



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

House Amendment 1112

PAG LIN

1 1 Amend House File 617 as follows:
1 2 #1. Page 1, by inserting after line 17 the
1 3 following:
1 4 <(5) Multicultural diversity.>
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1 8 McCARTHY of Polk
1 9 HF 617.701 82
1 10 tm/gg/6662
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House Amendment 1113

PAG LIN

1 1 Amend Senate File 78, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 9, by inserting after line 29 the
1 4 following:
1 5 <Sec. _____. Section 481A.134, Code 2007, is amended
1 6 to read as follows:
1 7 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
1 8 LICENSE == POINT SYSTEM.
1 9 The department shall establish rules pursuant to
1 10 chapter 17A providing for the suspension or revocation
1 11 of licenses issued by the department. The rules may
1 12 include procedures for summary cancellation of a
1 13 license based on documentation that the licensee
1 14 failed to pay the applicable fee for the license. For
1 15 purposes of determining when to suspend or revoke a
1 16 license issued by the department under this section,
1 17 the department shall adopt a point system pursuant to
1 18 chapter 17A for the purpose of weighing the
1 19 seriousness of violations of the provisions of this
1 20 chapter or chapter 481B, 482, 483A, 484A, or 484B, or
1 21 of committing trespass as defined in section 716.7
1 22 while hunting deer, other than farm deer as defined in
1 23 section 170.1 or preserve whitetail as defined in
1 24 section 484C.1. The weighted scale may be amended
1 25 from time to time as experience dictates.
1 26 Sec. _____. Section 481A.135, subsections 2, 3, and
1 27 4, Code 2007, are amended to read as follows:
1 28 2. A person who pleads guilty or is convicted of a
1 29 violation of any provision of this chapter or chapter
1 30 481B, 482, 483A, 484A, or 484B, or trespass as defined
1 31 in section 716.7 while hunting deer, other than farm
1 32 deer as defined in section 170.1 or preserve whitetail
1 33 as defined in section 484C.1, while the person's
1 34 license or licenses are suspended or revoked is guilty
1 35 of a simple misdemeanor if the person has no other
1 36 violations within the previous three years which
1 37 occurred while the person's license or licenses have
1 38 been suspended or revoked.
1 39 3. A person who pleads guilty or is convicted of a
1 40 violation of any provision of this chapter or chapter
1 41 481B, 482, 483A, 484A, or 484B, or trespass as defined
1 42 in section 716.7 while hunting deer, other than farm
1 43 deer as defined in section 170.1 or preserve whitetail
1 44 as defined in section 484C.1, while the person's
1 45 license or licenses are suspended or revoked is guilty
1 46 of a serious misdemeanor if the person has one other
1 47 violation within the previous three years which
1 48 occurred while the person's license or licenses have
1 49 been suspended or revoked.
1 50 4. A person who pleads guilty or is convicted of a



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2 1 violation of any provision of this chapter or chapter
2 2 481B, 482, 483A, 484A, or 484B, or trespass as defined
2 3 in section 716.7 while hunting deer, other than farm
2 4 deer as defined in section 170.1 or preserve whitetail
2 5 as defined in section 484C.1, while the person's
2 6 license or licenses are suspended or revoked is guilty
2 7 of an aggravated misdemeanor when the person has had
2 8 two or more convictions within the previous three
2 9 years which occurred while the person's license or
2 10 licenses have been suspended or revoked.>
2 11 #2. Page 10, by inserting after line 17, the
2 12 following:
2 13 <Sec. _____. Section 716.7, subsection 2, paragraph
2 14 a, Code 2007, is amended to read as follows:
2 15 a. Entering upon or in property without the
2 16 express permission of the owner, lessee, or person in
2 17 lawful possession with the intent to commit a public
2 18 offense, to use, remove therefrom, alter, damage,
2 19 harass, or place thereon or therein anything animate
2 20 or inanimate, or to hunt, fish or trap on or in the
2 21 property, including the act of taking or attempting to
2 22 take a deer, other than a farm deer as defined in
2 23 section 170.1 or preserve whitetail as defined in
2 24 section 484C.1, which is on or in the property by a
2 25 person who is outside the property. This paragraph
2 26 does not prohibit the unarmed pursuit of game or
2 27 ~~fur-bearing~~ fur-bearing animals by a person who
2 28 lawfully injured or killed the game or fur-bearing
2 29 animal which ~~come~~ comes to rest on or ~~escape~~ escapes
2 30 to the property of another.
2 31 Sec. _____. Section 716.8, Code 2007, is amended by
2 32 adding the following new subsection:
2 33 NEW SUBSECTION. 5. A person who commits a
2 34 trespass as defined in section 716.7, subsection 2,
2 35 paragraph "a", and takes a deer, other than a farm
2 36 deer as defined in section 170.1 or preserve whitetail
2 37 as defined in section 484C.1, shall also be subject to
2 38 civil penalties as provided in sections 481A.130 and
2 39 481A.131. A deer taken by a person while committing
2 40 such a trespass shall be subject to seizure as
2 41 provided in section 481A.12.>
2 42 #3. By renumbering as necessary.
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2 45
2 46 BELL of Jasper
2 47 SF 78.703 82
2 48 av/gg/7548



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House Amendment 1114

PAG LIN

1 1 Amend the amendment, H=1107, to House File 546, as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the words
1 4 <two=years> and inserting the following: <two years>.
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1 8 JACOBS of Polk
1 9 HF 546.501 82
1 10 sc/je/7310
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House Amendment 1115

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 2, line 22, by striking the word <A> and
 1 4 inserting the following: <1. A>.
 1 5 #2. Page 3, by striking lines 7 through 9 and
 1 6 inserting the following:
 1 7 <2. Moneys deposited in the fund shall be used
 1 8 only in accordance with appropriations from the fund,
 1 9 shall not be appropriated for any purpose prior to
 1 10 July 1, 2008, and if appropriated shall only be
 1 11 appropriated for the following purposes:
 1 12 a. Tobacco use prevention and control.
 1 13 b. Substance abuse prevention and treatment
 1 14 including substance abuse prevention and treatment for
 1 15 children.
 1 16 c. Smoking cessation products.
 1 17 d. Phenylketonuria assistance.
 1 18 e. The AIDS drug assistance program.
 1 19 f. The birth defects institute.
 1 20 g. Medical assistance supplemental funding.
 1 21 h. Medical assistance reimbursement for physicians
 1 22 and other medical providers, dental providers,
 1 23 hospital providers, home health care providers,
 1 24 critical access hospitals, home health and
 1 25 habilitative day care providers, respite care
 1 26 providers, and breast and cervical cancer treatment.
 1 27 i. The state children's health insurance expansion
 1 28 program under the medical assistance program.
 1 29 j. Child and family services.>
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 1 33 SANDS of Louisa
 1 34 SF 128.710 82
 1 35 pf/gg/7684
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House Amendment 1116

PAG LIN

1 1 Amend House File 555 as follows:
 1 2 #1. By striking everything after the enacting
 1 3 clause and inserting the following:
 1 4 <Section 1. Section 421B.2, subsection 3,
 1 5 paragraph b, Code 2007, is amended to read as follows:
 1 6 b. The cost of doing business by the retailer is
 1 7 presumed to be ~~six~~ eight percent of the basic cost of
 1 8 cigarettes in the absence of proof of a lesser or
 1 9 higher cost plus the full face value of any stamps
 1 10 which may be required by any cigarette tax act of this
 1 11 state to the extent not already included in the basic
 1 12 cost of cigarettes.
 1 13 Sec. 2. Section 421B.2, subsection 4, paragraph b,
 1 14 Code 2007, is amended to read as follows:
 1 15 b. The cost of doing business by the wholesaler is
 1 16 presumed to be ~~three~~ four percent of the basic cost of
 1 17 cigarettes in the absence of proof of a lesser or
 1 18 higher cost, which includes cartage to the retail
 1 19 outlet, plus the full face value of any stamps which
 1 20 may be required by any cigarette tax act of this state
 1 21 to the extent not already included in the basic cost
 1 22 of cigarettes.
 1 23 Sec. 3. Section 453A.6, subsection 1, Code 2007,
 1 24 is amended to read as follows:
 1 25 1. There is imposed, and shall be collected and
 1 26 paid to the department, ~~the following taxes~~ a tax on
 1 27 all cigarettes used or otherwise disposed of in this
 1 28 state for any purpose ~~whatsoever~~.
 1 29 ~~CLASS A. On cigarettes weighing not more than~~
 1 30 ~~three pounds per thousand, eighteen mills on each such~~
 1 31 ~~cigarette.~~
 1 32 ~~CLASS B. On cigarettes weighing more than three~~
 1 33 ~~pounds per thousand, eighteen mills equal to six and~~
 1 34 ~~eight-tenths cents on each such cigarette.~~
 1 35 Sec. 4. Section 453A.6, Code 2007, is amended by
 1 36 adding the following new subsection:
 1 37 NEW SUBSECTION. 7. Cigarettes shall be sold only
 1 38 in packages of twenty or more cigarettes.
 1 39 Sec. 5. Section 453A.35, Code 2007, is amended to
 1 40 read as follows:
 1 41 453A.35 TAX AND FEES PAID TO GENERAL FUND ==
 1 42 STANDING APPROPRIATION TO HEALTH CARE TRUST FUND.
 1 43 1. The proceeds derived from the sale of stamps
 1 44 and the payment of taxes, fees and penalties provided
 1 45 for under this chapter, and the permit fees received
 1 46 from all permits issued by the department, shall be
 1 47 credited to the general fund of the state. However,
 1 48 beginning July 1, 2007, of the revenues generated from
 1 49 the tax on cigarettes pursuant to section 453A.6,
 1 50 subsection 1, and from the tax on tobacco products as



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2 1 specified in section 453A.43, subsections 1, 2, 3, and
2 2 4, and credited to the general fund of the state under
2 3 this subsection, there is appropriated, annually, to
2 4 the health care trust fund created in section
2 5 453A.35A, the first one hundred twenty-seven million
2 6 six hundred thousand dollars.

2 7 2. All permit fees provided for in this chapter
2 8 and collected by cities in the issuance of permits
2 9 granted by the cities shall be paid to the treasurer
2 10 of the city where the permit is effective, or to
2 11 another city officer as designated by the council, and
2 12 credited to the general fund of the city. Permit fees
2 13 so collected by counties shall be paid to the county
2 14 treasurer.

2 15 Sec. 6. NEW SECTION. 453A.35A HEALTH CARE TRUST
2 16 FUND.

2 17 A health care trust fund is created in the office
2 18 of the treasurer of state. The fund consists of the
2 19 revenues generated from the tax on cigarettes pursuant
2 20 to section 453A.6, subsection 1, and from the tax on
2 21 tobacco products as specified in section 453A.43,
2 22 subsections 1, 2, 3, and 4, that are credited to the
2 23 general fund of the state and appropriated to the
2 24 health care trust fund, annually, pursuant to section
2 25 453A.35. Moneys in the fund shall be separate from
2 26 the general fund of the state and shall not be
2 27 considered part of the general fund of the state.
2 28 However, the fund shall be considered a special
2 29 account for the purposes of section 8.53 relating to
2 30 generally accepted accounting principles. Moneys in
2 31 the fund shall be used only as specified in this
2 32 section and shall be appropriated only for the uses
2 33 specified. Moneys in the fund are not subject to
2 34 section 8.33 and shall not be transferred, used,
2 35 obligated, appropriated, or otherwise encumbered,
2 36 except as provided in this section. Notwithstanding
2 37 section 12C.7, subsection 2, interest or earnings on
2 38 moneys deposited in the fund shall be credited to the
2 39 fund.

2 40 Moneys in the fund shall be used only for purposes
2 41 related to health care, substance abuse treatment and
2 42 prevention, and tobacco use prevention, cessation, and
2 43 control.

2 44 Sec. 7. Section 453A.40, subsection 1, Code 2007,
2 45 is amended to read as follows:

2 46 1. All persons required to obtain a permit or to
2 47 be licensed under section 453A.13 as distributors or
2 48 section 453A.44 having in their possession and held
2 49 for resale on the effective date of an increase in the
2 50 tax rate cigarettes, ~~or~~ little cigars, or tobacco



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House Amendment 1116 continued

3 1 products upon which the tax under section 453A.6 or
3 2 453A.43 has been paid, unused cigarette tax stamps
3 3 which have been paid for under section 453A.8, ~~or~~
3 4 unused metered imprints which have been paid for under
3 5 section 453A.12, or tobacco products for which the tax
3 6 has not been paid under section 453A.46 shall be
3 7 subject to an inventory tax on the items as provided
3 8 in this section.
3 9 Sec. 8. Section 453A.42, Code 2007, is amended by
3 10 adding the following new subsection:
3 11 NEW SUBSECTION. 11A. "Snuff" means any finely
3 12 cut, ground, or powdered tobacco that is not intended
3 13 to be smoked.
3 14 Sec. 9. Section 453A.42, subsection 14, Code 2007,
3 15 is amended to read as follows:
3 16 14. "Tobacco products" means cigars; little cigars
3 17 as defined herein; cheroots; stogies; periques;
3 18 granulated, plug cut, crimp cut, ready rubbed, and
3 19 other smoking tobacco; snuff; ~~snuff flour~~; cavendish;
3 20 plug and twist tobacco; fine-cut and other chewing
3 21 tobaccos; shorts; refuse scraps, clippings, cuttings
3 22 and sweepings of tobacco, and other kinds and forms of
3 23 tobacco, prepared in such manner as to be suitable for
3 24 chewing or smoking in a pipe or otherwise, or both for
3 25 chewing and smoking; but shall not include cigarettes
3 26 as defined in section 453A.1, subsection 3.
3 27 Sec. 10. Section 453A.43, Code 2007, is amended to
3 28 read as follows:
3 29 453A.43 TAX ON TOBACCO PRODUCTS.
3 30 1. a. A tax is imposed upon all tobacco products
3 31 in this state and upon any person engaged in business
3 32 as a distributor of tobacco products, at the rate of
3 33 twenty-two percent of the wholesale sales price of the
3 34 tobacco products, except little cigars and snuff as
3 35 defined in section 453A.42.
3 36 b. In addition to the tax imposed under paragraph
3 37 "a", a tax is imposed upon all tobacco products in
3 38 this state and upon any person engaged in business as
3 39 a distributor of tobacco products, at the rate of
3 40 twenty-eight percent of the wholesale sales price of
3 41 the tobacco products, except little cigars and snuff
3 42 as defined in section 453A.42, with the limitation
3 43 that if the tobacco product is a cigar, the additional
3 44 tax shall not exceed fifty cents per cigar.
3 45 c. Little cigars shall be subject to the same rate
3 46 of tax imposed upon cigarettes in section 453A.6,
3 47 payable at the time and in the manner provided in
3 48 section 453A.6; and stamps shall be affixed as
3 49 provided in division I of this chapter. Snuff shall
3 50 be subject to the tax as provided in subsections 3 and



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4 1 4.

4 2 ~~d.~~ d. The ~~tax~~ taxes on tobacco products, excluding
4 3 little cigars and snuff, shall be imposed at the time
4 4 the distributor does any of the following:

4 5 ~~a.~~ (1) Brings, or causes to be brought, into this
4 6 state from ~~without~~ outside the state tobacco products
4 7 for sale.

4 8 ~~b.~~ (2) Makes, manufactures, or fabricates tobacco
4 9 products in this state for sale in this state.

4 10 ~~c.~~ (3) Ships or transports tobacco products to
4 11 retailers in this state, to be sold by those
4 12 retailers.

4 13 2. a. A tax is imposed upon the use or storage by
4 14 consumers of tobacco products in this state, and upon
4 15 the consumers, at the rate of twenty=two percent of
4 16 the cost of the tobacco products.

4 17 b. In addition to the tax imposed in paragraph
4 18 "a", a tax is imposed upon the use or storage by
4 19 consumers of tobacco products in this state, and upon
4 20 the consumers, at a rate of twenty=eight percent of
4 21 the cost of the tobacco products, with the limitation
4 22 that if the tobacco product is a cigar, the additional
4 23 tax shall not exceed fifty cents per cigar.

4 24 c. The ~~tax~~ taxes imposed by this subsection shall
4 25 not apply if the ~~tax~~ taxes imposed by subsection 1 on
4 26 the tobacco products ~~has~~ have been paid.

4 27 ~~d.~~ This tax The taxes imposed under this
4 28 subsection shall not apply to the use or storage of
4 29 tobacco products in quantities of:

4 30 ~~a.~~ (1) Less than ~~25~~ twenty=five cigars.

4 31 ~~b.~~ Less than 10 oz. snuff or snuff powder.

4 32 ~~c.~~ (2) Less than ~~1 lb.~~ one pound smoking or
4 33 chewing tobacco or other tobacco products not
4 34 specifically mentioned herein, in the possession of
4 35 any one consumer.

4 36 3. A tax is imposed upon all snuff in this state
4 37 and upon any person engaged in business as a
4 38 distributor of snuff at the rate of one dollar and
4 39 nineteen cents per ounce, with a proportionate tax at
4 40 the same rate on all fractional parts of an ounce of
4 41 snuff. The tax shall be computed based on the net
4 42 weight listed by the manufacturer. The tax on snuff
4 43 shall be imposed at the time the distributor does any
4 44 of the following:

4 45 a. Brings or causes to be brought into this state
4 46 from outside the state, snuff for sale.

4 47 b. Makes, manufactures, or fabricates snuff in
4 48 this state for sale in this state.

4 49 c. Ships or transports snuff to retailers in this
4 50 state, to be sold by those retailers.



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5 1 4. A tax is imposed upon the use or storage by
5 2 consumers of snuff in this state, and upon the
5 3 consumers, at the rate of one dollar and nineteen
5 4 cents per ounce with a proportionate tax at the same
5 5 rate on all fractional parts of an ounce of snuff.
5 6 The tax shall be computed based on the net weight as
5 7 listed by the manufacturer.
5 8 The tax imposed by this subsection shall not apply
5 9 if the tax imposed by subsection 3 on snuff has been
5 10 paid.
5 11 The tax shall not apply to the use or storage of
5 12 snuff in quantities of less than ten ounces.
5 13 ~~3.~~ 5. Any tobacco product with respect to which a
5 14 tax has once been imposed under this division shall
5 15 not again be subject to tax under ~~said~~ this division,
5 16 except as provided in section 453A.40.
5 17 ~~4.~~ 6. The tax imposed by this section shall not
5 18 apply with respect to any tobacco product which under
5 19 the Constitution and laws of the United States may not
5 20 be made the subject of taxation by this state.
5 21 ~~5.~~ 7. The tax imposed by this section shall be in
5 22 addition to all other occupation or privilege taxes or
5 23 license fees now or hereafter imposed by any city or
5 24 county.
5 25 ~~6.~~ 8. All excise taxes collected under this
5 26 chapter by a distributor or any individual are deemed
5 27 to be held in trust for the state of Iowa.
5 28 Sec. 11. APPLICABILITY. Notwithstanding section
5 29 453A.40 as amended in this Act, persons required to
5 30 obtain a permit or license as specified in that
5 31 section shall not be subject to an inventory tax on
5 32 the items as provided in that section as a result of
5 33 the tax increases provided in this Act.
5 34 Sec. 12. EFFECTIVE DATE. This Act, being deemed
5 35 of immediate importance, takes effect upon enactment.>
5 36 #2. Title page, by striking lines 1 through 4 and
5 37 inserting the following: <An Act relating to an
5 38 increase in the taxes on cigarettes and tobacco
5 39 products, imposing an inventory tax on tobacco
5 40 products, creating a health care trust fund, providing
5 41 for a standing appropriation, and providing an
5 42 effective date and providing an applicability
5 43 provision.>
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5 47 JOCHUM of Dubuque
5 48 HF 555.203 82
5 49 pf/es/7678



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House Amendment 1117

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 17 the
1 4 following:
1 5 <Sec. _____. Section 423.3, Code 2007, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION. 92. The sales price from the sale
1 8 of any over-the-counter smoking cessation product used
1 9 for the purpose of smoking cessation or nicotine
1 10 replacement.>
1 11 #2. Title page, line 3, by inserting after the
1 12 word <products,> the following: <providing a sales
1 13 tax exemption for certain smoking cessation
1 14 products,>.
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1 18 STRUYK of Pottawattamie
1 19 SF 128.712 82
1 20 pf/gg/7694
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House Amendment 1118

PAG LIN

1 1 Amend House File 516 as follows:
1 2 #1. Page 10, by inserting after line 8 the
1 3 following:
1 4 <Sec. _____. Section 483A.8B, unnumbered paragraph
1 5 1, Code 2007, is amended to read as follows:
1 6 A person who is a resident and who is ~~seventy~~ sixty
1 7 years of age or older may be issued one special senior
1 8 statewide antlerless deer only crossbow deer hunting
1 9 license to hunt deer during bow season as established
1 10 by rule by the commission. A person who obtains a
1 11 license to hunt deer under this section is not
1 12 required to pay the wildlife habitat fee but shall be
1 13 otherwise qualified to hunt deer in this state and
1 14 shall have a resident hunting license.>
1 15 #2. By renumbering as necessary.
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1 19 ALONS of Sioux
1 20 HF 516.501 82
1 21 av/je/7597
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House Amendment 1119

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1 1 Amend House File 653 as follows:
1 2 #1. Page 4, by inserting after line 26 the
1 3 following:
1 4 <Sec. _____. APPLICABILITY DATE. This Act applies
1 5 to elections held on or after January 1, 2008.>
1 6 #2. Title page, line 2, by inserting after the
1 7 word <election> the following: <and providing an
1 8 applicability date>.
1 9 #3. By renumbering as necessary.
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1 13 WESSEL-KROESCHELL of Story
1 14 HF 653.302 82
1 15 sc/cf/7296
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House Amendment 1120

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, line 9, by inserting after the word
1 4 <control.> the following: <An appropriation shall not
1 5 be made from the fund for any purpose other than the
1 6 purposes specified in this section, unless the bill or
1 7 joint resolution providing for the appropriation is
1 8 approved by vote of at least three-fifths of the
1 9 members of both chambers of the general assembly and
1 10 is signed by the governor.>
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1 14 WISE of Lee
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1 18 COHOON of Des Moines
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1 22 REICHERT of Muscatine
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1 26 QUIRK of Chickasaw
1 27 SF 128.711 82
1 28 pf/gg/7693
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House Amendment 1121

PAG LIN

1 1 Amend House File 671 as follows:
1 2 #1. Page 1, by inserting after line 19 the
1 3 following:
1 4 <Sec. _____. Section 483A.8B, unnumbered paragraph
1 5 1, Code 2007, is amended to read as follows:
1 6 A person who is a resident and who is ~~seventy~~ sixty
1 7 years of age or older may be issued one special senior
1 8 statewide antlerless deer only crossbow deer hunting
1 9 license to hunt deer during bow season as established
1 10 by rule by the commission. A person who obtains a
1 11 license to hunt deer under this section is not
1 12 required to pay the wildlife habitat fee but shall be
1 13 otherwise qualified to hunt deer in this state and
1 14 shall have a resident hunting license.>
1 15 #2. Title page, line 1, by inserting after the
1 16 word <Act> the following: <relating to hunting by>.
1 17 #3. Title page, line 2, by inserting after the
1 18 word <animals> the following: <, providing for
1 19 additional senior crossbow deer hunting licenses,>.
1 20 #4. By renumbering as necessary.
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1 23
1 24 ALONS of Sioux
1 25 HF 671.701 82
1 26 av/gg/7598
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**Iowa General Assembly
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House Amendment 1122

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 3, by striking lines 7 through 9 and
 1 4 inserting the following:
 1 5 <Moneys in the fund shall be used only for the
 1 6 purposes of the medical assistance program, including
 1 7 provider reimbursements. There is appropriated from
 1 8 the health care trust fund, annually, an amount
 1 9 specified in an appropriation by the general assembly
 1 10 from the health care trust fund for reimbursement to
 1 11 specified providers and for specified services under
 1 12 the medical assistance program.>
 1 13 #2. Page 6, by inserting after line 22 the
 1 14 following:
 1 15 <Sec. ____ . MEDICAL ASSISTANCE PROVIDER
 1 16 REIMBURSEMENTS == APPROPRIATION. There is
 1 17 appropriated from the health care trust fund created
 1 18 in section 453A.35A, as enacted in this Act, to the
 1 19 department of human services for the fiscal year
 1 20 beginning July 1, 2007, and ending June 30, 2008, the
 1 21 following amount, or so much thereof as is necessary,
 1 22 to be used for the purpose designated:
 1 23 To provide reimbursement in an amount that is three
 1 24 percent greater than the reimbursement amount provided
 1 25 for the fiscal period beginning June 30, 2006, to the
 1 26 following providers and for the following services:
 1 27 Inpatient and outpatient hospital services;
 1 28 disproportionate share hospitals, indirect medical
 1 29 education and direct medical education; home health
 1 30 services; physician services; psychiatric services;
 1 31 family planning services; early periodic screening,
 1 32 diagnosis, and treatment; dental services; optometric
 1 33 services; supplies; ambulance services; practitioner
 1 34 services; podiatric services; chiropractic services;
 1 35 clinic services; community mental health centers; home
 1 36 and community-based waiver services; the Iowa plan for
 1 37 behavioral health; health maintenance organizations;
 1 38 nursing facilities; case management services;
 1 39 rehabilitative treatment services; adult
 1 40 rehabilitative option services; and pharmacy
 1 41 dispensing fees:
 1 42 \$ 19,777,329>
 1 43 #3. Title page, line 4, by inserting after the
 1 44 word <appropriation,> the following: <providing a
 1 45 limitation on the purposes of the fund to those
 1 46 purposes related to the medical assistance program
 1 47 including an appropriation for provider
 1 48 reimbursements,>.
 1 49 #4. By renumbering as necessary.
 1 50



**Iowa General Assembly
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House Amendment 1122 continued

- 2 1
- 2 2
- 2 3 UPMEYER of Hancock
- 2 4 SF 128.518 82
- 2 5 pf/je/7682



Iowa General Assembly
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House Amendment 1123

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 6, by striking lines 28 and 29.
1 4 #2. Title page, line 4, by striking the following:
1 5 <and providing an effective date>.
1 6
1 7
1 8
1 9 RANTS of Woodbury
1 10 SF 128.515 82
1 11 pf/je/7643
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Iowa General Assembly
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House Amendment 1124

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 22, by striking the word <A> and
1 4 inserting the following: <1. A>.
1 5 #2. Page 3, by striking lines 7 through 9 and
1 6 inserting the following:
1 7 <2. a. Moneys deposited in the health care trust
1 8 fund which constitute proceeds derived from payment of
1 9 taxes pursuant to section 453A.6, subsection 1, and
1 10 section 453A.43, subsections 1, 2, 3, and 4, shall be
1 11 used only in accordance with appropriations from the
1 12 fund for the following purposes:
1 13 (1) Tobacco use prevention and control.
1 14 (2) Substance abuse prevention and treatment
1 15 including substance abuse prevention and treatment for
1 16 children.
1 17 (3) Smoking cessation products.
1 18 (4) Phenylketonuria assistance.
1 19 (5) The AIDS drug assistance program.
1 20 (6) The birth defects institute.
1 21 (7) Medical assistance supplemental funding.
1 22 (8) Medical assistance reimbursement for
1 23 physicians and other medical providers, dental
1 24 providers, hospital providers, critical access
1 25 hospitals, home health and habilitative day care
1 26 providers, respite care providers, and breast and
1 27 cervical cancer treatment.
1 28 (9) The state children's health insurance
1 29 expansion program under the medical assistance
1 30 program.
1 31 (10) Child and family services.
1 32 b. Beginning July 1, 2008, and thereafter, moneys
1 33 deposited in the health care trust fund which
1 34 constitute proceeds derived from payment of taxes
1 35 pursuant to section 453A.6, subsection 1, and section
1 36 453A.43, subsections 1, 2, 3, and 4, shall be
1 37 appropriated for the purposes described in paragraph
1 38 "a", annually, in amounts such that the amounts
1 39 appropriated for such purposes in the fiscal year
1 40 beginning July 1, 2006, are increased by an amount
1 41 which is the difference between the amount of revenue
1 42 generated from the sources described in this
1 43 subsection for the fiscal year beginning July 1, 2006,
1 44 and the amount of revenue generated from those sources
1 45 in the fiscal year beginning July 1, 2007, multiplied
1 46 by one hundred and fifteen percent.
1 47 c. Notwithstanding any provision of law to the
1 48 contrary, moneys derived from the sources described in
1 49 this subsection and deposited in the health care trust
1 50 fund which are obligated or unexpended for the



Iowa General Assembly
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House Amendment 1124 continued

2 1 purposes designated at the end of any fiscal year
2 2 shall be transferred to the senior living trust fund
2 3 created in section 249H.4.>
2 4
2 5
2 6
2 7 STRUYK of Pottawattamie
2 8 SF 128.516 82
2 9 pf/je/7646



**Iowa General Assembly
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House Amendment 1125

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. By striking everything after the enacting
 1 4 clause and inserting the following:
 1 5 <Section 1. NEW SECTION. 453E.1 CIGARETTES ==
 1 6 PROHIBITIONS.
 1 7 Beginning July 1, 2009:
 1 8 1. A person shall not sell, give, or otherwise
 1 9 supply cigarettes to any person in this state.
 1 10 2. A person shall not smoke, use, possess,
 1 11 purchase, or attempt to purchase cigarettes in this
 1 12 state.
 1 13 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor,
 1 14 in consultation with the department of revenue and the
 1 15 department of public health, shall submit
 1 16 recommendations to the general assembly for conforming
 1 17 changes to the Code necessary to implement the
 1 18 prohibitions specified in section 453E.1, as enacted
 1 19 in this Act, by January 1, 2009.>
 1 20 #2. Title page, by striking lines 1 through 5, and
 1 21 inserting the following: <An Act relating to
 1 22 prohibitions relating to cigarettes.>
 1 23
 1 24
 1 25
 1 26 VAN FOSSEN of Scott
 1 27 SF 128.708 82
 1 28 pf/gg/7641
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Iowa General Assembly
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House Amendment 1126

