



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 27, 2007

House Amendment 1084

PAG LIN

1 1 Amend House File 516 as follows:  
1 2 #1. Page 6, by inserting after line 28 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 462A.84, subsection 3, Code  
1 5 2007, is amended by striking the subsection and  
1 6 inserting in lieu thereof the following:  
1 7 3. When a security interest is discharged, the  
1 8 secured party shall note the cancellation of the  
1 9 security interest on the face of the certificate of  
1 10 title and send the title by first class mail to the  
1 11 office of the county recorder where the title was  
1 12 issued, or the secured party shall send a notarized  
1 13 letter by first class mail to the county recorder  
1 14 where the title was issued notifying the county  
1 15 recorder of the cancellation of the security interest.  
1 16 The county recorder shall note the release of the  
1 17 security interest in the county records as evidence of  
1 18 the release of the security interest.>  
1 19 #2. By renumbering as necessary.  
1 20  
1 21  
1 22  
1 23 BELL of Jasper  
1 24 HF 516.301 82  
1 25 av/cf/6978  
1 26  
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House Amendment 1085

PAG LIN

1 1 Amend House File 337 as follows:  
1 2 #1. Page 1, line 3, by inserting after the word  
1 3 <banking> the following: <and related postnatal  
1 4 procedures>.  
1 5 #2. Page 1, by inserting after line 13 the  
1 6 following:  
1 7 <cc. A representative of the Iowa osteopathic  
1 8 medical association.>  
1 9 #3. Page 3, by inserting after line 20 the  
1 10 following:  
1 11 <4A. In addition to postnatal tissue and fluid  
1 12 banking the task force shall review the issue of the  
1 13 retention, use, and disposition of neonatal metabolic  
1 14 screening specimens, including but not limited to the  
1 15 length of time the specimens are retained and specimen  
1 16 research use.>  
1 17 #4. Title page, line 2, by inserting after the  
1 18 word <banking> the following: <and related postnatal  
1 19 procedures>.  
1 20 #5. By renumbering as necessary.  
1 21  
1 22  
1 23  
1 24 COMMITTEE ON HUMAN RESOURCES AMENDMENT  
1 25 SMITH of Marshall, Chairperson  
1 26 HF 337.302 82  
1 27 pf/cf/7356  
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## House Amendment 1086

PAG LIN

1 1 Amend House File 555 as follows:

1 2 #1. Page 1, by striking lines 14 through 33 and  
1 3 inserting the following:

1 4 <2. a. Moneys deposited in the healthy Iowans  
1 5 tobacco trust, with the exception of proceeds derived  
1 6 from payment of taxes pursuant to section 453A.6,  
1 7 subsection 1, paragraph "a", subparagraph (2); section  
1 8 453A.6, subsection 1, paragraph "b", subparagraph (2);  
1 9 section 453A.43, subsection 1, paragraph "b"; and  
1 10 section 453A.43, subsection 2, paragraph "b", shall be  
1 11 used only in accordance with appropriations from the  
1 12 healthy Iowans tobacco trust for purposes related to  
1 13 health care, substance abuse treatment and  
1 14 enforcement, tobacco use prevention and control, and  
1 15 other purposes related to the needs of children,  
1 16 adults, and families in the state.

1 17 b. (1) Moneys deposited in the healthy Iowans  
1 18 tobacco trust which constitute proceeds derived from  
1 19 payment of taxes pursuant to section 453A.6,  
1 20 subsection 1, paragraph "a", subparagraph (2); section  
1 21 453A.6, subsection 1, paragraph "b", subparagraph (2);  
1 22 section 453A.43, subsection 1, paragraph "b"; and  
1 23 section 453A.43, subsection 2, paragraph "b", shall be  
1 24 used only in accordance with appropriations from the  
1 25 healthy Iowans tobacco trust for the following  
1 26 purposes:

1 27 (a) Tobacco use prevention and control.

1 28 (b) Substance abuse prevention including substance  
1 29 abuse prevention for children.

1 30 (c) Smoking cessation products.

1 31 (d) Phenylketonuria assistance.

1 32 (e) The AIDS drug assistance program.

1 33 (f) The birth defects institute.

1 34 (g) Medical assistance supplemental funding.

1 35 (h) Medical assistance reimbursement for  
1 36 physicians and other medical providers, dental  
1 37 providers, hospital providers, home health care  
1 38 providers, critical access hospitals, home health and  
1 39 habilitative day care providers, respite care  
1 40 providers, and breast and cervical cancer treatment.

1 41 (i) The state children's health insurance  
1 42 expansion program under the medical assistance  
1 43 program.

1 44 (j) Child and family services.

1 45 (2) Beginning July 1, 2008, and thereafter, moneys  
1 46 deposited in the healthy Iowans tobacco trust that are  
1 47 derived from the sources described in this paragraph  
1 48 "b" shall be appropriated for the purposes described  
1 49 in subparagraph (1), annually, in amounts such that  
1 50 the amounts appropriated for the purposes in the



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House Amendment 1086 continued

2 1 fiscal year beginning July 1, 2006, are increased by  
2 2 an amount which is the difference between the amount  
2 3 of revenue generated from the sources described in  
2 4 this paragraph "b" for the fiscal year beginning July  
2 5 1, 2006, and the amount of revenue generated from  
2 6 those sources in the fiscal year beginning July 1,  
2 7 2007, multiplied by one hundred and fifteen percent.  
2 8 (3) Notwithstanding any provision of law to the  
2 9 contrary, moneys derived from the sources described in  
2 10 this paragraph "b" and deposited in the healthy Iowans  
2 11 tobacco trust which are unobligated or unexpended for  
2 12 the purposes designated at the end of any fiscal year  
2 13 shall be transferred to the senior living trust fund  
2 14 created in section 249H.4.>  
2 15 #2. By renumbering, redesignating, and correcting  
2 16 internal references as necessary.  
2 17  
2 18  
2 19  
2 20 STRUYK of Pottawattamie  
2 21 HF 555.502 82  
2 22 pf/je/7319



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## House Amendment 1087

PAG LIN

1 1 Amend House File 555 as follows:

1 2 #1. Page 1, by striking lines 14 through 33 and  
1 3 inserting the following:

1 4 <2. a. Moneys deposited in the healthy Iowans  
1 5 tobacco trust, with the exception of proceeds derived  
1 6 from payment of taxes pursuant to section 453A.6,  
1 7 subsection 1, paragraph "a", subparagraph (2); section  
1 8 453A.6, subsection 1, paragraph "b", subparagraph (2);  
1 9 section 453A.43, subsection 1, paragraph "b"; and  
1 10 section 453A.43, subsection 2, paragraph "b", shall be  
1 11 used only in accordance with appropriations from the  
1 12 healthy Iowans tobacco trust for purposes related to  
1 13 health care, substance abuse treatment and  
1 14 enforcement, tobacco use prevention and control, and  
1 15 other purposes related to the needs of children,  
1 16 adults, and families in the state.

1 17 b. (1) Moneys deposited in the healthy Iowans  
1 18 tobacco trust which constitute proceeds derived from  
1 19 payment of taxes pursuant to section 453A.6,  
1 20 subsection 1, paragraph "a", subparagraph (2); section  
1 21 453A.6, subsection 1, paragraph "b", subparagraph (2);  
1 22 section 453A.43, subsection 1, paragraph "b"; and  
1 23 section 453A.43, subsection 2, paragraph "b", shall be  
1 24 used only in accordance with appropriations from the  
1 25 healthy Iowans tobacco trust for the following  
1 26 purposes:

1 27 (a) Tobacco use prevention and control.

1 28 (b) Substance abuse prevention including substance  
1 29 abuse prevention for children.

1 30 (c) Smoking cessation products.

1 31 (d) Phenylketonuria assistance.

1 32 (e) The AIDS drug assistance program.

1 33 (f) The birth defects institute.

1 34 (g) Medical assistance supplemental funding.

1 35 (h) Medical assistance reimbursement for  
1 36 physicians and other medical providers, dental  
1 37 providers, hospital providers, home health care  
1 38 providers, critical access hospitals, home health and  
1 39 habilitative day care providers, respite care  
1 40 providers, and breast and cervical cancer treatment.

1 41 (i) The state children's health insurance  
1 42 expansion program under the medical assistance  
1 43 program.

1 44 (j) Child and family services.

1 45 (2) Beginning July 1, 2008, and thereafter, moneys  
1 46 deposited in the healthy Iowans tobacco trust that are  
1 47 derived from the sources described in this paragraph  
1 48 "b" shall be appropriated for the purposes described  
1 49 in subparagraph (1), annually, in amounts such that  
1 50 the amounts appropriated for the purposes in the



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2 1 fiscal year beginning July 1, 2006, are increased by  
2 2 an amount which is the difference between the amount  
2 3 of revenue generated from the sources described in  
2 4 this paragraph "b" for the fiscal year beginning July  
2 5 1, 2006, and the amount of revenue generated from  
2 6 those sources in the fiscal year beginning July 1,  
2 7 2007.  
2 8 (3) Notwithstanding any provision of law to the  
2 9 contrary, moneys derived from the sources described in  
2 10 this paragraph "b" and deposited in the healthy Iowans  
2 11 tobacco trust which are unobligated or unexpended for  
2 12 the purposes designated at the end of any fiscal year  
2 13 shall be transferred to the senior living trust fund  
2 14 created in section 249H.4.>  
2 15 #2. By renumbering, redesignating, and correcting  
2 16 internal references as necessary.  
2 17  
2 18  
2 19  
2 20 STRUYK of Pottawattamie  
2 21 HF 555.501 82  
2 22 pf/je/7321



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House File 539 - Introduced

HOUSE FILE  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 83)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to animal feeding operations, by providing for
- 2 the enforcement of regulatory provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1405HV 82
- 5 da/je/5



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House File 539 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.175, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:

1 3 If there is substantial evidence that any person has  
1 4 violated or is violating any provision of this part of this  
1 5 division or chapter 459, subchapter III, chapter 459A, or of  
1 6 any rule or standard established or permit issued pursuant  
1 7 thereto; then:

1 8 Sec. 2. Section 459.103, subsection 3, Code 2007, is  
1 9 amended by striking the subsection.

1 10 Sec. 3. Section 459.601, Code 2007, is amended by adding  
1 11 the following new subsection:

1 12 NEW SUBSECTION. 1A. a. The department and the attorney  
1 13 general shall enforce the provisions of this chapter in the  
1 14 same manner as provided in chapter 455B, division I.

1 15 b. The department and the attorney general may enforce the  
1 16 provisions of subchapter III in the same manner as provided in  
1 17 section 455B.175.

1 18 Sec. 4. Section 459.603, Code 2007, is amended to read as  
1 19 follows:

1 20 459.603 WATER QUALITY VIOLATIONS == CIVIL PENALTY.

1 21 A person who violates subchapter III shall be subject to a  
1 22 civil penalty which shall be established, assessed, and  
1 23 collected in the same manner as provided in section 455B.109  
1 24 or 455B.191. Any civil penalty collected shall be deposited  
1 25 in the animal agriculture compliance fund created in section  
1 26 459.401.

1 27 Sec. 5. Section 459A.501, Code 2007, is amended to read as  
1 28 follows:

1 29 459A.501 GENERAL.

1 30 The department and the attorney general shall enforce the  
1 31 provisions of this chapter in the same manner as provided in  
1 32 chapter 455B, division I and section 455B.175, unless  
1 33 otherwise provided in this chapter.

1 34 EXPLANATION

1 35 This bill relates to animal feeding operations regulated by



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House File 539 - Introduced continued

2 1 the department of natural resources, including primarily  
2 2 confinement feeding operations under Code chapter 459 and open  
2 3 feedlot operations under Code chapter 459A.  
2 4 Code section 455B.175 authorizes the department to: (1)  
2 5 issue an order (sometimes called a "stop order") against a  
2 6 person to desist in a practice which violates state law or to  
2 7 take corrective action which is necessary to ensure that a  
2 8 violation ceases, (2) issue an order necessary to terminate an  
2 9 emergency without immediate notice and hearing, or (3) request  
2 10 the attorney general to institute legal proceedings in  
2 11 district court. The bill provides that the same provisions  
2 12 that apply to confinement feeding operations apply to open  
2 13 feedlot operations. It provides coordinating amendments in  
2 14 Code chapters 459 and 459A.  
2 15 The bill amends Code section 459.603, which currently  
2 16 provides that a person who violates subchapter III relating to  
2 17 water quality regulations is to be subject to a civil penalty  
2 18 under Code section 455B.191 (referring to a court-ordered  
2 19 civil penalty not to exceed \$5,000 for each day of a  
2 20 violation). Currently, the Code provides that the department  
2 21 may enforce Code chapter 459 in the same manner as provided in  
2 22 Code chapter 455B, division I. Part of that division includes  
2 23 Code section 455B.109 which authorizes the department to  
2 24 establish and assess a range of administrative penalties (not  
2 25 to exceed \$10,000 for each day of a violation). The bill  
2 26 amends Code section 459.603 by referring to Code section  
2 27 455B.109.  
2 28 LSB 1405HV 82  
2 29 da:rj/je/5



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**House File 540 - Introduced**

HOUSE FILE  
BY MERTZ and DRAKE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to soil and water conservation district work
- 2 projects supporting water protection practices, and providing
- 3 an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2445HH 82
- 6 da/gg/14



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House File 540 - Introduced continued

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1 1 Section 1. Section 161C.2, subsection 1, paragraph b, Code  
1 2 2007, is amended to read as follows:

1 3 b. Any work project with an estimated cost in excess of  
1 4 the competitive bid threshold in section 26.3, or as  
1 5 established in section 314.1B, shall be undertaken as a public  
1 6 contract as provided in chapters 73A and 573. However, the  
1 7 district may waive the requirement for a bond as provided in  
1 8 section 573.2 for a project, if the district estimates that  
1 9 the cost of the project is less than the competitive bid  
1 10 threshold provided in section 26.3. The local contracting  
1 11 organization shall designate a contracting officer and shall  
1 12 establish procedures to manage the contract, approve bills for  
1 13 payment, and review proposed change orders or amendments to  
1 14 the contract.

1 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 16 immediate importance, takes effect upon enactment.

1 17 EXPLANATION

1 18 Code chapter 161C provides for water protection projects  
1 19 and practices. Code section 161C.2 authorizes a soil and  
1 20 water conservation district to carry out projects to protect  
1 21 this state's groundwater and surface water from point and  
1 22 nonpoint sources of contamination. The Code section provides  
1 23 that any work project is governed under Code chapter 573 which  
1 24 provides processes for contracting for public improvements.  
1 25 Code section 573.2 requires the posting of a performance bond  
1 26 for a contract involving a public improvement for \$25,000 or  
1 27 more. This bill provides that the commissioners of a soil and  
1 28 water conservation district may waive the requirement if they  
1 29 estimate the cost of the project will not exceed the general  
1 30 competitive bid threshold of \$100,000 for general construction  
1 31 bidding as provided in Code section 26.3 (see 2006 Iowa Acts,  
1 32 ch. 1017).

1 33 The bill takes effect upon enactment.

1 34 LSB 2445HH 82

1 35 da:rj/gg/14



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House File 541 - Introduced

HOUSE FILE  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 25)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act relating to the regulation and practice of pharmacy,  
2 including providing for the establishment of a limited drug  
3 and device distributor license.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1092HV 82  
6 jr/es/88



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House File 541 - Introduced continued

PAG LIN

1 1 Section 1. Section 155A.3, subsection 5, Code 2007, is  
1 2 amended to read as follows:

1 3 5. "College of pharmacy" means a school, university, or  
1 4 college of pharmacy that satisfies the accreditation standards  
1 5 of the ~~American accreditation council on pharmaceutical~~ for  
1 6 pharmacy education as to the extent those standards are  
1 7 adopted by the board, or that has degree requirements which  
1 8 meet the standards of accreditation adopted by the board.

1 9 Sec. 2. Section 155A.3, Code 2007, is amended by adding  
1 10 the following new subsections:

1 11 NEW SUBSECTION. 22A. "Limited drug and device  
1 12 distributor" means a person operating or maintaining, either  
1 13 within or outside this state, a location at which limited  
1 14 noncontrolled prescription drugs, prescription devices, and  
1 15 medical gases, are distributed to patients in this state  
1 16 pursuant to a prescription drug order; or a person operating  
1 17 or maintaining a location at which limited quantities of  
1 18 drugs, devices, or medical gases are distributed at wholesale  
1 19 in this state. A "limited drug and device distributor" does  
1 20 not include a pharmacy licensed pursuant to this chapter or a  
1 21 drug wholesaler providing prescription drugs to patients in  
1 22 this state pursuant to a drug manufacturer's prescription drug  
1 23 assistance program.

1 24 NEW SUBSECTION. 23A. "Medical gas" means a gas or liquid  
1 25 oxygen intended for human consumption.

1 26 Sec. 3. Section 155A.4, subsection 2, Code 2007, is  
1 27 amended by adding the following new paragraph:

1 28 NEW PARAGRAPH. h. A limited drug and device distributor,  
1 29 licensed by the board, to distribute limited noncontrolled  
1 30 prescription drugs, prescription devices, and medical gases,  
1 31 to patients in this state pursuant to rules adopted by the  
1 32 board.

1 33 Sec. 4. Section 155A.9, subsection 1, Code 2007, is  
1 34 amended to read as follows:

1 35 1. A college of pharmacy shall not be approved by the



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House File 541 - Introduced continued

2 1 board unless the college is accredited by the ~~American~~  
2 2 accreditation council ~~on pharmaceutical~~ for pharmacy  
2 3 education.  
2 4 Sec. 5. Section 155A.29, subsection 1, Code 2007, is  
2 5 amended to read as follows:  
2 6 1. Except as specified in subsection 2, a prescription for  
2 7 any prescription drug or device which is not a controlled  
2 8 substance shall not be filled or refilled more than eighteen  
2 9 months after the date on which the prescription was issued and  
2 10 a prescription which is authorized to be refilled shall not be  
2 11 refilled more than ~~eleven~~ twelve times.  
2 12 Sec. 6. NEW SECTION. 155A.42 LIMITED DRUG AND DEVICE  
2 13 DISTRIBUTOR LICENSE.  
2 14 1. A person shall not act as a limited drug and device  
2 15 distributor without a license. The license shall be  
2 16 identified as a limited drug and device distributor license.  
2 17 2. The board shall establish, by rule, standards for  
2 18 limited drug and device distributors and may define specific  
2 19 types of limited drug and device distributors. The board  
2 20 shall identify, by rule, specific prescription drugs or  
2 21 classes of noncontrolled prescription drugs, including  
2 22 quantities of such drugs, which may be distributed by a  
2 23 limited drug and device distributor.  
2 24 3. The board shall adopt rules pursuant to chapter 17A  
2 25 relating to the issuance of a limited drug and device  
2 26 distributor license. The rules shall provide for conditions  
2 27 of licensure, compliance standards, licensure fees,  
2 28 disciplinary action, and other relevant matters.  
2 29 4. The board may deny, suspend, or revoke a limited drug  
2 30 and device distributor's license for failure to meet the  
2 31 applicable standards or for a violation of the laws of this  
2 32 state, another state, or the United States relating to  
2 33 prescription drugs or controlled substances, or for a  
2 34 violation of this chapter, chapter 124, 124A, 124B, 126, 205,  
2 35 or 272C, or a rule of the board.



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House File 541 - Introduced continued

3 1 EXPLANATION  
3 2 This bill defines a limited drug and device distributor and  
3 3 provides for the establishment of a limited drug and device  
3 4 distributor license, including the establishment of compliance  
3 5 standards and requirements unique to the operations of those  
3 6 businesses. The board is required to identify, by rule,  
3 7 certain noncontrolled prescription drugs, including quantities  
3 8 of such drugs, that may be distributed by a limited drug and  
3 9 device distributor.  
3 10 Limited drug and device distributors would include home  
3 11 medical device suppliers, medical oxygen distributors, and  
3 12 other currently nonlicensed entities engaged in the  
3 13 distribution to consumers of limited noncontrolled  
3 14 prescription drugs, medical devices, and medical gases  
3 15 pursuant to a prescriber's authorization. A limited drug and  
3 16 device distributor would also include a location that  
3 17 distributes limited quantities of drugs, devices, or medical  
3 18 gases at wholesale.  
3 19 The bill corrects references to the American council on  
3 20 pharmaceutical education pursuant to the council's recent name  
3 21 change to the accreditation council for pharmacy education.  
3 22 The bill also increases to 12 refills the number of times a  
3 23 prescription for a noncontrolled prescription drug may be  
3 24 refilled within an 18-month period.  
3 25 LSB 1092HV 82  
3 26 jr:rj/es/88



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House File 542 - Introduced

HOUSE FILE  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 27)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to the registration of pharmacy technicians.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1090HV 82
- 4 jr/gg/14



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House File 542 - Introduced continued

PAG LIN

1 1 Section 1. Section 155A.6, Code 2007, is amended to read  
1 2 as follows:

1 3 155A.6 PHARMACIST INTERNSHIP PROGRAM ~~AND PHARMACY~~  
~~1 4 TECHNICIAN REGISTRATION.~~

1 5 1. A program of pharmacist internships is established.  
1 6 Each internship is subject to approval by the board.

1 7 2. A person desiring to be a pharmacist=intern in this  
1 8 state shall apply to the board for registration. The  
1 9 application must be on a form prescribed by the board. A  
1 10 pharmacist=intern shall be registered during internship  
1 11 training and thereafter pursuant to rules adopted by the  
1 12 board.

1 13 3. The board shall establish standards for  
1 14 pharmacist=intern registration and may deny, suspend, or  
1 15 revoke a pharmacist=intern registration for failure to meet  
1 16 the standards or for any violation of the laws of this state,  
1 17 another state, or the United States relating to prescription  
1 18 drugs, controlled substances, or nonprescription drugs, or for  
1 19 any violation of this chapter or chapter 124, 124A, 124B, 126,  
1 20 147, or 205, or any rule of the board.

1 21 4. The board shall adopt rules in accordance with chapter  
1 22 17A on matters pertaining to pharmacist=intern registration  
1 23 standards, registration fees, conditions of registration,  
1 24 termination of registration, and approval of preceptors.

~~1 25 5. A registration program for pharmacy technicians is  
1 26 established for the purposes of identification, tracking, and  
1 27 disciplinary action for the violation of federal drug laws or  
1 28 regulations, state drug or pharmacy laws, or board rules by  
1 29 pharmacy technicians. The registration shall not include any  
1 30 determination of the competency of the registered individual  
1 31 and, notwithstanding section 272C.2, subsection 1, shall not  
1 32 require continuing education for renewal. The ultimate  
1 33 responsibility for the actions of a pharmacy technician  
1 34 working under a licensed pharmacist's supervision shall remain  
1 35 with the licensed pharmacist.~~



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House File 542 - Introduced continued

2 1 ~~6. A person who is or desires to be a pharmacy technician~~  
2 2 ~~in this state shall apply to the board for registration. The~~  
2 3 ~~application must be submitted on a form prescribed by the~~  
2 4 ~~board. A pharmacy technician must be registered pursuant to~~  
2 5 ~~rules adopted by the board.~~

2 6 ~~7. The board may deny, suspend, or revoke a pharmacy~~  
2 7 ~~technician registration for any violation of the laws of this~~  
2 8 ~~state, another state, or the United States relating to~~  
2 9 ~~prescription drugs, controlled substances, or nonprescription~~  
2 10 ~~drugs, or for any violation of this chapter or chapter 124,~~  
2 11 ~~124A, 124B, 126, 147, or 205, or any rule of the board.~~

2 12 ~~8. The board shall adopt rules in accordance with chapter~~  
2 13 ~~17A on matters pertaining to pharmacy technician registration~~  
2 14 ~~applications, renewals, fees, termination of registration, and~~  
2 15 ~~any other relevant matters.~~

2 16 Sec. 2. NEW SECTION. 155A.6A PHARMACY TECHNICIAN  
2 17 REGISTRATION.

2 18 1. A registration program for pharmacy technicians is  
2 19 established for the purpose of establishing technician  
2 20 competency and for the purposes of identification, tracking,  
2 21 and disciplinary action for the violation of federal drug laws  
2 22 or regulations, state drug or pharmacy laws, or board rules.  
2 23 The ultimate responsibility for the actions of a pharmacy  
2 24 technician working under a licensed pharmacist's supervision  
2 25 shall remain with the licensed pharmacist.

2 26 2. A person who is or desires to be a pharmacy technician  
2 27 in this state shall apply to the board for registration. The  
2 28 application shall be submitted on a form prescribed by the  
2 29 board. A pharmacy technician must be registered pursuant to  
2 30 rules adopted by the board. Except as provided in subsection  
2 31 3, beginning July 1, 2010, all applicants for a new pharmacy  
2 32 technician registration or for a pharmacy technician renewal  
2 33 shall provide proof of current certification by a national  
2 34 technician certification authority approved by the board.  
2 35 Notwithstanding section 272C.2, subsection 1, a pharmacy



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3 1 technician registration shall not require continuing education  
3 2 for renewal.

3 3 3. Beginning July 1, 2009, a person who is in the process  
3 4 of acquiring national certification as a pharmacy technician  
3 5 and who is in training to become a pharmacy technician shall  
3 6 register with the board as a pharmacy technician. The  
3 7 registration shall be issued for a period not to exceed one  
3 8 year and shall not be renewable.

3 9 4. The board shall adopt rules in accordance with chapter  
3 10 17A on matters pertaining to pharmacy technician registration,  
3 11 application, forms, renewals, fees, termination of  
3 12 registration, national certification, training, and any other  
3 13 relevant matters.

3 14 5. The board may deny, suspend, or revoke the registration  
3 15 of, or otherwise discipline, a registered pharmacy technician  
3 16 for any violation of the laws of this state, another state, or  
3 17 the United States relating to prescription drugs, controlled  
3 18 substances, or nonprescription drugs, or for any violation of  
3 19 this chapter or chapter 124, 124A, 124B, 126, 147, 205, or  
3 20 272C, or any rule of the board.

3 21 EXPLANATION

3 22 This bill establishes a pharmacy technician registration  
3 23 program to include certification by a national certification  
3 24 authority approved by the board. The board currently  
3 25 registers pharmacy technicians for the purposes of  
3 26 registration, tracking, and disciplinary action, without  
3 27 recognition or identification of an individual's competency or  
3 28 level of training. The bill rescinds provisions regarding the  
3 29 current pharmacy technician registration program and  
3 30 establishes a new registration program that requires  
3 31 certification of all pharmacy technicians beginning July 1,  
3 32 2010.

3 33 LSB 1090HV 82

3 34 jr:rj/gg/14



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**House File 543 - Introduced**

HOUSE FILE  
BY SHOMSHOR

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

**A BILL FOR**

- 1 An Act requiring automatic sprinkler systems in dormitories and
- 2 providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2136YH 82
- 5 eg/je/5



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1 1 Section 1. NEW SECTION. 100.39A AUTOMATIC SPRINKLER  
1 2 SYSTEMS IN DORMITORIES == PENALTY.  
1 3 1. As used in this section:  
1 4 a. "Dormitory" means a residential building or portion of  
1 5 a building at an institution of higher education which houses  
1 6 students in rooms not individually equipped with cooking  
1 7 facilities.  
1 8 b. "Institution of higher education" means an educational  
1 9 institution that provides a program of education beyond the  
1 10 high school level, including a public or private college,  
1 11 university, or trade school.  
1 12 2. A dormitory approved for construction after July 1,  
1 13 2007, shall have an approved automatic sprinkler system, as  
1 14 defined in section 100C.1, designed and installed in  
1 15 conformity with rules promulgated by the state fire marshal  
1 16 pursuant to this chapter. The rules shall require compliance  
1 17 with national fire protection association standards, NFPA 13  
1 18 and NFPA 13R. A governmental subdivision shall not issue a  
1 19 certificate of occupancy or use absent compliance with this  
1 20 section by the institution of higher education having control  
1 21 over the dormitory.  
1 22 3. A dormitory that is in existence or under construction  
1 23 on July 1, 2007, shall have an approved automatic sprinkler  
1 24 system designed and installed in conformity with rules  
1 25 promulgated by the state fire marshal pursuant to this chapter  
1 26 on or before July 1, 2012. A dormitory that has an approved  
1 27 automatic fire extinguishing system installed pursuant to  
1 28 section 100.39 shall be deemed in compliance with this  
1 29 section.  
1 30 4. Plans and installation of automatic sprinkler systems  
1 31 shall be approved by the state fire marshal, a designee of the  
1 32 state fire marshal, or local authorities having jurisdiction.  
1 33 Except where local fire protection regulations are more  
1 34 stringent, the provisions of this section shall be applicable  
1 35 to all dormitories. The definition of terms shall be in



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2 1 conformity, insofar as possible, with definitions found in the  
2 2 state building code adopted pursuant to section 103A.7.

2 3 5. The state fire marshal shall enforce this section and  
2 4 may implement a program of inspections to monitor compliance  
2 5 with this section. Upon inspection, the state fire marshal  
2 6 shall issue a written notice to the institution of higher  
2 7 education having control over the dormitory of compliance or  
2 8 noncompliance with this section. If the dormitory is in  
2 9 violation of this section, the state fire marshal may issue an  
2 10 order to have the premises of the dormitory vacated and the  
2 11 building closed until an automatic sprinkler system is  
2 12 installed.

2 13 6. No person shall hinder, delay, or interfere with an  
2 14 inspection conducted to monitor compliance with this section.

2 15 7. Each day that a person violates a provision of this  
2 16 section, or rule adopted pursuant to this section, constitutes  
2 17 a separate offense for which such person is guilty of a simple  
2 18 misdemeanor punishable by a fine of not more than one thousand  
2 19 dollars. Upon each conviction, the person shall pay the costs  
2 20 incurred by the state fire marshal or the county attorney  
2 21 under section 100.14, to obtain such conviction.

2 22 Sec. 2. CONTINGENT EFFECTIVENESS. This Act shall not take  
2 23 effect unless an appropriation is enacted or the state's share  
2 24 of the cost of this Act is specified in accordance with  
2 25 section 25B.2, subsection 3.

2 26 EXPLANATION

2 27 This bill requires that all dormitories constructed after  
2 28 July 1, 2007, have an automatic sprinkler system. The bill  
2 29 requires that dormitories in existence on or being constructed  
2 30 as of July 1, 2007, have automatic sprinkler systems installed  
2 31 on or before July 1, 2012. Dormitories that already have an  
2 32 automatic fire extinguishing system installed pursuant to Code  
2 33 section 100.39 are deemed to be in compliance with the  
2 34 automatic sprinkler system requirement.

2 35 The bill requires that the automatic sprinkler systems meet



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3 1 the national fire protection association standards, NFPA 13  
3 2 and NFPA 13R. The bill also requires that the plans and  
3 3 installation of the automatic sprinkler systems be approved by  
3 4 the state fire marshal, a designee of the state fire marshal,  
3 5 or local authorities having jurisdiction. If local fire  
3 6 protection standards are more stringent, these standards  
3 7 apply. To the extent possible, the definition of terms must  
3 8 conform with the state building code.

3 9 The bill requires that the state fire marshal enforce the  
3 10 requirement of automatic sprinkler systems. The state fire  
3 11 marshal may implement a program of inspections to monitor  
3 12 compliance. Upon inspection, the state fire marshal is to  
3 13 issue a written notice to the institution of higher education  
3 14 of compliance or noncompliance. If a dormitory is not in  
3 15 compliance, the state fire marshal may issue an order to have  
3 16 the premises vacated and the building closed until an  
3 17 automatic sprinkler system is installed.

3 18 The bill prohibits any person from hindering, delaying, or  
3 19 interfering with an inspection of the dormitory.

3 20 The bill provides that a person who violates a provision of  
3 21 this new Code section 100.39A or rules adopted by the state  
3 22 fire marshal is guilty of a simple misdemeanor punishable by  
3 23 a fine of not more than \$1,000. Each day of violation  
3 24 constitutes a separate offense. Upon conviction, the person  
3 25 shall pay the costs incurred by the state fire marshal or the  
3 26 county attorney to obtain the conviction.

3 27 The bill contains a contingent effectiveness provision  
3 28 which states that the bill does not take effect unless the  
3 29 state complies with the state mandate funding requirement of  
3 30 Code section 25B.2, which requires funding for the cost of the  
3 31 state mandate to be provided or specified.

3 32 LSB 2136YH 82

3 33 eg:nh/je/5



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HOUSE FILE  
BY GASKILL

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

**A BILL FOR**

- 1 An Act relating to inspection of absentee ballot affidavit
- 2 envelopes by the county commissioner of elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1851HH 82
- 5 sc/cf/24



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1 1 Section 1. Section 53.10, unnumbered paragraph 2, Code  
1 2 2007, is amended to read as follows:  
1 3 Each person who wishes to vote by absentee ballot at the  
1 4 commissioner's office shall first sign an application for a  
1 5 ballot including the following information: name, current  
1 6 address, and the election for which the ballot is requested.  
1 7 The person may report a change of address or other information  
1 8 on the person's voter registration record at that time. The  
1 9 registered voter shall immediately mark the ballot; enclose  
1 10 the ballot in a secrecy envelope, if necessary, and seal it in  
1 11 ~~a ballot~~ an affidavit envelope; subscribe to the affidavit on  
1 12 the reverse side of the envelope; and return the absentee  
1 13 ballot to the commissioner. The commissioner shall record the  
1 14 numbers appearing on the application and ~~ballot~~ affidavit  
1 15 envelope along with the name of the registered voter.

1 16 Sec. 2. Section 53.18, Code 2007 is amended to read as  
1 17 follows:

1 18 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION ==  
1 19 REVIEW OF AFFIDAVIT == REPLACEMENT BALLOTS.

1 20 1. Upon receipt of the return carrier envelope containing  
1 21 the completed absentee ballot, the commissioner shall at once  
1 22 record the serial number appearing on the application and  
1 23 return carrier envelope and time of receipt of such ballot and  
1 24 attach the elector's application to the ~~unopened~~ return  
1 25 carrier envelope. Absentee ballots shall be stored in a  
1 26 secure place until they are delivered to the absentee and  
1 27 special voters precinct board.

1 28 2. If the commissioner receives the return carrier  
1 29 envelope containing the completed absentee ballot by five p.m.  
1 30 on the Saturday before the election for general and primary  
1 31 elections and by five p.m. on the Friday before the election  
1 32 for all other elections, the commissioner shall open the  
1 33 envelope to review the affidavit for any deficiencies. If the  
1 34 affidavit contains a deficiency that would cause the ballot to  
1 35 be rejected, the commissioner shall, within twenty-four hours



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2 1 of the time the envelope was received, notify the voter of  
2 2 that fact and that the voter may correct the deficiency by  
2 3 five p.m. on the day before the election.  
2 4 3. If the affidavit envelope is open when received by the  
2 5 commissioner, or has been opened and resealed, the  
2 6 commissioner shall immediately notify the voter of that fact  
2 7 and that the voter's absentee ballot shall not be counted  
2 8 unless the voter applies for a replacement ballot and returns  
2 9 the replacement ballot in the time permitted under section  
2 10 53.17, subsection 2. The replacement ballot application shall  
2 11 be the same as is required for an application under section  
2 12 53.2. If the information on the replacement ballot  
2 13 application matches the information on the original  
2 14 application, the voter shall be allowed to complete a  
2 15 replacement absentee ballot. The same serial number that was  
2 16 assigned to the records of the original absentee ballot  
2 17 application shall be used on the envelope and records of the  
2 18 replacement ballot. The affidavit envelope containing the  
2 19 completed replacement ballot shall be marked "Replacement  
2 20 ballot". The affidavit envelope containing the original  
2 21 ballot shall be marked "Defective ballot" and the replacement  
2 22 ballot and replacement ballot application shall be attached to  
2 23 the original application and affidavit envelope containing the  
2 24 original ballot and shall be stored in a secure place until  
2 25 they are delivered to the absentee and special voters precinct  
2 26 board, notwithstanding sections 53.26 and 53.27.  
2 27 4. The state commissioner of elections shall adopt rules  
2 28 for implementation of this section.  
2 29 Sec. 3. Section 53.19, unnumbered paragraph 3, Code 2007,  
2 30 is amended to read as follows:  
2 31 However, any registered voter who has received an absentee  
2 32 ballot and not returned it may surrender the absentee ballot  
2 33 to the precinct officials and vote in person at the polls.  
2 34 The precinct officials shall mark the uncast absentee ballot  
2 35 "void" and return it to the commissioner. Any registered



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3 1 voter who has been sent an absentee ballot by mail but for any  
3 2 reason has not received it or who has not brought the ballot  
3 3 to the polls may appear at the voter's precinct polling place  
3 4 on election day and shall cast a ballot in accordance with  
3 5 section 49.81. Any registered voter who has been notified by  
3 6 the commissioner pursuant to section 53.18 of the need to  
3 7 correct a deficiency on the affidavit or to apply for and vote  
3 8 a replacement absentee ballot and who has not corrected the  
3 9 deficiency or voted a replacement absentee ballot may appear  
3 10 at the voter's precinct polling place on election day and  
3 11 shall cast a ballot in accordance with section 49.81.

3 12 Sec. 4. Section 53.21, unnumbered paragraph 4, Code 2007,  
3 13 is amended to read as follows:

3 14 The voter shall enclose one copy of the above statement in  
3 15 the return carrier envelope with the ~~ballot~~ affidavit envelope  
3 16 and retain a copy for the voter's records.

3 17 Sec. 5. Section 53.23, subsection 3, Code 2007, is amended  
3 18 to read as follows:

3 19 3. a. The commissioner shall set the convening time for  
3 20 the board, allowing a reasonable amount of time to complete  
3 21 counting all absentee ballots by ten p.m. on election day.  
3 22 The commissioner may direct the board to meet on the day  
3 23 before the election solely for the purpose of reviewing the  
3 24 absentee voters' affidavits appearing on the sealed ~~ballot~~  
3 25 affidavit envelopes. If in the commissioner's judgment this  
3 26 procedure is necessary due to the number of absentee ballots  
3 27 received, the members of the board may open the sealed ~~ballot~~  
3 28 affidavit envelopes and remove the secrecy envelope containing  
3 29 the ballot, but under no circumstances shall a secrecy  
3 30 envelope be opened before the board convenes on election day.  
3 31 If the ~~ballot~~ affidavit envelopes are opened before election  
3 32 day, two observers, one appointed by each of the two political  
3 33 parties referred to in section 49.13, subsection 2, shall  
3 34 witness the proceedings.

3 35 b. If the board finds any ballot not enclosed in a secrecy



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4 1 envelope and the ballot is folded in such a way that any of  
4 2 the votes cast on the ballot are visible, the two special  
4 3 precinct election officials, one from each of the two  
4 4 political parties referred to in section 49.13, subsection 2,  
4 5 shall place the ballot in a secrecy envelope. No one shall  
4 6 examine the ballot. Each of the special precinct election  
4 7 officials shall sign the secrecy envelope.

4 8 Sec. 6. Section 53.24, Code 2007, is amended to read as  
4 9 follows:

4 10 53.24 COUNTIES USING VOTING MACHINES.

