 422, divisions II, III, and V, and in
3 12 chapter 432, and against the moneys and credits tax imposed in
3 13 section 533.24, for a portion of a taxpayer's investment in a
3 14 project registered under the program. The tax credit shall
3 15 equal twenty-five percent of the investment in the project.
3 16 An individual may claim a tax credit under this paragraph of a
3 17 partnership, limited liability company, S corporation, estate,
3 18 or trust electing to have income taxed directly to the
3 19 individual. The amount claimed by the individual shall be
3 20 based upon the pro rata share of the individual's earnings
3 21 from the partnership, limited liability company, S
3 22 corporation, estate, or trust. Any tax credit in excess of
3 23 the taxpayer's liability for the tax year may be credited to
3 24 the tax liability for the following five years or until
3 25 depleted, whichever is earlier. A tax credit shall not be
3 26 carried back to a tax year prior to the tax year in which the
3 27 taxpayer claims the tax credit. A taxpayer shall not claim a
3 28 tax credit under this paragraph "b" for qualified expenditures
3 29 for which a tax credit is claimed under paragraph "a".
3 30 (2) After verifying the eligibility for a tax credit under
3 31 this paragraph "b", the department of economic development
3 32 shall issue a film, television, and video project promotion
3 33 program tax credit certificate to be attached to the person's
3 34 tax return. The tax credit certificate shall contain the
3 35 taxpayer's name, address, tax identification number, the date



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4 1 of project completion, the amount of credit, other information
4 2 required by the department of revenue, and a place for the
4 3 name and tax identification number of a transferee and the
4 4 amount of the tax credit being transferred. Tax credit
4 5 certificates issued under this paragraph "b" may be
4 6 transferred to any person or entity. Within ninety days of
4 7 transfer, the transferee shall submit the transferred tax
4 8 credit certificate to the department of revenue along with a
4 9 statement containing the transferee's name, tax identification
4 10 number, and address, and the denomination that each
4 11 replacement tax credit certificate is to carry and any other
4 12 information required by the department of revenue. Within
4 13 thirty days of receiving the transferred tax credit
4 14 certificate and the transferee's statement, the department of
4 15 revenue shall issue one or more replacement tax credit
4 16 certificates to the transferee. Each replacement tax credit
4 17 certificate must contain the information required for the
4 18 original tax credit certificate and must have the same
4 19 expiration date that appeared in the transferred tax credit
4 20 certificate. Tax credit certificate amounts of less than the
4 21 minimum amount established by rule of the department of
4 22 economic development shall not be transferable. A tax credit
4 23 shall not be claimed by a transferee under this paragraph "b"
4 24 until a replacement tax credit certificate identifying the
4 25 transferee as the proper holder has been issued. The
4 26 transferee may use the amount of the tax credit transferred
4 27 against the taxes imposed in chapter 422, divisions II, III,
4 28 and V, and in chapter 432, and against the moneys and credits
4 29 tax imposed in section 533.24, for any tax year the original
4 30 transferor could have claimed the tax credit. Any
4 31 consideration received for the transfer of the tax credit
4 32 shall not be included as income under chapter 422, divisions
4 33 II, III, and V, under chapter 432, or against the moneys and
4 34 credits tax imposed in section 533.24. Any consideration paid
4 35 for the transfer of the tax credit shall not be deducted from



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5 1 income under chapter 422, divisions II, III, and V, under
5 2 chapter 432, or against the moneys and credits tax imposed in
5 3 section 533.24.

5 4 c. For tax years beginning on or after January 1, 2007, a
5 5 reduction in adjusted gross income for purposes of taxes
5 6 imposed in chapter 422, divisions II and III, for payments
5 7 received from the sale, rental, or furnishing of tangible
5 8 personal property or services directly related to the
5 9 production of a project registered under this section which
5 10 meets the criteria of a qualified expenditure under paragraph
5 11 "a", subparagraph (2).

5 12 3. The department shall promote the program and the
5 13 assistance available under the program on an internet website.

5 14 4. A film, television, and video project promotion fund is
5 15 created in the state treasury under the control of the
5 16 department and consisting of any moneys appropriated by the
5 17 general assembly and any other moneys available to and
5 18 obtained or accepted by the department for placement in the
5 19 fund. The fund shall be used to provide financial assistance
5 20 under the film, television, and video project promotion
5 21 program. Moneys in the fund are not subject to section 8.33.
5 22 Notwithstanding section 12C.7, interest or earnings on moneys
5 23 in the fund shall be credited to the fund.

5 24 5. A project that depicts or describes any obscene
5 25 material, as defined in section 728.1, shall not be eligible
5 26 to receive assistance under this section.

5 27 Sec. 4. NEW SECTION. 15.394 IOWA FILM ADVISORY BOARD ==
5 28 APPROPRIATION.

5 29 1. An Iowa film advisory board is established within the
5 30 department consisting of seven members appointed by the
5 31 governor. The members shall serve four-year terms staggered
5 32 as determined by the governor. The membership shall consist
5 33 of all of the following:

5 34 a. Two members representing the Iowa motion picture
5 35 association.



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6 1 b. A film director.
6 2 c. A film actor.
6 3 d. A film technician.
6 4 e. A film project investor.
6 5 f. An educator from a private college in the state or an
6 6 institution of higher learning under the state board of
6 7 regents.
6 8 2. The board shall do all of the following:
6 9 a. Meet regularly and advise the department on issues
6 10 relating to expanding the number of film projects produced in
6 11 the state.
6 12 b. Administer the scholarship program pursuant to
6 13 subsection 3.
6 14 3. The board shall grant up to ten Iowa film scholarships
6 15 each fiscal year. A scholarship shall not exceed two thousand
6 16 dollars. A scholarship shall be awarded to a student
6 17 attending or planning to attend college in Iowa and receiving
6 18 or intending to receive instruction in the area of film.
6 19 4. Each fiscal year, there is appropriated from the
6 20 general fund of the state to the Iowa film advisory board
6 21 twenty thousand dollars for purposes of awarding Iowa film
6 22 scholarships under subsection 3. Notwithstanding section
6 23 8.33, moneys appropriated in this subsection that remain
6 24 unencumbered or unobligated at the close of the fiscal year
6 25 shall not revert but shall remain available for expenditure
6 26 for the purposes designated until the close of the succeeding
6 27 fiscal year.
6 28 5. The board shall adopt rules pursuant to chapter 17A
6 29 necessary for the administration of this section.
6 30 Sec. 5. Section 422.7, Code 2007, is amended by adding the
6 31 following new subsection:
6 32 NEW SUBSECTION. 50. Subtract an amount equal to any
6 33 income received from the sale, rental, or furnishing of
6 34 tangible personal property or services directly related to the
6 35 production of a project registered under section 15.393 which