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. NEW SECTION. 249A.19A HOSPITAL
1 6 REIMBURSEMENT.
1 7 Beginning July 1, 2007, the department shall
1 8 reimburse hospitals as defined in section 135B.1 for
1 9 provision of services under the medical assistance
1 10 program at the reimbursement level allowed under the
1 11 Medicare program, subject to the medical assistance
1 12 program upper payment limit. The reimbursement level
1 13 shall be adjusted annually, on July 1, in accordance
1 14 with the requirements of this section and shall
1 15 provide for reimbursement that is not less than the
1 16 reimbursement provided under the Medicare program,
1 17 subject to the medical assistance program upper
1 18 payment limit.>
1 19 #2. Page 3, by striking lines 7 through 9 and
1 20 inserting the following:
1 21 <Moneys in the fund shall be used only for the
1 22 purposes of the medical assistance program.
1 23 There is appropriated, annually, from the health
1 24 care trust fund to the department of human services,
1 25 an amount necessary to provide for the reimbursement
1 26 of hospitals for provision of services under the
1 27 medical assistance program as provided in section
1 28 249A.19A.>
1 29 #3. Title page, line 4, by inserting after the
1 30 word <appropriation,> the following: <providing for a
1 31 limitation on the purposes of the fund for the medical
1 32 assistance program including a standing appropriation
1 33 for certain services provided under the medical
1 34 assistance program,>.
1 35 #4. By renumbering, redesignating, and correcting
1 36 internal references as necessary.
1 37
1 38
1 39
1 40 UPMEYER of Hancock
1 41 SF 128.218 82
1 42 pf/es/7681
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House Amendment 1127

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 22, by striking the word <A> and
1 4 inserting the following: <1. A>.
1 5 #2. Page 3, by striking lines 7 through 9 and
1 6 inserting the following:
1 7 <2. a. Moneys deposited in the health care trust
1 8 fund which constitute proceeds derived from payment of
1 9 taxes pursuant to section 453A.6, subsection 1, and
1 10 section 453A.43, subsections 1, 2, 3, and 4, shall be
1 11 used only in accordance with appropriations from the
1 12 fund for the following purposes:
1 13 (1) Tobacco use prevention and control.
1 14 (2) Substance abuse prevention and treatment
1 15 including substance abuse prevention and treatment for
1 16 children.
1 17 (3) Smoking cessation products.
1 18 (4) Phenylketonuria assistance.
1 19 (5) The AIDS drug assistance program.
1 20 (6) The birth defects institute.
1 21 (7) Medical assistance supplemental funding.
1 22 (8) Medical assistance reimbursement for
1 23 physicians and other medical providers, dental
1 24 providers, hospital providers, critical access
1 25 hospitals, home health and habilitative day care
1 26 providers, respite care providers, and breast and
1 27 cervical cancer treatment.
1 28 (9) The state children's health insurance
1 29 expansion program under the medical assistance
1 30 program.
1 31 (10) Child and family services.
1 32 b. Beginning July 1, 2008, and thereafter, moneys
1 33 deposited in the health care trust fund which
1 34 constitute proceeds derived from payment of taxes
1 35 pursuant to section 453A.6, subsection 1, and section
1 36 453A.43, subsections 1, 2, 3, and 4, shall be
1 37 appropriated for the purposes described in paragraph
1 38 "a", annually, in amounts such that the amounts
1 39 appropriated for such purposes in the fiscal year
1 40 beginning July 1, 2006, are increased by an amount
1 41 which is the difference between the amount of revenue
1 42 generated from the sources described in this
1 43 subsection for the fiscal year beginning July 1, 2006,
1 44 and the amount of revenue generated from those sources
1 45 in the fiscal year beginning July 1, 2007.
1 46 c. Notwithstanding any provision of law to the
1 47 contrary, moneys derived from the sources described in
1 48 this subsection and deposited in the health care trust
1 49 fund which are obligated or unexpended for the
1 50 purposes designated at the end of any fiscal year



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House Amendment 1127 continued

2 1 shall be transferred to the senior living trust fund
2 2 created in section 249H.4.>
2 3
2 4
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2 6 SF 128.709 82
2 7 pf/gg/7644



Iowa General Assembly
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House Amendment 1128

PAG LIN

1 1 Amend House File 653 as follows:
1 2 #1. Page 2, by inserting after line 17 the
1 3 following:
1 4 <Sec. _____. Section 48A.8, Code 2007, is amended by
1 5 striking the section and inserting in lieu thereof the
1 6 following:
1 7 48A.8 REGISTRATION BY MAIL.
1 8 An eligible elector may register to vote by
1 9 completing a mail registration form. The completed
1 10 form may be mailed or delivered by the registrant or
1 11 the registrant's designee to the commissioner in the
1 12 county where the person resides. A separate
1 13 registration form shall be signed by each individual
1 14 registrant.>
1 15 #2. Page 2, by inserting after line 27 the
1 16 following:
1 17 <Sec. _____. Section 48A.26, subsection 2, Code
1 18 2007, is amended to read as follows:
1 19 2. If the registration form appears on its face to
1 20 be complete and proper, the acknowledgment shall state
1 21 that the registrant is now a registered voter of the
1 22 county. The acknowledgment shall also specify the
1 23 name of the precinct and the usual polling place for
1 24 the precinct in which the person is now registered.
1 25 The acknowledgment shall include a statement informing
1 26 the registered voter that the voter is required to
1 27 show valid and current identification before the
1 28 person will be allowed to vote, and that the
1 29 identification must contain a photograph of the voter,
1 30 the printed name of the voter, and a validity
1 31 expiration date. The acknowledgment may include the
1 32 political party affiliation most recently recorded by
1 33 the registrant.>
1 34 #3. Page 3, by inserting after line 8 the
1 35 following:
1 36 <Sec. _____. Section 48A.27, subsection 4, paragraph
1 37 c, unnumbered paragraph 2, Code 2007, is amended to
1 38 read as follows:
1 39 The notice shall be sent by forwardable mail, and
1 40 shall include a postage paid preaddressed return card
1 41 on which the registered voter may state the registered
1 42 voter's current address. The notice shall contain a
1 43 statement in substantially the following form:
1 44 "Information received from the United States postal
1 45 service indicates that you are no longer a resident
1 46 of, and therefore not eligible to vote in (name of
1 47 county) County, Iowa. If this information is not
1 48 correct, and you still live in (name of county)
1 49 County, please complete and mail the attached postage
1 50 paid card at least ten days before the primary or



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House Amendment 1128 continued

2 1 general election and at least eleven days before any
2 2 other election at which you wish to vote. If the
2 3 information is correct and you have moved, please
2 4 contact a local official in your new area for
2 5 assistance in registering there. If you do not mail
2 6 in the card, you may be required to show
2 7 identification to prove residency before being allowed
2 8 to vote in (name of county) County. If you do not
2 9 return the card, and you do not vote in an election in
2 10 (name of county) County, Iowa, on or before (date of
2 11 second general election following the date of the
2 12 notice) your name will be removed from the list of
2 13 voters in that county. To ensure you receive this
2 14 notice, it is being sent to both your most recent
2 15 registration address and to your new address as
2 16 reported by the postal service."

2 17 Sec. _____. Section 48A.29, subsection 1, unnumbered
2 18 paragraph 2, Code 2007, is amended to read as follows:

2 19 The notice shall be sent by forwardable mail, and
2 20 shall include a postage paid preaddressed return card
2 21 on which the registered voter may state the registered
2 22 voter's current address. The notice shall contain a
2 23 statement in substantially the following form:
2 24 "Information received from the United States postal
2 25 service indicates that you are no longer a resident of
2 26 (residence address) in (name of county) County, Iowa.
2 27 If this information is not correct, and you still live
2 28 in (name of county) County, please complete and mail
2 29 the attached postage paid card at least ten days
2 30 before the primary or general election and at least
2 31 eleven days before any other election at which you
2 32 wish to vote. If the information is correct, and you
2 33 have moved, please contact a local official in your
2 34 new area for assistance in registering there. If you
2 35 do not mail in the card, you may be required to show
2 36 identification to prove residency before being allowed
2 37 to vote in (name of county) County. If you do not
2 38 return the card, and you do not vote in some election
2 39 in (name of county) County, Iowa, on or before (date
2 40 of second general election following the date of the
2 41 notice) your name will be removed from the list of
2 42 voters in that county."

2 43 Sec. _____. Section 48A.29, subsection 3, unnumbered
2 44 paragraph 2, Code 2007, is amended to read as follows:

2 45 The notice shall be sent by forwardable mail, and
2 46 shall include a postage paid preaddressed return card
2 47 on which the registered voter may state the registered
2 48 voter's current address. The notice shall contain a
2 49 statement in substantially the following form:
2 50 "Information received by this office indicates that



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House Amendment 1128 continued

3 1 you are no longer a resident of (residence address) in
3 2 (name of county) County, Iowa. If the information is
3 3 not correct, and you still live at that address,
3 4 please complete and mail the attached postage paid
3 5 card at least ten days before the primary or general
3 6 election and at least eleven days before any other
3 7 election at which you wish to vote. If the
3 8 information is correct, and you have moved within the
3 9 county, you may update your registration by listing
3 10 your new address on the card and mailing it back. If
3 11 you have moved outside the county, please contact a
3 12 local official in your new area for assistance in
3 13 registering there. If you do not mail in the card,
3 14 you may be required to show identification to prove
3 15 residency before being allowed to vote in (name of
3 16 county) County. If you do not return the card, and
3 17 you do not vote in some election in (name of county)
3 18 County, Iowa, on or before (date of second general
3 19 election following the date of the notice) your name
3 20 will be removed from the list of registered voters in
3 21 that county.">

3 22 #4. Page 4, by inserting before line 1 the
3 23 following:

3 24 <Sec. _____. Section 49.77, subsection 3, Code 2007,
3 25 is amended to read as follows:

~~3 26 3. A precinct election official shall require any
3 27 person whose name does not appear on the election
3 28 register as an active voter to show identification.
3 29 Specific documents which are acceptable forms of
3 30 identification shall be prescribed by the state
3 31 commissioner.~~

3 32 3. A precinct election official may shall require
3 33 of that the voter unknown to the official,
~~3 34 identification upon which the voter's signature or
3 35 mark appears produce for inspection valid and current~~
3 36 identification. The identification must contain a
3 37 photograph of the voter, the printed name of the
3 38 voter, and a validity expiration date. If
3 39 identification required under this subsection is
3 40 established to the satisfaction of the precinct
3 41 election officials, the person may then be allowed to
3 42 vote.>

3 43 #5. Page 4, line 3, by inserting before the words
3 44 <A person> the following: <A precinct election
3 45 official shall require any person whose name does not
3 46 appear on the election register as an active voter to
3 47 show identification to prove residency in the
3 48 precinct. Specific documents which are acceptable
3 49 forms of identification under this subsection shall be
3 50 prescribed by the state commissioner.>



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House Amendment 1128 continued

4 1 #6. Page 4, line 7, by striking the words <proof
4 2 of identity> and inserting the following: ~~<proof of~~
~~4 3 identity identification to prove residency>.~~
4 4 #7. Page 4, by inserting after line 26 the
4 5 following:
4 6 <Sec. _____. Section 49.81, subsection 1, Code 2007,
4 7 is amended to read as follows:
4 8 1. A prospective voter who is prohibited under
4 9 ~~section 48A.8, subsection 4, section 49.77, subsection~~
4 10 ~~4, or section 49.80~~ from voting except under this
4 11 section shall be notified by the appropriate precinct
4 12 election official that the voter may cast a
4 13 provisional ballot. If a booth meeting the
4 14 requirement of section 49.25 is not available at that
4 15 polling place, the precinct election officials shall
4 16 make alternative arrangements to insure the challenged
4 17 voter the opportunity to vote in secret. The marked
4 18 ballot, folded as required by section 49.84, shall be
4 19 delivered to a precinct election official who shall
4 20 immediately seal it in an envelope of the type
4 21 prescribed by subsection 4. The sealed envelope shall
4 22 be deposited in an envelope marked "provisional
4 23 ballots" and shall be considered as having been cast
4 24 in the special precinct established by section 53.20
4 25 for purposes of the postelection canvass.>
4 26 #8. Title page, line 2, by inserting after the
4 27 word <election> the following: <and requiring voters
4 28 to provide certain identification when voting in
4 29 person at the polling place>.
4 30 #9. By renumbering as necessary.
4 31
4 32
4 33
4 34 JACOBS of Polk
4 35 HF 653.201 82
4 36 sc/es/7723



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House Amendment 1129

PAG LIN

1 1 Amend House File 545 as follows:
1 2 #1. Page 2, line 25, by inserting after the word
1 3 <courses.> the following: <The rules shall provide
1 4 that not more than ten percent of the amount of course
1 5 fees collected annually shall be used to reimburse the
1 6 Iowa independent automobile dealers association for
1 7 costs incurred by the association for the provision of
1 8 education courses.>
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1 11
1 12 ARNOLD of Lucas
1 13 HF 545.701 82
1 14 dea/gg/3240
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Iowa General Assembly
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House Amendment 1130

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 35, by striking the word "==
1 4 STANDING".
1 5 #2. Page 2, by striking line 1 and inserting the
1 6 following: <AND TOBACCO USE PREVENTION AND CONTROL
1 7 ACCOUNT.>
1 8 #3. Page 2, by striking lines 5 through 13, and
1 9 inserting the following: <by the department, with the
1 10 exception of the proceeds derived from payment of
1 11 taxes pursuant to section 453A.6, subsection 1, and
1 12 section 453A.43, subsections 1, 2, 3, and 4, which
1 13 shall be credited to the tobacco use prevention and
1 14 control account created in section 453A.35A, shall be
1 15 credited to the general fund of the state.>
1 16 #4. By striking page 2, line 21, through page 3,
1 17 line 9, and inserting the following:
1 18 <Sec. ____ . NEW SECTION. 453A.35A TOBACCO USE
1 19 PREVENTION AND CONTROL ACCOUNT.
1 20 1. A tobacco use prevention and control account is
1 21 created in the office of the treasurer of state. The
1 22 account consists of the revenue generated from the
1 23 taxes imposed on cigarettes and tobacco products
1 24 pursuant to section 453A.6, subsection 1, and section
1 25 453A.43, subsections 1, 2, 3, and 4. Moneys in the
1 26 account shall be separate from the general fund of the
1 27 state and shall be considered a special account for
1 28 the purposes of section 8.53 relating to generally
1 29 accepted accounting principles. Moneys in the account
1 30 shall be used only as specified in this section and
1 31 shall be appropriated only for the uses specified.
1 32 Moneys in the account are not subject to section 8.33
1 33 and shall not be transferred, used, obligated,
1 34 appropriated, or otherwise encumbered, except as
1 35 provided in this section. Notwithstanding section
1 36 12C.7, subsection 2, interest or earnings on moneys
1 37 deposited in the account shall be credited to the
1 38 account.
1 39 2. Moneys in the account are allocated, subject to
1 40 their appropriation by the general assembly, as
1 41 follows for the fiscal year beginning July 1, 2007,
1 42 and for each fiscal year thereafter, for the
1 43 following:
1 44 a. An amount that is the current annual amount
1 45 recommended by the centers for disease control and
1 46 prevention of the United States department of health
1 47 and human services for tobacco use prevention and
1 48 control.
1 49 b. Ten million dollars for youth programs,
1 50 designed to achieve the desired results of the



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House Amendment 1130 continued

2 1 comprehensive tobacco use prevention and control
2 2 initiative pursuant to section 142A.9, that are
2 3 directed by youth participants for youth.
2 4 c. Five million dollars for enforcement of tobacco
2 5 laws and regulations, including through grants to
2 6 community partnerships as provided in section 142A.10.
2 7 d. An amount, to be determined annually, for
2 8 smoking cessation programs.
2 9 3. In addition to the allocations specified in
2 10 subsection 2, moneys in the fund may be used only for
2 11 other activities related to tobacco use prevention,
2 12 cessation, and control.>
2 13 #5. Title page, by striking lines 3 and 4, and
2 14 inserting the following: <products, creating a
2 15 tobacco use prevention and control account, providing
2 16 for standing appropriations from the account, and
2 17 providing an effective date and>.
2 18
2 19
2 20
2 21 RAECKER of Polk
2 22 SF 128.221 82
2 23 pf/es/7697



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House Amendment 1131

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking line 27 and inserting the
1 4 following: ~~<thousand, eighteen mills~~ equal to four
1 5 and nine-tenths cents.
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1 8
1 9 GIPP of Winneshiek
1 10
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1 12
1 13 HUSER of Polk
1 14
1 15
1 16
1 17 MERTZ of Kossuth
1 18 SF 128.514 82
1 19 pf/je/7642
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House Amendment 1132

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 11 through 13, and
1 4 inserting the following: <subsection, there is
1 5 appropriated, annually, to the property tax relief
1 6 fund created in section 426B.1, the first twenty-five
1 7 million dollars to be annually distributed in
1 8 accordance with law allocating mental health, mental
1 9 retardation and developmental disabilities allowed
1 10 growth factor adjustment funding to counties, and
1 11 there is appropriated, annually, to the health care
1 12 trust fund created in section 453A.35A, the subsequent
1 13 one hundred two million six hundred thousand dollars.>
1 14
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1 17 JACOBS of Polk
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1 21 CLUTE of Polk
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1 25 RAECKER of Polk
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1 29 VAN FOSSEN of Scott
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1 33 WINDSCHITL of Harrison
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1 37 BOAL of Polk
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1 41 UPMEYER of Hancock
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1 45 WIENCEK of Black Hawk
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1 49 PAULSEN of Linn
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**Iowa General Assembly
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House Amendment 1132 continued

- 2 1
- 2 2
- 2 3 DRAKE of Pottawattamie
- 2 4 SF 128.2
- 2 5 pf/jg/25



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House Amendment 1133

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 17 the
1 4 following:
1 5 <Sec. _____. Section 453A.2, subsections 1, 2, and
1 6 3, Code 2007, are amended to read as follows:
1 7 1. A person shall not sell, give, or otherwise
1 8 supply any tobacco, tobacco products, or cigarettes to
1 9 any person under ~~eighteen~~ twenty-one years of age.
1 10 2. A person under ~~eighteen~~ twenty-one years of age
1 11 shall not smoke, use, possess, purchase, or attempt to
1 12 purchase any tobacco, tobacco products, or cigarettes.
1 13 3. Possession of cigarettes or tobacco products by
1 14 an individual under ~~eighteen~~ twenty-one years of age
1 15 does not constitute a violation under this section if
1 16 the individual under ~~eighteen~~ twenty-one years of age
1 17 possesses the cigarettes or tobacco products as part
1 18 of the individual's employment and the individual is
1 19 employed by a person who holds a valid permit under
1 20 this chapter or who lawfully offers for sale or sells
1 21 cigarettes or tobacco products.
1 22 Sec. _____. Section 453A.2, subsection 8, paragraph
1 23 b, Code 2007, is amended to read as follows:
1 24 b. The compliance effort is conducted with the
1 25 advance knowledge of law enforcement officers and
1 26 reasonable measures are adopted by those conducting
1 27 the effort to ensure that use of cigarettes or tobacco
1 28 products by individuals under ~~eighteen~~ twenty-one
1 29 years of age does not result from participation by any
1 30 individual under ~~eighteen~~ twenty-one years of age in
1 31 the compliance effort.
1 32 Sec. _____. Section 453A.5, subsection 1, Code 2007,
1 33 is amended to read as follows:
1 34 1. The alcoholic beverages division of the
1 35 department of commerce shall develop a tobacco
1 36 compliance employee training program not to exceed two
1 37 hours in length for employees and prospective
1 38 employees of retailers, as defined in sections 453A.1
1 39 and 453A.42, to inform the employees about state and
1 40 federal laws and regulations regarding the sale of
1 41 cigarettes and tobacco products to persons under
1 42 ~~eighteen~~ twenty-one years of age and compliance with
1 43 and the importance of laws regarding the sale of
1 44 cigarettes and tobacco products to persons under
1 45 ~~eighteen~~ twenty-one years of age.>
1 46 #2. Page 3, by inserting after line 9 the
1 47 following:
1 48 <Sec. _____. Section 453A.36, subsection 6, Code
1 49 2007, is amended to read as follows:
1 50 6. Any sales of cigarettes or tobacco products



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House Amendment 1133 continued

2 1 made through a cigarette vending machine are subject
2 2 to rules and penalties relative to retail sales of
2 3 cigarettes and tobacco products provided for in this
2 4 chapter. No cigarettes shall be sold through any
2 5 cigarette vending machine unless the cigarettes have
2 6 been properly stamped or metered as provided by this
2 7 division, and in case of violation of this provision,
2 8 the permit of the dealer authorizing retail sales of
2 9 cigarettes shall be canceled. Payment of the license
2 10 fee as provided in section 453A.13 authorizes a
2 11 cigarette vendor to sell cigarettes or tobacco
2 12 products through vending machines. However,
2 13 cigarettes or tobacco products shall not be sold
2 14 through a vending machine unless the vending machine
2 15 is located in a place where the retailer ensures that
2 16 no person younger than ~~eighteen~~ twenty-one years of
2 17 age is present or permitted to enter at any time.
2 18 This section does not require a retail licensee to buy
2 19 a cigarette vendor's permit if the retail licensee is
2 20 in fact the owner of the cigarette vending machines
2 21 and the machines are operated in the location
2 22 described in the retail permit.
2 23 Sec. _____. Section 453A.39, subsection 2,
2 24 paragraphs b and c, Code 2007, are amended to read as
2 25 follows:
2 26 b. A manufacturer, distributor, wholesaler,
2 27 retailer, or distributing agent or agent thereof shall
2 28 not give away any cigarettes or tobacco products to
2 29 any person under ~~eighteen~~ twenty-one years of age, or
2 30 within five hundred feet of any playground, school,
2 31 high school, or other facility when such facility is
2 32 being used primarily by persons under age ~~eighteen~~
2 33 twenty-one for recreational, educational, or other
2 34 purposes.
2 35 c. Proof of age shall be required if a reasonable
2 36 person could conclude on the basis of outward
2 37 appearance that a prospective recipient of a sample
2 38 may be under ~~eighteen~~ twenty-one years of age.>
2 39 #3. Title page, line 3, by inserting after the
2 40 word <fund,> the following: <providing for an
2 41 increase in the legal age relating to cigarettes and
2 42 tobacco products,>.
2 43
2 44
2 45
2 46 LUKAN of Dubuque
2 47 SF 128.224 82
2 48 pf/es/7700



**Iowa General Assembly
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House Amendment 1134

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, by inserting after line 32, the
 1 4 following:
 1 5 <Sec. _____. NEW SECTION. 453A.13A LIMITATIONS ON
 1 6 EXTENSION OF CREDIT.
 1 7 A manufacturer, distributor, distributing agent,
 1 8 wholesaler, or cigarette vendor shall not directly or
 1 9 indirectly extend any credit for cigarettes to a
 1 10 permittee authorized under this chapter to sell
 1 11 cigarettes at retail.>
 1 12 #2. Page 6, by inserting after line 22, the
 1 13 following:
 1 14 <Sec. _____. NEW SECTION. 453A.44A LIMITATIONS ON
 1 15 EXTENSION OF CREDIT.
 1 16 A manufacturer, distributor, or subjobber shall not
 1 17 directly or indirectly extend credit for tobacco
 1 18 products to a permittee authorized under this chapter
 1 19 to sell tobacco products at retail.>
 1 20 #3. By renumbering as necessary.
 1 21
 1 22
 1 23
 1 24 HEATON of Henry
 1 25 SF 128.226 82
 1 26 pf/es/7715
 1 27
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Iowa General Assembly
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House Amendment 1135

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by striking lines 7 through 9 and
1 4 inserting the following:
1 5 <Moneys deposited in the health care trust fund
1 6 which constitute proceeds derived from payment of
1 7 taxes pursuant to section 453A.6, subsection 1, and
1 8 section 453A.43, subsections 1, 2, 3, and 4, shall be
1 9 used only in accordance with appropriations from the
1 10 fund for programs or services existing before July 1,
1 11 2007, that are directly related to health care.>
1 12
1 13
1 14
1 15 STRUYK of Pottawattamie
1 16 SF 128.519 82
1 17 pf/je/7696
1 18
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House Amendment 1136

PAG LIN

1 1 Amend the amendment, H=1097, to House File 158, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 31 the
1 4 following:
1 5 <#____. Page 1, line 24, by striking the word <may>
1 6 and inserting the following: <shall>.>
1 7
1 8
1 9
1 10 ALONS of Sioux
1 11 HF 158.302 82
1 12 kh/cf/7102
1 13
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1 15
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House Amendment 1137

PAG LIN

1 1 Amend House File 617 as follows:
1 2 #1. Page 2, line 5, by inserting after the word
1 3 <population> the following: <, including pregnant
1 4 women and the unborn child or children of a pregnant
1 5 woman beginning at conception,>.
1 6 #2. Page 2, line 20, by inserting after the word
1 7 <population> the following: <, including pregnant
1 8 women and the unborn child or children of a pregnant
1 9 woman beginning at conception>.
1 10 #3. Page 2, line 22, by inserting after the word
1 11 <employees> the following: <, including pregnant
1 12 women and the unborn child or children of a pregnant
1 13 woman beginning at conception,>.
1 14
1 15
1 16
1 17 ALONS of Sioux
1 18
1 19
1 20
1 21 KAUFMAN of Cedar
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1 23
1 24
1 25 TYMESON of Madison
1 26
1 27
1 28
1 29 CHAMBERS of O'Brien
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1 31
1 32
1 33 WATTS of Dallas
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1 35
1 36
1 37 WORTHAN of Buena Vista
1 38
1 39
1 40
1 41 VAN ENGELENHOVEN of Marion
1 42 HF 617.202 82
1 43 tm/es/6665
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House Amendment 1138

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 35, by striking the word <==
1 4 STANDING>.
1 5 #2. Page 2, by striking line 1 and inserting the
1 6 following: <AND TOBACCO USE PREVENTION AND CONTROL
1 7 FUND.>
1 8 #3. Page 2, by striking lines 5 through 13, and
1 9 inserting the following: <by the department, with the
1 10 exception of the proceeds derived from payment of
1 11 taxes pursuant to section 453A.6, subsection 1, and
1 12 section 453A.43, subsections 1, 2, 3, and 4, which
1 13 shall be credited to the tobacco use prevention and
1 14 control fund created in section 453A.35A, shall be
1 15 credited to the general fund of the state.>
1 16 #4. By striking page 2, line 21, through page 3,
1 17 line 9, and inserting the following:
1 18 <Sec. ____ . NEW SECTION. 453A.35A TOBACCO USE
1 19 PREVENTION AND CONTROL FUND.
1 20 1. FUND CREATED. A tobacco use prevention and
1 21 control fund is created in the office of the treasurer
1 22 of state. The fund consists of the revenue generated
1 23 from the taxes imposed on cigarettes and tobacco
1 24 products pursuant to section 453A.6, subsection 1, and
1 25 section 453A.43, subsections 1, 2, 3, and 4. Moneys
1 26 in the fund shall be separate from the general fund of
1 27 the state and shall be considered a special account
1 28 for the purposes of section 8.53 relating to generally
1 29 accepted accounting principles. Moneys in the fund
1 30 shall be used only as specified in this section and
1 31 shall be appropriated only for the uses specified.
1 32 Moneys in the fund are not subject to section 8.33 and
1 33 shall not be transferred, used, obligated,
1 34 appropriated, or otherwise encumbered, except as
1 35 provided in this section. Notwithstanding section
1 36 12C.7, subsection 2, interest or earnings on moneys
1 37 deposited in the fund shall be credited to the
1 38 account.
1 39 2. ACCOUNTS CREATED. The fund shall consist of
1 40 the tobacco use prevention and control account and the
1 41 Iowa health care account. One half of the proceeds
1 42 described in subsection 1 shall be deposited in each
1 43 account, annually.
1 44 3. TOBACCO USE PREVENTION AND CONTROL ACCOUNT.
1 45 Moneys in the tobacco use prevention and control
1 46 account are allocated, subject to their appropriation
1 47 by the general assembly, as follows for the fiscal
1 48 year beginning July 1, 2007, and for each fiscal year
1 49 thereafter, for the following:
1 50 a. An amount that is the current annual amount



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House Amendment 1138 continued

2 1 recommended by the centers for disease control and
2 2 prevention of the United States department of health
2 3 and human services for tobacco use prevention and
2 4 control.
2 5 b. Ten million dollars for youth programs,
2 6 designed to achieve the desired results of the
2 7 comprehensive tobacco use prevention and control
2 8 initiative pursuant to section 142A.9, that are
2 9 directed by youth participants for youth.
2 10 c. Five million dollars for enforcement of tobacco
2 11 laws and regulations, including through grants to
2 12 community partnerships as provided in section 142A.10.
2 13 d. An amount, to be determined annually, for
2 14 smoking cessation programs.
2 15 4. IOWA HEALTH CARE ACCOUNT. Moneys in the Iowa
2 16 health care account shall be used to implement a
2 17 medical assistance state plan amendment to utilize the
2 18 medical assistance program in providing health care
2 19 coverage to low-income, uninsured Iowans, subject to
2 20 approval of the state plan amendment by the centers
2 21 for Medicare and Medicaid services of the United
2 22 States department of health and human services. If
2 23 such approval is not received, the moneys in the
2 24 account shall be deposited in the senior living trust
2 25 fund created in section 249H.4.>
2 26 #5. Title page, by striking lines 3 and 4, and
2 27 inserting the following: <products, creating a
2 28 tobacco use prevention and control account and an Iowa
2 29 health care account, providing for standing
2 30 appropriations and uses of the accounts, providing an
2 31 effective date and>.
2 32
2 33
2 34
2 35 HEATON of Henry
2 36 SF 128.225 82
2 37 pf/es/7706



