



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2007

House File 509 - Introduced

HOUSE FILE

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KELLEY, KRESSIG, T. TAYLOR, BELL,
and ABDUL=SAMAD

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

A BILL FOR

1 An Act providing for agricultural and industrial development,
2 including by providing for research into initiatives relating
3 to biofuels, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1648YH 82
6 da/je/5



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1 1 DIVISION I
1 2 BIOFUEL DEVELOPMENT
1 3 PART B
1 4 BIOMASS RESEARCH AND DEVELOPMENT INITIATIVES
1 5 Section 1. NEW SECTION. 15G.211 SPECIAL DEFINITIONS.
1 6 As used in this part, unless the context otherwise
1 7 requires:
1 8 1. "Biofuel" means the same as defined in section 214A.1.
1 9 2. "Biomass" means organic material that is available on a
1 10 renewable or recurring basis, including but not limited to
1 11 crops; plants, including aquatic plants and grasses; residues;
1 12 trees grown for energy production; wood waste and wood
1 13 residues; fibers; animal wastes and other waste materials; and
1 14 fats, oils, and greases including recycled fats, oils, and
1 15 greases.
1 16 3. "Biorefinery" means equipment and processes that
1 17 convert biomass into renewable fuel and coproducts.
1 18 4. "Coproduct" means the same as defined in section
1 19 159A.2.
1 20 5. "Crop" means the same as defined in section 717A.1.
1 21 6. "Renewable fuel" means the same as defined in section
1 22 214A.1.
1 23 Sec. 2. NEW SECTION. 15G.212 DEPARTMENT AUTHORIZED TO
1 24 PARTICIPATE IN FEDERAL BIOMASS RESEARCH AND DEVELOPMENT
1 25 PROGRAMS.
1 26 The department is authorized to cooperate with federal
1 27 agencies and participate in federal programs including but not
1 28 limited to programs under the federal Biomass Research and
1 29 Development Act of 2000, 7 U.S.C. } 7624, et seq., in order to
1 30 provide for the production of cost=competitive industrial
1 31 products derived from biomass, including but not limited to
1 32 biofuels, and associated agricultural or industrial coproducts
1 33 which promise to provide environmentally benign product life
1 34 cycles, promote rural economic development, and diversify
1 35 energy resources.



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2 1 Sec. 3. NEW SECTION. 15G.213 INNOVATION PROJECT FOR THE
2 2 PROCESSING OF FEEDSTOCK INTO ETHANOL.
2 3 An innovation project for the processing of feedstock into
2 4 ethanol is created.
2 5 1. The innovation project shall be administered by the
2 6 department as provided in this section.
2 7 2. The purpose of the innovation project is to develop and
2 8 commercialize all of the following:
2 9 a. Technologies and methods necessary to cost-effectively
2 10 manufacture ethanol and coproducts from feedstocks derived
2 11 from all parts of a crop by a biorefinery. The innovation
2 12 project shall at least consider the use of corn cobs, leaves,
2 13 and stover as feedstock. The department may consider the best
2 14 methods to reduce costs associated with the complete
2 15 saccharification of cellulose and hemicellulose and to
2 16 increase sugar yields derived from that process.
2 17 b. Specialized crop varieties or hybrids to be used as
2 18 feedstocks, which maximize the energy and coproducts value of
2 19 crops produced at the lowest possible cost, and reduce costs
2 20 of processing the associated feedstocks into ethanol and
2 21 coproducts by a biorefinery.
2 22 c. Equipment, including attachments to conventional
2 23 equipment, used in crop production, including the simultaneous
2 24 harvesting and separating of different crops, including grain
2 25 leaves, cobs, and stover.
2 26 3. The innovation project shall develop methods and
2 27 technologies used to increase ethanol production with the
2 28 expansion of animal agriculture and its reliance upon
2 29 unprocessed and processed crops and associated coproducts
2 30 including distillers grain.
2 31 4. In administering the innovation project, the department
2 32 shall consult with the renewable fuel infrastructure board
2 33 established pursuant to section 15G.202, or a committee of the
2 34 board as appointed by the board.
2 35 5. The innovation project shall be financed by state



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3 1 appropriations and contributions from other sources, including
3 2 business associations, nonprofit organizations, or the federal
3 3 government. The department shall not finance an innovation
3 4 project unless the department receives a matching contribution
3 5 from another source. The department may require that the
3 6 contribution be a percentage of the financing in the form of
3 7 money, services, material, or other in-kind contributions.

3 8 6. The department shall issue requests for proposals and
3 9 select a qualified person to perform a research contract based
3 10 on the scoring of those proposals, as required by the
3 11 department.

3 12 a. The department shall execute a research contract with
3 13 one or more of the following qualified persons selected to
3 14 conduct the research:

3 15 (1) A department of an institution under the control of
3 16 the state board of regents dedicated to researching increased
3 17 ethanol production and the production of specialized crop
3 18 varieties or hybrids to be used as feedstocks. A community
3 19 college or private university or college is not precluded from
3 20 participation.

3 21 (2) Any person involved in researching increased ethanol
3 22 production or the production of specialized crop varieties or
3 23 hybrids, including a business association, cooperative
3 24 association, or nonprofit organization.

3 25 b. A research contract may provide for conducting basic or
3 26 applied research.

3 27 c. A research contract may provide for all of the
3 28 following:

3 29 (1) The demonstration of technologies and methods
3 30 necessary to cost-effectively manufacture and market ethanol
3 31 and coproducts. The research contract may provide for the
3 32 construction or refurbishment and operation of a biorefinery
3 33 including a pilot plant or small scale facility.

3 34 (2) Methods to identify the genetic characteristics of
3 35 promising crops and to target novel gene traits or incorporate



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4 1 those traits into crops for use by a biorefinery. A research
4 2 contract may provide for trial production of specialized crop
4 3 varieties or hybrids to be used as feedstocks by a
4 4 biorefinery.

4 5 Sec. 4. NEW SECTION. 15G.214 INNOVATION PROJECT FOR THE
4 6 SUSTAINABLE PRODUCTION OF CROPS USED AS AN ETHANOL FEEDSTOCK.

4 7 An innovation project for the sustainable production of
4 8 crops used as an ethanol feedstock is created.

4 9 1. The innovation project shall be administered by Iowa
4 10 state university as provided in this section.

4 11 2. The purpose of the innovation project is to provide for
4 12 the sustainable production of crops used as feedstocks for the
4 13 production of ethanol and coproducts by biorefineries, by
4 14 conserving Iowa's land and water resources.

4 15 3. In administering the innovation project, Iowa state
4 16 university shall, to every extent feasible, do all of the
4 17 following:

4 18 a. Cooperate with the department, business associations,
4 19 nonprofit organizations, and the federal government.

4 20 b. Consult with the renewable fuel infrastructure board
4 21 created pursuant to section 15G.202, or a committee of the
4 22 board as appointed by the board; the Leopold center for
4 23 sustainable agriculture created in section 266.39; the
4 24 department of natural resources created in section 455A.2; and
4 25 the soil conservation division of the department of
4 26 agriculture and land stewardship established in section
4 27 161A.4.

4 28 4. The innovation project shall provide for the
4 29 sustainable production of crops used as feedstocks for the
4 30 production of ethanol and coproducts and provide for the
4 31 expansion of animal agriculture.

4 32 5. In administering the innovation project, Iowa state
4 33 university may provide for conducting basic or applied
4 34 research. The university may do all of the following:

4 35 a. Develop specialized crop varieties or hybrids to be



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5 1 used as feedstocks and coproducts. The university may provide
5 2 for the trial production of specialized crop varieties or
5 3 hybrids to be used as feedstocks and coproducts.

5 4 b. Develop equipment, including attachments to
5 5 conventional equipment used in the production of crops to be
5 6 used as feedstock for biorefineries, including the
5 7 simultaneous harvesting and separating of corn leaves, cobs,
5 8 and stover from grain. The university may provide for the
5 9 manufacture of prototype equipment used in the production of
5 10 crops to be used as feedstocks.

5 11 c. Develop soil conservation or crop management practices
5 12 designed for the production of crops to be used as feedstock
5 13 for biorefineries, including crop production on highly
5 14 erodible land or land in proximity to water sources, or
5 15 designed for the management of fertilizers and soil
5 16 conditioners and pesticides. The university may provide for
5 17 practices which account for nonstandard crop rotation cycles.
5 18 The university may provide for projects which provide
5 19 demonstrations of soil conservation or crop management
5 20 practices.

5 21 Sec. 5. NEW SECTION. 15G.215 WORKFORCE PROJECT FOR
5 22 BIOREFINERY INDUSTRY TRAINING.

5 23 A workforce project for biorefinery industry training is
5 24 created.

5 25 1. The workforce project shall be administered by the
5 26 department as provided in this section.

5 27 2. The purpose of the workforce project is to train
5 28 individuals to obtain full-time employment in the biorefinery
5 29 industry, including but not limited to employment in fields
5 30 related to the use of chemicals necessary to manufacture
5 31 products, such as biofuels and coproducts, from feedstocks
5 32 derived from grain or from all parts of a crop. The
5 33 department may provide for specialized training in ethanol
5 34 production and biodiesel production.

5 35 3. In administering the innovation project, the department



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6 1 shall consult with the renewable fuel infrastructure board
6 2 created pursuant to section 15G.202, or a committee of the
6 3 board as appointed by the board.
6 4 4. The department shall issue requests for proposals and
6 5 select a qualified person to perform a research contract based
6 6 on the scoring of those proposals, as required by the
6 7 department. The contract shall be awarded to two community
6 8 colleges demonstrating expertise in areas related to biofuel
6 9 production.
6 10 5. A community college awarded a contract under this
6 11 section may enter into an agreement with a biorefinery which
6 12 is an eligible business pursuant to chapter 260E or 260F to
6 13 provide program services as provided in those chapters.
6 14 Sec. 6. NEW SECTION. 15G.216 APPROPRIATIONS.
6 15 For the fiscal period beginning July 1, 2007, and ending
6 16 June 30, 2010, there is appropriated from the general fund of
6 17 the state to the department of economic development, the
6 18 following amounts, or so much thereof as is necessary, for the
6 19 purposes designated:
6 20 1. For the innovation project for the processing of
6 21 feedstock into ethanol as provided in section 15G.213, all of
6 22 the following:
6 23 a. For the fiscal year beginning July 1, 2007, and ending
6 24 June 30, 2008, fourteen million dollars.
6 25 b. For the fiscal year beginning July 1, 2008, and ending
6 26 June 30, 2009, fourteen million dollars.
6 27 c. For the fiscal year beginning July 1, 2009, and ending
6 28 June 30, 2010, fourteen million dollars.
6 29 2. For the innovation project for the sustainable
6 30 production of crops used as an ethanol feedstock as provided
6 31 in section 15G.214, all of the following:
6 32 a. For the fiscal year beginning July 1, 2007, and ending
6 33 June 30, 2008, two million dollars.
6 34 b. For the fiscal year beginning July 1, 2008, and ending
6 35 June 30, 2009, three million dollars.



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7 1 c. For the fiscal year beginning July 1, 2009, and ending
7 2 June 30, 2010, five million dollars.

7 3 3. For the workforce project for biorefinery industry
7 4 training as provided in section 15G.215, all of the following:

7 5 a. For the fiscal year beginning July 1, 2007, and ending
7 6 June 30, 2008, two million dollars.

7 7 b. For the fiscal year beginning July 1, 2008, and ending
7 8 June 30, 2009, two million dollars.

7 9 c. For the fiscal year beginning July 1, 2009, and ending
7 10 June 30, 2010, two million dollars.

7 11 Sec. 7. NEW SECTION. 15G.217 REPORT.

7 12 1. By January 15 of each year, the department in
7 13 cooperation with Iowa state university shall submit a report
7 14 regarding projects provided for in this part, including the
7 15 expenditure of moneys appropriated pursuant to section
7 16 15G.216, and the progress of projects supported by those
7 17 appropriations.

7 18 2. The report required in this section shall be included
7 19 as a part of that part of a report required to be submitted to
7 20 the governor and general assembly by the department regarding
7 21 projects supported from the grow Iowa values fund as provided
7 22 in section 15.104.

7 23 Sec. 8. NEW SECTION. 15G.218 REPEAL.

7 24 This Part B is repealed on July 1, 2011.

7 25

DIVISION II

7 26

RELATED APPROPRIATIONS

7 27 Sec. 9. CENTER FOR INDUSTRIAL RESEARCH AND SERVICE. There
7 28 is appropriated from the general fund of the state to Iowa
7 29 state university for the fiscal year beginning July 1, 2007,
7 30 and ending June 30, 2008, the following amount, or so much
7 31 thereof as is necessary, to be used for the purposes
7 32 designated:

7 33 For purposes of supporting the center for industrial
7 34 research and service, including salaries, support,
7 35 maintenance, and miscellaneous purposes:



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8 1 \$ 500,000
 8 2 Sec. 10. LEAN MANUFACTURING INSTITUTE. There is
 8 3 appropriated from the general fund of the state to the
 8 4 department of economic development for the fiscal year
 8 5 beginning July 1, 2007, and ending June 30, 2008, the
 8 6 following amount, or so much thereof as is necessary, to be
 8 7 used for the purposes designated:
 8 8 For purposes of establishing a lean manufacturing institute
 8 9 designed to provide executive level, in-depth training
 8 10 assistance to manufacturing entities in the state:
 8 11 \$ 250,000

EXPLANATION

8 13 DIVISION I == BIOFUEL DEVELOPMENT. This bill amends Code
 8 14 chapter 15G, subchapter II, providing for renewable fuel
 8 15 infrastructure, by creating a new part regarding biomass
 8 16 research and development initiatives. The initiatives are to
 8 17 be under the control of the department of economic development
 8 18 and Iowa state university.