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House File 411 - Introduced continued

7 1 meets the criteria of a qualified expenditure under section
7 2 15.393, subsection 2, paragraph "a", subparagraph (2).
7 3 Sec. 6. NEW SECTION. 422.11T FILM QUALIFIED EXPENDITURE
7 4 TAX CREDIT.
7 5 The taxes imposed under this division, less the credits
7 6 allowed under sections 422.12 and 422.12B, shall be reduced by
7 7 a qualified expenditure tax credit authorized pursuant to
7 8 section 15.393, subsection 2, paragraph "a".
7 9 Sec. 7. NEW SECTION. 422.11U FILM INVESTMENT TAX CREDIT.
7 10 The taxes imposed under this division, less the credits
7 11 allowed under sections 422.12 and 422.12B, shall be reduced by
7 12 an investment tax credit authorized pursuant to section
7 13 15.393, subsection 2, paragraph "b".
7 14 Sec. 8. Section 422.33, Code 2007, is amended by adding
7 15 the following new subsections:
7 16 NEW SUBSECTION. 24. The taxes imposed under this division
7 17 shall be reduced by a qualified expenditure tax credit
7 18 authorized pursuant to section 15.393, subsection 2, paragraph
7 19 "a".
7 20 NEW SUBSECTION. 25. The taxes imposed under this division
7 21 shall be reduced by an investment tax credit authorized
7 22 pursuant to section 15.393, subsection 2, paragraph "b".
7 23 Sec. 9. Section 422.35, Code 2007, is amended by adding
7 24 the following new subsection:
7 25 NEW SUBSECTION. 23. Subtract an amount equal to any
7 26 income received from the sale, rental, or furnishing of
7 27 tangible personal property or services directly related to the
7 28 production of a project registered under section 15.393 which
7 29 meets the criteria of a qualified expenditure under section
7 30 15.393, subsection 2, paragraph "a", subparagraph (2).
7 31 Sec. 10. Section 422.60, Code 2007, is amended by adding
7 32 the following new subsections:
7 33 NEW SUBSECTION. 13. The taxes imposed under this division
7 34 shall be reduced by a qualified expenditure tax credit
7 35 authorized pursuant to section 15.393, subsection 2, paragraph



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House File 411 - Introduced continued

8 1 "a".
8 2 NEW SUBSECTION. 14. The taxes imposed under this division
8 3 shall be reduced by an investment tax credit authorized
8 4 pursuant to section 15.393, subsection 2, paragraph "b".

8 5 Sec. 11. NEW SECTION. 432.12J FILM QUALIFIED EXPENDITURE
8 6 TAX CREDIT.

8 7 The tax imposed under this chapter shall be reduced by a
8 8 qualified expenditure tax credit authorized pursuant to
8 9 section 15.393, subsection 2, paragraph "a".

8 10 Sec. 12. NEW SECTION. 432.12K FILM INVESTMENT TAX
8 11 CREDIT.

8 12 The tax imposed under this chapter shall be reduced by an
8 13 investment tax credit authorized pursuant to section 15.393,
8 14 subsection 2, paragraph "b".

8 15 Sec. 13. Section 533.24, Code 2007, is amended by adding
8 16 the following new subsections:

8 17 NEW SUBSECTION. 11. The moneys and credits tax imposed
8 18 under this section shall be reduced by a qualified expenditure
8 19 tax credit authorized pursuant to section 15.393, subsection
8 20 2, paragraph "a".

8 21 NEW SUBSECTION. 12. The moneys and credits tax imposed
8 22 under this section shall be reduced by an investment tax
8 23 credit authorized pursuant to section 15.393, subsection 2,
8 24 paragraph "b".

8 25 Sec. 14. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
8 26 This Act, except the section enacting section 15.394, being
8 27 deemed of immediate importance, takes effect upon enactment
8 28 and is retroactively applicable to January 1, 2007, for tax
8 29 years beginning on and after that date.

8 30 EXPLANATION

8 31 This bill creates a film, television, and video project
8 32 promotion program and fund and an Iowa film advisory board,
8 33 provides for tax credits and income exclusions, and includes
8 34 effective and retroactive applicability dates.

8 35 The bill requires the department of economic development to
9 1 establish and administer a film, television, and video project
9 2 promotion program that will provide for the registration of
9 3 projects that are to be shot on location in the state. The
9 4 bill prohibits the department from registering a film project
9 5 unless the department determines that the project is a
9 6 legitimate effort to produce an entire film, television, or
9 7 video episode, or a film, television, or video segment in the
9 8 state; the project will include expenditures of at least
9 9 \$100,000 in the state and have an economic impact on the
9 10 economy of the state or locality sufficient to justify
9 11 assistance under the program; the project will further tourism
9 12 and population retention or growth in the state or locality;
9 13 and the project satisfies any other criteria established by
9 14 rule by the department. The bill creates a film, television,
9 15 and video project promotion fund in the state treasury under
9 16 the control of the department to be used to provide financial
9 17 assistance under the film, television, and video project
9 18 promotion program.