4 11 In counties which provide the special precinct election  
4 12 board with voting machines, the ~~absentee ballot~~ affidavit  
4 13 envelopes shall be opened by the board and the ballots shall,  
4 14 without being unfolded, be thoroughly intermingled, after  
4 15 which they shall be unfolded and, under the personal  
4 16 supervision of precinct election officials of each of the  
4 17 political parties, be registered on voting machines the same  
4 18 as if the absent voter had been present and voted in person,  
4 19 except that a tally of the write-in votes may be kept in the  
4 20 tally list rather than on the machine. When two or more  
4 21 political subdivisions in the county are holding separate  
4 22 elections simultaneously, the commissioner may arrange the  
4 23 machine so that the absentee and provisional ballots for more  
4 24 than one election may be recorded on the same machine.

4 25 Sec. 7. Section 53.25, Code 2007, is amended to read as  
4 26 follows:

4 27 53.25 REJECTING BALLOT.

4 28 ~~In case~~ If the absentee voter's affidavit is found to be  
4 29 insufficient, ~~or that~~ if the applicant is not a duly  
4 30 registered voter in such precinct, ~~or that the ballot envelope~~  
4 31 ~~is open, or has been opened and resealed, or that~~ if the  
4 32 ~~ballot affidavit~~ envelope contains more than one ballot of any  
4 33 one kind, ~~or that said~~ if the voter has voted in person, such  
4 34 vote shall not be accepted or counted. If the affidavit  
4 35 envelope is open, or has been opened and resealed, and an



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5 1 affidavit envelope with the same serial number and marked  
5 2 "Replacement ballot" is not attached as provided in section  
5 3 53.18, the vote shall not be accepted or counted.

5 4 If the absentee ballot is rejected prior to the opening of  
5 5 the ~~ballot~~ affidavit envelope, the voter casting the ballot  
5 6 shall be notified by a precinct election official by the time  
5 7 the canvass is completed of the reason for the rejection on a  
5 8 form prescribed by the state commissioner of elections.

5 9 Sec. 8. Section 53.27, Code 2007, is amended to read as  
5 10 follows:

5 11 53.27 REJECTION OF BALLOT == RETURN OF ENVELOPE.

5 12 If the ballot is rejected, ~~said ballot~~ the affidavit  
5 13 envelope, with the affidavit of the voter endorsed thereon,  
5 14 shall be returned with ~~said~~ the rejected ballot in the  
5 15 envelope endorsed "Defective ballots".

5 16 Sec. 9. Section 53.32, Code 2007, is amended to read as  
5 17 follows:

5 18 53.32 BALLOT OF DECEASED VOTER.

5 19 When it shall be made to appear by due proof to the  
5 20 precinct election officials that any elector, who has so  
5 21 marked and forwarded a ballot, has died before the ~~ballot~~  
5 22 affidavit envelope is opened, then the ballot of such deceased  
5 23 voter shall be endorsed, "Rejected because voter is dead", and  
5 24 be returned to the commissioner; but the casting of the ballot  
5 25 of a deceased voter shall not invalidate the election.

5 26 Sec. 10. Section 53.38, Code 2007, is amended to read as  
5 27 follows:

5 28 53.38 WHAT CONSTITUTES REGISTRATION.

5 29 Whenever a ballot is requested pursuant to section 53.39 or  
5 30 53.45 on behalf of a voter in the armed forces of the United  
5 31 States, the affidavit upon the ~~ballot~~ affidavit envelope of  
5 32 such voter, if the voter is found to be an eligible elector of  
5 33 the county to which the ballot is submitted, shall constitute  
5 34 a sufficient registration under chapter 48A. A completed  
5 35 federal postcard registration and federal absentee ballot



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6 1 request form submitted by such eligible elector shall also  
6 2 constitute a sufficient registration under chapter 48A. The  
6 3 commissioner shall place the voter's name on the registration  
6 4 record as a registered voter if it does not already appear  
6 5 there.

6 6 Sec. 11. Section 53.40, unnumbered paragraph 5, Code 2007,  
6 7 is amended to read as follows:

6 8 If the affidavit on the ~~ballot~~ affidavit envelope shows  
6 9 that the affiant is not a qualified voter on the day of the  
6 10 election at which the ballot is offered for voting, the  
6 11 envelope shall not be opened, but the envelope and ballot  
6 12 contained in the envelope shall be preserved and returned by  
6 13 the precinct election officials to the commissioner, who shall  
6 14 preserve them for the period of time and under the conditions  
6 15 provided for in sections 50.12 through 50.15 and section  
6 16 50.19.

6 17 Sec. 12. Section 53.44, unnumbered paragraph 1, Code 2007,  
6 18 is amended to read as follows:

6 19 The affidavit on the affidavit envelope used in connection  
6 20 with voting by absentee ballot under this division by members  
6 21 of the armed forces of the United States need not be notarized  
6 22 or witnessed, but the affidavit on ~~the ballot~~ such envelope  
6 23 shall be completed and signed by the voter.

6 24 EXPLANATION

6 25 This bill requires the county commissioner of elections to  
6 26 open the absentee ballot return carrier envelope in order to  
6 27 inspect the affidavit on the affidavit envelope containing the  
6 28 ballot. If there is a deficiency in the affidavit that would  
6 29 cause the ballot to be rejected, the commissioner is to  
6 30 contact the voter and inform the voter of the deficiency and  
6 31 that the deficiency may be corrected by the voter by 5 p.m. on  
6 32 the day before the election.

6 33 The bill also requires the county commissioner of elections  
6 34 to notify an absentee voter if the voter's completed absentee  
6 35 ballot is returned in an affidavit envelope that is unsealed



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7 1 or that has been opened and resealed. The commissioner shall  
7 2 allow the voter to complete another absentee ballot  
7 3 application and a replacement ballot by 5 p.m. on the day  
7 4 before the election.  
7 5 The bill provides that if the voter does not correct the  
7 6 affidavit deficiency or vote a replacement ballot, as the case  
7 7 may be, the voter shall be allowed to vote a provisional  
7 8 ballot at the polls.  
7 9 Finally, the bill changes the term "ballot envelope" to  
7 10 "affidavit envelope" to conform to the use of the term  
7 11 "affidavit envelope" throughout the Code.  
7 12 LSB 1851HH 82  
7 13 sc:nh/cf/24.1



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**House File 545 - Introduced**

HOUSE FILE  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 155)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

- 1 An Act establishing prelicensing and continuing education
- 2 requirements for used motor vehicle dealers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1879HV 82
- 5 dea/je/5



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1 1 Section 1. Section 322.4, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8A. If the applicant is applying for a  
1 4 used motor vehicle dealer license, certification that the  
1 5 applicant has met the educational requirements for licensure  
1 6 under section 322.7A. The certification may be transmitted to  
1 7 the department by the education provider in electronic format.

1 8 Sec. 2. Section 322.7, subsection 4, Code 2007, is amended  
1 9 to read as follows:

1 10 4. The motor vehicle dealer license provided for in this  
1 11 chapter shall be renewed upon application in the form and  
1 12 content prescribed by the department and upon payment of the  
1 13 required fee. A used motor vehicle dealer license shall not  
1 14 be renewed for an applicant who is subject to continuing

1 15 education requirements until the licensee certifies completion  
1 16 of the educational requirements for license renewal under

1 17 section 322.7A. The certification may be transmitted to the  
1 18 department by the education provider in electronic format. A

1 19 licensee shall have the month of expiration and the month  
1 20 after the month of expiration to renew the license. A person  
1 21 who fails to renew a license by the end of this time period  
1 22 and desires to hold a license shall file a new license  
1 23 application and pay the required fee.

1 24 Sec. 3. NEW SECTION. 322.7A USED MOTOR VEHICLE DEALER  
1 25 EDUCATION PROGRAM.

1 26 1. An applicant for a license as a used motor vehicle  
1 27 dealer shall complete a minimum of eight hours of prelicensing  
1 28 education program courses pursuant to this section prior to  
1 29 submitting an application to the department.

1 30 2. A person seeking renewal of a used motor vehicle dealer  
1 31 license shall complete a minimum of five hours of continuing  
1 32 education program courses over a two-year period pursuant to  
1 33 this section prior to submitting an application for license  
1 34 renewal. However, an applicant for renewal of a used motor  
1 35 vehicle dealer license who has met the prelicensing education



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2 1 requirement under subsection 1 within the preceding twelve  
2 2 months is exempt from the continuing education requirement for  
2 3 license renewal.

2 4 3. To meet the requirements of this section, at least one  
2 5 individual who is associated with the used motor vehicle  
2 6 dealer as an owner, principal, corporate officer, director, or  
2 7 member or partner of a limited liability company or limited  
2 8 liability partnership shall complete the education program  
2 9 courses.

2 10 4. The Iowa independent automobile dealers association, in  
2 11 consultation with the state department of transportation, the  
2 12 department of education, the attorney general, and the Iowa  
2 13 association of community college trustees, shall develop the  
2 14 prelicensing and continuing education course curricula for the  
2 15 used motor vehicle dealer education program, which shall  
2 16 include but not be limited to examination of federal and state  
2 17 laws applicable to the motor vehicle industry and federal and  
2 18 state regulations pertaining to used motor vehicle dealers.  
2 19 The education program courses shall be provided by community  
2 20 colleges as defined in section 260C.2 or by the Iowa  
2 21 independent automobile dealers association in conjunction with  
2 22 a community college. The department of education shall adopt  
2 23 rules establishing reasonable fees to be charged for the  
2 24 prelicensing education courses and the continuing education  
2 25 courses.

2 26 5. A community college shall issue a certificate to each  
2 27 person who successfully completes the prelicensing education  
2 28 program or a continuing education program under this section.  
2 29 The current certificate of completion, or a copy of the  
2 30 certificate, shall be posted conspicuously in the principal  
2 31 office of the licensee.

2 32 6. The provisions of this section apply to all used motor  
2 33 vehicle dealers, including but not limited to individuals,  
2 34 corporations, and partnerships, except for the following:

2 35 a. Motor vehicle rental companies having a national





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4 1 companies; national motor vehicle and wholesale dealer-only  
4 2 auction companies; used car dealerships owned by a franchise  
4 3 motor vehicle dealer; and banks, credit unions, and savings  
4 4 and loan associations.  
4 5     The bill requires the Iowa independent automobile dealers  
4 6 association, in consultation with the department of  
4 7 transportation, the department of education, the attorney  
4 8 general, and the Iowa association of community college  
4 9 trustees, to develop course curricula for the education  
4 10 program. The program courses shall be provided by community  
4 11 colleges or by the Iowa independent automobile dealers  
4 12 association in conjunction with a community college.  
4 13 Reasonable fees for the courses shall be established by the  
4 14 department of education by rule. Each community college that  
4 15 provides the courses is required to transmit an annual report  
4 16 to the director of transportation, the director of the  
4 17 department of education, the attorney general, and the  
4 18 president of the Iowa association of community college  
4 19 trustees.  
4 20     The department of transportation is directed to provide  
4 21 timely notice of the new requirements to current licensees.  
4 22 LSB 1879HV 82  
4 23 dea:nh/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 27, 2007

**House File 546 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 155)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to membership on election boards.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1882HV 82
- 4 sc/es/88



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1 1 Section 1. Section 49.13, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. ~~Each election board member~~ To the extent necessary,  
1 4 ~~election boards shall be a member~~ include members of one of  
1 5 the two political parties whose candidates for president of  
1 6 the United States or for governor, as the case may be,  
1 7 received the largest and next largest number of votes in the  
1 8 precinct at the last general election, ~~except that persons not~~  
~~1 9 members of either of these parties may be appointed to serve~~  
~~1 10 for any election in which no candidates appear on the ballot~~  
~~1 11 under the heading of either of these political parties. For~~  
1 12 all elections except the primary election, election boards may  
1 13 also include persons not members of either of these parties.  
1 14 However, persons who are not members of either political party  
1 15 shall not comprise more than one-third of the membership of an  
1 16 election board, and the commissioner shall not appoint such  
1 17 persons until all the members of the election board panel who  
1 18 are members of a political party have been appointed to an  
1 19 election board.

1 20 Sec. 2. Section 49.15, Code 2007, is amended to read as  
1 21 follows:  
1 22 49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL.  
1 23 Not less than twenty days before each primary election, the  
1 24 commissioner shall draw up for each precinct an election board  
1 25 panel from which members of the precinct election board shall  
1 26 be appointed for each election held in the precinct during the  
1 27 ensuing two years. Each panel shall include members of each  
1 28 of the political parties referred to in section 49.13, whose  
1 29 names may be designated by the county chairpersons of each of  
1 30 these political parties not less than thirty days prior to  
1 31 each primary election. The commissioner may place on the  
1 32 election board panel names of persons known by the  
1 33 commissioner to be members of these political parties, if the  
1 34 respective county chairpersons fail to designate a sufficient  
1 35 number of names, and may also add names of persons, whether or



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2 1 not they are members of either of these political parties, who  
2 2 have advised the commissioner they are willing to serve on the  
2 3 election board ~~for elections in which no candidates appear on~~  
2 4 ~~the ballot under the heading of either of these political~~  
2 5 ~~parties, or.~~ The commissioner may also place on the election  
2 6 board panel names of persons whom either the city council of a  
2 7 city of three thousand five hundred or less population or a  
2 8 school board has advised the commissioner at least thirty days  
2 9 before each primary election are willing to serve without pay  
2 10 at elections conducted for that school district or city, as  
2 11 the case may be, during the tenure of the election board panel  
2 12 on which these names are included.

2 13 Sec. 3. Section 51.2, Code 2007, is amended to read as  
2 14 follows:

2 15 51.2 APPOINTMENT.

2 16 The members of the election counting board shall be  
2 17 appointed by the commissioner from the election board panel  
2 18 drawn up as provided by section 49.15. The requirements of  
2 19 section 49.13, relative to political party affiliation of  
2 20 members of the election board ~~appointed to serve for partisan~~  
2 21 ~~elections~~ shall apply to the membership of the election  
2 22 counting board. However, for the primary election, all  
2 23 persons appointed to the election counting board shall be  
2 24 members of one of the two political parties.

2 25 EXPLANATION

2 26 This bill allows the commissioner of elections, for all  
2 27 elections except the primary election, to include on election  
2 28 board panels names of persons who are not members of the two  
2 29 political parties receiving the largest and next largest  
2 30 number of votes for president or governor in the last general  
2 31 election. However, the bill provides that the commissioner  
2 32 shall first appoint from the election board panel all the  
2 33 members of the panel who are members of one of the two  
2 34 political parties. Precinct election officials and members of  
2 35 the election counting board are chosen from election board



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- 3 1 panels.
- 3 2 LSB 1882HV 82
- 3 3 sc:nh/es/88



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House File 547 - Introduced

HOUSE FILE  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 169)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

A BILL FOR

1 An Act relating to animal pounds, by authorizing pounds to  
2 provide for temporary placement, to refer to themselves as  
3 animal shelters, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1588HV 82  
6 da/es/88



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House File 547 - Introduced continued

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1 1 Section 1. Section 162.2, Code 2007, is amended by adding  
1 2 the following new subsections:

1 3 NEW SUBSECTION. 16A. "Temporary placement" means to  
1 4 provide for the temporary housing and care of dogs or cats by  
1 5 a temporary placement provider.

1 6 NEW SUBSECTION. 16B. "Temporary placement facility" means  
1 7 the location where temporary placement is provided pursuant to  
1 8 an affiliation and under the supervision of a person who owns  
1 9 or operates a pound.

1 10 NEW SUBSECTION. 16C. "Temporary placement provider" means  
1 11 a person who owns or operates a temporary placement facility.

1 12 Sec. 2. Section 162.3, Code 2007, is amended to read as  
1 13 follows:

1 14 162.3 CERTIFICATE OF REGISTRATION FOR POUND.

1 15 1. A pound shall not be operated unless the department  
1 16 issues a certificate of registration for the pound ~~is granted~~  
~~1 17 by the secretary to an eligible person.~~ Application for the a  
1 18 certificate of registration shall be made in the manner  
1 19 approved by the ~~secretary~~ department. ~~Certificates A~~  
1 20 certificate of registration ~~expire~~ expires one year from date  
1 21 of issue unless revoked and may be renewed upon application in  
1 22 the manner provided by the ~~secretary~~ department.

1 23 2. A registered pound may engage in the sale of dogs or  
1 24 cats under its control, if the privilege is allowed by the  
1 25 department, but ~~no~~ a fee shall not be charged unless the  
1 26 registered pound is privately owned. The registration fee for  
1 27 a privately owned pound that sells dogs or cats is fifteen  
1 28 dollars per year.

1 29 3. Nothing in this chapter prevents a registered pound  
1 30 from designating itself as an animal shelter. However, the  
1 31 department shall regulate the facility as a pound.

1 32 Sec. 3. NEW SECTION. 162.10A TEMPORARY PLACEMENT  
1 33 PROVIDER.

1 34 A pound may provide for the temporary placement of dogs or  
1 35 cats in a temporary placement facility, pursuant to rules



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2 1 adopted by the department. A temporary placement provider  
2 2 shall not sell dogs or cats, except as provided by the  
2 3 department. The department may require that a temporary  
2 4 placement provider be issued a certificate of registration by  
2 5 the department in order to own or operate a temporary  
2 6 placement facility. However, a fee shall not be imposed upon  
2 7 the pound, temporary placement provider, or temporary  
2 8 placement facility for the registration.

2 9 Sec. 4. Section 162.13, Code 2007, is amended to read as  
2 10 follows:

2 11 162.13 PENALTIES.

2 12 1. a. ~~Operation~~ The operation of a pound, animal shelter,  
2 13 pet shop, boarding kennel, commercial kennel, research  
2 14 facility, or public auction, or dealing in dogs or cats, ~~or~~  
2 15 ~~both, either~~ as a dealer or a commercial breeder, without a  
2 16 currently valid license or a certificate of registration is a  
2 17 simple misdemeanor and each day of operation is a separate  
2 18 offense.

2 19 b. The operation of a temporary placement facility without  
2 20 a currently valid certificate of registration, if required in  
2 21 section 162.10A, is a simple misdemeanor and each day of  
2 22 operation is a separate offense.

2 23 2. The failure of any pound, temporary placement provider,  
2 24 research facility, animal shelter, pet shop, boarding kennel,  
2 25 commercial kennel, commercial breeder, public auction, or  
2 26 dealer, to adequately house, feed, or water dogs, cats, or  
2 27 vertebrate animals in the person's or facility's possession or  
2 28 custody is a simple misdemeanor. The animals are subject to  
2 29 seizure and impoundment and may be sold or destroyed as  
2 30 provided by rules which shall be adopted by the department  
2 31 pursuant to chapter 17A. The rules shall provide for the  
2 32 destruction of an animal by a humane method, including by  
2 33 euthanasia. The failure to meet the requirements of this  
2 34 section is also cause for revocation or suspension of license  
2 35 or registration after public hearing. The commission of an



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3 1 act declared to be an unlawful practice under section 714.16  
3 2 or prohibited under chapter 717 or 717B, by a person licensed  
3 3 or registered under this chapter is cause for revocation or  
3 4 suspension of the license or registration certificate.

3 5 3. Dogs, cats, and other vertebrates upon which euthanasia  
3 6 is permitted by law may be destroyed by a person subject to  
3 7 this chapter or chapter 169, by a humane method, including  
3 8 euthanasia, as provided by rules which shall be adopted by the  
3 9 department pursuant to chapter 17A.

3 10 4. It is unlawful for a dealer to knowingly ship a  
3 11 diseased animal. A dealer violating this ~~paragraph~~ subsection  
3 12 is subject to a fine not exceeding one hundred dollars. Each  
3 13 diseased animal shipped in violation of this ~~paragraph~~  
3 14 subsection is a separate offense.

3 15 EXPLANATION

3 16 This bill relates to pounds regulated by the department of  
3 17 agriculture and land stewardship. A pound is a facility for  
3 18 the prevention of cruelty to animals operated by the state or  
3 19 a political subdivision such as a city (Code section 162.2).  
3 20 The bill allows a pound to refer to itself as an animal  
3 21 shelter, but does not alter its regulatory status. The bill  
3 22 provides that a pound may arrange to provide for temporary  
3 23 placement of dogs or cats by a person who is qualified as a  
3 24 temporary placement provider (operating a temporary placement  
3 25 facility), pursuant to rules adopted by the department. A  
3 26 temporary placement provider is prohibited from selling the  
3 27 dogs or cats, except as allowed by the department. The  
3 28 department may require that the temporary placement provider  
3 29 be issued a certificate of registration by the department,  
3 30 similar to a pound or animal shelter. However, the bill  
3 31 prohibits a fee being imposed upon a pound, temporary  
3 32 placement provider, or temporary placement facility for such  
3 33 registration.

3 34 Currently, a pound which fails to adequately care for an  
3 35 animal is guilty of a simple misdemeanor pursuant to Code



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4 1 section 162.13. A simple misdemeanor is punishable by  
4 2 confinement for no more than 30 days or a fine of at least \$65  
4 3 but not more than \$625 or by both. The bill provides that the  
4 4 same penalty applies to a temporary placement provider.  
4 5 LSB 1588HV 82  
4 6 da:nh/es/88



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**House File 548 - 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 creation of a consumer choice, support,
- 2 and education program, and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2778HH 82
- 5 pf/es/88



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1 1 Section 1. NEW SECTION. 217.45 CONSUMER CHOICE, SUPPORT,  
1 2 AND EDUCATION PROGRAM == CREATED == PURPOSE.

1 3 1. A consumer choice, support, and education program is  
1 4 created within the department of human services to provide  
1 5 older Iowans and their families, and others with long-term  
1 6 care needs, with access to sufficient information, screening  
1 7 and assessment processes, and referral resources to age  
1 8 successfully and meet their long-term care needs in the most  
1 9 appropriate setting.

1 10 2. The department of human services shall administer the  
1 11 consumer choice, support, and education program and shall  
1 12 consult with the senior living coordinating unit of the  
1 13 department of elder affairs regarding the development and  
1 14 implementation of the program.

1 15 Sec. 2. NEW SECTION. 217.46 FUNCTIONS OF CONSUMER  
1 16 CHOICE, SUPPORT, AND EDUCATION PROGRAM.

1 17 The functions of the consumer choice, support, and  
1 18 education program shall include but are not limited to all of  
1 19 the following:

1 20 1. Providing access to sufficient informational and  
1 21 educational resources to assist individuals in making informed  
1 22 choices to address their long-term care needs.

1 23 2. Utilizing a uniform screening process to determine if  
1 24 an individual requires the completion of the standardized  
1 25 assessment process developed pursuant to subsection 3.

1 26 3. Developing a standardized assessment process to assess  
1 27 an individual's functional and cognitive capacity, health  
1 28 conditions, support services needs, environment needs, and  
1 29 preferences. If an individual is eligible for the medical  
1 30 assistance program, the standardized assessment process shall  
1 31 also be used to determine the individual's medical necessity  
1 32 and the appropriateness of provision of long-term care  
1 33 services to the individual.

1 34 4. Developing a preliminary plan of care for an individual  
1 35 based upon the results of the standardized assessment process.



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2 1 5. Following development of a preliminary plan of care for  
2 2 an individual, referring the individual for care coordination.

2 3 6. Establishing the mechanisms for implementing the  
2 4 various aspects of the consumer choice, support, and education  
2 5 program, including the standardized assessment process.

2 6 7. Evaluating the consumer choice, support, and education  
2 7 program, including quality outcomes, consumer satisfaction,  
2 8 and fiscal impacts.

2 9 8. Ensuring that the consumer choice, support, and  
2 10 education assessment process complies with all applicable  
2 11 federal and state requirements and programs.

2 12 9. Ensuring that the consumer choice, support, and  
2 13 education program avoids duplication of and includes  
2 14 appropriate coordination with other informational,  
2 15 educational, and screening and assessment programs and  
2 16 processes available to the populations served by the consumer  
2 17 choice, support, and education program. Such coordination  
2 18 shall include but is not limited to:

2 19 a. Coordination with the functional screening and  
2 20 assessment process developed through the mental health, mental  
2 21 retardation, developmental disabilities, and brain injury  
2 22 commission's redesign of Iowa's disability services system.

2 23 b. Coordination with the information and referral  
2 24 resources of Iowa's disability services system in order to  
2 25 maximize access to information about state and community  
2 26 supports that may be available to both older Iowans and Iowans  
2 27 with disabilities.

2 28 Sec. 3. NEW SECTION. 217.47 COMPLETION OF CONSUMER  
2 29 CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.

2 30 1. Beginning July 1, 2008, the consumer choice, support,  
2 31 and education assessment process shall be completed prior to  
2 32 admission of an individual to a licensed nursing facility or  
2 33 prior to an individual's participation in the home and  
2 34 community-based services waiver for the elderly under the  
2 35 medical assistance program.



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3 1       2. Notwithstanding subsection 1:  
3 2       a. If it is medically necessary for an individual to be  
3 3 admitted immediately to a licensed nursing facility, the  
3 4 assessment process shall be completed as soon after admission  
3 5 as possible but no later than five working days after  
3 6 admission.  
3 7       b. If an individual's admission to a licensed nursing  
3 8 facility involves a Medicare-covered stay, the assessment  
3 9 process shall be completed only if the admission exceeds  
3 10 twenty days.  
3 11       3. An individual shall complete a reassessment process as  
3 12 follows:  
3 13       a. If the individual is admitted to a licensed nursing  
3 14 facility, on or about the ninetieth day following the initial  
3 15 assessment, and upon a change in the individual's needs.  
3 16       b. If the individual is participating in the home and  
3 17 community-based services waiver for the elderly under the  
3 18 medical assistance program, annually, and upon a change in the  
3 19 individual's needs.  
3 20       4. An individual sixty years of age or older may  
3 21 participate in the consumer choice, support, and education  
3 22 program to obtain information and education and may be  
3 23 referred for completion of the assessment process, following  
3 24 screening.  
3 25       5. An individual under sixty years of age who has a  
3 26 medical need for long-term care services may be referred for  
3 27 completion of the assessment process, following screening.  
3 28       6. Subject to available funding, the consumer choice,  
3 29 support, and education assessment process shall be available  
3 30 free of charge to any individual required or eligible to  
3 31 complete the process.  
3 32       Sec. 4. NEW SECTION. 217.48 GUIDELINES FOR CONDUCTING  
3 33 CONSUMER CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.  
3 34       1. The department of human services shall utilize a  
3 35 competitive procurement process to contract for the conducting





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5 1 term care needs with information, screening and assessment  
5 2 processing, and referral resources to allow them to age  
5 3 successfully and meet their long-term care needs in the most  
5 4 appropriate setting. The bill specifies the functions of the  
5 5 program, including the development of a standardized process  
5 6 to identify an individual's functional and cognitive capacity,  
5 7 health conditions, supportive service needs, environment  
5 8 needs, and preferences. The bill requires that beginning July  
5 9 1, 2008, the consumer choice, support, and education process  
5 10 is to be completed prior to admission of an individual to any  
5 11 licensed nursing facility or prior to an individual's  
5 12 participation in the home and community-based services waiver  
5 13 for the elderly under the medical assistance program, with  
5 14 some exceptions. The process may also be completed by  
5 15 individuals 60 years of age or over or by individuals under 60  
5 16 years of age if the individual has a medical need for long=  
5 17 term care services. Subject to adequate funding, the process  
5 18 is free of charge to anyone required or eligible to complete  
5 19 the process. The bill also specifies guidelines for  
5 20 conducting the process, including that any contractor who  
5 21 conducts the process is to be independent from providers of  
5 22 long-term care services to the extent required by the centers  
5 23 for Medicare and Medicaid services.  
5 24 The bill also appropriates funding to the department of  
5 25 human services to implement and administer the consumer  
5 26 choice, support, and education program.  
5 27 LSB 2778HH 82  
5 28 pf:nh/es/88.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 27, 2007

**House File 549 - Introduced**

HOUSE FILE  
BY ARNOLD

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

**A BILL FOR**

1 An Act relating to reports of suspected illegal discarding of  
2 solid waste.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2256HH 82  
5 tm/es/88



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House File 549 - Introduced continued

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1 1 Section 1. Section 455B.307A, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 4. The department shall maintain a  
1 4 toll-free telephone line, which shall be available on a  
1 5 twenty-four-hour-a-day, seven-day-a-week basis and which  
1 6 allows persons to report suspected violations of this section.  
1 7 The department shall offer a reward not to exceed one hundred  
1 8 dollars for any report that results in the imposition of a  
1 9 civil penalty under this section.

1 10 EXPLANATION

1 11 This bill relates to reports of suspected illegal  
1 12 discarding of solid waste.

1 13 The bill requires the department of natural resources to  
1 14 maintain a toll-free telephone line, which is available on a  
1 15 24-hour-a-day, seven-day-a-week basis and which allows persons  
1 16 to report suspected illegal discarding of solid waste. The  
1 17 bill requires the department to offer a reward not to exceed  
1 18 \$100 for any report that results in the imposition of a civil  
1 19 penalty for illegal discarding of solid waste.

1 20 LSB 2256HH 82

1 21 tm:nh/es/88.1



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**House File 550 - 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 health care outreach and providing an
- 2 appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2792HH 82
- 5 pf/cf/24



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House File 550 - Introduced continued

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1 1 Section 1. COMMUNITY HEALTH CENTER == URBAN OUTREACH.  
 1 2 There is appropriated from the general fund of the state to  
 1 3 the department of public health, for the fiscal year beginning  
 1 4 July 1, 2007, and ending June 30, 2008, the following amount  
 1 5 or so much thereof as is necessary, for the purpose  
 1 6 designated:  
 1 7 For allocation to a community health center in an urban  
 1 8 area with a population over 175,000, dedicated to serving the  
 1 9 medically insured, uninsured, and underinsured with their  
 1 10 health care needs, and providing follow-up, continuity of  
 1 11 care, pharmacy assistance, and supportive services, for  
 1 12 outreach to target underserved census tracts via  
 1 13 transportation and connection to resources:  
 1 14 ..... \$ 150,000  
 1 15 EXPLANATION  
 1 16 This bill appropriates funds to the department of public  
 1 17 health for allocation to a community health center in an urban  
 1 18 area with a population over 175,000, for outreach to target  
 1 19 underserved census tracts via transportation and connection to  
 1 20 resources.  
 1 21 LSB 2792HH 82  
 1 22 pf:nh/cf/24



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**House File 551 - Introduced**

HOUSE FILE  
BY SCHICKEL

(COMPANION TO LSB 1442SS BY  
BOLKCOM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to offenses against identity by providing a
- 2 procedure to secure credit information and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1442YH 82
- 6 eg/gg/14



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House File 551 - Introduced continued

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1 1 Section 1. NEW SECTION. 714F.1 DEFINITIONS.  
1 2 For the purposes of this chapter, unless the context  
1 3 otherwise requires:  
1 4 1. "Consumer" means an individual.  
1 5 2. "Consumer report" means any information relating to the  
1 6 creditworthiness of a consumer.  
1 7 3. "Consumer reporting agency" means any person or entity  
1 8 engaged in the practice of assembling or evaluating consumer  
1 9 credit information for the purpose of furnishing a consumer  
1 10 report to a third party. A consumer reporting agency shall  
1 11 not include any of the following:  
1 12 a. A check service or fraud prevention service company  
1 13 that reports on incidents of fraud or issues authorizations  
1 14 for the purpose of approving or processing negotiable  
1 15 instruments, electronic fund transfers, or similar methods of  
1 16 payment.  
1 17 b. A deposit account information service company that  
1 18 issues reports regarding account closures due to fraud,  
1 19 overdrafts, automated teller machine abuse, or similar  
1 20 negative information regarding a consumer to inquiring  
1 21 financial institutions for use only in reviewing the  
1 22 consumer's request for a deposit account at the inquiring  
1 23 financial institution.  
1 24 c. Any person or entity engaged in the practice of  
1 25 assembling and merging information contained in a database of  
1 26 one or more consumer reporting agencies and does not maintain  
1 27 a permanent database of credit information from which new  
1 28 consumer reports are produced.  
1 29 4. "Identification information" means as defined in  
1 30 section 715A.8.  
1 31 5. "Identity theft" means as used in section 715A.8.  
1 32 6. "Proper identification" means sufficient identification  
1 33 information to ascertain that individual's identity.  
1 34 7. "Security freeze" means a hold placed on a consumer  
1 35 report that prevents a consumer reporting agency from



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House File 551 - Introduced continued

2 1 releasing a consumer report without first obtaining the  
2 2 consumer's express authorization.  
2 3     Sec. 2. NEW SECTION. 714F.2 SECURITY FREEZE.  
2 4     A consumer may submit by certified mail to a consumer  
2 5 reporting agency a written request for a security freeze. The  
2 6 consumer must submit proper identification with the request.  
2 7 Within five business days after receiving the request, the  
2 8 consumer reporting agency shall commence the security freeze.  
2 9 Within ten business days after commencing the security freeze,  
2 10 the consumer reporting agency shall send a written  
2 11 confirmation to the consumer of the security freeze, a  
2 12 personal identification number or password, other than the  
2 13 consumer's social security number, for the consumer to use in  
2 14 authorizing the suspension or removal of the security freeze,  
2 15 including information on how the security freeze may be  
2 16 temporarily suspended.  
2 17     Sec. 3. NEW SECTION. 714F.3 TEMPORARY SUSPENSION.  
2 18     A consumer may request that a security freeze be  
2 19 temporarily suspended to allow the consumer reporting agency  
2 20 to release the consumer report for a specific time period or  
2 21 to a specific third party. The consumer reporting agency may  
2 22 develop procedures to expedite the receipt and processing of  
2 23 requests which may involve the use of telephones, facsimile  
2 24 transmissions, the internet, or other electronic media. The  
2 25 consumer reporting agency shall comply with the request within  
2 26 three business days after receiving the request. The  
2 27 consumer's request shall include all of the following:  
2 28     1. Proper identification.  
2 29     2. The personal identification number or password provided  
2 30 by the consumer reporting agency.  
2 31     3. Explicit instructions of the specific time period or  
2 32 specific third party designated for suspension of the security  
2 33 freeze.  
2 34     Sec. 4. NEW SECTION. 714F.4 REMOVAL.  
2 35     A security freeze remains in effect until the consumer



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3 1 requests that the security freeze be removed. A consumer  
3 2 reporting agency shall remove a security freeze within three  
3 3 business days after receiving a request for removal that  
3 4 includes proper identification of the consumer and the  
3 5 personal identification number or password provided by the  
3 6 consumer reporting agency.

3 7       Sec. 5. NEW SECTION. 714F.5 FEES.

3 8       1. A consumer reporting agency shall not charge any fee to  
3 9 a consumer who is the victim of identity theft for  
3 10 effectuating a security freeze, temporary suspension, or  
3 11 removal if with the initial security freeze request, the  
3 12 consumer submits a valid copy of the police report, the  
3 13 investigative report, or complaint filed with a law  
3 14 enforcement agency concerning the unlawful use of  
3 15 identification information by another person.

3 16       2. A consumer reporting agency may charge a fee not to  
3 17 exceed ten dollars to a consumer who is not the victim of  
3 18 identity theft for each security freeze, removal, or for  
3 19 reissuing a personal identification number or password if the  
3 20 consumer fails to retain the original number. The consumer  
3 21 reporting agency may charge a fee not to exceed twelve dollars  
3 22 for each temporary suspension of a security freeze.

3 23       Sec. 6. NEW SECTION. 714F.6 THIRD PARTIES.

3 24       If a third party requests a consumer report that is subject  
3 25 to a security freeze, the consumer reporting agency may advise  
3 26 the third party that a security freeze is in effect. If the  
3 27 consumer does not expressly authorize the third party to have  
3 28 access to the consumer report through a temporary suspension  
3 29 of the security freeze, the third party shall not be given  
3 30 access to the consumer report but may treat a credit  
3 31 application as incomplete.

3 32       Sec. 7. NEW SECTION. 714F.7 MISREPRESENTATION OF FACT.

3 33       A consumer reporting agency may suspend or remove a  
3 34 security freeze upon a material misrepresentation of fact by  
3 35 the consumer. However, the consumer reporting agency shall



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4 1 notify the consumer in writing prior to suspending or removing  
4 2 the security freeze.

4 3       Sec. 8. NEW SECTION. 714F.8 EXCEPTIONS.

4 4       A security freeze shall not apply to the following persons  
4 5 or entities:

4 6       1. A person or person's subsidiary, affiliate, agent, or  
4 7 assignee with which the consumer has or prior to assignment  
4 8 had an account, contract, or debtor=creditor relationship for  
4 9 the purposes of reviewing the account or collecting the  
4 10 financial obligation owing for the account, contract, or debt,  
4 11 or extending credit to a consumer with a prior or existing  
4 12 account, contract, or debtor=creditor relationship.

4 13 "Reviewing the account" includes activities related to account  
4 14 maintenance, monitoring, credit line increases, and account  
4 15 upgrades and enhancements.

4 16       2. A subsidiary, affiliate, agent, assignee, or  
4 17 prospective assignee of a person to whom access has been  
4 18 granted under a temporary suspension for purposes of  
4 19 facilitating the extension of credit or another permissible  
4 20 use.

4 21       3. A person acting pursuant to a court order, warrant, or  
4 22 subpoena.

4 23       4. Child support enforcement officials when investigating  
4 24 a child support case pursuant to Title IV=D or Title XIX of  
4 25 the federal Social Security Act.

4 26       5. The department of human services or its agents or  
4 27 assignees acting to investigate fraud under the medical  
4 28 assistance program.

4 29       6. The department of revenue or local taxing authorities;  
4 30 or any of their agents or assignees, acting to investigate or  
4 31 collect delinquent taxes or assessments, including interest  
4 32 and penalties and unpaid court orders, or to fulfill any of  
4 33 their other statutory or other responsibilities.

4 34       7. A person's use of credit information for prescreening  
4 35 as provided by the federal Fair Credit Reporting Act.



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5 1 8. A person for the sole purpose of providing a credit  
5 2 file monitoring subscription service to which the consumer has  
5 3 subscribed.

5 4 9. A consumer reporting agency for the sole purpose of  
5 5 providing a consumer with a copy of the consumer's consumer  
5 6 report upon the consumer's request.

5 7 Sec. 9. NEW SECTION. 714F.9 WRITTEN CONFIRMATION.

5 8 After a security freeze is in effect, a consumer reporting  
5 9 agency may post a name, date of birth, social security number,  
5 10 or address change in a consumer report provided written  
5 11 confirmation is sent to the consumer within thirty days of  
5 12 posting the change. For an address change, written  
5 13 confirmation shall be sent to both the new and former  
5 14 addresses. Written confirmation is not required to correct  
5 15 spelling and typographical errors.

5 16 Sec. 10. NEW SECTION. 714F.10 APPLICATION.

5 17 An entity listed in section 714F.1, subsection 3, paragraph  
5 18 "a", "b", or "c", shall be subject to a security freeze  
5 19 commenced by a consumer reporting agency that obtains  
5 20 information from such entity.