8 19 The bill authorizes the department to participate with
 8 20 federal agencies and participate in federal programs in order
 8 21 to provide for the production of cost-competitive industrial
 8 22 products derived from biomass, including but not limited to
 8 23 the production of biofuels and associated agricultural or
 8 24 industrial coproducts (see the federal Biomass Research and
 8 25 Development Act of 2000, 7 U.S.C. } 7624, et seq.).

8 26 The bill creates an innovation project for the processing
 8 27 of feedstock into ethanol to be administered by the
 8 28 department. The purpose of the innovation project is to
 8 29 develop and commercialize: (1) technologies and methods
 8 30 necessary to cost-effectively manufacture ethanol and
 8 31 coproducts from feedstocks derived from all parts of a crop by
 8 32 a biorefinery, (2) specialized crop varieties or hybrids used
 8 33 as feedstocks, and (3) equipment used in crop production used
 8 34 to produce feedstocks used by biorefineries. The innovation
 8 35 project must further methods and technologies used to increase
 9 1 ethanol production with the expansion of animal agriculture.
 9 2 The department is required to issue requests for proposals and
 9 3 execute a research contract with a qualified person selected
 9 4 to conduct the research. The research contract may provide
 9 5 for basic or applied research, and may provide for
 9 6 demonstration projects.

9 7 The bill creates an innovation project for the sustainable
 9 8 production of crops used as an ethanol feedstock to be
 9 9 administered by Iowa state university. The purpose of the
 9 10 innovation project is to provide for the sustainable
 9 11 production of crops used as feedstocks for the production of
 9 12 ethanol and coproducts by biorefineries, and provide for the
 9 13 expansion of animal agriculture and its reliance upon
 9 14 unprocessed and processed crops. The bill provides that Iowa
 9 15 state university may provide for basic or applied research.
 9 16 The university may develop specialized crop varieties or
 9 17 hybrids used as feedstocks and coproducts. The university may
 9 18 provide for trial production and demonstration projects.

9 19 The bill creates a workforce project for biorefinery
 9 20 industry training as administered by the department. The
 9 21 purpose of the workforce project is to train individuals to



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9 22 obtain full-time employment in the biorefinery industry. The
9 23 department must issue requests for proposals and award a
9 24 contract to two community colleges.

9 25 The bill appropriates moneys from the general fund to
9 26 support the projects for each fiscal year of the fiscal period
9 27 beginning July 1, 2007, and ending June 30, 2010.

9 28 The bill requires the department in cooperation with Iowa
9 29 state university to submit a report regarding projects to the
9 30 governor and the general assembly.

9 31 DIVISION II == RELATED APPROPRIATIONS. The bill
9 32 appropriates moneys from the general fund of the state to Iowa
9 33 state university for the fiscal year beginning July 1, 2007,
9 34 and ending June 30, 2008, for purposes of supporting the
9 35 center for industrial research and service.



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10 1 The bill appropriates moneys from the general fund of the
10 2 state to the department of economic development for the fiscal
10 3 year beginning July 1, 2007, and ending June 30, 2008,
10 4 necessary to establish a lean manufacturing institute designed
10 5 to provide executive level, in=depth training assistance to
10 6 manufacturing entities in the state.
10 7 LSB 1648YH 82
10 8 da:rj/je/5



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HOUSE FILE
BY KUHN

(COMPANION TO LSB 1315SS
BY RAGAN)

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

A BILL FOR

- 1 An Act allowing certain associations to qualify as self-insurers
- 2 for purposes of Iowa's motor vehicle financial responsibility
- 3 laws.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1315HH 82
- 6 av/gg/14



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1 1 Section 1. Section 321.20B, subsection 2, paragraph b,
1 2 Code 2007, is amended to read as follows:

1 3 b. The insurance division and the department, as
1 4 appropriate, shall adopt rules regarding the contents of a
1 5 financial liability coverage card to be issued pursuant to
1 6 this section.

1 7 (1) Notwithstanding the provisions of this section, a
1 8 fleet owner who is issued a certificate of self=insurance
1 9 pursuant to section 321A.34, subsection 1, is not required to
1 10 maintain in each vehicle a financial liability coverage card
1 11 with the individual registration number or the vehicle
1 12 identification number of the vehicle included on the card.
1 13 Such fleet owner shall be required to maintain a financial
1 14 liability coverage card in each vehicle in the fleet including
1 15 information deemed appropriate by the commissioner of
1 16 insurance or the director, as applicable.

1 17 (2) An association of individual members that is issued a
1 18 certificate of self=insurance pursuant to section 321A.34,
1 19 subsection 2, is required to maintain in each vehicle of an
1 20 individual member a financial liability coverage card that
1 21 complies with the provisions of this section and in addition
1 22 contains information relating to the association and the
1 23 association's certificate of self=insurance as is deemed
1 24 appropriate by the commissioner of insurance or the director.

1 25 Sec. 2. Section 321A.34, subsections 1 and 2, Code 2007,
1 26 are amended to read as follows:

1 27 1. a. Any person in whose name more than twenty=five
1 28 motor vehicles are registered may qualify as a self=insurer by
1 29 obtaining a certificate of self=insurance issued by the
1 30 department as provided in ~~subsection 2 of this section~~
1 31 paragraph "b".

1 32 ~~2.~~ b. The department may, upon the application of such a
1 33 person, issue a certificate of self=insurance if the
1 34 department is satisfied that the person has and will continue
1 35 to have the ability to pay judgments obtained against the



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2 1 person for damages arising out of the ownership, maintenance,
2 2 or use of any vehicle owned by the person. A person issued a
2 3 certificate of self=insurance pursuant to this ~~section~~
2 4 subsection shall maintain a financial liability coverage card
2 5 as provided in section 321.20B, subsection 2, paragraph "b",
2 6 subparagraph (1).

2 7 2. a. Any association of individual members that is a
2 8 legal entity with the power to sue and be sued in its own name
2 9 and which is composed of individual members in whose names a
2 10 total of more than twenty=five motor vehicles are registered,
2 11 may qualify as a self=insurer by obtaining a certificate of
2 12 insurance issued by the department as provided in paragraph
2 13 "b".

2 14 b. The department may, upon the application of such an
2 15 association, issue a certificate of self=insurance if the
2 16 department is satisfied that the association has and will
2 17 continue to have the ability to pay judgments obtained against
2 18 the association or against an individual member of the
2 19 association for damages arising out of the ownership,
2 20 maintenance, or use of any vehicle owned by an individual
2 21 member of the association. An association issued a
2 22 certificate of self=insurance pursuant to this paragraph shall
2 23 maintain a financial liability coverage card as provided in
2 24 section 321.20B, subsection 2, paragraph "b", subparagraph
2 25 (2).

2 26 EXPLANATION

2 27 This bill allows certain associations to qualify as
2 28 self=insurers for purposes of Iowa's motor vehicle financial
2 29 responsibility laws.

2 30 Code section 321.20B is amended to provide that an
2 31 association of individual members that is issued a certificate
2 32 of self=insurance pursuant to Code section 321A.34, subsection
2 33 2, is required to maintain in each vehicle of an individual
2 34 member a financial liability card that complies with the
2 35 provisions of the section and in addition contains information



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3 1 relating to the association and the association's certificate
3 2 of self=insurance as deemed appropriate by the commissioner of
3 3 insurance or the director of the department of transportation.
3 4 Code section 321.34 is amended by adding a new subsection
3 5 that allows an association of individual members that is a
3 6 legal entity with the power to sue and be sued in its own name
3 7 and which is composed of individual members in whose names a
3 8 total of more than 25 motor vehicles are registered, to
3 9 qualify as a self-insurer by obtaining a certificate of
3 10 self=insurance issued by the department of transportation.
3 11 The bill further provides that the department shall issue
3 12 such a certificate of self=insurance if the department is
3 13 satisfied that the association has and will continue to have
3 14 the ability to pay judgments obtained against the association
3 15 or against an individual member of the association for damages
3 16 arising out of the ownership, maintenance, or use of any
3 17 vehicle owned by an individual member of the association. An
3 18 association that is issued a certificate of self=insurance is
3 19 required to maintain a financial liability coverage card as
3 20 described above.
3 21 LSB 1315HH 82
3 22 av:nh/gg/14



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HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 82)

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

A BILL FOR

- 1 An Act relating to the waste tire management fund and making
- 2 appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1400HV 82
- 5 tm/sh/8



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1 1 Section 1. Section 455D.11C, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. Moneys in the waste tire management fund are
1 4 appropriated and shall be used for the following purposes:

1 5 a. ~~Thirty~~ Forty-five percent of the moneys shall be used
1 6 for all of the following positions:

1 7 (1) ~~One Two and one-quarter~~ Two full-time equivalent ~~position~~
1 8 positions for the administration of permits and registrations
1 9 for tire processing, storage, stockpile abatement, and hauling
1 10 activities, and ~~tire program initiatives for administering~~
1 11 programs and initiatives related to automotive switches
1 12 containing mercury, automotive-related wastes, and illegal
1 13 disposal of solid waste.

1 14 (2) ~~One and one-half~~ Two full-time equivalent positions
1 15 for waste tire-related, other automotive-related waste, and
1 16 illegal disposal of solid waste compliance checks and
1 17 inspections. The full-time equivalent positions shall be
1 18 divided equally between the field offices in the state.

1 19 b. ~~Ten~~ Five percent of the moneys shall be used for a
1 20 public education and awareness initiative related to the
1 21 proper tire disposal options and environmental and health
1 22 hazards posed by improper tire storage and disposal of other
1 23 automotive-related wastes including automotive switches
1 24 containing mercury, and to establish an outreach and
1 25 compliance assistance effort that promotes best management
1 26 practices for automotive salvage operations.

1 27 c. ~~Thirty~~ Twenty percent of the moneys shall be used for
1 28 ~~market development initiatives for waste tires~~ implementing a
1 29 public education and awareness initiative related to
1 30 preventing littering and illegal dumping, and an outreach
1 31 program directed at local governments to assist in
1 32 establishing individual or joint illegal dumping prevention
1 33 and enforcement programs.

1 34 d. Thirty percent of the moneys shall be used for waste
1 35 tire stockpile abatement initiatives which would require a



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2 1 cost=share agreement with the landowner.
2 2 Sec. 2. UNENCUMBERED OR UNOBLIGATED MONEYS ==
2 3 APPROPRIATION. On July 1, 2007, any unencumbered or
2 4 unobligated moneys distributed from the waste tire management
2 5 fund pursuant to section 455D.11C, subsection 2, Code 2005,
2 6 during the previous fiscal year shall revert to the waste tire
2 7 management fund and shall be reallocated and appropriated
2 8 pursuant to section 455D.11C, subsection 2, paragraph "a", as
2 9 amended in this Act. At the end of each fiscal year during
2 10 the fiscal period beginning July 1, 2007, and ending June 30,
2 11 2016, any unencumbered or unobligated moneys remaining in the
2 12 waste tire management fund shall remain in the waste tire
2 13 management fund and shall be available for expenditure during
2 14 the succeeding fiscal year pursuant to section 455D.11C,
2 15 subsection 2, as amended in this Act.

2 16 EXPLANATION

2 17 This bill relates to the waste tire management fund.
2 18 Currently, for the fiscal period beginning July 1, 2002,
2 19 and ending June 30, 2007, 20 percent of all \$5 surcharges on
2 20 motor vehicle certificates of title are deposited in the waste
2 21 tire management fund with the remaining amount deposited in
2 22 the road use tax fund. On and after July 1, 2007, all
2 23 surcharge proceeds will be deposited in the road use tax fund.
2 24 The bill changes the allocations of moneys appropriated from
2 25 the waste tire management fund.
2 26 The bill provides that 45 percent of the moneys shall be
2 27 used for two and one=quarter full=time equivalent positions
2 28 for the administration of permits and registrations for tire
2 29 processing, storage, stockpile abatement, and hauling
2 30 activities, and, for administering programs and initiatives
2 31 related to automotive switches containing mercury,
2 32 automotive=related wastes, and illegal disposal of solid
2 33 waste. The 45 percent is also used for two full=time
2 34 equivalent positions for waste tire=related, other
2 35 automotive=related waste, and illegal disposal of solid waste



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3 1 compliance checks and inspections.