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House Amendment 1139

PAG LIN

1 1 Amend House File 648 as follows:
1 2 #1. Page 1, by striking line 15 and inserting the
1 3 following: <means the>.
1 4
1 5
1 6
1 7 BAILEY of Hamilton
1 8 HF 648.301 82
1 9 tm/cf/6666
1 10
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1 13
1 14
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House Amendment 1140

PAG LIN

1 1 Amend Senate File 128, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 2, by striking lines 11 through 13 and
 1 4 inserting the following: <subsection, there is
 1 5 appropriated, annually, to the veterans trust fund
 1 6 created in section 35A.13, the first twelve million
 1 7 seven hundred sixty thousand dollars to be used for
 1 8 veterans health care, and there is appropriated,
 1 9 annually, to the health care trust fund created in
 1 10 section 453A.35A, the next one hundred fourteen
 1 11 million eight hundred forty thousand dollars.>
 1 12
 1 13
 1 14
 1 15 KAUFMANN of Cedar
 1 16
 1 17
 1 18
 1 19 WORTHAN of Buena Vista
 1 20 SF 128.520 82
 1 21 pf/je/7699
 1 22
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Iowa General Assembly
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House Amendment 1141

PAG LIN

1 1 Amend House File 416 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. CHILD CARE REGISTRATION == LEGISLATIVE
1 5 INTENT. It is the intent of the general assembly to
1 6 improve the safety and quality of home-based child
1 7 care in the state by increasing the number of child
1 8 care providers who are required to register under
1 9 chapter 237A and increasing the staff and resources of
1 10 the department of human services committed to
1 11 addressing home-based child care.
1 12 Sec. _____. Section 237A.1, subsections 6 and 7,
1 13 Code 2007, are amended to read as follows:
1 14 6. "Child care home" means a person or program
1 15 providing child care to ~~five~~ three or fewer children
1 16 at any one time that is not registered to provide
1 17 child care under this chapter, as authorized under
1 18 section 237A.3.
1 19 7. "Child development home" means a person or
1 20 program registered under section 237A.3A that may
1 21 provide child care to ~~six~~ four or more children at any
1 22 one time.
1 23 Sec. _____. Section 237A.3, subsection 1, Code 2007,
1 24 is amended to read as follows:
1 25 1. A person or program providing child care to
1 26 ~~five~~ three children or fewer at any one time is a
1 27 child care home provider and is not required to
1 28 register under section 237A.3A as a child development
1 29 home. However, the person or program may register as
1 30 a child development home.
1 31 Sec. _____. Section 237A.3, Code 2007, is amended by
1 32 adding the following new subsection:
1 33 NEW SUBSECTION. 3. a. A child care home provider
1 34 shall provide information to the parents, guardians,
1 35 and custodians of the children receiving child care
1 36 that the provider is not registered as a child
1 37 development home provider and that the number of
1 38 children that can be cared for at any one time by the
1 39 provider is limited to three or fewer.
1 40 b. In addition, the information shall expressly
1 41 state that corporal punishment by a child care
1 42 provider is prohibited and list all the forms of
1 43 corporal punishment identified in section 237A.18.
1 44 The information shall also explain to the parent how
1 45 to file a complaint with the department against the
1 46 child care home.
1 47 c. The information shall be provided to parents,
1 48 guardians, and custodians either in writing at the
1 49 time of enrollment with the provider or be
1 50 conspicuously posted at the main entrance to the child



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House Amendment 1141 continued

2 1 care home where it can be read by parents and any
2 2 member of the public.
2 3 Sec. _____. Section 237A.5, subsection 2, paragraph
2 4 a, subparagraph (3), Code 2007, is amended by adding
2 5 the following new subparagraph subdivision:
2 6 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has
2 7 been determined through an investigation by the
2 8 department of a complaint, a child abuse assessment,
2 9 or the existence of a criminal record to have
2 10 inflicted corporal punishment as described in section
2 11 237A.18 on an individual receiving child care from the
2 12 person.
2 13 Sec. _____. NEW SECTION. 237A.18 CORPORAL
2 14 PUNISHMENT.
2 15 A child care provider shall not inflict corporal
2 16 punishment on an individual receiving care from the
2 17 provider. For the purposes of this section, "corporal
2 18 punishment" includes but is not limited to spanking,
2 19 slapping, shaking, punishment which is humiliating or
2 20 frightening, using restraints, or enclosing a child in
2 21 a locked area. A child care provider who has
2 22 inflicted corporal punishment on an individual
2 23 receiving care from the provider, as determined
2 24 through an investigation by the department of a
2 25 complaint, a child abuse assessment, or existence of a
2 26 criminal record, may be subject to prohibition of
2 27 involvement with child care in accordance with section
2 28 237A.5.
2 29 Sec. _____. EFFECTIVE DATE == IMPLEMENTATION.
2 30 1. The following provisions of this Act take
2 31 effect October 1, 2008:
2 32 a. The provision amending section 237A.1,
2 33 subsections 6 and 7.
2 34 b. The provision amending section 237A.3,
2 35 subsection 1.
2 36 2. The department shall adopt administrative
2 37 rules, assist child care providers, and expand
2 38 staffing to support the implementation of the change
2 39 in the numbers of children for which child care homes
2 40 and child development homes may provide child care on
2 41 October 1, 2008, as provided in this Act, in
2 42 accordance with the funding made available for that
2 43 purpose.>
2 44 #2. Title page, by striking lines 1 through 3 and
2 45 inserting the following: <An Act revising the
2 46 requirements for child care registration and providing
2 47 an effective date.>
2 48 #3. By renumbering as necessary.
2 49
2 50



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House Amendment 1141 continued

3 1
3 2 COMMITTEE ON HUMAN RESOURCES
3 3 SMITH of Marshall, Chairperson
3 4 HF 416.302 82
3 5 jp/cf/6283



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House Amendment 1142

PAG LIN

1 1 Amend House File 320 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 321.215, subsection 1, Code
1 5 2007, is amended by adding the following new
1 6 paragraph:
1 7 NEW PARAGRAPH. f. The person's appointments with
1 8 the person's parole or probation officer.>
1 9 #2. Page 1, by inserting after line 21 the
1 10 following:
1 11 <Sec. _____. Section 321J.4, subsection 9, paragraph
1 12 a, Code 2007, is amended to read as follows:
1 13 a. A person whose noncommercial driver's license
1 14 has either been revoked under this chapter, or revoked
1 15 or suspended under chapter 321 solely for violations
1 16 of this chapter, or who has been determined to be a
1 17 habitual offender under chapter 321 based ~~solely on~~
~~1 18 violations of this chapter or on violations listed in~~
1 19 section 321.560, subsection 1, paragraph "b", and who
1 20 is not eligible for a temporary restricted license
1 21 under this chapter may petition the court upon the
1 22 expiration of the minimum period of ineligibility for
1 23 a temporary restricted license provided for under this
1 24 section, section 321J.9, 321J.12, 321J.20, or 321.560,
1 25 for an order to the department to require the
1 26 department to issue a temporary restricted license to
1 27 the person notwithstanding section 321.560.>
1 28 #3. Page 1, by inserting before line 22 the
1 29 following:
1 30 <Sec. _____. Section 321J.20, subsection 1,
1 31 unnumbered paragraph 1, Code 2007, is amended to read
1 32 as follows:
1 33 The department may, on application, issue a
1 34 temporary restricted license to a person whose
1 35 noncommercial driver's license is revoked under this
1 36 chapter allowing the person to drive to and from the
1 37 person's home and specified places at specified times
1 38 which can be verified by the department and which are
1 39 required by the person's full-time or part-time
1 40 employment, continuing health care or the continuing
1 41 health care of another who is dependent upon the
1 42 person, continuing education while enrolled in an
1 43 educational institution on a part-time or full-time
1 44 basis and while pursuing a course of study leading to
1 45 a diploma, degree, or other certification of
1 46 successful educational completion, substance abuse
1 47 treatment, ~~and~~ court-ordered community service
1 48 responsibilities, and appointments with the person's
1 49 parole or probation officer if the person's driver's
1 50 license has not been revoked previously under section



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House Amendment 1142 continued

2 1 321J.4, 321J.9, or 321J.12 and if any of the following
2 2 apply:>
2 3 #4. Title page, by striking lines 2 and 3 and
2 4 inserting the following: <or nonresident operating
2 5 privilege and temporary restricted licenses.>
2 6 #5. By renumbering as necessary.
2 7
2 8
2 9
2 10 R. OLSON of Polk
2 11 HF 320.303 82
2 12 rh/cf/7835



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House Amendment 1143

PAG LIN

1 1 Amend the amendment, H=1116, to House File 555, as
 1 2 follows:
 1 3 #1. Page 1, by inserting after line 38, the
 1 4 following:
 1 5 <Sec. _____. NEW SECTION. 453A.13A LIMITATIONS ON
 1 6 EXTENSION OF CREDIT.
 1 7 A manufacturer, distributor, distributing agent,
 1 8 wholesaler, or cigarette vendor shall not directly or
 1 9 indirectly extend any credit for cigarettes to a
 1 10 permittee authorized under this chapter to sell
 1 11 cigarettes at retail.>
 1 12 #2. Page 5, by inserting after line 27, the
 1 13 following:
 1 14 <Sec. _____. NEW SECTION. 453A.44A LIMITATIONS ON
 1 15 EXTENSION OF CREDIT.
 1 16 A manufacturer, distributor, or subjobber shall not
 1 17 directly or indirectly extend credit for tobacco
 1 18 products to a permittee authorized under this chapter
 1 19 to sell tobacco products at retail.>
 1 20 #3. By renumbering as necessary.
 1 21
 1 22
 1 23
 1 24 HEATON of Henry
 1 25 HF 555.222 82
 1 26 pf/es/7768
 1 27
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House Amendment 1144

PAG LIN

1 1 Amend House File 749 as follows:
1 2 #1. Page 1, by inserting after line 27 the
1 3 following:
1 4 <7. Distinguished service cross, navy cross, and
1 5 air force cross special plates issued pursuant to
1 6 section 321.34, subsection 20A.
1 7 8. Soldier's medal, navy and marine corps medal,
1 8 and airman's medal special plates issued pursuant to
1 9 section 321.34, subsection 20B.
1 10 Sec. _____. Section 321.34, subsection 8, Code 2007,
1 11 is amended to read as follows:
1 12 8. ~~CONGRESSIONAL~~ MEDAL OF HONOR PLATES. The owner
1 13 of a motor vehicle subject to registration under
1 14 section 321.109, subsection 1, motorcycle, trailer, or
1 15 motor truck who has been awarded the ~~congressional~~
1 16 medal of honor may, upon written application to the
1 17 department, order special registration plates which
1 18 shall be red, white, and blue in color and shall bear
1 19 an emblem of the ~~congressional~~ medal of honor and an
1 20 identifying number. Each applicant applying for
1 21 special registration plates under this subsection may
1 22 purchase only one set of registration plates under
1 23 this subsection. The application is subject to
1 24 approval by the department and the special
1 25 registration plates shall be issued to the applicant
1 26 in exchange for the registration plates previously
1 27 issued to the person. The special plates are subject
1 28 to an annual registration fee of fifteen dollars. The
1 29 department shall validate the special plates in the
1 30 same manner as regular registration plates are
1 31 validated under this section. The department shall
1 32 not issue special registration plates until service
1 33 organizations in the state have furnished the
1 34 department either the special dies or the cost of the
1 35 special dies necessary for the manufacture of the
1 36 special registration plate.
1 37 The surviving spouse of a person who was issued
1 38 special plates under this subsection may continue to
1 39 use the special plates subject to registration of the
1 40 special plates in the surviving spouse's name and upon
1 41 payment of the fifteen dollar annual registration fee.
1 42 If the surviving spouse remarries, the surviving
1 43 spouse shall return the special plates to the
1 44 department and the department shall issue regular
1 45 registration plates to the surviving spouse.>
1 46 #2. Page 3, line 3, by striking the word
1 47 <congressional> and inserting the following:
1 48 <~~congressional~~>.
1 49 #3. Page 8, by inserting after line 1 the
1 50 following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1144 continued

2 1 <Sec. _____. Section 321.34, Code 2007, is amended
2 2 by adding the following new subsections:
2 3 NEW SUBSECTION. 20A. DISTINGUISHED SERVICE, NAVY,
2 4 OR AIR FORCE CROSS PLATES. An owner referred to in
2 5 subsection 12 who was awarded a distinguished service
2 6 cross, a navy cross, or an air force cross by the
2 7 United States government may, upon written application
2 8 to the department and presentation of satisfactory
2 9 proof of the award, order special registration plates
2 10 with a distinguished service cross, navy cross, or air
2 11 force cross processed emblem. The emblem shall be
2 12 designed by the department in consultation with the
2 13 adjutant general. The special plate fees collected by
2 14 the director under subsection 12, paragraph "a", from
2 15 the issuance and annual validation of letter=number
2 16 designated and personalized distinguished service
2 17 cross, navy cross, and air force cross plates shall be
2 18 paid monthly to the treasurer of state and credited to
2 19 the road use tax fund. Notwithstanding section
2 20 423.43, and prior to the crediting of revenues to the
2 21 road use tax fund under section 423.43, subsection 1,
2 22 paragraph "b", the treasurer of state shall transfer
2 23 monthly from those revenues to the veterans license
2 24 fee fund created in section 35A.11 the amount of the
2 25 special fees collected in the previous month for
2 26 distinguished service cross, navy cross, and air force
2 27 cross plates.
2 28 The surviving spouse of a person who was issued
2 29 special plates under this subsection may continue to
2 30 use or apply for and use the special plates subject to
2 31 registration of the special plates in the surviving
2 32 spouse's name and upon payment of the annual
2 33 five=dollar special plate fee and the regular annual
2 34 registration fee for the vehicle. If the surviving
2 35 spouse remarries, the surviving spouse shall return
2 36 the special plates to the department and the
2 37 department shall issue regular registration plates to
2 38 the surviving spouse.
2 39 NEW SUBSECTION. 20B. SOLDIER'S, NAVY AND MARINE
2 40 CORPS, OR AIRMAN'S MEDAL PLATES. An owner referred to
2 41 in subsection 12 who was awarded a soldier's medal, a
2 42 navy and marine corps medal, or an airman's medal by
2 43 the United States government may, upon written
2 44 application to the department and presentation of
2 45 satisfactory proof of the award, order special
2 46 registration plates with a soldier's medal, navy and
2 47 marine corps medal, or airman's medal processed
2 48 emblem. The emblem shall be designed by the
2 49 department in consultation with the adjutant general.
2 50 The special plate fees collected by the director under



Iowa General Assembly
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March 12, 2007

House Amendment 1144 continued

3 1 subsection 12, paragraph "a", from the issuance and
3 2 annual validation of letter=number designated and
3 3 personalized soldier's medal, navy and marine corps
3 4 medal, and airman's medal plates shall be paid monthly
3 5 to the treasurer of state and credited to the road use
3 6 tax fund. Notwithstanding section 423.43, and prior
3 7 to the crediting of revenues to the road use tax fund
3 8 under section 423.43, subsection 1, paragraph "b", the
3 9 treasurer of state shall transfer monthly from those
3 10 revenues to the veterans license fee fund created in
3 11 section 35A.11 the amount of the special fees
3 12 collected in the previous month for soldier's medal,
3 13 navy and marine corps medal, and airman's medal
3 14 plates.

3 15 The surviving spouse of a person who was issued
3 16 special plates under this subsection may continue to
3 17 use or apply for and use the special plates subject to
3 18 registration of the special plates in the surviving
3 19 spouse's name and upon payment of the annual
3 20 five=dollar special plate fee and the regular annual
3 21 registration fee for the vehicle. If the surviving
3 22 spouse remarries, the surviving spouse shall return
3 23 the special plates to the department and the
3 24 department shall issue regular registration plates to
3 25 the surviving spouse.

3 26 Sec. _____. Section 321.166, subsections 2 and 9,
3 27 Code 2007, are amended to read as follows:

3 28 2. Every registration plate or pair of plates
3 29 shall display a registration plate number which shall
3 30 consist of alphabetical or numerical characters or a
3 31 combination thereof and the name of this state, which
3 32 may be abbreviated. Every registration plate issued
3 33 by the county treasurer shall display the name of the
3 34 county, including any plate issued pursuant to section
3 35 321.34, except Pearl Harbor and purple heart
3 36 registration plates issued prior to January 1, 1997,
3 37 and collegiate, fire fighter, and ~~congressional~~ medal
3 38 of honor registration plates. Special truck
3 39 registration plates shall display the word "special".

3 40 9. Special registration plates issued pursuant to
3 41 section 321.34 beginning January 1, 1997, other than
3 42 ~~congressional~~ medal of honor, collegiate, fire
3 43 fighter, and natural resources registration plates,
3 44 shall be consistent with the design and color of
3 45 regular registration plates but shall provide a space
3 46 on a portion of the plate for the purpose of allowing
3 47 the placement of a distinguishing processed emblem.
3 48 Special registration plates shall also comply with the
3 49 requirements for regular registration plates as
3 50 provided in this section to the extent the



**Iowa General Assembly
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House Amendment 1144 continued

4 1 requirements are consistent with the section
4 2 authorizing a particular special vehicle registration
4 3 plate.>
4 4 #4. Title page, line 1, by inserting after the
4 5 word <Act> the following: <concerning existing and
4 6 new special motor vehicle registration plates
4 7 associated with military service,>.
4 8 #5. By renumbering as necessary.
4 9
4 10
4 11
4 12 HUSER of Polk
4 13 HF 749.202 82
4 14 dea/es/7510



**Iowa General Assembly
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House Amendment 1145

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1 1 Amend Senate File 128, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 35, by striking the word <==
1 4 STANDING>.
1 5 #2. Page 2, line 1, by striking the words
1 6 <APPROPRIATION TO> and inserting the following:
1 7 <AND>.
1 8 #3. Page 2, line 6, by striking the word <of>.
1 9 #4. Page 2, by striking lines 9 through 13, and
1 10 inserting the following: <specified in section
1 11 453A.43, subsections 1, 2, 3, and 4, shall be credited
1 12 to the health care trust fund created in section
1 13 453A.35A.>
1 14 #5. Page 2, by striking line 27, and inserting the
1 15 following: <are credited>.
1 16 #6. Page 2, line 28, by striking the word <,
1 17 annually,>.
1 18 #7. Title page, lines 3 and 4, by striking the
1 19 words <, providing for a standing appropriation,>.
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1 23 RANTS of Woodbury
1 24 SF 128.306 82
1 25 pf/cf/7770
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 751 - Introduced

HOUSE FILE
BY KAUFMANN and FOEGE

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

A BILL FOR

- 1 An Act relating to the collection and recycling of thermostats.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2679YH 82
- 4 tm/es/88



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 751 - Introduced continued

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1 1 Section 1. NEW SECTION. 455D.31 MERCURY == THERMOSTATS.
1 2 1. As used in this section, unless the context otherwise
1 3 requires:
1 4 a. "Manufacturer" means any person, firm, association,
1 5 partnership, corporation, governmental entity, organization,
1 6 combination, or joint venture that manufactures thermostats
1 7 and is the brand-name owner on the thermostat.
1 8 b. "Thermostat" means a product or device that uses a
1 9 mercury switch to sense and control room temperature through
1 10 communication with heating, ventilating, or air-conditioning
1 11 equipment. "Thermostat" includes thermostats used to sense
1 12 and control room temperature in residential, commercial,
1 13 industrial, and other buildings but does not include
1 14 thermostats used to sense and control temperature as part of a
1 15 manufacturing process.
1 16 c. "Thermostat retailer" means a person who sells
1 17 thermostats of any kind directly to homeowners or other
1 18 nonprofessionals through any selling or distribution
1 19 mechanism, including but not limited to sales using the
1 20 internet or catalogues. A thermostat retailer may also be a
1 21 thermostat wholesaler if it meets the definition of thermostat
1 22 wholesaler.
1 23 d. "Thermostat wholesaler" means a person who is engaged
1 24 in the distribution and wholesale selling of large quantities
1 25 of heating, ventilation, and air-conditioning components,
1 26 including thermostats, to contractors who install heating,
1 27 ventilation, and air-conditioning components, including
1 28 thermostats.
1 29 2. Except as otherwise provided, a person who discards
1 30 solid waste shall separate thermostats from that solid waste
1 31 for management as hazardous waste or universal hazardous
1 32 waste, according to all applicable state and federal
1 33 regulations. A contractor who replaces or removes thermostats
1 34 shall assure that any discarded thermostat is subject to
1 35 proper separation and management as hazardous waste or



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House File 751 - Introduced continued

2 1 universal hazardous waste. A contractor who replaces a
2 2 thermostat in a residence shall deliver the thermostat to an
2 3 appropriate collection location for recycling.
2 4 3. Each thermostat manufacturer that has offered for final
2 5 sale, sold at final sale, or distributed thermostats in the
2 6 state shall do all of the following:
2 7 a. Not later than October 1, 2007, submit a plan to the
2 8 department for approval describing a collection program for
2 9 thermostats. The program contained in the plan shall ensure
2 10 that all the following take place:
2 11 (1) That an education and outreach program is developed.
2 12 The program shall be directed toward thermostat wholesalers,
2 13 thermostat retailers, contractors, and homeowners and ensure a
2 14 maximum rate of collection of thermostats. There shall not be
2 15 a cost to thermostat wholesalers or thermostat retailers for
2 16 education and outreach materials.
2 17 (2) That handling and recycling of thermostats are
2 18 accomplished in a manner that is consistent with the
2 19 provisions of the universal waste rules.
2 20 (3) That containers for thermostat collection are provided
2 21 to all thermostat wholesalers. The cost to thermostat
2 22 wholesalers for such containers shall be limited to an
2 23 initial, reasonable, one-time fee per container as specified
2 24 in the plan.
2 25 (4) That collection systems are provided to all collection
2 26 points registered pursuant to subsection 6. Collection
2 27 systems may include individual product mail back or multiple
2 28 collection containers. The costs of collection shall not be
2 29 passed on to a registered collection point. A registered
2 30 collection point shall be limited to an initial, reasonable,
2 31 one-time fee per container as specified in the plan.
2 32 b. Not later than April 1, 2008, implement a thermostat
2 33 collection plan approved by the department.
2 34 c. Beginning in 2009, submit an annual report to the
2 35 department by April 1 of each year that includes, at a



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House File 751 - Introduced continued

3 1 minimum, all of the following:

3 2 (1) The number of thermostats collected and recycled by
3 3 that manufacturer during the previous calendar year.

3 4 (2) The estimated total amount of mercury contained in the
3 5 thermostat components collected by that manufacturer during
3 6 the previous calendar year.

3 7 (3) An evaluation of the effectiveness of the
3 8 manufacturer's collection program.

3 9 (4) An accounting of the administrative costs incurred in
3 10 the course of administering the collection and recycling
3 11 program.

3 12 4. a. By April 1, 2008, a thermostat wholesaler may not
3 13 offer for final sale, sell at final sale, or distribute
3 14 thermostats unless the wholesaler does all of the following:

3 15 (1) Acts as a collection site for thermostats.

3 16 (2) Promotes and utilizes the collection containers
3 17 provided by thermostat manufacturers to facilitate a
3 18 contractor collection program.

3 19 (3) Completes all other tasks as needed to establish and
3 20 maintain a cost-effective manufacturer collection program.

3 21 b. By April 1, 2008, a thermostat retailer may not offer
3 22 for final sale, sell, or distribute thermostats in the state
3 23 unless the thermostat retailer participates in an education
3 24 and outreach program to educate consumers on the collection
3 25 program for mercury thermostats.

3 26 5. Beginning April 1, 2008, all of the following sales
3 27 prohibitions shall apply to thermostat manufacturers,
3 28 thermostat wholesalers, and thermostat retailers:

3 29 a. A thermostat manufacturer not in compliance with this
3 30 section is prohibited from offering any thermostat for final
3 31 sale in the state, selling any thermostat at final sale in the
3 32 state, or distributing any thermostat in the state. A
3 33 thermostat manufacturer not in compliance with this section
3 34 shall provide the necessary support to thermostat wholesalers
3 35 and thermostat retailers to ensure the manufacturer's



Iowa General Assembly
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March 12, 2007

House File 751 - Introduced continued

4 1 thermostats are not offered for final sale, sold at final
4 2 sale, or distributed in this state.
4 3 b. A thermostat wholesaler or thermostat retailer shall
4 4 not offer for final sale, sell at final sale, or distribute in
4 5 this state any thermostat of a manufacturer that is not in
4 6 compliance with this section.
4 7 6. The department shall do all of the following:
4 8 a. Review and grant approval of, deny, or approve with
4 9 modifications a manufacturer plan required under this section.
4 10 The department shall not approve a plan unless all elements of
4 11 subsection 3, paragraph "a", are adequately addressed and the
4 12 program outlined in the plan will assure a maximum rate of
4 13 collection of mercury-containing thermostats. In reviewing a
4 14 plan the department may consider consistency of the plan with
4 15 collection requirements in other states and consider
4 16 consistency between thermostat manufacturer collection
4 17 programs. In reviewing plans, the agency shall ensure that
4 18 education and outreach programs are uniform and consistent to
4 19 ensure ease of implementation by thermostat wholesalers and
4 20 thermostat retailers.
4 21 b. The department shall establish a process for public
4 22 review and comment on all plans submitted by thermostat
4 23 manufacturers prior to plan approval. The department shall
4 24 consult with interested persons, including representatives of
4 25 thermostat manufacturers, environmental groups, thermostat
4 26 wholesalers, thermostat retailers, contractors, and local
4 27 government.
4 28 c. The department shall maintain a list of entities that
4 29 have registered as collection points for mercury thermostats.
4 30 d. By January 15, 2009, and annually thereafter, the
4 31 department shall submit a written report to the general
4 32 assembly regarding the collection and recycling of thermostats
4 33 in the state. The first report submitted shall include
4 34 recommendations for any statutory changes concerning the
4 35 collection and recycling of thermostats. Subsequent reports



Iowa General Assembly
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House File 751 - Introduced continued

5 1 shall include an evaluation of the effectiveness of the
5 2 thermostat collection and recycling programs, information on
5 3 actual collection rates, and recommendations for any statutory
5 4 changes concerning the collection and recycling of
5 5 thermostats.

5 6 7. The goal of the collection and recycling efforts under
5 7 this section is to collect and recycle at least seventy
5 8 percent of the thermostats estimated by the department to be
5 9 discarded within two years after the implementation of
5 10 approved plans and at least eighty percent of the thermostats
5 11 estimated by the department to be discarded within three years
5 12 after the implementation of approved plans. By January 1,
5 13 2008, the department shall estimate the number of
5 14 out-of-service thermostats generated in the state on an annual
5 15 basis, in consultation with interested persons, including
5 16 representatives of thermostat manufacturers, thermostat
5 17 wholesalers, thermostat retailers, contractors, environmental
5 18 groups, and local government. If collection efforts fail to
5 19 meet the maximum rate of collection, the department shall, in
5 20 consultation with interested persons, require modifications to
5 21 collection programs in an attempt to improve collection rates
5 22 in accordance with these goals.

5 23 EXPLANATION

5 24 This bill relates to the collection and recycling of
5 25 thermostats.

5 26 The bill defines a thermostat as a product or device that
5 27 uses a mercury switch to sense and control room temperature
5 28 through communication with heating, ventilating, or
5 29 air-conditioning equipment and includes thermostats used to
5 30 sense and control room temperature in residential, commercial,
5 31 industrial, and other buildings but does not include
5 32 thermostats used to sense and control temperature as part of a
5 33 manufacturing process.

5 34 The bill provides that a person who discards solid waste
5 35 shall separate thermostats from that solid waste for



Iowa General Assembly
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March 12, 2007

House File 751 - Introduced continued

6 1 management as hazardous waste or universal hazardous waste,
6 2 according to all applicable state and federal regulations.
6 3 The bill provides requirements for a contractor who replaces
6 4 or removes thermostats.

6 5 The bill provides that each thermostat manufacturer that
6 6 has offered for final sale, sold at final sale, or has
6 7 distributed thermostats in the state shall do all of the
6 8 following:

6 9 1. Not later than October 1, 2007, submit a plan to the
6 10 department for approval that describes a collection program
6 11 for thermostats.

6 12 2. Not later than April 1, 2008, implement a thermostat
6 13 collection plan approved by the department.

6 14 3. Beginning in 2009, submit an annual report to the
6 15 department by April 1 of each year that includes, at a
6 16 minimum, the number of thermostats collected and recycled by
6 17 that manufacturer during the previous calendar year, the
6 18 estimated total amount of mercury contained in the thermostat
6 19 components collected by that manufacturer during the previous
6 20 calendar year, an evaluation of the effectiveness of the
6 21 manufacturer's collection program, and an accounting of the
6 22 administrative costs incurred in the course of administering
6 23 the collection and recycling program.

6 24 The bill provides that, by April 1, 2008, a thermostat
6 25 wholesaler may not offer for final sale, sell at final sale,
6 26 or distribute thermostats unless the wholesaler acts as a
6 27 collection site for thermostats; promotes and utilizes the
6 28 collection containers provided by thermostat manufacturers to
6 29 facilitate a contractor collection program; and completes all
6 30 other tasks as needed to establish and maintain a
6 31 cost-effective manufacturer collection program.

6 32 The bill provides that, by April 1, 2008, a thermostat
6 33 retailer may not offer for final sale, sell, or distribute
6 34 thermostats in the state unless the thermostat retailer
6 35 participates in an education and outreach program to educate



Iowa General Assembly
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House File 751 - Introduced continued

7 1 consumers on the collection program for mercury thermostats.
7 2 The bill provides that beginning April 1, 2008, a
7 3 thermostat manufacturer not in compliance with the bill is
7 4 prohibited from offering any thermostat for final sale in the
7 5 state, selling any thermostat at final sale in the state, or
7 6 distributing any thermostat in the state and a thermostat
7 7 wholesaler or thermostat retailer shall not offer for final
7 8 sale, sell at final sale, or distribute in this state any
7 9 thermostat of a manufacturer that is not in compliance with
7 10 the bill.