5 21 Sec. 11. NEW SECTION. 714F.11 WAIVER VOID.

5 22 A waiver by a consumer of the provisions of this chapter is  
5 23 contrary to public policy, and is void and unenforceable.

5 24 Sec. 12. NEW SECTION. 714F.12 ENFORCEMENT.

5 25 A person who violates this chapter violates section 714.16,  
5 26 subsection 2, paragraph "a". All powers conferred upon the  
5 27 attorney general to accomplish the objectives and carry out  
5 28 the duties prescribed in section 714.16 are also conferred  
5 29 upon the attorney general to enforce this chapter, including  
5 30 but not limited to the power to issue subpoenas, adopt rules,  
5 31 and seek injunctive relief and a monetary award for civil  
5 32 penalties, attorney fees, and costs. Additionally, the  
5 33 attorney general may seek and recover the greater of five  
5 34 hundred dollars or actual damages for each customer injured by  
5 35 a violation of this chapter.



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6 1

EXPLANATION

6 2 This bill concerns the protection of a person's identity.

6 3 The bill creates new Code chapter 714F that allows an  
6 4 individual, the consumer, to place a hold on the individual's  
6 5 consumer report to prevent a consumer reporting agency from  
6 6 releasing any information relating to the individual's  
6 7 creditworthiness without first obtaining the individual's  
6 8 express authorization. This "security freeze" may be  
6 9 temporarily suspended to allow a consumer reporting agency to  
6 10 release a consumer report for a specific time period or to a  
6 11 specific third party. A security freeze remains in effect  
6 12 until the individual requests its removal.

6 13 The bill provides that a consumer reporting agency cannot  
6 14 charge any fees to an individual who is the victim of identify  
6 15 theft. Other individuals pay a fee up to \$10 per security  
6 16 freeze, removal, or for reissuing a necessary password if the  
6 17 individual fails to retain it, and up to \$12 per temporary  
6 18 suspension request.

6 19 The bill addresses third parties that seek a consumer  
6 20 report, misrepresentation of a material fact by an individual,  
6 21 and lists exceptions to the security freeze, including a  
6 22 person with a prior debtor-creditor relationship. The bill  
6 23 provides for changes in the consumer report and makes certain  
6 24 entities also subject to a security freeze.

6 25 The bill provides that a waiver of the protection offered  
6 26 by the security freeze provision is void and unenforceable.

6 27 The bill contains enforcement provisions. A violation is  
6 28 an offense under Code section 714.16 and is subject to  
6 29 enforcement, including injunctive relief and money damages, by  
6 30 the attorney general.

6 31 LSB 1442YH 82

6 32 eg:rj/gg/14



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HOUSE FILE  
BY SCHICKEL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to sex offenders by restricting the presence of  
2 offenders on certain real properties where minors are present,  
3 repealing the residency restriction for offenders residing  
4 near a school or child care facility, and providing a penalty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1577YH 82  
7 jm/je/5



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1 1 Section 1. NEW SECTION. 692.3A PRESENCE ON THE REAL  
1 2 PROPERTY WHERE CHILDREN ARE PRESENT == RESTRICTION.  
1 3 1. RESTRICTION. A person required to register under this  
1 4 chapter who has been convicted of a criminal offense against a  
1 5 minor, or an offense involving a minor that is an aggravated  
1 6 offense, sexually violent offense, or other relevant offense,  
1 7 shall not be knowingly present on the real property comprising  
1 8 a public or nonpublic elementary or secondary school, child  
1 9 care facility, public park, library, or public swimming pool  
1 10 unless subsection 2 or 3 applies or any of the following  
1 11 apply:  
1 12 a. The person is transporting a minor who is a child of  
1 13 the person to or from the school or child care facility.  
1 14 b. The person is attending a parent=teacher conference  
1 15 regarding a minor who is a child of the person.  
1 16 c. The person has been summoned to discuss the academic or  
1 17 social progress of a minor who is a child of the person.  
1 18 d. The person is voting at the school or child care  
1 19 facility during the hours designated to vote.  
1 20 e. The person is present at a public park, library, or  
1 21 public swimming pool with a minor who is the child of the  
1 22 person.  
1 23 2. SCHOOL OR CHILD CARE FACILITY EXCEPTION. If the person  
1 24 intends to be present at a public or nonpublic elementary or  
1 25 secondary school or child care facility for any other reason  
1 26 not enumerated in subsection 1, the person shall first notify  
1 27 the administrative offices of the public or nonpublic  
1 28 elementary or secondary school or child care facility that the  
1 29 person intends to be present on the real property comprising  
1 30 the school or child care facility, and the person shall  
1 31 receive written permission from the school or child care  
1 32 facility prior to entering onto the real property comprising  
1 33 the school or child care facility.  
1 34 3. PUBLIC PARK, LIBRARY, OR PUBLIC SWIMMING POOL  
1 35 EXCEPTION. If the person intends to be present at a public



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2 1 park, library, or public swimming pool for any other reason  
2 2 not enumerated in subsection 1, the person shall first notify  
2 3 the administrative offices of the public park, library, or  
2 4 public swimming pool that the person intends to be present on  
2 5 the real property comprising the public park, library, or  
2 6 public swimming pool, and the person shall receive written  
2 7 permission from administrative offices of the public park,  
2 8 library, or public swimming pool prior to entering onto the  
2 9 real property comprising the public park, library, or public  
2 10 swimming pool. Written permission received pursuant to this  
2 11 subsection permits entry onto the real property until such  
2 12 time as the administrative office revokes the written  
2 13 permission.

2 14 4. PENALTY. A person who commits a violation of this  
2 15 section commits an aggravated misdemeanor.

2 16 Sec. 2. Section 692A.5, subsection 1, paragraph h, Code  
2 17 2007, is amended by striking the paragraph and inserting in  
2 18 lieu thereof the following:

2 19 h. Inform the person of restrictions for being present on  
2 20 real property comprising a public or nonpublic school, child  
2 21 care facility, public park, library, or public swimming pool.

2 22 Sec. 3. Section 692A.2A, Code 2007, is repealed.

2 23 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
2 24 3, shall not apply to this Act.

2 25 EXPLANATION

2 26 This bill relates to sex offenders by restricting the  
2 27 presence of offenders on certain real properties where minors  
2 28 are present, and repealing the residency restriction for  
2 29 offenders residing near a school or child care facility.

2 30 The bill provides that a registered sex offender who has  
2 31 been convicted of a criminal offense against a minor, or an  
2 32 offense involving a minor that is an aggravated offense,  
2 33 sexually violent offense, or other relevant offense, shall not  
2 34 be present on the real property comprising a public or  
2 35 nonpublic elementary or secondary school, child care facility



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3 1 or public park, library, or public swimming pool. However,  
3 2 the bill provides exceptions: (1) a sex offender may be  
3 3 present on school or child care facility property if the sex  
3 4 offender is transporting the offender's child to or from  
3 5 school or a child care facility, the offender is attending a  
3 6 parent=teacher conference, the sex offender is summoned to  
3 7 discuss the academic or social progress of the offender's  
3 8 child, the sex offender is voting in an election during the  
3 9 designated hours to vote, or the sex offender is present at a  
3 10 public park, library, or public swimming pool with a minor who  
3 11 is the child of the person; (2) if a sex offender is to be  
3 12 present on the real property of a school or child care  
3 13 facility for any other reason, the offender must first receive  
3 14 written permission from the administrative offices of the  
3 15 school or child care facility prior to entering onto the  
3 16 property; (3) if the sex offender is to be present on the real  
3 17 property comprising a public park, library, or public swimming  
3 18 pool for any other reason, the offender must first receive  
3 19 written permission from the administrative offices of the  
3 20 public park, library, or public swimming pool prior to  
3 21 entering onto the property.

3 22 If a person receives written permission to enter onto the  
3 23 real property of a public park, library, or public swimming  
3 24 pool under the bill, the permission to enter onto such  
3 25 property permits entry onto the property until such time as  
3 26 the administrative office revokes the written permission.

3 27 The bill also repeals Code section 692A.2A, which prohibits  
3 28 certain sex offenders from residing within 2,000 feet of a  
3 29 school or child care facility under most circumstances.

3 30 A person who violates the bill commits an aggravated  
3 31 misdemeanor.

3 32 An aggravated misdemeanor is punishable by confinement for  
3 33 no more than two years and a fine of at least \$625 but not  
3 34 more than \$6,250.

3 35 The bill may include a state mandate as defined in Code



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4 1 section 25B.3. The bill makes inapplicable Code section  
4 2 25B.2, subsection 3, which would relieve a political  
4 3 subdivision from complying with a state mandate if funding for  
4 4 the cost of the state mandate is not provided or specified.  
4 5 Therefore, political subdivisions are required to comply with  
4 6 any state mandate included in the bill.  
4 7 LSB 1577YH 82  
4 8 jm:rj/je/5.1



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**House File 553 - Introduced**

HOUSE FILE  
BY SCHICKEL

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

**A BILL FOR**

- 1 An Act requiring governmental entities to hold a public hearing
- 2 prior to hiring a consultant for hiring personnel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1531YH 82
- 5 ec/je/5



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1 1 Section 1. NEW SECTION. 26A.1 PUBLIC CONSULTING  
1 2 CONTRACTS FOR PERSONNEL == PUBLIC HEARING.  
1 3 1. For purposes of this section, unless the context  
1 4 otherwise requires, "governmental entity" means the state, a  
1 5 political subdivision of the state, a public school  
1 6 corporation, and any officer, board, or commission empowered  
1 7 by law to enter into a consulting contract for personnel  
1 8 hiring.  
1 9 2. A governmental entity shall not enter into a contract  
1 10 to hire a consultant for the purpose of hiring personnel until  
1 11 the governmental entity has held a public hearing and has  
1 12 approved the consulting contract. Notice of the hearing must  
1 13 be published in a manner consistent with the requirements of  
1 14 section 362.3. At the hearing, any interested person may  
1 15 appear and file objections to the proposed consulting  
1 16 contract. After hearing objections, the governmental entity  
1 17 shall enter its decision on the consulting contract.

1 18

EXPLANATION

1 19 This bill provides that a governmental entity shall not  
1 20 enter into a contract to hire a consultant for the purpose of  
1 21 hiring personnel until the entity has held a public hearing.  
1 22 The bill requires the governmental entity to give notice of  
1 23 the hearing and to not make a decision on the contract until  
1 24 after the hearing is conducted. The bill defines governmental  
1 25 entity to include the state, political subdivisions of the  
1 26 state, and public school corporations.

1 27 LSB 1531YH 82

1 28 ec:nh/je/5



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House File 554 - Introduced

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 136)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act relating to a criminal defendant filing an application for
- 2 postconviction relief.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1103HV 82
- 5 jm/je/5



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1 1 Section 1. Section 822.2, subsection 1, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:  
1 3 Any person who has been convicted of, or sentenced for, a  
~~1 4 public an indictable offense as defined in section 801.4 and~~  
1 5 who claims any of the following may institute, without paying  
1 6 a filing fee, a proceeding under this chapter to secure  
1 7 relief:

1 8 EXPLANATION

1 9 This bill relates to a criminal defendant filing an  
1 10 application for postconviction relief.

1 11 The bill prohibits a person convicted of a simple  
1 12 misdemeanor from filing an application for relief. The bill  
1 13 does not prohibit any other criminal defendant from filing an  
1 14 application for postconviction relief.

1 15 An application for postconviction relief generally is an  
1 16 application to the court, after an unsuccessful appeal, by a  
1 17 criminal defendant attacking the constitutionality or validity  
1 18 of the sentence of the criminal defendant.

1 19 LSB 1103HV 82

1 20 jm:nh/je/5



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**House File 555 - Introduced**

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 346)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

- 1 An Act increasing the taxes imposed on cigarettes and tobacco
- 2 products and providing for deposit of the increased revenue
- 3 generated in the healthy Iowans tobacco trust, and providing
- 4 an effective date and an applicability provision.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1799HV 82
- 7 pf/gg/14



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1 1 Section 1. Section 12.65, subsections 1 and 2, Code 2007,  
1 2 are amended to read as follows:

1 3 1. A healthy Iowans tobacco trust is created in the office  
1 4 of the treasurer of state. Moneys transferred to the healthy  
1 5 Iowans tobacco trust from the endowment for Iowa's health  
1 6 account of the tobacco settlement trust fund established in  
1 7 section 12E.12, proceeds derived from payment of taxes  
1 8 pursuant to section 453A.6, subsection 1, paragraph "a",  
1 9 subparagraph (2); section 453A.6, subsection 1, paragraph "b",  
1 10 subparagraph (2); section 453A.43, subsection 1, paragraph  
1 11 "b"; and section 453A.43, subsection 2, paragraph "b", and  
1 12 moneys appropriated or transferred from any other source shall  
1 13 be deposited in the healthy Iowans tobacco trust.

1 14 2. Moneys deposited in the healthy Iowans tobacco trust  
1 15 with the exception of proceeds derived from payment of taxes  
1 16 pursuant to section 453A.6, subsection 1, paragraph "a",  
1 17 subparagraph (2); section 453A.6, subsection 1, paragraph "b",  
1 18 subparagraph (2); section 453A.43, subsection 1, paragraph  
1 19 "b"; and section 453A.43, subsection 2, paragraph "b", shall  
1 20 be used only in accordance with appropriations from the  
1 21 healthy Iowans tobacco trust for purposes related to health  
1 22 care, substance abuse treatment and enforcement, tobacco use  
1 23 prevention and control, and other purposes related to the  
1 24 needs of children, adults, and families in the state. Moneys  
1 25 deposited in the healthy Iowans tobacco trust which constitute  
1 26 proceeds derived from payment of taxes pursuant to section  
1 27 453A.6, subsection 1, paragraph "a", subparagraph (2); section  
1 28 453A.6, subsection 1, paragraph "b", subparagraph (2); section  
1 29 453A.43, subsection 1, paragraph "b"; and section 453A.43,  
1 30 subsection 2, paragraph "b", shall be used only in accordance  
1 31 with appropriations from the healthy Iowans tobacco trust for  
1 32 purposes related to health care, substance abuse treatment and  
1 33 enforcement, and tobacco use prevention and control.

1 34 Sec. 2. Section 453A.6, subsection 1, Code 2007, is  
1 35 amended to read as follows:



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2 1 1. There is imposed, and shall be collected and paid to  
2 2 the department, the following taxes on all cigarettes used or  
2 3 otherwise disposed of in this state for any purpose  
2 4 whatsoever:

2 5 a. CLASS A.

2 6 (1) On cigarettes weighing not more than three pounds per  
2 7 thousand, ~~eighteen mills~~ one and eight-tenths cents on each  
2 8 such cigarette.

2 9 (2) In addition to the tax imposed in subparagraph (1), on  
2 10 cigarettes weighing not more than three pounds per thousand,  
2 11 five cents on each cigarette.

2 12 b. CLASS B.

2 13 (1) On cigarettes weighing more than three pounds per  
2 14 thousand, ~~eighteen mills~~ one and eight-tenths cents on each  
2 15 such cigarette.

2 16 (2) In addition to the tax imposed in subparagraph (1), on  
2 17 cigarettes weighing more than three pounds per thousand, five  
2 18 cents on each cigarette.

2 19 Sec. 3. Section 453A.35, Code 2007, is amended to read as  
2 20 follows:

2 21 453A.35 TAX AND FEES PAID TO GENERAL FUND AND HEALTHY  
2 22 IOWANS TOBACCO TRUST.

2 23 The proceeds derived from the sale of stamps and the  
2 24 payment of taxes, fees and penalties provided for under this  
2 25 chapter, and the permit fees received from all permits issued  
2 26 by the department, with the exception of the proceeds derived  
2 27 from payment of taxes pursuant to section 453A.6, subsection  
2 28 1, paragraph "a", subparagraph (2); section 453A.6, subsection  
2 29 1, paragraph "b", subparagraph (2); section 453A.43,  
2 30 subsection 1, paragraph "b"; and section 453A.43, subsection  
2 31 2, paragraph "b", which shall be credited to the healthy  
2 32 Iowans tobacco trust created in section 12.65, shall be  
2 33 credited to the general fund of the state. All permit fees  
2 34 provided for in this chapter and collected by cities in the  
2 35 issuance of permits granted by the cities shall be paid to the



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3 1 treasurer of the city where the permit is effective, or to  
3 2 another city officer as designated by the council, and  
3 3 credited to the general fund of the city. Permit fees so  
3 4 collected by counties shall be paid to the county treasurer.

3 5 Sec. 4. Section 453A.40, subsection 1, Code 2007, is  
3 6 amended to read as follows:

3 7 1. All persons required to obtain a permit or to be  
3 8 licensed under section 453A.13 ~~as distributors~~ or section  
3 9 453A.44 having in their possession and held for resale on the  
3 10 effective date of an increase in the tax rate cigarettes, ~~or~~  
3 11 little cigars, or tobacco products upon which the tax under  
3 12 section 453A.6 or 453A.43 has been paid, unused cigarette tax  
3 13 stamps which have been paid for under section 453A.8, ~~or~~  
3 14 unused metered imprints which have been paid for under section  
3 15 453A.12, or tobacco products for which the tax has not been  
3 16 paid under section 453A.46 shall be subject to an inventory  
3 17 tax on the items as provided in this section.

3 18 Sec. 5. Section 453A.43, subsections 1, 2, and 3, Code  
3 19 2007, are amended to read as follows:

3 20 1. a. A tax is imposed upon all tobacco products in this  
3 21 state and upon any person engaged in business as a distributor  
3 22 of tobacco products, at the rate of twenty-two percent of the  
3 23 wholesale sales price of the tobacco products, except little  
3 24 cigars as defined in section 453A.42.

3 25 b. In addition to the tax imposed under paragraph "a", a  
3 26 tax is imposed upon all tobacco products in this state and  
3 27 upon any person engaged in business as a distributor of  
3 28 tobacco products, at the rate of sixty-one percent of the  
3 29 wholesale sales price of the tobacco products, except little  
3 30 cigars as defined in section 453A.42.

3 31 c. Little cigars shall be subject to the same rate of tax  
3 32 imposed upon cigarettes in section 453A.6, payable at the time  
3 33 and in the manner provided in section 453A.6; and stamps shall  
3 34 be affixed as provided in division I of this chapter.

3 35 d. The ~~tax~~ taxes on tobacco products, excluding little



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4 1 cigars, shall be imposed at the time the distributor does any  
4 2 of the following:

4 3 ~~a.~~ (1) Brings, or causes to be brought, into this state  
4 4 from without the state tobacco products for sale.

4 5 ~~b.~~ (2) Makes, manufactures, or fabricates tobacco  
4 6 products in this state for sale in this state.

4 7 ~~c.~~ (3) Ships or transports tobacco products to retailers  
4 8 in this state, to be sold by those retailers.

4 9 2. a. A tax is imposed upon the use or storage by  
4 10 consumers of tobacco products in this state, and upon the  
4 11 consumers, at the rate of twenty=two percent of the cost of  
4 12 the tobacco products.

4 13 b. In addition to the tax imposed in paragraph "a", a tax  
4 14 is imposed upon the use or storage by consumers of tobacco  
4 15 products in this state, and upon the consumers, at a rate of  
4 16 sixty=one percent of the cost of the tobacco products.

4 17 c. The ~~tax~~ taxes imposed by this subsection shall not  
4 18 apply if the ~~tax~~ taxes imposed by subsection 1 on the tobacco  
4 19 products ~~has~~ have been paid.

4 20 d. ~~This tax~~ The taxes imposed under this subsection shall  
4 21 not apply to the use or storage of tobacco products in  
4 22 quantities of:

4 23 ~~a.~~ (1) Less than 25 cigars.

4 24 ~~b.~~ (2) Less than 10 oz. snuff or snuff powder.

4 25 ~~c.~~ (3) Less than 1 lb. smoking or chewing tobacco or  
4 26 other tobacco products not specifically mentioned herein, in  
4 27 the possession of any one consumer.

4 28 3. Any tobacco product with respect to which a tax has  
4 29 once been imposed under this division shall not again be  
4 30 subject to tax under ~~said~~ this division, except as provided in  
4 31 section 453A.40.

4 32 Sec. 6. APPLICABILITY. Notwithstanding section 453A.40 as  
4 33 amended in this Act, persons required to obtain a permit or  
4 34 license as specified in that section shall not be subject to  
4 35 an inventory tax on the items as provided in that section as a





**Iowa General Assembly  
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House File 555 - Introduced continued

6 1 trust. However, the bill limits the purposes for which these  
6 2 revenues derived from the taxes on cigarettes and tobacco  
6 3 products and deposited in the healthy Iowans tobacco trust may  
6 4 be used to purposes related to health care, substance abuse  
6 5 treatment and enforcement, and tobacco use prevention and  
6 6 control. The bill takes effect upon enactment.  
6 7 LSB 1799HV 82  
6 8 pf:nh/gg/14



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**Senate Amendment 3040**

PAG LIN

1 1 Amend Senate File 263 as follows:  
1 2 #1. Page 3, line 3, by inserting after the word  
1 3 <REQUIREMENTS> the following: <== LICENSING>.  
1 4 #2. Page 3, line 4, by inserting before the word  
1 5 <Unless> the following: <1.>  
1 6 #3. Page 3, by inserting after line 6 the  
1 7 following:  
1 8 <2. A licensee authorized to conduct gambling  
1 9 games on an excursion boat may convert the license to  
1 10 authorize the conducting of gambling games on a  
1 11 gambling structure with the approval of the  
1 12 commission. In addition, a licensee authorized to  
1 13 conduct gambling games on a moored barge may elect to  
1 14 have the license treated to allow the conducting of  
1 15 gambling games on a gambling structure with the  
1 16 approval of the commission.>  
1 17 #4. By renumbering as necessary.  
1 18  
1 19  
1 20  
1 21 JOHN P. KIBBIE  
1 22  
1 23  
1 24  
1 25 MICHAEL CONNOLLY  
1 26 SF 263.501 82  
1 27 ec/je/7001  
1 28  
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**Senate Amendment 3041**

PAG LIN

1 1 Amend Senate File 208 as follows:  
1 2 #1. Page 1, line 4, by striking the figure  
1 3 <331A.606A> and inserting the following: <331.606A>.  
1 4  
1 5  
1 6  
1 7 HERMAN C. QUIRMBACH  
1 8 SF 208.701 82  
1 9 eg/gg/6913  
1 10  
1 11  
1 12  
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Senate Amendment 3042

PAG LIN

1 1 Amend Senate File 155 as follows:  
1 2 #1. Page 4, by striking line 31 and inserting the  
1 3 following: <of the Tim Shields center for governing  
1 4 excellence in Iowa as provided in>.  
1 5 #2. Page 5, lines 21 and 22, by striking the words  
1 6 <Iowa center for governing excellence> and inserting  
1 7 the following: <Tim Shields center for governing  
1 8 excellence in Iowa>.  
1 9 #3. Page 6, by striking lines 12 through 16 and  
1 10 inserting the following:  
1 11 <Sec. 5. NEW SECTION. 8.68 TIM SHIELDS CENTER  
1 12 FOR GOVERNING EXCELLENCE IN IOWA.  
1 13 1. The commission shall establish the Tim Shields  
1 14 center for governing excellence in Iowa. The purpose  
1 15 of the Tim Shields center for governing excellence in  
1 16 Iowa is to do all of the following:>  
1 17 #4. Page 7, by striking line 10 and inserting the  
1 18 following: <Tim Shields center for governing  
1 19 excellence in Iowa.>  
1 20  
1 21  
1 22  
1 23 ROBERT E. DVORSKY  
1 24 HERMAN C. QUIRMBACH  
1 25 SF 155.301 82  
1 26 sc/cf/6489  
1 27  
1 28  
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Iowa General Assembly  
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**Senate File 290 - Introduced**

SENATE FILE  
BY KETTERING

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

**A BILL FOR**

1 An Act relating to adult mental health, mental retardation, and  
2 developmental disabilities services by shifting responsibility  
3 for such services from the counties to the state, revising  
4 county levy authority for such services, and providing  
5 effective and applicability dates.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1687XS 82  
8 jp/je/5



Iowa General Assembly  
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Senate File 290 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 217.45 EMPLOYEE RIGHTS OF FORMER  
1 2 COUNTY EMPLOYEES.

1 3 1. County employees paid under a county mental health,  
1 4 mental retardation, and developmental disabilities services  
1 5 fund created pursuant to section 331.424A, shall become  
1 6 employees of the department of human services effective July  
1 7 1, 2008, and the department shall assume all costs associated  
1 8 with the functions of the employees on that date. Employees  
1 9 who were paid salaries by the counties immediately prior to  
1 10 becoming state employees as a result of this Act shall not  
1 11 forfeit accrued vacation, accrued sick leave, or longevity,  
1 12 except as provided in this section.

1 13 2. The department of human services, after consulting with  
1 14 the department of administrative services, shall prescribe  
1 15 rules to provide for the following:

1 16 a. A person referred to in subsection 1 shall have to the  
1 17 person's credit as a state employee commencing on the date of  
1 18 becoming a state employee the number of accrued vacation days  
1 19 that was credited to the person as a county employee as of the  
1 20 end of the day prior to becoming a state employee.

1 21 b. Each person referred to in subsection 1 shall have to  
1 22 the person's credit as a state employee commencing on the date  
1 23 of becoming a state employee the number of accrued days of  
1 24 sick leave that was credited to the person as a county  
1 25 employee as of the end of the day prior to becoming a state  
1 26 employee. However, the number of days of sick leave credited  
1 27 to a person under this subsection and eligible to be taken  
1 28 when sick or eligible to be received upon retirement shall not  
1 29 respectively exceed the maximum number of days, if any, or the  
1 30 maximum dollar amount as provided in section 70A.23 that state  
1 31 employees generally are entitled to accrue or receive  
1 32 according to rules in effect as of the date the person becomes  
1 33 a state employee.

1 34 c. Commencing on the date of becoming a state employee,  
1 35 each person referred to in subsection 1 is entitled to claim



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Senate File 290 - Introduced continued

2 1 the person's most recent continuous period of service in full=  
2 2 time county employment as full-time state employment for  
2 3 purposes of determining the number of days of vacation which  
2 4 the person is entitled to earn each year. The actual vacation  
2 5 benefit, including the limitation on the maximum accumulated  
2 6 vacation leave, shall be determined as provided in section  
2 7 70A.1 according to rules in effect for state employees of  
2 8 comparable longevity, irrespective of any greater or lesser  
2 9 benefit as a county employee.

2 10 3. Persons referred to in subsection 1 who were covered by  
2 11 county employee life insurance and accident and health  
2 12 insurance plans prior to becoming state employees as a result  
2 13 of this Act shall be permitted to apply prior to becoming  
2 14 state employees for life insurance and health and accident  
2 15 insurance plans that are available to state employees so that  
2 16 those persons do not suffer a lapse of insurance coverage as a  
2 17 result of this Act. The department of human services, after  
2 18 consulting with the department of administrative services,  
2 19 shall prescribe rules and distribute application forms and  
2 20 take other actions as necessary to enable those persons to  
2 21 elect to have insurance coverage that is in effect on the date  
2 22 of becoming state employees. The actual insurance coverage  
2 23 available to a person shall be determined by the plans that  
2 24 are available to state employees, irrespective of any greater  
2 25 or lesser benefits that may have been available to the person  
2 26 as a county employee.

2 27 4. Commencing on the date of becoming a state employee,  
2 28 each person referred to in subsection 1 is entitled to claim  
2 29 the person's most recent continuous period of service in full=  
2 30 time county employment as full-time state employment for  
2 31 purposes of determining disability benefits as provided in  
2 32 section 70A.20 according to rules in effect for state  
2 33 employees of comparable longevity, irrespective of any greater  
2 34 or lesser benefit that may have been available to the person  
2 35 as a county employee.



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Senate File 290 - Introduced continued

3 1 Sec. 2. Section 222.60, Code 2007, is amended to read as  
3 2 follows:

3 3 222.60 COSTS PAID BY ~~COUNTY OR~~ THE STATE OR COUNTY ==  
3 4 DIAGNOSIS AND EVALUATION.

3 5 1. All necessary and legal expenses for the cost of  
3 6 admission or commitment or for the treatment, training,  
3 7 instruction, care, habilitation, support, and transportation  
3 8 of persons with mental retardation, ~~as provided for in the~~  
~~3 9 county management plan provisions implemented pursuant to~~  
~~3 10 section 331.439, subsection 1,~~ in a state resource center, or  
3 11 in a special unit, or any public or private facility within or  
3 12 without the state, approved by the director of the department  
3 13 of human services, shall be paid by ~~either:~~

~~3 14 1. The county in which such person has legal settlement as~~  
~~3 15 defined in section 252.16.~~

~~3 16 2. The the state when such person has no legal settlement~~  
~~3 17 or when such settlement is unknown. However, a county board~~  
3 18 of supervisors may voluntarily authorize payment for such  
3 19 services for a county resident who does not meet state  
3 20 eligibility guidelines and does not have a source of payment  
3 21 for the services.

3 22 2. Prior to a ~~county of legal settlement~~ the director  
3 23 approving the payment of expenses for a person under this  
3 24 section, the ~~county~~ director may require that the person be  
3 25 diagnosed to determine if the person has mental retardation or  
3 26 that the person be evaluated to determine the appropriate  
3 27 level of services required to meet the person's needs relating  
3 28 to mental retardation. The diagnosis and the evaluation may  
3 29 be performed concurrently and shall be performed by an  
3 30 individual or individuals approved by the ~~county~~ director who  
3 31 are qualified to perform the diagnosis or the evaluation.  
3 32 Following the initial approval for payment of expenses, the  
3 33 ~~county of legal settlement~~ director may require that an  
3 34 evaluation be performed at reasonable time periods. The cost  
3 35 of a ~~county-required~~ diagnosis and an evaluation under this



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Senate File 290 - Introduced continued

~~4 1 section is at the county's department's expense. In the case  
4 2 of a person without legal settlement or whose legal settlement  
4 3 is unknown, the state may apply the diagnosis and evaluation  
4 4 provisions of this paragraph at the state's expense. A  
4 5 diagnosis or an evaluation under this section may be part of a  
4 6 county's central point of coordination process under section  
4 7 331.440, provided that a diagnosis is performed only by an  
4 8 individual qualified as provided in this section.~~

4 9 3. A diagnosis of mental retardation under this section  
4 10 shall be made only when the onset of the person's condition  
4 11 was prior to the age of eighteen years and shall be based on  
4 12 an assessment of the person's intellectual functioning and  
4 13 level of adaptive skills. The diagnosis shall be made by an  
4 14 individual who is a psychologist or psychiatrist who is  
4 15 professionally trained to administer the tests required to  
4 16 assess intellectual functioning and to evaluate a person's  
4 17 adaptive skills.

4 18 4. A diagnosis of mental retardation shall be made in  
4 19 accordance with the criteria provided in the diagnostic and  
4 20 statistical manual of mental disorders, fourth edition,  
4 21 published by the American psychiatric association.

4 22 Sec. 3. Section 225C.1, subsection 1, Code 2007, is  
4 23 amended to read as follows:

4 24 1. The general assembly finds that until July 1, 2008,  
4 25 services to persons with mental illness, mental retardation,  
4 26 developmental disabilities, or brain injury ~~are~~ were provided  
4 27 in many parts of the state by highly autonomous  
4 28 community-based service providers working cooperatively with  
4 29 state and county officials. However, the general assembly  
4 30 recognizes that heavy reliance on property tax funding for  
4 31 mental health and mental retardation services ~~has enabled many~~  
~~4 32 counties to exceed minimum state standards for the services~~  
~~4 33 resulting~~ resulted in an uneven level of services around the  
4 34 state. Consequently, greater efforts should be made to assure  
4 35 close coordination and continuity of care for those persons



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Senate File 290 - Introduced continued

5 1 receiving publicly supported disability services in Iowa. It  
5 2 is the purpose of this chapter to continue and to strengthen  
5 3 the services to persons with disabilities now available in the  
5 4 state of Iowa, to make disability services conveniently  
5 5 available to all persons in this state upon a reasonably  
5 6 uniform financial basis, and to assure the continued high  
5 7 quality of these services. Effective July 1, 2008, the  
5 8 primary responsibility for adult mental health and disability  
5 9 services was transitioned from the counties to the state in  
5 10 order to enhance Iowa's capacity to achieve the purposes  
5 11 outlined in this section.

5 12 Sec. 4. Section 229.42, Code 2007, is amended to read as  
5 13 follows:

5 14 229.42 COSTS PAID VOLUNTARILY BY COUNTY.

5 15 1. If a person wishing to make application for voluntary  
5 16 admission to a mental hospital established by chapter 226 is  
5 17 unable to pay the costs of hospitalization or those  
5 18 responsible for the person are unable to pay the costs, and  
5 19 the person does not meet state eligibility guidelines,  
5 20 application for authorization of voluntary admission ~~must~~ may  
5 21 be made through a central point of coordination process before  
5 22 application for admission is made to the hospital the person's  
5 23 county of residence. The person's county of legal settlement  
5 24 shall be determined through the central point of coordination  
5 25 process and if the admission is approved through the central  
5 26 point of coordination process, the person's admission to a  
5 27 mental health hospital shall be authorized as a voluntary  
5 28 case. The authorization shall be issued on forms provided by  
5 29 the administrator. The costs of the hospitalization shall be  
5 30 paid by the county of ~~legal settlement~~ residence to the  
5 31 department of human services and credited to the general fund  
5 32 of the state, provided that the mental health hospital  
5 33 rendering the services has certified to the county auditor of  
5 34 the county of ~~legal settlement~~ residence the amount chargeable  
5 35 to the county and has sent a duplicate statement of the



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Senate File 290 - Introduced continued

6 1 charges to the department of human services. ~~A~~ However, a  
6 2 county shall not be billed for the cost of a patient unless  
6 3 the patient's admission is authorized ~~through the central~~  
~~6 4 point of coordination process by the county's board of~~  
6 5 supervisors. The mental health institute and the county ~~shall~~  
6 6 may work together to locate appropriate alternative placements  
6 7 and services, and to educate patients and family members of  
6 8 patients regarding such alternatives.

6 9 2. All the provisions of chapter 230 shall apply to such  
6 10 voluntary patients so far as is applicable.

6 11 3. The provisions of this section and of section 229.41  
6 12 shall apply to all voluntary inpatients or outpatients  
6 13 receiving mental health services either away from or at the  
6 14 institution.

6 15 4. If a county has authorized the patient's admission and  
6 16 fails to pay the billed charges within forty=five days from  
6 17 the date the county auditor received the certification  
6 18 statement from the superintendent, the department of human  
6 19 services shall charge the delinquent county the penalty of one  
6 20 percent per month on and after forty=five days from the date  
6 21 the county received the certification statement until paid.  
6 22 The penalties received shall be credited to the general fund  
6 23 of the state.

6 24 Sec. 5. Section 230.1, Code 2007, is amended to read as  
6 25 follows:

6 26 230.1 LIABILITY OF ~~COUNTY AND~~ STATE.

6 27 ~~1-~~ The necessary and legal costs and expenses attending  
6 28 the taking into custody, care, investigation, admission,  
6 29 commitment, and support of a person with mental illness  
6 30 admitted or committed to a state hospital shall be paid by ~~a~~  
~~6 31 county or by the state as follows:~~, except as otherwise  
6 32 provided in section 229.42.

6 33 a. By the county in which such person has a legal  
~~6 34 settlement, if the person is eighteen years of age or older.~~

6 35 b. By the state when such person has no legal settlement



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~~Senate File 290 — Introduced continued~~

~~7 1 in this state, when the person's legal settlement is unknown,  
7 2 or if the person is under eighteen years of age.~~

~~7 3 2. The legal settlement of any person found mentally ill  
7 4 who is a patient of any state institution shall be that  
7 5 existing at the time of admission thereto.~~

~~7 6 3. A county of legal settlement is not liable for costs  
7 7 and expenses associated with a person with mental illness  
7 8 unless the costs and expenses are for services and other  
7 9 support authorized for the person through the central point of  
7 10 coordination process. For the purposes of this chapter,  
7 11 "central point of coordination process" means the same as  
7 12 defined in section 331.440.~~

7 13 Sec. 6. Section 249A.26, Code 2007, is amended by striking  
7 14 the section and inserting in lieu thereof the following:

7 15 249A.26 STATE RESPONSIBILITY FOR MENTAL HEALTH AND  
7 16 DISABILITY SERVICES.

7 17 Unless a county voluntarily agrees to participate in the  
7 18 costs of mental health and disability services, as defined in  
7 19 section 225C.2, effective July 1, 2008, the nonfederal share  
7 20 of the cost of such services provided under the medical  
7 21 assistance program is the responsibility of the state.

7 22 Sec. 7. Section 331.424, subsection 1, Code 2007, is  
7 23 amended by adding the following new paragraph:

7 24 NEW PARAGRAPH. k. To the extent that the board deems it  
7 25 advisable, the costs of mental health and disability services,  
7 26 as defined in section 225C.2, provided to county residents.

7 27 Sec. 8. Section 904.201, subsection 8, Code 2007, is  
7 28 amended to read as follows:

7 29 8. Chapter 230 governs the determination of costs and  
7 30 charges for the care and treatment of persons with mental  
7 31 illness admitted to the forensic psychiatric hospital, except  
7 32 that charges for the care and treatment of any person  
7 33 transferred to the forensic psychiatric hospital from an adult  
7 34 correctional institution or from a state training school shall  
7 35 be paid entirely from state funds. Charges for all other



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Senate File 290 - Introduced continued

8 1 persons at the forensic psychiatric hospital shall be billed  
8 2 to the ~~respective counties~~ department of human services at the  
8 3 same ratio as for patients at state mental health institutes  
8 4 under section 230.20.

8 5 Sec. 9. CONFORMING AMENDMENTS LEGISLATION. If this Act is  
8 6 enacted, the legislative services agency shall prepare  
8 7 committee study bills for submission in the 2008 regular  
8 8 session of the Eighty-second General Assembly to the  
8 9 committees on human resources of the senate and house of  
8 10 representatives to amend the Code of Iowa as necessary to  
8 11 transfer responsibility for costs and delivery of mental  
8 12 health and disability services, as defined in section 225C.2,  
8 13 from the counties to the state. The provisions of the bill  
8 14 shall include but are not limited to making changes in boards,  
8 15 committees, and commissions, revising referral  
8 16 responsibilities, eliminating or changing references to  
8 17 central point of coordination administrators, repealing or  
8 18 amending provisions that are rendered obsolete, incorrect, or  
8 19 inaccurate as a result of the passage of this Act, and making  
8 20 other conforming amendments as necessary. This section takes  
8 21 effect July 1, 2007.

8 22 Sec. 10. REPEALS.

8 23 1. Sections 331.424A, 331.438, 331.439, 331.440, and  
8 24 331.440A, Code 2007, are repealed.

8 25 2. Chapter 426B, Code 2007, is repealed.