9 19 The bill provides that a project registered with the
9 20 department under the program is eligible for the following
9 21 assistance:



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9 22 1. QUALIFIED EXPENDITURE TAX CREDIT. The bill allows a
9 23 qualified expenditure tax credit for 25 percent of a
9 24 taxpayer's qualified expenditures in a project registered
9 25 under the program. The tax credit is allowed against personal
9 26 and corporate income tax liabilities, franchise tax
9 27 liabilities for financial institutions, insurance premium tax
9 28 liabilities, and credit union moneys and credits tax
9 29 liabilities. The bill provides that a qualified expenditure
9 30 is a payment to an Iowa resident or an Iowa-based business for
9 31 the sale, rental, or furnishing of tangible personal property
9 32 or for services directly related to the registered project.
9 33 The bill provides that any tax credit in excess of the
9 34 taxpayer's liability for the tax year may be credited to the
9 35 tax liability for the following five years or until depleted,



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10 1 whichever is earlier. The bill prohibits a tax credit from
10 2 being carried back to a tax year prior to the tax year in
10 3 which the taxpayer claims the tax credit and provides that a
10 4 tax credit shall not be transferable to any other taxpayer.
10 5 The bill provides that a taxpayer claiming this tax credit, a
10 6 business in which such taxpayer has an equity interest, and a
10 7 business in which such taxpayer participates in its management
10 8 is not eligible to receive the adjusted gross income reduction
10 9 incentive.

10 10 2. INVESTMENT TAX CREDIT. The bill allows an investment
10 11 tax credit for 25 percent of a taxpayer's investment in a
10 12 project registered under the program. The tax credit is
10 13 allowed against personal and corporate income tax liabilities,
10 14 franchise tax liabilities for financial institutions,
10 15 insurance premium tax liabilities, and credit union moneys and
10 16 credits tax liabilities. The bill provides that any tax
10 17 credit in excess of the taxpayer's liability for the tax year
10 18 may be credited to the tax liability for the following five
10 19 years or until depleted, whichever is earlier. The bill
10 20 provides that a tax credit shall not be carried back to a tax
10 21 year prior to the tax year in which the taxpayer claims the
10 22 tax credit. The bill provides that the tax credit is
10 23 transferable to another taxpayer. The bill prohibits an
10 24 investment tax credit from being claimed for qualified
10 25 expenditures for which a qualified expenditure tax credit is
10 26 claimed.

10 27 3. EXEMPTION FROM INCOME. The bill allows a person to
10 28 subtract from adjusted gross income for purposes of personal
10 29 and corporate income taxes an amount equal to any income
10 30 received from the sale, rental, or furnishing of tangible
10 31 personal property or services directly related to the
10 32 production of a project registered under the bill which meets
10 33 the criteria of a qualified expenditure.

10 34 The bill establishes a film advisory board within the
10 35 department consisting of seven members. The bill provides



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11 1 that the board shall meet regularly and advise the department
11 2 on issues relating to expanding the number of film projects
11 3 produced in the state and administer the Iowa film scholarship
11 4 program.

11 5 The bill requires the film advisory board to grant up to 10
11 6 Iowa film scholarships each fiscal year not to exceed \$2,000
11 7 each. The bill provides that scholarships shall be awarded to
11 8 a student attending or planning to attend college in Iowa and
11 9 receiving or intending to receive instruction in the area of
11 10 film.

11 11 The bill appropriates from the general fund of the state to
11 12 the Iowa film advisory board \$20,000 each fiscal year for
11 13 awarding Iowa film scholarships.

11 14 With the exception of the provisions relating to the film
11 15 advisory board and Iowa film scholarships, the bill takes
11 16 effect upon enactment and is retroactively applicable to
11 17 January 1, 2007, for tax years beginning on and after that
11 18 date.

11 19 LSB 1515YH 82

11 20 tm:rj/cf/24.2



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House File 412 - Introduced

HOUSE FILE
BY PETERSEN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to recycling used, state-owned computer hardware.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2073YH 82
- 4 tm/je/5



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House File 412 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.202, subsection 3, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. In cooperation with the department of
1 4 education, establish and administer a program to recycle used,
1 5 state-owned computer hardware for purposes of making
1 6 refurbished computer hardware available to low-income eighth
1 7 grade students in the state free of charge.

1 8 EXPLANATION

1 9 This bill relates to recycling used, state-owned computer
1 10 hardware.

1 11 The bill requires the department of administrative
1 12 services, in cooperation with the department of education, to
1 13 establish and administer a program to recycle used,
1 14 state-owned computer hardware for purposes of making
1 15 refurbished computer hardware available to low-income eighth
1 16 grade students free of charge.

1 17 LSB 2073YH 82

1 18 tm:nh/je/5



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House File 413 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 37)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to electronic filing of campaign finance
2 organizational statements, dissolution reports, and disclosure
3 reports by candidates for statewide office or for the general
4 assembly, establishing a filing deadline for all statements
5 and reports, providing a penalty, and providing applicability
6 dates.

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

8 TLSB 1308HV 82

9 jr/je/5



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House File 413 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.401, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. All statements and reports required to be filed under
1 4 this chapter shall be filed with the board as provided in
1 5 section 68A.402, subsection 1. The board shall ~~provide copies~~
~~1 6 of post on its internet website all statements and reports~~
1 7 ~~filed under this chapter for a county, city, school, or other~~
~~1 8 political subdivision to the commissioner responsible under~~
~~1 9 section 47.2.~~ For purposes of this section, the term
1 10 "statement" does not include a bank statement.

1 11 Sec. 2. Section 68A.401, subsection 1, Code 2007, is
1 12 amended by adding the following new paragraphs:
1 13 NEW PARAGRAPH. a. A candidate's committee of a candidate
1 14 for statewide office or the general assembly shall file all
1 15 statements and reports in an electronic format by four-thirty
1 16 p.m. of the day the filing is due and according to rules
1 17 adopted by the board. Any other candidate or political
1 18 committee may submit the statements and reports in an
1 19 electronic format as prescribed by rule.
1 20 NEW PARAGRAPH. b. If the board determines that a
1 21 violation of this subsection has occurred, the board may
1 22 impose any of the remedies or penalties provided for under
1 23 section 68B.32D, except that the board shall not refer any
1 24 complaint or supporting information of a violation of this
1 25 section to the attorney general or any county attorney for
1 26 prosecution.

1 27 Sec. 3. Section 68A.402, subsection 1, Code 2007, is
1 28 amended to read as follows:
1 29 1. FILING METHODS. Each committee shall file with the
1 30 board reports disclosing information required under this
1 31 section on forms prescribed by rule. Reports shall be filed
1 32 on or before the required due dates by using any of the
1 33 following methods: mail bearing a United States postal
1 34 service postmark, hand-delivery, facsimile transmission, or
1 35 electronic filing as prescribed by rule. Any report that is



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2 1 required to be filed five days prior to an election must be
2 2 physically received by the board to be considered timely
2 3 filed. For purposes of this section, "physically received"
2 4 means the report is either electronically filed using the
2 5 board's electronic filing system or is received by the board
2 6 prior to four-thirty p.m. on the report due date.