7 11 The bill requires the department of natural resources to
7 12 review and grant approval of, deny, or approve with
7 13 modifications a manufacturer plan. The bill requires the
7 14 department to establish a process for public review and
7 15 comment on all plans submitted by thermostat manufacturers
7 16 prior to plan approval. The bill requires the department to
7 17 maintain a list of entities that have registered as collection
7 18 points for mercury thermostats. By January 15, 2009, and
7 19 annually thereafter, the bill requires the department to
7 20 submit a written report to the general assembly regarding the
7 21 collection and recycling of thermostats in the state.

7 22 The bill provides that the goal of the collection and
7 23 recycling efforts is to collect and recycle at least 70
7 24 percent of the thermostats estimated by the department to be
7 25 discarded within two years after the implementation of
7 26 approved plans and at least 80 percent of the thermostats
7 27 estimated by the department to be discarded within three years
7 28 after the implementation of approved plans. By January 1,
7 29 2008, the bill requires the department to estimate the number
7 30 of out-of-service thermostats generated in the state on an
7 31 annual basis. The bill provides that if collection efforts
7 32 fail to meet the maximum rate of collection, the department
7 33 shall, in consultation with interested persons, require
7 34 modifications to collection programs in an attempt to improve
7 35 collection rates in accordance with these goals.



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House File 751 - Introduced continued

8 1 LSB 2679YH 82
8 2 tm:nh/es/88



Iowa General Assembly
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House File 752 - Introduced

HOUSE FILE
 BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 202)

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

A BILL FOR

1 An Act relating to and making transportation and other
 2 infrastructure-related appropriations to the department of
 3 transportation, including allocation and use of moneys from
 4 the road use tax fund and the primary road fund.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 1133HV 82
 7 dea/gg/14

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**Iowa General Assembly
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House File 751 - Introduced continued

1 1 Section 1. ROAD USE TAX FUND. There is appropriated from
 1 2 the road use tax fund to the department of transportation for
 1 3 the fiscal year beginning July 1, 2007, and ending June 30,
 1 4 2008, the following amounts, or so much thereof as is
 1 5 necessary, for the purposes designated:

1 6 1. For the payment of costs associated with the production
 1 7 of driver's licenses, as defined in section 321.1, subsection
 1 8 20A:

1 9	\$ 3,047,000
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1 10 Notwithstanding section 8.33, unencumbered or unobligated
 1 11 funds remaining on June 30, 2008, from the appropriation made
 1 12 in this subsection shall not revert, but shall remain
 1 13 available for subsequent fiscal years for the purposes
 1 14 specified in this subsection.

1 15 2. For salaries, support, maintenance, and miscellaneous
 1 16 purposes:

1 17 a. Operations:	
1 18	\$ 6,237,000
1 19 b. Planning:	
1 20	\$ 470,000
1 21 c. Motor vehicles:	
1 22	\$ 33,347,113

1 23 3. For payments to the department of administrative
 1 24 services for utility services:

1 25	\$ 145,000
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1 26 4. Unemployment compensation:

1 27	\$ 17,000
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1 28 5. For payments to the department of administrative
 1 29 services for paying workers' compensation claims under chapter
 1 30 85 on behalf of employees of the department of transportation:

1 31	\$ 108,000
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1 32 6. For payment to the general fund of the state for
 1 33 indirect cost recoveries:

1 34	\$ 102,000
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1 35 7. For reimbursement to the auditor of state for audit



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 751 - Introduced continued

2 1 expenses as provided in section 11.5B:
2 2 \$ 60,988
2 3 8. For automation, telecommunications, and related costs
2 4 associated with the county issuance of driver's licenses and
2 5 vehicle registrations and titles:
2 6 \$ 1,832,000
2 7 9. For transfer to the department of public safety for
2 8 operating a system providing toll-free telephone road and
2 9 weather conditions information:
2 10 \$ 100,000
2 11 10. For costs associated with the participation in the
2 12 Mississippi river parkway commission:
2 13 \$ 40,000
2 14 11. For membership in the North America's superhighway
2 15 corridor coalition:
2 16 \$ 50,000
2 17 12. For scale maintenance projects at various locations:
2 18 \$ 100,000
2 19 Notwithstanding section 8.33, moneys appropriated in this
2 20 subsection that remain unencumbered or unobligated at the
2 21 close of the fiscal year shall not revert but shall remain
2 22 available for expenditure for the purposes designated until
2 23 the close of the fiscal year that begins July 1, 2010.
2 24 13. For development of an international registration plan
2 25 and international fuel tax administration system:
2 26 \$ 1,000,000
2 27 Notwithstanding section 8.33, moneys appropriated in this
2 28 subsection that remain unencumbered or unobligated at the
2 29 close of the fiscal year shall not revert but shall remain
2 30 available for expenditure for the purposes designated until
2 31 the close of the fiscal year that begins July 1, 2009.
2 32 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
2 33 primary road fund to the department of transportation for the
2 34 fiscal year beginning July 1, 2007, and ending June 30, 2008,
2 35 the following amounts, or so much thereof as is necessary, to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007**

House File 751 - Introduced continued

3 1 be used for the purposes designated:
 3 2 1. For salaries, support, maintenance, and miscellaneous
 3 3 purposes and for not more than the following full-time
 3 4 equivalent positions:
 3 5 a. Operations:
 3 6 \$ 38,311,652
 3 7 FTEs 305.00
 3 8 b. Planning:
 3 9 \$ 8,920,908
 3 10 FTEs 132.00
 3 11 c. Highways:
 3 12 \$209,436,880
 3 13 FTEs 2,454.00
 3 14 d. Motor vehicles:
 3 15 \$ 1,384,000
 3 16 FTEs 483.00
 3 17 2. For payments to the department of administrative
 3 18 services for utility services:
 3 19 \$ 888,000
 3 20 3. Unemployment compensation:
 3 21 \$ 328,000
 3 22 4. For payments to the department of administrative
 3 23 services for paying workers' compensation claims under chapter
 3 24 85 on behalf of the employees of the department of
 3 25 transportation:
 3 26 \$ 2,592,000
 3 27 5. For disposal of hazardous wastes from field locations
 3 28 and the central complex:
 3 29 \$ 800,000
 3 30 6. For payment to the general fund for indirect cost
 3 31 recoveries:
 3 32 \$ 748,000
 3 33 7. For reimbursement to the auditor of state for audit
 3 34 expenses as provided in section 11.5B:
 3 35 \$ 376,212



**Iowa General Assembly
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House File 751 - Introduced continued

4 1 8. For costs associated with producing transportation
 4 2 maps:
 4 3 \$ 242,000
 4 4 9. For inventory and equipment replacement:
 4 5 \$ 2,250,000
 4 6 10. For utility improvements at various locations:
 4 7 \$ 400,000
 4 8 11. For garage roofing projects at various locations:
 4 9 \$ 100,000
 4 10 12. For heating, cooling, and exhaust system improvements
 4 11 at various locations:
 4 12 \$ 100,000
 4 13 13. For deferred maintenance projects at field facilities
 4 14 throughout the state:
 4 15 \$ 351,500
 4 16 14. For construction of a new Clarinda garage:
 4 17 \$ 2,300,000
 4 18 15. For federal Americans With Disabilities Act
 4 19 improvements at various locations:
 4 20 \$ 200,000
 4 21 16. For elevator upgrades at the Ames complex:
 4 22 \$ 100,000
 4 23 Notwithstanding section 8.33, moneys appropriated in
 4 24 subsections 10 through 16 that remain unencumbered or
 4 25 unobligated at the close of the fiscal year shall not revert
 4 26 but shall remain available for expenditure for the purposes
 4 27 designated until the close of the fiscal year that begins July
 4 28 1, 2010.

EXPLANATION

4 29
 4 30 This bill makes and limits appropriations for the 2007=2008
 4 31 fiscal year from the road use tax fund and the primary road
 4 32 fund to the department of transportation.
 4 33 Appropriations from the road use tax fund include
 4 34 appropriations for driver's license production costs,
 4 35 salaries, operations, planning, motor vehicles, utility



Iowa General Assembly
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House File 751 - Introduced continued

5 1 services provided by the department of administrative
5 2 services, unemployment and workers' compensation, indirect
5 3 cost recoveries, audits, county issuance of driver's licenses
5 4 and vehicle registration and titling, a system providing
5 5 toll-free telephone road and weather reports, participation in
5 6 the Mississippi river parkway commission, membership in the
5 7 North America's superhighway corridor coalition, scale
5 8 maintenance projects, and development of an international
5 9 registration plan and international fuel tax administration
5 10 system.
5 11 Appropriations from the primary road fund include
5 12 appropriations for salaries, operations, planning, highways,
5 13 motor vehicles, utility services provided by the department of
5 14 administrative services, unemployment and workers'
5 15 compensation, hazardous waste disposal, indirect cost
5 16 recoveries, audits, production of transportation maps,
5 17 inventory and equipment replacement, utility projects, garage
5 18 roofing, heating and cooling improvements, deferred
5 19 maintenance at field facilities, replacement of the Clarinda
5 20 garage, various Americans With Disabilities Act improvements,
5 21 and elevator upgrades at the Ames complex.
5 22 LSB 1133HV 82
5 23 dea:mg/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

House File 753 - Introduced

HOUSE FILE
BY MAY

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

A BILL FOR

1 An Act providing criminal penalties for a vessel operator who
2 willfully eludes or attempts to elude an authorized marked law
3 enforcement vessel.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2437HH 82
6 av/es/88



Iowa General Assembly
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March 12, 2007

House File 753 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 462A.34B ELUDING OR ATTEMPTING
1 2 TO ELUDE PURSUING LAW ENFORCEMENT VESSEL == PENALTY.
1 3 1. The operator of a vessel commits a serious misdemeanor
1 4 if the operator willfully fails to bring the vessel to a stop
1 5 or otherwise eludes or attempts to elude an authorized marked
1 6 law enforcement vessel operated by a uniformed peace officer
1 7 or by a water patrol officer of the department of natural
1 8 resources, after being given a visual and audible signal to
1 9 stop. The signals given by the officer shall be by displaying
1 10 a blue light or flashing blue and red lights and by sounding a
1 11 horn or siren.
1 12 2. The operator of a vessel commits an aggravated
1 13 misdemeanor if the operator willfully fails to bring the
1 14 vessel to a stop or otherwise eludes or attempts to elude an
1 15 authorized marked law enforcement vessel operated by a
1 16 uniformed peace officer or by a water patrol officer of the
1 17 department of natural resources, after being given a visual
1 18 and audible signal to stop as provided in this section and in
1 19 doing so exceeds a reasonable speed.
1 20 3. The operator of a vessel commits a class "D" felony if
1 21 the operator willfully fails to bring the vessel to a stop or
1 22 otherwise eludes or attempts to elude an authorized marked law
1 23 enforcement vessel operated by a uniformed peace officer or by
1 24 a water patrol officer of the department of natural resources,
1 25 after being given a visual and audible signal to stop as
1 26 provided in this section, and in doing so exceeds a reasonable
1 27 speed, and if any of the following occurs:
1 28 a. The operator is participating in a public offense, as
1 29 defined in section 702.13, that is a felony.
1 30 b. The operator is in violation of section 462A.14 or
1 31 124.401.
1 32 c. The offense results in bodily injury to a person other
1 33 than the operator.

1 34 EXPLANATION

1 35 This bill makes the act of eluding or attempting to elude a



**Iowa General Assembly
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House File 753 - Introduced continued

2 1 pursuing law enforcement vessel by the operator of another
2 2 vessel a crime.
2 3 The bill provides that the operator of a vessel commits a
2 4 serious misdemeanor if the operator willfully fails to bring
2 5 the vessel to a stop or otherwise eludes or attempts to elude
2 6 an authorized marked law enforcement vessel operated by a
2 7 uniformed peace officer or by a water patrol officer of the
2 8 department of natural resources after being given a visual and
2 9 audible signal to stop. The signals required to be given by
2 10 the officer are displaying a blue light or flashing blue and
2 11 red lights and sounding a horn or siren. A serious
2 12 misdemeanor is punishable by confinement for no more than one
2 13 year and a fine of at least \$315 but not more than \$1,875.
2 14 The bill provides that the operator of a vessel commits an
2 15 aggravated misdemeanor in such a situation if in doing so the
2 16 operator exceeds a reasonable speed. An aggravated
2 17 misdemeanor is punishable by confinement for no more than two
2 18 years and a fine of at least \$625 but not more than \$6,250.
2 19 The bill provides that the operator of a vessel commits a
2 20 class "D" felony in such a situation if in doing so the
2 21 operator exceeds a reasonable speed and any of the following
2 22 occurs: the operator is participating in a public offense, as
2 23 such participation is defined in Code section 702.13, that is
2 24 a felony; the operator is operating a motorboat or sailboat
2 25 while intoxicated in violation of Code section 462A.14 or is
2 26 committing prohibited acts involving controlled substances in
2 27 violation of Code section 124.401; or the operator's violation
2 28 of the section results in bodily injury to a person other than
2 29 the operator. A class "D" felony is punishable by confinement
2 30 for no more than five years and a fine of at least \$750 but
2 31 not more than \$7,500.
2 32 LSB 2437HH 82
2 33 av:nh/es/88



Iowa General Assembly
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House File 754 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 583)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act requiring school districts to prohibit the use of
2 cigarettes and tobacco products at schools, on school grounds,
3 in school vehicles, and at off-campus school-related indoor
4 events.

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

6 TLSB 2308HV 82

7 ak/cf/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

House File 754 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.28 TOBACCO USE PROHIBITION.
1 2 The board of directors of each public school district and
1 3 the authorities in charge of each accredited nonpublic school
1 4 shall develop rules that prohibit a person from using a
1 5 cigarette or a tobacco product, as these terms are defined in
1 6 section 453A.1, at any time at any of the following locations:
1 7 1. In a school building or other school facility under the
1 8 control of the school district or accredited nonpublic school,
1 9 including any facility that is owned, rented, or leased by the
1 10 school district or accredited nonpublic school.
1 11 2. On grounds that are owned, rented, or leased by the
1 12 school district or accredited nonpublic school, including
1 13 athletic fields and parking lots.
1 14 3. In a vehicle owned, leased, rented, contracted for, or
1 15 controlled by the school district or accredited nonpublic
1 16 school.
1 17 4. At school=sponsored or school=related indoor events
1 18 that are held off=campus.

1 19 EXPLANATION

1 20 This bill requires that the board of directors of each
1 21 public school district and the authorities in charge of each
1 22 accredited nonpublic school shall develop rules that prohibit
1 23 a person from using a cigarette or a tobacco product, as these
1 24 terms are defined in Code section 453A.1, at any time while in
1 25 a school building or other school facility under the control
1 26 of the school district or accredited nonpublic school, or a
1 27 facility that is owned, rented, or leased by the school
1 28 district or accredited nonpublic school; on grounds that are
1 29 owned, rented, or leased by the school district or accredited
1 30 nonpublic school, including athletic fields and parking lots;
1 31 in a vehicle owned, leased, rented, contracted for, or
1 32 controlled by the school district or accredited nonpublic
1 33 school; and at school=sponsored or school=related indoor
1 34 events that are held off=campus.
1 35 LSB 2308HV 82



**Iowa General Assembly
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House File 754 - Introduced continued

2 1 ak:nh/cf/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

House File 755 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 47)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursement of advanced placement
- 2 examination fees paid by or on behalf of students enrolled in
- 3 public school districts and accredited nonpublic schools or
- 4 receiving competent private instruction and making an
- 5 appropriation.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TL5B 1094HV 82
- 8 kh/je/5

PAG LIN



**Iowa General Assembly
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House File 754 - Introduced continued

1 1 Section 1. NEW SECTION. 256.24 ADVANCED PLACEMENT
1 2 EXAMINATION FEE REIMBURSEMENT == APPROPRIATION.
1 3 1. For the fiscal year beginning July 1, 2006, and each
1 4 subsequent fiscal year, the board of directors of a public
1 5 school district shall reimburse a qualifying student or the
1 6 parent or legal guardian of a qualifying student enrolled in
1 7 the public school district or in an accredited nonpublic
1 8 school located within the boundaries of the school district,
1 9 or of a qualifying resident student receiving competent
1 10 private instruction in accordance with the requirements of
1 11 chapter 299A, the amount of the advanced placement examination
1 12 fee the student, parent, or legal guardian paid. However, a
1 13 student, parent, or guardian shall not receive reimbursement
1 14 for more than one advanced placement examination paid for and
1 15 taken by a qualifying student annually. For purposes of this
1 16 section, "qualifying student" means a student who took an
1 17 advanced placement examination and has received the student's
1 18 results on the examination.
1 19 2. To be reimbursed in accordance with subsection 1, the
1 20 student or parent or legal guardian of a student attending an
1 21 accredited nonpublic school or receiving competent private
1 22 instruction who paid the advanced placement examination fee
1 23 shall submit by August 15 proof of the student's examination
1 24 results and the amount of the fee paid and, on a form approved
1 25 by the department, a claim for reimbursement to the school
1 26 district. The school district shall verify the student's
1 27 examination results.
1 28 3. By September 1 of the school year following the school
1 29 year in which the advanced placement examination fees were
1 30 paid, the school district shall submit its claims for
1 31 reimbursements paid pursuant to subsection 1 to the
1 32 department.
1 33 4. By October 1 of the school year following the school
1 34 year in which the advanced placement examination fees were
1 35 paid, the department of education shall distribute to each



Iowa General Assembly
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House File 754 - Introduced continued

2 1 school district, from moneys appropriated to the department
2 2 for this purpose, an amount of aid to each school district
2 3 that submitted claims as provided in subsection 3, equal to
2 4 the total amount of the advanced placement examination fees
2 5 paid by the school district.

2 6 5. The costs of paying advanced placement examination fees
2 7 as provided in this section shall not be included in the
2 8 computation of district cost under chapter 257, but shall be
2 9 shown in the budget as an expense from miscellaneous income.
2 10 Any moneys received by a school district for the payment of
2 11 student advanced placement examination fees under this section
2 12 shall not affect district cost limitations of chapter 257.

2 13 The moneys paid to a school district as provided in this
2 14 section are miscellaneous income as defined in section 257.2.

2 15 6. There is annually appropriated from the general fund of
2 16 the state to the department an amount sufficient to pay the
2 17 claims submitted to the department pursuant to this section.

2 18 EXPLANATION

2 19 This bill requires the board of directors of a public
2 20 school district to annually reimburse a student or the parent
2 21 or legal guardian of a student enrolled in the public school
2 22 district or in an accredited nonpublic school located within
2 23 the boundaries of the school district, or of a resident
2 24 student receiving competent private instruction, the fee for
2 25 one advanced placement examination the student, parent, or
2 26 legal guardian paid. The bill provides for the reimbursement
2 27 from a standing, unlimited, annual appropriation made to the
2 28 department of education for that purpose.

2 29 To qualify for a reimbursement, the student or parent or
2 30 guardian of a student attending an accredited nonpublic school
2 31 must submit a claim and proof of the student's results on the
2 32 examination to the public school district of enrollment by
2 33 August 15. The school district must, by September 1, submit
2 34 to the department of education the claims for reimbursement.

2 35 By October 1, the department must distribute to each school



**Iowa General Assembly
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House File 754 - Introduced continued

3 1 district an amount of aid equal to the amount of the total
3 2 amount of the advanced placement examination fees paid by the
3 3 school district.
3 4 LSB 1094HV 82
3 5 kh:rj/je/5



Iowa General Assembly
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Senate Amendment 3092

PAG LIN

1 1 Amend Senate File 354 as follows:
1 2 #1. Page 1, line 3, by striking the word <Retain>
1 3 and inserting the following: <After adopting a
1 4 resolution to implement and administer underpayments
1 5 and overpayments of moneys paid to the county, waive
1 6 underpayments and retain>.
1 7 #2. Page 1, line 4, by striking the words <,
1 8 unless> and inserting the following: <. If>.
1 9 #3. Page 1, line 5, by inserting after the word
1 10 <overpayment> the following: < , the county shall
1 11 refund the overpayment>.
1 12 #4. Page 1, line 8, by striking the word <Each>
1 13 and inserting the following: <After adopting a policy
1 14 consistent with the resolution adopted by the board of
1 15 supervisors to implement and administer underpayments
1 16 and overpayments of moneys paid to the county, each>.
1 17 #5. Page 1, line 9, by inserting after the word
1 18 <shall> the following: <waive underpayments and>.
1 19 #6. Page 1, line 11, by striking the word <,
1 20 unless> and inserting the following: <. If>.
1 21 #7. Page 1, line 12, by inserting after the word
1 22 <overpayment> the following: < , the elective officer
1 23 shall refund the overpayment>.
1 24 #8. Title page, by inserting after the word
1 25 <certain> the following: <underpayments and>.
1 26
1 27
1 28
1 29 PAUL McKINLEY
1 30 SF 354.302 82
1 31 eg/cf/7378
1 32
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Iowa General Assembly
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Senate Amendment 3093

PAG LIN

1 1 Amend Senate File 412 as follows:
1 2 #1. Page 1, line 9, by striking the words <a
1 3 junior or senior> and inserting the following: <at
1 4 least seventeen years of age and a student>.
1 5
1 6
1 7
1 8 FRANK B. WOOD
1 9 SF 412.201 82
1 10 sc/es/7724
1 11
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1 13
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**Iowa General Assembly
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Senate Amendment 3094

PAG LIN

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1 1 Amend Senate File 443 as follows:
1 2 #1. Page 1, line 34, by striking the word
1 3 <sailor's> and inserting the following: <navy and
1 4 marine corps>.
1 5 #2. Page 8, line 6, by striking the word
1 6 <SAILOR'S> and inserting the following: <NAVY AND
1 7 MARINE CORPS>.
1 8 #3. Page 8, line 8, by striking the word
1 9 <sailor's> and inserting the following: <navy and
1 10 marine corps>.
1 11 #4. Page 8, line 12, by striking the word
1 12 <sailor's> and inserting the following: <navy and
1 13 marine corps>.
1 14 #5. Page 8, line 17, by striking the word
1 15 <sailor's> and inserting the following: <navy and
1 16 marine corps>.
1 17 #6. Page 8, line 26, by striking the word
1 18 <sailor's> and inserting the following: <navy and
1 19 marine corps>.
1 20 #7. Title page, line 4, by striking the word
1 21 <sailor's> and inserting the following: <navy and
1 22 marine corps>.
1 23
1 24
1 25
1 26 STEVE WARNSTADT
1 27 JAMES A. SEYMOUR
1 28 SF 443.201 82
1 29 dea/es/7502
1 30
1 31
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Iowa General Assembly
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Senate Amendment 3095

PAG LIN

1 1 Amend Senate File 444 as follows:
1 2 #1. Title page, lines 1 and 2, by striking the
1 3 words <by making technical changes and>.
1 4
1 5
1 6
1 7 KEITH A. KREIMAN
1 8 SF 444.501 82
1 9 eg/je/7827
1 10
1 11
1 12
1 13
1 14
1 15
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Iowa General Assembly
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Senate File 471 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1325)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the regulation of adoption facilitators.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2846SV 82
- 4 pf/cf/24



Iowa General Assembly
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Senate File 471 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 238A.1 ADOPTION FACILITATORS.
1 2 The department of human services shall regulate adoption
1 3 facilitators in this state. The department shall adopt rules
1 4 pursuant to chapter 17A to administer this section.
1 5 EXPLANATION
1 6 This bill directs the department of human services to
1 7 regulate adoption facilitators in the state.
1 8 LSB 2846SV 82
1 9 pf:rj/cf/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 472 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1254)

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

A BILL FOR

- 1 An Act providing for administrative rules governing close
- 2 clearance conditions and railroad worker walkways.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1871SV 82
- 5 dea/es/88



Iowa General Assembly
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Senate File 472 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 327F.13 CLOSE CLEARANCE WARNING
1 2 DEVICES == WALKWAYS == RULES.
1 3 The director shall adopt rules governing railroad close
1 4 clearance conditions and railroad worker walkways.
1 5 EXPLANATION
1 6 This bill requires the director of transportation to adopt
1 7 administrative rules governing close clearance conditions
1 8 along railways and walkways used by railroad workers.
1 9 LSB 1871SV 82
1 10 dea:nh/es/88.1



Iowa General Assembly
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Senate File 473 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1217)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing a competent adult to execute a written instrument
- 2 directing the final disposition of that person's remains,
- 3 including coordinating provisions, and providing applicability
- 4 dates.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1082SV 82
- 7 av/es/88



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

Senate File 473 - Introduced continued

PAG LIN

1 1 Section 1. Section 142.1, Code 2007, is amended to read as
1 2 follows:

1 3 142.1 DELIVERY OF BODIES.

1 4 The body of every person dying in a public asylum,
1 5 hospital, county care facility, penitentiary, or reformatory
1 6 in this state, or found dead within the state, or which is to
1 7 be buried at public expense in this state, except those buried
1 8 under the provisions of chapter 144C or 249, and which is
1 9 suitable for scientific purposes, shall be delivered to the
1 10 medical college of the state university, or some osteopathic
1 11 or chiropractic college or school located in this state, which
1 12 has been approved under the law regulating the practice of
1 13 osteopathy or chiropractic; but no such body shall be
1 14 delivered to any such college or school if the deceased person
1 15 expressed a desire during the person's last illness that the
1 16 person's body should be buried or cremated, nor if such is the
1 17 desire of the person's relatives. Such bodies shall be
1 18 equitably distributed among said colleges and schools
1 19 according to their needs for teaching anatomy in accordance
1 20 with such rules as may be adopted by the Iowa department of
1 21 public health. The expense of transporting said bodies to
1 22 such college or school shall be paid by the college or school
1 23 receiving the same. ~~In the event~~ If the deceased person has
1 24 not expressed a desire during the person's last illness that
1 25 the person's body should be buried or cremated and ~~should have~~
1 26 ~~no relatives that request~~ person authorized to control the
1 27 deceased person's remains under section 144C.5 requests the
1 28 person's body for burial or cremation, and if a friend objects
1 29 to the use of the deceased person's body for scientific
1 30 purposes, said deceased person's body shall be forthwith
1 31 delivered to such friend for burial or cremation at no expense
1 32 to the state or county. Unless such friend provides for
1 33 burial and burial expenses within five days, the body shall be
1 34 used for scientific purposes under this chapter.

1 35 Sec. 2. Section 142C.4, subsection 1, Code 2007, is



Iowa General Assembly
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Senate File 473 - Introduced continued

2 1 amended to read as follows:

2 2 1. Any available member of the following classes of
2 3 persons, in the order of priority listed, may make an
2 4 anatomical gift of a decedent's body or parts for an
2 5 authorized purpose, unless the decedent, at the time of death,
2 6 has made an unrevoked refusal to make an anatomical gift:

2 7 a. A designee acting pursuant to a decedent's declaration
2 8 made under chapter 144C.

2 9 ~~a. b. The attorney in fact pursuant to a durable power of~~
2 10 ~~attorney for health care.~~

2 11 ~~b. The spouse of the decedent.~~

2 12 ~~c. An adult child of the decedent~~ A person authorized to
2 13 control the decedent's remains under section 144C.5.

2 14 ~~d. A parent of the decedent.~~

2 15 ~~e. An adult sibling of the decedent.~~

2 16 ~~f. A grandparent of the decedent.~~

2 17 ~~g. d. A guardian of the decedent at the time of the~~
2 18 ~~decedent's death.~~

2 19 Sec. 3. Section 144.34, Code 2007, is amended to read as
2 20 follows:

2 21 144.34 DISINTERMENT == PERMIT.

2 22 Disinterment of a dead body or fetus shall be allowed for
2 23 the purpose of autopsy or reburial only, and then only if
2 24 accomplished by a funeral director. A permit for such
2 25 disinterment and, thereafter, reinterment shall be issued by
2 26 the state registrar according to rules adopted pursuant to
2 27 chapter 17A or when ordered by the district court of the
2 28 county in which such body is buried. The state registrar,
2 29 without a court order, shall not issue a permit without the
2 30 consent of the ~~surviving spouse or in case of such spouse's~~

~~2 31 absence, death, or incapacity, the next of kin person~~

~~2 32 authorized to control the decedent's remains under section~~

~~2 33 144C.5. Disinterment for the purpose of reburial may be~~

~~2 34 allowed by court order only upon a showing of substantial~~

~~2 35 benefit to the public. Disinterment for the purpose of~~



Iowa General Assembly
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Senate File 473 - Introduced continued

3 1 autopsy or reburial by court order shall be allowed only when
3 2 reasonable cause is shown that someone is criminally or
3 3 civilly responsible for such death, after hearing, upon
3 4 reasonable notice prescribed by the court to the ~~surviving~~
~~3 5 spouse or in the spouse's absence, death, or incapacity, the~~
~~3 6 next of kin person authorized to control the decedent's~~
3 7 remains under section 144C.5. Due consideration shall be
3 8 given to the public health, the dead, and the feelings of
3 9 relatives.

3 10 Sec. 4. Section 144.56, Code 2007, is amended to read as
3 11 follows:

3 12 144.56 AUTOPSY.

3 13 An autopsy or post-mortem examination may be performed upon
3 14 the body of a deceased person by a physician whenever the
3 15 written consent to the examination or autopsy has been
3 16 obtained ~~by any of the following persons, in order of priority~~
~~3 17 stated when persons in prior classes are not available at the~~
~~3 18 time of death, and in the absence of actual notice of contrary~~
~~3 19 indications by the decedent or actual notice of opposition by~~
~~3 20 a member of the same or prior class:~~

3 21 1. ~~The spouse.~~

3 22 2. ~~An adult son or daughter.~~

3 23 3. ~~Either parent.~~

3 24 4. ~~An adult brother or sister.~~

3 25 5. ~~A guardian of the person of the decedent at the time of~~
~~3 26 the decedent's death.~~

3 27 6. ~~Any other person authorized or under obligation to~~
~~3 28 dispose of the body from the person authorized to control the~~
3 29 deceased person's remains under section 144C.5.