8 26 Sec. 11. EFFECTIVE DATE. Except as otherwise provided in  
8 27 this section and in section 9 of this Act, this Act takes  
8 28 effect July 1, 2008. The Act applies prior to July 1, 2008,  
8 29 for purposes of making changes in the county budget and levy  
8 30 responsibilities and authority necessary to implement the  
8 31 provisions of this Act beginning on July 1, 2008.

8 32 EXPLANATION

8 33 This bill relates to adult mental health, mental  
8 34 retardation, and developmental disabilities services by  
8 35 shifting responsibility for payment of such services from the  
9 1 counties to the state effective July 1, 2008, and revising  
9 2 county levy authority for such services. Many provisions of  
9 3 the bill reference the definition of "disability services" in  
9 4 Code section 225C.2, which defines the term to mean services  
9 5 and other support available to a person with mental illness,  
9 6 mental retardation or other developmental disability, or brain  
9 7 injury (MI/MR/DD/BI).

9 8 New Code section 217.45 provides for transfer of county  
9 9 employees paid under a county MH/MR/DD services fund from  
9 10 county employment to state employment with the department of  
9 11 human services effective July 1, 2008, and outlines benefits  
9 12 and rights of such employees.

9 13 The bill amends significant Code provisions outlining  
9 14 county or state responsibilities for MH/MR/DD to provide for  
9 15 state responsibility and that county participation in costs is  
9 16 voluntary. The following Code provisions are addressed:

9 17 Code section 222.60 is amended to provide that the state is  
9 18 responsible for expenses for the cost of admission or  
9 19 commitment or for the treatment, training, instruction, care,  
9 20 habilitation, support, and transportation of persons with  
9 21 mental retardation in public or private facilities. However,



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9 22 a county may voluntarily pay for the costs of such services  
9 23 for a county resident who does not meet state eligibility  
9 24 requirements and does not have a payment source.  
9 25 Code section 225C.1, stating the purpose of the MH/MR/DD/BI  
9 26 services chapter, is amended to provide for state  
9 27 responsibility in lieu of counties effective July 1, 2008.  
9 28 Code section 229.42, relating to financial responsibility  
9 29 under the mental health commitment Code chapter, is amended to  
9 30 provide that a county may voluntarily accept responsibility to  
9 31 pay the costs of a patient who is a county resident and placed  
9 32 in a state mental health institute.  
9 33 Code section 230.1, relating to responsibility for the  
9 34 necessary and legal costs and expenses attending the taking  
9 35 into custody, care, investigation, admission, commitment, and



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Senate File 290 - Introduced continued

10 1 support of a person with mental illness in a state mental  
10 2 health institute, is amended to provide that the state is  
10 3 responsible and to eliminate county responsibility unless it  
10 4 is provided voluntarily.  
10 5 Code section 249A.26, relating to state and county  
10 6 participation in funding for medical assistance (Medicaid)  
10 7 program services to persons with disabilities, is amended by  
10 8 striking the section and providing that unless a county  
10 9 voluntarily agrees to participate in the costs, effective July  
10 10 1, 2008, the nonfederal share of the cost of mental health and  
10 11 disability services provided under the program is the  
10 12 responsibility of the state.  
10 13 Code section 331.424, relating to county supplemental levy  
10 14 authority, is amended to authorize the county, when the  
10 15 general levy is insufficient, to utilize its supplemental levy  
10 16 authority to the extent that the board of supervisors deems it  
10 17 advisable to pay the costs of mental health and disability  
10 18 services provided to county residents.  
10 19 Code section 904.201, relating to charges for services  
10 20 provided at the Iowa medical and classification center at  
10 21 Oakdale, is amended to provide that those costs for the care  
10 22 and treatment of persons with mental illness that under  
10 23 current law are charged to counties are instead charged to the  
10 24 department of human services.  
10 25 The bill repeals these Code sections: Code section  
10 26 331.424A, providing for the establishment of the county  
10 27 MI/MR/DD services fund and prohibiting the county from paying  
10 28 for these services from any other fund; Code section 331.438,  
10 29 relating to joint state=county planning, implementing, and  
10 30 funding of MI/MR/DD services, including allowed growth  
10 31 payments to counties; Code section 331.439, relating to county  
10 32 eligibility for state funding associated with the services;  
10 33 Code section 331.440, relating to the county central point of  
10 34 coordination system and shifting of state cases to county  
10 35 responsibility; and Code section 331.440A, relating to a



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Senate File 290 - Introduced continued

11 1 services funding decategorization project. In addition, Code  
11 2 chapter 426B, relating to property tax relief payments to  
11 3 counties and funding pools associated with allowed growth  
11 4 payments, is repealed.  
11 5 The legislative services agency is directed to prepare and  
11 6 submit committee study bills for the 2008 regular legislative  
11 7 session to further amend the Code as necessary to implement  
11 8 this bill. This section takes effect July 1, 2007. The  
11 9 remainder of the bill takes effect July 1, 2008. However, the  
11 10 bill provides that the changes in the bill that affect county  
11 11 budget preparation and levy authority involving the fiscal  
11 12 year that begins on the bill's effective date, apply prior to  
11 13 the effective date.  
11 14 LSB 1687XS 82  
11 15 jp:sc/je/5.1



Iowa General Assembly  
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**Senate File 291 - Introduced**

SENATE FILE  
BY BOLKCOM

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to tonnage fees retained by certain sanitary
- 2 landfills.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2511SS 82
- 5 tm/gg/14



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PAG LIN

1 1 Section 1. Section 455B.310, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. a. If a sanitary landfill required to pay a tonnage  
1 4 fee under this section has an updated comprehensive plan  
1 5 approved by the department, the sanitary landfill operator  
1 6 shall retain, in addition to the ninety-five cents retained  
1 7 pursuant to subsection 4, twenty-five cents of the tonnage fee  
1 8 per ton of solid waste in the fiscal year beginning July 1,  
1 9 1998, and every year thereafter. In the fiscal year beginning  
1 10 July 1, 1999, and every year thereafter, any planning area  
1 11 which meets the statewide average, as determined by the  
1 12 department on July 1, 1999, shall retain, in addition to the  
1 13 twenty-five cents retained pursuant to this ~~subsection~~  
1 14 paragraph, ten cents of the tonnage fee per ton of solid waste  
1 15 regardless of whether the planning area subsequently fails to  
1 16 meet the statewide average. Any tonnage fees retained  
1 17 pursuant to this ~~subsection~~ paragraph shall be used for waste  
1 18 reduction, recycling, or small business pollution prevention  
1 19 purposes. Any tonnage fee retained pursuant to this  
1 20 ~~subsection~~ paragraph shall be taken from that portion of the  
1 21 tonnage fee which would have been allocated to funding  
1 22 alternatives to landfills pursuant to section 455E.11,  
1 23 subsection 2, paragraph "a", subparagraph (1).  
1 24 b. A sanitary landfill that provides hazardous waste to a  
1 25 household hazardous waste collection site that is licensed as  
1 26 a reverse distributor by the board of pharmacy examiners and  
1 27 endorsed by the governor's office of drug control policy shall  
1 28 retain, in addition to the amounts provided in paragraph "a",  
1 29 forty-nine cents per ton of the tonnage fee per ton of solid  
1 30 waste. Any tonnage fee retained pursuant to this paragraph  
1 31 shall be used solely for purposes of providing pharmaceutical  
1 32 collection and disposal services. Any tonnage fee retained  
1 33 pursuant to this paragraph shall be taken from that portion of  
1 34 the tonnage fee which would have been allocated to funding  
1 35 alternatives to landfills pursuant to section 455E.11,



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Senate File 291 - Introduced continued

2 1 subsection 2, paragraph "a", subparagraph (1).

2 2 EXPLANATION

2 3 This bill relates to tonnage fees retained by certain  
2 4 sanitary landfills.

2 5 The bill provides that a sanitary landfill that provides  
2 6 hazardous waste to a household hazardous waste collection site  
2 7 that is licensed as a reverse distributor by the board of  
2 8 pharmacy examiners and endorsed by the governor's office of  
2 9 drug control policy shall retain 49 cents per ton of the  
2 10 tonnage fee per ton of solid waste. The bill provides that  
2 11 the retained tonnage fees shall be used solely for purposes of  
2 12 providing pharmaceutical collection and disposal services.  
2 13 The bill provides that the retained tonnage fees shall be  
2 14 taken from that portion of the tonnage fee which would have  
2 15 been allocated to funding alternatives to landfills.

2 16 LSB 2511SS 82

2 17 tm:nh/gg/14



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February 27, 2007

**Senate File 292 - Introduced**

SENATE FILE  
BY ANGELO

(COMPANION TO LSB 2293HH  
BY BAUDLER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to under legal age consumption or possession of  
2 an alcoholic beverage on certain property, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2293SS 82  
6 jm/je/5



Iowa General Assembly  
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Senate File 292 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 123.47C UNDER LEGAL AGE  
1 2 CONSUMPTION OR POSSESSION OF AN ALCOHOLIC BEVERAGE ON CERTAIN  
1 3 REAL PROPERTY == PENALTY == LIABILITY.  
1 4 1. As used in this section:  
1 5 a. "Control" means any form of dominion including  
1 6 ownership, tenancy, or other possessory right.  
1 7 b. "Emergency responders" means the same as section  
1 8 100B.21.  
1 9 c. "Enforcement services" means the salaries and benefits  
1 10 of emergency responders for the amount of time actually spent  
1 11 responding to or remaining at a house party and administrative  
1 12 costs attributable to the incident; the actual costs for  
1 13 medical treatment for any injured emergency responder; and the  
1 14 costs of repairing any damage to equipment or vehicles.  
1 15 d. "House party" means a social gathering at a residence.  
1 16 e. "Residence" means a hotel or motel room, home, yard,  
1 17 apartment, condominium, or other dwelling unit, hall, or  
1 18 meeting room.  
1 19 2. A person who is in control of a residence that is not a  
1 20 licensed premises, shall not knowingly permit a house party to  
1 21 occur or continue to occur at the residence if a person who is  
1 22 under legal age is consuming or possessing an alcoholic  
1 23 beverage on such property.  
1 24 3. The fact that a person having control of a residence is  
1 25 present at the residence during the time a person under legal  
1 26 age consumes or possesses an alcoholic beverage, shall be  
1 27 considered prima facie evidence the person had knowledge the  
1 28 person under legal age consumed or possessed an alcoholic  
1 29 beverage on the property.  
1 30 4. A person having control of a residence who violates  
1 31 this section commits a simple misdemeanor punishable by a  
1 32 scheduled fine under section 805.8C, subsection 8.  
1 33 5. If a violation of this section occurs the person having  
1 34 control of the residence shall be civilly liable for the cost  
1 35 of providing enforcement services during a second or follow-up



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Senate File 292 - Introduced continued

2 1 response by emergency responders after a warning has been  
2 2 given to the person in control of the residence.  
2 3 6. The state or a political subdivision does not waive its  
2 4 right to seek reimbursement of enforcement services if a  
2 5 criminal prosecution arises out of a violation of this  
2 6 section.

2 7 7. This section does not apply to circumstances described  
2 8 in section 123.47, subsection 2.

2 9 Sec. 2. Section 805.8C, Code 2007, is amended by adding  
2 10 the following new subsection:

2 11 NEW SUBSECTION. 8. ALCOHOLIC BEVERAGE VIOLATIONS BY  
2 12 PERSONS IN CONTROL OF RESIDENCE. For violations of section  
2 13 123.47C, the scheduled fine is two hundred dollars.

2 14 EXPLANATION

2 15 This bill relates to under legal age consumption or  
2 16 possession of an alcoholic beverage on certain property.

2 17 The bill provides that a person who is in control of a  
2 18 residence that is not a licensed premises shall not knowingly  
2 19 permit an under legal age person to consume or possess an  
2 20 alcoholic beverage on such property.

2 21 Under the bill, a person having control of a residence who  
2 22 is present at the residence during the time a person under  
2 23 legal age consumes or possesses an alcoholic beverage is prima  
2 24 facie evidence the person had knowledge the under legal age  
2 25 person consumed or possessed an alcoholic beverage on the  
2 26 property.

2 27 The bill defines "control" to mean any form of dominion  
2 28 including ownership, tenancy, or other possessory right.

2 29 The bill defines "residence" to mean a hotel or motel room,  
2 30 home, yard, apartment, condominium, or other dwelling unit,  
2 31 hall, or meeting room.

2 32 A person having control of a residence who violates the  
2 33 bill commits a simple misdemeanor punishable by a scheduled  
2 34 fine in the amount of \$200.

2 35 In addition, if a violation of the bill occurs the person



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3 1 having control of the residence shall be civilly liable for  
3 2 the cost of providing enforcement services during a second or  
3 3 follow-up response by emergency responders after a warning has  
3 4 been given to the person in control of the residence.

3 5 The bill defines "enforcement services" to mean the  
3 6 salaries and benefits of emergency responders for the amount  
3 7 of time actually spent responding to or remaining at a  
3 8 residence and administrative costs attributable to the  
3 9 incident, the actual costs for medical treatment for any  
3 10 injured emergency responder, and the costs of repairing any  
3 11 damage to equipment or vehicles.

3 12 The bill does not apply to the following situations  
3 13 described in Code section 123.47, subsection 2: an alcoholic  
3 14 beverage dispensed in a private home to a person under legal  
3 15 age with the presence and consent of the parent; an alcoholic  
3 16 beverage dispensed for medical purposes; and an alcoholic  
3 17 beverage possessed during the regular course of employment.

3 18 LSB 2293SS 82

3 19 jm:nh/je/5



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**Senate File 293 - Introduced**

SENATE FILE  
BY BEALL

(COMPANION TO LSB 1707HH  
BY HUNTER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to restraint requirements for motor vehicle
- 2 occupants and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1707SS 82
- 5 dea/je/5



Iowa General Assembly  
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Senate File 293 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:  
1 3 2. The driver and ~~front seat~~ occupants of a type of motor  
1 4 vehicle that is subject to registration in Iowa, except a  
1 5 motorcycle or a motorized bicycle, shall each wear a properly  
1 6 adjusted and fastened safety belt or safety harness any time  
1 7 the vehicle is in forward motion on a street or highway in  
1 8 this state except that a child under eleven years of age shall  
1 9 be secured as required under section 321.446.  
1 10 Sec. 2. Section 321.445, subsection 2, paragraphs a, b,  
1 11 and f, Code 2007, are amended to read as follows:  
1 12 a. The driver or ~~front seat~~ occupants of a motor vehicle  
1 13 which is not required to be equipped with safety belts or  
1 14 safety harnesses.  
1 15 b. The driver and ~~front seat~~ occupants of a motor vehicle  
1 16 who are actively engaged in work which requires them to alight  
1 17 from and reenter the vehicle at frequent intervals, providing  
1 18 the vehicle does not exceed twenty-five miles per hour between  
1 19 stops.  
1 20 f. ~~Front seat occupants~~ Occupants of an authorized  
1 21 emergency vehicle while they are being transported in an  
1 22 emergency. However, this exemption does not apply to the  
1 23 driver of the authorized emergency vehicle.  
1 24 Sec. 3. Section 321.445, subsection 3, Code 2007, is  
1 25 amended to read as follows:  
1 26 3. The driver and ~~front seat~~ passengers may be each  
1 27 charged separately for improperly used or nonused equipment  
1 28 under subsection 2. The owner of the motor vehicle may be  
1 29 charged for equipment violations under subsection 1.  
1 30 Sec. 4. Section 321.445, subsection 5, Code 2007, is  
1 31 amended to read as follows:  
1 32 5. The department shall adopt rules pursuant to chapter  
1 33 17A providing exceptions from application of subsections 1 and  
1 34 2 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles  
1 35 owned, leased, rented, or primarily used by persons with



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Senate File 293 - Introduced continued

2 1 physical disabilities who use collapsible wheelchairs.

2 2 EXPLANATION

2 3 This bill requires the driver and all occupants of a motor  
2 4 vehicle to wear a seat belt or safety harness while the  
2 5 vehicle is in forward motion on a street or highway.

2 6 Currently, only the driver and front seat passengers are  
2 7 required to wear seat belts or safety harnesses. Restraint  
2 8 requirements do not apply to the driver and occupants of a  
2 9 motor vehicle that is not required to be equipped with seat  
2 10 belts or safety harnesses, persons who are engaged in work  
2 11 that requires frequent stops to exit and reenter the vehicle,  
2 12 letter carriers, bus passengers, persons with a certified  
2 13 physical or medical exemption, and occupants being transported  
2 14 in an emergency vehicle. The department of transportation  
2 15 shall adopt rules providing exceptions from seat belt  
2 16 requirements for motor vehicles owned, leased, rented, or  
2 17 primarily used by persons who use collapsible wheelchairs.  
2 18 Separate provisions that apply for children under 11 years of  
2 19 age are not affected by the bill.

2 20 A violation of seat belt or restraint requirements is a  
2 21 scheduled violation subject to a fine of \$25. Seat belt and  
2 22 restraint violations are not a factor in establishing grounds  
2 23 for license suspension or identifying a person as a habitual  
2 24 violator.

2 25 LSB 1707SS 82

2 26 dea:nh/je/5



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**Senate File 294 - Introduced**

SENATE FILE  
BY HANCOCK

(COMPANION TO LSB 2596HH BY  
LUKAN)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to national pollutant discharge elimination
- 2 system permits for disposal systems of certain cities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2596SS 82
- 5 tm/es/88



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Senate File 294 - Introduced continued

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1 1 Section 1. Section 455B.197, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:  
1 3 The department may issue a permit related to the  
1 4 administration of the national pollutant discharge elimination  
1 5 system permit program pursuant to the federal Water Pollution  
1 6 Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pt.  
1 7 124 including but not limited to storm water discharge permits  
1 8 issued pursuant to section 455B.103A. For cities with a  
1 9 population of less than two hundred fifty and with two or more  
1 10 discharge points for a disposal system requiring a permit  
1 11 under subsection 3, the department shall not require more than  
1 12 one permit under subsection 3 for the disposal system. The  
1 13 department may provide for the receipt of applications and the  
1 14 issuance of permits as provided by rules adopted by the  
1 15 department which are consistent with this section. The  
1 16 department shall assess and collect fees for the processing of  
1 17 applications and the issuance of permits as provided in this  
1 18 section. The department shall deposit the fees into the  
1 19 national pollutant discharge elimination system permit fund  
1 20 created in section 455B.196. The fees shall be established as  
1 21 follows:

1 22 EXPLANATION

1 23 This bill relates to national pollutant discharge  
1 24 elimination system permits for disposal systems of certain  
1 25 cities.  
1 26 The bill provides that, for cities with a population of  
1 27 less than 250 and with two or more discharge points for a  
1 28 disposal system, the department of natural resources shall not  
1 29 require more than one permit for the disposal system.  
1 30 LSB 2596SS 82  
1 31 tm:nh/es/88



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**Senate File 295 - Introduced**

SENATE FILE  
BY DOTZLER

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act extending state tax benefits for use of soy-based
- 2 transformer fluid by electric utilities and including
- 3 effective and applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2665SS 82
- 6 mg/je/5



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Senate File 295 - Introduced continued

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1 1 Section 1. Section 422.11R, Code 2007, is amended to read  
1 2 as follows:  
1 3 422.11R SOY=BASED TRANSFORMER FLUID TAX CREDIT.  
1 4 The taxes imposed under this division, less the credits  
1 5 allowed under sections 422.12 and 422.12B, shall be reduced by  
1 6 a soy=based transformer fluid tax credit allowed under chapter  
1 7 476D.  
1 8 This section is repealed December 31, ~~2008~~ 2009.  
1 9 Sec. 2. Section 422.33, subsection 23, Code 2007, is  
1 10 amended to read as follows:  
1 11 23. The taxes imposed under this division shall be reduced  
1 12 by a soy=based transformer fluid tax credit allowed under  
1 13 chapter 476D.  
1 14 This subsection is repealed December 31, ~~2008~~ 2009.  
1 15 Sec. 3. Section 423.4, subsection 7, paragraph c, Code  
1 16 2007, is amended to read as follows:  
1 17 c. This subsection is repealed December 31, ~~2008~~ 2009.  
1 18 Sec. 4. Section 437A.17C, Code 2007, is amended to read as  
1 19 follows:  
1 20 437A.17C REIMBURSEMENT FOR SOY=BASED TRANSFORMER FLUID.  
1 21 A person in possession of a soy=based transformer fluid tax  
1 22 credit certificate issued pursuant to chapter 476D may apply  
1 23 to the director for a reimbursement of the amount of taxes  
1 24 imposed and paid by the person pursuant to this chapter in an  
1 25 amount not more than the person received in soy=based  
1 26 transformer fluid tax credit certificates pursuant to chapter  
1 27 476D. To obtain the reimbursement, the person shall attach to  
1 28 the return required under section 437A.8 the soy=based  
1 29 transformer fluid tax credit certificates issued to the person  
1 30 pursuant to chapter 476D and provide any other information the  
1 31 director may require. The director shall direct a warrant to  
1 32 be issued to the person for an amount equal to the tax imposed  
1 33 and paid by the person pursuant to this chapter but for not  
1 34 more than the amount of the soy=based transformer fluid tax  
1 35 credit certificates attached to the return.



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2 1 This section is repealed December 31, ~~2008~~ 2009.  
2 2 Sec. 5. Section 476D.2, subsection 1, paragraph a, Code  
2 3 2007, is amended to read as follows:  
2 4 a. The costs were incurred after June 30, 2006, and before  
2 5 January 1, ~~2008~~ 2009.  
2 6 Sec. 6. Section 476D.5, Code 2007, is amended to read as  
2 7 follows:  
2 8 476D.5 APPLICABILITY == REPEAL.  
2 9 1. This chapter applies to tax years ending after June 30,  
2 10 2006, and beginning before January 1, ~~2008~~ 2009.  
2 11 2. This chapter is repealed December 31, ~~2008~~ 2009.  
2 12 Sec. 7. EFFECTIVE AND APPLICABILITY DATES. This Act,  
2 13 being deemed of immediate importance, takes effect upon  
2 14 enactment and applies to applications made on or after the  
2 15 effective date of this Act.  
2 16 EXPLANATION  
2 17 This bill extends by a year the time period during which  
2 18 costs must be incurred in order to receive state tax benefits  
2 19 for the use of soy-based transformer fluid by electric  
2 20 utilities from January 1, 2008, to January 1, 2009. Because  
2 21 of this extension, the repeal of the tax benefits are also  
2 22 extended one year from December 31, 2008, to December 31,  
2 23 2009. The state tax benefits that are affected by this  
2 24 extension are the tax credit under the individual or corporate  
2 25 income tax and the refund of sales and use taxes or utility  
2 26 replacement taxes paid.  
2 27 The bill takes effect upon enactment and applies to  
2 28 applications for the tax credit made on or after the enactment  
2 29 date.  
2 30 LSB 2665SS 82  
2 31 mg:sc/je/5



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**Senate File 296 - Introduced**

SENATE FILE  
BY HOGG

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act establishing a local government energy innovation
- 2 competitive grant program, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2600SS 82
- 5 rn/gg/14



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Senate File 296 - Introduced continued

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1 1 Section 1. NEW SECTION. 473.21 LOCAL GOVERNMENT ENERGY  
1 2 INNOVATION COMPETITIVE GRANT PROGRAM == FUND.  
1 3 1. The Iowa energy center created under section 266.39C  
1 4 shall establish and administer a local government energy  
1 5 innovation competitive grant program. The objective of the  
1 6 grant program shall be to assist political subdivisions of the  
1 7 state in the development and implementation of innovative  
1 8 transportation, conservation, or energy efficiency programs  
1 9 involving the utilization of alternative or renewable energy  
1 10 generation sources; ethanol, biodiesel, and other alternative  
1 11 fuels; and energy efficient building construction and  
1 12 rehabilitation standards. For purposes of this section,  
1 13 "political subdivision" means any municipality, township,  
1 14 county, district, or authority, or any portion, or combination  
1 15 of two or more, thereof.  
1 16 2. A local government energy innovation competitive grant  
1 17 fund is created in the office of the treasurer of state to be  
1 18 administered by the Iowa energy center. The fund shall  
1 19 include moneys appropriated or otherwise directed to the fund.  
1 20 Section 8.33 shall not apply to the moneys in the fund.  
1 21 3. A political subdivision may apply to the Iowa energy  
1 22 center for a grant under this section by filing a completed  
1 23 application as directed by the Iowa energy center that  
1 24 includes plans for utilization of the funding received and an  
1 25 estimate of the energy efficiency savings to be achieved. The  
1 26 Iowa energy center shall develop grant approval criteria by  
1 27 rule. The criteria shall include the following:  
1 28 a. Projected reduction in energy usage.  
1 29 b. Projected energy savings.  
1 30 c. Availability of private and local matching funds.  
1 31 d. Additional social or environmental benefits to be  
1 32 derived through implementation of energy efficiency or  
1 33 reduction measures.  
1 34 e. Whether the program can be duplicated by other  
1 35 political subdivisions.



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2 1 4. Grant recipients shall be required to submit a report  
2 2 to the Iowa energy center regarding utilization of the funding  
2 3 received and the impact and results of the program developed  
2 4 and implemented within one year from a grant award.

2 5 Sec. 2. NEW SECTION. 473.22 LOCAL GOVERNMENT ENERGY  
2 6 INNOVATION COMPETITIVE GRANTS == APPROPRIATION.

2 7 There is annually appropriated from the general fund of the  
2 8 state to the local government energy innovation competitive  
2 9 grant fund the sum of one million dollars to be used for the  
2 10 local government energy innovation competitive grant program  
2 11 established in section 473.21. The Iowa energy center may  
2 12 retain up to two percent of the annual appropriation for costs  
2 13 of administering the program.

2 14 EXPLANATION

2 15 This bill establishes a local government energy innovation  
2 16 competitive grant program to be administered by the Iowa  
2 17 energy center created under Code section 266.39C. The purpose  
2 18 of the program shall be to assist political subdivisions of  
2 19 the state in the development and implementation of innovative  
2 20 transportation, conservation, or energy efficiency programs  
2 21 involving the utilization of alternative or renewable energy  
2 22 generation sources; ethanol, biodiesel, and other alternative  
2 23 fuels; and energy efficient building construction and  
2 24 rehabilitation standards. The bill defines a "political  
2 25 subdivision" as any municipality, township, county, district,  
2 26 or authority, or any portion, or combination of two or more,  
2 27 thereof.

2 28 The bill provides that applicants shall provide information  
2 29 including plans for utilization of the funding received and an  
2 30 estimate of the energy efficiency savings to be achieved.  
2 31 Grant approval criteria, to be developed by the Iowa energy  
2 32 center by rule, shall include projected reduction in energy  
2 33 usage or savings, availability of matching funds, anticipated  
2 34 additional social or environmental benefits, and whether the  
2 35 program can be duplicated by other political subdivisions.



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3 1 The bill requires grant recipients to submit a report to the  
3 2 Iowa energy center regarding utilization of the funding  
3 3 received and the impact and results of the program within one  
3 4 year from a grant award.  
3 5 The bill appropriates \$1 million annually for purposes of  
3 6 the program, and provides that the Iowa energy center shall be  
3 7 authorized to retain up to 2 percent of the appropriation for  
3 8 costs of administering the program.  
3 9 LSB 2600SS 82  
3 10 rn:nh/gg/14



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**Senate File 297 - Introduced**

SENATE FILE  
BY HOGG

(COMPANION TO LSB 2581HH  
BY SWAIM)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to the use of a cellular telephone by a motor  
2 vehicle operator with an instruction permit or intermediate  
3 driver's license issued under the graduated driver licensing  
4 program and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 2581SS 82  
7 dea/je/5



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Senate File 297 - Introduced continued

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1 1 Section 1. Section 321.180B, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 2A. CELL PHONE USE RESTRICTED. A person  
1 4 who has been issued an instruction permit or an intermediate  
1 5 driver's license under this section shall not operate or  
1 6 utilize a handheld cellular telephone, or other handheld  
1 7 device used for remote two-way communication, while operating  
1 8 a motor vehicle on a highway. This subsection does not apply  
1 9 when the motor vehicle is at a complete stop off the roadway  
1 10 or when a handheld cellular telephone or other handheld  
1 11 communication device is used to call 9-1-1 or to contact law  
1 12 enforcement authorities or an emergency response agency in an  
1 13 emergency situation.

1 14 EXPLANATION

1 15 This bill prohibits a motor vehicle operator with an  
1 16 instruction permit or intermediate license issued under the  
1 17 graduated driver licensing program from using a handheld  
1 18 cellular telephone or other handheld two-way communication  
1 19 device while driving. Exceptions are allowed for 911 calls  
1 20 and calls to law enforcement authorities or emergency response  
1 21 agencies in an emergency situation. In addition, the bill  
1 22 does not prohibit the use of a cell phone when the motor  
1 23 vehicle is at a complete stop off the roadway.

1 24 A violation of graduated driver licensing provisions is a  
1 25 simple misdemeanor, punishable by a scheduled fine of \$30. In  
1 26 addition, a person 17 years of age must be violation-free for  
1 27 12 months to qualify for a full driver's license.

1 28 LSB 2581SS 82

1 29 dea:rj/je/5



Iowa General Assembly  
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**Senate File 298 - Introduced**

SENATE FILE  
BY ZAUN

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to requirements under the linked investments for
- 2 tomorrow program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2715SS 82
- 5 tm/je/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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Senate File 298 - Introduced continued

PAG LIN

1 1 Section 1. Section 12.34, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. The treasurer of state may invest up to the ~~lesser~~  
1 4 greater of one hundred eight million dollars or ~~twenty-five~~  
1 5 twenty percent of the balance of the state pooled money fund  
1 6 in certificates of deposit in eligible lending institutions as  
1 7 provided in section 12.32, this section, and sections 12.35  
1 8 through 12.43. One-half of the moneys invested pursuant to  
1 9 this section shall be made available under the program  
1 10 implemented pursuant to section 12.43 to increase the  
1 11 availability of lower cost moneys for purposes of injecting  
1 12 needed capital into small businesses which are fifty-one  
1 13 percent or more owned, operated, and actively managed by one  
1 14 or more women, minority persons, or persons with disabilities.  
1 15 "Disability" means the same as defined in section 15.102,  
1 16 subsection 5. A "minority person" means the same as defined  
1 17 in section 15.102, subsection 5. The treasurer shall invest  
1 18 the remaining one-half of the moneys invested pursuant to this  
1 19 section to support any other eligible applicant as provided in  
1 20 section 12.43.  
1 21 Sec. 2. Section 12.43, subsection 3, Code 2007, is amended  
1 22 to read as follows:  
1 23 3. During the lifetime of this loan program, the maximum  
1 24 amount of assistance that an eligible borrower or business may  
1 25 borrow or receive through this loan program shall be ~~two~~ three  
1 26 hundred thousand dollars. An eligible borrower or business  
1 27 under this program shall be limited to one loan from one  
1 28 financial institution.  
1 29 Sec. 3. Section 12.43, subsection 5, unnumbered paragraph  
1 30 1, Code 2007, is amended to read as follows:  
1 31 In order to qualify under this program, all owners of the  
1 32 business or borrowers must not have a combined net worth  
1 33 exceeding ~~seven hundred fifty thousand~~ one million dollars as  
1 34 defined in rules adopted by the treasurer of state pursuant to  
1 35 chapter 17A and the small business must meet all of the



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Senate File 298 - Introduced continued

2 1 following criteria:

2 2 Sec. 4. Section 12.43, subsection 5, paragraph b, Code  
2 3 2007, is amended to read as follows:

2 4 b. If an application involves an existing business or the  
2 5 transfer of an existing business to a new owner, the business  
2 6 must have annual gross sales of ~~two~~ four million dollars or  
2 7 less at the time the application is submitted under section  
2 8 12.35.

2 9 EXPLANATION

2 10 This bill relates to requirements under the linked  
2 11 investments for tomorrow program.

2 12 The bill modifies the amount of state moneys the treasurer  
2 13 of state may invest in the linked investments for tomorrow  
2 14 program to up to the greater of \$108 million or 20 percent of  
2 15 the balance of the state pooled money fund. Currently, the  
2 16 treasurer may invest up to the lesser of \$108 million or 25  
2 17 percent of the balance of the state pooled money fund.

2 18 The bill modifies the maximum amount an eligible borrower  
2 19 or business may borrow or receive during the lifetime of the  
2 20 program to \$300,000. Currently, the maximum amount is  
2 21 \$200,000.

2 22 The bill modifies the qualifications for a small business  
2 23 under the small business linked investments program to provide  
2 24 that the limit on the combined net worth of all owners of a  
2 25 business or borrowers is \$1 million or less. Currently, all  
2 26 owners of the business or borrowers must not have a combined  
2 27 net worth exceeding \$750,000.

2 28 The bill modifies the limit on annual gross sales for a  
2 29 business under the program to \$4 million or less. Currently,  
2 30 a business must have annual gross sales of \$2 million or less.

2 31 LSB 2715SS 82

2 32 tm:nh/je/5



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**Senate File 299 - Introduced**

SENATE FILE  
BY MCKINLEY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the characterization of personal injuries for
- 2 purposes of workers' compensation liability.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1762XS 82
- 5 av/cf/24



Iowa General Assembly  
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Senate File 299 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.3, subsection 1, Code 2007, is  
1 2 amended to read as follows:

1 3 1. Every employer, not specifically excepted by the  
1 4 provisions of this chapter, shall provide, secure, and pay  
1 5 compensation according to the provisions of this chapter for  
1 6 any and all personal injuries sustained by an employee arising  
1 7 out of and in the course of the employment, and in such cases,  
1 8 the employer shall be relieved from other liability for  
1 9 recovery of damages or other compensation for such personal  
1 10 injury. For the purposes of this chapter, a personal injury  
1 11 sustained by an employee shall be characterized as either a  
1 12 traumatic injury or a cumulative injury.

1 13 a. A traumatic injury does not arise out of the course of  
1 14 employment for the purposes of this chapter unless the  
1 15 traumatic injury is a natural incident of an employment  
1 16 activity of the employee or a reasonable consequence of a  
1 17 hazard associated with an employment activity of the employee.  
1 18 The trauma must be one that would be considered to be more  
1 19 than slight by the average person.

1 20 b. A cumulative injury does not arise out of the course of  
1 21 employment for the purposes of this chapter unless all of the  
1 22 following are shown:

1 23 (1) The employment activity that is alleged to be the  
1 24 cause of the cumulative injury or to have significantly  
1 25 aggravated a preexisting condition is the single most  
1 26 substantial factor contributing to the cumulative injury.

1 27 (2) The cumulative injury, at the time of its occurrence,  
1 28 would not be expected to occur as the result of the normal  
1 29 aging process absent an employment activity of the employee.

1 30 (3) The employment activity that is alleged to be the  
1 31 single most substantial factor contributing to the cumulative  
1 32 injury is not an activity commonly engaged in by the employee  
1 33 in the normal nonemployment life of the employee.

1 34 EXPLANATION

1 35 This bill amends Code section 85.3, subsection 1, to



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Senate File 299 - Introduced continued

2 1 provide that for the purposes of Code chapter 85, a personal  
2 2 injury sustained by an employee shall be characterized as  
2 3 either a traumatic injury or a cumulative injury.  
2 4 The bill provides that a traumatic injury does not arise  
2 5 out of the course of employment for workers' compensation  
2 6 purposes unless the traumatic injury is a natural incident of  
2 7 an employment activity of the employee, or a reasonable  
2 8 consequence of a hazard associated with an employment activity  
2 9 of the employee. The trauma must be one that would be  
2 10 considered to be more than slight by the average person.  
2 11 The bill also provides that a cumulative injury does not  
2 12 arise out of the course of employment unless the cumulative  
2 13 injury is caused by an employment activity that is alleged to  
2 14 be the cause of the cumulative injury, or to have  
2 15 significantly aggravated a preexisting condition, that is the  
2 16 single most substantial factor contributing to the cumulative  
2 17 injury; the cumulative injury, at the time of its occurrence,  
2 18 would not be expected to occur as the result of the normal  
2 19 aging process absent an employment activity of the employee;  
2 20 and the employment activity that is alleged to be the single  
2 21 most substantial factor contributing to the cumulative injury  
2 22 is not an activity commonly engaged in by the employee in the  
2 23 normal nonemployment life of the employee.  
2 24 LSB 1762XS 82  
2 25 av:rj/cf/24



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**Senate File 300 - Introduced**

SENATE FILE  
BY MCKINLEY

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

**A BILL FOR**

1 An Act establishing a value-added assessment system to calculate  
2 annually the academic growth of students enrolled in school  
3 districts at grade levels three through eleven.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1596XS 82  
6 kh/cf/24



Iowa General Assembly  
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Senate File 300 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.24 VALUE=ADDED ASSESSMENT  
1 2 SYSTEM.  
1 3 1. A value=added assessment system shall be established by  
1 4 the department to provide for multivariate longitudinal  
1 5 analysis of annual student test scores to determine the  
1 6 influence of a school district's educational program on  
1 7 student academic growth and to guide school district  
1 8 improvement efforts. The department shall select a value=  
1 9 added assessment system provider through a request for  
1 10 proposals process. The system provider selected by the  
1 11 department shall offer a value=added assessment system to  
1 12 calculate annually the academic growth of each student  
1 13 enrolled in grade levels three through eleven and tested in  
1 14 accordance with this section, and shall, at a minimum, meet  
1 15 all of the following criteria:  
1 16 a. Use a mixed=model statistical analysis that has the  
1 17 ability to use all achievement test data for each student,  
1 18 including the data for students with missing test scores, that  
1 19 does not adjust downward expectations for student progress  
1 20 based on race, poverty, or gender, and that will provide the  
1 21 best linear unbiased predictions of school or other  
1 22 educational entity effects to minimize the impact of  
1 23 fortuitous accumulation of random errors.  
1 24 b. Have the ability to work with test data from a variety  
1 25 of sources, including data that are not vertically scaled, and  
1 26 to provide support for school districts utilizing the system.  
1 27 c. Have the capacity to receive and report results  
1 28 electronically and provide support for districts utilizing the  
1 29 system.  
1 30 d. Have the ability to create for each school district a  
1 31 chart that reports grade=equivalent scores for grades three  
1 32 through eight and gains between consecutive pairs of grades  
1 33 for each attendance center and that provides for a district=  
1 34 wide study of grade=equivalent scores.  
1 35 2. Annually, each school district that administers the



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Senate File 300 - Introduced continued

2 1 Iowa test of basic skills or the Iowa test of educational  
2 2 development shall, within thirty days of receiving the test  
2 3 scores, submit the test scores for each attendance center  
2 4 within the school district and each grade level tested, from  
2 5 grades three through eleven, to the system provider selected  
2 6 pursuant to subsection 1. School districts may submit  
2 7 additional assessment data for analysis and inclusion in  
2 8 reports provided to school districts pursuant to subsection 3,  
2 9 to the extent that the assessment meets the criteria for valid  
2 10 academic progress interpretation specified by the system  
2 11 provider.