2 7 Sec. 4. Section 68A.403, subsection 1, Code 2007, is
2 8 amended to read as follows:

2 9 1. A Unless filed in an electronic format in accordance
2 10 with section 68A.401, subsection 1, a report or statement
2 11 required to be filed under this chapter shall be signed by the
2 12 person filing the report.

2 13 Sec. 5. APPLICABILITY. The requirements of section
2 14 68A.401, subsection 1, paragraphs "a" and "b", apply to
2 15 committees that file a statement of organization on or after
2 16 January 1, 2010, and all committees, regardless of when they
2 17 filed their statement of organization, on January 1, 2012.

2 18 EXPLANATION

2 19 This bill institutes mandatory electronic filing of
2 20 campaign finance statements of organization, dissolution
2 21 reports, and disclosure reports by all candidates for
2 22 statewide office and for the general assembly. The required
2 23 electronic filing shall be made by 4:30 p.m. on the day the
2 24 filing is due. The election filing portions of the bill apply
2 25 January 1, 2010, to newly formed committees of a candidate for
2 26 statewide office or for the general assembly, and apply to all
2 27 such committees on January 1, 2012.

2 28 Any other candidate or committee may submit its campaign
2 29 finance statements of organization, dissolution reports, and
2 30 disclosure reports in an electronic format.

2 31 The bill requires that all reports required to be filed
2 32 five days prior to an election must be electronically filed or
2 33 physically received by the board by 4:30 p.m. on the due date
2 34 to be considered timely filed. The bill requires that
2 35 statements and reports be posted on the board's website and



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3 1 clarifies that the term "statement" does not include a bank
3 2 statement.
3 3 Penalties for the violation of these provisions are set out
3 4 in Code section 68B.32D, ranging from a public reprimand to a
3 5 \$2,000 fine.
3 6 LSB 1308HV 82
3 7 jr:rj/je/5.1



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House File 414 - Introduced

HOUSE FILE

BY WINDSCHITL, STRUYK,
GREINER, BAUDLER, KAUFMANN,
VAN FOSSEN, LUKAN, ALONS,
SANDS, HUSEMAN, DOLECHECK,
L. MILLER, HORBACH,
UPMEYER, and PAULSEN

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

A BILL FOR

- 1 An Act relating to the justifiable use of reasonable force.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 2545HH 82
- 4 jm/je/5



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House File 414 - Introduced continued

PAG LIN

1 1 Section 1. Section 704.1, Code 2007, is amended to read as
1 2 follows:
1 3 704.1 REASONABLE FORCE.
1 4 "Reasonable force" is that force and no more which a
1 5 reasonable person, in like circumstances, would judge to be
1 6 necessary to prevent an injury or loss and can include deadly
1 7 force if it is reasonable to believe that such force is
1 8 necessary to avoid injury or risk to one's life or safety or
1 9 the life or safety of another, or it is reasonable to believe
1 10 that such force is necessary to resist a like force or threat.
1 11 Reasonable force, including deadly force, may be used ~~even if~~
~~1 12 an alternative course of action is available if the~~
~~1 13 alternative entails a risk to life or safety, or the life or~~
~~1 14 safety of a third party, or requires one to abandon or retreat~~
~~1 15 from one's dwelling or place of business or employment, and a~~
1 16 person has no duty to retreat, and has the right to stand the
1 17 person's ground, and meet force with force, if the person
1 18 believes reasonable force, including deadly force, is
1 19 necessary under the circumstances to prevent death or serious
1 20 injury to oneself or a third party, or to prevent the
1 21 commission of a forcible felony.
1 22 Sec. 2. NEW SECTION. 704.4A IMMUNITY.
1 23 1. A person who uses reasonable force shall be immune from
1 24 any criminal prosecution or civil action for using such force,
1 25 unless the person against whom such force is used is a peace
1 26 officer acting within the scope of the officer's duties and
1 27 the peace officer identifies their identity, or the person
1 28 knew or reasonably should have known the person is a peace
1 29 officer.
1 30 2. A law enforcement agency may use standard investigating
1 31 procedures for investigating the use of force, but the law
1 32 enforcement agency shall not arrest a person for using force
1 33 unless it determines there is probable cause that the force
1 34 was unlawful under this chapter.
1 35 3. If a person is arrested and it is later determined by a



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2 1 court or jury that the person was justified in using
2 2 reasonable force under the circumstances, the person shall be
2 3 awarded reasonable attorney fees, court costs, compensation
2 4 for loss of any income, and reimbursement of any other
2 5 expenses incurred as a result of being arrested and charged.

2 6 EXPLANATION

2 7 This bill relates to the justifiable use of reasonable
2 8 force.

2 9 The bill provides that a person may use reasonable force,
2 10 including deadly force, and a person has no duty to retreat,
2 11 and has a right to stand the person's ground, and meet force
2 12 with force, if the person believes reasonable force, including
2 13 deadly force, is necessary under the circumstances to prevent
2 14 death or serious injury to oneself or a third party, or to
2 15 prevent the commission of a forcible felony.

2 16 Current law provides that a person may use reasonable
2 17 force, including deadly force, even if an alternative course
2 18 of action is available if the alternative entails a risk of
2 19 life or safety or the life or safety of a third party, or
2 20 requires one to abandon or retreat from one's residence or
2 21 place of business.

2 22 The bill also provides that a person who uses reasonable
2 23 force shall be immune from any criminal prosecution or civil
2 24 action for using such force, unless the person against whom
2 25 such force is used is a peace officer acting within the scope
2 26 of the officer's duties and the peace officer identifies their
2 27 identity, or the person knew or reasonably should have known
2 28 the person is a peace officer.

2 29 Under the bill, a law enforcement agency shall not arrest a
2 30 person for using force unless it determines there is probable
2 31 cause that the force was unlawful under Code chapter 704.