3 2 The bill provides that 5 percent of the moneys shall be
3 3 used for a public education and awareness initiative related
3 4 to the proper tire disposal options and environmental and
3 5 health hazards posed by improper tire storage and disposal of
3 6 other automotive-related wastes including automotive switches
3 7 containing mercury, and to establish an outreach and
3 8 compliance assistance effort that promotes best management
3 9 practices for automotive salvage operations.

3 10 The bill provides that 20 percent of the moneys shall be
3 11 used for implementing a public education and awareness
3 12 initiative related to preventing littering and illegal
3 13 dumping, and an outreach program directed at local governments
3 14 to assist in establishing individual or joint illegal dumping
3 15 prevention and enforcement programs.

3 16 The bill provides that 30 percent of the moneys shall be
3 17 used for waste tire stockpile abatement initiatives which
3 18 would require a cost-share agreement with the landowner.

3 19 The bill provides that on July 1, 2007, any unencumbered or
3 20 unobligated moneys distributed from the waste tire management
3 21 fund during the previous fiscal year shall revert to the waste
3 22 tire management fund and shall be reallocated pursuant to the
3 23 allocations provided in the bill. The bill provides that at
3 24 the end of each fiscal year during the fiscal period beginning
3 25 July 1, 2007, and ending June 30, 2016, any unencumbered or
3 26 unobligated moneys remaining in the waste tire management fund
3 27 shall remain in the waste tire management fund and shall be
3 28 available for expenditure during the succeeding fiscal year.

3 29 LSB 1400HV 82

3 30 tm:rj/sh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 23, 2007

House File 512 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act expanding access to the Iowa communications network to
2 include the Iowa national guard and the military division of
3 the department of public defense for specified purposes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2415YH 82
6 rn/es/88



Iowa General Assembly
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House File 512 - Introduced continued

PAG LIN

1 1 Section 1. Section 8D.2, subsection 5, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. (1) For the purposes of this chapter, "public agency"
1 4 also includes any homeland security or defense facility or
1 5 disaster response agency established by the administrator of
1 6 the homeland security and emergency management division of the
1 7 department of public defense or the governor or any facility
1 8 connected with a security or defense system or disaster
1 9 response as required by the administrator of the homeland
1 10 security and emergency management division of the department
1 11 of public defense or the governor.
1 12 (2) For the purposes of this chapter, "public agency"
1 13 shall additionally include the Iowa national guard and the
1 14 military division of the department of public defense.
1 15 Sec. 2. Section 8D.9, subsection 3, Code 2007, is amended
1 16 to read as follows:
1 17 3. a. A facility that is considered a public agency
1 18 pursuant to section 8D.2, subsection 5, paragraph "b",
1 19 subparagraph (1), shall be authorized to access the Iowa
1 20 communications network ~~strictly~~ for homeland security
1 21 communication purposes and disaster communication purposes as
1 22 defined in section 29C.2. ~~Any utilization of the network that~~
1 23 ~~is not related to communications concerning homeland security~~
1 24 ~~or a disaster, as defined in section 29C.2, is expressly~~
1 25 ~~prohibited.~~ Access under this ~~subsection~~ paragraph "a" shall
1 26 be available ~~only~~ if a state of disaster emergency is
1 27 proclaimed by the governor pursuant to section 29C.6 or a
1 28 homeland security or disaster event occurs requiring
1 29 connection of disparate communications systems between public
1 30 agencies to provide for a multiagency or multijurisdictional
1 31 response. Access shall continue ~~only~~ for the period of time
1 32 the homeland security or disaster event exists. For purposes
1 33 of this ~~subsection~~ paragraph "a", disaster communication
1 34 purposes includes training and exercising for a disaster if
1 35 public notice of the training and exercising session is posted



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House File 512 - Introduced continued

2 1 on the website of the homeland security and emergency
2 2 management division of the department of public defense. A
2 3 scheduled and noticed training and exercising session shall
2 4 not exceed five days.

2 5 b. A facility that is considered a public agency pursuant
2 6 to section 8D.2, subsection 5, paragraph "b", subparagraph
2 7 (2), shall be authorized to access the Iowa communications
2 8 network for purposes of state or national security and
2 9 defense. Access under this paragraph "b" shall be available
2 10 upon order of the adjutant general or the governor for
2 11 purposes of state or national security and defense for a
2 12 duration and to an extent determined by the adjutant general
2 13 or the governor.

2 14 c. Interpretation and application of the provisions of
2 15 this subsection shall be strictly construed.

2 16 EXPLANATION

2 17 This bill provides that the Iowa national guard and the
2 18 military services division of the department of public defense
2 19 shall be authorized to access the Iowa communications network
2 20 upon order of the adjutant general or the governor. Access
2 21 shall be authorized for purposes of state or national security
2 22 and defense, and shall be granted for a duration and to an
2 23 extent as determined by the adjutant general or the governor.

2 24 The bill makes changes to Code chapter 8D consistent with
2 25 this expanded access.

2 26 LSB 2415YH 82

2 27 rn:nh/es/88



Iowa General Assembly
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House File 513 - Introduced

HOUSE FILE

BY GRANZOW, LUKAN, TOMENGA, MAY,
FORRISTALL, HOFFMAN, DEYOE,
and PETTENGILL

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning publication requirements for joint governmental
- 2 entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2555HH 82
- 5 ec/es/88



Iowa General Assembly
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House File 513 - Introduced continued

PAG LIN

1 1 Section 1. Section 28E.6, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. All proceedings of each regular, adjourned, or special
1 4 meeting of the entity created or the administrator or joint
1 5 board specified in the agreement, including the schedule of
1 6 bills allowed, shall be ~~published~~ made available to the public
1 7 after adjournment of the meeting. The entity created or the
1 8 administrator of the joint board specified in the agreement
1 9 shall publish in a newspaper of general circulation within the
1 10 geographic area served by the entity created or the
1 11 administrator or joint board specified in the agreement the
1 12 proceedings or shall provide the location where a copy of the
1 13 proceedings can be obtained. The entity created or the
1 14 administrator or joint board specified in the agreement shall
1 15 furnish a copy of the proceedings to be published or notice of
1 16 where a copy of the proceedings can be obtained to the
1 17 newspaper within one week following adjournment of the
1 18 meeting. The ~~publication of the~~ schedule of bills allowed
1 19 that is required to be made available to the public shall
1 20 include a list of all salaries paid for services performed,
1 21 showing the name of the person or firm performing the service
1 22 and the amount paid. However, the names and gross salaries of
1 23 persons regularly employed by the entity created or the
1 24 administrator or joint board specified in the agreement shall
1 25 only be ~~published~~ made available to the public annually. This
1 26 subsection shall not apply if the entity or the administrator
1 27 or joint board specified in the agreement includes public
1 28 agencies from more than one state.

1 29 EXPLANATION

1 30 This bill modifies the requirement for entities created
1 31 under Code chapter 28E for the joint exercise of governmental
1 32 powers to publish proceedings and schedule of bills allowed in
1 33 a newspaper of general circulation within the area served.
1 34 The bill provides that in lieu of publishing the proceedings
1 35 and schedule of bills allowed in a newspaper, the entity may



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House File 513 - Introduced continued

2 1 publish notice in the newspaper of where a copy of the
2 2 proceedings and schedule of bills may be obtained.
2 3 LSB 2555HH 82
2 4 ec:rj/es/88



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 514 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act relating to the appointment of a consumer advocate on
2 insurance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2764HH 82
5 av/gg/14



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House File 514 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 507F.1 CONSUMER ADVOCATE ON
1 2 INSURANCE == APPOINTMENT == POLITICAL ACTIVITY == REMOVAL.
1 3 1. The attorney general shall appoint a competent attorney
1 4 to the office of consumer advocate on insurance. The
1 5 appointment is subject to senate confirmation in accordance
1 6 with section 2.32. The advocate's term of office is for four
1 7 years. The term begins and ends as set forth in section
1 8 69.19.
1 9 2. If a vacancy occurs in the office of consumer advocate
1 10 on insurance, the vacancy shall be filled for the unexpired
1 11 term in the same manner as an original appointment.
1 12 3. The consumer advocate on insurance shall devote the
1 13 advocate's entire time to the duties of the office. During
1 14 the advocate's term of office the advocate shall not be a
1 15 member of a political committee, shall not contribute to a
1 16 political campaign fund other than through the income tax
1 17 checkoff for contributions to the Iowa election campaign fund
1 18 and the presidential election campaign fund, and shall not
1 19 take part in political campaigns or be a candidate for a
1 20 political office.
1 21 4. The attorney general may remove the consumer advocate
1 22 on insurance for malfeasance or nonfeasance in office, or for
1 23 any cause which renders the advocate ineligible for
1 24 appointment, or incapable or unfit to discharge the duties of
1 25 the advocate's office. The advocate's removal, when so made,
1 26 is final.
1 27 Sec. 2. NEW SECTION. 507F.2 DUTIES.
1 28 The office of the consumer advocate on insurance shall:
1 29 1. Adopt rules pursuant to chapter 17A and perform other
1 30 duties necessary to the administration of this chapter.
1 31 2. Investigate the legality of all rates, charges, rules,
1 32 regulations, and practices of all persons under the
1 33 jurisdiction of the insurance division, and institute civil
1 34 proceedings before the insurance division or any court to
1 35 correct any illegality on the part of any person. In any



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2 1 investigation, the person acting for the office of the
2 2 consumer advocate on insurance shall have the power to request
2 3 the commissioner of insurance to issue subpoenas, compel the
2 4 attendance and testimony of witnesses, and the production of
2 5 papers, books, and documents.

2 6 3. Make recommendations to the general assembly regarding
2 7 insurance regulation.

2 8 4. Make recommendations to the insurance division or any
2 9 other governmental agency which has an impact on insurance
2 10 regulation in the state through rulemaking and review and, if
2 11 the advocate deems it to be in the public interest, appeal the
2 12 rulemaking or contested case decisions of the insurance
2 13 division or any other governmental agency which has an impact
2 14 on insurance regulation in the state.

2 15 5. Represent the interests of the public relating to
2 16 insurance reform, coverage, and rates where action is
2 17 necessary for the protection of public rights.

2 18 6. Institute judicial review of final or interlocutory
2 19 actions of the insurance division if the review is deemed to
2 20 be in the public interest.

2 21 7. Act as attorney for and represent all consumers
2 22 generally and the public generally in all proceedings before
2 23 the insurance division, federal and state agencies, and
2 24 related judicial review proceedings and appeals.

2 25 8. Appear for all consumers generally and the public
2 26 generally in all actions instituted in any state or federal
2 27 court which involve the validity of a rule, regulation, or
2 28 order of the insurance division.

2 29 9. Appear and participate as a party in the name of the
2 30 office of consumer advocate on insurance in the performance of
2 31 the duties of the office.

2 32 Sec. 3. NEW SECTION. 507F.3 OFFICE == EMPLOYEES ==
2 33 EXPENSES.

2 34 1. The office of the consumer advocate on insurance shall
2 35 be located within the office of the attorney general.



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3 1 Administrative support services shall be provided to the
3 2 consumer advocate by the office of the attorney general.

3 3 2. The consumer advocate on insurance may employ
3 4 attorneys, legal assistants, secretaries, clerks, and other
3 5 employees the consumer advocate on insurance finds necessary
3 6 for the full and efficient discharge of the duties and
3 7 responsibilities of the office. The consumer advocate on
3 8 insurance may employ consultants as expert witnesses or
3 9 technical advisors pursuant to contract as the advocate finds
3 10 necessary for the full and efficient discharge of the duties
3 11 of the office. Employees of the consumer advocate on
3 12 insurance, other than the advocate, are subject to merit
3 13 employment, except as provided in section 8A.412.

3 14 3. The salary of the consumer advocate on insurance shall
3 15 be fixed by the attorney general within the salary range set
3 16 by the general assembly. The appropriation for the office of
3 17 consumer advocate on insurance shall be a separate line item
3 18 contained in the appropriation from the general fund of the
3 19 state to the department of justice.

3 20 Sec. 4. NEW SECTION. 507F.4 INSURANCE DIVISION RECORDS.

3 21 The consumer advocate on insurance has free access to all
3 22 the files, records, and documents in the office of the
3 23 insurance division except:

3 24 1. Personal information in confidential personnel records
3 25 of the insurance division.

3 26 2. Records which represent and constitute the work product
3 27 of the general counsel of the insurance division where the
3 28 records relate to a proceeding before the division in which
3 29 the consumer advocate on insurance is a party or a proceeding
3 30 in any state or federal court in which both the division and
3 31 the consumer advocate on insurance are parties.

3 32 3. Insurer information of a confidential nature which
3 33 could jeopardize an insurer's competitive status and is
3 34 provided by an insurer to the division. However, such
3 35 information shall be provided to the consumer advocate on



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4 1 insurance by the insurance division, if the division
4 2 determines it to be in the public interest.
4 3 Sec. 5. NEW SECTION. 507F.5 SERVICE.
4 4 The consumer advocate on insurance is entitled to receive
4 5 service of all documents required by statute or rule to be
4 6 served on parties in proceedings before the insurance division
4 7 and all notices, petitions, applications, complaints, answers,
4 8 motions, and other pleadings filed pursuant to statute or rule
4 9 with the division.