2 12 3. The system provider shall provide analysis to school  
2 13 districts submitting test scores pursuant to subsection 2, and  
2 14 to the department of education. The analysis shall include  
2 15 but not be limited to attendance-center-level test results for  
2 16 the Iowa test of basic skills in the areas of reading and  
2 17 mathematics and other core academic areas when possible. The  
2 18 analysis shall also include but not be limited to the number  
2 19 of students tested, the number of test results used to compute  
2 20 the averages, the average standard score, the corresponding  
2 21 grade equivalent score, the average stanine score for the  
2 22 group, the normal curve equivalent of average standard scores,  
2 23 and percentile ranks based on student norms, as well as  
2 24 measures of student progress. The system provider shall  
2 25 create a chart for each school district in accordance with the  
2 26 criteria set forth in subsection 1, paragraphs "a" through  
2 27 "d".

2 28 4. Each school district shall have complete access to and  
2 29 full utilization of its own value-added assessment reports and  
2 30 charts generated by the system provider at the student level  
2 31 for the purpose of measuring student achievement at different  
2 32 educational entity levels.

2 33 5. Student academic growth determined pursuant to this  
2 34 section shall not be used in teacher evaluation and shall not  
2 35 be published if individual teacher effects can be surmised.



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Senate File 300 - Introduced continued

3 1 6. Information about student academic growth may be used  
3 2 by the school district, including school board members,  
3 3 administration, and staff, for defining student and district  
3 4 learning goals and professional development related to student  
3 5 learning goals across the school district. A school district  
3 6 may submit its academic growth measures in the annual report  
3 7 submitted pursuant to section 256.7, subsection 21, and may  
3 8 reference in the report state level norms for purposes of  
3 9 demonstrating school district performance. However, unless a  
3 10 school district chooses to submit its academic measures in the  
3 11 annual report submitted pursuant to section 256.7, such  
3 12 measures are not public records for the purposes of chapter  
3 13 22.

3 14 7. The department may use student academic progress data  
3 15 to determine school improvement and technical assistance needs  
3 16 of school districts, and to identify school districts  
3 17 achieving exceptional gains. Beginning January 15, 2008, and  
3 18 by January 15 of each succeeding year, the department shall  
3 19 submit an annual progress report regarding the use of student  
3 20 academic growth information in the school improvement  
3 21 processes to the house and senate education committees and  
3 22 shall publish the progress report on its internet website.

3 23 8. The department is encouraged to advocate that the  
3 24 United States department of education allow reporting of  
3 25 student academic progress as an additional valid measure of  
3 26 school performance, as an alternative for meeting federal safe  
3 27 harbor provisions, and for establishing statewide progress  
3 28 under the federal No Child Left Behind Act of 2001, Pub. L.  
3 29 No. 107=110, and any federal regulations adopted pursuant to  
3 30 the federal Act.

3 31 9. A school district shall use the value-added assessment  
3 32 system established by the department pursuant to subsection 1  
3 33 not later than the school year ending June 30, 2009. However,  
3 34 the director of educational services of an area education  
3 35 agency may grant a request made by a board of directors of a



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Senate File 300 - Introduced continued

4 1 school district located within the boundaries of the area  
4 2 education agency stating its desire to use an alternative  
4 3 system to compute and report value-added scores that is  
4 4 statistically valid and reliable.

4 5 EXPLANATION

4 6 This bill requires the department of education to establish  
4 7 a value-added assessment system to provide assistance to  
4 8 provide for multivariate longitudinal analysis of annual  
4 9 student test scores to determine the influence of a school  
4 10 district's educational program on student academic growth and  
4 11 to guide school district improvement efforts. The department  
4 12 of education is directed to select a value-added assessment  
4 13 system provider, based on criteria set forth in the bill,  
4 14 through a request for proposals process. School districts are  
4 15 required to use the system not later than the 2008=2009 school  
4 16 year, but may request from the district's area education  
4 17 agency authorization to use an alternative system.

4 18 Each school district that administers the Iowa test of  
4 19 basic skills and the Iowa test of educational development must  
4 20 submit the test scores for each attendance center within the  
4 21 school district and each grade level tested, from grades three  
4 22 through 11, to the system provider within 30 days of receiving  
4 23 the test scores. School districts may submit additional  
4 24 assessment data for analysis if the data meets the criteria  
4 25 for valid academic progress interpretation specified by the  
4 26 system provider.

4 27 The system provider must provide analysis to each school  
4 28 district and the department of education, and must also chart  
4 29 data, using criteria set forth in the bill, for each school  
4 30 district.

4 31 Each school district must have complete access to and full  
4 32 utilization of its own value-added assessment reports and  
4 33 charts. Student academic growth data shall not be used in  
4 34 teacher evaluation and shall not be published if individual  
4 35 teacher effects can be surmised.



**Iowa General Assembly**  
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Senate File 300 - Introduced continued

5 1 School districts may use the data for defining student and  
5 2 district learning goals and professional development related  
5 3 to student learning goals across the school district.  
5 4 However, unless a school district chooses to submit its  
5 5 academic measures in the annual report submitted to the  
5 6 department and the local community, the measures are not  
5 7 public records.

5 8 The department may use the data to determine school  
5 9 improvement and technical assistance needs of school districts  
5 10 and to identify school districts achieving exceptional gains.  
5 11 The department is directed to submit an annual progress report  
5 12 regarding the use of student academic growth information in  
5 13 the school improvement processes to the house and senate  
5 14 education committees and must publish the progress report on  
5 15 its internet website.

5 16 The department is encouraged to advocate that the United  
5 17 States department of education allow reporting of student  
5 18 academic progress for purposes of complying with the federal  
5 19 No Child Left Behind Act of 2001.

5 20 LSB 1596XS 82

5 21 kh/cf/24



Iowa General Assembly  
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**Senate File 301 - Introduced**

SENATE FILE  
BY HOGG, DANIELSON, and  
DOTZLER

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act requiring the Iowa utilities board to establish rules  
2 applicable to merchant power plants providing for energy  
3 conservation, energy efficiency, renewable energy, and  
4 research and technology development requirements comparable to  
5 those applying to utilities regulated by the board, and  
6 providing effective and applicability dates.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 2611XS 82  
9 rn/je/5



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Senate File 301 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.1E APPLICABILITY OF  
1 2 AUTHORITY == MERCHANT POWER PLANTS.  
1 3 1. For purposes of this section, "merchant power plant"  
1 4 means a power plant which generates electricity for sale in  
1 5 the open wholesale power market which is not subject to rate  
1 6 regulation pursuant to this chapter.  
1 7 2. Unless otherwise specifically provided by statute, a  
1 8 merchant power plant furnishing electricity is not subject to  
1 9 regulation by the board under this chapter, except for  
1 10 regulatory action pertaining to:  
1 11 a. Encouragement of alternate energy production  
1 12 facilities, as set forth in sections 476.41 through 476.45.  
1 13 b. Assessment of fees for the support of the Iowa energy  
1 14 center created in section 266.39C and the center for global  
1 15 and regional environmental research created by the state board  
1 16 of regents.  
1 17 c. Filing energy efficiency plans and energy efficiency  
1 18 results with the board, as set forth in section 476.6,  
1 19 subsection 16.  
1 20 d. Filing alternate energy purchase program plans with the  
1 21 board, and offering such programs to customers, pursuant to  
1 22 section 476.47.  
1 23 3. The board may waive all or part of the energy  
1 24 efficiency filing and review requirements for merchant power  
1 25 plants demonstrating superior results with existing energy  
1 26 efficiency efforts.  
1 27 4. The board shall adopt rules prescribing regulatory  
1 28 standards and implementation procedures relating to  
1 29 application of the requirements set forth in subsection 2.  
1 30 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.  
1 31 This Act, being deemed of immediate importance, takes effect  
1 32 upon enactment and is retroactively applicable to merchant  
1 33 power plants constructed in this state on or after January 1,  
1 34 2007.

1 35

EXPLANATION



**Iowa General Assembly**  
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Senate File 301 - Introduced continued

2 1 This bill applies existing requirements relating to  
2 2 specified energy programs, requirements, and funds applicable  
2 3 to regulated utilities pursuant to Code chapter 476 to  
2 4 merchant power plants. The bill defines a merchant power  
2 5 plant as a power plant which generates electricity for sale in  
2 6 the open wholesale power market and not subject to rate  
2 7 regulation.

2 8 The bill provides that unless otherwise specifically  
2 9 provided by statute a merchant power plant furnishing  
2 10 electricity is not subject to regulation by the Iowa utilities  
2 11 board pursuant to Code chapter 476, except for specified  
2 12 provisions of that chapter. The bill makes applicable to  
2 13 merchant power plants provisions relating to encouragement of  
2 14 alternate energy production facilities pursuant to Code  
2 15 sections 476.41 through 476.45, assessment of fees for the  
2 16 support of the Iowa energy center created in Code section  
2 17 266.39C and the center for global and regional environmental  
2 18 research created by the state board of regents, filing energy  
2 19 efficiency plans and energy efficiency results with the board  
2 20 pursuant to Code section 476.6, and filing alternate energy  
2 21 purchase program plans with the board and offering such  
2 22 programs to customers pursuant to Code section 476.47.

2 23 The bill provides that the board may waive all or part of  
2 24 the energy efficiency filing and review requirements for  
2 25 merchant power plants demonstrating superior results with  
2 26 existing energy efficiency efforts, and that the board shall  
2 27 adopt rules prescribing regulatory standards and  
2 28 implementation procedures relating to application of the  
2 29 specified requirements.

2 30 The bill takes effect upon enactment and is retroactively  
2 31 applicable to merchant power plants constructed in this state  
2 32 on or after January 1, 2007.

2 33 LSB 2611XS 82

2 34 rn:nh/je/5



**Iowa General Assembly  
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## Senate Joint Resolution 2 - Introduced

SENATE JOINT RESOLUTION  
BY COURTNEY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**SENATE JOINT RESOLUTION**

1 A Joint Resolution designating the channel catfish as the  
2 official state fish for the State of Iowa.  
3 WHEREAS, the channel catfish (*ictalurus punctatus*) is a native  
4 fish to Iowa's prairie streams and rivers inhabiting all 99  
5 counties, and is one of the most abundant fish in Iowa lakes,  
6 streams, and rivers; and  
7 WHEREAS, the channel catfish's appearance is easily  
8 recognizable by its slender scaleless body, deeply forked tail,  
9 fleshy whiskers, and sharp spines; and  
10 WHEREAS, the channel catfish can be caught with a wide variety  
11 of tackle, most of which is inexpensive and available to all  
12 anglers; and  
13 WHEREAS, the channel catfish is excellent table fare, with  
14 Iowa anglers reporting that they eat catfish more often than any  
15 other sport fish; and  
16 WHEREAS, more Iowans participate in sport fishing than any  
17 other outdoor recreational sport with nearly one million anglers  
18 spending approximately \$400 million annually and generating \$1.2  
19 billion in economic activity; and  
20 WHEREAS, the channel catfish is the most preferred fish among  
21 Iowa anglers, reaching trophy size above 30 pounds and providing  
22 pole-bending action, with over four million caught annually; and  
23 WHEREAS, the channel catfish is an important fish to  
24 Mississippi river commercial fishers with nearly 500,000 pounds  
25 of channel catfish marketed each year from the river; NOW  
1 THEREFORE,  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 2604XS 82  
4 av/je/5



Iowa General Assembly  
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Senate Joint Resolution 2 - Introduced continued

PAG LIN

1 1 Section 1. STATE FISH DESIGNATED. The channel catfish  
1 2 (*ictalurus punctatus*) is designated and shall be officially  
1 3 known as the state fish of Iowa.  
1 4 Sec. 2. APPROPRIATE REPRESENTATIONS. The director of the  
1 5 department of cultural affairs shall obtain appropriate  
1 6 pictures and other representations of the channel catfish and  
1 7 shall display the pictures and representations in an  
1 8 appropriate place in the state historical museum.  
1 9 Sec. 3. OFFICIAL REGISTER. The editor of the Iowa  
1 10 official register shall include an appropriate picture and  
1 11 commentary of the channel catfish in the Iowa official  
1 12 register, along with the pictures of the state rock, state  
1 13 flower, state bird, and state tree.

1 14 EXPLANATION

1 15 This joint resolution designates the channel catfish as the  
1 16 official state fish of Iowa. The director of the department  
1 17 of cultural affairs shall obtain pictures and other  
1 18 appropriate representations of the state fish and display the  
1 19 pictures and information in the state historical museum. The  
1 20 editor of the Iowa official register shall include a picture  
1 21 of the state fish along with pictures of the state rock, state  
1 22 flower, state bird, and state tree.

1 23 LSB 2604XS 82

1 24 av:rj/je/5



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**Senate Study Bill 1275**

SENATE FILE  
 BY (PROPOSED COMMITTEE ON  
 EDUCATION BILL BY  
 CHAIRPERSON SCHOENJAHN)

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act prohibiting parent=teacher conferences on the day of a
- 2 general election.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2771XC 82
- 5 ak/es/88



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Senate Study Bill 1275 continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.28 PARENT=TEACHER  
1 2 CONFERENCES == SCHEDULING.

1 3 The board of directors of each public school district and  
1 4 the authorities in charge of each nonpublic school shall not  
1 5 schedule parent=teacher conferences on the day of a general  
1 6 election as defined in section 39.1.

1 7 EXPLANATION

1 8 This bill prohibits public school districts and nonpublic  
1 9 schools from scheduling parent=teacher conferences on the same  
1 10 day as a general election, which is defined in Code section  
1 11 39.1.

1 12 LSB 2771XC 82

1 13 ak:rj/es/88



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Senate Study Bill 1276

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON SCHOENJAHN)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to establishment and implementation of core
- 2 content standards and a model core curriculum and making an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2811XC 82
- 6 kh/es/88



Iowa General Assembly  
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Senate Study Bill 1276 continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 26, Code 2007, is  
1 2 amended to read as follows:  
1 3 26. ~~Set a goal of increasing to eighty percent the number~~  
1 4 ~~of students graduating from all secondary schools in school~~  
1 5 ~~districts in this state who have successfully completed the~~  
1 6 ~~core curriculum recommended by the college testing service~~  
1 7 ~~whose college entrance examination is taken by the majority of~~  
1 8 ~~Iowa's high school students. The state goal shall be~~  
1 9 ~~exclusive of students who have special or alternative means~~  
1 10 ~~for satisfying graduation requirements under individualized~~  
1 11 ~~educational plans developed for the students. The state board~~  
1 12 ~~shall require each school district to annually report,~~  
1 13 ~~beginning with the 2006==2007 school year, the percentage of~~  
1 14 ~~students graduating from high school in the school district~~  
1 15 ~~who complete the core curriculum. The school district shall~~  
1 16 ~~report, in the comprehensive school improvement plan submitted~~  
1 17 ~~in accordance with subsection 21, how the district plans to~~  
1 18 ~~increase the number of students completing the recommended~~  
1 19 ~~core curriculum. Taking into consideration the~~  
1 20 ~~recommendations of the college testing service whose college~~  
1 21 ~~entrance examination is taken by the majority of Iowa's high~~  
1 22 ~~school students, Adopt rules that establish a model core~~  
1 23 curriculum and requiring, beginning with the students in the  
1 24 2010==2011 school year graduating class, the requirements for  
1 25 high school graduation requirements for all students in school  
1 26 districts shall be and accredited nonpublic schools that  
1 27 include at a minimum satisfactory completion of four years of  
1 28 English and language arts, three years of mathematics, three  
1 29 years of science, and three years of social studies. The  
1 30 model core curriculum adopted shall address the core content  
1 31 standards in subsection 27 and the skills and knowledge  
1 32 students need to be successful in the twenty-first century.  
1 33 The model core curriculum shall include social studies and  
1 34 twenty-first century learning skills which include but are not  
1 35 limited to civic literacy, health literacy, technology



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2 1 literacy, financial literacy, and employability skills; and  
2 2 shall address the curricular needs of students in kindergarten  
2 3 through grade twelve in those areas.

2 4 Sec. 2. Section 256.7, Code 2007, is amended by adding the  
2 5 following new subsection:

2 6 NEW SUBSECTION. 27. Adopt a set of core content standards  
2 7 applicable to all students in kindergarten through grade  
2 8 twelve in every school district and accredited nonpublic  
2 9 school. For purposes of this subsection, "core content  
2 10 standards" includes reading, mathematics, and science. The  
2 11 core content standards shall be identical to the core content  
2 12 standards included in Iowa's approved 2006 standards and  
2 13 assessment system under Title I of the federal Elementary and  
2 14 Secondary Education Act of 1965, 20 U.S.C. } 6301 et seq., as  
2 15 amended by the No Child Left Behind Act of 2001, Pub. L. No.  
2 16 107-110. School districts and accredited nonpublic schools  
2 17 shall include the core content standards adopted pursuant to  
2 18 this subsection in any set of locally developed content  
2 19 standards.

2 20 Sec. 3. Section 279.61, subsection 1, Code 2007, is  
2 21 amended to read as follows:

2 22 1. For the school year beginning July 1, ~~2006~~ 2007, and  
2 23 each succeeding school year, the board of directors of each  
2 24 school district shall cooperate with each student enrolled in  
2 25 grade eight to develop for the student a core curriculum plan  
2 26 to guide the student toward the goal of successfully  
2 27 completing, at a minimum, the model core curriculum developed  
2 28 by the state board of education pursuant to section 256.7,  
2 29 subsection 26, by the time the student graduates from high  
2 30 school. The plan shall include career options and shall  
2 31 identify the coursework needed in grades nine through twelve  
2 32 to support the student's postsecondary education and career  
2 33 options. ~~If the pupil is under eighteen years of age, the~~  
2 34 ~~pupil's~~ The student's parent or guardian shall sign the core  
2 35 curriculum plan developed with the student and the signed plan





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4 1       The model core curriculum must address the core content  
4 2 standards and the skills and knowledge students need to be  
4 3 successful. The model core curriculum must include social  
4 4 studies and 21st century learning skills including but not  
4 5 limited to civic, health, technology, and financial literacy,  
4 6 and employability skills. The curriculum must address the  
4 7 curricular needs of students in kindergarten through grade 12.  
4 8       The bill also requires that the core curriculum plan  
4 9 developed by a student in grade eight and signed by the  
4 10 student's parent or guardian be included in the student's  
4 11 cumulative records.  
4 12 LSB 2811XC 82  
4 13 kh:nh/es/88



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**Senate Study Bill 1277**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act creating an all Iowa opportunity grant program and fund to
- 2 be administered by the college student aid commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2146XL 82
- 5 kh/es/88



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1 1 Section 1. NEW SECTION. 261.88 ALL IOWA OPPORTUNITY  
1 2 GRANT PROGRAM AND FUND.  
1 3 1. DEFINITIONS. As used in this division, unless the  
1 4 context otherwise requires:  
1 5 a. "Commission" means the college student aid commission.  
1 6 b. "Eligible institution" means a community college  
1 7 established under chapter 260C or an institution of higher  
1 8 learning governed by the state board of regents.  
1 9 c. "Financial need" means the difference between the  
1 10 student's financial resources available, including those  
1 11 available from the student's parents as determined by a  
1 12 completed parents' confidential statement, and the student's  
1 13 anticipated expenses while attending an eligible institution.  
1 14 d. "Full-time resident student" means an individual  
1 15 resident of Iowa who is enrolled at an eligible institution in  
1 16 a program of study including at least twelve semester hours or  
1 17 the trimester or quarter equivalent.  
1 18 e. "Part-time resident student" means an individual  
1 19 resident of Iowa who is enrolled at an eligible institution in  
1 20 a program of study including at least three semester hours or  
1 21 the trimester or quarter equivalent.  
1 22 f. "Qualified student" means a resident student who has  
1 23 established financial need and who is meeting all program  
1 24 requirements.  
1 25 2. PROGRAM == ELIGIBILITY. An all Iowa opportunity grant  
1 26 program is established to be administered by the commission.  
1 27 The awarding of grants under the program is subject to  
1 28 appropriations made by the general assembly. A person who  
1 29 meets all of the following requirements is eligible for the  
1 30 program:  
1 31 a. Is a resident of Iowa and a citizen of the United  
1 32 States or a lawful permanent resident.  
1 33 b. Achieves a cumulative high school grade point average  
1 34 upon graduation of at least two point five on a four-point  
1 35 grade scale, or its equivalent if another grade scale is used.



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2 1 c. Applies in a timely manner for admission to an eligible  
2 2 institution and is accepted for admission.

2 3 d. Applies in a timely manner for any federal or state  
2 4 student financial assistance available to the student to  
2 5 attend an eligible institution.

2 6 e. Files a new application and parents' confidential  
2 7 statement, as applicable, annually on the basis of which the  
2 8 applicant's eligibility for a renewed grant will be evaluated  
2 9 and determined.

2 10 f. Maintains satisfactory academic progress during each  
2 11 term for which a grant is awarded.

2 12 g. Begins enrollment at an eligible institution within two  
2 13 academic years of graduation from high school and continuously  
2 14 receives awards as a full-time or part-time student to  
2 15 maintain eligibility. However, the student may defer  
2 16 participation in the program for up to two years in order to  
2 17 pursue obligations that meet conditions established by the  
2 18 commission by rule or to fulfill military obligations.

2 19 3. EXTENT OF GRANT.

2 20 a. A qualified student at a two-year eligible institution  
2 21 may receive grants for not more than the equivalent of four  
2 22 full-time semesters of undergraduate study, or the trimester  
2 23 or quarter equivalent.

2 24 b. A qualified student at a four-year eligible institution  
2 25 may receive grants for not more than the equivalent of two  
2 26 full-time semesters of undergraduate study, or the trimester  
2 27 or quarter equivalent.

2 28 c. Grants awarded pursuant to this section shall not  
2 29 exceed the student's financial need, as determined by the  
2 30 commission, the average resident tuition rate and mandatory  
2 31 fees established for institutions of higher learning governed  
2 32 by the state board of regents, or the resident tuition and  
2 33 mandatory fees charged for the program of enrollment by the  
2 34 eligible institution at which the student is enrolled,  
2 35 whichever is least.



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3 1 4. DISCONTINUANCE OF ATTENDANCE == REMITTANCE. If a  
3 2 student receiving a grant pursuant to this section  
3 3 discontinues attendance before the end of any academic term,  
3 4 the entire amount of any refund due to the student, up to the  
3 5 amount of any payments made by the state, shall be remitted by  
3 6 the eligible institution to the commission. The commission  
3 7 shall deposit refunds paid to the commission in accordance  
3 8 with this subsection into the fund established pursuant to  
3 9 subsection 5.

3 10 5. FUND ESTABLISHED. An all Iowa opportunity grant fund  
3 11 is created in the state treasury as a separate fund under the  
3 12 control of the commission. All moneys deposited or paid into  
3 13 the fund are appropriated and made available to the commission  
3 14 to be used for grants for students meeting the requirements of  
3 15 this section. Notwithstanding section 8.33, any balance in  
3 16 the fund on June 30 of each fiscal year shall not revert to  
3 17 the general fund of the state, but shall be available for  
3 18 purposes of this section in subsequent fiscal years.

3 19 EXPLANATION

3 20 This bill establishes an all Iowa opportunity grant program  
3 21 and fund to be administered by the commission to provide  
3 22 grants, subject to appropriations by the general assembly, to  
3 23 pay the tuition and mandatory fee costs for resident students  
3 24 attending Iowa's community colleges and regents universities.

3 25 Qualified students must be residents of the state and  
3 26 citizens or lawful permanent residents of this country,  
3 27 achieve a cumulative 2.5 grade point average upon graduation  
3 28 from high school, apply and be accepted for admission at a  
3 29 community college or regents university in Iowa, apply for  
3 30 federal or state student financial assistance, maintain  
3 31 satisfactory academic progress during each term for which a  
3 32 grant is awarded, and begin enrollment at a community college  
3 33 or regents university within two academic years of graduation  
3 34 from high school. However, a student may defer participation  
3 35 for up to two years in order to pursue obligations that meet



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4 1 conditions established by the commission by rule or to fulfill  
4 2 military obligations.

4 3     Qualified students attending a two-year eligible  
4 4 institution may receive grants for not more than the  
4 5 equivalent of four full-time semesters of undergraduate study,  
4 6 or the trimester or quarter equivalent, while qualified  
4 7 students attending four-year eligible institutions may receive  
4 8 grants for not more than the equivalent of two full-time  
4 9 semesters of undergraduate study, or the trimester or quarter  
4 10 equivalent.

4 11     Grant amounts are limited to the average resident tuition  
4 12 rate and mandatory fees established for regents universities,  
4 13 or the tuition and mandatory fees charged by the eligible  
4 14 institution at which the student is enrolled, or the student's  
4 15 financial need, whichever is least.

4 16     If a student discontinues attendance before the end of any  
4 17 academic term, the entire amount of any refund due to the  
4 18 student, up to the amount of any payments made by the state,  
4 19 must be remitted by the eligible institution to the  
4 20 commission, which shall deposit the moneys into the all Iowa  
4 21 opportunity grant fund to be used to issue all Iowa  
4 22 opportunity grants. Moneys in the fund do not revert but are  
4 23 available for the program in subsequent fiscal years.

4 24 LSB 2146XL 82

4 25 kh:rj/es/88



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**Senate Study Bill 1278**

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

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to city elections by providing procedures for
- 2 filling a city council vacancy by special election and by
- 3 providing satellite absentee voting at certain city elections.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1850SC 82
- 6 eg/gg/14



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1 1 Section 1. Section 53.11, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. Satellite absentee voting stations may be established  
1 4 throughout the cities and county at the direction of the  
1 5 commissioner and shall be established upon receipt of a  
1 6 petition signed by not less than one hundred eligible electors  
1 7 requesting that a satellite absentee voting station be  
1 8 established at a location to be described on the petition.  
1 9 However, if a special election is scheduled in the county on a  
1 10 date that falls between the date of the regular city election  
1 11 and the date of the city runoff election, the commissioner is  
1 12 not required to establish a satellite absentee voting station  
1 13 for the city runoff election.

1 14 PARAGRAPH DIVIDED. A satellite absentee voting station  
1 15 established by petition must be open at least one day for a  
1 16 minimum of six hours. A satellite absentee voting station  
1 17 established at the direction of the commissioner or by  
1 18 petition may remain open until five p.m. on the day before the  
1 19 election.

1 20 Sec. 2. Section 53.11, subsection 2, paragraph b, Code  
1 21 2007, is amended to read as follows:

1 22 b. For the regular city election or a city primary  
1 23 election, no later than five p.m. on the thirtieth day before  
1 24 the election.

1 25 Sec. 3. Section 53.11, subsection 2, Code 2007, is amended  
1 26 by adding the following new paragraph:

1 27 NEW PARAGRAPH. bb. For a city runoff election, no later  
1 28 than five p.m. on the twenty-first day before the election.

1 29 Sec. 4. Section 53.11, Code 2007, is amended by adding the  
1 30 following new subsection:

1 31 NEW SUBSECTION. 5. If the only newspaper of general  
1 32 circulation in the city is published once weekly or less  
1 33 frequently, and it is not feasible for the commissioner to  
1 34 publish notice in that newspaper of the location of a  
1 35 satellite absentee voting station for a city runoff election



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2 1 at least seven days before the opening of the station,  
2 2 notwithstanding any publication or posting requirements to the  
2 3 contrary, the commissioner shall post notice of the location  
2 4 at least seven days before the opening of the station on the  
2 5 commissioner's website, at each satellite absentee voting  
2 6 station, at the county courthouse, at the city hall of the  
2 7 city for which the runoff election is being conducted, and at  
2 8 the public library of such city. In addition, the  
2 9 commissioner shall provide written notice of the location of  
2 10 the satellite absentee voting station to the candidates named  
2 11 on the ballot for the city runoff election.

2 12 Sec. 5. Section 372.13, subsection 2, paragraph b,  
2 13 unnumbered paragraph 1, Code 2007, is amended to read as  
2 14 follows:

2 15 By a special election held to fill the office for the  
2 16 remaining balance of the unexpired term. If the council opts  
2 17 for a special election or a valid petition is filed under  
2 18 paragraph "a", the special election may be held concurrently  
2 19 with any pending election as provided by section 69.12 if by  
2 20 so doing the vacancy will be filled not more than ninety days  
2 21 after it occurs. Otherwise, a special election to fill the  
2 22 office shall be called by the council at the earliest  
2 23 practicable date. The council shall give the county  
2 24 commissioner at least thirty-two days' written notice of the  
2 25 date chosen for the special election. The council of a city  
2 26 where a primary election may be required shall give the county  
2 27 commissioner at least sixty days' written notice of the date  
2 28 chosen for the special election. A special election held  
2 29 under this subsection is subject to sections 376.4 through  
2 30 376.11, but the dates for actions in relation to the special  
2 31 ~~election, including dates for filing of nomination petitions,~~  
2 32 shall be calculated with regard to the date for which the  
2 33 special election is called. However, a nomination petition  
2 34 must be filed not less than twenty-five days before the date  
2 35 of the special election and, where a primary election may be



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3 1 required, a nomination petition must be filed not less than  
3 2 fifty-two days before the date of the special election.

3 3 EXPLANATION

3 4 This bill makes changes to the procedures used by cities to  
3 5 fill a city council vacancy by special election and also makes  
3 6 changes relating to the availability of satellite absentee  
3 7 voting at city primary and city runoff elections, as follows:

3 8 1. The bill provides that satellite absentee voting  
3 9 stations may be used for city primary elections and city  
3 10 runoff elections. The bill also provides, however, that if  
3 11 there is a special election scheduled between the day of the  
3 12 regular city election and the day of the runoff election, the  
3 13 county commissioner of elections is not required to establish  
3 14 a satellite absentee voting station for the runoff election.

3 15 The bill also allows posting of notice of location of a  
3 16 satellite absentee voting station for a city runoff election  
3 17 if it is not feasible to publish the notice in a timely  
3 18 manner.

3 19 2. The bill also provides that a nomination petition for a  
3 20 special election called to fill a vacancy on a city council  
3 21 must be filed not less than 25 days before the date of the  
3 22 special election. For those cities where a primary election  
3 23 may be required, the nomination petition must be filed not  
3 24 less than 52 days before the date of the special election.

3 25 LSB 1850SC 82

3 26 eg:sc/gg/14.1



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**Senate Study Bill 1279**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to a commercial property tax credit for
- 2 individual and corporation income tax, and including effective
- 3 and retroactive applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2588XL 82
- 6 mg/gg/14



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1 1 Section 1. NEW SECTION. 422.11T COMMERCIAL PROPERTY TAX  
1 2 CREDIT.

1 3 1. The taxes imposed under this division, less the credits  
1 4 allowed under sections 422.12 and 422.12B, shall be reduced by  
1 5 a commercial property tax credit. To qualify for this credit,  
1 6 the taxpayer shall have paid property tax during the tax year  
1 7 levied on property that is assessed as commercial property for  
1 8 property tax purposes.

1 9 2. The total amount of tax credit that may be claimed by a  
1 10 taxpayer equals two hundred seventy-five dollars.

1 11 3. The amount of the tax credit claimed under this section  
1 12 shall not be deducted in computing the taxpayer's taxable  
1 13 income for state income tax purposes.

1 14 4. Any credit in excess of the tax liability shall be  
1 15 refunded with interest computed under section 422.25. In lieu  
1 16 of claiming a refund, a taxpayer may elect to have the  
1 17 overpayment shown on the taxpayer's final, completed return  
1 18 credited to the tax liability for the following tax year.

1 19 5. An individual may claim the tax credit allowed a  
1 20 partnership, limited liability company, S corporation, estate,  
1 21 or trust electing to have the income taxed directly to the  
1 22 individual. The amount claimed by the individual shall be  
1 23 based upon the pro rata share of the individual's earnings of  
1 24 the partnership, limited liability company, S corporation,  
1 25 estate, or trust.

1 26 6. This section is repealed January 1, 2009, for the tax  
1 27 years beginning on or after that date.

1 28 Sec. 2. Section 422.33, Code 2007, is amended by adding  
1 29 the following new subsection:

1 30 NEW SUBSECTION. 24. a. The taxes imposed under this  
1 31 division shall be reduced by a commercial property tax credit.  
1 32 To qualify for this credit, the taxpayer shall have paid  
1 33 property tax during the tax year levied on property that is  
1 34 assessed as commercial property for property tax purposes.

1 35 b. The total amount of credit that may be claimed by a



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2 1 taxpayer equals two hundred seventy-five dollars. For  
2 2 corporations that file a consolidated Iowa return in  
2 3 accordance with section 422.37, each corporation filing on the  
2 4 consolidated return that paid commercial property tax during  
2 5 the tax year may claim the maximum tax credit.

2 6 c. The amount of the tax credit claimed under this  
2 7 subsection shall not be deducted in computing the taxpayer's  
2 8 taxable income for state income tax purposes. For  
2 9 corporations that file a consolidated Iowa return in  
2 10 accordance with section 422.37, each corporation filing on the  
2 11 consolidated return that claimed the credit shall not deduct  
2 12 the amount of the tax credit claimed by it for state income  
2 13 tax purposes.

2 14 d. Any credit in excess of the tax liability shall be  
2 15 refunded with interest computed under section 422.25. In lieu  
2 16 of claiming a refund, a taxpayer may elect to have the  
2 17 overpayment shown on the taxpayer's final, completed return  
2 18 credited to the tax liability for the following tax year.

2 19 e. This subsection is repealed January 1, 2009, for tax  
2 20 years beginning on or after that date.

2 21 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.  
2 22 This Act, being deemed of immediate importance, takes effect  
2 23 upon enactment and applies retroactively to January 1, 2007,  
2 24 for tax years beginning on or after that date.

2 25 EXPLANATION

2 26 This bill provides for an individual and corporation income  
2 27 tax credit for the amount of commercial property tax paid  
2 28 during the tax year. The credit is equal to \$275. For  
2 29 corporations included in a consolidated Iowa return, each  
2 30 corporation on the consolidated return that paid commercial  
2 31 property tax can claim the maximum credit. The credit amount  
2 32 is not allowed as a deduction in computing Iowa taxable  
2 33 income. Any credit in excess of the tax liability is  
2 34 refundable.

2 35 This credit is repealed effective January 1, 2009, for tax



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3 1 periods beginning on or after that date.  
3 2     The bill takes effect upon enactment and applies  
3 3 retroactively to January 1, 2007, for tax years beginning on  
3 4 or after that date.  
3 5 LSB 2588XL 82  
3 6 mg:rj/gg/14



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**Senate Study Bill 1280**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to civil protective orders and criminal
- 2 no-contact orders.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2652SC 82
- 5 rh/je/5



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1 1 Section 1. Section 664A.1, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. "Protective order" means a protective order issued  
1 4 pursuant to chapter 232, a court order or court-approved  
1 5 consent agreement entered pursuant to chapter 236, including a  
1 6 valid foreign protective order under section 236.19,  
1 7 subsection 3, a temporary or permanent protective order or  
1 8 order to vacate the homestead under chapter 598, and an order  
1 9 that establishes conditions of release or is a protective  
1 10 order or sentencing order in a criminal prosecution arising  
1 11 from a domestic abuse assault under section 708.2A, or a  
1 12 restraining order issued pursuant to section 915.22.

1 13 Sec. 2. Section 664A.2, subsection 2, Code 2007, is  
1 14 amended to read as follows:

1 15 2. A protective order issued in a civil proceeding shall  
1 16 be issued pursuant to chapter 232, 236, ~~or~~ 598, or 915.  
1 17 Punishment for a violation of a protective order shall be  
1 18 imposed pursuant to section 664A.7.

1 19 Sec. 3. Section 664A.3, Code 2007, is amended by adding  
1 20 the following new subsection:

1 21 NEW SUBSECTION. 1A. Notwithstanding chapters 804 and 805,  
1 22 a person taken into custody pursuant to section 236.11 or  
1 23 arrested pursuant to section 236.12 may be released on bail or  
1 24 otherwise only after initial appearance before a magistrate as  
1 25 provided in chapter 804 and the rules of criminal procedure or  
1 26 section 236.11, whichever is applicable.

1 27 Sec. 4. Section 664A.5, Code 2007, is amended to read as  
1 28 follows:

1 29 664A.5 MODIFICATION == ENTRY OF PERMANENT NO=CONTACT  
1 30 ORDER.

1 31 If a defendant is convicted of, receives a deferred  
1 32 judgment for, or pleads guilty to a public offense referred to  
1 33 in section 664A.2, subsection 1, or is held in contempt for a  
1 34 violation of a no=contact order issued under section 664A.3 or  
1 35 for a violation of a protective order issued pursuant to



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2 1 chapter 232, 236, or 598, the court shall either terminate or  
2 2 modify the temporary no-contact order issued by the  
2 3 magistrate. The court may enter a no-contact order or  
2 4 continue the no-contact order already in effect for a period  
2 5 of five years from the date the judgment is entered or the  
2 6 deferred judgment is granted, regardless of whether the  
2 7 defendant is placed on probation.

2 8 Sec. 5. Section 664A.6, Code 2007, is amended by adding  
2 9 the following new subsection:

2 10 NEW SUBSECTION. 3. A peace officer shall not be held  
2 11 civilly or criminally liable for acting pursuant to this  
2 12 section provided the peace officer acts in good faith and on  
2 13 probable cause and the peace officer's acts do not constitute  
2 14 a willful or wanton disregard for the rights or safety of  
2 15 another.

2 16 Sec. 6. Section 664A.7, subsections 3 and 4, Code 2007,  
2 17 are amended to read as follows:

2 18 3. If convicted of or held in contempt for a violation of  
2 19 a no-contact order or a modified no-contact order for a public  
2 20 offense referred to in section 664A.2, subsection 1, or held  
2 21 in contempt of a no-contact order issued during a contempt  
2 22 proceeding brought pursuant to section 236.11, or if convicted  
2 23 of or held in contempt for a violation of a protective order  
2 24 under this chapter, the person shall be confined in the county  
2 25 jail for a minimum of seven days. A jail sentence imposed  
2 26 pursuant to this subsection shall be served on consecutive  
2 27 days. No portion of the mandatory minimum term of confinement  
2 28 imposed by this subsection shall be deferred or suspended. A  
2 29 deferred judgment, deferred sentence, or suspended sentence  
2 30 shall not be entered for a violation of a no-contact order, ~~or~~  
2 31 modified no-contact order, or protective order and the court  
2 32 shall not impose a fine in lieu of the minimum sentence,  
2 33 although a fine may be imposed in addition to the minimum  
2 34 sentence.

2 35 4. Violation of a no-contact order entered for the offense



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3 1 or alleged offense of domestic abuse assault in violation of  
3 2 section 708.2A or a violation of a protective order issued  
3 3 pursuant to chapter 232, 236, ~~or~~ 598, or 915 constitutes a  
3 4 public offense and is punishable as a simple misdemeanor.  
3 5 Alternatively, the court may hold a person in contempt of  
3 6 court for such a violation, as provided in subsection 3.