2 32 The bill also provides that if a person is arrested and it
2 33 is later determined by a court or jury that the person was
2 34 justified in using reasonable force under the circumstances,
2 35 the person shall be awarded reasonable attorney fees, court



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House File 414 - Introduced continued

3 1 costs, compensation for loss of any income, and reimbursement
3 2 of any other expenses incurred as a result of being arrested
3 3 and charged.
3 4 LSB 2545HH 82
3 5 jm:nh/je/5



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House File 415 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

- 1 An Act providing for a school attendance task force pilot
- 2 program, and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2410HH 82
- 5 ak/es/88



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1 1 Section 1. Section 256.9, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 55. If funds are appropriated by the
1 4 general assembly for the program, establish and coordinate, as
1 5 provided in section 299.25, a school attendance task force
1 6 pilot project program, and publish and disseminate a school
1 7 attendance task force guide, create a grant application
1 8 process and application forms, and provide technical
1 9 assistance to school attendance task force pilot project
1 10 program grant recipients as provided in section 299.26.
1 11 Sec. 2. NEW SECTION. 299.25 SCHOOL ATTENDANCE TASK FORCE
1 12 PILOT PROJECT PROGRAM ESTABLISHED.
1 13 If the general assembly appropriates moneys for the
1 14 establishment of a school attendance task force pilot project
1 15 program, the department of education shall establish and
1 16 coordinate a school attendance task for pilot project program,
1 17 as provided in this section and section 299.26, to effectuate
1 18 collaborative, positive interventions for truant students with
1 19 multiple needs in order to satisfactorily fill the basic needs
1 20 of the truant student and improve the student's attendance.
1 21 The program shall provide for the establishment of school
1 22 attendance task force projects for a school year, which shall
1 23 be located in at least five public school districts. A grant
1 24 may be awarded to a consortium of school districts that meet
1 25 the requirements provided in section 299.26. The department
1 26 shall establish and administer not less than one grant to a
1 27 large school district, one grant to a medium-size school
1 28 district, and one grant to a small school district, and
1 29 districts shall be selected from both rural and urban areas.
1 30 For purposes of this section, a "large school district" is a
1 31 district with an actual enrollment of five thousand or more
1 32 pupils; a "medium-size school district" is a district with an
1 33 actual enrollment that is greater than one thousand one
1 34 hundred ninety-nine pupils but less than five thousand pupils;
1 35 and a "small school district" is a district with an actual



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House File 415 - Introduced continued

2 1 enrollment of one thousand one hundred ninety-nine or fewer
2 2 pupils.
2 3 Sec. 3. NEW SECTION. 299.26 GRANT CRITERIA == TASK FORCE
2 4 MEMBERS.
2 5 1. If the general assembly appropriates moneys for the
2 6 establishment of a school attendance task force pilot project
2 7 program as provided in section 299.25 and this section, the
2 8 department of education shall gather information relative to
2 9 successful truancy prevention and intervention programs and
2 10 shall publish the information gathered in a school attendance
2 11 task force guide to be disseminated to public school districts
2 12 by September 1 biennially. Within the initial guide, to be
2 13 published and disseminated by September 1, 2007, the
2 14 department shall include the criteria and process to be used
2 15 in selecting school attendance task force pilot project
2 16 program grant recipients.
2 17 2. Criteria for the selection of grant recipients shall
2 18 include but is not limited to a method for prioritizing grant
2 19 applications based on illustrated efforts to meet the multiple
2 20 needs of the truant students and their families. Criteria for
2 21 the selection shall also include a requirement that the task
2 22 force members will include representatives from the school
2 23 district or from a consortium of school districts, the office
2 24 of the county attorney, the department of human services,
2 25 local police and county sheriff's departments, and the area
2 26 juvenile court office, working together under a chapter 28E
2 27 agreement. Evidence of excessive truancy intervention needs
2 28 may entitle a grant application to priority, if the
2 29 application includes methods of amelioration of the problem
2 30 through mediation with a student and the student's parent,
2 31 guardian, or legal or actual custodian.
2 32 3. The department shall create a grant application process
2 33 and application forms and shall provide technical assistance
2 34 to grant recipients to establish school attendance task force
2 35 projects.



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3 1 4. Grant recipients shall provide the department of
3 2 education adequate assurance that district school attendance
3 3 policies will be reviewed.

3 4 5. Grant recipients shall convene a meeting of the schools
3 5 within the area, the county attorney, and a representative of
3 6 the area juvenile court office to review the support structure
3 7 needed to improve school attendance.

3 8 Sec. 4. APPROPRIATION. There is appropriated from the
3 9 general fund of the state to the department of education for
3 10 the fiscal year beginning July 1, 2007, and ending June 30,
3 11 2008, the following amount, or so much thereof as is
3 12 necessary, to be used for the purpose designated:

3 13 For purposes of the school attendance task force pilot
3 14 project program established in section 299.25:
3 15 \$ 250,000

3 16 Notwithstanding section 8.33, unencumbered or unobligated
3 17 funds remaining on June 30 of the fiscal year for which the
3 18 funds were appropriated shall not revert but shall be
3 19 available for expenditure for the following fiscal year for
3 20 the purposes designated.

EXPLANATION

3 21 This bill appropriates \$250,000 from the general fund of
3 22 the state to the department of education for the 2007=2008
3 23 fiscal year for the purposes of the school attendance task
3 24 force pilot project program, which is also established under
3 25 the bill.

3 26 The department of education is charged with establishing
3 27 and coordinating a school attendance task force pilot project
3 28 program to effectuate collaborative, positive interventions
3 29 for truant students with multiple needs in order to
3 30 satisfactorily fill the basic needs of the truant student and
3 31 improve the student's attendance.

3 32 Five project grants are to be awarded to school districts,
3 33 or a consortium of school districts, of various sizes that are
3 34 selected from both rural and urban areas.
3 35



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4 1 The department is directed to gather, publish, and
4 2 disseminate to school districts, biennially, information
4 3 relative to successful truancy prevention and intervention
4 4 programs. Within the initial guide, to be published and
4 5 disseminated by September 1, 2007, the department shall
4 6 include the criteria and process to be used in selecting grant
4 7 recipients.

4 8 The department is directed to include in its criteria a
4 9 requirement that the task force members include
4 10 representatives from the school district or from a consortium
4 11 of school districts, the office of the county attorney, the
4 12 department of human services, local police and county
4 13 sheriff's departments, and the area juvenile court office.