4 10 Sec. 6. NEW SECTION. 507F.6 CONSUMER ADVOCATE ON
4 11 INSURANCE ADVISORY COMMITTEE.

4 12 The attorney general shall appoint seven members to a
4 13 consumer advocate on insurance advisory committee to meet at
4 14 the request of the consumer advocate on insurance for
4 15 consultation regarding the protection of public rights in
4 16 insurance regulation. A member shall be appointed from each
4 17 congressional district with the appointee residing within the
4 18 district at the time of the appointment. The remaining
4 19 appointees shall be members at large. Members who represent
4 20 various sectors of the general public shall be appointed and
4 21 appointments shall be made in compliance with sections 69.16
4 22 and 69.16A. The members shall serve four-year terms and their
4 23 appointments are not subject to confirmation by the senate. A
4 24 vacancy shall be filled in the same manner as the original
4 25 appointment for the unexpired portion of the member's term.
4 26 Members of the committee shall serve without compensation, but
4 27 shall be reimbursed for actual expenses from funds
4 28 appropriated to the office of the consumer advocate on
4 29 insurance.

4 30 EXPLANATION

4 31 This bill establishes the position of consumer advocate on
4 32 insurance to be appointed by the attorney general and to be
4 33 located in the office of the attorney general. The bill
4 34 establishes the duties of the consumer advocate on insurance
4 35 and the terms of office of the consumer advocate, provides for



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House File 514 - Introduced continued

5 1 the employment of staff by the office of the consumer
5 2 advocate, and provides for the appointment of an advisory
5 3 committee to the consumer advocate on insurance.
5 4 LSB 2764HH 82
5 5 av:rj/gg/14



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House File 515 - Introduced

HOUSE FILE
BY HUNTER

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

A BILL FOR

- 1 An Act relating to drugs and vaccines containing mercury and
- 2 providing a penalty and an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2297HH 82
- 5 nh/gg/14



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House File 515 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.39D DRUG AND VACCINE MERCURY
1 2 CONTENT TESTING == REPORTING.

1 3 The department shall randomly test drugs and vaccines
1 4 administered in this state to determine the amount of mercury
1 5 contained in the drug or vaccine. The department shall
1 6 semiannually publish a report of its findings by product name,
1 7 manufacturer, lot number, lot expiration date, and in
1 8 micrograms of mercury per milliliter or gram of drug or
1 9 vaccine. The report shall be posted on the department's
1 10 internet website.

1 11 Sec. 2. NEW SECTION. 135.39E ADMINISTRATION OF DRUGS AND
1 12 VACCINES CONTAINING MERCURY == PENALTY == CIVIL ACTION.

1 13 1. For purposes of this section:

1 14 a. (1) "Drug" means all of the following:

1 15 (a) Substances recognized as drugs in the official United
1 16 States pharmacopoeia, official homeopathic pharmacopoeia of
1 17 the United States, or official national formulary, or any
1 18 supplement to any of them.

1 19 (b) Substances intended for use in the diagnosis, cure,
1 20 mitigation, treatment, or prevention of disease in humans.

1 21 (c) Substances, other than food, intended to affect the
1 22 structure or any function of the human body.

1 23 (d) Substances intended for use as a component of any
1 24 article specified in subparagraph subdivision (a), (b), or
1 25 (c).

1 26 (2) "Drug" does not include devices or their components,
1 27 parts, or accessories.

1 28 b. "Trace amounts" means trace amounts as defined by the
1 29 United States food and drug administration.

1 30 2. Except as provided in subsections 3 and 4:

1 31 a. Beginning July 1, 2008, a drug or vaccine administered
1 32 in this state shall not contain more than trace amounts of
1 33 mercury.

1 34 b. Beginning July 1, 2010, a drug or vaccine administered
1 35 in this state shall not contain any amount of mercury.



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House File 515 - Introduced continued

2 1 3. a. Subsection 2 shall not apply if the recipient of
2 2 the drug or vaccine, or the recipient's parent or legal
2 3 guardian if the recipient is a minor, has signed a consent
2 4 form as provided in paragraph "b", prior to receiving such
2 5 drug or vaccine. The person administering such drug or
2 6 vaccine shall retain the signed consent form, or a copy
2 7 thereof, in the recipient's permanent medical record.
2 8 b. The department shall develop and make available for use
2 9 a standardized consent form providing that the recipient or
2 10 the recipient's parent or legal guardian:
2 11 (1) Has been informed that the drug or vaccine to be
2 12 administered to the recipient contains mercury.
2 13 (2) Has been advised of all of the following:
2 14 (a) That all forms of mercury are dangerous toxins.
2 15 (b) That exposure to even low levels of mercury may result
2 16 in irreversible systemic damage to the brain, nervous system,
2 17 or other organ or system of the body.
2 18 (c) That mercury ingestion may cause adverse behavioral
2 19 and other changes.
2 20 (3) Consents to the administration of the drug or vaccine.
2 21 4. a. The director may exempt a drug or vaccine that
2 22 contains mercury from the prohibitions in subsection 2 if the
2 23 director finds that an actual or potential incident or public
2 24 health emergency, including an epidemic or medical supply
2 25 shortage, makes necessary the administration of such drug or
2 26 vaccine.
2 27 b. The conditions of an exemption issued pursuant to
2 28 paragraph "a" include all of the following:
2 29 (1) The exemption shall not be issued for a period
2 30 exceeding twelve months.
2 31 (2) Within forty-eight hours after the issuance of the
2 32 exemption, the director shall notify the state board of
2 33 health, the governor, and the general assembly or the
2 34 legislative council, and shall notify the public upon request.
2 35 (3) The administration of the drug or vaccine which is the



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3 1 subject of the exemption is subject to the requirements of
3 2 subsection 3.
3 3 c. Subsequent exemptions for the same drug or vaccine for
3 4 the same incident or public health emergency may be issued for
3 5 periods not exceeding twelve months if the director determines
3 6 that such incident or emergency requires an extension or
3 7 renewal of the prior exemption. The extended or renewed
3 8 exemption shall meet all of the requirements of this
3 9 subsection.

3 10 5. A person who knowingly administers a drug or vaccine in
3 11 violation of this section is guilty of a simple misdemeanor.
3 12 Such person may also be civilly liable for such
3 13 administration. A person awarded damages in a civil action
3 14 arising from a violation of this section is entitled to
3 15 reimbursement for reasonable attorney fees and court costs.

3 16 Sec. 3. Section 135.39B, Code 2007, is repealed.

3 17 Sec. 4. EFFECTIVE DATE. The sections of this Act enacting
3 18 section 135.39E and repealing section 135.39B, Code 2007, take
3 19 effect July 1, 2008.

3 20 EXPLANATION

3 21 This bill relates to the administration of drugs and
3 22 vaccines containing mercury.

3 23 The bill requires the department of public health to
3 24 randomly test drugs and vaccines administered in this state
3 25 for mercury content and to publish its findings.

3 26 The bill prohibits the administration of a drug or vaccine
3 27 containing more than trace amounts of mercury on or after July
3 28 1, 2008, and prohibits the administration of a drug or vaccine
3 29 containing any amount of mercury on or after July 1, 2010.
3 30 However, the bill allows such administration with the informed
3 31 consent of the recipient or the recipient's parent or legal
3 32 guardian.

3 33 The bill also allows the director of public health to issue
3 34 an exemption from the prohibitions if the director finds that
3 35 an actual or potential incident or public health emergency



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4 1 makes necessary the administration of such drug or vaccine.
4 2 A person who knowingly administers a drug or vaccine in
4 3 violation of the bill is guilty of a simple misdemeanor. Such
4 4 person may also be civilly liable for such administration and
4 5 entitled to attorney fees and court costs.
4 6 The bill repeals the current provisions prohibiting early
4 7 childhood immunizations from containing more than trace
4 8 amounts of mercury, effective July 1, 2008, when the bill's
4 9 provisions restricting all drugs and vaccines go into effect.
4 10 LSB 2297HH 82
4 11 nh:rj/gg/14



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House File 516 - Introduced

HOUSE FILE
 BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 32)

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

A BILL FOR

1 An Act relating to various conservation and recreation activities
 2 under the purview of the department of natural resources,
 3 modifying fees, making penalties applicable, and making an
 4 appropriation.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 1397HV 82
 7 av/je/5



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House File 516 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.17, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Biennially, during even-numbered years, the director
1 4 shall schedule and make the necessary arrangements for an Iowa
1 5 congress on resources enhancement and protection. The
1 6 congress shall be held within the state capitol complex ~~during~~
~~1 7 the summer months.~~
1 8 Sec. 2. Section 462A.2, Code 2007, is amended by adding
1 9 the following new subsections:
1 10 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
1 11 factory-installed or dealer-installed emergency cut-off engine
1 12 stop switch that is installed on a personal watercraft.
1 13 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
1 14 cord used to attach the person of the operator of a personal
1 15 watercraft to the cut-off switch.
1 16 Sec. 3. Section 462A.5, subsection 1, unnumbered
1 17 paragraphs 1 and 2, Code 2007, are amended to read as follows:
1 18 The owner of each vessel required to be numbered by this
1 19 state shall register it every three years with the commission
1 20 through the county recorder of the county in which the owner
1 21 resides, or, if the owner is a nonresident, the owner shall
1 22 register it in the county in which such vessel is principally
1 23 used. The commission shall develop and maintain an electronic
1 24 system for the registration of vessels pursuant to this
1 25 chapter. The commission shall have supervisory responsibility
1 26 over the registration of all vessels and shall provide each
1 27 county recorder with registration establish forms and
1 28 certificates and shall allocate identification numbers to each
1 29 county procedures as necessary for the registration of all
1 30 vessels.
1 31 The owner of the vessel shall file an application for
1 32 registration with the appropriate county recorder on forms
1 33 provided by the commission. The application shall be
1 34 completed and signed by the owner of the vessel and shall be
1 35 accompanied by the appropriate fee, and the writing fee



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House File 516 - Introduced continued

2 1 specified in section 462A.53. Upon applying for registration,
2 2 the owner shall display a bill of sale, receipt, or other
2 3 satisfactory proof of ownership as provided by the rules of
2 4 the commission to the county recorder. If the county recorder
2 5 is not satisfied as to the ownership of the vessel or that
2 6 there are no undisclosed security interests in the vessel, the
2 7 county recorder may register the vessel but shall, as a
2 8 condition of issuing a registration certificate, require the
2 9 applicant to follow the procedure provided in section 462A.5A.
2 10 Upon receipt of the application in approved form accompanied
2 11 by the required fees, the county recorder shall enter it upon
2 12 the records of the recorder's office and shall issue to the
2 13 applicant a pocket-size registration certificate. The
2 14 certificate shall be executed in triplicate, one copy to be
2 15 delivered to the owner, one copy to the commission, and one
2 16 copy to be retained on file by the county recorder. The
2 17 registration certificate shall bear the number awarded to the
2 18 vessel, the passenger capacity of the vessel, and the name and
2 19 address of the owner. In the use of all vessels except
2 20 nonpowered sailboats, nonpowered canoes, and commercial
2 21 vessels, the registration certificate shall be carried either
2 22 in the vessel or on the person of the operator of the vessel
2 23 when in use. In the use of nonpowered sailboats, nonpowered
2 24 canoes, or commercial vessels, the registration certificate
2 25 may be kept on shore in accordance with rules adopted by the
2 26 commission. The operator shall exhibit the certificate to a
2 27 peace officer upon request or, when involved in a ~~collision or~~
~~2 28 accident~~ an occurrence of any nature with another vessel or
2 29 other personal property, to the owner or operator of the other
2 30 vessel or personal property.
2 31 Sec. 4. Section 462A.5, subsection 3, unnumbered paragraph
2 32 2, Code 2007, is amended to read as follows:
2 33 Every registration certificate and number issued becomes
2 34 delinquent at midnight April 30 of the last calendar year of
2 35 the registration period unless terminated or discontinued in



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House File 516 - Introduced continued

3 1 accordance with this chapter. After January 1, 2007, an
3 2 unregistered vessel and a renewal of registration may be
3 3 registered for the three-year registration period beginning
3 4 May 1 of that year. When unregistered vessels are registered
3 5 after May 1 of the second year of the three-year registration
3 6 period, such unregistered vessels may be registered for the
3 7 remainder of the current registration period at ~~sixty-six~~
~~3 8 percent two-thirds~~ of the appropriate registration fee. When
3 9 unregistered vessels are registered after May 1 of the third
3 10 year of the three-year registration period, such unregistered
3 11 vessels may be registered for the remainder of the current
3 12 registration period at ~~thirty-three percent~~ one-third of the
3 13 appropriate registration fee.

3 14 Sec. 5. Section 462A.7, Code 2007, is amended to read as
3 15 follows:

3 16 462A.7 ~~COLLISIONS, ACCIDENTS AND CASUALTIES~~ OCCURRENCES
3 17 INVOLVING VESSELS.