3 30 This section does not apply to any death investigated under
3 31 the authority of sections 331.802 to 331.804.

3 32 Sec. 5. NEW SECTION. 144C.1 SHORT TITLE.

3 33 This chapter may be cited as the "Final Disposition
3 34 Directives Act".

3 35 Sec. 6. NEW SECTION. 144C.2 DEFINITIONS.



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- 4 1 As used in this chapter, unless the context otherwise
4 2 requires:
- 4 3 1. "Adult" means a person who is married or who is
4 4 eighteen years of age or older.
 - 4 5 2. "Adult day services program" means adult day services
4 6 program as defined in section 231D.1.
 - 4 7 3. "Assisted living program facility" means assisted
4 8 living program facility as defined in section 231C.2.
 - 4 9 4. "Ceremony" means a formal act or set of formal acts
4 10 established by custom or authority to commemorate a decedent.
 - 4 11 5. "Child" means a son or daughter of a person, whether by
4 12 birth or adoption.
 - 4 13 6. "Decedent" means a deceased adult.
 - 4 14 7. "Declarant" means a competent adult who executes a
4 15 declaration pursuant to this chapter.
 - 4 16 8. "Declaration" means a written instrument, executed by a
4 17 declarant in accordance with the requirements of this chapter,
4 18 that names a designee and may direct the final disposition of
4 19 the declarant's remains and the ceremonies planned after the
4 20 declarant's death.
 - 4 21 9. "Designee" means a competent adult designated under a
4 22 declaration to implement the declarant's wishes contained in
4 23 the declaration.
 - 4 24 10. "Elder group home" means elder group home as defined
4 25 in section 231B.1.
 - 4 26 11. "Final disposition" means the burial, interment,
4 27 cremation, removal from the state, or other disposition of
4 28 remains.
 - 4 29 12. "Health care facility" means health care facility as
4 30 defined in section 135C.1.
 - 4 31 13. "Health care provider" means health care provider as
4 32 defined in section 144A.2.
 - 4 33 14. "Hospital" means hospital as defined in section
4 34 135B.1.
 - 4 35 15. "Interested person" means a decedent's spouse, parent,



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5 1 grandparent, adult child, adult sibling, adult grandchild, or
5 2 a designee.

5 3 16. "Licensed hospice program" means a licensed hospice
5 4 program as defined in section 135J.1.

5 5 17. "Reasonable under the circumstances", as applied to
5 6 implementation of a declarant's directives in a declaration,
5 7 means consideration of what is appropriate in relation to the
5 8 declarant's finances, cultural or family customs, and
5 9 religious or spiritual beliefs. "Reasonable under the
5 10 circumstances" may include but is not limited to consideration
5 11 of the declarant's preneed funeral, burial, or cremation plan,
5 12 and known or reasonably ascertainable creditors of the
5 13 declarant.

5 14 18. "Remains" means the body or cremated remains of a
5 15 decedent.

5 16 19. a. "Third party" means a person who is any of the
5 17 following:

5 18 (1) Is requested in a declaration to act in good faith in
5 19 reliance upon the declaration.

5 20 (2) Is requested to dispose of remains by an adult with
5 21 the right to dispose of a decedent's remains under section
5 22 144C.6.

5 23 (3) Is delegated discretion in a declaration to direct
5 24 final disposition of a declarant's remains or to make
5 25 arrangements for the performance of ceremonies after a
5 26 declarant's death.

5 27 b. "Third party" includes but is not limited to a funeral
5 28 director, funeral establishment, cremation establishment, or
5 29 cemetery.

5 30 Sec. 7. NEW SECTION. 144C.3 DECLARATION == FINAL
5 31 DISPOSITION OF REMAINS.

5 32 1. A declaration shall name a designee and may include one
5 33 or more of the following directives:

5 34 a. What final disposition shall be made of the declarant's
5 35 remains.



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6 1 b. What ceremony shall be performed after the declarant's
6 2 death.

6 3 2. A designee or a third party shall act in good faith to
6 4 fulfill the directives of a declaration in a manner that is
6 5 reasonable under the circumstances.

6 6 3. A funeral director, funeral establishment, cremation
6 7 establishment, cemetery, elder group home, assisted living
6 8 program facility, adult day services program, licensed hospice
6 9 program, or attorney, or any agent, owner, or employee of such
6 10 an entity, shall not serve as a designee unless related to the
6 11 declarant within the third degree of consanguinity.

6 12 Sec. 8. NEW SECTION. 144C.4 RELIANCE == IMMUNITIES.

6 13 1. A designee or third party who relies in good faith on a
6 14 declaration is not subject to civil liability or to criminal
6 15 prosecution or professional disciplinary action, to any
6 16 greater extent than if the designee or third party dealt
6 17 directly with the declarant as a fully competent and living
6 18 person.

6 19 2. A designee or third party who relies in good faith on a
6 20 declaration may presume, in the absence of actual knowledge to
6 21 the contrary, all of the following:

6 22 a. That the declaration was validly executed.

6 23 b. That the declarant was competent at the time the
6 24 declaration was executed.

6 25 3. A third party who relies in good faith on a declaration
6 26 is not subject to civil or criminal liability for the proper
6 27 application of property delivered or surrendered in compliance
6 28 with directives contained in the declaration including but not
6 29 limited to trust funds held pursuant to chapter 523A.

6 30 4. A third party who has reasonable cause to question the
6 31 authenticity or validity of a declaration may promptly and
6 32 reasonably seek additional information from the person
6 33 proffering the declaration or from other persons to verify the
6 34 declaration.

6 35 5. This section shall not be construed to impair any



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7 1 contractual obligations of a designee or third party incurred
7 2 in fulfillment of a declaration.
7 3 Sec. 9. NEW SECTION. 144C.5 FINAL DISPOSITION OF REMAINS
7 4 == RIGHT TO CONTROL.
7 5 1. The right to control final disposition of a decedent's
7 6 remains or to make arrangements for the ceremony after a
7 7 decedent's death vests in and devolves upon the following
7 8 persons who are competent adults at the time of the decedent's
7 9 death, in the following order:
7 10 a. A designee, or alternate designee, acting pursuant to
7 11 the decedent's declaration.
7 12 b. The surviving spouse of the decedent, if not legally
7 13 separated from the decedent, whose whereabouts is reasonably
7 14 ascertainable.
7 15 c. A surviving child of the decedent, or, if there is more
7 16 than one, a majority of the surviving children whose
7 17 whereabouts are reasonably ascertainable.
7 18 d. The surviving parents of the decedent whose whereabouts
7 19 are reasonably ascertainable.
7 20 e. A surviving grandchild of the decedent, or, if there is
7 21 more than one, a majority of the surviving grandchildren whose
7 22 whereabouts are reasonably ascertainable.
7 23 f. A surviving sibling of the decedent, or, if there is
7 24 more than one, a majority of the surviving siblings whose
7 25 whereabouts are reasonably ascertainable.
7 26 g. A surviving grandparent of the decedent, or, if there
7 27 is more than one, a majority of the surviving grandparents
7 28 whose whereabouts are reasonably ascertainable.
7 29 h. A person in the next degree of kinship to the decedent
7 30 in the order named by law to inherit the estate of the
7 31 decedent under the rules of inheritance for intestate
7 32 succession or, if there is more than one, a majority of such
7 33 surviving persons whose whereabouts are reasonably
7 34 ascertainable.
7 35 i. A person who represents that the person knows the



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8 1 identity of the decedent and who signs an affidavit warranting
8 2 the identity of the decedent and assuming the right to control
8 3 final disposition of the decedent's remains and the
8 4 responsibility to pay any expense attendant to such final
8 5 disposition. A person who warrants the identity of the
8 6 decedent pursuant to this paragraph is liable for all damages
8 7 that result, directly or indirectly, from that warrant.

8 8 j. The county medical examiner, if responsible for the
8 9 decedent's remains, or, if there is no county medical
8 10 examiner, the state medical examiner, if responsible for the
8 11 decedent's remains.

8 12 2. A third party may rely upon the directives of a person
8 13 who represents that the person is a member of a class of
8 14 persons described in subsection 1, paragraph "c", "e", "f",
8 15 "g", or "h", and who signs an affidavit stating that all other
8 16 members of the class, whose whereabouts are reasonably
8 17 ascertainable, have been notified of the decedent's death and
8 18 the person has received the assent of a majority of those
8 19 members of that class of persons to control final disposition
8 20 of the decedent's remains and to make arrangements for the
8 21 performance of a ceremony for the decedent.

8 22 3. A third party may await a court order before proceeding
8 23 with final disposition of a decedent's remains or arrangements
8 24 for the performance of a ceremony for a decedent if the third
8 25 party is aware of a dispute among persons who are members of
8 26 the same class of persons described in subsection 1, or of a
8 27 dispute between persons who are authorized under subsection 1
8 28 and the executor named in a decedent's will or a personal
8 29 representative appointed by the court.

8 30 Sec. 10. NEW SECTION. 144C.6 DECLARATION OF FINAL
8 31 DISPOSITION OF REMAINS == FORM == REQUIREMENTS.

8 32 1. A declaration executed pursuant to this chapter may,
8 33 but need not, be in the following form:

8 34 I hereby designate as my designee to
8 35 implement my wishes relating to the final disposition of my
9 1 remains and the ceremonies to be performed after my death.
9 2 This declaration hereby revokes all prior declarations or
9 3 other documents directing final disposition of my remains and
9 4 the ceremonies to be performed after my death. This
9 5 designation becomes effective upon my death.

9 6 My designee shall act consistently with my directives as
9 7 stated in this declaration, in a manner that is reasonable
9 8 under the circumstances. My designee has the discretion to
9 9 determine when my directives are impossible or are not lawful,
9 10 practical, or financially feasible. My directives are:

9 11 _____
9 12 _____
9 13 _____
9 14 _____

9 15 I may revoke or amend this declaration at any time. I
9 16 agree that a third party (such as a funeral or cremation
9 17 establishment, funeral director, or cemetery) who receives a
9 18 copy of this declaration may act in reliance on it.
9 19 Revocation of this declaration is not effective as to a third
9 20 party until the third party receives notice of the revocation.
9 21 My estate shall indemnify my designee and any third party for



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9 22 costs incurred by them or claims arising against them as a
9 23 result of their good faith reliance on this declaration.
9 24 I execute this declaration as my free and voluntary act.
9 25 2. A declaration executed pursuant to this chapter shall
9 26 be in a written form that substantially complies with the form
9 27 contained in subsection 1, is properly completed, and is dated
9 28 and signed by the declarant or another person acting on the
9 29 declarant's behalf at the direction of and in the presence of
9 30 the declarant. In addition, a declaration shall be either of
9 31 the following:
9 32 a. Signed by at least two individuals who are not named
9 33 therein and who, in the presence of each other and the
9 34 declarant, witnessed the signing of the declaration by the
9 35 declarant, or another person acting on the declarant's behalf



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10 1 at the direction of and in the presence of the declarant, and
10 2 witnessed the signing of the declaration by each other.

10 3 b. Acknowledged before a notarial officer.

10 4 3. A declaration may include specific directives,
10 5 including but not limited to:

10 6 a. Special instructions conveying the declarant's wishes
10 7 for the type of final disposition of the declarant's remains,
10 8 location of the final disposition, type of ceremony, location
10 9 of ceremony, and organ donation consistent with chapter 142C.

10 10 b. Designation of one or more alternate designees.

10 11 c. Contact information of designees and alternate
10 12 designees such as names, addresses, and telephone numbers.

10 13 d. Instructions for distribution of copies of the
10 14 declaration.

10 15 Sec. 11. NEW SECTION. 144C.7 REVOCATION OF DECLARATION.

10 16 1. A declaration or any directive contained in a
10 17 declaration is revocable by a declarant in a writing signed
10 18 and dated by the declarant.

10 19 2. Unless otherwise expressly provided in a declaration:

10 20 a. A dissolution of marriage, annulment of marriage, or
10 21 legal separation between the declarant and the declarant's
10 22 spouse that occurs subsequent to the execution of the
10 23 declaration constitutes an automatic revocation of the spouse
10 24 as a designee.

10 25 b. A designation of a person as a designee pursuant to a
10 26 declaration is ineffective if the designation is revoked by
10 27 the declarant in writing subsequent to the execution of the
10 28 declaration or if the designee is unable or unwilling to serve
10 29 as the designee.

10 30 Sec. 12. NEW SECTION. 144C.8 FORFEITURE OF DESIGNEE'S
10 31 AUTHORITY.

10 32 A designee shall forfeit all rights and authority under a
10 33 declaration and all rights and authority under the declaration
10 34 shall vest in and devolve upon an alternate designee, or if
10 35 there is none vest in and devolve pursuant to section 144C.5,



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11 1 under either of the following circumstances:

11 2 1. The designee is charged with murder in the first or
11 3 second degree or voluntary manslaughter in connection with the
11 4 declarant's death and those charges are known to a third
11 5 party.

11 6 2. The designee does not exercise the designee's authority
11 7 under the declaration within twenty-four hours of receiving
11 8 notification of the death of the declarant or within
11 9 forty-eight hours of the declarant's death, whichever is
11 10 earlier.

11 11 Sec. 13. NEW SECTION. 144C.9 INTERSTATE EFFECT OF
11 12 DECLARATION.

11 13 Unless otherwise expressly provided in a declaration:

11 14 1. It is presumed that the declarant intended to have a
11 15 declaration executed pursuant to this chapter have the full
11 16 force and effect of law in any state of the United States, the
11 17 District of Columbia, and any other territorial possessions of
11 18 the United States.

11 19 2. A declaration or similar instrument executed in another
11 20 state that complies with the requirements of this chapter may
11 21 be relied upon, in good faith, by a third party in this state
11 22 so long as a directive of the declarant is not invalid,
11 23 illegal, or unconstitutional in this state.

11 24 Sec. 14. NEW SECTION. 144C.10 EFFECT OF DECLARATION.

11 25 1. The designee designated in a declaration shall have the
11 26 sole discretion pursuant to the declaration to determine what
11 27 final disposition of the declarant's remains and ceremonies to
11 28 be performed after the declarant's death are reasonable under
11 29 the circumstances.

11 30 2. The provisions of the most recent declaration executed
11 31 by a declarant shall control over any other document
11 32 concerning final disposition of the declarant's remains and
11 33 the ceremony to be performed after the declarant's death.

11 34 3. This chapter applies to a declaration executed or
11 35 exercised in Iowa and to a declaration executed or exercised



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12 1 by a person who is a resident of Iowa when the instrument is
12 2 executed or exercised.

12 3 4. This chapter does not prohibit an interested person
12 4 from viewing a declarant in private, at the interested
12 5 person's expense, to assist in the bereavement process.

12 6 5. This chapter does not prohibit a person from conducting
12 7 a separate ceremony to commemorate a declarant, at the
12 8 person's expense, to assist in the bereavement process.

12 9 6. The rights of a donee created by an anatomical gift
12 10 pursuant to section 142C.11 are superior to the authority of a
12 11 designee under a declaration executed pursuant to this
12 12 chapter.

12 13 Sec. 15. NEW SECTION. 144C.11 PRACTICE OF MORTUARY
12 14 SCIENCE.

12 15 This chapter shall not be construed to authorize the
12 16 unlicensed practice of mortuary science as provided in chapter
12 17 156.

12 18 Sec. 16. Section 331.802, subsection 3, paragraph h, Code
12 19 2007, is amended to read as follows:

12 20 h. Death of a person if the body is not claimed by a
12 21 relative person authorized to control the deceased person's
12 22 remains under section 144C.5, or a friend.

12 23 Sec. 17. Section 331.802, subsection 8, Code 2007, is
12 24 amended to read as follows:

12 25 8. Where donation of the remains of the deceased to a
12 26 medical school or similar institution equipped with facilities
12 27 to perform autopsies is provided by will or directed by the
12 28 ~~spouse, parents or children of full age, of the deceased~~
12 29 person authorized to control the deceased person's remains

12 30 under section 144C.5, any autopsy under this section shall be
12 31 performed at the direction of the school or institution, and
12 32 in such a manner as to further the purpose of the donation,
12 33 while serving the public interest.

12 34 Sec. 18. Section 331.804, subsection 1, Code 2007, is
12 35 amended to read as follows:



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13 1 1. After an investigation has been completed, including an
13 2 autopsy if one is performed, the body shall be prepared for
13 3 transportation. The body shall be transported by a funeral
13 4 director, ~~if chosen by a relative or friend~~ person authorized
13 5 to control the remains of the deceased person under section
13 6 144C.5, for burial or other appropriate disposition. A
13 7 medical examiner shall not use influence in favor of a
13 8 particular funeral director. However, if a person other than
13 9 a funeral director assumes custody of a dead body, the person
13 10 shall secure a burial transit permit pursuant to section
13 11 144.32. If no one claims a body, it shall be disposed of as
13 12 provided in chapter 142.

13 13 Sec. 19. Section 523I.309, Code 2007, is amended to read
13 14 as follows:

13 15 523I.309 INTERMENT, RELOCATION, OR DISINTERMENT OF
13 16 REMAINS.

13 17 ~~1. Any available member of the following classes of~~
13 18 ~~persons, in the priority listed, shall have the right to~~
13 19 ~~control the interment, relocation, or disinterment of a~~
13 20 ~~decedent's remains within or from a cemetery:~~

13 21 a. ~~The surviving spouse of the decedent, if not legally~~
13 22 ~~separated from the decedent.~~

13 23 b. ~~The decedent's surviving adult children. If there is~~
13 24 ~~more than one surviving adult child, any adult child who can~~
13 25 ~~confirm, in writing, that all other adult children have been~~
13 26 ~~notified of the proposed interment, relocation, or~~
13 27 ~~disinterment may authorize the interment, relocation, or~~
13 28 ~~disinterment, unless the cemetery receives an objection to~~
13 29 ~~such action from another adult child of the decedent.~~

13 30 ~~Alternatively, a majority of the surviving adult children of~~
13 31 ~~the decedent whose whereabouts are reasonably ascertainable~~
13 32 ~~shall have such right to control.~~

13 33 e. ~~The surviving parents of the decedent whose whereabouts~~
13 34 ~~are reasonably ascertainable.~~

13 35 d. ~~A surviving adult grandchild of the decedent. If there~~



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~~14 1 is more than one surviving adult grandchild, any adult
14 2 grandchild who can confirm, in writing, that all other adult
14 3 grandchildren have been notified of the proposed interment,
14 4 relocation, or disinterment may authorize the interment,
14 5 relocation, or disinterment, unless the cemetery receives an
14 6 objection to such action from another adult grandchild of the
14 7 decedent. Alternatively, a majority of the surviving adult
14 8 grandchildren of the decedent whose whereabouts are reasonably
14 9 ascertainable shall have such right to control.~~

14 10 e. ~~A surviving adult sibling of the decedent. If there is
14 11 more than one surviving adult sibling, any adult sibling who
14 12 can confirm, in writing, that all other adult siblings have
14 13 been notified of the proposed interment, relocation, or
14 14 disinterment may authorize the interment, relocation, or
14 15 disinterment, unless the cemetery receives an objection to
14 16 such action from another adult sibling of the decedent.
14 17 Alternatively, a majority of the surviving adult siblings of
14 18 the decedent whose whereabouts are reasonably ascertainable
14 19 shall have such right to control.~~

14 20 f. ~~A surviving grandparent of the decedent. If there is
14 21 more than one surviving grandparent, any grandparent who can
14 22 confirm, in writing, that all other grandparents have been
14 23 notified of the proposed interment, relocation, or
14 24 disinterment may authorize the interment, relocation, or
14 25 disinterment, unless the cemetery receives an objection to
14 26 such action from another grandparent of the decedent.
14 27 Alternatively, a majority of the surviving grandparents of the
14 28 decedent whose whereabouts are reasonably ascertainable shall
14 29 have such right to control.~~

14 30 g. ~~An adult person in the next degree of kinship to the
14 31 decedent in the order named by law to inherit the estate of
14 32 the decedent under the rules of inheritance for intestate
14 33 succession.~~

14 34 h. ~~The county medical examiner, if responsible for the
14 35 decedent's remains.~~



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15 1 ~~A cemetery may await a court order before proceeding with~~
15 2 ~~the interment, relocation, or disinterment of a decedent's~~
15 3 ~~remains within or from a cemetery if the cemetery is aware of~~
15 4 ~~a dispute between an authorized person under this section and~~
15 5 ~~the executor named in the decedent's will or a personal~~
15 6 ~~representative appointed by a court, or is aware of a dispute~~
15 7 ~~among authorized persons with the same priority under this~~
15 8 ~~subsection.~~

15 9 ~~2.~~ 1. A person who represents that the person knows the
15 10 identity of a decedent and, in order to procure the interment,
15 11 relocation, or disinterment of the decedent's remains, signs
15 12 an order or statement, other than a death certificate, that
15 13 warrants the identity of the decedent is liable for all
15 14 damages that result, directly or indirectly, from that
15 15 representation.

15 16 ~~3.~~ A person may provide written directions for the
15 17 interment, relocation, or disinterment of the person's own
15 18 remains in a prepaid funeral or cemetery contract, or written
15 19 instrument signed and acknowledged by the person. The
15 20 directions may govern the inscription to be placed on a grave
15 21 marker attached to any interment space in which the decedent
15 22 had the right of interment at the time of death and in which
15 23 interment space the decedent is subsequently interred. The
15 24 directions may be modified or revoked only by a subsequent
15 25 writing signed and acknowledged by the person. A person other
15 26 than a decedent who is entitled to control the interment,
15 27 relocation, or disinterment of a decedent's remains under this
15 28 section shall faithfully carry out the directions of the
15 29 decedent to the extent that the decedent's estate or the
15 30 person controlling the interment, relocation, or disinterment
15 31 is financially able to do so.

15 32 4. A cemetery shall not be liable for carrying out the
15 33 written directions of a decedent or the directions of any
15 34 person entitled to control the interment, relocation, or
15 35 disinterment of the decedent's remains.



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16 1 ~~5-~~ 2. In the event of a dispute concerning the right to
16 2 control the interment, relocation, or disinterment of a
16 3 decedent's remains, the dispute may be resolved by a court of
16 4 competent jurisdiction. A cemetery or entity maintaining a
16 5 columbarium shall not be liable for refusing to accept the
16 6 decedent's remains, relocate or disinter, inter or otherwise
16 7 dispose of the decedent's remains, until the cemetery or
16 8 entity maintaining a columbarium receives a court order or
16 9 other suitable confirmation that the dispute has been resolved
16 10 or settled.

16 11 ~~6-~~ 3. a. If good cause exists to relocate or disinter
16 12 remains interred in a cemetery, the remains may be removed
16 13 from the cemetery pursuant to a disinterment permit as
16 14 required under section 144.34, with the written consent of the
16 15 cemetery, the current interment rights owner and the person
16 16 ~~entitled by this section~~ to control the interment, relocation,
16 17 or disinterment of the decedent's remains under section
16 18 144C.5.

16 19 b. If the consent required ~~by this subsection~~ pursuant to
16 20 paragraph "a" is not refused but cannot otherwise be obtained,
16 21 the remains may be relocated or disinterred by permission of
16 22 the district court of the county in which the cemetery is
16 23 located upon a finding by the court that clear and convincing
16 24 evidence of good cause exists to relocate or disinter the
16 25 remains. Before the date of application to the court for
16 26 permission to relocate or disinter remains under this
16 27 subsection, notice must be given to the cemetery in which the
16 28 remains are interred, each person whose consent is required
16 29 for relocation or disinterment of the remains under ~~subsection~~
16 30 ~~1~~ paragraph "a", and any other person that the court requires
16 31 to be served.

16 32 c. For the purposes of this subsection, personal notice
16 33 must be given not later than the eleventh day before the date
16 34 of hearing on an application to the court for permission to
16 35 relocate or disinter the remains, or notice by certified mail



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17 1 or restricted certified mail must be given not later than the
17 2 sixteenth day before the date of ~~application~~ hearing.
17 3 d. This subsection does not apply to the removal of
17 4 remains from one interment space to another interment space in
17 5 the same cemetery to correct an error, or relocation of the
17 6 remains by the cemetery from an interment space for which the
17 7 purchase price is past due and unpaid, to another suitable
17 8 interment space.
17 9 ~~7.~~ 4. A person who removes remains from a cemetery shall
17 10 keep a record of the removal, and provide a copy to the
17 11 cemetery, that includes all of the following:
17 12 a. The date the remains are removed.
17 13 b. The name of the decedent and age at death if those
17 14 facts can be conveniently obtained.
17 15 c. The place to which the remains are removed.
17 16 d. The name of the cemetery and the location of the
17 17 interment space from which the remains are removed.
17 18 ~~8.~~ 5. A cemetery may disinter and relocate remains
17 19 interred in the cemetery for the purpose of correcting an
17 20 error made by the cemetery after obtaining a disinterment
17 21 permit as required by section 144.34. The cemetery shall
17 22 provide written notice describing the error to the
17 23 commissioner and to the person who has the right to control
17 24 the interment, relocation, or disinterment of the remains
17 25 erroneously interred, by restricted certified mail at the
17 26 person's last known address and sixty days prior to the
17 27 disinterment. The notice shall include the location where the
17 28 disinterment will occur and the location of the new interment
17 29 space. A cemetery is not civilly or criminally liable for an
17 30 erroneously made interment that is corrected in compliance
17 31 with this subsection unless the error was the result of gross
17 32 negligence or intentional misconduct.
17 33 ~~9.~~ 6. Relocations and disinterments of human remains
17 34 shall be done in compliance with sections 144.32 and 144.34.
17 35 Relocations of human remains held in a columbarium shall be in



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18 1 compliance with the laws regulating the entity maintaining the
18 2 columbarium.

18 3 Sec. 20. APPLICABILITY DATES.

18 4 1. This Act applies to all declarations executed on or
18 5 after the effective date of this Act.

18 6 2. The section of this Act enacting section 144C.5 applies
18 7 to all deaths occurring on or after the effective date of this
18 8 Act, except that section 144C.5, subsection 1, paragraph "a",
18 9 applies only to a designee or alternate designee designated in
18 10 a declaration that is executed on or after the effective date
18 11 of this Act.

18 12 EXPLANATION

18 13 This bill creates new Code chapter 144C, entitled the
18 14 "Final Disposition Directives Act" and provides for
18 15 coordinating amendments to other Code provisions. The new
18 16 Code chapter allows an adult, that is, a person who is married
18 17 or who is 18 years of age or older, to execute a written
18 18 instrument called a declaration that names a designee to
18 19 implement the person's wishes contained in the declaration
18 20 which may include the final disposition of that person's
18 21 remains and the ceremonies to be performed after that person's
18 22 death.

18 23 New Code section 144C.3 requires a declaration to name a
18 24 designee and allows a declaration to direct what final
18 25 disposition should be made of the declarant's remains and what
18 26 ceremony should be performed after the declarant's death. The
18 27 bill prohibits a funeral director, funeral establishment,
18 28 cremation establishment, cemetery, elder group home, assisted
18 29 living program facility, adult day services program, licensed
18 30 hospice program, or attorney, or any agent, owner, or employee
18 31 of any such entity, from serving as a designee under a
18 32 declaration unless related to the declarant within the third
18 33 degree of consanguinity. The bill requires a designee or
18 34 third party to act in good faith to fulfill the directives of
18 35 a declaration in a manner that is reasonable under the
19 1 circumstances.

19 2 New Code section 144C.4 provides some immunity from civil
19 3 or criminal liability or professional disciplinary action for
19 4 a designee or a third party, such as a funeral director,
19 5 funeral establishment, cremation establishment, or cemetery,
19 6 acting in good faith reliance on a declaration. The bill
19 7 provides that its provisions shall not be construed to impair
19 8 any contractual obligations of a designee or third party
19 9 incurred in fulfillment of a declaration.

19 10 New Code section 144C.5 sets forth an order of priority for
19 11 determining who has the right to control final disposition of
19 12 a deceased person's remains or to make arrangements for a
19 13 ceremony after a person's death. A designee or alternate
19 14 designee acting pursuant to a declaration has the highest
19 15 priority, or if there is no designee, then the surviving
19 16 spouse and other relatives of the deceased person whose
19 17 whereabouts are reasonably ascertainable, a person who knows
19 18 the declarant, or the county or state medical examiner.

19 19 The bill allows a third party to rely upon the directives
19 20 of a person who represents that the person is a member of a
19 21 class of persons set forth in the order of priority contained



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19 22 in the bill if that person signs an affidavit stating that the
19 23 person has received the assent of a majority of all members of
19 24 the class, whose whereabouts are reasonably ascertainable, to
19 25 control final disposition of the decedent's remains and to
19 26 make arrangements for the performance of a ceremony for the
19 27 decedent.

19 28 The bill allows a third party to await a court order before
19 29 proceeding with final disposition of the body or ceremony
19 30 arrangements in the event of a dispute among family members or
19 31 between family members and the executor of the decedent's will
19 32 or a personal representative appointed by the court.

19 33 New Code section 144C.6 contains a suggested, but not
19 34 mandatory, written form for a declaration. A declaration must
19 35 be in writing and substantially comply with the form contained



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20 1 in the bill, be properly completed, and be signed by the
20 2 person making the declaration, or another person acting on the
20 3 declarant's behalf at the direction of and in the presence of
20 4 the declarant.

20 5 The declaration must also either be signed by at least two
20 6 individuals who are not named in the document who, in the
20 7 presence of each other and the declarant, witness the signing
20 8 of the declaration by the declarant, or a person acting on the
20 9 declarant's behalf at the direction of and in the presence of
20 10 the declarant, and who witness the signing of the declaration
20 11 by each other, or be acknowledged before a notarial officer.