4 14 Grant recipients shall provide the department of education
4 15 adequate assurance that district school attendance policies
4 16 will be reviewed. Grant recipients are directed to convene a
4 17 meeting of the schools within the area, the county attorney,
4 18 and a representative of the area juvenile court office to
4 19 review the support structure needed to improve school
4 20 attendance.

4 21 LSB 2410HH 82
4 22 ak:nh/es/88



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House File 416 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

- 1 An Act relating to child care by requiring registration or
- 2 licensing of child care providers regulated by the department
- 3 of human services and making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2242HH 82
- 6 jp/gg/14



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February 16, 2007

House File 416 - Introduced continued

PAG LIN

1 1 Section 1. Section 237.1, subsection 4, paragraph d, Code
1 2 2007, is amended to read as follows:

1 3 d. Child care furnished by a child care center, or a child
1 4 development home, ~~or a child care home~~ as defined in section
1 5 237A.1.

1 6 Sec. 2. Section 237A.1, subsection 6, Code 2007, is
1 7 amended by striking the subsection.

1 8 Sec. 3. Section 237A.1, subsection 7, Code 2007, is
1 9 amended to read as follows:

1 10 7. "Child development home" means a person or program
1 11 registered under section 237A.3A that may provide child care
1 12 to ~~six~~ one or more children at any one time.

1 13 Sec. 4. Section 237A.1, subsection 11, Code 2007, is
1 14 amended to read as follows:

1 15 11. "Involvement with child care" means licensed or
1 16 registered under this chapter, employed in a child care
1 17 facility, residing in a child care facility, receiving public
1 18 funding for providing child care, or ~~providing child care as a~~
~~1 19 child care home provider, or residing in a child care home~~
1 20 with a person receiving public funding for providing child
1 21 care.

1 22 Sec. 5. Section 237A.1, Code 2007, is amended by adding
1 23 the following new subsection:

1 24 NEW SUBSECTION. 14A. "Relative" means an adult person who
1 25 is, or was at any time, one of the following relatives of a
1 26 child, by means of blood relationship, marriage, or adoption,
1 27 or is a spouse of one of the following relatives:

- 1 28 a. Grandparent.
- 1 29 b. Great=grandparent.
- 1 30 c. Great=great=grandparent.
- 1 31 d. Stepparent, but not the parent of the stepparent.
- 1 32 e. Sibling.
- 1 33 f. Stepsibling.
- 1 34 g. Sibling by at least the half blood.
- 1 35 h. Uncle or aunt by at least the half blood.



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- 2 1 i. Great=uncle or great=aunt.
2 2 j. Great=great=uncle or great=great=aunt.
2 3 k. First cousin.
2 4 l. Nephew or niece.
2 5 m. Second cousin.
- 2 6 Sec. 6. Section 237A.3A, subsection 1, paragraph a, Code
2 7 2007, is amended to read as follows:
2 8 a. A person shall not establish or operate a child
2 9 development home unless the person obtains a certificate of
2 10 registration. The department shall issue a certificate of
2 11 registration upon receipt of a statement from the person or
2 12 upon completion of an inspection conducted by the department
2 13 or a designee of the department verifying that the person
2 14 complies with applicable rules adopted by the department
2 15 pursuant to this section and section 237A.12. However, a
2 16 relative who provides child care to only related children or a
2 17 person providing child care to only children from a single
2 18 unrelated family is not required to register under this
2 19 section.
- 2 20 Sec. 7. Section 237A.5, subsection 2, paragraph a,
2 21 subparagraph (1), subparagraph subdivision (e), Code 2007, is
2 22 amended to read as follows:
2 23 (e) The person will reside or resides ~~in~~ with a child care
2 24 ~~home that~~ provider who is not registered subject to
2 25 registration or licensure under this chapter but that receives
2 26 public funding for providing child care.
- 2 27 Sec. 8. Section 237A.5, subsection 2, paragraph b, Code
2 28 2007, is amended to read as follows:
2 29 b. If an individual person subject to a record check is
2 30 being considered for employment by a child care facility ~~or~~
2 31 ~~child care home~~, in lieu of requesting a record check to be
2 32 conducted by the department under paragraph "c", the child
2 33 care facility ~~or child care home~~ may access the single contact
2 34 repository established pursuant to section 135C.33 as
2 35 necessary to conduct a criminal and child abuse record check



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3 1 of the individual. A copy of the results of the record check
3 2 conducted through the single contact repository shall also be
3 3 provided to the department. If the record check indicates the
3 4 individual is a person subject to an evaluation, the child
3 5 care facility ~~or child care home~~ may request that the
3 6 department perform an evaluation as provided in this
3 7 subsection. Otherwise, the individual shall not be employed
3 8 by the child care facility ~~or child care home~~.

3 9 Sec. 9. Section 237A.5, subsection 2, paragraph c,
3 10 unnumbered paragraph 2, Code 2007, is amended to read as
3 11 follows:

3 12 Prior to performing an evaluation, the department shall
3 13 notify the affected person, licensee, registrant, or ~~child~~
~~3 14 care home~~ person applying for or receiving public funding for
3 15 providing child care, that an evaluation will be conducted to
3 16 determine whether prohibition of the person's involvement with
3 17 child care is warranted.

3 18 Sec. 10. Section 237A.5, subsection 2, paragraph e,
3 19 subparagraph (2), Code 2007, is amended to read as follows:

3 20 (2) If, within five years prior to the date of application
3 21 for registration or licensure under this chapter, for
3 22 employment or residence in a child care facility ~~or child care~~
~~3 23 home~~, or for receipt of public funding for providing child
3 24 care, a person subject to an evaluation has been convicted of
3 25 a controlled substance offense under chapter 124 or has been
3 26 found to have committed physical abuse, the person shall be
3 27 prohibited from involvement with child care for a period of
3 28 five years from the date of conviction or founded abuse.
3 29 After the five-year prohibition period, the person may submit
3 30 an application for registration or licensure under this
3 31 chapter, or to receive public funding for providing child care
3 32 or may request an evaluation, and the department shall perform
3 33 an evaluation and, based upon the criteria in paragraph "d",
3 34 shall determine whether prohibition of the person's
3 35 involvement with child care continues to be warranted.