3 18 1. The operator of a vessel involved in ~~a collision,~~
~~3 19 accident or other casualty~~ an occurrence that results in
3 20 personal property damage or the injury or death of a person,
3 21 shall, so far as possible without serious danger to the
3 22 operator's own vessel, crew, or passengers, render to other
3 23 persons affected by the ~~collision, accident or casualty,~~
3 24 occurrence such assistance as may be practicable and necessary
3 25 to save them from or minimize any danger caused by the
3 26 ~~collision, accident or other casualty~~ occurrence. The
3 27 operator shall also give the operator's name, address, and
3 28 identification of the operator's vessel in writing to any
3 29 person injured and to the owner of any property damaged in the
3 30 ~~collision, accident or other casualty~~ occurrence.

3 31 2. Whenever any vessel is involved in ~~a collision,~~
~~3 32 accident or casualty~~ an occurrence that results in personal
3 33 property damage or the injury or death of a person, except one
3 34 which results only in property damage not exceeding ~~five~~
~~3 35 hundred two thousand~~ dollars, a report ~~thereof~~ of the



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4 1 occurrence shall be filed with the commission. The report
4 2 shall be filed by the operator of the vessel and shall contain
4 3 such information as the commission may, by rule, require. The
4 4 report shall be submitted ~~without delay~~ within forty-eight
4 5 hours of the occurrence in cases that result in death, or
4 6 disappearance cases, or personal injuries requiring medical
4 7 treatment by a licensed health care provider, and within five
4 8 days of the occurrence in all other cases.

4 9 3. Every law enforcement officer who, in the regular
4 10 course of duty, investigates an occurrence which is required
4 11 to be reported by this section, shall, after completing such
4 12 investigation, forward a report of such occurrence to the
4 13 commission.

4 14 4. a. All reports shall be in writing. A vessel
4 15 operator's report shall be without prejudice to the person
4 16 making the report and shall be for the confidential use of the
4 17 department. However, upon request the department shall
4 18 disclose the identities of the persons on board the vessels
4 19 involved in the occurrence and their addresses. Upon request
4 20 of a person who made and filed a vessel operator's report, the
4 21 department shall provide a copy of the vessel operator's
4 22 report to the requester. A written vessel operator's report
4 23 filed with the department shall not be admissible in or used
4 24 in evidence in any civil or criminal action arising out of the
4 25 facts on which the report is based.

4 26 b. All written reports filed by law enforcement officers
4 27 as required under subsection 3 are confidential to the extent
4 28 provided in section 22.7, subsection 5, and section 622.11.
4 29 However, a completed law enforcement officer's report shall be
4 30 made available by the department or the investigating law
4 31 enforcement agency to any party to ~~a boating accident,~~
4 32 ~~collision, or other casualty~~ an occurrence involving a vessel,
4 33 the party's insurance company or its agent, or the party's
4 34 attorney on written request and payment of a fee.

4 35 5. Failure of the operator of any vessel involved in a



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~~5 1 collision, accident, or other casualty, an occurrence~~ to offer
5 2 assistance and aid to other persons affected by such
5 3 ~~collision, accident, or casualty occurrence~~, as set forth in
5 4 this chapter, or to otherwise comply with the requirements of
5 5 subsection 1, is punishable as follows:

5 6 a. In the event of ~~a collision, accident, or other~~
~~5 7 casualty an occurrence~~ resulting only in property damage, the
5 8 operator is guilty upon conviction of a simple misdemeanor.

5 9 b. In the event of ~~a collision, accident, or other~~
~~5 10 casualty an occurrence~~ resulting in an injury to a person, the
5 11 operator is guilty upon conviction of a serious misdemeanor.

5 12 c. In the event of ~~a collision, accident, or other~~
~~5 13 casualty an occurrence~~ resulting in a serious injury to a
5 14 person, the operator is guilty upon conviction of an
5 15 aggravated misdemeanor.

5 16 d. In the event of ~~a collision, accident, or other~~
~~5 17 casualty an occurrence~~ resulting in the death of a person, the
5 18 operator is guilty upon conviction of a class "D" felony.

5 19 Sec. 6. Section 462A.9, Code 2007, is amended by adding
5 20 the following new subsection:

5 21 NEW SUBSECTION. 12A. An owner of a personal watercraft
5 22 equipped with a cut=off switch shall maintain the cut=off
5 23 switch and the accompanying cut=off switch lanyard in an
5 24 operable, fully functional condition.

5 25 Sec. 7. Section 462A.12, Code 2007, is amended by adding
5 26 the following new subsection:

5 27 NEW SUBSECTION. 14. A person shall not operate a personal
5 28 watercraft that is equipped with a cut=off switch, at any
5 29 time, without first attaching the accompanying cut=off switch
5 30 lanyard to the operator's person while the engine is running
5 31 and the personal watercraft is in use.

5 32 Sec. 8. Section 462A.14A, subsection 3, paragraph b, Code
5 33 2007, is amended to read as follows:

5 34 b. The motorboat or sailboat has been involved in an
5 35 ~~accident or collision~~ occurrence resulting in personal injury



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6 1 or death.

6 2 Sec. 9. Section 462A.23, subsection 2, paragraph c, Code
6 3 2007, is amended to read as follows:

6 4 c. Failure to stop and render aid as required by this
6 5 chapter when ~~a collision, accident or other casualty an~~
6 6 occurrence involving a vessel results in the death or personal
6 7 injury of another.

6 8 Sec. 10. Section 462A.43, Code 2007, is amended to read as
6 9 follows:

6 10 462A.43 TRANSFER OF OWNERSHIP.

6 11 Upon the transfer of ownership of any vessel, the owner,
6 12 except as otherwise provided by this chapter, shall complete
6 13 the form on the back of the registration certificate and shall
6 14 deliver it to the purchaser or transferee at the time of
6 15 delivering the vessel. ~~All registrations must be valid for the~~
~~6 16 current registration period prior to the transfer of any~~
~~6 17 registration, including assignment to a dealer~~ If a vessel has
6 18 an expired registration at the time of transfer, the
6 19 transferee shall pay all applicable fees for the current
6 20 registration period, the appropriate writing fee, and a
6 21 penalty of five dollars, and a transfer of number shall be
6 22 awarded in the same manner as provided for in an original
6 23 registration. All penalties collected pursuant to this
6 24 section shall be forwarded by the commission to the treasurer
6 25 of state, who shall place the money in the state fish and game
6 26 protection fund. The money so collected is appropriated to
6 27 the commission solely for the administration and enforcement
6 28 of navigation laws and water safety.

6 29 Sec. 11. Section 481A.55, subsection 1, Code 2007, is
6 30 amended to read as follows:

6 31 1. Except as otherwise provided, a person shall not buy or
6 32 sell, dead or alive, a bird or animal or any part of one which
6 33 is protected by this chapter, but this section does not apply
6 34 to fur-bearing animals, bones of wild turkeys that were
6 35 legally taken, and the skins, plumage, and antlers of legally



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7 1 taken game. This section does not prohibit the purchase of
7 2 jackrabbits from sources outside this state. A person shall
7 3 not purchase, sell, barter, or offer to purchase, sell, or
7 4 barter for millinery or ornamental use the feathers of
7 5 migratory game birds; and a person shall not purchase, sell,
7 6 barter, or offer to purchase, sell, or barter mounted
7 7 specimens of migratory game birds.
7 8 Sec. 12. Section 481A.123, Code 2007, is amended by adding
7 9 the following new subsection:
7 10 NEW SUBSECTION. 5. This section does not apply to the
7 11 discharge of a firearm on a farm unit by the owner or tenant
7 12 of the farm unit or by a family member of the owner or tenant
7 13 of the farm unit.
7 14 As used in this subsection, "family member", "farm unit",
7 15 "owner", and "tenant" mean the same as defined in section
7 16 483A.24, subsection 2.
7 17 Sec. 13. Section 481A.130, subsection 1, unnumbered
7 18 paragraph 1, Code 2007, is amended to read as follows:
7 19 In addition to the penalties for violations of this chapter
7 20 and chapters 350, 461A, 481B, and 482, or for committing
7 21 trespass as defined in section 716.7 while hunting deer, other
7 22 than farm deer as defined in section 170.1 or preserve
7 23 whitetail as defined in section 484C.1, a person convicted of
7 24 unlawfully selling, taking, catching, killing, injuring,
7 25 destroying, or having in possession any animal, shall
7 26 reimburse the state for the value of such as follows:
7 27 Sec. 14. Section 481A.130, subsection 1, paragraph g, Code
7 28 2007, is amended to read as follows:
7 29 g. For each antlered deer, reimbursement shall be based on
7 30 the ~~point~~ score of the antlered deer as measured by the Boone
7 31 and Crockett club's ~~net~~ scoring system for whitetail deer as
7 32 follows:
7 33 (1) 150 ~~points~~ gross inches or less: A minimum of two
7 34 thousand dollars and not more than five thousand dollars, and
7 35 eighty hours of community service or, in lieu of the community



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8 1 service, a minimum of four thousand dollars and not more than
8 2 ten thousand dollars, in an amount that is deemed reasonable
8 3 by the court.

8 4 (2) More than 150 ~~points~~ gross inches: A minimum of five
8 5 thousand dollars and not more than ten thousand dollars, and
8 6 eighty hours of community service or, in lieu of the community
8 7 service, a minimum of ten thousand dollars and not more than
8 8 twenty thousand dollars, in an amount that is deemed
8 9 reasonable by the court.

8 10 Sec. 15. Section 481A.133, Code 2007, is amended to read
8 11 as follows:

8 12 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
8 13 PERMITS.

8 14 A person who is assessed damages pursuant to section
8 15 481A.130 shall immediately surrender all licenses,
8 16 certificates, and permits to hunt, fish, or trap in the state
8 17 to the department. The licenses, permits, and certificates,
8 18 and the privileges associated with them shall remain suspended
8 19 until the assessed damages and any accrued interest are paid
8 20 ~~or a payment schedule is established by the court in full.~~
8 21 Upon payment of the assessed damages and any accrued interest,
8 22 the suspension shall be lifted. ~~If a payment schedule is~~
~~8 23 established, the suspension shall be lifted and remain so~~
~~8 24 unless the person fails to make a payment pursuant to that~~
~~8 25 schedule. Failure to make a payment shall cause the~~
~~8 26 suspension to be renewed~~ Interest shall begin to accrue as of
8 27 the date of judgment at a rate of ten percent per year.

8 28 Sec. 16. Section 481A.134, Code 2007, is amended to read
8 29 as follows:

8 30 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE LICENSE
8 31 == POINT SYSTEM.

8 32 The department shall establish rules pursuant to chapter
8 33 17A providing for the suspension or revocation of licenses
8 34 issued by the department. The rules may include procedures
8 35 for summary cancellation of a license based on documentation
9 1 that the licensee failed to pay the applicable fee for the
9 2 license. For purposes of determining when to suspend or
9 3 revoke a license issued by the department under this section,
9 4 the department shall adopt a point system pursuant to chapter
9 5 17A for the purpose of weighing the seriousness of violations
9 6 of the provisions of this chapter or chapter 481B, 482, 483A,
9 7 484A, or 484B, or of committing trespass as defined in section
9 8 716.7 while hunting deer, other than farm deer as defined in
9 9 section 170.1 or preserve whitetail as defined in section
9 10 484C.1. The weighted scale may be amended from time to time
9 11 as experience dictates.

9 12 Sec. 17. Section 481A.135, subsections 2, 3, and 4, Code
9 13 2007, are amended to read as follows:

9 14 2. A person who pleads guilty or is convicted of a
9 15 violation of any provision of this chapter or chapter 481B,
9 16 482, 483A, 484A, or 484B, or trespass as defined in section
9 17 716.7 while hunting deer, other than farm deer as defined in
9 18 section 170.1 or preserve whitetail as defined in section
9 19 484C.1, while the person's license or licenses are suspended
9 20 or revoked is guilty of a simple misdemeanor if the person has
9 21 no other violations within the previous three years which



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9 22 occurred while the person's license or licenses have been
9 23 suspended or revoked.

9 24 3. A person who pleads guilty or is convicted of a
9 25 violation of any provision of this chapter or chapter 481B,
9 26 482, 483A, 484A, or 484B, or trespass as defined in section
9 27 716.7 while hunting deer, other than farm deer as defined in
9 28 section 170.1 or preserve whitetail as defined in section
9 29 484C.1, while the person's license or licenses are suspended
9 30 or revoked is guilty of a serious misdemeanor if the person
9 31 has one other violation within the previous three years which
9 32 occurred while the person's license or licenses have been
9 33 suspended or revoked.