20 12 The bill suggests specific directives that may be included
20 13 in a declaration such as special instructions conveying the
20 14 person's wishes concerning the type and location of the final
20 15 disposition and ceremonies, designation of alternate designees
20 16 and contact information for all designees, and instructions
20 17 for distribution of copies of the declaration.

20 18 New Code section 144C.7 specifies under what circumstances
20 19 a declaration can be revoked.

20 20 New Code section 144C.8 provides for forfeiture of a
20 21 designee's rights and authority under a declaration if the
20 22 designee is charged with murder in the first or second degree
20 23 or voluntary manslaughter of the deceased person, or if the
20 24 designee's rights and authority under the declaration are not
20 25 exercised within 24 hours of receiving notification of the
20 26 death of the declarant or within 48 hours of the declarant's
20 27 death, whichever is earlier.

20 28 New Code section 144C.9 provides a presumption that a
20 29 declaration executed pursuant to the new Code chapter is
20 30 intended to have full force and effect throughout the United
20 31 States, the District of Columbia, and its territorial
20 32 possessions and gives effect to declarations or similar
20 33 instruments executed in other states that comply with the
20 34 requirements of the new Code chapter.

20 35 New Code section 144C.10 sets forth the effect of a



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21 1 declaration by giving a designee the sole discretion to
21 2 determine what is "reasonable under the circumstances" which
21 3 is defined in new Code section 144C.2 to mean consideration of
21 4 what is appropriate in relation to the declarant's finances,
21 5 cultural or family customs, and religious or spiritual
21 6 beliefs, including consideration of any preneed funeral,
21 7 burial, or cremation plan, or creditors of the declarant in
21 8 implementing the provisions of a declaration.

21 9 The bill provides that the provisions of the most recent
21 10 declaration of a declarant control over any other document
21 11 concerning final disposition of that person's body or the
21 12 ceremonies to be performed after that person's death.

21 13 The bill provides that the new Code chapter applies to a
21 14 declaration executed or exercised in Iowa and to a declaration
21 15 executed or exercised by a person who is a resident of Iowa
21 16 when the instrument is executed or exercised.

21 17 The bill does not prohibit an interested person, defined as
21 18 a declarant's spouse, parent, grandparent, adult child, adult
21 19 sibling, adult grandchild, or a designee, from viewing a
21 20 declarant in private at the interested person's expense, to
21 21 assist in the bereavement process.

21 22 The bill does not prohibit a person from conducting a
21 23 separate ceremony to commemorate a declarant, at the person's
21 24 expense, to assist in the bereavement process.

21 25 The bill provides that the rights of a donee created by an
21 26 anatomical gift pursuant to Code section 142C.11 are superior
21 27 to the authority of a designee pursuant to a declaration.

21 28 New Code section 144C.11 provides that the provisions of
21 29 the bill shall not be construed to authorize the unlicensed
21 30 practice of mortuary science as provided in Code chapter 156.

21 31 COORDINATING PROVISIONS. The bill also includes
21 32 coordinating amendments.

21 33 Code section 142.1 is amended to provide that bodies of
21 34 persons that are to be disposed of pursuant to the provisions
21 35 of new Code chapter 144C shall not be delivered to a medical,



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22 1 osteopathic, or chiropractic college for use for scientific
22 2 purposes pursuant to Code section 142.1. Code section 142.1
22 3 is also amended to provide that if there is not a person
22 4 authorized to control the deceased person's remains under new
22 5 Code section 144C.5, a friend may request delivery of the body
22 6 for cremation or burial, at the friend's expense.
22 7 Code section 142C.4, subsection 1, is amended to provide
22 8 that an available member of specified classes of people, in
22 9 the following order of priority, may make an anatomical gift
22 10 of a decedent's body or parts for an authorized purpose: a
22 11 designee acting pursuant to a declaration made under new Code
22 12 chapter 144C, an attorney in fact under a durable power of
22 13 attorney for health care, a person authorized to control the
22 14 deceased person's remains under new Code section 144C.5, or a
22 15 guardian of the decedent at the time of the decedent's death.
22 16 Code section 144.34 is amended to provide that a
22 17 disinterment permit for a dead body shall not be issued by the
22 18 state registrar without the consent of the person authorized
22 19 to control the decedent's remains under new Code section
22 20 144C.5, and that disinterment allowed by court order shall be
22 21 only after hearing, upon reasonable notice to that person.
22 22 Code section 144.56 is amended to provide that an autopsy
22 23 or postmortem examination may be performed upon the body of a
22 24 deceased person whenever written consent has been obtained
22 25 from the person authorized to control the deceased person's
22 26 remains under new Code section 144C.5 or when a death is being
22 27 investigated which affects the public interest under the
22 28 authority of Code sections 331.802 through 331.804.
22 29 Code section 331.802, subsection 3, paragraph "h", is
22 30 amended to provide that a death affecting the public interest
22 31 includes the death of a person whose body is not claimed by a
22 32 person authorized to control the deceased person's remains
22 33 under new Code section 144C.5 or a friend.
22 34 Code section 331.802, subsection 8, is amended to provide
22 35 that where the remains of a deceased person are donated to a



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23 1 medical school or similar institution by a person authorized
23 2 to control the deceased person's remains under new Code
23 3 section 144C.5, any autopsy performed in the public interest
23 4 shall be performed at the direction of the school or
23 5 institution, in a manner furthering the purpose of the
23 6 donation.

23 7 Code section 331.804, subsection 1, is amended to provide
23 8 that after the investigation of a death, the deceased person's
23 9 remains shall be transported for burial or other appropriate
23 10 disposition by a funeral director chosen by a person
23 11 authorized to control the deceased person's remains under new
23 12 Code section 144C.5.

23 13 Code section 523I.309 is amended by removing alternative
23 14 procedures for determining final disposition of a decedent's
23 15 remains that are contained in Code chapter 523I. The section
23 16 is also amended to allow an entity maintaining a columbarium
23 17 to refuse to accept, relocate, disinter, inter, or otherwise
23 18 dispose of a decedent's remains without a court order in the
23 19 event of a dispute.

23 20 APPLICABILITY DATES. The bill applies to all declarations
23 21 executed on or after the effective date of the bill. New Code
23 22 section 144C.5, which sets forth an order of priority for
23 23 determining who has the right to control final disposition and
23 24 ceremonies for a decedent, applies to all deaths occurring on
23 25 or after the effective date of the bill, except that Code
23 26 section 144C.5, subsection 1, paragraph "a", giving highest
23 27 priority to a designee in a declaration, applies only to a
23 28 designee designated in a declaration executed on or after the
23 29 effective date of the bill.

23 30 LSB 1082SV 82

23 31 av:rj/es/88



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Senate File 474 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 230)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring certain Iowa national pollutant discharge
- 2 elimination system program permit holders to post signs at
- 3 discharge points, including a reporting requirement, and
- 4 providing a penalty.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2657SV 82
- 7 tm/gg/14



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1 1 Section 1. NEW SECTION. 455B.189 DISCHARGE POINT SIGNS.
1 2 1. A governmental subdivision holding an Iowa national
1 3 pollutant discharge elimination system program permit issued
1 4 by the department which has been found by the department to
1 5 have violated a term of the permit shall meet the requirements
1 6 of this section for a period of two years following the
1 7 finding of the violation.
1 8 2. The permit holder shall post or erect a conspicuous and
1 9 legible sign of not less than eighteen inches by twenty-four
1 10 inches at all discharge points to surface waters, except for
1 11 any site where the discharge is composed exclusively of storm
1 12 water runoff. The sign shall include all of the following
1 13 information:
1 14 a. A statement containing the words "Iowa state permitted
1 15 discharge point permit no. (insert permit number). For
1 16 information on this discharge you can contact:".
1 17 b. The Iowa national pollutant discharge elimination
1 18 system program permit number issued by the department.
1 19 c. The name and telephone number of the permit holder
1 20 which shall be the business office repository of the permit
1 21 holder.
1 22 3. The permit holder shall provide for public review at
1 23 the business office repository of the permit holder or at the
1 24 off-premises location of the permit holder's choice all
1 25 discharge monitoring records prepared by the permit holder to
1 26 demonstrate compliance with the Iowa national pollutant
1 27 discharge elimination system program permit conditions. A
1 28 copy of all discharge monitoring records shall be placed on
1 29 file at such location at the same time the records are sent to
1 30 the department. This information shall be kept on file for
1 31 the period during which the permit is effective.
1 32 4. The department shall, as part of the findings of a
1 33 permit violation, specify the actual appearance and location
1 34 of the sign on the property of the permit holder which shall
1 35 be in as close proximity to the point of discharge into the



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2 1 surface water as is reasonably possible while ensuring the
2 2 maximum visibility from the surface water and shore.
2 3 5. The permit holder shall periodically and reasonably
2 4 maintain the sign to ensure that the sign is still legible,
2 5 visible, and factually correct. A good faith documented
2 6 effort by the permit holder to maintain the sign is an
2 7 affirmative defense in any action relating to the unauthorized
2 8 absence of a sign.

2 9 6. The department may waive all or part of the
2 10 requirements of this section if the department determines any
2 11 of the following circumstances exist:

2 12 a. The sign cannot be reasonably maintained.

2 13 b. The sign would be inconsistent with the provisions of
2 14 another statute.

2 15 c. The sign could not be located in a manner which serves
2 16 a public purpose.

2 17 d. The nature of the discharge is temporary and of a
2 18 relatively short duration.

2 19 e. The discharge is not a major, significant discharge.

2 20 7. A person violating a provision of this section is
2 21 subject to a civil penalty of not more than one hundred
2 22 dollars per day for each day such violation continues.

2 23 8. By January 15 of each year, the department shall submit
2 24 a written report to the general assembly regarding activities
2 25 in the state during the previous calendar year in relation to
2 26 this section.

2 27 Sec. 2. Section 455B.191, subsection 1, Code 2007, is
2 28 amended to read as follows:

2 29 1. Any person who violates any provision of part 1 of
2 30 division III of this chapter or any permit, rule, standard, or
2 31 order issued under part 1 of division III of this chapter
2 32 shall be subject to a civil penalty not to exceed five
2 33 thousand dollars for each day of such violation. This section
2 34 shall not apply to violations of section 455B.189.

2 35 EXPLANATION



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3 1 This bill requires a governmental subdivision holding an
3 2 Iowa national pollutant discharge elimination system program
3 3 permit issued by the department of natural resources that
3 4 violates a provision of the permit to post a sign of not less
3 5 than 18 inches by 24 inches at all discharge points to surface
3 6 waters, except for any site where the discharge is composed
3 7 exclusively of storm water runoff for a period of two years
3 8 following the finding of a violation. The bill provides that
3 9 the sign shall provide information which would identify the
3 10 permit holder and allow the permit holder to be contacted.
3 11 The bill requires a permit holder to provide public review of
3 12 all discharge monitoring records prepared by the permit
3 13 holder. The bill provides that the department shall specify
3 14 the actual appearance and location of the sign and the permit
3 15 holder shall be responsible for periodically and reasonably
3 16 maintaining the sign to ensure the sign is still legible,
3 17 visible, and factually correct. The bill allows the
3 18 department to waive all or part of the signage requirements if
3 19 certain circumstances exist. The bill requires the department
3 20 to file an annual report with the general assembly regarding
3 21 activities in the state during the previous calendar year in
3 22 relation to discharge point signs. The bill provides for a
3 23 civil penalty of not more than \$100 per day for each day a
3 24 violation of the new Code section continues. The penalty
3 25 provided in the bill is in place of the general penalty
3 26 provisions provided in Code section 455B.191.
3 27 LSB 2657SV 82
3 28 tm:rj/gg/14



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Senate File 475 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 329)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act establishing the Iowa retail petroleum unfair sales Act,
- 2 and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2654SV 82
- 5 rn/je/5



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1 1 Section 1. NEW SECTION. 551B.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Retail Petroleum Unfair Sales Act".
1 4 Sec. 2. NEW SECTION. 551B.2 LEGISLATIVE FINDINGS AND
1 5 INTENT.
1 6 The general assembly finds that fair and healthy
1 7 competition in the marketing of motor fuel provides maximum
1 8 benefits to consumers in this state and that certain marketing
1 9 practices which impair such competition are contrary to the
1 10 public interest. Predatory practices and, in certain
1 11 instances, discriminatory practices constitute unfair trade
1 12 practices and anticompetitive restraints which reduce motor
1 13 fuel industry competition and, if left to continue unabated,
1 14 will ultimately threaten or harm the consuming public.
1 15 Sec. 3. NEW SECTION. 551B.3 DEFINITIONS.
1 16 As used in this chapter, unless the context otherwise
1 17 requires:
1 18 1. "Department" means the department of agriculture and
1 19 land stewardship.
1 20 2. "Motor fuel" means any liquid, except diesel fuel, used
1 21 for the propulsion of any motor vehicle, including any
1 22 petroleum-based product, ethanol, or other biofuel.
1 23 3. "Retail" means any transfer of motor fuel for valuable
1 24 consideration in the ordinary course of trade for consumption
1 25 or use other than resale or further processing or
1 26 manufacturing.
1 27 4. "Retail cost" means, for any particular day, the
1 28 closing rack average price per gallon from all Iowa terminal
1 29 racks for the applicable motor fuel product for the most
1 30 recent prior day close, plus any excise, sales, or use taxes
1 31 imposed on the motor fuel multiplied by one and seven
1 32 one-hundredths to cover freight, credit card fees, and other
1 33 costs of doing business.
1 34 5. "Retail price" means the price at retail which shall be
1 35 calculated including any coupons, concessions, or the value of



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2 1 any free gifts, given to a purchaser at retail as an
2 2 inducement to make a motor fuel or other purchase.
2 3 Sec. 4. NEW SECTION. 551B.4 SALE AT LESS THAN RETAIL
2 4 COST == PENALTY.
2 5 A person shall not sell at retail any motor fuel at a
2 6 retail price that is below retail cost with the intent or
2 7 effect of injuring competition or a competitor; provided,
2 8 however, that sales made to meet the lawful retail price of a
2 9 competitor located in this state shall not be a violation of
2 10 this section.
2 11 Sec. 5. NEW SECTION. 551B.5 ENFORCEMENT == PENALTY.
2 12 1. The department shall investigate any alleged violations
2 13 of this chapter and order any person found to be in violation
2 14 to cease said violation at the location where the violation
2 15 occurred.
2 16 2. If a person fails to comply with an order issued by the
2 17 department under subsection 1, the department may bring a
2 18 civil enforcement action against the person in violation as a
2 19 contested case proceeding under chapter 17A or as a civil
2 20 judicial proceeding by the attorney general upon referral by
2 21 the department. The department may impose, assess, and
2 22 collect a civil penalty of at least one hundred dollars but
2 23 not more than one thousand dollars for each violation. Each
2 24 day that a continuing violation occurs shall be considered a
2 25 separate offense.
2 26 3. The department shall adopt rules to implement this
2 27 section, and in so doing shall develop a complaint form for
2 28 use by complainants in reporting alleged violations of this
2 29 chapter.

2 30 EXPLANATION

2 31 This bill relates to unfair competition practices in the
2 32 sale of specified fuels.
2 33 The bill provides legislative findings that fair and
2 34 healthy competition in the marketing of motor fuel provides
2 35 maximum benefits to consumers but that certain predatory



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3 1 marketing practices which impair such competition are contrary
3 2 to the public interest. The bill provides that to curtail
3 3 such practices, a person shall not sell at retail any motor
3 4 fuel at a retail price that is below retail cost with the
3 5 intent or effect of injuring competition or a competitor. The
3 6 bill supplies definitions for "motor fuel", "retail price",
3 7 and "retail cost". The bill adds, however, that sales made to
3 8 meet the lawful retail price of a competitor shall not
3 9 constitute a violation.

3 10 The bill requires the department of agriculture and land
3 11 stewardship, division of weights and measures, to investigate
3 12 complaints and order violators to cease said violation at the
3 13 location where the violation occurred. The bill provides that
3 14 failure to comply with a violation order may result in a civil
3 15 enforcement action against the person in violation, and that
3 16 the department may impose, assess, and collect a civil penalty
3 17 of at least \$100 but not more than \$1,000 for each violation,
3 18 with each day that a continuing violation occurs considered a
3 19 separate offense.

3 20 LSB 2654SV 82

3 21 rn:nh/je/5



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Senate File 476 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1312)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to motor fuel by establishing standards for the
- 2 sale of biodiesel fuel, making penalties applicable, and
- 3 providing for an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2118SV 82
- 6 da/je/5



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1 1 Section 1. Section 159A.6, subsection 2, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 The committee shall develop standards for decals required
1 4 pursuant to section 214A.16, which shall be designed to
1 5 promote the advantages of using ~~renewable fuels~~ ethanol
1 6 blended fuel. The standards may be incorporated within a
1 7 model decal adopted by the committee and approved by the
1 8 office.
1 9 Sec. 2. Section 214A.1, Code 2007, is amended by adding
1 10 the following new subsection:
1 11 NEW SUBSECTION. 16A. "Nonbiodiesel blended fuel" means
1 12 diesel fuel other than biodiesel blended fuel if it meets the
1 13 standards provided in section 214A.2.
1 14 Sec. 3. Section 214A.2, subsection 4, paragraph b,
1 15 subparagraph (2), Code 2007, is amended to read as follows:
1 16 (2) At least ~~one~~ two percent of biodiesel blended fuel by
1 17 volume must be biodiesel.
1 18 Sec. 4. NEW SECTION. 214A.2B STANDARDS FOR DIESEL FUEL
1 19 ADVERTISED, SOLD, OR DISPENSED IN THIS STATE == BIODIESEL
1 20 BLEND REQUIREMENT AND EXCEPTIONS.
1 21 1. Except as otherwise provided in this section, a person
1 22 shall not advertise, sell, or dispense diesel fuel in this
1 23 state for use in this state, unless the diesel fuel is
1 24 biodiesel blended fuel.
1 25 2. A person may advertise, sell, or dispense nonbiodiesel
1 26 blended fuel in this state if any of the following apply:
1 27 a. The nonbiodiesel blended fuel is exempt from the levy
1 28 of the excise tax as a special fuel required to be indelibly
1 29 dyed and used only for an exempt purpose as provided in
1 30 section 452A.3.
1 31 b. The nonbiodiesel blended fuel is used to operate a
1 32 diesel motor that powers a locomotive.
1 33 c. The department of revenue issues an order suspending
1 34 the application of the requirement provided in subsection 1 on
1 35 a statewide basis, based on the department's finding that



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2 1 there is a shortage of biodiesel blended fuel. The order
2 2 shall take effect upon filing the order with the
2 3 administrative rules coordinator for publication in the Iowa
2 4 administrative bulletin as provided in chapter 17A. The
2 5 department's order shall expire as provided in the order, but
2 6 not later than three months after the date that the order is
2 7 published in the Iowa administrative bulletin. However, the
2 8 department may issue consecutive orders.

2 9 Sec. 5. Section 214A.3, Code 2007, is amended by adding
2 10 the following new subsection:

2 11 NEW SUBSECTION. 3. A person who advertises the sale of
2 12 diesel fuel that is not biodiesel blended fuel shall refer to
2 13 the diesel fuel as nonbiodiesel blended fuel.

2 14 Sec. 6. Section 214A.16, Code 2007, is amended to read as
2 15 follows:

2 16 214A.16 NOTICE OF BLENDED FUEL == DECAL.

2 17 1. a. If motor fuel containing ~~a renewable fuel~~ ethanol
2 18 blended gasoline is sold from a motor fuel pump, the motor
2 19 fuel pump shall have affixed a decal identifying the name of
~~2 20 the renewable fuel it as ethanol blended gasoline. The decal~~
~~2 21 may be different based on the type of renewable fuel used.~~
~~2 22 The design and location of the decal shall be prescribed by~~
~~2 23 rules adopted by the department.~~

2 24 b. A decal identifying ~~a renewable fuel~~ ethanol blended
2 25 gasoline shall be consistent with standards adopted pursuant
2 26 to section 159A.6.

2 27 2. The design and location of a decal shall be prescribed
2 28 by rules adopted by the department. The department may
2 29 approve an application to place a decal in a special location
2 30 on a motor fuel pump or container or use a decal with special
2 31 lettering or colors, if the decal appears clear and
2 32 conspicuous to the consumer. The application shall be made in
2 33 writing pursuant to procedures adopted by the department.

2 34 Sec. 7. Section 452A.33, subsection 2, Code 2007, is
2 35 amended by adding the following new paragraph:



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3 1 NEW PARAGRAPH. d. An estimate of the availability of
3 2 biodiesel blended fuel for use in this state for the current
3 3 determination period, including for each geographic region of
3 4 the state as specified in section 173.4A.

3 5 Sec. 8. CONTINGENT REPEAL OF CODE SECTIONS.

3 6 1. If the successor Act to Senate Study Bill 1105 or
3 7 another Act is enacted by the Eighty-second General Assembly
3 8 during its 2007 Regular Session that prohibits the
3 9 advertising, selling, or dispensing of gasoline other than
3 10 ethanol blended gasoline, all of the following shall apply:

3 11 a. Section 159A.6, subsection 2, unnumbered paragraph 2,
3 12 Code 2007, is amended by striking the paragraph.

3 13 b. Section 214A.16, Code 2007, is repealed.

3 14 2. This section applies notwithstanding section 4.8.

3 15 Sec. 9. EFFECTIVE DATE. This Act takes effect on the
3 16 earliest of any of the following:

3 17 1. January 1, 2008, if the department of revenue publishes
3 18 a notice in the Iowa administrative bulletin stating that the
3 19 department of revenue has calculated that there is enough
3 20 biodiesel blended fuel for use in this state to satisfy the
3 21 requirements of section 214A.2B, as enacted in this Act, on a
3 22 statewide basis. The department shall make a decision about
3 23 the availability of biodiesel blended fuel in this state and
3 24 publish a notice of its finding in the Iowa administrative
3 25 bulletin prior to October 1, 2007.

3 26 2. July 1, 2008.

3 27 EXPLANATION

3 28 BACKGROUND. During the 2006 Legislative Session, the
3 29 general assembly enacted H.F. 2754 (2006 Iowa Acts, ch. 1142)
3 30 which provided for the regulation and promotion of motor fuel
3 31 and renewable fuels (ethanol blended gasoline and biodiesel
3 32 blended fuel), as administered by the department of
3 33 agriculture and land stewardship and the department of
3 34 revenue.

3 35 MOTOR FUEL STANDARDS. This bill amends Code chapter 214A,



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4 1 which provides authority to the department of agriculture and
4 2 land stewardship to regulate the sale of motor fuel.
4 3 Code section 214A.2 provides for different types of motor
4 4 fuel and establishes standards or specifications for biodiesel
4 5 blended fuel, in part based on ASTM international standards.
4 6 Currently, at least 1 percent of biodiesel blended fuel by
4 7 volume must be biodiesel. The bill increases that amount to 2
4 8 percent.

4 9 BIODIESEL BLEND REQUIREMENT. This bill creates a new
4 10 requirement to be administered by the department of
4 11 agriculture and land stewardship requiring that a person
4 12 advertising, selling, or dispensing diesel fuel must use
4 13 biodiesel blended fuel. Diesel fuel which does not meet the
4 14 requirement is termed nonbiodiesel blended fuel.
4 15 Notwithstanding the bill's prohibition, it allows exceptions
4 16 for nonbiodiesel blended fuel which is: (1) exempt from the
4 17 levy of the fuel tax as a special fuel required to be
4 18 indelibly dyed and used only for an exempt purpose as provided
4 19 in Code section 452A.3; (2) used to operate a diesel motor
4 20 that powers a locomotive; or (3) made available pursuant to a
4 21 special order issued by the department of revenue suspending
4 22 the application of the requirement on a statewide basis, based
4 23 on a shortage of the biodiesel blended fuel. House File 2754
4 24 in part required the department of revenue to collect
4 25 information regarding the number of gallons of bio-blended
4 26 fuels including biodiesel blended fuel. The bill provides
4 27 that the department must estimate the availability of
4 28 biodiesel blended fuel for use in this state for the current
4 29 determination period, including for each geographic region of
4 30 the state as specified in Code section 173.4A.

4 31 ADVERTISING. The bill eliminates a requirement that a
4 32 motor fuel pump dispensing biodiesel blended fuel be affixed
4 33 with a decal identifying it as biodiesel blended fuel, as
4 34 provided by rules adopted by the department of agriculture and
4 35 land stewardship in cooperation with the renewable fuels and



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5 1 coproducts advisory committee (Code chapter 159A). The bill
5 2 also provides that a decal is not required to be affixed to a
5 3 motor fuel pump dispensing ethanol blended gasoline if
5 4 legislation is enacted by the Eighty-second General Assembly,
5 5 during its 2007 Session, that prohibits the advertising,
5 6 selling, or dispensing of gasoline other than ethanol blended
5 7 gasoline.

5 8 CURRENT APPLICABLE PENALTIES. Code section 214A.11
5 9 provides that a person who violates a provision of Code
5 10 chapter 214A is guilty of a serious misdemeanor, and that each
5 11 day that a continuing violation occurs is considered a
5 12 separate offense. A serious misdemeanor is punishable by
5 13 confinement for no more than one year and a fine of at least
5 14 \$315 but not more than \$1,875. The Code section also provides
5 15 that in lieu of seeking a prosecution, the state may proceed
5 16 against the person by initiating an alternative civil
5 17 enforcement action as a contested case proceeding by the
5 18 department under Code chapter 17A or as a civil judicial
5 19 proceeding by the attorney general upon referral by the
5 20 department. The applicable civil penalty is at least \$100 but
5 21 not more than \$1,000 for each violation. Each day that a
5 22 continuing violation occurs shall be considered a separate
5 23 offense.

5 24 EFFECTIVE DATE. The bill takes effect upon the earliest of
5 25 two possible dates: (1) January 1, 2008, if the department of
5 26 revenue publishes a notice in the Iowa administrative bulletin
5 27 stating that there is enough biodiesel blended fuel for use in
5 28 this state to satisfy the requirements that diesel fuel be
5 29 biodiesel blended fuel; or (2) July 1, 2008.

5 30 LSB 2118SV 82

5 31 da:nh/je/5



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Senate File 477 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SF 389)

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

A BILL FOR

- 1 An Act authorizing the issuance of additional special nonresident
- 2 deer hunting licenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2473SV 82
- 5 av/es/88



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Senate File 477 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. The director shall provide up to ~~twenty-five~~
1 4 seventy-five nonresident deer hunting licenses for allocation
1 5 as requested by a majority of a committee consisting of the
1 6 majority leader of the senate, speaker of the house of
1 7 representatives, and director of the department of economic
1 8 development, or their designees. The licenses provided
1 9 pursuant to the subsection shall be in addition to the number
1 10 of nonresident licenses authorized pursuant to section 483A.8.
1 11 The purpose of the special nonresident licenses is to allow
1 12 state officials and local development groups to promote the
1 13 state and its natural resources to nonresident guests and
1 14 dignitaries. Photographs, videotapes, or any other form of
1 15 media resulting from the hunting visitation shall not be used
1 16 for political campaign purposes. The nonresident licenses
1 17 shall be issued without application upon payment of the
1 18 nonresident deer hunting license fee and the wildlife habitat
1 19 fee. The licenses are valid in all zones open to deer
1 20 hunting. The hunter safety and ethics education certificate
1 21 requirement pursuant to section 483A.27 is waived for a
1 22 nonresident issued a license pursuant to this subsection.

1 23 EXPLANATION

1 24 This bill authorizes the issuance of up to 75 instead of 25
1 25 special nonresident deer hunting licenses for allocation by
1 26 the majority of a committee consisting of the majority leader
1 27 of the senate, the speaker of the house of representatives,
1 28 and the director of the department of economic development, to
1 29 promote the state and its natural resources to nonresident
1 30 guests and dignitaries.
1 31 LSB 2473SV 82
1 32 av:nh/es/88



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Senate File 478 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 124)

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

A BILL FOR

- 1 An Act providing for the registration of practitioners of the
- 2 healing arts, providing remedies, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2121SV 82
- 5 nh/je/5



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Senate File 478 - Introduced continued

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1 1 Section 1. LEGISLATIVE FINDINGS AND INTENT. The general
1 2 assembly recognizes the constitutional right of privacy and
1 3 self-determination in regard to health care and that the
1 4 effective exercise of consumer choice with regard to health
1 5 care provided by nonlicensed practitioners requires the full
1 6 and timely disclosure of the background and qualifications of
1 7 such practitioners.

1 8 Sec. 2. NEW SECTION. 147.105 REGISTRATION OF HEALING
1 9 ARTS PRACTITIONERS NOT REQUIRING LICENSURE.

1 10 1. Beginning July 1, 2008, a practitioner of the healing
1 11 arts who is not required to be licensed under Title IV,
1 12 subtitle 3, may apply to the department of public health for
1 13 registration pursuant to this section. The application shall
1 14 contain all of the following:

1 15 a. A statement of the nature of the health care diagnoses
1 16 and treatment to be provided by the practitioner.

1 17 b. The education, training, experience, or other
1 18 credentials or qualifications of the practitioner regarding
1 19 the diagnoses and treatment to be provided.

1 20 c. Whether the practitioner has voluntarily relinquished
1 21 or had revoked a license to practice any health care
1 22 profession in this state or in any other jurisdiction, has
1 23 been disciplined by a licensing board or agency, has been
1 24 determined civilly liable for any act or omission related to
1 25 the provision of health care, or has been the subject of a
1 26 criminal prosecution for any act or omission related to the
1 27 provision of health care.

1 28 d. Proof of liability insurance meeting the liability
1 29 standards required for malpractice insurance for physicians.

1 30 2. Prior to approval of such registration by the
1 31 department, criminal history, child abuse, and dependent adult
1 32 abuse record checks shall be performed in regard to the
1 33 practitioner as provided in this subsection.