3 7 Sec. 7. Section 664A.7, Code 2007, is amended by adding  
3 8 the following new subsection:

3 9 NEW SUBSECTION. 3A. If convicted or held in contempt for  
3 10 a violation of a civil protective order referred to in section  
3 11 664A.2, the person shall serve a jail sentence. A jail  
3 12 sentence imposed pursuant to this subsection shall be served  
3 13 on consecutive days. A person who is convicted of or held in  
3 14 contempt for a violation of a protective order referred to in  
3 15 section 664A.2 may be ordered by the court to pay the  
3 16 plaintiff's attorney's fees and court costs.

3 17 Sec. 8. Section 664A.8, Code 2007, is amended to read as  
3 18 follows:

3 19 664A.8 EXTENSION OF NO=CONTACT ORDER.

3 20 Upon the filing of an application by the state or by the  
3 21 victim of any public offense referred to in section 664A.2,  
3 22 subsection 1 which is filed within ninety days prior to the  
3 23 expiration of a modified no=contact order, the court shall  
3 24 modify and extend the no=contact order for an additional  
3 25 period of five years, unless the court finds that the  
3 26 defendant no longer poses a threat to the safety of the  
3 27 victim, persons residing with the victim, or members of the  
3 28 victim's family. The number of modifications extending the  
3 29 no=contact order permitted by this section is not limited.

3 30 EXPLANATION

3 31 This bill relates to criminal no=contact orders and civil  
3 32 protective orders.

3 33 The bill provides that a restraining order issued by a court  
3 34 prohibiting the harassment or intimidation of a victim or  
3 35 witness in a criminal case pursuant to Code chapter 915 shall



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4 1 be included in the definition of a protective order pursuant  
4 2 to Code chapter 664A, dealing with the issuance of certain  
4 3 no-contact orders in a criminal case and the enforcement of  
4 4 certain protective orders in a civil case. Code chapter 664A,  
4 5 created in the 2006 Iowa Acts, HF 2652, consolidated certain  
4 6 provisions in the Code relating to civil protective orders and  
4 7 criminal no-contact orders.

4 8 The bill provides that a person taken into custody or  
4 9 arrested under Code chapter 236, Iowa's domestic abuse law,  
4 10 may be released on bail only after initial appearance before a  
4 11 magistrate consistent with provisions under the domestic abuse  
4 12 law or the rules of criminal procedure, whichever is  
4 13 applicable.

4 14 The bill provides that a peace officer shall not be held  
4 15 civilly or criminally liable for taking a person, who is in  
4 16 violation of a no-contact order issued under Code chapter  
4 17 664A, into custody provided the peace officer acts in good  
4 18 faith and on probable cause and the peace officer's acts do  
4 19 not constitute a willful or wanton disregard for the rights or  
4 20 safety of another.

4 21 The bill specifies that a person convicted of a violation  
4 22 of a no-contact order or a modified no-contact order or  
4 23 convicted of or held in contempt for violation of a protective  
4 24 order under Code chapter 664A shall be confined in the county  
4 25 jail for a minimum period of seven days. A deferred judgment,  
4 26 deferred sentence, or suspended sentence shall not be entered  
4 27 for a violation of a protective order and the court shall not  
4 28 impose a fine in lieu of the minimum sentence, although a fine  
4 29 may be imposed in addition to the minimum sentence. Violation  
4 30 of a protective order issued pursuant to Code chapter 915 is  
4 31 made a public offense, punishable as a simple misdemeanor.  
4 32 Alternatively, the court may hold a person in contempt of  
4 33 court for such a violation under the bill pursuant to Code  
4 34 chapter 664A.

4 35 The bill provides that if convicted or held in contempt for



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5 1 a violation of a civil protective order issued in a civil  
5 2 proceeding pursuant to Code chapter 232, 236, or 598, the  
5 3 civil protective orders referred to in Code chapter 664A, the  
5 4 person shall serve a jail sentence. A jail sentence imposed  
5 5 pursuant to this subsection shall be served on consecutive  
5 6 days. A person who is convicted of or held in contempt for a  
5 7 violation of such a protective order may be ordered by the  
5 8 court to pay the plaintiff's attorney's fees and court costs.  
5 9 The bill provides that a victim of the crime of harassment,  
5 10 stalking, sexual abuse in the first degree, sexual abuse in  
5 11 the second degree, sexual abuse in the third degree, or  
5 12 domestic abuse assault may file an application within 90 days  
5 13 prior to the expiration of a modified no-contact order issued  
5 14 in such cases to modify and extend the no-contact order for an  
5 15 additional five-year period.  
5 16 LSB 2652SC 82  
5 17 rh:rj/je/5



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**Senate Study Bill 1281**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the postsecondary education subsidy.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1590SC 82
- 4 pf/gg/14



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1 1 Section 1. Section 598.21F, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. ORDER OF SUBSIDY. The court may order a postsecondary  
1 4 education subsidy if good cause is shown. A parent may be  
1 5 ordered to provide a postsecondary education subsidy for the  
1 6 parent's child under this subsection whether or not the  
1 7 parents of the child were married to one another.

1 8 Sec. 2. Section 600B.25, Code 2007, is amended by adding  
1 9 the following new subsection:  
1 10 NEW SUBSECTION. 3. Upon a finding of paternity pursuant  
1 11 to section 600B.24, the court may also order a postsecondary  
1 12 education subsidy as defined in section 598.1 and as provided  
1 13 in section 598.21F. The construction, application, and  
1 14 interpretation of this subsection shall be the same as the  
1 15 construction, application, and interpretation of sections  
1 16 598.1 and 598.21F.

1 17 EXPLANATION

1 18 This bill relates to the postsecondary education subsidy.  
1 19 The bill provides, under the dissolution of marriage and  
1 20 domestic relations chapter (Code chapter 598) that a parent  
1 21 may be ordered to provide a postsecondary education subsidy to  
1 22 a child whether or not the parents of the child were married  
1 23 to one another. Additionally, under the paternity and  
1 24 obligation for support chapter (Code chapter 600B) the bill  
1 25 provides that upon a finding of paternity, the court may also  
1 26 order a postsecondary education subsidy and the construction,  
1 27 application, and interpretation of this provision is to be the  
1 28 same as the construction, application, and interpretation of  
1 29 the provisions relating to postsecondary education subsidy  
1 30 under the dissolution of marriage chapter (Code chapter 598).  
1 31 LSB 1590SC 82  
1 32 pf:nh/gg/14



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**Senate Study Bill 1282**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to conciliation proceedings in a dissolution of
- 2 marriage case and domestic abuse.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2651SC 82
- 5 rh/es/88



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1 1 Section 1. Section 598.16, Code 2007, is amended to read  
1 2 as follows:  
1 3 598.16 CONCILIATION == DOMESTIC RELATIONS DIVISIONS.  
1 4 1. A majority of the judges in any judicial district, with  
1 5 the cooperation of any county board of supervisors in the  
1 6 district, may establish a domestic relations division of the  
1 7 district court of the county where the board is located. The  
1 8 division shall offer counseling and related services to  
1 9 persons before the court.  
1 10 2. ~~Upon~~ Except as provided in subsection 7, upon the  
1 11 application of the petitioner in the petition or by the  
1 12 respondent in the responsive pleading thereto or, within  
1 13 twenty days of appointment, of an attorney appointed under  
1 14 section 598.12, the court shall require the parties to  
1 15 participate in conciliation efforts for a period of sixty days  
1 16 from the issuance of an order setting forth the conciliation  
1 17 procedure and the conciliator.  
1 18 3. At any time upon its own motion or upon the application  
1 19 of a party the court may require the parties to participate in  
1 20 conciliation efforts for sixty days or less following the  
1 21 issuance of such an order.  
1 22 4. Every order for conciliation shall require the  
1 23 conciliator to file a written report by a date certain which  
1 24 shall state the conciliation procedures undertaken and such  
1 25 other matters as may have been required by the court. The  
1 26 report shall be a part of the record unless otherwise ordered  
1 27 by the court. Such conciliation procedure may include, but is  
1 28 not limited to, referrals to the domestic relations division  
1 29 of the court, if established, public or private marriage  
1 30 counselors, family service agencies, community health centers,  
1 31 physicians and clergy.  
1 32 5. The costs of conciliation procedures shall be paid in  
1 33 full or in part by the parties and taxed as court costs;  
1 34 however, if the court determines that the parties will be  
1 35 unable to pay the costs without prejudicing their financial



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2 1 ability to provide themselves and any minor children with  
2 2 economic necessities, the costs may be paid in full or in part  
2 3 by the county.

2 4 6. Persons providing counseling and other services  
2 5 pursuant to this section are not court employees, but are  
2 6 subject to court supervision.

2 7 7. Upon application, the court shall grant a waiver from  
2 8 the requirements of this section if a party demonstrates that  
2 9 a history of domestic abuse, as defined in section 236.2,  
2 10 exists. In determining whether a history of domestic abuse  
2 11 exists, the court's consideration shall include, but is not  
2 12 limited to, commencement of an action pursuant to section  
2 13 236.3, the issuance of a protective order against a party or  
2 14 the issuance of a court order or consent agreement pursuant to  
2 15 section 236.5, the issuance of an emergency order pursuant to  
2 16 section 236.6, the holding of a party in contempt pursuant to  
2 17 section 664A.7, the response of a peace officer to the scene  
2 18 of alleged domestic abuse or the arrest of a party following  
2 19 response to a report of alleged domestic abuse, or a  
2 20 conviction for domestic abuse assault pursuant to section  
2 21 708.2A.

2 22

EXPLANATION

2 23 This bill relates to conciliation proceedings in a  
2 24 dissolution of marriage case and domestic abuse.

2 25 Current law provides that a judge may require parties  
2 26 involved in a dissolution of marriage proceeding under Code  
2 27 chapter 598 to participate in conciliation efforts for a  
2 28 60-day period. The bill allows a court in such a case to  
2 29 grant a waiver to a party who demonstrates that a history of  
2 30 domestic abuse, as defined in Code section 236.2, exists. In  
2 31 determining whether a history of domestic abuse exists, the  
2 32 court's consideration shall include but is not limited to  
2 33 commencement of an action pursuant to Code section 236.3, the  
2 34 issuance of a protective order against a party or the issuance  
2 35 of a court order or consent agreement pursuant to Code section



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3 1 236.5, the issuance of an emergency order pursuant to Code  
3 2 section 236.6, the holding of a party in contempt pursuant to  
3 3 Code section 664A.7, the response of a peace officer to the  
3 4 scene of alleged domestic abuse or the arrest of a party  
3 5 following response to a report of alleged domestic abuse, or a  
3 6 conviction for domestic abuse assault pursuant to Code section  
3 7 708.2A. This provision is consistent with language in Code  
3 8 section 598.41, allowing a court to consider whether a history  
3 9 of domestic abuse exists in determining a custody arrangement  
3 10 for a minor child whose parents have separated or divorced.  
3 11 LSB 2651SC 82  
3 12 rh:rj/es/88



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**Senate Study Bill 1283**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning the employment of unauthorized aliens and human
- 2 trafficking and providing penalties and other sanctions and an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2815XC 82
- 6 ec/je/5



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1 1 Section 1. NEW SECTION. 13.6A SPECIAL ASSISTANT == HUMAN  
1 2 TRAFFICKING AND RELATED OFFENSES == EMPLOYMENT OF UNAUTHORIZED  
1 3 ALIENS.

1 4 The attorney general shall appoint a special assistant  
1 5 attorney general for claims who shall, under the direction of  
1 6 the attorney general, investigate and prosecute all claims  
1 7 relating to the crime of human trafficking and related  
1 8 offenses pursuant to section 710A.2 and the employment of  
1 9 unauthorized aliens pursuant to section 91F.2.

1 10 Sec. 2. NEW SECTION. 73A.22 STATE ASSISTANCE  
1 11 RESTRICTIONS == PERSONS EMPLOYING UNAUTHORIZED ALIENS.

1 12 1. a. For purposes of this section, "developmental  
1 13 assistance" means any form of public assistance, including tax  
1 14 expenditures, made for the purpose of stimulating the economic  
1 15 development of a corporation, industry, geographic  
1 16 jurisdiction, or any other sector of the state's economy,  
1 17 including but not limited to industrial development bonds,  
1 18 training grants, loans, loan guarantees, enterprise zones,  
1 19 empowerment zones, tax increment financing, fee waivers, land  
1 20 price subsidies, infrastructure constructed or improved for  
1 21 the benefit of a single business or defined group of  
1 22 businesses at the time it is built or improved, matching  
1 23 funds, tax abatements, tax credits and tax discounts of every  
1 24 kind, including corporate, franchise, personal income, sales  
1 25 and use, raw materials, real property, job creation,  
1 26 individual investment, excise, utility, inventory, accelerated  
1 27 depreciation, and research and development tax credits and  
1 28 discounts.

1 29 b. A state department, institution, or agency, or any  
1 30 board member, commissioner, director, manager, or other person  
1 31 connected with any such department, institution, or agency,  
1 32 shall not award a contract or provide developmental assistance  
1 33 to an employer as defined in section 91F.1 in which the  
1 34 employer or corporate officer of the employer has been found  
1 35 in violation of section 91F.2 within the past five years.



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2 1 2. Any contract or developmental assistance awarded shall  
2 2 provide that if, during the effective period of the contract  
2 3 or developmental assistance, the vendor, contractor,  
2 4 subcontractor, or developmental assistance recipient violates  
2 5 the provisions of section 91F.2, the contract or developmental  
2 6 assistance shall be terminated.

2 7 3. A state department, institution, or agency may enforce  
2 8 its rights under this section by instituting a civil action in  
2 9 district court in this state. In addition, a state  
2 10 department, institution, or agency shall not award a contract  
2 11 or provide developmental assistance to any person that  
2 12 violates this section for a period of five years after the  
2 13 date of the violation.

2 14 Sec. 3. NEW SECTION. 91F.1 DEFINITIONS.

2 15 As used in this chapter:

2 16 1. "Commissioner" means the labor commissioner.

2 17 2. "Employee" means a natural person who is employed in  
2 18 this state for wages paid on an hourly basis by an employer.

2 19 3. "Employer" means a person, as defined in section 4.1,  
2 20 who in this state employs for wages, paid on an hourly basis,  
2 21 one or more natural persons. An employer does not include a  
2 22 client, patient, customer, or other person who obtains  
2 23 professional services from a licensed person who provides the  
2 24 services on a fee service basis or as an independent  
2 25 contractor, or the state, or an agency or governmental  
2 26 subdivision of the state.

2 27 4. "Unauthorized alien" means a person who is not a  
2 28 citizen or legal resident and who has not been lawfully  
2 29 admitted to the United States for permanent residence or who  
2 30 is not authorized to work in the United States.

2 31 Sec. 4. NEW SECTION. 91F.2 UNAUTHORIZED ALIENS ==  
2 32 EMPLOYER PROHIBITION.

2 33 An employer shall not knowingly employ as an employee an  
2 34 unauthorized alien. For purposes of this section, "knowingly  
2 35 employ as an employee an unauthorized alien" includes cases in



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3 1 which an employer actually knows a person is an unauthorized  
3 2 alien and cases in which any person exercising reasonable care  
3 3 should know from facts and circumstances that a person is an  
3 4 unauthorized alien.

3 5 Sec. 5. NEW SECTION. 91F.3 PENALTIES.

3 6 1. An employer who violates section 91F.2 is subject to a  
3 7 civil penalty of up to one thousand dollars.

3 8 2. A corporate officer of an employer who, through  
3 9 repeated violation of section 91F.2, demonstrates a pattern of  
3 10 employing unauthorized aliens commits a serious misdemeanor.

3 11 3. An employer who, through repeated violation of section  
3 12 91F.2, demonstrates a pattern of employing unauthorized aliens  
3 13 may be ordered to pay punitive damages.

3 14 Sec. 6. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE  
3 15 COMMISSIONER == ENFORCEMENT BY ATTORNEY GENERAL.

3 16 1. The commissioner shall adopt rules to administer and  
3 17 enforce this chapter.

3 18 2. In order to carry out the purposes of this chapter, the  
3 19 commissioner or the commissioner's representative, upon  
3 20 presenting appropriate credentials to an employer's owner,  
3 21 operator, or agent in charge, may:

3 22 a. Inspect employment records relating to the employees of  
3 23 the employer.

3 24 b. Interview an employer, owner, operator, agent, or  
3 25 employee, during working hours or at other reasonable times.

3 26 3. If the commissioner has reason to believe than an  
3 27 employer may be in violation of this chapter, the commissioner  
3 28 shall notify the attorney general, and provide the attorney  
3 29 general with any supporting information, for prosecution of  
3 30 the violation by the attorney general.

3 31 Sec. 7. NEW SECTION. 91F.5 PROHIBITIONS RELATING TO  
3 32 CERTAIN ACTIONS BY EMPLOYEES == PENALTY == CIVIL REMEDY.

3 33 1. An employer shall not discharge an employee or take or  
3 34 fail to take action regarding an employee's appointment or  
3 35 proposed appointment or promotion or proposed promotion, or



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4 1 regarding any advantage of an employee as a reprisal for a  
4 2 failure by that employee to inform the employer that the  
4 3 employee made a disclosure of information to any law  
4 4 enforcement agency if the employee reasonably believes the  
4 5 information evidences a violation of section 91F.2 or 710A.2.

4 6 2. Subsection 1 does not apply if the disclosure of the  
4 7 information is prohibited by statute.

4 8 3. An employer who violates subsection 1 commits a simple  
4 9 misdemeanor.

4 10 4. Subsection 1 may be enforced through a civil action.

4 11 a. An employer who violates subsection 1 is liable to an  
4 12 aggrieved employee for affirmative relief, including  
4 13 reinstatement, with or without back pay, or any other  
4 14 equitable relief the court deems appropriate, including  
4 15 attorney fees and costs.

4 16 b. If an employer commits, is committing, or proposes to  
4 17 commit an act in violation of subsection 1, an injunction may  
4 18 be granted through an action in district court to prohibit the  
4 19 person from continuing such acts. The action for injunctive  
4 20 relief may be brought by an aggrieved employee or the attorney  
4 21 general.

4 22 Sec. 8. DEPARTMENT OF JUSTICE == HUMAN TRAFFICKING CRIMES  
4 23 AND RELATED OFFENSES == INVESTIGATION AND PROSECUTION. There  
4 24 is appropriated from the general fund to the department of  
4 25 justice for the fiscal year beginning July 1, 2007, and ending  
4 26 June 30, 2008, the following amount, or so much as is  
4 27 necessary, to be used for the purposes designated:

4 28 For the investigation and prosecution of human trafficking  
4 29 crimes and related offenses pursuant to section 710A.2, and  
4 30 the employment of unauthorized aliens pursuant to section  
4 31 91F.2:

4 32 ..... \$ 100,000

4 33 Notwithstanding section 8.33, moneys appropriated in this  
4 34 section that remain unencumbered or unobligated at the close  
4 35 of the fiscal year shall not revert but shall remain available



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5 1 for expenditure for the purposes designated until the close of  
5 2 the succeeding fiscal year.

5 3 EXPLANATION

5 4 This bill relates to employment of unauthorized aliens and  
5 5 enforcement of human trafficking offenses and related offenses  
5 6 and provides penalties.

5 7 New Code section 73A.22 is created to prohibit state  
5 8 entities from awarding a contract or providing developmental  
5 9 assistance to a person who violates the provisions of the bill  
5 10 concerning the employment of unauthorized aliens as  
5 11 established in new Code section 91F.2. The bill defines  
5 12 "developmental assistance" as any form of public assistance,  
5 13 including tax incentives, grants, or other subsidies. The  
5 14 bill provides that a person violating this new provision shall  
5 15 have their contract or developmental assistance terminated.  
5 16 The bill grants state entities the right to enforce their  
5 17 rights in district court and provides that a person violating  
5 18 this provision shall be prohibited from receiving a state  
5 19 contract or developmental assistance for five years.

5 20 The bill creates new Code chapter 91F prohibiting employers  
5 21 from employing unauthorized aliens. The bill defines  
5 22 "unauthorized alien" as any person who is not a citizen or  
5 23 legal resident and who has not been lawfully admitted to the  
5 24 United States for permanent residence or who is not authorized  
5 25 to work in the United States. An "employer" is any person who  
5 26 employs for wages, paid on an hourly basis, one or more  
5 27 natural persons, other than the state or governmental  
5 28 subdivisions of the state. The bill prohibits employers from  
5 29 knowingly employing an unauthorized alien. The bill provides  
5 30 that a violation can occur in cases in which an employer  
5 31 actually knows a person is an unauthorized alien as well as a  
5 32 situation in which any person exercising reasonable care  
5 33 should know from facts and circumstances that a person is an  
5 34 unauthorized alien. The bill provides that a violation of  
5 35 this chapter is subject to a civil penalty of \$1,000 and a



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6 1 corporate officer of an employer who, through repeated  
6 2 violations of the chapter, demonstrates a pattern of employing  
6 3 unauthorized aliens, commits a serious misdemeanor. An  
6 4 employer who demonstrates a pattern of employing unauthorized  
6 5 aliens may be ordered to pay punitive damages. The bill  
6 6 further authorizes the labor commissioner within the  
6 7 department of workforce development to adopt rules to  
6 8 administer and enforce this new chapter and grants the  
6 9 commissioner the authority to investigate employer records and  
6 10 to interview employees. The bill provides that the  
6 11 commissioner shall forward any suspected violations of this  
6 12 chapter to the attorney general for prosecution. The bill  
6 13 further provides that an employer shall not discharge an  
6 14 employee from or take or fail to take action regarding an  
6 15 employee's appointment or proposed appointment, promotion or  
6 16 proposed promotion, or regarding any advantage of an employee  
6 17 as a reprisal for a failure by that employee to inform the  
6 18 employer that the employee made a disclosure of information to  
6 19 any law enforcement agency if the employee reasonably believes  
6 20 the information evidences a violation of Code section 91F.2 or  
6 21 710A.2. An employer who violates the provisions of this  
6 22 chapter is liable to an aggrieved employee for affirmative  
6 23 relief including reinstatement, with or without back pay, or  
6 24 any other equitable relief the court deems appropriate,  
6 25 including attorney fees and costs. In addition, an action for  
6 26 injunctive relief may be brought by an aggrieved employee or  
6 27 the attorney general.  
6 28 The bill authorizes the attorney general to appoint a  
6 29 special assistant attorney general who shall, under the  
6 30 direction of the attorney general, investigate and prosecute  
6 31 all claims relating to the crime of human trafficking and  
6 32 related offenses and the employment of unauthorized aliens and  
6 33 appropriates up to \$100,000 from the state general fund to the  
6 34 department of justice for the fiscal year beginning July 1,  
6 35 2007, and ending June 30, 2008, to be used by the department



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7 1 of justice for such purposes. Notwithstanding Code section  
7 2 8.33, appropriated moneys that remain unencumbered or  
7 3 unobligated at the close of the fiscal year do not revert but  
7 4 remain available for expenditure for the purposes designated  
7 5 until the close of the succeeding fiscal year.  
7 6 LSB 2815XC 82  
7 7 ec:rj/je/5



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**Senate Study Bill 1284**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

- 1 An Act relating to indecent exposure and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2814SC 82
- 4 eg/cf/24



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1 1 Section 1. Section 728.5, Code 2007, is amended to read as  
1 2 follows:

1 3 728.5 PUBLIC INDECENT EXPOSURE IN CERTAIN ESTABLISHMENTS.

1 4 1. An owner, manager, or person who exercises direct  
1 5 control over a place of business ~~required to obtain a sales~~  
~~1 6 tax permit~~ shall be guilty of a serious misdemeanor under any  
1 7 of the ~~following~~ circumstances described in subsection 2,  
1 8 paragraphs "a" through "f", if the place of business is one of  
1 9 the following:

1 10 a. Required to obtain a sales tax permit.

1 11 b. Allows an open or unsealed bottle, can, jar, or other  
1 12 receptacle containing an alcoholic beverage on the premises.

1 13 c. Operates as a single place of business with an adjacent  
1 14 place of business required to obtain a sales tax permit.

1 15 ~~1.~~ 2. a. If such person allows or permits the actual or  
1 16 simulated public performance of any sex act upon or in such  
1 17 place of business.

1 18 ~~2.~~ b. If such person allows or permits the exposure of the  
1 19 genitals or buttocks or female breast of any person who acts  
1 20 as a waiter or waitress.

1 21 ~~3.~~ c. If such person allows or permits the exposure of the  
1 22 genitals or female breast nipple of any person who acts as an  
1 23 entertainer, whether or not the owner of the place of business  
1 24 in which the activity is performed employs or pays any  
1 25 compensation to such person to perform such activity.

1 26 ~~4.~~ d. If such person allows or permits any person to  
1 27 remain in or upon the place of business who exposes to public  
1 28 view the person's genitals, pubic hair, or anus.

1 29 ~~5.~~ e. If such person advertises that any activity  
1 30 prohibited by this section is allowed or permitted in such  
1 31 place of business.

1 32 ~~6.~~ f. If such person allows or permits a minor to engage  
1 33 in or otherwise perform in a live act intended to arouse or  
1 34 satisfy the sexual desires or appeal to the prurient interests  
1 35 of patrons. However, if such person allows or permits a minor



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

2 4 3. The provisions of this section shall not apply to a  
2 5 theater, concert hall, art center, museum, or similar  
2 6 establishment which is primarily devoted to the arts or  
2 7 theatrical performances and in which any of the circumstances  
2 8 contained in this section were permitted or allowed as part of  
2 9 such art exhibits or performances. At trial for a violation

2 10 of this section the court may consider the challenged  
2 11 circumstance and whether the owner, manager, or person is  
2 12 attempting to evade prosecution under this section. In  
2 13 addition to other competent evidence, the court may consider  
2 14 testimony pertaining to:

2 15 a. The artistic or theatrical value, if any, of the  
2 16 performance or exhibit.

2 17 b. The degree of public acceptance within the community.

2 18 c. The advertising promotion.

2 19 d. The nexus, including the unity of interest, ownership,  
2 20 management, and operations between the premises where the  
2 21 challenged circumstance occurred and an adjacent place of  
2 22 business.

2 23 Sec. 2. Section 728.8, Code 2007, is amended to read as  
2 24 follows:

2 25 728.8 SUSPENSION OF LICENSES OR PERMITS.

2 26 Any person who knowingly permits a violation of section  
2 27 728.2, 728.3, or 728.5, ~~subsection 6,~~ to occur on premises  
2 28 under the person's control shall have all permits and licenses  
2 29 issued to the person under state or local law as a  
2 30 prerequisite for doing business on such premises revoked for a  
2 31 period of six months. The county attorney shall notify all  
2 32 agencies responsible for issuing licenses and permits of any  
2 33 conviction under section 728.2, 728.3, or 728.5, ~~subsection 6.~~

2 34 EXPLANATION

2 35 This bill relates to indecent exposure under Code section



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3 1 728.5.

3 2 Under current law, a person who exercises control over a  
3 3 place of business required to obtain a sales tax permit may be  
3 4 held accountable for circumstances of indecent exposure.

3 5 The bill provides that a person who exercises control over  
3 6 a place of business is guilty of a serious misdemeanor for  
3 7 circumstances of indecent exposure, if the place of business  
3 8 is one of the following:

3 9 1. Required to obtain a sales tax permit.

3 10 2. Allows an open or unsealed container of an alcoholic  
3 11 beverage on the premises.

3 12 3. Operates as a single place of business with an adjacent  
3 13 place of business required to obtain a sales tax permit.

3 14 The indecent exposure provisions do not apply to the arts  
3 15 or to theatrical performances. However, the bill provides  
3 16 that at a trial, the court may consider whether the person is  
3 17 attempting to avoid prosecution. The court may consider  
3 18 testimony pertaining to the nexus, including the unity of  
3 19 interest, ownership, management, and operations between the  
3 20 premises where the challenged circumstance occurred and an  
3 21 adjacent place of business.

3 22 A person who violates Code section 728.5 by allowing acts  
3 23 of indecent exposure performed by an adult is guilty of a  
3 24 serious misdemeanor and if such acts are performed by a minor,  
3 25 is guilty of an aggravated misdemeanor. A serious misdemeanor  
3 26 is punishable by confinement for no more than one year and a  
3 27 fine of at least \$315 but not more than \$1,875. An aggravated  
3 28 misdemeanor is punishable by confinement for no more than two  
3 29 years and a fine of at least \$625 but not more than \$6,250.

3 30 Upon a conviction, a person's license or permit required to  
3 31 do business on the premises shall be revoked for a period of  
3 32 six months.

3 33 LSB 2814SC 82

3 34 eg:rj/cf/24



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**Senate Study Bill 1285**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act expanding the criminal offense of possessing contraband in  
2 correctional institutions to include possessing contraband in  
3 a secure facility for the detention or custody of juveniles, a  
4 detention facility, or a jail, and providing a penalty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2758XC 82  
7 jm/es/88



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1 1 Section 1. Section 719.7, Code 2007, is amended to read as  
1 2 follows:

1 3 719.7 POSSESSING CONTRABAND.

1 4 1. "Contraband" includes but is not limited to any of the  
1 5 following:

1 6 a. A controlled substance or a simulated or counterfeit  
1 7 controlled substance, hypodermic syringe, or intoxicating  
1 8 beverage.

1 9 b. A dangerous weapon, offensive weapon, pneumatic gun,  
1 10 stun gun, firearm ammunition, knife of any length or any other  
1 11 cutting device, explosive or incendiary material, instrument,  
1 12 device, or other material fashioned in such a manner as to be  
1 13 capable of inflicting death or injury.

1 14 c. Rope, ladder components, key or key pattern, metal  
1 15 file, instrument, device, or other material designed or  
1 16 intended to facilitate escape of an inmate.

1 17 2. The sheriff may x-ray a person committed to the jail,  
1 18 or the department of corrections may x-ray a person under the  
1 19 control of the department, if there is reason to believe that  
1 20 the person is in possession of contraband. A licensed  
1 21 physician or x-ray technician under the supervision of a  
1 22 licensed physician must x-ray the person.

1 23 3. A person commits the offense of possessing contraband  
1 24 if the person, not authorized by law, does any of the  
1 25 following:

1 26 a. Knowingly introduces contraband into, or onto, the  
1 27 grounds of a secure facility for the detention or custody of  
1 28 juveniles, detention facility, jail, correctional institution,  
1 29 or institution under the management of the department of  
1 30 corrections.

1 31 b. Knowingly conveys contraband to any person confined in  
1 32 a secure facility for the detention or custody of juveniles,  
1 33 detention facility, jail, correctional institution, or  
1 34 institution under the management of the department of  
1 35 corrections.



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2 1 c. Knowingly makes, obtains, or possesses contraband while  
2 2 confined in a secure facility for the detention or custody of  
2 3 juveniles, detention facility, jail, correctional institution,  
2 4 or institution under the management of the department of  
2 5 corrections, or while being transported or moved incidental to  
2 6 confinement.

2 7 4. A person who possesses contraband or fails to report an  
2 8 offense of possessing contraband commits the following:

2 9 a. A class "C" felony for the possession of contraband if  
2 10 the contraband is of the type described in subsection 1,  
2 11 paragraph "b".

2 12 b. A class "D" felony for the possession of contraband if  
2 13 the contraband is any other type of contraband.

2 14 c. An aggravated misdemeanor for failing to report a known  
2 15 violation or attempted violation of this section to an  
2 16 official or officer at a secure facility for the detention or  
2 17 custody of juveniles, detention facility, jail, correctional  
2 18 institution, or institution under the management of the  
2 19 department of corrections.

2 20 5. Nothing in this section is intended to limit the  
2 21 authority of the administrator of any secure facility for the  
2 22 detention or custody of juveniles, detention facility, jail,  
2 23 correctional institution, or institution under the management  
2 24 of the department of corrections to prescribe or enforce rules  
2 25 concerning the definition of contraband, and the  
2 26 transportation, making, or possession of substances, devices,  
2 27 instruments, materials, or other items ~~in the institutions~~.

2 28 Sec. 2. Section 911.3, subsection 1, paragraph b, Code  
2 29 2007, is amended to read as follows:

2 30 b. Section 719.7, 719.8, 725.1, 725.2, or 725.3.

2 31 EXPLANATION

2 32 This bill expands the definition of the criminal offense of  
2 33 possessing contraband in correctional institutions to include  
2 34 possessing such contraband in a secure facility for the  
2 35 detention or custody of juveniles, a detention facility, or a



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3 1 jail.

3 2 Contraband is defined to include controlled substances,  
3 3 intoxicating beverages, weapons, explosives, knives or other  
3 4 cutting devices, or other items that may be fashioned to cause  
3 5 death or injury, or items that may be used to facilitate an  
3 6 escape.

3 7 Possessing contraband is committed when a person without  
3 8 legal authorization to do so attempts to bring contraband  
3 9 into, or makes or possesses contraband within a correctional  
3 10 institution, secure facility for the detention or custody of  
3 11 juveniles, detention facility, or jail. Under current law,  
3 12 possessing contraband applies to correctional institutions.  
3 13 If the contraband is a weapon or other item which may be  
3 14 fashioned to cause death or injury, the person commits a class  
3 15 "C" felony. Any other contraband offense subjects the person  
3 16 to a class "D" felony.

3 17 The bill requires a person to report the offense of  
3 18 possessing contraband or any attempt of possessing such  
3 19 contraband to an official or officer at a secure facility for  
3 20 the detention or custody of juveniles, detention facility, or  
3 21 jail. Current law requires the same reporting requirement at  
3 22 correctional institutions. Failure to report is an aggravated  
3 23 misdemeanor.

3 24 The bill also authorizes the sheriff to x-ray a person  
3 25 committed to the jail to determine if the person possesses  
3 26 contraband. Current law authorizes the department of  
3 27 corrections to x-ray a person under the control of the  
3 28 department.

3 29 The bill provides that a law enforcement initiative  
3 30 surcharge in the amount of \$125 shall also be assessed upon a  
3 31 conviction or deferred judgment for possessing contraband  
3 32 under Code section 719.7. The surcharge is deposited in the  
3 33 general fund of the state.

3 34 A class "C" felony is punishable by confinement for no more  
3 35 than 10 years and a fine of at least \$1,000 but not more than



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4 1 \$10,000. A class "D" felony is punishable by confinement for  
4 2 no more than five years and a fine of at least \$750 but not  
4 3 more than \$7,500. An aggravated misdemeanor is punishable by  
4 4 confinement for no more than two years and a fine of at least  
4 5 \$625 but not more than \$6,250.  
4 6 LSB 2758XC 82  
4 7 jm:nh/es/88



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Senate Study Bill 1286

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

1 An Act relating to specified types of business solicitations,  
2 providing an exception from applicability of certain  
3 requirements for sales conducted by mail, the telephone, or  
4 the internet.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2398XC 82  
7 rn/es/88



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1 1 Section 1. Section 552A.1, subsection 1, Code 2007, is  
1 2 amended to read as follows:

1 3 1. "Buying club" means a corporation, partnership,  
1 4 unincorporated association, or other business enterprise which  
1 5 sells or offers for sale to the general public ~~generally~~  
1 6 memberships or certificates of membership.

1 7 Sec. 2. Section 552A.1, subsection 3, Code 2007, is  
1 8 amended to read as follows:

1 9 3. "Membership" means certificates, memberships, shares,  
1 10 bonds, contracts, stocks, or agreements of any kind or  
1 11 character issued upon any plan offered ~~generally~~ to the  
1 12 general public entitling the holder to purchase merchandise,  
1 13 materials, equipment, or service, either from the issuer or  
1 14 another person designated by the issuer, either under a  
1 15 franchise or otherwise, whether it be at a discount, at cost  
1 16 plus a percentage, at cost plus a fixed amount, at a fixed  
1 17 price, or on any other similar basis.

1 18 Sec. 3. Section 552A.3, Code 2007, is amended to read as  
1 19 follows:

1 20 552A.3 RIGHT OF CANCELLATION == REQUIREMENT OF WRITING.

1 21 The requirements of sections 555A.1 through 555A.5,  
1 22 relating to door-to-door sales, shall apply to sales of buying  
1 23 club memberships, irrespective of the place or manner of sale  
1 24 ~~or the purpose for which they are purchased, except those that~~  
1 25 are conducted and consummated entirely by mail, the telephone,  
1 26 or the internet and without any other contact between the  
1 27 buyer and the seller or its representative prior to delivery  
1 28 of the goods or performance of the service. In addition to  
1 29 the requirements of chapter 555A, a contract ~~shall not be~~  
1 30 ~~enforceable against a person acquiring~~ resulting from any such  
1 31 sale of a membership in a buying club shall not be enforceable  
1 32 against the purchaser unless the contract is in writing and  
1 33 signed by the purchaser.

1 34 Sec. 4. Section 555A.1, subsection 3, paragraph a,  
1 35 subparagraph (4), Code 2007, is amended to read as follows:



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2 1 (4) Conducted and consummated entirely by mail, ~~or the~~  
2 2 telephone, or the internet and without any other contact  
2 3 between the buyer and the seller or its representative prior  
2 4 to delivery of the goods or performance of the services.

2 5 EXPLANATION

2 6 This bill relates to sales of buying club memberships that  
2 7 are conducted by mail, by telephone, or over the internet  
2 8 rather than sold in person directly between the seller and the  
2 9 purchaser.

2 10 Code section 552A.3 currently applies the requirements of  
2 11 Code sections 555A.1 through 555A.5, dealing primarily with  
2 12 notice of cancellation rights and contract rescission in  
2 13 door-to-door sales situations, to the sale of buying club  
2 14 memberships. The bill restricts the applicability of those  
2 15 provisions to sales other than those conducted and consummated  
2 16 entirely by mail, the telephone, or the internet and without  
2 17 any other contact between the buyer and the seller or its  
2 18 representative prior to delivery or performance. This change  
2 19 is consistent with Code section 552A.1, subsection 3,  
2 20 paragraph "a", subparagraph (4) which exempts such  
2 21 transactions from the definition of a door-to-door sale.

2 22 The bill also rephrases a provision in Code section 555A.3  
2 23 regarding lack of nonenforceability of a buying club  
2 24 membership contract unless the contract is in writing and  
2 25 signed by the purchaser, specifying that this provision  
2 26 applies to a purchaser, as opposed to a "person acquiring" a  
2 27 buying club membership contract.

2 28 The bill adds internet sales to the exemptions from the  
2 29 definition of a door-to-door sale, to promote consistency  
2 30 between the respective chapters.

2 31 LSB 2398XC 82

2 32 rn:rj/es/88



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**Senate Study Bill 1287**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

- 1 An Act relating to the statute of limitation period in an action
- 2 involving a tort claim against a municipality.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1770SC 82
- 5 rh/je/5



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1 1 Section 1. Section 668.10, Code 2007, is amended to read  
1 2 as follows:

1 3 668.10 GOVERNMENTAL EXEMPTIONS.

1 4 1. In any action brought pursuant to this chapter, the  
1 5 state or a municipality shall not be assigned a percentage of  
1 6 fault for any of the following:

1 7 ~~1.~~ a. The failure to place, erect, or install a stop  
1 8 sign, traffic control device, or other regulatory sign as  
1 9 defined in the uniform manual for traffic control devices  
1 10 adopted pursuant to section 321.252. However, once a  
1 11 regulatory device has been placed, created, or installed, the  
1 12 state or municipality may be assigned a percentage of fault  
1 13 for its failure to maintain the device.