9 34 4. A person who pleads guilty or is convicted of a
9 35 violation of any provision of this chapter or chapter 481B,



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10 1 482, 483A, 484A, or 484B, or trespass as defined in section
10 2 716.7 while hunting deer, other than farm deer as defined in
10 3 section 170.1 or preserve whitetail as defined in section
10 4 484C.1, while the person's license or licenses are suspended
10 5 or revoked is guilty of an aggravated misdemeanor when the
10 6 person has had two or more convictions within the previous
10 7 three years which occurred while the person's license or
10 8 licenses have been suspended or revoked.
10 9 Sec. 18. Section 483A.27, subsections 1 and 7, Code 2007,
10 10 are amended to read as follows:
10 11 1. A person born after January 1, ~~1967~~ 1972, shall not
10 12 obtain a hunting license unless the person has satisfactorily
10 13 completed a hunter safety and ethics education course approved
10 14 by the commission. A person who is eleven years of age or
10 15 more may enroll in an approved hunter safety and ethics
10 16 education course, but a person who is eleven years of age and
10 17 who has successfully completed the course shall be issued a
10 18 certificate of completion which becomes valid on the person's
10 19 twelfth birthday. A certificate of completion from an
10 20 approved hunter safety and ethics education course issued in
10 21 this state since 1960, by another state, or by a foreign
10 22 nation, is valid for the requirements of this section.
10 23 7. A hunting license obtained under this section by a
10 24 person who gave false information or presented a fraudulent
10 25 certificate of completion shall be revoked and a new hunting
10 26 license shall not be issued for at least two years from the
10 27 date of conviction. A hunting license obtained by a person
10 28 who was born after January 1, ~~1967~~ 1972, but has not
10 29 satisfactorily completed the hunter safety and ethics
10 30 education course or has not met the requirements established
10 31 by the commission, shall be revoked.
10 32 Sec. 19. Section 716.7, subsection 2, paragraph a, Code
10 33 2007, is amended to read as follows:
10 34 a. Entering upon or in property without the express
10 35 permission of the owner, lessee, or person in lawful



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11 1 possession with the intent to commit a public offense, to use,
11 2 remove therefrom, alter, damage, harass, or place thereon or
11 3 therein anything animate or inanimate, or to hunt, fish or
11 4 trap on or in the property, including the act of taking or
11 5 attempting to take a deer, other than a farm deer as defined
11 6 in section 170.1 or preserve whitetail as defined in section
11 7 484C.1, which is on or in the property by a person who is
11 8 outside the property. This paragraph does not prohibit the
11 9 unarmored pursuit of game or ~~fur-bearing~~ fur-bearing animals by a
11 10 person who lawfully injured or killed the game or fur-bearing
11 11 animal which ~~come~~ comes to rest on or ~~escape~~ escapes to the
11 12 property of another.

11 13 Sec. 20. Section 716.8, Code 2007, is amended by adding
11 14 the following new subsection:

11 15 NEW SUBSECTION. 5. A person who commits a trespass as
11 16 defined in section 716.7, subsection 2, paragraph "a", and
11 17 takes a deer, other than a farm deer as defined in section
11 18 170.1 or preserve whitetail as defined in section 484C.1,
11 19 shall also be subject to civil penalties as provided in
11 20 sections 481A.130 and 481A.131. A deer taken by a person
11 21 while committing such a trespass shall be subject to seizure
11 22 as provided in section 481A.12.

11 23 Sec. 21. Section 805.8B, subsection 1, paragraph b, Code
11 24 2007, is amended to read as follows:

11 25 b. For violations of registration, identification, and
11 26 record provisions under sections 462A.4 and 462A.10, and for
11 27 unused or improper or defective equipment under section
11 28 462A.9, subsections 2, 6, 7, 8, 12A, and 13, and section
11 29 462A.11, and for operation violations under sections 462A.26,
11 30 462A.31, and 462A.33, the scheduled fine is twenty dollars.

11 31 EXPLANATION

11 32 This bill contains provisions relating to the regulation of
11 33 various conservation and recreation activities under the
11 34 purview of the department of natural resources.

11 35 Code section 455A.17 is amended to provide that the



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12 1 biennial meeting of the Iowa congress on resources enhancement
12 2 and protection is not required to be held during the summer
12 3 months.

12 4 Code section 462A.2 is amended to define a "cut-off switch"
12 5 as an operable factory-installed or dealer-installed emergency
12 6 cut-off engine stop switch that is installed on a personal
12 7 watercraft, and to define a "cut-off switch lanyard" as the
12 8 cord used to attach the person of the operator of a personal
12 9 watercraft to the cut-off switch.

12 10 Code section 462A.5, subsection 1, is amended to provide
12 11 that the fee for a vessel registration which is renewed after
12 12 May 1 of the second year of the three-year registration period
12 13 is two-thirds instead of 66 percent of the appropriate
12 14 registration fee. The fee for a vessel registration which is
12 15 renewed after May 1 of the third year of the registration
12 16 period is one-third instead of 33 percent of the appropriate
12 17 registration fee.

12 18 Code sections 462A.5, 462A.7, 462A.14A, and 462A.23 are
12 19 amended to change language referring to collisions, accidents,
12 20 and casualties involving vessels to refer to occurrences
12 21 involving vessels.

12 22 Code section 462A.7 is also amended to provide that the
12 23 owner of a vessel shall give assistance, so far as possible,
12 24 and provide the vessel operator's name, address, and vessel
12 25 identification to any person who is injured or whose property
12 26 is damaged when the operator's vessel is involved in an
12 27 occurrence that results in personal property damage or that
12 28 results in the injury or death of a person. Code section
12 29 462A.7 is also amended to provide that when any vessel is
12 30 involved in such an occurrence, except one which results only
12 31 in property damage not exceeding \$2,000, a report must be
12 32 filed with the natural resource commission by the operator of
12 33 the vessel involved. Previously, a report had to be filed
12 34 when the property damage exceeded \$500. The report must be
12 35 filed within 48 hours of the occurrence when a person dies,



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13 1 disappears, or suffers an injury requiring medical treatment
13 2 by a licensed health care provider. In all other cases, the
13 3 report must be filed within five days of the occurrence.
13 4 Code section 462A.9 is amended to provide that the owner of
13 5 a personal watercraft equipped with a cut-off switch must
13 6 maintain the cut-off switch and the accompanying cut-off
13 7 switch lanyard in an operable, fully functional condition. A
13 8 violation of this new provision is punishable by a scheduled
13 9 fine of \$20 under Code section 805.8B.
13 10 Code section 462A.12 is amended to prohibit a person from
13 11 operating a personal watercraft that is equipped with a cut=
13 12 off switch, at any time, without first attaching the
13 13 accompanying cut-off switch lanyard to the operator's person
13 14 while the engine is running and the personal watercraft is in
13 15 use. A violation of this provision is punishable by a
13 16 scheduled fine of \$25.
13 17 Code section 462A.43 is amended to provide that if a vessel
13 18 has an expired registration at the time of a transfer of
13 19 ownership of the vessel, the transferee is required to pay all
13 20 applicable fees for the current registration period, the
13 21 appropriate writing fee, and a \$5 penalty, after which a
13 22 transfer of number for the vessel will be awarded in the same
13 23 manner as an original registration. The bill also provides
13 24 that penalty fees collected shall be placed in the state fish
13 25 and game protection fund and appropriated to the natural
13 26 resource commission solely for the administration and
13 27 enforcement of navigation laws and water safety.
13 28 Code section 481A.55, subsection 1, is amended to allow a
13 29 person to buy or sell the bones of wild turkeys that were
13 30 legally taken. A violation of this provision is punishable by
13 31 a scheduled fine of \$50.
13 32 Code section 481A.123 is amended to provide that the
13 33 prohibitions of the section against discharging a firearm
13 34 within 200 yards of a building inhabited by people or
13 35 livestock, or a feedlot, do not apply to the discharge of a



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14 1 firearm on a farm unit by owners, tenants, or their family
14 2 members who reside on the farm unit. The terms "family
14 3 member", "farm unit", "owner", and "tenant" are defined to
14 4 mean the same as in Code section 483A.24, which deals with the
14 5 rights of resident landowners, tenants, and their families who
14 6 reside with them, to hunt on farm units which are in tracts of
14 7 two or more contiguous acres, are operated as a unit for
14 8 agricultural purposes, and are under the lawful control of the
14 9 owner or the tenant.

14 10 Code section 481A.130 is amended to provide that a person
14 11 who commits trespass while hunting deer, other than farm deer
14 12 or preserve whitetail, is required to reimburse the state for
14 13 the value of the deer taken as provided in Code section
14 14 481A.130.

14 15 Code section 481A.130 is also amended to provide that a
14 16 person who unlawfully takes an antlered deer shall be assessed
14 17 damages for reimbursement to the state based on the score of
14 18 the deer as measured by the Boone and Crockett Club's scoring
14 19 system, instead of net scoring system, for whitetail deer,
14 20 based on the gross inches score, not the point score of the
14 21 deer.

14 22 Code section 481A.133 is amended to provide that when a
14 23 person is assessed damages for unlawfully selling, taking,
14 24 catching, killing, injuring, destroying, or possessing an
14 25 animal, the person's licenses, certificates, and permits are
14 26 suspended until payment in full of the assessed damages and
14 27 accrued interest. The bill removes the option that allowed a
14 28 person to pay damages pursuant to a payment schedule. The
14 29 bill also specifies that interest begins to accrue as of the
14 30 date of judgment at a rate of 10 percent per year.

14 31 Code section 481A.134 is amended to require the department
14 32 of natural resources to use the crime of committing trespass
14 33 while hunting deer, other than farm deer or preserve
14 34 whitetail, as part of the point system used for purposes of
14 35 determining when to suspend or revoke a license issued by the



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15 1 department.

15 2 Code section 481A.135 is amended to provide that a person
15 3 who commits the crime of trespass while hunting deer and while
15 4 the person's license is suspended or revoked is guilty of a
15 5 simple misdemeanor if the person has no other specified
15 6 violations within the previous three years which occurred
15 7 while the person's license was suspended. A person who has
15 8 one other violation during that time is guilty of a serious
15 9 misdemeanor and a person who has two or more violations during
15 10 that time is guilty of an aggravated misdemeanor. A simple
15 11 misdemeanor is punishable by confinement for no more than 30
15 12 days or a fine of at least \$65 but not more than \$625 or by
15 13 both. A serious misdemeanor is punishable by confinement for
15 14 no more than one year and a fine of at least \$315 but not more
15 15 than \$1,875.

15 16 An aggravated misdemeanor is punishable by confinement for
15 17 no more than two years and a fine of at least \$625 but not
15 18 more than \$6,250.

15 19 Code section 483A.27 is amended to provide that a person
15 20 born after January 1, 1972, instead of January 1, 1967, must
15 21 complete a hunter safety and ethics education course before
15 22 obtaining a hunting license and that a hunting license
15 23 obtained by a such a person who has not completed the required
15 24 course shall be revoked. A violation of these provisions is
15 25 punishable by a scheduled fine of \$20.

15 26 Code section 716.7, which defines what constitutes
15 27 trespass, is amended to include the act of taking or
15 28 attempting to take a deer, other than a farm deer or preserve
15 29 whitetail, which is on or in the property of another person by
15 30 a person who is outside that property and does not have the
15 31 permission of the owner to hunt on the property.

15 32 Code section 716.8 is amended to provide that the penalty
15 33 for committing such a trespass is a simple misdemeanor and the
15 34 violator is also subject to civil penalties including
15 35 reimbursing the state for the value of the deer taken and



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16 1 possible suspension or revocation of the person's licenses
16 2 issued by the department of natural resources.
16 3 LSB 1397HV 82
16 4 av:nh/je/5



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HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 21)

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

A BILL FOR

1 An Act requiring children to have a dental screening as a
2 condition of enrollment in elementary or high school and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1211HV 82
6 nh/es/88



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PAG LIN

1 1 Section 1. NEW SECTION. 135.17 DENTAL SCREENING OF
1 2 CHILDREN.
1 3 1. a. A person shall not be enrolled in a public or
1 4 nonpublic elementary school without presenting evidence of
1 5 having, no earlier than three years of age but prior to
1 6 reaching six years of age, at a minimum, a dental screening
1 7 performed by a licensed physician as defined in chapter 148 or
1 8 150, a nurse licensed under chapter 152, a licensed physician
1 9 assistant as defined in section 148C.1, or a licensed dental
1 10 hygienist or dentist as defined in chapter 153. A person
1 11 shall not be enrolled in a public or nonpublic high school
1 12 without presenting evidence of having, at a minimum, a dental
1 13 screening performed within the prior year by a licensed dental
1 14 hygienist or dentist as defined in chapter 153.
1 15 b. A person performing a dental screening required by this
1 16 section shall record the fact of having conducted the
1 17 screening, and such additional information required by the
1 18 department, on uniform forms developed by the department in
1 19 cooperation with the department of education. The form shall
1 20 include a space for the person performing the screening to
1 21 summarize any condition that may indicate a need for special
1 22 services.
1 23 c. The department shall specify the procedures that
1 24 constitute a dental screening and authorize a waiver signed by
1 25 a licensed physician, nurse, physician assistant, dental
1 26 hygienist, or dentist for a person who is unduly burdened by
1 27 the screening requirement.
1 28 d. The dental screening requirement shall not apply to a
1 29 person who submits an affidavit signed by the person or, if
1 30 the person is a minor, the person's parent or legal guardian,
1 31 stating that the dental screening conflicts with a genuine and
1 32 sincere religious belief.
1 33 2. Each public and nonpublic school shall give notice of
1 34 the dental screening requirement to parents of students
1 35 enrolled or to be enrolled in the school at least ninety days



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House File 517 - Introduced continued

2 1 before the start of the school year in the manner prescribed
2 2 by the department.