1 34 a. The department of public health shall request that the
1 35 department of public safety perform a criminal history check



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2 1 and the department of human services perform child abuse and
2 2 dependent adult abuse record checks of the practitioner in
2 3 this state.
2 4 b. If the person has been convicted of a crime under a law
2 5 of any state or has a record of founded child or dependent
2 6 adult abuse, the department of human services shall, upon
2 7 request of the department of public health, perform an
2 8 evaluation to determine whether the crime or founded child or
2 9 dependent adult abuse warrants prohibition of registration.
2 10 The evaluation shall be performed in accordance with
2 11 procedures adopted for this purpose by the department of human
2 12 services.
2 13 c. If the department of public safety determines that a
2 14 person has committed a crime and the practitioner still
2 15 requests registration pursuant to this section, the department
2 16 of public safety shall notify the practitioner that an
2 17 evaluation, if requested by the department of public health,
2 18 will be conducted by the department of human services to
2 19 determine whether prohibition of registration is warranted.
2 20 If a department of human services child or dependent adult
2 21 abuse record check shows that the practitioner has a record of
2 22 founded child or dependent adult abuse, the department of
2 23 human services shall inform the practitioner that an
2 24 evaluation, if requested by the department of public health,
2 25 will be conducted to determine whether prohibition of
2 26 registration is warranted. The department of human services
2 27 has final authority in determining whether prohibition of
2 28 registration is warranted.
2 29 d. The department of public health may access the single
2 30 contact repository established by the department pursuant to
2 31 section 135C.33 as necessary to perform record checks of
2 32 practitioners being considered for registration.
2 33 Sec. 3. NEW SECTION. 147.105A REGISTERED PRACTITIONERS
2 34 == PRACTICE NOT A VIOLATION == EXCEPTIONS.
2 35 1. Notwithstanding any other provision of law to the



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3 1 contrary, a practitioner of the healing arts who is not
3 2 licensed by this state as a health care professional, but who
3 3 is registered pursuant to section 147.105, does not violate
3 4 Title IV, subtitle 3, pertaining to health care provider
3 5 licensure requirements, unless the practitioner does any of
3 6 the following:

3 7 a. Conducts surgery, sets fractures, or performs any other
3 8 procedure on any person that invades the skin.

3 9 b. Prescribes or administers x-ray radiation, a
3 10 light-emitting device including a laser, or ultrasound
3 11 technologies.

3 12 c. Prescribes or administers drugs, devices, or controlled
3 13 substances for which a prescription by a licensed health care
3 14 provider is required.

3 15 d. Represents, states, indicates, advertises, or implies
3 16 that the person has been issued a license to practice a health
3 17 care profession in this state.

3 18 2. This section shall not be construed to authorize the
3 19 practice of lay midwifery, ayurvedic medicine, or naturopathic
3 20 medicine.

3 21 Sec. 4. NEW SECTION. 147.105B DISCLOSURES BY REGISTERED
3 22 PRACTITIONERS.

3 23 1. A practitioner of the healing arts who is registered
3 24 pursuant to section 147.105, who advertises in any media that
3 25 the person is a practitioner of healing arts diagnoses and
3 26 treatments, or who receives financial compensation for the
3 27 provision of healing arts diagnoses and treatments, shall,
3 28 prior to the provision of such services, provide a prospective
3 29 client a plainly worded written statement disclosing the
3 30 following:

3 31 a. That the practitioner is not a licensed health care
3 32 provider pursuant to the licensure provisions of any of the
3 33 chapters of Title IV, subtitle 3.

3 34 b. The nature of the health care diagnoses and treatment
3 35 to be provided.



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4 1 c. The education, training, experience, or other
4 2 credentials or qualifications of the unlicensed practitioner
4 3 regarding the diagnoses and treatment being provided,
4 4 accompanied by the following statement:
4 5 "The state of Iowa has not adopted educational and training
4 6 standards for unlicensed providers of health care services.
4 7 This statement of credentials is for informational purposes
4 8 only. If a client wishes to receive health care from a
4 9 licensed health care provider, the client may seek such care
4 10 at any time. Clients receiving treatment from a licensed
4 11 provider of health care should consult with that licensed
4 12 provider before modifying or discontinuing such treatment."
4 13 d. That the practitioner is registered with the department
4 14 of public health and that the registration is posted at the
4 15 location where services are provided.
4 16 e. That the parent or legal guardian of a minor seeking
4 17 treatment has a right to request and receive written
4 18 permission from the practitioner for access to the relevant
4 19 data in regard to the practitioner in the Iowa child abuse
4 20 registry.
4 21 2. A practitioner registered pursuant to section 147.105
4 22 shall obtain written acknowledgment from a prospective client
4 23 indicating that the prospective client has been provided with
4 24 the statement of disclosures pursuant to subsection 1, and
4 25 shall supply the client with a copy of the disclosures and
4 26 acknowledgment. The acknowledgment shall be retained by the
4 27 practitioner for a two-year period.
4 28 3. Any advertisement by a practitioner registered pursuant
4 29 to section 147.105 shall disclose that the provider has not
4 30 been issued a license to practice a licensed health care
4 31 profession in this state but is registered with the state of
4 32 Iowa. Any such advertisement in print or electronic media
4 33 shall include the following statement in twelve point type or
4 34 larger:
4 35 "The state of Iowa has not adopted educational or training



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5 1 standards for unlicensed providers of health care and has made
5 2 no determination whatsoever as to the scientific validity or
5 3 safety or effectiveness of such care."

5 4 4. Upon request, a practitioner registered pursuant to
5 5 section 147.105, shall give written permission to a parent or
5 6 legal guardian of a minor to allow the parent or legal
5 7 guardian to access data in regard to the practitioner in the
5 8 central registry for founded child abuse pursuant to section
5 9 235A.15, subsection 2, paragraph "f".

5 10 Sec. 5. NEW SECTION. 147.105C SCOPE OF CHAPTER ==
5 11 REMEDIES.

5 12 1. The department may issue an immediate cease and desist
5 13 order, or seek a temporary or permanent injunction, against a
5 14 practitioner registered pursuant to section 147.105, who fails
5 15 to comply with the provisions of sections 147.105A and
5 16 147.105B.

5 17 2. State criminal and civil law not relating to the
5 18 provision of health care shall continue to apply to
5 19 practitioners registered pursuant to section 147.105.

5 20 3. This section does not limit the right of any person to
5 21 seek relief for negligent or willful harm, or to seek any
5 22 other civil remedy against a practitioner registered pursuant
5 23 to section 147.105.

5 24 4. This section does not restrict the state from taking
5 25 action regarding the maltreatment of minors.

5 26 Sec. 6. APPROPRIATION. There is appropriated from the
5 27 general fund of the state to the department of public health
5 28 for the fiscal year beginning July 1, 2007, and ending June
5 29 30, 2008, the following amount, or so much thereof as is
5 30 necessary, to be used for the purposes designated:

5 31 For implementation of registration procedures for
5 32 practitioners of the healing arts as provided in this Act,
5 33 including salaries, support, maintenance, miscellaneous
5 34 purposes, and for not more than the following full-time
5 35 equivalent positions:



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6	1	\$	500,000
6	2	FTEs	5.00

6 3 EXPLANATION

6 4 This bill provides for the registration of practitioners of
6 5 the healing arts and makes an appropriation.

6 6 The bill contains intent language indicating that the
6 7 general assembly recognizes the constitutional right to
6 8 privacy and self-determination in regard to health care and
6 9 that the effective exercise of consumer choice in regard to
6 10 care provided by nonlicensed practitioners requires the full
6 11 and timely disclosure of such practitioners' background and
6 12 qualifications.

6 13 The bill provides for the voluntary registration of
6 14 practitioners of the healing arts who are not required to be
6 15 licensed as health care professionals. The bill requires an
6 16 application for such registration to contain information
6 17 regarding the nature of the health care diagnoses and
6 18 treatment provided; the education, training, experience, or
6 19 other qualifications of the practitioner; any health
6 20 care-related sanction, discipline, civil liability, or
6 21 criminal violation; and proof of liability insurance.

6 22 Applicants for registration are subject to criminal history,
6 23 child abuse, and dependent adult abuse record checks.

6 24 The bill provides that a registrant's provision of healing
6 25 arts diagnoses and treatment does not violate Code Title IV,
6 26 subtitle 3, pertaining to health care provider licensure
6 27 requirements, unless the provider of such services conducts
6 28 surgery, sets fractures, or performs any other procedure on
6 29 any person that invades the skin; prescribes or administers
6 30 x-ray radiation; prescribes or administers drugs, devices, or
6 31 controlled substances for which a prescription by a licensed
6 32 health care provider is required; or represents, states,
6 33 indicates, advertises, or implies that the person has been
6 34 issued a license to practice a health care profession in this
6 35 state.



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7 1 The bill requires a registrant who advertises in any media
7 2 that they are a provider of healing arts diagnoses and
7 3 treatment, or who receives financial compensation for the
7 4 provision of healing arts diagnoses and treatment, to supply a
7 5 prospective client prior to the provision of such services
7 6 with a plainly worded written statement making several
7 7 disclosures. It must be disclosed that the provider is not a
7 8 licensed health care provider; the nature of the health care
7 9 diagnoses and treatment to be provided; and the education,
7 10 training, experience, or other credentials or qualifications
7 11 of the unlicensed provider regarding the diagnoses and
7 12 treatment being provided, accompanied by a statement that Iowa
7 13 has not adopted educational and training standards for
7 14 unlicensed providers of health care services; that the
7 15 statement of credentials is for informational purposes only;
7 16 and that if a client wishes to receive health care from a
7 17 licensed health care provider, the client may seek such care
7 18 at any time and should consult with a licensed provider before
7 19 modifying or discontinuing such existing treatment. A
7 20 registrant must also disclose that the practitioner is
7 21 registered with the department and that the registration is
7 22 posted where services are provided and that the parent or
7 23 legal guardian of a minor seeking treatment has a right to
7 24 request and receive written permission from the practitioner
7 25 for access to relevant data in the Iowa child abuse registry
7 26 regarding the practitioner. The bill provides that written
7 27 acknowledgment from a prospective client that the client was
7 28 provided a statement of disclosures must be obtained, and
7 29 retained for a two-year period, and that the prospective
7 30 client shall receive a copy of the disclosures and
7 31 acknowledgment.

7 32 The bill additionally provides that an advertisement by a
7 33 registrant shall disclose that the provider has not been
7 34 issued a license to practice a licensed health care profession
7 35 but is registered with the state, and that upon request, a



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8 1 registrant shall give written permission to a parent or legal
8 2 guardian of a minor to allow the parent or legal guardian to
8 3 access the Iowa child abuse registry.
8 4 The bill also provides for the scope of the bill's
8 5 provisions and penalties. The bill provides that the
8 6 department of public health may issue an immediate cease and
8 7 desist order, or seek a temporary or permanent injunction,
8 8 against a registrant who fails to comply with the bill's
8 9 provisions, and that state criminal and civil law not relating
8 10 to the provision of health care shall continue to be
8 11 applicable. The bill provides that its provisions shall not
8 12 limit the right of any person to seek relief for negligent or
8 13 willful harm, or to seek any other civil remedy, and does not
8 14 restrict the state from taking action regarding the
8 15 maltreatment of minors.
8 16 The bill appropriates \$500,000 for fiscal year 2007=2008
8 17 for implementation of the bill.
8 18 LSB 2121SV 82
8 19 nh:rj/je/5



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Senate File 479 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1102)

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

A BILL FOR

1 An Act making changes to the time frames and the duties of the
2 legislative services agency concerning the process of
3 congressional and legislative redistricting.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1709SV 82
6 ec/je/5



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1 1 Section 1. Section 42.2, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Upon each delivery by the legislative
1 4 services agency to the general assembly of a bill embodying a
1 5 plan, pursuant to section 42.3, the legislative services
1 6 agency shall at the earliest feasible time make available to
1 7 the public the following information:
1 8 a. Copies of the bill delivered by the legislative
1 9 services agency to the general assembly.
1 10 b. Maps illustrating the plan.
1 11 c. A summary of the standards prescribed by section 42.4
1 12 for development of the plan.
1 13 d. A statement of the population of each district included
1 14 in the plan, and the relative deviation of each district
1 15 population from the ideal district population.
1 16 Sec. 2. Section 42.3, subsection 1, Code 2007, is amended
1 17 to read as follows:
1 18 1. a. Not later than April 1 of each year ending in one,
1 19 the legislative services agency shall deliver to the secretary
1 20 of the senate and the chief clerk of the house of
1 21 representatives identical bills embodying a plan of
1 22 legislative and congressional districting prepared in
1 23 accordance with section 42.4. It is the intent of this
1 24 chapter that the general assembly shall bring the bill to a
1 25 vote in either the senate or the house of representatives
1 26 expeditiously, but not less than ~~seven~~ three days after the
1 27 report of the commission required by section 42.6 is received
1 28 and made available to the members of the general assembly,
1 29 under a procedure or rule permitting no amendments except
1 30 those of a purely corrective nature. It is further the intent
1 31 of this chapter that if the bill is approved by the first
1 32 house in which it is considered, it shall expeditiously be
1 33 brought to a vote in the second house under a similar
1 34 procedure or rule. If the bill embodying the plan submitted
1 35 by the legislative services agency under this subsection fails



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2 1 to be approved by a constitutional majority in either the
2 2 senate or the house of representatives, the secretary of the
2 3 senate or the chief clerk of the house, as the case may be,
2 4 shall at once, but in no event later than seven days after the
2 5 date the bill failed to be approved, transmit to the
2 6 legislative services agency information which the senate or
2 7 house may direct by resolution regarding reasons why the plan
2 8 was not approved.

2 9 b. However, if the population data for legislative
2 10 districting which the United States census bureau is required
2 11 to provide this state under Pub. L. No. 94-171 and, if used by
2 12 the legislative services agency, the corresponding
2 13 topologically integrated geographic encoding and referencing
2 14 data file for that population data are not available to the
2 15 legislative services agency on or before February 15 of the
2 16 year ending in one, the dates set forth in this subsection
2 17 shall be extended by a number of days equal to the number of
2 18 days after February 15 of the year ending in one that the
2 19 federal census population data and the topologically
2 20 integrated geographic encoding and referencing data file for
2 21 legislative districting become available.

2 22 Sec. 3. Section 42.3, subsection 2, Code 2007, is amended
2 23 to read as follows:

2 24 2. If the bill embodying the plan submitted by the
2 25 legislative services agency under subsection 1 fails to be
~~2 26 approved by a constitutional majority in either the senate or~~
~~2 27 the house of representatives, the secretary of the senate or~~
~~2 28 the chief clerk of the house, as the case may be, shall at~~
~~2 29 once transmit to the legislative services agency information~~
~~2 30 which the senate or house may direct regarding reasons why the~~
~~2 31 plan was not approved. The enacted, the legislative services~~
2 32 agency shall prepare a bill embodying a second plan of
2 33 legislative and congressional districting. The bill shall be
2 34 prepared in accordance with section 42.4, and taking into
~~2 35 account, insofar as it is possible to do so within the~~



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3 1 requirements of section 42.4, with the reasons cited by the
3 2 senate or house of representatives by resolution, or the
3 3 governor by veto message, for its the failure to approve the
3 4 plan insofar as it is possible to do so within the
~~3 5 requirements of section 42.4. If a second plan is required~~
3 6 under this subsection, the bill embodying it shall be
3 7 delivered to the secretary of the senate and the chief clerk
3 8 of the house of representatives not later than May 1 of the
~~3 9 year ending in one, or twenty-one~~ thirty-five days after the
3 10 date of the vote by which the senate or the house of
3 11 representatives fails to approve the bill submitted under
3 12 subsection 1, whichever date is later or the date the governor
3 13 vetoes or fails to approve the bill. It is the intent of this
~~3 14 chapter that, if~~ If it is necessary to submit a bill under
3 15 this subsection, the bill shall be brought to a vote not less
3 16 than seven days after the bill is printed submitted and made
3 17 available to the members of the general assembly, in the same
~~3 18 manner as prescribed for the bill required under subsection 1~~
3 19 under a procedure or rule permitting no amendments except
3 20 those of a purely corrective nature. It is further the intent
3 21 of this chapter that if the bill is approved by the first
3 22 house in which it is considered, it shall expeditiously be
3 23 brought to a vote in the second house under a similar
3 24 procedure or rule. If the bill embodying the plan submitted
3 25 by the legislative services agency under this subsection fails
3 26 to be approved by a constitutional majority in either the
3 27 senate or the house of representatives, the secretary of the
3 28 senate or the chief clerk of the house, as the case may be,
3 29 shall transmit to the legislative services agency information
3 30 which the senate or house may direct by resolution regarding
3 31 reasons why the plan was not approved in the same manner as
3 32 described in subsection 1.

3 33 Sec. 4. Section 42.3, subsection 3, Code 2007, is amended
3 34 to read as follows:

3 35 3. If the bill embodying the plan submitted by the



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4 1 legislative services agency under subsection 2 fails to be
4 2 ~~approved by a constitutional majority in either the senate or~~
~~4 3 the house of representatives enacted~~, the same procedure as
4 4 prescribed by subsection 2 shall be followed. If a third plan
4 5 is required under this subsection, the bill embodying it shall
4 6 be delivered to the secretary of the senate and the chief
4 7 clerk of the house of representatives not later than ~~June 1 of~~
~~4 8 the year ending in one, or twenty-one~~ thirty-five days after
4 9 the date of the vote by which the senate or the house of
4 10 representatives fails to approve the bill submitted under
4 11 subsection 2, ~~whichever date is later. It is the intent of~~
~~4 12 this chapter that, if or the date the governor vetoes or fails~~
4 13 to approve the bill. The legislative services agency shall
4 14 submit a bill under this subsection sufficiently in advance of
4 15 September 1 of the year ending in one to permit the general
4 16 assembly to consider the plan prior to that date. If it is
4 17 necessary to submit a bill under this subsection, the bill
4 18 shall be brought to a vote within the same time period after
4 19 its delivery to the secretary of the senate and the chief
4 20 clerk of the house of representatives as is prescribed for the
4 21 bill submitted under subsection 2, but shall be subject to
4 22 amendment in the same manner as other bills.
4 23 Sec. 5. Section 42.3, subsection 4, Code 2007, is amended
4 24 by striking the subsection.
4 25 Sec. 6. Section 42.4, subsection 4, Code 2007, is amended
4 26 to read as follows:
4 27 4. ~~It is preferable that districts~~ Districts shall be
4 28 reasonably compact in form, but to the extent consistent with
4 29 the standards established by subsections 1, 2, and 3 take
~~4 30 precedence over compactness where a conflict arises between~~
~~4 31 compactness and these standards.~~ In general, reasonably
4 32 compact districts are those which are square, rectangular, or
4 33 hexagonal in shape, and not irregularly shaped, to the extent
4 34 permitted by natural or political boundaries. ~~When~~ If it is
4 35 necessary to compare the relative compactness of two or more



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5 1 districts, or of two or more alternative districting plans,
5 2 the tests prescribed by paragraphs "a" and "b" and "c" of this
~~5 3 subsection shall be used. Should the results of these two~~
~~5 4 tests be contradictory, the standard referred to in paragraph~~
~~5 5 "b" of this subsection shall be given greater weight than the~~
~~5 6 standard referred to in paragraph "c" of this subsection.~~

5 7 a. As used in this subsection:

5 8 (1) ~~"Population data unit" means a civil township,~~
~~5 9 election precinct, census enumeration district, census city~~
~~5 10 block group, or other unit of territory having clearly~~
~~5 11 identified geographic boundaries and for which a total~~
~~5 12 population figure is included in or can be derived directly~~
~~5 13 from certified federal census data.~~

5 14 (2) ~~The "geographic unit center" of a population data unit~~
~~5 15 is that point approximately equidistant from the northern and~~
~~5 16 southern extremities, and also approximately equidistant from~~
~~5 17 the eastern and western extremities, of a population data~~
~~5 18 unit. This point shall be determined by visual observation of~~
~~5 19 a map of the population data unit, unless it is otherwise~~
~~5 20 determined within the context of an appropriate coordinate~~
~~5 21 system developed by the federal government or another~~
~~5 22 qualified and objective source and obtained for use in this~~
~~5 23 state with prior approval of the legislative council.~~

5 24 (3) ~~The "x" co-ordinate of a point in this state refers to~~
~~5 25 the relative location of that point along the east-west axis~~
~~5 26 of the state. Unless otherwise measured within the context of~~
~~5 27 an appropriate co-ordinate system obtained for use as~~
~~5 28 permitted by subparagraph 2 of this paragraph, the "x"~~
~~5 29 co-ordinate shall be measured along a line drawn due east from~~
~~5 30 a due north and south line running through the point which is~~
~~5 31 the northwestern extremity of the state of Iowa, to the point~~
~~5 32 to be located.~~

5 33 (4) ~~The "y" co-ordinate of a point in this state refers to~~
~~5 34 the relative location of that point along the north-south axis~~
~~5 35 of the state. Unless otherwise measured within the context of~~



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~~6 1 an appropriate co-ordinate system obtained for use as~~
~~6 2 permitted by subparagraph (2) of this paragraph, the "y"~~
~~6 3 co-ordinate shall be measured along a line drawn due south~~
~~6 4 from the northern boundary of the state or the eastward~~
~~6 5 extension of that boundary, to the point to be located.~~
6 6 ~~b.~~ a. LENGTH=WIDTH COMPACTNESS. The compactness of a
6 7 district is greatest when the length of the district and the
6 8 width of the district are equal. The measure of a district's
6 9 compactness is the absolute value of the difference between
6 10 the length and the width of the district.
6 11 (1) ~~In measuring the length and the width of a district by~~
~~6 12 means of electronic data processing, the difference between~~
~~6 13 the "x" co-ordinates of the easternmost and the westernmost~~
~~6 14 geographic unit centers included in the district shall be~~
~~6 15 compared to the difference between the "y" co-ordinates of the~~
~~6 16 northernmost and southernmost geographic unit centers included~~
~~6 17 in the district.~~
6 18 (2) ~~To determine the length and width of a district by~~
~~6 19 manual measurement, In general, the length-width compactness~~
6 20 of a district is calculated by measuring the distance from the
6 21 northernmost point or portion of the boundary of a district to
6 22 the southernmost point or portion of the boundary of the same
6 23 district and the distance from the westernmost point or
6 24 portion of the boundary of the district to the easternmost
6 25 point or portion of the boundary of the same district ~~shall~~
~~6 26 each be measured. If the northernmost or southernmost portion~~
~~6 27 of the boundary, or each of these points, is a part of the~~
~~6 28 boundary running due east and west, the line used to make the~~
~~6 29 measurement required by this paragraph shall either be drawn~~
~~6 30 due north and south or as nearly so as the configuration of~~
~~6 31 the district permits. If the easternmost or westernmost~~
~~6 32 portion of the boundary, or each of these points, is a part of~~
~~6 33 the boundary running due north and south, a similar procedure~~
~~6 34 shall be followed. The lines to be measured for the purpose~~
~~6 35 of this paragraph shall each be drawn as required by this~~



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~~7 1 paragraph, even if some part of either or both lines lies
7 2 outside the boundaries of the district which is being tested
7 3 for compactness.~~

~~7 4 (3) The absolute values computed for individual districts
7 5 under this paragraph may be cumulated for all districts in a
7 6 plan in order to compare the overall compactness of two or
7 7 more alternative districting plans for the state, or for a
7 8 portion of the state. However, it is not valid to cumulate or
7 9 compare absolute values computed under subparagraph (1) with
7 10 those computed under subparagraph (2) of this paragraph.~~

~~7 11 e. b. PERIMETER COMPACTNESS. The compactness of a
7 12 district is greatest when the ratio of the dispersion of
7 13 population about the population center of the district to the
7 14 dispersion of population about the geographic center of the
7 15 district is one to one, the nature of this ratio being such
7 16 that it is always greater than zero and can never be greater
7 17 than one to one.~~

~~7 18 (1) The population dispersion about the population center
7 19 of a district, and about the geographic center of a district,
7 20 is computed as the sum of the products of the population of
7 21 each population data unit included in the district multiplied
7 22 by the square of the distance from that geographic unit center
7 23 to the population center or the geographic center of the
7 24 district, as the case may be. The geographic center of the
7 25 district is defined by averaging the locations of all
7 26 geographic unit centers which are included in the district.
7 27 The population center of the district is defined by computing
7 28 the population-weighted average of the "x" co-ordinates and
7 29 "y" co-ordinates of each geographic unit center assigned to
7 30 the district, it being assumed for the purpose of this
7 31 calculation that each population data unit possesses uniform
7 32 density of population.~~

~~7 33 (2) The ratios computed for individual districts under
7 34 this paragraph may be averaged for all districts in a plan in
7 35 order to compare the overall compactness of two or more~~



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~~8 1 alternative districting plans for the state, or for a portion~~
~~8 2 of the state distance needed to traverse the perimeter~~
8 3 boundary of a district is as short as possible. The total
8 4 perimeter distance computed for individual districts under
8 5 this paragraph may be cumulated for all districts in a plan in
8 6 order to compare the overall compactness of two or more
8 7 alternative districting plans for the state, or for a portion
8 8 of the state.

8 9 Sec. 7. Section 42.4, subsection 8, Code 2007, is amended
8 10 to read as follows:

8 11 8. Each bill embodying a plan drawn under this section
8 12 shall include provisions for election of senators to the
8 13 general assemblies which take office in the years ending in
8 14 three and five, which shall be in conformity with Article III,
8 15 section 6, of the Constitution of the State of Iowa. With
8 16 respect to any plan drawn for consideration in ~~the a year 2001~~
8 17 ending in one, those provisions shall be substantially as
8 18 follows:

8 19 a. Each ~~odd-numbered~~ senatorial district in the plan which
8 20 is not a holdover senatorial district shall elect a senator in
8 21 ~~2002~~ the year ending in two for a four-year term commencing in
8 22 January 2003 of the year ending in three. If an incumbent
8 23 senator who was elected to a four-year term which commenced in
8 24 January 2001 of the year ending in one, or was subsequently
8 25 elected to fill a vacancy in such a term, is residing in ~~an~~
~~8 26 odd-numbered~~ a senatorial district in the plan which is not a
8 27 holdover senatorial district on the first Wednesday in
8 28 February 1, 2002 of the year ending in two, that senator's
8 29 term of office shall be terminated on January 1, 2003 of the
8 30 year ending in three.

8 31 b. Each ~~even-numbered~~ holdover senatorial district in the
8 32 plan shall elect a senator in 2004 the year ending in four for
8 33 a four-year term commencing in January 2005 of the year ending
8 34 in five.

8 35 (1) If one and only one incumbent state senator is
9 1 residing in an even-numbered a holdover senatorial district in
9 2 the plan on the first Wednesday in February 1, 2002 of the
9 3 year ending in two, and that senator meets all of the
9 4 following requirements, the senator shall represent the
9 5 district in the senate for the ~~Eightieth General Assembly~~
9 6 general assembly commencing in January of the year ending in
9 7 three:

9 8 (a) The senator was elected to a four-year term which
9 9 commenced in January 2001 of the year ending in one or was
9 10 subsequently elected to fill a vacancy in such a term.

9 11 (b) The senatorial district in the plan which includes the
9 12 place of residence of the state senator on the date of the
9 13 senator's last election to the senate is the same as the
9 14 ~~even-numbered~~ holdover senatorial district in which the
9 15 senator resides on the first Wednesday in February 1, 2002 of
9 16 the year ending in two, or is contiguous to such ~~even-numbered~~
9 17 ~~holdover senatorial district and the senator's declared~~
~~9 18 residence as of February 1, 2002, was within the district from~~
~~9 19 which the senator was last elected~~. Areas which meet only at
9 20 the points of adjoining corners are not contiguous.

9 21 ~~The secretary of state shall prescribe a form to be~~



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~~9 22 completed by all senators to declare their residences as of~~
~~9 23 February 1, 2002. The form shall be filed with the secretary~~
~~9 24 of state no later than five p.m. on February 1, 2002.~~
9 25 (2) Each ~~even-numbered~~ holdover senatorial district to
9 26 which subparagraph (1) ~~of this paragraph~~ is not applicable
9 27 shall elect a senator in ~~2002~~ the year ending in two for a
9 28 two-year term commencing in January ~~2003~~ of the year ending in
9 29 three. However, if more than one incumbent state senator is
9 30 residing in ~~an even-numbered~~ a holdover senatorial district on
9 31 the first Wednesday in February 1, 2002 of the year ending in
9 32 two, and, on or before the first Wednesday in February 15,
~~9 33 2002~~ of the year ending in two, all but one of the incumbent
9 34 senators resigns from office effective no later than January
9 35 1, 2003 of the year ending in three, the remaining incumbent



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10 1 senator shall represent the district in the senate for the
10 2 ~~Eightieth General Assembly~~ general assembly commencing in
10 3 January of the year ending in three. A copy of the
10 4 resignation must be filed in the office of the secretary of
10 5 state no later than five p.m. on the third Wednesday in
10 6 February 15, 2002 of the year ending in two.
10 7 c. For purposes of this subsection:
10 8 (1) "Holdover senatorial district" means a senatorial
10 9 district in the plan which is numbered with an even or odd
10 10 number in the same manner as senatorial districts, which were
10 11 required to elect a senator in the year ending in zero, were
10 12 numbered.
10 13 (2) "Incumbent state senator" means a state senator who
10 14 holds the office of state senator on the first Wednesday in
10 15 February of the year ending in two, and whose declared
10 16 residence on that day is within the district from which the
10 17 senator was last elected.
10 18 d. The secretary of state shall prescribe a form to be
10 19 completed by all senators to declare their residences as of
10 20 the first Wednesday in February of the year ending in two.
10 21 The form shall be filed with the secretary of state no later
10 22 than five p.m. on the first Wednesday in February of the year
10 23 ending in two.
10 24 Sec. 8. Section 42.6, subsection 3, Code 2007, is amended
10 25 by striking the subsection.
10 26 Sec. 9. Section 42.6, subsection 4, paragraph b, Code
10 27 2007, is amended to read as follows:
10 28 b. Following the hearings, promptly prepare and submit to
10 29 the secretary of the senate and the chief clerk of the house a
10 30 report summarizing information and testimony received by the
10 31 commission in the course of the hearings. The commission's
10 32 report shall include any comments and conclusions which its
10 33 members deem appropriate on the information and testimony
10 34 received at the hearings, or otherwise presented to the
10 35 commission. The report shall be submitted no later than



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11 1 fourteen days after the date the bill embodying an initial
11 2 plan of congressional and legislative redistricting is
11 3 delivered to the general assembly.