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4 1 Sec. 11. Section 237A.5, subsection 2, paragraph g, Code
4 2 2007, is amended to read as follows:

4 3 g. If it has been determined that a child receiving child
4 4 care from a child care facility or from a ~~child care home~~
4 5 person who receives public funding for providing child care is
4 6 the victim of founded child abuse committed by an employee,
4 7 license or registration holder, ~~child care home provider~~
4 8 person who receives public funding for providing child care or
4 9 an individual residing with that person, or resident of the
4 10 child care facility ~~or child care home~~ for which a report is
4 11 placed in the central registry pursuant to section 232.71D,
4 12 the administrator shall provide notification at the time of
4 13 the determination to the parents, guardians, and custodians of
4 14 children receiving care from the child care facility or ~~child~~
4 15 ~~care home~~ person who receives public funding for providing
4 16 child care. A notification made under this paragraph shall
4 17 identify the type of abuse but shall not identify the victim
4 18 or perpetrator or circumstances of the founded abuse.

4 19 Sec. 12. Section 237A.12, subsection 1, paragraph c, Code
4 20 2007, is amended to read as follows:

4 21 c. The adequacy of activity programs and food services
4 22 available to the children. The department shall not restrict
4 23 the use of or apply nutritional standards to a lunch or other
4 24 meal which is brought to the center, or child development
4 25 ~~home, or child care home~~ by a school-age child for the child's
4 26 consumption.

4 27 Sec. 13. Section 237A.13, subsection 2, Code 2007, is
4 28 amended to read as follows:

4 29 2. Services under the program may be provided ~~in~~ by a
4 30 licensed child care center, a registered child development
4 31 home, the home of a relative, the child's own home by a
4 32 relative or by a provider who is registered or licensed under
4 33 this chapter, a ~~child care home~~, or in a facility exempt from
4 34 licensing or registration under the definition of child care
4 35 in section 237A.1.



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5 1 Sec. 14. Section 237A.19, subsection 2, Code 2007, is
5 2 amended to read as follows:
5 3 2. ~~If registration is required under section 237A.3A, a A~~
5 4 person who establishes, conducts, manages, or operates a child
5 5 development home without registering, ~~or~~ a person who operates
5 6 a child development home contrary to section 237A.5, or a
5 7 person who has been prohibited by the department from
5 8 involvement with child care but continues that involvement,
5 9 commits a simple misdemeanor. Each day of continuing
5 10 violation after conviction, or notice from the department by
5 11 certified mail of the violation, is a separate offense. A
5 12 single charge alleging continuing violation may be made in
5 13 lieu of filing charges for each day of violation.
5 14 Sec. 15. Section 237A.19, subsection 3, Code 2007, is
5 15 amended by striking the subsection.
5 16 Sec. 16. Section 237A.20, Code 2007, is amended to read as
5 17 follows:
5 18 237A.20 INJUNCTION.
5 19 A person who establishes, conducts, manages, or operates a
5 20 center without a license or a child development home without a
5 21 certificate of registration, ~~if registration is required under~~
5 22 ~~section 237A.3A,~~ may be restrained by temporary or permanent
5 23 injunction. A person who has been convicted of a crime
5 24 against a person, a person with a record of founded child
5 25 abuse, or a person who has been prohibited by the department
5 26 from involvement with child care may be restrained by
5 27 temporary or permanent injunction from providing ~~unregistered,~~
5 28 ~~registered,~~ or licensed child care or from other involvement
5 29 with child care. The action may be instituted by the state,
5 30 the county attorney, a political subdivision of the state, or
5 31 an interested person.
5 32 Sec. 17. Section 237A.21, subsection 1, Code 2007, is
5 33 amended to read as follows:
5 34 1. A state child care advisory council is established
5 35 consisting of not more than thirty-five members from urban and



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6 1 rural areas across the state. The membership shall include,
6 2 but is not limited to, all of the following persons or
6 3 representatives with an interest in child care: a licensed
6 4 center provider, a registered child development home provider
6 5 from a county with a population of less than twenty-two
6 6 thousand, ~~an unregistered child care home provider~~, a parent
6 7 of a child in child care, staff members of appropriate
6 8 governmental agencies, and other members as deemed necessary
6 9 by the director. The members are eligible for reimbursement
6 10 of their actual and necessary expenses while engaged in
6 11 performance of their official duties.

6 12 Sec. 18. Section 237A.21, subsection 3, paragraph e, Code
6 13 2007, is amended by striking the paragraph.

6 14 Sec. 19. Section 237A.26, subsection 3, paragraph a, Code
6 15 2007, is amended to read as follows:

6 16 a. Organize assistance to ~~child care homes and~~ child
6 17 development homes utilizing training levels based upon the
6 18 homes' degrees of experience and interest.

6 19 Sec. 20. Section 237A.26, subsection 8, Code 2007, is
6 20 amended to read as follows:

6 21 8. For purposes of improving the quality and consistency
6 22 of data collection, consultation, and other support to ~~child~~
~~6 23 care home and~~ child development home providers, a resource and
6 24 referral services agency grantee shall coordinate and assist
6 25 with publicly and privately funded efforts administered at the
6 26 community level to provide the support. The support and
6 27 efforts addressed by a grantee may include but are not limited
6 28 to community-funded ~~child care home and~~ child development home
6 29 consultants. Community members involved with the assistance
6 30 may include but are not limited to the efforts of a community
6 31 empowerment area board under chapter 28, and of community
6 32 representatives of education, health, human services,
6 33 business, faith, and public interests.

6 34 Sec. 21. Section 237A.3, Code 2007, is repealed.

6 35 EXPLANATION



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7 1 This bill relates to child care regulated by the department
7 2 of human services under Code chapter 237A by requiring
7 3 registration or licensing of child care providers and making
7 4 penalties applicable.

7 5 The bill amends Code section 237A.1, providing definitions,
7 6 to define the term "relative" to mean an adult person who is,
7 7 or was at any time, one of a child's relatives that is listed
7 8 in the bill, by means of blood relationship, marriage, or
7 9 adoption, or is a spouse of one of the relatives listed in the
7 10 bill. The list of relatives includes siblings, grandparents,
7 11 cousins, aunts, and uncles.