1 14 ~~2.~~ b. The failure to remove natural or unnatural  
1 15 accumulations of snow or ice, or to place sand, salt, or other  
1 16 abrasive material on a highway, road, or street if the state  
1 17 or municipality establishes that it has complied with its  
1 18 policy or level of service for snow and ice removal or placing  
1 19 sand, salt, or other abrasive material on its highways, roads,  
1 20 or streets.

1 21 ~~3.~~ 2. ~~For~~ In any action brought pursuant to this chapter,  
1 22 the state shall not be assigned a percentage of fault for  
1 23 contribution unless the party claiming contribution has given  
1 24 the state or municipality notice of the claim pursuant to  
1 25 sections section 669.13 and 670.5.

1 26 Sec. 2. Section 670.5, Code 2007, is amended to read as  
1 27 follows:

1 28 670.5 LIMITATION OF ACTIONS.

1 29 Every person who claims damages from any municipality or  
1 30 any officer, employee, or agent of a municipality for or on  
1 31 account of any wrongful death, loss, or injury within the  
1 32 scope of section 670.2 or section 670.8 or under common law  
1 33 shall commence an action ~~therefor within six months, unless~~  
~~1 34 said person shall cause to be presented to the governing body~~  
~~1 35 of the municipality within sixty days after the alleged~~



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~~2 1 wrongful death, loss or injury a written notice stating the  
2 2 time, place, and circumstances thereof and the amount of  
2 3 compensation or other relief demanded. Failure to state time  
2 4 or place or circumstances or the amount of compensation or  
2 5 other relief demanded shall not invalidate the notice;  
2 6 providing, the claimant shall furnish full information within  
2 7 fifteen days after demand by the municipality. No action  
2 8 therefor shall be maintained unless such notice has been given  
2 9 and unless the action is commenced within two years after such  
2 10 notice. The time for giving such notice shall include a  
2 11 reasonable length of time, not to exceed ninety days, during  
2 12 which the person injured is incapacitated by the injury from  
2 13 giving such notice within two years of the wrongful death,  
2 14 loss, or injury.~~

2 15

EXPLANATION

2 16 This bill eliminates a portion of Code section 670.5,  
2 17 formerly Code section 613A.5, requiring a person claiming  
2 18 damages from any municipality on account of any wrongful  
2 19 death, loss, or injury to commence an action within six months  
2 20 after the wrongful death, loss, or injury. This six month  
2 21 statute of limitation period was declared unconstitutional by  
2 22 the Iowa supreme court in Miller v. Boone County Hospital, 394  
2 23 N.W.2d 776 (Iowa 1986).

2 24 The bill retains the remaining portion of Code section  
2 25 670.5 that allows a person to commence a tort action against  
2 26 any municipality on account of any wrongful death, loss, or  
2 27 injury within two years of the date of the wrongful death,  
2 28 loss, or injury.

2 29 The bill makes a conforming change to Code section 668.10,  
2 30 relating to notice provisions and a person's contribution  
2 31 claim against the state or a municipality.

2 32 LSB 1770SC 82

2 33 rh:nh/je/5.1



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**Senate Study Bill 1288**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to a revised uniform anatomical gift Act, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2098SC 82
- 5 pf/cf/24



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PAG LIN

1 1 DIVISION I  
 1 2 ANATOMICAL GIFT ACT  
 1 3 Section 1. Section 142C.1, Code 2007, is amended to read  
 1 4 as follows:  
 1 5 142C.1 SHORT TITLE.  
 1 6 This chapter shall be known and may be cited as the  
 1 7 ~~"Uniform"~~ "Revised Uniform Anatomical Gift Act".  
 1 8 Sec. 2. Section 142C.2, Code 2007, is amended to read as  
 1 9 follows:  
 1 10 142C.2 DEFINITIONS.  
 1 11 As used in this chapter, unless the context otherwise  
 1 12 requires:  
 1 13 1. "Adult" means an individual who is eighteen years of  
 1 14 age or older.  
 1 15 2. "Agent" means an individual who meets any of the  
 1 16 following conditions:  
 1 17 a. Is authorized to make health care decisions on the  
 1 18 principal's behalf by a durable power of attorney for health  
 1 19 care pursuant to chapter 144B.  
 1 20 b. Is expressly authorized to make an anatomical gift on  
 1 21 the principal's behalf by any other record signed by the  
 1 22 principal.  
 1 23 ~~1- 3. "Anatomical gift" or "gift" means a donation,~~  
 1 24 ~~effective upon or after the death of the donor, of all or part~~  
 1 25 ~~of the human body of the donor effective after the donor's~~  
 1 26 ~~death, for the purposes of transplantation, therapy, research,~~  
 1 27 ~~or education.~~  
 1 28 ~~2. "Bank or storage organization" means a person licensed,~~  
 1 29 ~~accredited, certified, registered, or approved under the laws~~  
 1 30 ~~of any state for the procurement, removal, preservation,~~  
 1 31 ~~storage, or distribution of human bodies or parts.~~  
 1 32 ~~3- 4. "Decedent" means a deceased individual whose body or~~  
 1 33 ~~part is or may be the source of an anatomical gift and~~  
 1 34 ~~includes a stillborn infant or fetus.~~  
 1 35 5. "Disinterested witness" means a witness other than the



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2 1 spouse, child, parent, sibling, grandchild, grandparent, or  
2 2 guardian of the individual who makes, amends, revokes, or  
2 3 refuses to make an anatomical gift, or any other adult who  
2 4 exhibited special care and concern for the individual.  
2 5 "Disinterested witness" does not include a person who may  
2 6 receive an anatomical gift pursuant to section 142C.5.  
2 7 4. 6. "Document of gift" means a donor card signed by an  
2 8 individual donor, a written or other record used to make an  
2 9 anatomical gift, including a statement attached to or  
2 10 imprinted or noted or symbol on a driver's license or  
2 11 nonoperator's identification card, or an entry in a donor  
2 12 registry, a donor's will, or any other written document used  
2 13 by a donor to make an anatomical gift.  
2 14 5. 7. "Donor" means an individual who makes whose body or  
2 15 part is the subject of an anatomical gift.  
2 16 6. 8. "Donor registry" means the statewide organ and  
2 17 tissue donor registry established pursuant to section 142C.18  
2 18 or a similar registry a database that contains records of  
2 19 anatomical gifts and amendments of anatomical gifts.  
2 20 9. "Driver's license" means a license or permit issued by  
2 21 the state department of transportation to operate a vehicle,  
2 22 whether or not conditions are attached to the license or  
2 23 permit.  
2 24 7. "Enucleator" means an individual who is certified by  
2 25 the department of ophthalmology of the university of Iowa  
2 26 college of medicine or by the eye bank association of America  
2 27 to remove or process eyes or parts of eyes.  
2 28 10. "Eye bank" means a person that is licensed,  
2 29 accredited, or regulated under federal or state law to engage  
2 30 in the recovery, screening, testing, processing, storage, or  
2 31 distribution of human eyes or portions of human eyes.  
2 32 11. "Guardian" means a person appointed by a court to make  
2 33 decisions regarding the support, care, education, health, or  
2 34 welfare of an individual, but does not include a guardian ad  
2 35 litem.



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3 1     ~~8.~~ 12. "Hospital" means a hospital licensed under chapter  
3 2 135B, or a hospital licensed, accredited, or approved under  
3 3 federal law or the laws of any other state, and includes a  
3 4 hospital operated by the federal government, a state, or a  
3 5 political subdivision of a state, although not required to be  
3 6 licensed under state laws.

3 7     13. "Identification card" means a nonoperator's  
3 8 identification card issued by the state department of  
3 9 transportation pursuant to section 321.190.

3 10     14. "Know" means to have actual knowledge.

3 11     ~~9.~~ 15. "Medical examiner" means an individual who is  
3 12 appointed as a medical examiner pursuant to section 331.801 or  
3 13 691.5.

3 14     16. "Minor" means an individual who is less than eighteen  
3 15 years of age.

~~3 16     ~~10.~~ 17. "Organ procurement organization" means an~~  
~~3 17 organization that performs or coordinates the performance of~~  
~~3 18 retrieving, preserving, or transplanting organs, which~~  
~~3 19 maintains a system of locating prospective recipients for~~  
~~3 20 available organs, and which is registered with the united~~  
~~3 21 network for organ sharing and a person designated by the~~  
3 22 United States secretary of health and human services pursuant  
~~3 23 to 42 C.F.R. } 485, subpt. D as an organ procurement~~  
3 24 organization.

~~3 25     ~~11.~~ 18. "Part" means organs, tissues, eyes, bones,~~  
~~3 26 vessels, whole blood, plasma, blood platelets, blood~~  
~~3 27 derivatives, fluid, or any other portion of a human body an~~  
3 28 organ, an eye, or tissue of a human being, but does not  
3 29 include the whole body of a human being.

3 30     ~~12.~~ 19. "Person" means person as defined in section 4.1.

~~3 31     ~~13.~~ 20. "Physician" or "surgeon" means a physician,~~  
~~3 32 surgeon, or osteopathic physician and surgeon, licensed or~~  
~~3 33 otherwise an individual authorized to practice medicine and~~  
~~3 34 surgery or osteopathy and surgery under the laws of any state.~~  
3 35     21. "Procurement organization" means an eye bank, organ



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4 1 procurement organization, or tissue bank.  
4 2 22. "Prospective donor" means an individual who is dead or  
4 3 near death and has been determined by a procurement  
4 4 organization to have a part that could be medically suitable  
4 5 for transplantation, therapy, research, or education, but does  
4 6 not include an individual who has made a refusal.  
4 7 23. "Reasonably available" means able to be contacted by a  
4 8 procurement organization without undue effort and willing and  
4 9 able to act in a timely manner consistent with existing  
4 10 medical criteria necessary for the making of an anatomical  
4 11 gift.  
4 12 24. "Recipient" means an individual into whose body a  
4 13 decendent's part has been transplanted or is intended for  
4 14 transplant.  
4 15 25. "Record" means information that is inscribed on a  
4 16 tangible medium or that is stored in an electronic or other  
4 17 medium and is retrievable in perceivable form.  
4 18 26. "Refusal" means a record created pursuant to section  
4 19 142C.3 that expressly states an individual's intent to  
4 20 prohibit other persons from making an anatomical gift of the  
4 21 individual's body or part.  
4 22 27. "Sign" means to do any of the following with the  
4 23 present intent to authenticate or adopt a record:  
4 24 a. Execute or adopt a tangible symbol.  
4 25 b. Attach to or logically associate with the record an  
4 26 electronic symbol, sound, or process.  
4 27 ~~14. 28. "State" means any state, district, commonwealth,~~  
4 28 ~~of the United States, the District of Columbia, Puerto Rico,~~  
4 29 ~~the United States Virgin Islands, or any territory, or insular~~  
4 30 ~~possession subject to the jurisdiction of the United States,~~  
4 31 ~~the District of Columbia, or the Commonwealth of Puerto Rico.~~  
4 32 15. 29. "Technician" means an individual who determined to  
4 33 be qualified to remove or process parts by an appropriate  
4 34 organization that is licensed, certified, or approved by an  
4 35 ~~organ procurement organization or who is certified, or~~



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~~5 1 approved by a bank or storage organization to procure, remove,  
5 2 process, preserve, store, or distribute a part accredited, or  
5 3 regulated under federal or state law and includes an  
5 4 enucleator.~~

~~5 5 30. "Tissue" means a portion of the human body other than  
5 6 an organ or an eye, but does not include blood unless the  
5 7 blood is donated for the purpose of research or education.~~

~~5 8 31. "Tissue bank" means a person that is licensed,  
5 9 accredited, or regulated under federal or state law to engage  
5 10 in the recovery, screening, testing, processing, storage, or  
5 11 distribution of tissue.~~

~~5 12 32. "Transplant hospital" means a hospital that furnishes  
5 13 organ transplants and other medical and surgical specialty  
5 14 services required for the care of transplant patients.~~

~~5 15 Sec. 3. Section 142C.3, Code 2007, is amended to read as  
5 16 follows:~~

~~5 17 142C.3 ~~DONATION OF ANATOMICAL GIFTS == PERSONS WHO MAY  
5 18 EXECUTE MAKE == MANNER OF EXECUTING MAKING == AMENDING OR  
5 19 REVOKING == REFUSAL TO MAKE ANATOMICAL GIFT BEFORE DONOR'S  
5 20 DEATH == PRECLUSIVE EFFECT.~~~~

~~5 21 1. A competent individual who is at least eighteen years  
5 22 of age, or a minor fourteen through seventeen years of age  
5 23 with written consent of a parent or legal guardian, may make  
5 24 an anatomical gift for one or more of the purposes listed in  
5 25 section 142C.5, may limit an anatomical gift to one or more of  
5 26 the purposes listed in section 142C.5, or may refuse to make  
5 27 an anatomical gift, the gift to take effect upon the death of  
5 28 the donor.~~

~~5 29 2. An anatomical gift may be made only by completion of a  
5 30 document of gift or as otherwise provided in this section. If  
5 31 the prospective donor is a minor fourteen through seventeen  
5 32 years of age, to be valid, a document of gift shall be signed  
5 33 by the minor and the minor's parent or legal guardian. If the  
5 34 document of gift requires the signature of the donor, but the  
5 35 donor is unable to sign the document, the document of gift~~



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~~6 1 shall be signed by another individual and by two witnesses,  
6 2 all of whom sign at the direction and in the presence of the  
6 3 donor, the other individual, and the two witnesses. The  
6 4 document of gift, including an entry in a donor registry,  
6 5 shall provide certification that the document has been  
6 6 executed in the prescribed manner.~~

~~6 7 3. If a donor indicates the wish to become a donor,  
6 8 pursuant to section 321.189, and the indication is attached to  
6 9 or imprinted or noted on an individual's driver's license or  
6 10 nonoperator's identification card, or if a donor indicates the  
6 11 wish to become a donor via an entry in a donor registry and  
6 12 the entry is certified as being executed in the prescribed  
6 13 manner, the document, including an entry in a donor registry,  
6 14 shall be considered a valid document of gift.~~

~~6 15 4. A document of gift may designate a particular  
6 16 physician, technician, or enucleator to perform the  
6 17 appropriate procedures. In the absence of a designation or if  
6 18 the designee is not available to perform the procedures, the  
6 19 donee or other person authorized to accept the anatomical gift  
6 20 may employ or authorize any physician, technician, or  
6 21 enucleator to perform the appropriate procedures.~~

~~6 22 1. WHO MAY MAKE. Subject to subsection 5, an anatomical  
6 23 gift of a donor's body or part may be made during the life of  
6 24 the donor for the purposes of transplantation, therapy,  
6 25 research, or education in the manner prescribed in subsection  
6 26 2, by any of the following:~~

~~6 27 a. The donor if the donor is any of the following:~~

~~6 28 (1) An adult.~~

~~6 29 (2) A minor, if the minor is emancipated or is authorized  
6 30 under state law to apply for a driver's license because the  
6 31 minor is at least fourteen years of age.~~

~~6 32 b. An agent of the donor, unless the durable power of  
6 33 attorney for health care or other record prohibits the agent  
6 34 from making the anatomical gift.~~

~~6 35 c. A parent of the donor, if the donor is an unemancipated~~



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7 1 minor.  
7 2 d. The guardian of the donor.  
7 3 2. MANNER OF MAKING.  
7 4 a. A donor may make an anatomical gift by any of the  
7 5 following means:  
7 6 (1) By authorizing a statement or symbol indicating that  
7 7 the donor has made an anatomical gift to be imprinted on the  
7 8 donor's driver's license or identification card.  
7 9 (2) In a will.  
7 10 (3) During a terminal illness or injury of the donor, by  
7 11 any form of communication addressed to at least two adults, at  
7 12 least one of whom is a disinterested witness.  
7 13 (4) As provided in paragraph "b".  
7 14 b. (1) A donor or other person authorized to make an  
7 15 anatomical gift under subsection 1 may make a gift by a donor  
7 16 card or other record signed by the donor or other person  
7 17 making the gift or by authorizing that a statement or symbol  
7 18 indicating that the donor has made an anatomical gift be  
7 19 included on the donor registry.  
7 20 (2) If the donor or other person is physically unable to  
7 21 sign a record, the record may be signed by another individual  
7 22 at the direction of the donor or other person and shall meet  
7 23 all of the following requirements:  
7 24 (a) Be witnessed by at least two adults, at least one of  
7 25 whom is a disinterested witness, who have signed at the  
7 26 request of the donor or other person.  
7 27 (b) State that the record has been signed and witnessed as  
7 28 provided in subparagraph subdivision (a).  
7 29 c. Revocation, suspension, expiration, or cancellation of  
7 30 a driver's license or identification card upon which an  
7 31 anatomical gift is indicated shall not invalidate the gift.  
7 32 5. d. A document of An anatomical gift made by will takes  
7 33 effect upon the donor's death of the testator, whether or not  
7 34 the will is probated. For the purposes of a document of gift  
7 35 by will, invalidation Invalidation of the will for



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~~8 1 testamentary purposes after the donor's death does not result~~  
~~8 2 in the invalidation of invalidate the document of gift.~~

8 3 ~~6.~~ 3. AMENDING OR REVOKING GIFT BEFORE DONOR'S DEATH.

8 4 a. A Subject to subsection 5, a donor or other person

8 5 authorized to make an anatomical gift under subsection 1 may

8 6 amend or revoke a document of an anatomical gift by any of the

8 7 following means:

8 8 a. A signed statement, executed by the donor.

8 9 b. An oral statement made by the donor in the presence of

~~8 10 two individuals.~~

8 11 (1) A record signed by any of the following:

8 12 (a) The donor.

8 13 (b) The other person authorized to make an anatomical

8 14 gift.

8 15 (c) Subject to paragraph "b", another individual acting at

8 16 the direction of the donor or the other authorized person if

8 17 the donor or other person is physically unable to sign the

8 18 record.

8 19 (2) A later-executed document of gift that amends or

8 20 revokes a previous anatomical gift or portion of an anatomical

8 21 gift, either expressly or by inconsistency.

8 22 b. A record signed pursuant to paragraph "a", subparagraph

8 23 (1), subparagraph subdivision (c), shall comply with all of

8 24 the following:

8 25 (1) Be witnessed by at least two adults, at least one of

8 26 whom is a disinterested witness, who have signed at the

8 27 request of the donor or the other authorized person.

8 28 (2) State that the record has been signed and witnessed as

8 29 provided in subparagraph (1).

8 30 c. Subject to subsection 5, a donor or other person

8 31 authorized to make an anatomical gift under subsection 1 may

8 32 revoke an anatomical gift by the destruction or cancellation

8 33 of the document of gift, or the portion of the document of

8 34 gift used to make the gift, with the intent to revoke the

8 35 gift.

9 1 e. d. Any form of communication A donor may amend or

9 2 revoke an anatomical gift that was not made in a will by any

9 3 form of communication during a terminal illness or injury

9 4 addressed to a health care professional, licensed or certified

~~9 5 pursuant to chapter 148, 148C, 150A, or 152 at least two~~

9 6 adults, at least one of whom is a disinterested witness.

9 7 d. The delivery of a written statement, signed by the

~~9 8 donor, to a specified donee to whom a document of gift has~~

~~9 9 been delivered.~~

9 10 7. e. The A donor of who makes an anatomical gift made by

9 11 in a will may amend or revoke the gift as provided in

~~9 12 subsection 6 or in the manner provided for amendment or~~

9 13 revocation of wills or as provided in paragraph "a".

9 14 8. A document of gift that is not revoked by the donor

~~9 15 prior to the donor's death does not require the consent or~~

~~9 16 concurrence of any other person after the donor's death and is~~

~~9 17 sufficient legal authority, following the donor's death, for~~

~~9 18 the removal of any part donated under the document of gift,~~

~~9 19 without the consent or concurrence of any other person. A~~

~~9 20 person, including but not limited to a family member, a~~

~~9 21 guardian, an attorney in fact named under a durable power of~~



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~~9 22 attorney for health care, or an executor of the donor's~~  
~~9 23 estate, is not authorized to and shall not revoke or in any~~  
~~9 24 way supersede a document of gift that is not revoked by the~~  
~~9 25 donor prior to the donor's death.~~

9 26 9. 4. REFUSAL TO MAKE.

9 27 a. An individual may refuse to make an anatomical gift of  
9 28 the individual's body or part by ~~completing any written~~  
~~9 29 document expressing the individual's refusal to make an~~  
~~9 30 anatomical gift. During a terminal illness or injury, the~~  
~~9 31 refusal may be by an oral statement or other form of unwritten~~  
~~9 32 communication addressed to a health care professional licensed~~  
~~9 33 or certified under chapter 148, 148C, 150A, or 152~~ any of the  
9 34 following means:

9 35 (1) A record signed by any of the following:



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10 1 (a) The individual.  
10 2 (b) Subject to paragraph "b", another individual acting at  
10 3 the direction of the individual if the individual is  
10 4 physically unable to sign the record.  
10 5 (2) The individual's will, whether or not the will is  
10 6 admitted to probate or invalidated after the individual's  
10 7 death.  
10 8 (3) Any form of communication made by the individual  
10 9 during the individual's terminal illness or injury addressed  
10 10 to at least two adults, at least one of whom is a  
10 11 disinterested witness.  
10 12 b. A record signed pursuant to paragraph "a", subparagraph  
10 13 (1), subparagraph subdivision (b), shall comply with all of  
10 14 the following:  
10 15 (1) Be witnessed by at least two adults, at least one of  
10 16 whom is a disinterested witness, who have signed at the  
10 17 request of the individual.  
10 18 (2) State that the record has been signed and witnessed as  
10 19 provided in subparagraph (1).  
10 20 c. An individual who has made a refusal may amend or  
10 21 revoke the refusal in accordance with any of the following:  
10 22 (1) In the manner provided in paragraph "a" for making a  
10 23 refusal.  
10 24 (2) By subsequently making an anatomical gift pursuant to  
10 25 subsection 2 that is inconsistent with the refusal.  
10 26 (3) By destroying or canceling the record evidencing the  
10 27 refusal, or the portion of the record used to make the  
10 28 refusal, with the intent to revoke the refusal.  
10 29 d. Except as otherwise provided in subsection 5, paragraph  
10 30 "h", in the absence of an express, contrary indication by the  
10 31 individual set forth in the refusal, an individual's unrevoked  
10 32 refusal to make an anatomical gift of the individual's body or  
10 33 part prohibits all other persons from making an anatomical  
10 34 gift of the individual's body or part.  
10 35 5. PRECLUSIVE EFFECT.



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11 1 a. Except as otherwise provided in paragraph "g", and  
11 2 subject to paragraph "f", in the absence of an express,  
11 3 contrary indication by the donor, a person other than the  
11 4 donor is prohibited from making, amending, or revoking an  
11 5 anatomical gift of a donor's body or part if the donor made an  
11 6 anatomical gift of the donor's body or part under subsection 2  
11 7 or an amendment to an anatomical gift of the donor's body or  
11 8 part under subsection 3.

11 9 b. A donor's revocation of an anatomical gift of the  
11 10 donor's body or part under subsection 3 is not a refusal and  
11 11 does not prohibit another person specified in subsection 1 or  
11 12 section 142C.4 from making an anatomical gift of the donor's  
11 13 body or part under subsection 2 or section 142C.4.

11 14 c. If a person other than the donor makes an unrevoked  
11 15 anatomical gift of the donor's body or part under subsection  
11 16 2, or an amendment to an anatomical gift of the donor's body  
11 17 or part under subsection 3, another person may not make,  
11 18 amend, or revoke the gift of the donor's body or part under  
11 19 section 142C.4.

11 20 d. A revocation of an anatomical gift of a donor's body or  
11 21 part under subsection 3 by a person other than the donor does  
11 22 not prohibit another person from making an anatomical gift of  
11 23 the body or part under subsection 2 or section 142C.4.

11 24 ~~10.~~ e. In the absence of a an express, contrary indication  
11 25 by the donor or other person authorized to make an anatomical  
11 26 gift under subsection 1, an anatomical gift of a part ~~does not~~  
~~11 27 constitute is neither a refusal to donate other parts another~~  
11 28 part nor ~~does it constitute~~ a limitation on the making of an  
11 29 anatomical gift ~~made pursuant to section 142C.4 of another~~  
11 30 part at a later time by the donor or another authorized  
11 31 person.

11 32 ~~11.~~ f. In the absence of a an express, contrary indication  
11 33 by the donor, a revocation or amendment of an anatomical gift  
~~11 34 does not constitute a refusal to make a subsequent anatomical~~  
~~11 35 gift. If the donor intends a revocation to constitute a~~



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~~12 1 refusal to make an anatomical gift, the donor shall make the  
12 2 refusal pursuant to subsection 9, or other person authorized  
12 3 to make an anatomical gift under subsection 1, an anatomical  
12 4 gift of a part for one or more of the purposes specified in  
12 5 subsection 1 is not a limitation on the making of an  
12 6 anatomical gift of the part for any of the other purposes by  
12 7 the donor or any other person under subsection 2 or section  
12 8 142C.4.~~

~~12 9 g. If a donor who is an unemancipated minor dies, a parent  
12 10 of the donor who is reasonably available may revoke or amend  
12 11 an anatomical gift of the donor's body or part.~~

~~12 12 h. If an unemancipated minor who signed a refusal dies, a  
12 13 parent of the minor who is reasonably available may revoke the  
12 14 minor's refusal.~~

~~12 15 12. A document of gift may be in the form of a specific  
12 16 donor card such as an eye donor card, a uniform donor card, a  
12 17 driver's license, a nonoperator's identification card, an  
12 18 entry in a donor registry, a will, or any other written  
12 19 document executed pursuant to this chapter. A uniform donor  
12 20 card shall include the options of donating any and all parts,  
12 21 or any specific part or parts. A uniform donor card may, but  
12 22 is not required to, be in the following form:~~

~~12 23 UNIFORM DONOR CARD  
12 24 I, ....., have made a commitment to be an anatomical gift  
12 25 donor.  
12 26 I wish to donate the following:  
12 27 .... Any needed ..... Only the  
12 28 part ..... following part  
12 29 .....  
12 30 Donor Signature ..... Date .....~~

~~12 31 Sec. 4. Section 142C.4, Code 2007, is amended to read as  
12 32 follows:  
12 33 142C.4 DONATION OF WHO MAY MAKE ANATOMICAL GIFTS BY  
12 34 INDIVIDUALS OTHER THAN THE DONOR GIFT OF DECEDENT'S BODY OR  
12 35 PART == AMENDING OR REVOKING GIFT.~~



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13 1 1. ~~Any available~~ Subject to subsection 2, and unless  
13 2 prohibited by section 142C.3, subsection 4 or 5, an anatomical  
13 3 gift of a decedent's body or part for purposes of  
13 4 transplantation, therapy, research, or education may be made  
13 5 by any member of the following classes of persons who is  
13 6 reasonably available, in the order of priority listed, ~~may~~  
13 7 ~~make an anatomical gift of a decedent's body or parts for an~~  
13 8 ~~authorized purpose, unless the decedent, at the time of death,~~  
13 9 ~~has made an unrevoked refusal to make an anatomical gift:~~  
13 10 a. ~~The attorney in fact pursuant to a durable power of~~  
13 11 ~~attorney for health care~~ An agent of the decedent at the time  
13 12 of death who could have made an anatomical gift under section  
13 13 142C.3, subsection 1, immediately before the decedent's death.  
13 14 b. The spouse of the decedent.  
13 15 c. ~~An adult child~~ Adult children of the decedent.  
13 16 d. ~~A parent~~ Parents of the decedent.  
13 17 e. ~~An adult sibling~~ Adult siblings of the decedent.  
13 18 f. ~~A grandparent~~ Adult grandchildren of the decedent.  
13 19 g. ~~A guardian~~ Grandparents of the decedent ~~at the time of~~  
13 20 ~~the decedent's death.~~  
13 21 h. An adult who exhibited special care and concern for the  
13 22 decedent.  
13 23 i. Any persons who were acting as guardians of the  
13 24 decedent at the time of death.  
13 25 j. Any other person having the authority to dispose of the  
13 26 decedent's body.  
13 27 2. a. ~~An~~ If there is more than one member of a class  
13 28 listed in subsection 1, paragraph "a", "c", "d", "e", "f",  
13 29 "g", or "i", entitled to make an anatomical gift ~~shall not be~~  
13 30 ~~made by a person listed in subsection 1 if any of the~~  
13 31 ~~following conditions apply:~~, an anatomical gift may be made by  
13 32 one member of the class unless that member or a person to whom  
13 33 the gift may pass under section 142C.5 knows of an objection  
13 34 by another member of the class. If an objection is known, the  
13 35 gift shall be made only by a majority of the members of the



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14 1 class who are reasonably available.  
14 2 a. ~~b.~~ A person in a prior class is available, in person or  
14 3 by telephone contact shall not make an anatomical gift if, at  
14 4 the time of the death of the decedent ~~to make an anatomical~~  
14 5 ~~gift~~ a person in a prior class under subsection 1 is  
14 6 reasonably available to make or to object to the making of an  
14 7 anatomical gift.  
14 8 b. ~~The person proposing to make an anatomical gift knows~~  
14 9 ~~of a refusal by the decedent to make an anatomical gift.~~  
14 10 c. ~~The person proposing to make an anatomical gift knows~~  
14 11 ~~of an objection to making an anatomical gift by a member of~~  
14 12 ~~the person's class or a prior class.~~  
14 13 3. ~~An~~ A person authorized to make an anatomical gift by a  
14 14 person authorized under subsection 1 shall be made by  
14 15 execution of may make an anatomical gift by a document of gift  
14 16 signed by the person making the gift or by the person's  
14 17 ~~telegraphic, recorded telephonic, or other oral communication~~  
14 18 that is electronically recorded message, or by any other form  
14 19 ~~of communication from the person that is contemporaneously~~  
14 20 reduced to writing a record and signed by the recipient of the  
14 21 oral communication.  
14 22 4. ~~An~~ Subject to subsection 5, an anatomical gift by a  
14 23 person authorized under subsection 1 may be amended or revoked  
14 24 orally or in a record by any member of the ~~same or~~ prior class  
14 25 ~~if, before the procedures have begun for removal of a part~~  
14 26 ~~from the body of the decedent, the physician, technician, or~~  
14 27 ~~enucleator performing the removal procedures is notified of~~  
14 28 ~~the revocation who is reasonably available. If more than one~~  
14 29 member of the prior class is reasonably available, the gift  
14 30 made by a person authorized under subsection 1 may be:  
14 31 a. Amended only if a majority of the reasonably available  
14 32 members agree to the amending of the gift.  
14 33 b. Revoked only if a majority of the reasonably available  
14 34 members agree to the revoking of the gift or if they are  
14 35 equally divided as to whether to revoke the gift.



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15 1 5. ~~Failure to make an anatomical gift under subsection 1~~  
15 2 ~~does not constitute an objection to the making of an~~  
15 3 ~~anatomical gift. A revocation under subsection 4 is effective~~  
15 4 ~~only if, before an incision has been made to remove a part~~  
15 5 ~~from the donor's body or before invasive procedures have begun~~  
15 6 ~~to prepare the recipient, the procurement organization,~~  
15 7 ~~transplant hospital, or physician or technician knows of the~~  
15 8 ~~revocation.~~

15 9 Sec. 5. Section 142C.4A, Code 2007, is amended to read as  
15 10 follows:

15 11 142C.4A ~~AUTHORITY OF COOPERATION BETWEEN MEDICAL EXAMINER~~  
15 12 ~~AND ORGAN PROCUREMENT ORGANIZATION == RELEASE AND REMOVAL OF~~  
15 13 ~~PART FOR MAKING FACILITATION OF ANATOMICAL GIFT FROM DECEDENT~~  
15 14 ~~WHOSE BODY IS UNDER THE JURISDICTION OF THE MEDICAL EXAMINER.~~

15 15 1. A medical examiner ~~may permit the removal of a part~~  
15 16 ~~from a body in the custody of the medical examiner and may~~  
15 17 ~~release the part for any purpose authorized pursuant to~~  
15 18 ~~section 142C.5 if the body of the decedent cannot be~~  
15 19 ~~identified or if the next of kin of the decedent cannot be~~  
15 20 ~~located, and if all of the following conditions are met: shall~~  
15 21 ~~cooperate with organ procurement organizations to maximize the~~  
15 22 ~~opportunity to recover organs for the purpose of~~  
15 23 ~~transplantation.~~

15 24 a. ~~The medical examiner has received a request for the~~  
15 25 ~~part from a hospital, physician, organ procurement~~  
15 26 ~~organization, or bank or storage organization.~~

15 27 b. ~~Given the useful life of the specific part, the medical~~  
15 28 ~~examiner is satisfied that a reasonable effort has been made~~  
15 29 ~~by the organ procurement organization or bank or storage~~  
15 30 ~~organization to locate and examine the decedent's medical~~  
15 31 ~~records and to inform a person specified in section 142C.4 of~~  
15 32 ~~the option to make or object to the making of an anatomical~~  
15 33 ~~gift.~~

15 34 e. ~~The medical examiner does not know of a refusal or~~  
15 35 ~~contrary indication by the decedent or of an objection by a~~



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~~16 1 person having priority to act pursuant to section 142C.4  
16 2 regarding the making of an anatomical gift.~~

~~16 3 d. The medical examiner does not know that the decedent,  
16 4 at the time of death, was a member of a religion, church,  
16 5 sect, or denomination which relies solely upon prayer for the  
16 6 healing of disease or which has religious tenets that would be  
16 7 violated by the disposition of the decedent's body or part for  
16 8 any of the purposes provided pursuant to section 142C.5.~~

~~16 9 e. Removal of a part will be performed by a physician,  
16 10 technician, or enucleator.~~

~~16 11 f. Removal of a part will not significantly alter or  
16 12 compromise the results of any autopsy or investigation.~~

~~16 13 g. Removal of a part will be in accordance with accepted  
16 14 medical standards.~~

~~16 15 h. Cosmetic restoration will be performed, if appropriate.~~

~~16 16 i. The person's death is not a death which affects the  
16 17 public interest as defined in section 331.802, or if the death  
16 18 is a death which affects the public interest, any  
16 19 investigation relating to the decedent's death has been  
16 20 completed.~~

~~16 21 2. The If a medical examiner releasing and permitting the  
16 22 removal of a part shall maintain a permanent record of all of  
16 23 the following: receives notice from an organ procurement  
16 24 organization that an organ might be or was made available with  
16 25 respect to a decedent whose body is under the jurisdiction of  
16 26 the medical examiner and a postmortem examination will be  
16 27 performed, unless the medical examiner denies recovery in  
16 28 accordance with this section, the medical examiner or designee  
16 29 shall conduct a postmortem examination of the body or the  
16 30 organ in a manner and within a period compatible with its  
16 31 preservation for the purposes of the gift.~~

~~16 32 a. The name of the decedent, if available.~~

~~16 33 b. The date and time of the release of the body or part  
16 34 and the name of the person to whom the body or part was  
16 35 released.~~



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17 1     3. An organ shall not be removed from the body of a  
17 2 decedent under the jurisdiction of a medical examiner for  
17 3 transplantation unless the organ is the subject of an  
17 4 anatomical gift. This subsection does not preclude a medical  
17 5 examiner from performing a medicolegal investigation pursuant  
17 6 to subsection 5 upon the body or organs of a decedent under  
17 7 the jurisdiction of the medical examiner.  
17 8     4. Upon request of an organ procurement organization, a  
17 9 medical examiner shall release to the organ procurement  
17 10 organization the name, contact information, and available  
17 11 medical and social history of a decedent whose body is under  
17 12 the jurisdiction of the medical examiner. If the decedent's  
17 13 organ is medically suitable for transplantation, the medical  
17 14 examiner shall release postmortem examination results to the  
17 15 organ procurement organization. The organ procurement  
17 16 organization may make a subsequent disclosure of the  
17 17 postmortem examination results or other information received  
17 18 from the medical examiner only if relevant to transplantation.  
17 19     5. The medical examiner may conduct a medicolegal  
17 20 examination by reviewing all medical records, laboratory test  
17 21 results, X rays, other diagnostic results, and other  
17 22 information that any person possesses about a donor or  
17 23 prospective donor whose body is under the jurisdiction of the  
17 24 medical examiner which the medical examiner determines may be  
17 25 relevant to the investigation.  
17 26     6. A person who has any information requested by a medical  
17 27 examiner pursuant to subsection 5 shall provide that  
17 28 information as expeditiously as possible to allow the medical  
17 29 examiner to conduct the medicolegal investigation within a  
17 30 period compatible with the preservation of organs for the  
17 31 purpose of transplantation.  
17 32     7. If an anatomical gift has been or might be made of an  
17 33 organ of a decedent whose body is under the jurisdiction of  
17 34 the medical examiner and a postmortem examination is not  
17 35 required, or the medical examiner determines that a postmortem



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18 1 examination is required but that the recovery of the organ  
18 2 that is the subject of an anatomical gift will not interfere  
18 3 with the examination, the medical examiner and organ  
18 4 procurement organization shall cooperate in the timely removal  
18 5 of the organ from the decedent for the purpose of  
18 6 transplantation.

18 7 8. If an anatomical gift of an organ from a decedent under  
18 8 the jurisdiction of the medical examiner has been or might be  
18 9 made, but the medical examiner initially believes that the  
18 10 recovery of the organ could interfere with the postmortem  
18 11 investigation into the decedent's cause or manner of death,  
18 12 the medical examiner shall consult with the organ procurement  
18 13 organization or physician or technician designated by the  
18 14 organ procurement organization about the proposed recovery.  
18 15 After consultation, the medical examiner may allow the  
18 16 recovery.

18 17 9. Following the consultation under subsection 8, in the  
18 18 absence of mutually agreed upon protocols to resolve conflict  
18 19 between the medical examiner and the organ procurement  
18 20 organization, if the medical examiner intends to deny  
18 21 recovery, the medical examiner or designee, at the request of  
18 22 the organ procurement organization, shall attend the removal  
18 23 procedure for the organ before making a final determination  
18 24 not to allow the organ procurement organization to recover the  
18 25 organ. During the removal procedure, the medical examiner or  
18 26 designee may allow recovery by the organ procurement  
18 27 organization to proceed, or, if the medical examiner or  
18 28 designee reasonably believes that the organ may be involved in  
18 29 determining the decedent's cause or manner of death, deny  
18 30 recovery by the organ procurement organization.

18 31 10. If the medical examiner or designee allows recovery of  
18 32 an organ under subsection 7, 8, or 9, the organ procurement  
18 33 organization, upon request, shall cause the physician or  
18 34 technician who removes the organ to provide the medical  
18 35 examiner with a record describing the condition of the organ,  
19 1 a biopsy, a photograph, and any other information and  
19 2 observations that would assist in the postmortem examination.