2 3 3. A person may be provisionally enrolled in a public or
2 4 nonpublic elementary or high school if the person is in the
2 5 process of obtaining the required dental screening.

2 6 4. Each local board shall furnish the department, within
2 7 sixty days after the start of the school year, evidence that
2 8 each person enrolled in any public or nonpublic school within
2 9 the local board's jurisdiction has met the dental screening
2 10 requirement in this section.

2 11 5. The department shall adopt rules to administer this
2 12 section.

2 13 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,
2 14 2008.

2 15 EXPLANATION

2 16 This bill requires all children, prior to their enrollment
2 17 in a public or nonpublic elementary or high school, to obtain
2 18 a dental screening. The bill requires the person performing
2 19 the screening to complete a uniform form regarding the
2 20 screening and requires the department of public health to
2 21 specify the procedures constituting a screening and to
2 22 authorize a waiver for persons who are unduly burdened by the
2 23 requirement. The screen requirement does not apply to a
2 24 person who submits an affidavit stating that the screening
2 25 conflicts with a genuine and sincere religious belief.

2 26 The bill requires schools to give notice to parents of the
2 27 screening requirement. The bill also provides for provisional
2 28 enrollment if a child is in the process of obtaining a
2 29 screening. Each local board of health is required to furnish
2 30 the department with evidence that all children enrolled in the
2 31 schools within the board's jurisdiction have met the screening
2 32 requirement.

2 33 The bill takes effect July 1, 2008.

2 34 LSB 1211HV 82

2 35 nh:rj/es/88



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House File 518 - Introduced

HOUSE FILE

BY FORD, ABDUL-SAMAD, BERRY,
WESSEL-KROESCHELL, and H. MILLER

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

A BILL FOR

1 An Act to support the establishment of a George Washington Carver
2 endowed chair at the Iowa state university of science and
3 technology and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2489HH 82
6 kh/es/88



**Iowa General Assembly
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House File 518 - Introduced continued

PAG LIN

1 1 Section 1. STATE BOARD OF REGENTS == GEORGE WASHINGTON
1 2 CARVER ENDOWED CHAIR. There is appropriated from the general
1 3 fund of the state to the state board of regents for the fiscal
1 4 period beginning July 1, 2007, and ending June 30, 2009, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purpose designated:

1 7 For purposes of recruiting and retaining high-quality
1 8 faculty and to support their academic pursuits and endeavors
1 9 through the establishment of the George Washington Carver
1 10 endowed chair at the Iowa state university of science and
1 11 technology:

1 12 FY 2007=2008	\$ 250,000
1 13 FY 2008=2009	\$ 250,000

1 14 Moneys appropriated for purposes of the George Washington
1 15 Carver endowed chair as provided by this section shall be
1 16 allocated only to the extent that the state moneys are matched
1 17 from other sources by the Iowa state university of science and
1 18 technology on a basis of a two dollar university contribution
1 19 for every one dollar appropriated under this section.

EXPLANATION

1 21 This bill appropriates \$250,000 from the general fund of
1 22 the state to the state board of regents for FY 2007=2008 and
1 23 FY 2008=2009 for purposes of recruiting and retaining high
1 24 quality faculty and to support their academic pursuits and
1 25 endeavors through the establishment of the George Washington
1 26 Carver endowed chair at the Iowa state university of science
1 27 and technology (ISU). The allocation of the moneys requires a
1 28 match of \$2 by ISU for every \$1 provided of state moneys.

1 29 LSB 2489HH 82
1 30 kh:nh/es/88



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House File 519 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act authorizing certain association group health care plans,
- 2 wellness initiatives, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1960YH 82
- 5 av/cf/24



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House File 519 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 ASSOCIATION GROUP HEALTH CARE PLANS
1 3 Section 1. Section 509.1, Code 2007, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 7A. A policy of group health insurance
1 6 coverage, as defined in section 513B.2, issued by a small
1 7 employer carrier, as defined in section 513B.2, to a bona fide
1 8 association, subject to the following requirements:
1 9 a. The policy provides group health insurance coverage to
1 10 eligible employees of members of a bona fide association that
1 11 are small employers as defined in section 513B.2, and to the
1 12 spouses and dependents of such employees.
1 13 b. The policy is issued to a bona fide association. For
1 14 the purposes of this subsection, a bona fide association is an
1 15 association which meets all of the following requirements:
1 16 (1) The association is a trade, industry, or professional
1 17 association which is organized in good faith as a nonprofit
1 18 corporation under chapter 504 for purposes other than
1 19 obtaining insurance and has been in existence and actively
1 20 maintained for at least five continuous years at the time the
1 21 policy is issued.
1 22 (2) The association does not condition membership in the
1 23 association on the health status of employees of its members
1 24 or the health status of the spouses and dependents of such
1 25 employees.
1 26 (3) Group health insurance coverage offered by the
1 27 association is available to all eligible employees of its
1 28 members that are small employers as defined in section 513B.2
1 29 who choose to participate in the health insurance coverage
1 30 offered, and to the spouses and dependents of such employees,
1 31 regardless of the health status of such employees or their
1 32 spouses and dependents.
1 33 (4) Group health insurance coverage offered by the
1 34 association is available only to persons who are eligible
1 35 employees of a small employer as defined in section 513B.2



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2 1 that is a member of the association, or to the spouses or
2 2 dependents of such employees.

2 3 Sec. 2. Section 509.1, subsection 8, unnumbered paragraph
2 4 1, Code 2007, is amended to read as follows:

2 5 A policy issued to a resident of this state under a group
2 6 life, accident, or health insurance policy issued to a group
2 7 other than one described in subsections 1 through 7 7A,
2 8 subject to the following requirements:

2 9 Sec. 3. Section 513B.2, subsection 6, paragraph a,
2 10 subparagraph (3), Code 2007, is amended by striking the
2 11 subparagraph and inserting in lieu thereof the following:

2 12 (3) The coverages are provided by a policy of group health
2 13 insurance coverage through a bona fide association as provided
2 14 in section 509.1, subsection 7A, which meets the requirements
2 15 for a class of business under section 513B.4. A small
2 16 employer carrier may condition coverages under such a policy
2 17 of group health insurance coverage on any of the following
2 18 requirements:

2 19 (a) Minimum levels of participation by employees of each
2 20 member of a bona fide association that offers the coverage to
2 21 its employees.

2 22 (b) Minimum levels of contribution by each member of a
2 23 bona fide association that offers the coverage to its
2 24 employees.

2 25 (c) A specified policy term, subject to annual premium
2 26 rate adjustments as permitted by section 513B.4.

2 27 Sec. 4. Section 513B.2, subsection 6, paragraph a, Code
2 28 2007, is amended by adding the following new subparagraph:

2 29 NEW SUBPARAGRAPH. (4) The coverages are provided by a
2 30 policy of group health insurance coverage through two or more
2 31 bona fide associations as provided in section 509.1,
2 32 subsection 7A, which a small employer carrier has aggregated
2 33 as a distinct grouping that meets the requirements for a class
2 34 of business under section 513B.4. After a distinct grouping
2 35 of bona fide associations is established as a class of



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3 1 business, the small group carrier shall not remove a bona fide
3 2 association from the class based on the claims experience of
3 3 that association. A small employer carrier may condition
3 4 coverages under such a policy of group health insurance
3 5 coverage on any of the following requirements:

3 6 (a) Minimum levels of participation by employees of each
3 7 member of a bona fide association in the class that offers the
3 8 coverage to its employees.

3 9 (b) Minimum levels of contribution by each member of a
3 10 bona fide association in the class that offers the coverage to
3 11 its employees.

3 12 (c) A specified policy term, subject to annual premium
3 13 rate adjustments as permitted by section 513B.4.

3 14 Sec. 5. Section 513B.2, subsection 6, paragraph b, Code
3 15 2007, is amended to read as follows:

3 16 b. A small employer carrier may establish ~~no more than two~~
3 17 additional groupings under each of the subparagraphs in
3 18 paragraph "a" on the basis of underwriting criteria which are
3 19 expected to produce substantial variation in the health care
3 20 costs.

3 21 DIVISION II

3 22 WELLNESS INITIATIVES

3 23 Sec. 6. Section 513B.4, Code 2007, is amended by adding
3 24 the following new subsection:

3 25 NEW SUBSECTION. 6. Notwithstanding subsection 4, a small
3 26 employer carrier may offer to transfer a small employer into a
3 27 different class of business with a lower index rate based upon
3 28 claims experience, implementation of managed care or wellness
3 29 programs, or health status improvement of the small employer
3 30 since issue.

3 31 Sec. 7. NEW SECTION. 513B.4B SMALL EMPLOYER INCENTIVES
3 32 == SUSPENSION OR MODIFICATION OF PREMIUM RATE RESTRICTIONS.

3 33 1. In order to encourage voluntary participation in
3 34 wellness or disease management programs, a small employer
3 35 carrier may offer premium credits or discounts to a small



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4 1 employer for the benefit of eligible employees of that small
4 2 employer who participate in such a program. An employee shall
4 3 not be penalized in any way for not participating in such a
4 4 program.

4 5 2. The commissioner shall adopt, by rule or order,
4 6 provisions allowing suspension or modification of premium rate
4 7 restrictions to enable a small employer carrier to provide
4 8 premium credits or discounts to a small employer based on
4 9 measurable reductions in costs of that small employer,
4 10 including but not limited to tobacco use cessation,
4 11 participation in established wellness or disease management
4 12 programs, and reduced administrative or distribution costs.

4 13 DIVISION III

4 14 EFFECTIVE DATE

4 15 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
4 16 immediate importance, takes effect upon enactment.

4 17 EXPLANATION

4 18 This bill authorizes certain association group health care
4 19 plans, and wellness initiatives.

4 20 DIVISION I == ASSOCIATION GROUP HEALTH CARE PLANS. The
4 21 bill creates Code section 509.1, subsection 7A, which
4 22 authorizes issuance of a group health insurance policy issued
4 23 by a small employer carrier, as defined in Code section
4 24 513B.2, to a bona fide association to provide health insurance
4 25 coverage to employees of association members and to the
4 26 spouses and dependents of such employees.

4 27 The bill defines what constitutes a bona fide association
4 28 to whom such a policy may be issued and requires that the
4 29 insurance offered be available only to employees and their
4 30 spouses and dependents, of association members which are small
4 31 employers as defined in Code section 513B.2.

4 32 The bill requires that a bona fide association for the
4 33 purposes of this type of policy must be a trade, industry, or
4 34 professional association which is organized in good faith as a
4 35 nonprofit corporation under Code chapter 504 for purposes



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5 1 other than obtaining insurance and has been in existence and
5 2 actively maintained for at least five continuous years at the
5 3 time the policy is issued; not condition membership in the
5 4 association on the health status of employees of members or
5 5 their spouses or dependents; make coverage offered by the
5 6 association available to all eligible employees and their
5 7 spouses and dependents, of its members that are small
5 8 employers who choose to participate in the coverage; and make
5 9 the coverage offered available only to persons who are
5 10 eligible employees and their spouses and dependents, of a
5 11 small employer that is a member of the association.

5 12 For the purposes of Code section 509.1, subsection 7A, a
5 13 "small employer" means a person actively engaged in business
5 14 who, on at least 50 percent of the employer's working days
5 15 during the preceding year, employed not less than two and not
5 16 more than 50 full-time equivalent, eligible employees.

5 17 The bill amends Code section 513B.2, subsection 6,
5 18 paragraph "a", to provide that coverages provided by a group
5 19 health insurance policy through a bona fide association
5 20 pursuant to Code section 509.1, subsection 7A, can constitute
5 21 a class of business and a small employer carrier may condition
5 22 coverages under such a policy on minimum levels of
5 23 participation by employees of each association member, minimum
5 24 levels of contribution by each association member that offers
5 25 the coverage to its employees, and a specified policy term,
5 26 subject to annual premium rate adjustments as permitted by
5 27 Code section 513B.4.