7 12 Under current law in Code section 237A.3, a person or
7 13 program providing child care to five children or fewer at any
7 14 one time is a child care home provider and is not required to
7 15 register under Code section 237A.3A as a child development
7 16 home. The bill repeals Code section 237A.3 and revises the
7 17 definition of registered child development home to mean care
7 18 provided to one or more children. The bill provides an
7 19 exemption to the registration requirement for a relative who
7 20 provides child care to only related children or a person
7 21 providing child care to only children from a single unrelated
7 22 family.

7 23 Code section 237A.5 provisions relating to criminal and
7 24 abuse record checks of child care providers are amended to
7 25 eliminate references to the term "child care home" while
7 26 maintaining requirements for persons who are not required to
7 27 register or license under Code chapter 237A but receive public
7 28 funding for providing child care or individuals who live with
7 29 such persons. Conforming amendments are included to eliminate
7 30 the term "child care home" throughout the Code.

7 31 Code section 237A.13, relating to the state child care
7 32 assistance program, is amended to provide that care under the
7 33 program must be provided by a licensed or registered provider
7 34 unless specifically exempt under the child care definition.

7 35 Code section 237A.19 provides for a simple misdemeanor



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8 1 penalty for each day of violation of operating a child
8 2 development home without registering. With the bill's change
8 3 in the number of children receiving child care from a child
8 4 development home, this penalty would apply to a person
8 5 providing care to one or more children without registering as
8 6 a child development home provider. The penalty in Code
8 7 section 237A.19 for a person operating a child care home or
8 8 having involvement with child care when prohibited is stricken
8 9 and the involvement penalty in the stricken subsection is
8 10 moved by the bill to a different subsection.
8 11 Code section 237A.21, relating to the state child care
8 12 advisory council, is amended to remove child care home
8 13 providers from the required membership.
8 14 LSB 2242HH 82
8 15 jp:nh/gg/14



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HOUSE FILE
BY GASKILL

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

A BILL FOR

- 1 An Act providing procedures to increase the number of city
- 2 council members in certain cities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1854HH 82
- 5 eg/es/88



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1 1 Section 1. Section 372.4, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. City council membership reduced from
1 4 five council members to three may be increased to five council
1 5 members using the same procedure in subsection 3 or 4, as
1 6 applicable.

1 7 EXPLANATION

1 8 This bill identifies the procedures to be used by certain
1 9 city councils having a mayor=council form of city government
1 10 to increase the number of city council members to five after
1 11 being reduced to three members. The bill provides that to
1 12 increase the number of city council members, the city council
1 13 must follow the same procedures that are set forth in Code
1 14 section 372.4, subsections 3 and 4, as applicable, to reduce
1 15 the number of council members.

1 16 LSB 1854HH 82

1 17 eg:sc/es/88



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House Resolution 23 - Introduced

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1 1 HOUSE RESOLUTION NO.
1 2 BY H. MILLER, JOCHUM, FREVERT, BELL, PETERSEN,
1 3 D. OLSON, LYKAM, PETTENGILL, WHITAKER, MURPHY,
1 4 MERTZ, BUKTA, HEDDENS, ABDUL=SAMAD, D. TAYLOR,
1 5 WESSEL=KROESCHELL, LENSING, FORD, FOEGE, MASCHER,
1 6 SMITH, KRESSIG, WINCKLER, HUNTER, REASONER,
1 7 DANDEKAR, SWAIM, PALMER, WISE, KELLEY, T. TAYLOR,
1 8 R. OLSON, T. OLSON, WHITEAD, KUHN, GASKILL,
1 9 BERRY, GAYMAN, WENTHE, DAVITT, ANDERSON,
1 10 TJEPKES, and KAUFMANN
1 11 A Resolution urging immediate action to stop the
1 12 campaign of racial extermination against the
1 13 ethnically distinct Black African population of
1 14 Darfur.
1 15 WHEREAS, the House of Representatives is committed
1 16 to justice and the protection of innocent civilians
1 17 everywhere; and
1 18 WHEREAS, past reports have indicated that the armed
1 19 forces of the government of Sudan, along with
1 20 government=supported militias, have committed numerous
1 21 systematic attacks against the civilian populations of
1 22 the African Fur, Masaalit, and Zaghawa ethnic groups
1 23 in the Darfur region; and
1 24 WHEREAS, the attacks have included massacres, rape,
1 25 and indiscriminate aerial bombardments that have
1 26 killed thousands, displaced countless others, and
1 27 destroyed villages, food stocks, and other supplies
1 28 essential to the civilian population; and
1 29 WHEREAS, the government of Sudan has reportedly
1 30 failed to take any immediate steps to stop these



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2 1 attacks, reverse the ethnic cleansing, and provide the
2 2 necessary protection and assistance to the millions of
2 3 displaced civilians; and
2 4 WHEREAS, according to a report issued by the United
2 5 Nations Office of the High Commissioner for Human
2 6 Rights, the horrific attacks committed against
2 7 civilian populations in the Darfur region of Sudan may
2 8 constitute war crimes and crimes against humanity; and
2 9 WHEREAS, among the recommendations found in the
2 10 report is a call for the government of Sudan to
2 11 publicly and unequivocally condemn all actions and
2 12 crimes committed by the Janjaweed militias and ensure
2 13 that all militias are immediately disarmed and
2 14 disbanded; and
2 15 WHEREAS, the report also urges full and unimpeded
2 16 access for humanitarian workers in order to ensure the
2 17 delivery of much needed humanitarian assistance to the
2 18 Darfur region; NOW THEREFORE,
2 19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 20 That the Iowa House of Representatives urges the
2 21 United States Congress to take immediate action to
2 22 stop the campaign of racial extermination against the
2 23 ethnically distinct Black African population of
2 24 Darfur, and to strongly denounce the actions of the
2 25 Sudanese government in connection with this crime; and
2 26 BE IT FURTHER RESOLVED, That a suitable copy of
2 27 this Resolution shall be sent to George W. Bush,
2 28 President of the United States, to members of Iowa's
2 29 congressional delegation, and to the President of the
2 30 United States Senate and the Speaker of the United



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3 1 States House of Representatives.
3 2 LSB 2373HH 82
3 3 jr:rj/je/5.1