19 3 11. If a medical examiner or designee is required to be  
19 4 present at a removal procedure under subsection 9, upon  
19 5 request the organ procurement organization requesting the  
19 6 recovery of the organ shall reimburse the medical examiner or  
19 7 designee for the additional costs incurred in complying with  
19 8 subsection 9.

19 9 12. A physician or technician who removes an organ at the  
19 10 direction of the organ procurement organization may be called  
19 11 to testify about findings from the surgical recovery of organs  
19 12 at no cost to taxpayers if the decedent is under the  
19 13 jurisdiction of the medical examiner.

19 14 Sec. 6. Section 142C.5, Code 2007, is amended to read as  
19 15 follows:

19 16 142C.5 ~~REQUIREMENTS == ACCEPTABLE DONEES PERSONS WHO MAY~~  
19 17 ~~RECEIVE ANATOMICAL GIFTS AND PURPOSES FOR WHICH ANATOMICAL~~  
19 18 ~~GIFTS MAY BE MADE.~~

19 19 1. ~~The An anatomical gift may be made to the following~~  
19 20 ~~persons may be donees of anatomical gifts for the purposes~~  
19 21 ~~stated named in a document of gift:~~



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19 22     a. A hospital, ~~physician~~ accredited medical school, dental  
19 23 school, college, or university, organ procurement  
19 24 organization, ~~or bank or storage organization for~~  
~~19 25 transplantation, therapy, medical or dental education, or~~  
19 26 other appropriate person for research, or advancement of  
~~19 27 medical or dental science education.~~  
19 28     b. ~~An accredited medical or dental school, college, or~~  
~~19 29 university for education, research, or the advancement of~~  
~~19 30 medical or dental science eye bank or tissue bank.~~  
19 31     c. A Subject to subsection 2, an individual designated  
19 32 individual for transplantation or therapy needed by the person  
19 33 making the anatomical gift if the individual is the recipient  
19 34 of the part.  
19 35     2. If an anatomical gift to an individual under subsection



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20 1 1, paragraph "c", cannot be transplanted into the individual,  
20 2 the part passes in accordance with subsection 7 in the absence  
20 3 of an express, contrary indication by the person making the  
20 4 anatomical gift.

20 5 ~~2. 3. An~~ If an anatomical gift may be made to a designated  
20 6 donee or without designating a donee. If a donee is not  
20 7 designated or if the donee is not available or rejects the  
20 8 anatomical gift, the anatomical gift may be accepted by any  
20 9 ~~person listed in subsection 1~~ of one or more specific parts or  
20 10 of all parts is made in a document of gift that does not name  
20 11 a person described in subsection 1 but identifies the purpose  
20 12 for which an anatomical gift may be used, the following rules  
20 13 apply:

20 14 a. If the part is an eye and the gift is for the purpose  
20 15 of transplantation or therapy, the gift passes to the  
20 16 appropriate eye bank.

20 17 b. If the part is tissue and the gift is for the purpose  
20 18 of transplantation or therapy, the gift passes to the  
20 19 appropriate tissue bank.

20 20 c. If the part is an organ and the gift is for the purpose  
20 21 of transplantation or therapy, the gift passes to the  
20 22 appropriate organ procurement organization as custodian of the  
20 23 organ.

20 24 d. If the part is an organ, an eye, or tissue and the gift  
20 25 is for the purpose of research or education, the gift passes  
20 26 to the appropriate procurement organization.

20 27 4. For the purpose of subsection 3, if there is more than  
20 28 one purpose of an anatomical gift set forth in the document of  
20 29 gift but the purposes are not set forth in any priority, the  
20 30 gift shall be used for transplantation or therapy, if  
20 31 suitable. If the gift cannot be used for transplantation or  
20 32 therapy, the gift may be used for research or education.

20 33 5. If an anatomical gift of one or more specific parts is  
20 34 made in a document of gift that does not name a person  
20 35 described in subsection 1 and does not identify the purpose of



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21 1 the gift, the gift may be used only for transplantation or  
21 2 therapy, and the gift passes in accordance with subsection 7.  
21 3 6. If a document of gift specifies only a general intent  
21 4 to make an anatomical gift by words such as "donor", "organ  
21 5 donor", or "body donor", or by a symbol or statement of  
21 6 similar import, the gift may be used only for transplantation  
21 7 or therapy, and the gift passes in accordance with subsection  
21 8 7.  
21 9 7. For the purposes of subsections 2, 5, and 6, the  
21 10 following rules shall apply:  
21 11 a. If the part is an eye, the gift passes to the  
21 12 appropriate eye bank.  
21 13 b. If the part is tissue, the gift passes to the  
21 14 appropriate tissue bank.  
21 15 c. If the part is an organ, the gift passes to the  
21 16 appropriate organ procurement organization as custodian of the  
21 17 organ.  
21 18 8. An anatomical gift of an organ for transplantation or  
21 19 therapy, other than an anatomical gift under subsection 1,  
21 20 paragraph "c", passes to the organ procurement organization  
21 21 as custodian of the organ.  
21 22 9. If an anatomical gift does not pass pursuant to  
21 23 subsections 1 through 8, or the decedent's body or part is not  
21 24 used for transplantation, therapy, research, or education,  
21 25 custody of the body or part passes to the person under  
21 26 obligation to dispose of the body or part.  
~~21 27 3- 10. If A person shall not accept an anatomical gift if~~  
~~21 28 the donee person knows of the decedent's refusal or contrary~~  
~~21 29 indications to make an anatomical that the gift or that an~~  
~~21 30 anatomical gift by a member of a class having priority to act~~  
~~21 31 is opposed by a member of the same class or a prior class~~  
~~21 32 listed in section 142C.4, the donee shall not accept the~~  
~~21 33 anatomical gift was not effectively made under section 142C.3,~~  
21 34 subsection 2, or section 142C.4, or if the person knows that  
21 35 the decedent made a refusal under section 142C.3, subsection



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22 1 4, that was not revoked. For purposes of this subsection, if  
22 2 a person knows that an anatomical gift was made on a document  
22 3 of gift, the person is deemed to know of any amendment or  
22 4 revocation of the gift or any refusal to make an anatomical  
22 5 gift on the same document of gift.

22 6 11. Except as otherwise provided in subsection 1,  
22 7 paragraph "c", nothing in this chapter shall affect the  
22 8 allocation of organs for transplantation or therapy.

22 9 Sec. 7. NEW SECTION. 142C.5A SEARCH AND NOTIFICATION.

22 10 1. The following persons shall make a reasonable search of  
22 11 an individual who the person reasonably believes is dead or  
22 12 near death for a document of gift or other information  
22 13 identifying the individual as a donor or as an individual who  
22 14 made a refusal:

22 15 a. A law enforcement officer, firefighter, paramedic, or  
22 16 other emergency rescuer finding the individual.

22 17 b. If no other source of the information is immediately  
22 18 available, a hospital, as soon as practical after the  
22 19 individual's arrival at the hospital.

22 20 2. If a document of gift or a refusal to make an  
22 21 anatomical gift is located by the search required by  
22 22 subsection 1, paragraph "a", and the individual or deceased  
22 23 individual to whom it relates is taken to a hospital, the  
22 24 person responsible for conducting the search shall deliver the  
22 25 document of gift or refusal to the hospital.

22 26 3. A person is not subject to criminal or civil liability  
22 27 for failing to discharge the duties imposed by this section  
22 28 but may be subject to administrative sanctions.

22 29 Sec. 8. Section 142C.6, Code 2007, is amended to read as  
22 30 follows:

22 31 142C.6 DELIVERY OF DOCUMENT OF GIFT NOT REQUIRED == RIGHT  
22 32 TO EXAMINE.

22 33 1. ~~Validity of an anatomical~~ A document of gift does not  
22 34 ~~require delivery of the document of gift during the donor's~~  
22 35 ~~lifetime to be effective.~~



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23 1 2. ~~If an anatomical gift is made to a designated donee,~~  
23 2 ~~the document of gift, or a copy, may be delivered to the donee~~  
23 3 ~~to expedite the appropriate procedures after the death of the~~  
23 4 ~~donor. The document of gift, or a copy, may be deposited in~~  
23 5 ~~any hospital, organ procurement organization, bank or storage~~  
23 6 ~~organization, or donor registry office that accepts the~~  
23 7 ~~document of gift for safekeeping or for the facilitation of~~  
23 8 ~~procedures after the death of the donor. If a document is~~  
23 9 ~~deposited by a donor in a hospital, donor registry office, or~~  
23 10 ~~bank or storage organization, the hospital, donor registry~~  
23 11 ~~office, or bank or storage organization may forward the~~  
23 12 ~~document to an organ procurement organization which will~~  
23 13 ~~retain the document for facilitating procedures following the~~  
23 14 ~~death of the donor. Upon request of a hospital, physician, or~~  
23 15 ~~surgeon, upon or after the donor's an individual's death, the~~  
23 16 ~~a person in possession of the document of gift may allow the~~  
23 17 ~~hospital, physician, or surgeon to examine or copy or a~~  
23 18 ~~refusal to make an anatomical gift with respect to the~~  
23 19 ~~individual shall allow examination and copying of the document~~  
23 20 ~~of gift or the refusal by a person authorized to make or~~  
23 21 ~~object to the making of an anatomical gift with respect to the~~  
23 22 ~~individual or by a person to whom the gift could pass under~~  
23 23 ~~section 142C.5.~~

23 24 Sec. 9. Section 142C.7, Code 2007, is amended to read as  
23 25 follows:

23 26 142C.7 CONFIDENTIAL INFORMATION.  
23 27 A hospital, licensed or certified health care professional  
23 28 pursuant to chapter 148, 148C, 150A, or 152, or medical  
23 29 examiner may release patient information to ~~an organ a~~  
23 30 ~~procurement organization, donor registry, or bank or storage~~  
23 31 ~~organization~~ as part of a referral or retrospective review of  
23 32 the patient as a potential donor. ~~Additionally, a medical~~  
23 33 ~~examiner or a medical examiner's designee, peace officer, fire~~  
23 34 ~~fighter, or emergency medical care provider may release an~~  
23 35 ~~individual's identifying information to an organ procurement~~



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~~24 1 organization, donor registry, or bank or storage organization~~  
~~24 2 to determine if the individual is a donor. Any information~~  
24 3 regarding a patient, including the patient's identity,  
24 4 however, constitutes confidential medical information and  
24 5 under any other circumstances is prohibited from disclosure  
24 6 without the written consent of the patient or the patient's  
24 7 legal representative.

24 8 Sec. 10. Section 142C.8, Code 2007, is amended to read as  
24 9 follows:

24 10 142C.8 RIGHTS AND DUTIES AT ~~DEATH~~ OF PROCUREMENT  
24 11 ORGANIZATIONS AND DONORS.

24 12 1. When a hospital refers an individual at or near death  
24 13 to a procurement organization, the organization shall make a  
24 14 reasonable search of the records of the state department of  
24 15 transportation and any donor registry that the hospital knows  
24 16 exists for the geographical area in which the individual  
24 17 resides to ascertain whether the individual has made an  
24 18 anatomical gift.

24 19 2. A procurement organization shall be allowed reasonable  
24 20 access to information in the records of the state department  
24 21 of transportation to ascertain whether an individual at or  
24 22 near death is a donor.

24 23 3. When a hospital refers an individual at or near death  
24 24 to a procurement organization, the organization may conduct  
24 25 any reasonable examination necessary to ensure the medical  
24 26 suitability of a part that is or could be the subject of an  
24 27 anatomical gift for transplantation, therapy, research, or  
24 28 education from a donor or a prospective donor. During the  
24 29 examination period, measures necessary to ensure the medical  
24 30 suitability of the part shall not be withdrawn unless the  
24 31 hospital or procurement organization knows that the individual  
24 32 expressed a contrary intent.

24 33 4. Unless prohibited by law other than this chapter, at  
24 34 any time after a donor's death, the person to whom a part  
24 35 passes under section 142C.5 may conduct any reasonable



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25 1 examination necessary to ensure the medical suitability of the  
25 2 body or part for its intended purpose.

25 3 5. Unless prohibited by law other than this chapter, an  
25 4 examination under subsection 3 or 4 may include an examination  
25 5 of all medical and dental records of the donor or prospective  
25 6 donor.

25 7 6. Upon the death of a minor who was a donor or had signed  
25 8 a refusal, unless a procurement organization knows the minor  
25 9 is emancipated, the procurement organization shall conduct a  
25 10 reasonable search for the parents of the minor and provide the  
25 11 parents with an opportunity to revoke or amend the anatomical  
25 12 gift or revoke the refusal.

25 13 7. Upon referral by a hospital under subsection 1, a  
25 14 procurement organization shall make a reasonable search for  
25 15 any person listed in section 142C.4 having priority to make an  
25 16 anatomical gift on behalf of a prospective donor. If a  
25 17 procurement organization receives information that an  
25 18 anatomical gift to any other person was made, amended, or  
25 19 revoked, the procurement organization shall promptly advise  
25 20 the other person of all relevant information.

25 21 ~~1-~~ 8. ~~The Subject to section 142C.5, subsection 9, the~~  
25 22 ~~rights of a donee created by an anatomical gift person to whom~~  
25 23 ~~a part passes under section 142C.5 are superior to the rights~~  
25 24 ~~of any all other person except with respect to autopsies~~  
25 25 ~~pursuant to section 142C.11 persons with respect to the part.~~

25 26 ~~2-~~ 9. ~~A donee~~ The person may accept or reject an  
25 27 anatomical gift ~~of an entire body~~ in whole or in part. ~~If the~~  
25 28 ~~donee~~ Subject to the terms of the document of gift and this  
25 29 chapter, a person who accepts ~~the~~ an anatomical gift of an  
25 30 entire body ~~as a gift, the donee, subject to the terms of the~~  
25 31 ~~gift,~~ may allow embalming, burial or cremation, and use of the  
25 32 ~~body remains in a funeral services service.~~ If the gift is of  
25 33 a part ~~of a body,~~ the ~~donee~~ person to whom the part passes  
25 34 under section 142C.5, upon the death of the donor and prior to  
25 35 embalming, burial, or cremation, shall cause the part to be



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26 1 removed with minimal alteration to body appearance without  
26 2 unnecessary mutilation. Following removal of the part,  
~~26 3 custody of the remainder of the body vests in the person under~~  
~~26 4 a legal obligation to dispose of the body.~~

26 5 ~~3. 10.~~ The time of death shall be determined by a  
~~26 6 physician who attends the donor at death, as defined in~~  
~~26 7 section 702.8, or, if no attending physician is present, the~~  
~~26 8 physician who certifies the death. The physician who attends~~  
26 9 the donor decedent at death and the physician who certifies  
26 10 determines the time of death shall not participate in the  
26 11 procedures for removing or transplanting a part of from the  
26 12 decedent. A medical examiner acting to determine the time of  
~~26 13 death or to certify the death, however, may remove a part if~~  
~~26 14 otherwise in accordance with this chapter.~~

26 15 ~~4. 11.~~ If an anatomical gift is made, a A physician or  
26 16 technician may remove any a donated parts and an enucleator  
~~26 17 may remove any donated eyes or parts of eyes, after~~  
~~26 18 determination of death by a physician part from the body of a~~  
26 19 donor that the physician or technician is qualified to remove.

26 20 ~~5.~~ A donee may presume that a document of gift is valid  
~~26 21 absent actual knowledge to the contrary.~~

26 22 Sec. 11. Section 142C.9, Code 2007, is amended to read as  
26 23 follows:

26 24 142C.9 COORDINATION OF PROCUREMENT AND USE.

26 25 Each hospital in the state shall ~~establish~~ enter into  
26 26 agreements or affiliations for coordination of procurement and  
~~26 27 use of human parts with an organ procurement organization for~~  
~~26 28 any purpose stated in section 142C.5 organizations for~~  
26 29 coordination of procurement and use of anatomical gifts.

26 30 Sec. 12. Section 142C.10, Code 2007, is amended to read  
26 31 as follows:

26 32 142C.10 SALE OR PURCHASE OF PARTS PROHIBITED == PENALTY.

26 33 1. A person shall not knowingly, for valuable  
26 34 consideration, purchase or sell a part for transplantation or  
26 35 therapy, if removal of the part is intended to occur after the



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27 1 death of the decedent.

27 2 2. Valuable consideration does not include reasonable  
27 3 payment for the removal, processing, ~~disposal~~, preservation,  
27 4 quality control, storage, ~~distribution~~, transportation, or  
27 5 implantation, or disposal of a part.

27 6 3. A person who violates this section is guilty of a class  
27 7 "C" felony and is subject to imprisonment not to exceed ten  
27 8 years and notwithstanding section 902.9, to a fine not to  
27 9 exceed two hundred fifty thousand dollars, or both.

27 10 Sec. 13. NEW SECTION. 142C.10A OTHER PROHIBITED ACTS ==  
27 11 PENALTY.

27 12 A person who, in order to obtain a financial gain,  
27 13 intentionally falsifies, forges, conceals, defaces, or  
27 14 obliterates a document of gift, an amendment or revocation of  
27 15 a document of gift, or a refusal, commits a class "C" felony  
27 16 and is subject to imprisonment not to exceed five years and  
27 17 notwithstanding section 902.9, to a fine not to exceed fifty  
27 18 thousand dollars, or both.

27 19 Sec. 14. Section 142C.11, Code 2007, is amended to read as  
27 20 follows:

27 21 142C.11 ~~EXAMINATION, AUTOPSY, LIABILITY IMMUNITY.~~

27 22 1. ~~An anatomical gift is subject to reasonable  
27 23 examination, including but not limited to an autopsy, human  
27 24 immunodeficiency virus testing, and testing for communicable  
27 25 disease, which is necessary to ensure medical acceptability of  
27 26 the gift for the purposes intended.~~

27 27 2. ~~Anatomical gifts made pursuant to this chapter are  
27 28 subject to the laws governing autopsies.~~

27 29 3. 1. A hospital, funeral establishment, health care  
27 30 professional licensed or certified pursuant to chapter 148,  
27 31 148C, 150A, or 152, a medical examiner or a medical examiner's  
27 32 designee, technician, enucleator, peace officer, fire fighter,  
27 33 emergency medical care provider, funeral director, or other  
27 34 person, who complies with this chapter in good faith or with  
27 35 the applicable anatomical gift law of another state, or who



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28 1 attempts in good faith to comply, is immune from ~~any~~  
28 2 liability, ~~civil or criminal, which might result from the~~  
~~28 3 making or acceptance of an anatomical gift in any civil~~  
28 4 action, criminal prosecution, or administrative proceeding.  
28 5 ~~4. 2. An individual who makes an anatomical gift pursuant~~  
28 6 ~~to section 142C.3 or 142C.4 this chapter and the individual's~~  
28 7 ~~estate are not liable for any injury or damages that may~~  
28 8 ~~result from the making or the use of the anatomical gift, if~~  
~~28 9 the gift is made in good faith.~~  
28 10 3. In determining whether an anatomical gift has been  
28 11 made, amended, or revoked under this chapter, a person may  
28 12 rely upon representations of an individual listed in section  
28 13 142C.4, subsection 1, paragraph "b", "c", "d", "e", "f", "g",  
28 14 or "h", relating to the individual's relationship to the donor  
28 15 or prospective donor unless the person knows that the  
28 16 representation is untrue.  
28 17 Sec. 15. NEW SECTION. 142C.12A LAW GOVERNING VALIDITY,  
28 18 CHOICE OF LAW, PRESUMPTION OF VALIDITY.  
28 19 1. A document of gift is valid if executed in accordance  
28 20 with any of the following:  
28 21 a. This chapter.  
28 22 b. The laws of the state or country where the document of  
28 23 gift was executed.  
28 24 c. The laws of the state or country where the person  
28 25 making the anatomical gift was domiciled, has a place of  
28 26 residence, or was a national at the time the document of gift  
28 27 was executed.  
28 28 2. If a document of gift is valid under this section, the  
28 29 law of this state governs the interpretation of the document  
28 30 of gift.  
28 31 3. A person may presume that a document of gift or  
28 32 amendment of an anatomical gift is valid unless that person  
28 33 knows that it was not validly executed or was revoked.  
28 34 Sec. 16. NEW SECTION. 142C.12B EFFECT OF ANATOMICAL GIFT  
28 35 ON ADVANCE HEALTH CARE DIRECTIVE.  
29 1 1. As used in this section:  
29 2 a. "Advance healthcare directive" means a durable power  
29 3 of attorney for health care pursuant to chapter 144B or a  
29 4 record signed by a prospective donor containing the  
29 5 prospective donor's direction concerning a health care  
29 6 decision for the prospective donor.  
29 7 b. "Declaration" means a record signed by a prospective  
29 8 donor specifying the circumstances under which a life support  
29 9 system may be withheld or withdrawn from the prospective  
29 10 donor.  
29 11 c. "Health care decision" means any decision made  
29 12 regarding the health care of the prospective donor.  
29 13 2. If a prospective donor has a declaration or an advance  
29 14 health care directive, measures necessary to ensure the  
29 15 medical suitability of an organ for transplantation or therapy  
29 16 shall not be withheld or withdrawn from the prospective donor,  
29 17 unless the declaration expressly provides to the contrary.  
29 18 Sec. 17. Section 142C.13, Code 2007, is amended to read as  
29 19 follows:  
29 20 142C.13 TRANSITIONAL PROVISIONS.  
29 21 This chapter applies to a ~~document of~~ an anatomical gift,



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29 22 or amendment to, revocation of, or refusal to make an  
29 23 anatomical gift signed by the donor or a person authorized to  
~~29 24 make or object to the making of an anatomical gift on or after~~  
~~29 25 July 1, 1995 whenever made. A document of gift, revocation,~~  
~~29 26 or refusal to make an anatomical gift pursuant to the law in~~  
~~29 27 effect prior to July 1, 1995, shall not be affected by the~~  
~~29 28 provisions of this chapter.~~

29 29 Sec. 18. Section 142C.14, Code 2007, is amended to read as  
29 30 follows:

29 31 142C.14 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

29 32 This chapter shall be applied and construed ~~to effectuate~~  
~~29 33 the general purpose to make uniform with consideration given~~  
~~29 34 to the need to promote uniformity of the law with respect to~~  
29 35 anatomical gifts among states which enact this law.



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30 1       Sec. 19. NEW SECTION.   142C.14A ELECTRONIC SIGNATURES.  
30 2       This chapter modifies, limits, and supersedes the federal  
30 3 Electronic Signatures in Global and National Commerce Act, 15  
30 4 U.S.C. } 7001 et seq., but does not modify, limit, or  
30 5 supersede section 101(a) of that Act, 15 U.S.C. } 7001, or  
30 6 authorize electronic delivery of any of the notices described  
30 7 in } 103(b) of that Act, 15 U.S.C. } 7003(b).  
30 8       Sec. 20. Section 142C.15, subsection 4, paragraphs a and  
30 9 c, Code 2007, are amended to read as follows:  
30 10      a. Not more than twenty percent of the moneys in the fund  
30 11 annually may be expended in the form of grants to state  
30 12 agencies or to nonprofit legal entities with an interest in  
30 13 anatomical gift public awareness and transplantation ~~to~~  
~~30 14 conduct public awareness projects. Moneys remaining that were~~  
~~30 15 not requested and awarded for public awareness projects may be~~  
~~30 16 used for research, or to develop and support a statewide organ~~  
~~30 17 and tissue donor registry. Grants shall be made based upon~~  
30 18 the submission of a grant application by an agency or entity  
30 19 to conduct a public awareness project ~~or to research, or~~  
~~30 20 develop and support a statewide organ and tissue donor~~  
~~30 21 registry.~~  
30 22      c. Not more than fifty percent of the moneys in the fund  
30 23 annually may be expended in the form of grants to ~~transplant~~  
~~30 24 recipients, transplant candidates, living organ donors, or to~~  
~~30 25 legal representatives on behalf of transplant recipients,~~  
~~30 26 transplant candidates, or living organ donors. Transplant~~  
~~30 27 recipients, transplant candidates, living organ donors, or the~~  
~~30 28 legal representatives of transplant recipients, transplant~~  
~~30 29 candidates, or living organ donors shall submit grant~~  
~~30 30 applications with supporting documentation provided by a~~  
~~30 31 hospital that performs transplants, verifying that the person~~  
~~30 32 by or for whom the application is submitted requires a~~  
~~30 33 transplant or is a living organ donor and specifying~~ hospitals  
30 34 that perform heart, lung, liver, pancreas, or kidney  
30 35 transplants. As a condition of receiving a grant, a hospital



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31 1 shall demonstrate, through documentation, that the hospital,  
31 2 in the previous calendar year, properly complied with  
31 3 in-hospital anatomical gift request protocols for all deaths  
31 4 occurring in the hospital at a percentage rate which places  
31 5 the hospital in the upper fifty percent of all protocol  
31 6 compliance rates for hospitals submitting documentation for  
31 7 cost reimbursement under this section. The hospital shall  
31 8 submit an application on behalf of a patient requiring a  
31 9 transplant in the amount of the costs associated with the  
31 10 following, if funds are not available from any other  
31 11 third-party payor:  
31 12 (1) The costs of the organ transplantation procedure.  
31 13 (2) The costs of ~~post-transplantation~~ posttransplantation  
31 14 drug or other therapy.  
31 15 (3) Other transplantation costs including but not limited  
31 16 to food, lodging, and transportation.  
31 17 Sec. 21. Section 142C.16, subsection 1, paragraph e, Code  
31 18 2007, is amended to read as follows:  
31 19 e. A ~~bank or storage~~ procurement organization.  
31 20 Sec. 22. Section 142C.18, Code 2007, is amended to read as  
31 21 follows:  
31 22 142C.18 ~~STATEWIDE ORGAN AND TISSUE DONOR REGISTRY.~~  
31 23 1. The director of public health may establish or contract  
31 24 for the establishment of or may recognize a statewide organ  
31 25 and tissue donor registry for the purpose of transferring to  
31 26 the donor registry all relevant information regarding a  
31 27 donor's making, amendment to, or revocation of an anatomical  
31 28 gift. The contract shall provide for a centralized database  
31 29 and automated system to make organ and tissue donor  
31 30 information available to family members and physicians seven  
31 31 days a week, twenty-four hours per day. The registry shall be  
31 32 used to compile the organ and tissue donation information  
31 33 received by the state department of transportation, county  
31 34 treasurers, attorneys, organ donation awareness programs, and  
31 35 others.



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~~32 1 The director of public health shall work with the state  
32 2 department of transportation, county treasurers, and the Iowa  
32 3 organ donor network in developing specifications for the  
32 4 registry. Consideration shall be given to implementing an  
32 5 automated toll-free hotline and providing internet access to  
32 6 the registry.~~

32 7 2. The state department of transportation shall cooperate  
32 8 with a person that administers the donor registry that this  
32 9 state establishes, contracts for, or recognizes for the  
32 10 purpose of transferring to the donor registry all relevant  
32 11 information regarding a donor's making, amendment to, or  
32 12 revocation of an anatomical gift.

32 13 3. A donor registry shall do all of the following:

32 14 a. Allow a donor or other person authorized under section  
32 15 142C.3 to include on the donor registry a statement or symbol  
32 16 that the donor has made, amended, or revoked an anatomical  
32 17 gift.

32 18 b. Be accessible to a procurement organization to allow  
32 19 the procurement organization to obtain relevant information on  
32 20 the donor registry to determine, at or near the death of the  
32 21 donor or a prospective donor, whether the donor or prospective  
32 22 donor has made, amended, or revoked an anatomical gift.

32 23 c. Be accessible for purposes of paragraphs "a" and "b"  
32 24 seven days a week on a twenty-four-hour per day basis.

32 25 d. Provide a centralized, automated system to compile  
32 26 donation information received by the state department of  
32 27 transportation, county treasurers, and the Iowa donor network.

32 28 4. Personally identifiable information on a donor registry  
32 29 about a donor or prospective donor shall not be used or  
32 30 disclosed without the express consent of the donor,  
32 31 prospective donor, or person that made the anatomical gift for  
32 32 any purpose other than to determine, at or near the death of  
32 33 the donor or prospective donor, whether the donor or  
32 34 prospective donor has made, amended, or revoked an anatomical  
32 35 gift.



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33 1 DIVISION II  
33 2 CONFORMING AMENDMENTS  
33 3 Sec. 23. Section 141A.7, subsection 2, paragraph "a", Code  
33 4 2007, is amended to read as follows:  
33 5 a. The performance by a health care provider or health  
33 6 facility of an HIV-related test when the health care provider  
33 7 or health facility procures, processes, distributes, or uses a  
33 8 human body part donated for a purpose specified under the  
33 9 revised uniform anatomical gift Act as provided in chapter  
33 10 142C, or semen provided prior to July 1, 1988, for the purpose  
33 11 of artificial insemination, or donations of blood, and such  
33 12 test is necessary to ensure medical acceptability of such gift  
33 13 or semen for the purposes intended.  
33 14 Sec. 24. Section 142.4, unnumbered paragraph 2, Code 2007,  
33 15 is amended to read as follows:  
33 16 This section shall not apply to bodies given under  
33 17 authority of the revised uniform anatomical gift Act as  
33 18 provided in chapter 142C.  
33 19 Sec. 25. Section 142.8, unnumbered paragraph 2, Code 2007,  
33 20 is amended to read as follows:  
33 21 This section shall not apply to bodies given under  
33 22 authority of the revised uniform anatomical gift Act as  
33 23 provided in chapter 142C.  
33 24 Sec. 26. Section 321.178, subsection 1, paragraph a,  
33 25 subparagraph (3), Code 2007, is amended to read as follows:  
33 26 (3) Instruction relating to becoming an organ donor under  
33 27 the revised uniform anatomical gift Act as provided in chapter  
33 28 142C.  
33 29 Sec. 27. Section 321.189, subsection 4, Code 2007, is  
33 30 amended to read as follows:  
33 31 4. SYMBOLS. Upon the request of a licensee, the  
33 32 department shall indicate on the license the presence of a  
33 33 medical condition, that the licensee is a donor under the  
33 34 revised uniform anatomical gift Act as provided in chapter  
33 35 142C, or that the licensee has in effect a medical advance



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34 1 directive. For purposes of this subsection, a medical advance  
34 2 directive includes, but is not limited to, a valid durable  
34 3 power of attorney for health care as defined in section  
34 4 144B.1. The license may contain such other information as the  
34 5 department may require by rule.

34 6 EXPLANATION

34 7 This bill revises the uniform anatomical gift Act, Code  
34 8 chapter 142C.

34 9 The bill provides a new short title for the Code chapter,  
34 10 the "Revised Uniform Anatomical Gift Act".

34 11 The bill provides new and amended definitions for the Code  
34 12 chapter. "Agent" is defined to include an agent acting under  
34 13 a durable power of attorney for health care or under another  
34 14 record which empowers the agent to make an anatomical gift on  
34 15 the principal's behalf, independent of any other law.

34 16 "Anatomical gift" means a donation of all or part of the human  
34 17 body effective after the donor's death, for the purposes of  
34 18 transplantation, therapy, research, or education, and does  
34 19 therefore not include the gift of an organ from a living donor  
34 20 to a living recipient. The definition of "decedent" is  
34 21 amended to include only a stillborn infant and not a fetus.

34 22 "Document of gift" includes a donor card or other document  
34 23 used to make an anatomical gift, a driver's license or  
34 24 nonoperator's identification card, or an entry in a donor  
34 25 registry. The inclusion of a will in the definition of  
34 26 document of gift is eliminated, but is included in the broader  
34 27 definition of "record". A statement or symbol on a driver's  
34 28 license or an entry in a donor registry is in and of itself a  
34 29 document of gift and is not merely an expression of intent to  
34 30 make a gift. "Driver's license" includes a license or permit  
34 31 issued by the state department of transportation. As defined  
34 32 in the bill, "guardian" does not include a guardian ad litem.  
34 33 "Know" means to have actual knowledge. "Reasonably available"  
34 34 is defined in reference to those who may make an anatomical  
34 35 gift after the decedent's death.



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35 1       The bill expands the list of persons who may make an  
35 2 anatomical gift of a donor's body or part during the life of  
35 3 the donor and specifies the purposes for which the gift may be  
35 4 made: for transplantation, therapy, research, or education.  
35 5 The donor may make an anatomical gift if the donor is an  
35 6 adult, and additionally under the Act, the donor may make an  
35 7 anatomical gift if the donor is a minor only if the minor is  
35 8 emancipated or is authorized under state law to apply for a  
35 9 driver's license because the minor is at least 14 years of  
35 10 age. Additionally, under the bill, an agent of the donor, a  
35 11 parent of the donor if the donor is an unemancipated minor, or  
35 12 the guardian of the donor may make an anatomical gift on  
35 13 behalf of the donor.

35 14       The bill provides that an anatomical gift may be made by  
35 15 authorizing a statement or symbol indicating the making of an  
35 16 anatomical gift to be imprinted on a donor's driver's license  
35 17 or nonoperator's identification card, in a will, by a donor  
35 18 card or other record, or by an entry in a donor registry.  
35 19 Under the bill, a new provision allows that a donor may make  
35 20 an anatomical gift by any form of communication addressed to  
35 21 at least two adults, at least one of whom is a disinterested  
35 22 witness during a terminal illness or injury of the donor. In  
35 23 addition to the donor, other persons authorized to make an  
35 24 anatomical gift on behalf of the donor may do so by a donor  
35 25 card or other record signed by the donor or other person or by  
35 26 authorizing an entry in a donor registry. The bill also  
35 27 allows for the making of an anatomical gift by a donor or  
35 28 other person who is physically unable to sign a record. The  
35 29 bill provides that revocation, suspension, expiration, or  
35 30 cancellation of a driver's license or nonoperator's  
35 31 identification card upon which an anatomical gift is indicated  
35 32 does not invalidate the gift. The bill also removes the  
35 33 specific form previously included in the statute for the  
35 34 making of an anatomical gift.

35 35       The bill provides the means by which an anatomical gift may



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36 1 be revoked or amended either by the donor or other person  
36 2 authorized to make an anatomical gift in the bill. The bill  
36 3 also provides the process for an individual to refuse to make  
36 4 an anatomical gift. The bill provides specifically that, with  
36 5 certain limited exceptions, in the absence of an express,  
36 6 contrary indication by the donor, a person other than the  
36 7 donor is prohibited from making, amending, or revoking an  
36 8 anatomical gift of a donor's body or part if the donor made an  
36 9 anatomical gift of the donor's body or part. The limited  
36 10 exceptions are that if the donor who is an unemancipated minor  
36 11 dies, a parent of the donor who is reasonably available may  
36 12 revoke or amend an anatomical gift of the donor.  
36 13 Additionally, the parent of an emancipated minor who dies and  
36 14 who had signed a refusal, may revoke the minor's refusal if  
36 15 the parent is reasonably available to do so. Also, in the  
36 16 absence of an express, contrary indication by the donor or  
36 17 other person authorized to make an anatomical gift on behalf  
36 18 of the donor, an anatomical gift of a part for one purpose  
36 19 does not limit the making of an anatomical gift of the part  
36 20 for any other purpose allowed.  
36 21 The bill provides a priority listing of persons who may  
36 22 make an anatomical gift of the decedent's body or part for the  
36 23 allowed purposes after the donor's death. The list is  
36 24 expanded to include an agent, which is broader than the  
36 25 attorney in fact under a durable power of attorney for health  
36 26 care, adult grandchildren, an adult who exhibited special care  
36 27 and concern for the decedent, and last in priority, any other  
36 28 person having the authority to dispose of the decedent's body.  
36 29 Any member of the class who is reasonably available may make  
36 30 the gift. However, the bill also provides that if there is  
36 31 more than one member of a class listed as agents, adult  
36 32 children, parents, adult siblings, adult grandchildren,  
36 33 grandparents, or guardians, entitled to make an anatomical  
36 34 gift, the gift may be made by a member of the class unless  
36 35 that member or a person to whom the gift may pass knows of an



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37 1 objection by another member of the class. If an objection is  
37 2 known, the gift may be made only by a majority of the members  
37 3 of the class who are reasonably available. Additionally, a  
37 4 person is prohibited from making an anatomical gift if at the  
37 5 time of the death of the decedent a person in a prior class is  
37 6 reasonably available to make or to object to the making of an  
37 7 anatomical gift. The bill also specifies the means by which a  
37 8 person authorized to make an anatomical gift after a  
37 9 decedent's death may make, amend, or revoke an anatomical  
37 10 gift. If an anatomical gift is revoked, the revocation is  
37 11 effective only if, before an incision has been made to remove  
37 12 the part from the donor or before invasive procedures have  
37 13 begun to prepare the recipient, the procurement organization,  
37 14 transplant hospital, or physician or technician knows of the  
37 15 revocation.

37 16       The bill includes various provisions to provide for  
37 17 cooperation between organ procurement organizations and  
37 18 medical examiners and facilitation of anatomical gifts from  
37 19 decedents whose bodies are under the jurisdiction of the  
37 20 medical examiner. The provisions do not empower the medical  
37 21 examiner to make an anatomical gift, unless the medical  
37 22 examiner is the person with authority to dispose of the  
37 23 decedent's body and has priority to make an anatomical gift  
37 24 under other provisions of the bill.

37 25       The bill provides the process for identifying the person to  
37 26 whom a part or body passes as the result of an anatomical  
37 27 gift, based upon whether the person to whom the gift passes is  
37 28 named in the document of gift or not, whether the document of  
37 29 gift specifies the purpose for which the gift is made or not,  
37 30 and if the document of gift specifies only a general intent.

37 31       The bill includes new provisions relating to search and  
37 32 notification, to allow for the reasonable search of a person  
37 33 who another person reasonably believes is dead or near death  
37 34 for a document of gift or other information relative to  
37 35 anatomical gift making. The bill specifies the rights and



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38 1 duties of procurement organizations and others in determining  
38 2 whether an individual at or near death is a donor.  
38 3     In addition to existing prohibited acts, the bill adds that  
38 4 a person who, in order to obtain a financial gain,  
38 5 intentionally falsifies, forges, conceals, defaces, or  
38 6 obliterates a document of gift, or a refusal, commits a class  
38 7 "C" felony subject to imprisonment not to exceed five years  
38 8 and a fine not to exceed \$50,000. The bill also specifies the  
38 9 law governing validity of an anatomical gift, choice of law,  
38 10 and provides for presumption of the validity of document of  
38 11 gift or amendment of an anatomical gift. The bill provides,  
38 12 relative to an advance health care directive, that if a  
38 13 prospective donor has a declaration or an advance health care  
38 14 directive, measures necessary to ensure the medical  
38 15 suitability of an organ for transplantation or therapy shall  
38 16 not be withheld or withdrawn from the prospective donor,  
38 17 unless the declaration expressly provides to the contrary.  
38 18 The bill provides transition provisions and specifies the  
38 19 relationship between the bill and the federal Electronic  
38 20 Global and National Electronic Signatures Act.  
38 21     The bill amends provisions relating to the anatomical gift  
38 22 public awareness and transplantation fund and the donor  
38 23 registry. The bill specifies certain additional duties of the  
38 24 donor registry.  
38 25 LSB 2098SC 82  
38 26 pf:nh/cf/24