5 28 Code section 513B.2, subsection 6, paragraph "a", is also
5 29 amended to provide that coverages provided by a group health
5 30 insurance policy through two or more bona fide associations as
5 31 provided in Code section 509.1, subsection 7A, which a small
5 32 employer carrier has aggregated as a distinct grouping can
5 33 constitute a class of business and a small employer carrier
5 34 may condition coverages under such a policy as set forth
5 35 above. A small employer carrier cannot remove a bona fide



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6 1 association from such a class based on the claims experience
6 2 of that association.
6 3 Code section 513B.2, subsection 6, paragraph "b", is
6 4 amended to allow a small employer carrier to establish more
6 5 than two additional groupings as classes of business under
6 6 Code section 513B.2, subsection 6, paragraph "a", on the basis
6 7 of underwriting criteria which are expected to produce
6 8 substantial variation in the health care costs.
6 9 DIVISION II == WELLNESS INITIATIVES. Code section 513B.4
6 10 is amended to allow a small employer carrier to transfer a
6 11 small employer into a different class of business with a lower
6 12 index rate based upon claims experience, implementation of
6 13 managed care or wellness programs, or health status
6 14 improvement of the small employer since issuance of the
6 15 policy.
6 16 New Code section 513B.4B allows a small employer carrier to
6 17 offer premium credits or discounts to a small employer for the
6 18 benefit of eligible employees of that employer who voluntarily
6 19 participate in wellness or disease management programs. The
6 20 bill requires the commissioner of insurance to adopt rules or
6 21 orders allowing suspension or modification of premium rate
6 22 restrictions to enable a small employer carrier to provide
6 23 such premium credits or discounts to a small employer based on
6 24 measurable reductions in costs of that small employer,
6 25 including but not limited to tobacco use cessation,
6 26 participation in established wellness or disease management
6 27 programs, and reduced administrative or distribution costs.
6 28 The bill prohibits an employee from being penalized in any way
6 29 for not participating in a wellness or disease management
6 30 program.
6 31 DIVISION III == EFFECTIVE DATE. The bill takes effect upon
6 32 enactment.
6 33 LSB 1960YH 82
6 34 av:rj/cf/24



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House File 520 - Introduced

HOUSE FILE
BY HEATON and UPMEYER

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

A BILL FOR

- 1 An Act relating to medical assistance program criteria for
- 2 admission to a psychiatric medical institution for children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2662YH 82
- 5 pf/cf/24



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House File 520 - Introduced continued

PAG LIN

1 1 Section 1. Section 135H.3, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. A child who is diagnosed with a
1 4 biologically based mental illness as defined in section
1 5 514C.22 and meets the medical assistance program criteria for
1 6 admission to a psychiatric medical institution for children
1 7 shall be deemed to meet the acuity criteria for inpatient
1 8 benefits under a group policy, contract, or plan providing for
1 9 third-party payment or prepayment of health, medical, and
1 10 surgical coverage benefits issued by a carrier, as defined in
1 11 section 513B.2, or by an organized delivery system authorized
1 12 under 1993 Iowa Acts, ch. 158, that is subject to section
1 13 514C.22.

1 14 EXPLANATION

1 15 This bill amends Code section 135H.3 to provide that a
1 16 child who is diagnosed with a biologically based mental
1 17 illness, as defined in new Code section 514C.22, and meets the
1 18 medical assistance program criteria for admission to a
1 19 psychiatric medical institution for children is deemed to meet
1 20 the acuity criteria for specified third-party payment of
1 21 inpatient benefits.

1 22 LSB 2662YH 82

1 23 pf:rj/cf/24



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House File 521 - Introduced

HOUSE FILE
BY UPMEYER, BOAL, HEATON,
STRUYK, and TJEPKES

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act addressing financial crimes by providing for the
2 establishment of specialized units in the departments of
3 justice and public safety and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1497YH 82
6 jp/je/5



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House File 521 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 13.35 FINANCIAL CRIMES UNIT.
1 2 1. For the purposes of this section, "financial crimes"
1 3 means crimes primarily involving financial matters and
1 4 includes but is not limited to health care fraud, mortgage
1 5 fraud, check fraud, money laundering, telemarketing fraud,
1 6 identity theft, and terrorism financing.
1 7 2. The attorney general shall establish a financial crimes
1 8 unit to address financial crimes in this state. The unit
1 9 shall specialize in prosecuting financial crimes and assisting
1 10 county attorneys in prosecutions of such crimes. The unit
1 11 shall also serve as a statewide resource to educate banks,
1 12 credit unions, and other financial institutions in detecting
1 13 financial crimes. The unit shall work closely with the
1 14 financial crimes unit maintained in the department of public
1 15 safety, division of criminal investigation, pursuant to
1 16 section 80.9.
1 17 3. Implementation of the unit is contingent upon the
1 18 availability of funding.
1 19 Sec. 2. Section 80.9, subsection 2, Code 2007, is amended
1 20 by adding the following new paragraph:
1 21 NEW PARAGRAPH. k. To maintain a financial crimes unit in
1 22 the division of criminal investigation. For the purposes of
1 23 this paragraph, "financial crimes" means the same as defined
1 24 in section 13.35. The unit shall work closely with the
1 25 financial crimes unit established by the attorney general
1 26 pursuant to section 13.35. The unit shall specialize in
1 27 investigating financial crimes and enforcing the laws to
1 28 address financial crimes and shall assist local law
1 29 enforcement in such investigations and enforcement activities.
1 30 Implementation of the unit is contingent upon the availability
1 31 of funding.
1 32 Sec. 3. FINANCIAL CRIMES UNIT == DEPARTMENT OF JUSTICE.
1 33 There is appropriated from the general fund of the state to
1 34 the department of justice for the fiscal year beginning July
1 35 1, 2007, and ending June 30, 2008, the following amount, or so



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2 1 much thereof as is necessary, to be used for the purposes
2 2 designated:
2 3 For implementation of the financial crimes unit established
2 4 pursuant to section 13.35, as enacted by this Act:
2 5 \$ 250,000

2 6 Sec. 4. FINANCIAL CRIMES UNIT == DEPARTMENT OF PUBLIC
2 7 SAFETY. There is appropriated from the general fund of the
2 8 state to the department of public safety for the fiscal year
2 9 beginning July 1, 2007, and ending June 30, 2008, the
2 10 following amount, or so much thereof as is necessary, to be
2 11 used for the purposes designated:

2 12 For implementation of the financial crimes unit established
2 13 pursuant to section 80.9, as amended by this Act:
2 14 \$ 250,000

EXPLANATION

2 16 This bill relates to financial crimes by providing for the
2 17 establishment of specialized units in the departments of
2 18 justice and public safety.

2 19 New Code section 13.35 requires the attorney general to
2 20 establish a financial crimes unit in the department of justice
2 21 to prosecute and assist county attorneys in the prosecution of
2 22 such crimes. In addition, the unit is required to work with
2 23 financial institutions in detecting financial crimes and with
2 24 the financial crimes unit established in the department of
2 25 public safety pursuant to the bill. The term "financial
2 26 crimes" is defined to mean crimes primarily involving
2 27 financial matters and includes but is not limited to health
2 28 care fraud, mortgage fraud, check fraud, money laundering,
2 29 telemarketing fraud, identity theft, and terrorism financing.

2 30 Code section 80.9, relating to the duties of the department
2 31 of public safety, is amended to require the department to
2 32 maintain a financial crimes unit to specialize in
2 33 investigating financial crimes and enforcing the laws to
2 34 address financial crimes and to assist local law enforcement
2 35 in such investigations and enforcement activities. The



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3 1 definition of the term "financial crimes" used in new Code
3 2 section 13.35 is incorporated by reference.
3 3 Implementation of both units is made subject to the
3 4 availability of funding. The bill provides FY 2007=2008
3 5 appropriations from the general fund of the state to both
3 6 departments for purposes of the units.
3 7 LSB 1497YH 82
3 8 jp:nh/je/5



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House File 522 - Introduced

HOUSE FILE
BY T. TAYLOR

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

A BILL FOR

- 1 An Act concerning employees subject to unannounced drug or
- 2 alcohol testing.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2578YH 82
- 5 ec/gg/14



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House File 522 - Introduced continued

PAG LIN

1 1 Section 1. Section 730.5, subsection 8, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. Employers may conduct unannounced drug or alcohol
1 4 testing of employees who are selected from any of the
1 5 following pools of employees:

1 6 (1) The entire employee population at a particular work
1 7 site of the employer except for employees not subject to
1 8 testing pursuant to a collective bargaining agreement, or
1 9 employees who are not scheduled to be at work at the time the
1 10 testing is conducted because of the status of the employees or
1 11 who have been excused from work pursuant to the employer's
1 12 work policy prior to the time the testing is announced to
1 13 employees.

1 14 (2) The entire full-time active employee population at a
1 15 particular work site except for employees not subject to
1 16 testing pursuant to a collective bargaining agreement, or
1 17 employees who are not scheduled to be at work at the time the
1 18 testing is to be conducted because of the status of the
1 19 employee, or who have been excused from work pursuant to the
1 20 employer's working policy.

1 21 (3) All employees at a particular work site who are in a
1 22 pool of employees in a safety-sensitive position and who are
1 23 scheduled to be at work at the time testing is conducted,
1 24 other than employees not subject to testing pursuant to a
1 25 collective bargaining agreement, or employees who are not
1 26 scheduled to be at work at the time the testing is to be
1 27 conducted or who have been excused from work pursuant to the
1 28 employer's work policy prior to the time the testing is
1 29 announced to employees.

1 30 EXPLANATION

1 31 This bill concerns the conducting of unannounced drug or
1 32 alcohol testing of employees by an employer. Current law
1 33 provides that random testing must be conducted from a pool of
1 34 employees that include all the employees subject to testing
1 35 unless the employee is not scheduled for work or excused from



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2 1 work at the time of testing. The bill provides that employees
2 2 not subject to testing pursuant to a collective bargaining
2 3 agreement are excluded from the pools of employees from which
2 4 a random drug or alcohol test may be conducted.
2 5 LSB 2578YH 82
2 6 ec:nh/gg/14



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House File 523 - Introduced

HOUSE FILE

BY HEATON, ALONS, WINDSCHITL,
ARNOLD, RASMUSSEN, RAYHONS,
STRUYK, VAN FOSSEN, BOAL,
DEYOE, DRAKE, GRANZOW,
S. OLSON, JACOBS, and KAUFMANN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to mental health, mental retardation,
2 developmental disabilities, and brain injury services by
3 increasing the allowed growth appropriation made for
4 distribution to counties for the fiscal year beginning July 1,
5 2007.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1472YH 82
8 jp/es/88



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House File 523 - Introduced continued

PAG LIN

1 1 Section 1. 2006 Iowa Acts, chapter 1185, section 1, is
 1 2 amended to read as follows:
 1 3 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
 1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
 1 5 == FISCAL YEAR 2007=2008.
 1 6 1. There is appropriated from the general fund of the
 1 7 state to the department of human services for the fiscal year
 1 8 beginning July 1, 2007, and ending June 30, 2008, the
 1 9 following amount, or so much thereof as is necessary, to be
 1 10 used for the purpose designated:
 1 11 For distribution to counties of the county mental health,
 1 12 mental retardation, and developmental disabilities allowed
 1 13 growth factor adjustment, as provided in this section in lieu
 1 14 of the provisions of section 331.438, subsection 2, and
 1 15 section 331.439, subsection 3, and chapter 426B:
 1 16 \$ ~~43,287,141~~
 1 17 66,987,141
 1 18 2. The funding appropriated in this section is the allowed
 1 19 growth factor adjustment for fiscal year 2007=2008, and is
 1 20 allocated as follows:
 1 21 a. For distribution to counties for fiscal year 2007=2008
 1 22 in accordance with the formula in section 331.438, subsection
 1 23 2, paragraph "b":
 1 24 \$ 12,000,000
 1 25 b. For deposit in the per capita expenditure target pool
 1 26 created in the property tax relief fund and for distribution
 1 27 in accordance with section 426B.5, subsection 1:
 1 28 \$ ~~24,360,548~~
 1 29 50,060,548
 1 30 c. For deposit in the risk pool created in the property
 1 31 tax relief fund and for distribution in accordance with
 1 32 section 426B.5, subsection 2:
 1 33 \$ ~~2,000,000~~
 1 34 0
 1 35 d. For ~~expansion of services to persons with~~ transfer to



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~~2 1 the department of public health for the brain injury services~~
~~2 2 program in accordance with the law enacted by the Eighty-first~~
~~2 3 General Assembly, 2006 Session, as law providing for such~~
~~2 4 expansion of services to commence in the fiscal year beginning~~
~~2 5 July 1, 2006 section 135.22B:~~
2 6 \$ 4,926,593
~~2 7 If 2006 Iowa Acts, House File 2772, is enacted by the~~
~~2 8 Eighty-first General Assembly, 2006 Session, the allocation~~
~~2 9 made in this lettered paragraph shall be transferred to the~~
~~2 10 Iowa department of public health to be used for the brain~~
~~2 11 injury services program created pursuant to that Act.~~

EXPLANATION

2 13 This bill increases the appropriation made for county
2 14 allowed growth for MH/MR/DD/BI services for fiscal year
2 15 2007=2008. In accordance with Code section 331.439, the
2 16 allowed growth appropriation is made in the fiscal year two
2 17 years prior to the fiscal year for which the appropriation is
2 18 made. The appropriation is increased from approximately \$43.3
2 19 million to approximately \$67 million, with the increased
2 20 amount allocated for the per capita expenditure target pool
2 21 portion of the allowed growth distribution formula. In
2 22 addition, an allocation of the appropriation made for the risk
2 23 pool is shifted to the per capita expenditure target pool.

2 24 LSB 1472YH 82

2 25 jp:rj/es/88