11 4 EXPLANATION

11 5 This bill makes changes to the time frames and the duties
11 6 of the legislative services agency concerning the process of
11 7 congressional and legislative redistricting in Iowa.

11 8 Code section 42.2 is amended to provide that the
11 9 legislative services agency is responsible for making
11 10 available to the public copies of the redistricting bill,
11 11 maps, a summary of redistricting standards, and population
11 12 statistics for the plan. Current Code section 42.6,
11 13 subsection 3, which provides that the temporary redistricting
11 14 advisory commission is responsible for making this information
11 15 available to the public, is stricken.

11 16 Code section 42.3, subsection 1, is amended to provide that
11 17 the senate or house of representatives need only wait three
11 18 days, not seven days, to consider the first proposed plan of
11 19 redistricting following submission to the general assembly of
11 20 the report of the temporary redistricting advisory commission.
11 21 In addition, the bill provides that if reasons for rejection
11 22 of the bill are to be made by the senate or house of
11 23 representatives, they must be made within seven days after
11 24 rejection of the proposed redistricting plan. The language
11 25 detailing the consequences of delays in receiving census
11 26 information is moved to this subsection from Code section
11 27 42.3, subsection 4.

11 28 The language is amended to modify the time requirements for
11 29 submission and consideration of a bill of congressional and
11 30 legislative redistricting. The bill shortens by up to 14 days
11 31 the deadline by which the legislative services agency shall
11 32 submit the first plan of congressional and legislative
11 33 redistricting if the population data needed to complete
11 34 redistricting is made available after February 1 but not after
11 35 February 15 of the year following the census.



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12 1 Code section 42.3, subsections 2 and 3, are amended to
12 2 provide that the legislative services agency shall have, if
12 3 applicable, up to 35 days to submit a second plan, or a third
12 4 plan, following the rejection of the prior submitted plan of
12 5 congressional and legislative redistricting.
12 6 Code section 42.3, subsection 4, is stricken, eliminating
12 7 the option that separate bills of congressional and
12 8 legislative redistricting can be submitted if the population
12 9 data necessary to complete congressional redistricting is made
12 10 available prior to the availability of population data for
12 11 legislative redistricting. The language detailing the
12 12 consequences of delays in receiving census information is
12 13 moved to Code section 42.3, subsection 1.
12 14 Code section 42.4, subsection 4, concerning compactness, is
12 15 modified. The bill provides that districts shall be
12 16 reasonably compact in form to the extent consistent with the
12 17 standards of population equality, respect for political
12 18 subdivisions, and contiguity. In describing compactness, the
12 19 bill provides that districts, to the extent permitted by
12 20 natural and political boundaries, not be irregularly shaped.
12 21 The bill retains the test for compactness that compares the
12 22 length and width of a district, but simplifies statutory
12 23 language by eliminating the current alternative method of
12 24 calculating this standard utilizing "x" and "y" coordinates of
12 25 certain geographic unit centers. This alternative method is
12 26 unnecessary based on current computer technology. The bill
12 27 eliminates the test of compactness based upon population
12 28 dispersion which test, under current law, is always given
12 29 lesser weight than length=width compactness if the two
12 30 standards are contradictory. The bill adds a test for
12 31 compactness that provides that a district is most compact if
12 32 the distance needed to traverse the perimeter of the district
12 33 is as short as possible.
12 34 Code section 42.4, subsection 8, is amended to provide for
12 35 senatorial elections following redistricting. Current law



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13 1 makes provision for these elections following redistricting in
13 2 2001 and the bill makes the procedure used for the 2001
13 3 redistricting plan applicable on an ongoing basis for
13 4 subsequent redistricting years.
13 5 Code section 42.6, subsection 4, is amended to provide that
13 6 the temporary redistricting advisory commission shall submit
13 7 its report to the general assembly within 14 days after the
13 8 delivery of the first proposed redistricting plan to the
13 9 general assembly.
13 10 LSB 1709SV 82
13 11 ec:rj/je/5



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Senate File 480 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 342)

(COMPANION TO LSB 2149HV BY
COMMITTEE ON HUMAN RESOURCES)

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

A BILL FOR

1 An Act relating to children who are subject to a court order for
2 a temporary or permanent out-of-home placement by providing
3 for visitation or ongoing interaction between the children and
4 siblings.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2149SV 82
7 jp/es/88



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PAG LIN

1 1 Section 1. Section 232.2, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. The provisions involving sibling
1 4 visitation or interaction required under section 232.108.
1 5 Sec. 2. Section 232.2, Code 2007, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 51A. "Sibling" means an individual who is
1 8 related to another individual by blood, adoption, or affinity
1 9 through a common legal or biological parent.
1 10 Sec. 3. Section 232.58, Code 2007, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 5A. With respect to a dispositional order
1 13 made pursuant to section 232.52, subsection 2, paragraph "d",
1 14 "e", or "f", for which the court has suspended or terminated
1 15 sibling visitation or interaction, when a review is made under
1 16 this section the court shall consider whether the visitation
1 17 or interaction can be safely resumed and may modify the
1 18 suspension or termination as appropriate.
1 19 Sec. 4. Section 232.104, Code 2007, is amended by adding
1 20 the following new subsection:
1 21 NEW SUBSECTION. 4A. With respect to a dispositional order
1 22 providing for transfer of custody of a child and siblings to
1 23 the department or other agency for placement for which the
1 24 court has suspended or terminated sibling visitation or
1 25 interaction, when a review is made under this section the
1 26 court shall consider whether the visitation or interaction can
1 27 be safely resumed and may modify the suspension or termination
1 28 as appropriate.
1 29 Sec. 5. NEW SECTION. 232.108 VISITATION OR ONGOING
1 30 INTERACTION WITH SIBLINGS.
1 31 1. If the court orders the transfer of custody of a child
1 32 and siblings to the department or other agency for placement
1 33 under this division, under division II, relating to juvenile
1 34 delinquency proceedings, or under any other provision of this
1 35 chapter, the department or other agency shall make a



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2 1 reasonable effort to place the child and siblings together in
2 2 the same placement. The requirement of this subsection
2 3 remains applicable to custody transfer orders made at separate
2 4 times and applies in addition to efforts made by the
2 5 department or agency to place the child with a relative.

2 6 2. If the requirements of subsection 1 apply but the
2 7 siblings are not placed in the same placement together, the
2 8 department or other agency shall provide the siblings with the
2 9 reasons why and the efforts being made to facilitate such
2 10 placement, or why making efforts for such placement is not
2 11 appropriate. Unless visitation or ongoing interaction with
2 12 siblings is suspended or terminated by the court, the
2 13 department or agency shall make reasonable effort to provide
2 14 for frequent visitation or other ongoing interaction between
2 15 the child and the child's siblings from the time of the
2 16 child's out-of-home placement until the child returns home or
2 17 is in a permanent placement.

2 18 3. A person who wishes to assert a sibling relationship
2 19 with a child who is subject to an order under this chapter for
2 20 an out-of-home placement and to request frequent visitation or
2 21 other ongoing interaction with the child may file a petition
2 22 with the court with jurisdiction over the child. Unless the
2 23 court determines it would not be in the child's best interest,
2 24 upon finding that the person is a sibling of the child, the
2 25 provisions of this section providing for frequent visitation
2 26 or other ongoing interaction between the siblings shall apply.
2 27 Nothing in this section is intended to provide or expand a
2 28 right to counsel under this chapter beyond the right provided
2 29 and persons specified in sections 232.89 and 232.113.

2 30 4. If the court determines by clear and convincing
2 31 evidence that visitation or other ongoing interaction between
2 32 a child and the child's siblings would be detrimental to the
2 33 well-being of the child or a sibling, the court shall order
2 34 the visitation or interaction to be suspended or terminated.
2 35 The reasons for the determination shall be noted in the court



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3 1 order suspending or terminating the visitation or interaction
3 2 and shall be explained to the child and the child's siblings,
3 3 and to the parent, guardian, or custodian of the child.

3 4 5. The case permanency plan of a child who is subject to
3 5 this section shall comply with all of the following, as
3 6 applicable:

3 7 a. The plan shall document the efforts being made to
3 8 provide for the child's frequent visitation or other ongoing
3 9 interaction with the child's siblings from the time of the
3 10 child's out-of-home placement until the child returns home or
3 11 is in a permanent placement. The child's parent, guardian, or
3 12 custodian may comment on the efforts as documented in the case
3 13 permanency plan.

3 14 b. If at any point the court determines that the child's
3 15 visitation or interaction with siblings would be detrimental
3 16 to the child's well-being and visitation or interaction with
3 17 siblings is suspended or terminated by the court, the
3 18 determination shall be noted in the case permanency plan. If
3 19 the court lifts the suspension or termination, the case
3 20 permanency plan shall be revised to document the efforts to
3 21 provide for visitation or interaction as required under
3 22 paragraph "a".

3 23 c. If one or more of the child's siblings are also subject
3 24 to an order under this chapter for an out-of-home placement
3 25 and the siblings are not placed in the same placement
3 26 together, the plan shall document the reasons why and the
3 27 efforts being made to facilitate such placement, or why making
3 28 efforts for such placement is not appropriate.

3 29 6. If an order is entered for termination of parental
3 30 rights of a child who is subject to this section, unless the
3 31 court has suspended or terminated sibling visitation or
3 32 interaction in accordance with this section, the department or
3 33 child-placing agency shall do all of the following to
3 34 facilitate frequent visitation or ongoing interaction between
3 35 the child and siblings when the child is adopted or enters a



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4 1 permanent placement:

4 2 a. Include in the training provided to prospective
4 3 adoptive parents information regarding the importance of
4 4 sibling relationships to an adopted child and counseling
4 5 methods for maintaining sibling relationships.

4 6 b. Provide prospective adoptive parents with information
4 7 regarding the child's siblings. The address of a sibling's
4 8 residence shall not be disclosed in the information unless
4 9 authorized by court order for good cause shown.

4 10 c. Encourage prospective adoptive parents to plan for
4 11 facilitating postadoption contact between the child and the
4 12 child's siblings.

4 13 7. Any information regarding court-ordered or authorized
4 14 sibling visitation, interaction, or contact shall be provided
4 15 to the foster parent, relative caretaker, guardian,
4 16 prospective adoptive parent, and child as soon as reasonably
4 17 possible following the entry of the court order or
4 18 authorization as necessary to facilitate the visitation or
4 19 interaction.

4 20 Sec. 6. Section 238.18, Code 2007, is amended to read as
4 21 follows:

4 22 238.18 DUTY OF LICENSEE.

4 23 ~~The licensee~~ A child-placing agency licensed under this
4 24 chapter shall keep a record and make reports in the form to be
4 25 prescribed by said the administrator. For a child being
4 26 placed by the agency, the agency's duties shall include
4 27 compliance with the requirements of section 232.108 relating
4 28 to visitation or ongoing interaction between the child and the
4 29 child's siblings.

4 30 EXPLANATION

4 31 This bill relates to children who are subject to a court
4 32 order under Code chapter 232 for a temporary or permanent
4 33 out-of-home placement by providing for visitation or ongoing
4 34 interaction between the children and siblings.

4 35 The term "sibling" is defined by the bill in Code section



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5 1 232.2 to mean an individual who is related to another
5 2 individual by blood, adoption, or affinity through a common
5 3 legal or biological parent.
5 4 New Code section 232.108 outlines requirements for sibling
5 5 visitation or other ongoing involvement for any child subject
5 6 to an order under Code chapter 232 for an out-of-home
5 7 placement. The requirements apply to the department of human
5 8 services and other agencies to which custody is transferred
5 9 for placement of a child, to the court, and to child-placing
5 10 agencies when parental rights over a child are terminated.
5 11 When siblings are subject to out-of-home placement orders,
5 12 regardless of when the orders are made, the department or
5 13 other agency must make a reasonable effort to place the
5 14 siblings in the same placement together. If such placement is
5 15 not possible, the reasons why must be provided to the child
5 16 and siblings and effort made to facilitate frequent visitation
5 17 or other ongoing interaction. However, if the court
5 18 determines that the visitation or contact would be detrimental
5 19 to the child's well-being, the court may suspend or terminate
5 20 the visitation or contact.
5 21 New Code section 232.108 also authorizes an individual who
5 22 wishes to assert a sibling relationship with a child to
5 23 petition the court with jurisdiction over the child for a
5 24 hearing and to request frequent visitation or other ongoing
5 25 interaction with the child. Upon finding the individual to be
5 26 a sibling of the child, unless the court determines that the
5 27 visitation or contact would be detrimental to the child, the
5 28 individual is required to be included in the visitation or
5 29 interaction effort.
5 30 New Code section 232.108 also requires sibling placement,
5 31 visitation, and contact efforts and orders to be reflected in
5 32 the case permanency plan, and the Code section 232.2
5 33 provisions for such plans are amended to reference these
5 34 requirements.
5 35 New Code section 232.108 clarifies that the section does



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6 1 not provide or expand the right to counsel for anyone who does
6 2 not have the right under the juvenile justice code.
6 3 Under new Code section 232.108, if the parental rights over
6 4 a child are terminated, the department or a child-placing
6 5 agency working on the child's adoption or other permanent
6 6 placement are required to take steps to help preserve the
6 7 child's sibling relationships. The steps include providing
6 8 training and information to prospective adoptive parents and
6 9 encouraging planning. The duties of a licensed child-placing
6 10 agency under Code section 238.18 are amended to include the
6 11 bill's requirements involving siblings.
6 12 Code sections 232.58 and 232.104, relating to permanency
6 13 hearings held for children found to be delinquent or to be a
6 14 child in need of assistance, are amended to provide that when
6 15 the court has suspended or terminated sibling visitation or
6 16 interaction, the court is required to review its determination
6 17 when permanency hearings are held and may modify the
6 18 suspension or revocation, as appropriate.
6 19 LSB 2149SV 82
6 20 jp:nh/es/88



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SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 210)

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

A BILL FOR

- 1 An Act establishing a program for providing voluntary home visits
- 2 for all households in the state with a newborn child.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2081SV 82
- 5 jp/je/5



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Senate File 481 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 28.11 HOUSEHOLDS WITH A NEWBORN
1 2 CHILD == HOME VISITS.
1 3 1. a. The Iowa empowerment board shall develop a program
1 4 with the goal of offering all households in the state with a
1 5 newborn child a voluntary home visit. The components of the
1 6 home visit shall include but are not limited to assessing the
1 7 child's home environment, identifying the family and child
1 8 needs and the services that could appropriately meet those
1 9 needs, and assisting the family in accessing appropriate
1 10 services.
1 11 b. The Iowa board shall coordinate with existing programs
1 12 that provide home-based instruction or support to households
1 13 with a newborn child as necessary to make the best use of
1 14 resources while expanding the availability of home visits.
1 15 2. All of the following requirements shall apply to
1 16 services provided under the program:
1 17 a. Home visits shall be made by qualified and trained
1 18 staff.
1 19 b. Staff shall demonstrate a capacity to competently
1 20 complete home visits, including the ability to identify family
1 21 and child needs and facilitate referrals to and interventions
1 22 by other resources available in the community, based upon
1 23 needs identified during a home visit.
1 24 c. The program shall have a plan for implementing a
1 25 cooperative arrangement with local hospitals and birthing
1 26 centers for the hospitals and centers to provide referral
1 27 information for contacting families with a newborn child.
1 28 d. The program shall incorporate performance measures and
1 29 provide for reporting of outcome measures on a regular basis,
1 30 both as identified by the Iowa board.
1 31 3. The Iowa board shall implement the provisions of this
1 32 section subject to the funding provided for purposes of this
1 33 section.

1 34 EXPLANATION
1 35 This bill establishes a program for providing voluntary



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2 1 home visits for all households in the state with a newborn
2 2 child.
2 3 New Code section 28.11 directs the Iowa empowerment board
2 4 to develop the program with the goal of making available a
2 5 home visit for each household in the state with a family that
2 6 has a newborn child. The board is required to coordinate this
2 7 program with existing programs providing home visits to
2 8 families with a newborn child.
2 9 The bill includes requirements for the program staff to be
2 10 qualified and trained and to have the capacity to competently
2 11 determine needs and make referrals, for the programs to have a
2 12 plan for a cooperative arrangement, and for the program to
2 13 incorporate performance measures and for reporting of outcome
2 14 measures. The Iowa empowerment board's implementation of the
2 15 program is subject to the funding provided for purposes of the
2 16 program.
2 17 LSB 2081SV 82
2 18 jp:nh/je/5



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March 12, 2007

Senate File 482 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 266)

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

A BILL FOR

- 1 An Act relating to the regulation of contributions for a
- 2 gubernatorial inauguration and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2470SV 82
- 5 jr/cf/24



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Senate File 482 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.305 GUBERNATORIAL
1 2 INAUGURATION CONTRIBUTIONS == PENALTY.
1 3 1. Not later than ten days after receiving any
1 4 contribution or making any expenditure for a gubernatorial
1 5 inauguration, the governor=elect shall appoint an inaugural
1 6 treasurer. The name and address of the treasurer shall be
1 7 reported to the ethics and campaign disclosure board by the
1 8 governor=elect not later than ten days after the appointment.
1 9 2. A person shall not make an expenditure or make or
1 10 receive a contribution, in kind or otherwise, for a
1 11 gubernatorial inauguration except by or through the inaugural
1 12 treasurer.
1 13 3. The inaugural treasurer shall keep detailed accounts of
1 14 all contributions received, in kind or otherwise, and all
1 15 expenditures made for a gubernatorial inauguration. Accounts
1 16 of the treasurer may be inspected under conditions determined
1 17 by the board and shall be preserved for a period to be
1 18 designated by the board. A person who receives a
1 19 contribution, in kind or otherwise, for an inaugural treasurer
1 20 more than five days before the ending date of any period for
1 21 which a report is required under this section, on demand of
1 22 the inaugural treasurer, or in any event on or before the
1 23 ending date of the reporting period, shall remit the same and
1 24 render to the inaugural treasurer an account of the
1 25 contribution, including the name and address of the donor, if
1 26 known, and the date received. A contribution received by the
1 27 inaugural treasurer shall not be commingled with personal
1 28 funds of the governor=elect or inaugural treasurer.
1 29 4. The inaugural treasurer shall file with the board a
1 30 report on March 15 and May 15 following the inauguration. The
1 31 report filed on March 15 shall be for the period ending on
1 32 March 14 and the report filed on May 15 shall be for the
1 33 period beginning on March 15 and ending on May 14. Each
1 34 report shall contain the following information:
1 35 a. The amount of cash on hand at the beginning of the



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2 1 reporting period.
2 2 b. The name and mailing address of each person who has
2 3 made one or more contributions of money when the aggregate
2 4 amount in a calendar year exceeds two hundred dollars.
2 5 c. The total amount of contributions made during the
2 6 reporting period and not reported under paragraph "b".
2 7 d. The name and mailing address of each person who has
2 8 made one or more in-kind contributions when the aggregate
2 9 market value of the in-kind contributions in a calendar year
2 10 exceeds the applicable amount specified in paragraph "b".
2 11 In-kind contributions shall be designated on a separate
2 12 schedule from schedules showing contributions of money and
2 13 shall identify the nature of the contribution and provide its
2 14 estimated fair market value.
2 15 e. The name and mailing address of each person to whom
2 16 disbursements or loan repayments have been made from
2 17 contributions during the reporting period and the amount,
2 18 purpose, and date of each disbursement except that
2 19 disbursements of less than five dollars may be shown as
2 20 miscellaneous disbursements so long as the aggregate
2 21 miscellaneous disbursements to any one person during a
2 22 calendar year do not exceed one hundred dollars.
2 23 f. The amount and nature of debts and obligations in
2 24 excess of the applicable amount specified in paragraph "b".
2 25 Loans reported under paragraph "e" shall not be considered a
2 26 debt or obligation under this paragraph. A loan made to any
2 27 person by the inaugural treasurer shall be considered a
2 28 disbursement.
2 29 g. Other pertinent information required by this section,
2 30 by rules adopted pursuant to this section, or forms prescribed
2 31 by the board.
2 32 5. The aggregate amount contributed, in kind or otherwise,
2 33 by a person for a gubernatorial inauguration shall not exceed
2 34 twenty-five thousand dollars. A person shall not make a
2 35 contribution in the name of another person, and a person



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3 1 knowingly shall not accept a contribution made by one person
3 2 in the name of another. A person shall not give or accept a
3 3 contribution in excess of twenty-five dollars unless the name
3 4 and address of the contributor is made known to the individual
3 5 receiving the contribution. The aggregate of contributions
3 6 for which the name and address of the contributor is not known
3 7 shall not exceed fifty percent of the amount one person may
3 8 contribute.

3 9 6. A person shall not copy a name of a contributor from a
3 10 report filed under this section or use such name for a
3 11 commercial purpose. A person shall not use a name for a
3 12 commercial purpose with knowledge that such name was obtained
3 13 solely by copying information relating to contributions
3 14 contained in a report filed under this section.

3 15 7. In addition to other reports required by this section,
3 16 the inaugural treasurer shall report the amount and nature of
3 17 debts and obligations owed for the gubernatorial inauguration,
3 18 at times prescribed by the board, continuing until such debts
3 19 and obligations are fully paid or discharged.

3 20 8. Moneys received by an inaugural treasurer shall not be
3 21 used or made available for the personal use of the
3 22 governor=elect or governor and such moneys shall not be used
3 23 by such governor=elect or governor except for legitimate
3 24 gubernatorial inauguration expenses. For the purpose of this
3 25 subsection, "personal use" includes any use to defray normal
3 26 living expenses and any use for personal benefit having no
3 27 direct connection with or effect upon the inauguration.

3 28 9. Before the filing of a termination report in accordance
3 29 with this section, all residual funds not otherwise obligated
3 30 for the payment of expenses incurred for the gubernatorial
3 31 inauguration shall be donated to a charitable organization as
3 32 described in section 501(c)(3) of the Internal Revenue Code
3 33 that is exempt from taxation under section 501(a) of the
3 34 Internal Revenue Code or an organization that is established
3 35 for a charitable purpose.



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Senate File 483 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1241)

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

A BILL FOR

- 1 An Act concerning the department of administrative services and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1262SV 82
- 5 ec/je/5



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Senate File 483 - Introduced continued

PAG LIN

1 1 Section 1. Section 2.47A, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:

1 3 c. Receive annual status reports for all ongoing capital
1 4 projects of state agencies, ~~pursuant to section 8A.321,~~
~~1 5 subsection 11.~~

1 6 Sec. 2. Section 7A.3, subsection 1, Code 2007, is amended
1 7 by striking the subsection.

1 8 Sec. 3. Section 8A.122, subsection 1, Code 2007, is
1 9 amended to read as follows:

1 10 1. The director shall enter into agreements with state
1 11 agencies, and may enter into agreements with any other
1 12 governmental entity or a nonprofit organization, to furnish
1 13 services and facilities of the department to the applicable
1 14 governmental entity or nonprofit organization. The agreement
1 15 shall provide for the reimbursement to the department of the
1 16 reasonable cost of the services and facilities furnished. All
1 17 governmental entities of this state may enter into such
1 18 agreements. For purposes of this subsection, "nonprofit
1 19 organization" means a corporation organized under chapter 504
1 20 to do business or conduct affairs in this state.

1 21 Sec. 4. Section 8A.204, subsection 2, paragraph c, Code
1 22 2007, is amended by striking the paragraph.

1 23 Sec. 5. Section 8A.204, subsection 2, paragraph d, Code
1 24 2007, is amended to read as follows:

1 25 d. The technology governance board annually shall elect a
1 26 chair and a vice chair from among the members of the board, by
1 27 majority vote, to serve ~~a~~ one-year ~~term~~ terms.

1 28 Sec. 6. Section 8A.321, subsection 12, Code 2007, is
1 29 amended by striking the subsection.

1 30 Sec. 7. Section 8A.362, subsection 4, paragraph c, Code
1 31 2007, is amended to read as follows:

1 32 c. Not later than ~~February~~ June 15 of each year, the
1 33 director shall report compliance with the corporate average
1 34 fuel economy standards published by the United States
1 35 secretary of transportation for new motor vehicles, other than



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2 1 motor vehicles purchased by the state department of
2 2 transportation, institutions under the control of the state
2 3 board of regents, the department for the blind, and any other
2 4 state agency exempted from the requirements of this
2 5 subsection. The report of compliance shall classify the
2 6 vehicles purchased for the current vehicle model year using
2 7 the following categories: passenger automobiles, enforcement
2 8 automobiles, vans, and light trucks. The director shall
2 9 deliver a copy of the report to the department of natural
2 10 resources. As used in this paragraph, "corporate average fuel
2 11 economy" means the corporate average fuel economy as defined
2 12 in 49 C.F.R. } 533.5.

2 13 Sec. 8. Section 8A.454, subsection 4, Code 2007, is
2 14 amended by striking the subsection.

2 15 Sec. 9. Section 18A.1, Code 2007, is transferred to
2 16 section 8A.371.

2 17 Sec. 10. Section 18A.2, Code 2007, is transferred to
2 18 section 8A.372.

2 19 Sec. 11. Section 18A.3, Code 2007, is transferred to
2 20 section 8A.373.

2 21 Sec. 12. Section 18A.4, Code 2007, is transferred to
2 22 section 8A.374.

2 23 Sec. 13. Section 18A.5, Code 2007, is transferred to
2 24 section 8A.375.

2 25 Sec. 14. Section 18A.6, Code 2007, is transferred to
2 26 section 8A.376.

2 27 Sec. 15. Section 18A.7, Code 2007, is transferred to
2 28 section 8A.377.

2 29 Sec. 16. 2003 Iowa Acts, chapter 177, section 22,
2 30 subsection 13, is amended to read as follows:

2 31 13. REVERSION. Notwithstanding section 8.33, moneys
2 32 appropriated in this section shall not revert at the close of
2 33 the fiscal year for which they were appropriated but shall
2 34 remain available for the purposes designated until ~~the close~~
~~2 35 of the fiscal year that begins July 1, 2006~~ October 25, 2007,



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3 1 or until the project for which the appropriation was made is
3 2 completed, whichever is earlier.

3 3 Sec. 17. 2004 Iowa Acts, chapter 1175, section 304,
3 4 subsection 3, is amended to read as follows:

3 5 3. REVERSION. Notwithstanding section 8.33, moneys
3 6 appropriated in this section shall not revert at the close of
3 7 the fiscal year for which they were appropriated but shall

3 8 remain available for the purposes designated until ~~the close~~
~~3 9 of the fiscal year that begins July 1, 2006~~ October 25, 2007,

3 10 or until the project for which the appropriation was made is
3 11 completed, whichever is earlier.

3 12 Sec. 18. Section 18A.11, Code 2007, is repealed.

3 13 Sec. 19. EFFECTIVE DATE. The sections of this Act
3 14 amending section 8A.454, 2003 Iowa Acts, chapter 177, and 2004
3 15 Iowa Acts, chapter 1175, being deemed of immediate importance,
3 16 take effect upon enactment.

3 17 EXPLANATION

3 18 This bill concerns the department of administrative
3 19 services.

3 20 Code section 7A.3 is amended to eliminate the requirement
3 21 that the department file a biennial report on the fiscal
3 22 condition of the state.

3 23 Code section 8A.122 is amended to provide that the
3 24 department can enter into agreements with nonprofit
3 25 organizations to furnish services to such organizations.

3 26 Code section 8A.204 is amended to eliminate the requirement
3 27 that the director of the department serve as permanent chair
3 28 of the technology governance board. Instead, the bill
3 29 provides that the board has the authority to elect the chair
3 30 of the board to one-year terms.

3 31 Code section 8A.321 is amended to eliminate the requirement
3 32 that the director of the department call upon state agencies
3 33 to submit status reports for all ongoing capital projects of
3 34 the agencies.

3 35 Code section 8A.362 is amended to extend the date the



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Senate File 483 - Introduced continued

4 1 department is required to submit a report of compliance with
4 2 federal corporate fuel economy standards from February 15 to
4 3 June 15 of each year.
4 4 Code section 8A.454, establishing the Iowa state health
4 5 insurance administration fund and the monthly per contract
4 6 administrative fee charged to cover the costs of administering
4 7 the state's health insurance program, is amended to eliminate
4 8 the July 1, 2007, repeal of the section. This provision takes
4 9 effect upon enactment.
4 10 The bill also moves Code sections 18A.1 through 18A.7,
4 11 concerning capitol planning, to Code chapter 8A and strikes
4 12 the section creating the friends of capitol hill corporation.
4 13 The bill also amends the provisions governing the date
4 14 certain appropriations made and not expended from tobacco
4 15 settlement trust funds in 2003 and 2004 shall revert to that
4 16 fund from the close of the fiscal year that begins July 1,
4 17 2006, to October 25, 2007. The provisions of this bill that
4 18 amend these provisions take effect upon enactment.
4 19 LSB 1262SV 82
4 20 ec:rj/je/5



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Senate File 484 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1315)

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

A BILL FOR

- 1 An Act relating to maximum size and weight requirements for
- 2 vehicles hauling crops during the annual period of harvest.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2834SV 82
- 5 dea/es/88



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Senate File 484 - Introduced continued

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1 1 Section 1. Section 321.463, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Notwithstanding any other law of this
1 4 state, during the annual period beginning September 15 and
1 5 ending November 15, the provisions of paragraphs "a" and "b"
1 6 and section 321E.29 are suspended, to the extent that those
1 7 provisions restrict the movement of oversize and overweight
1 8 loads of soybeans, corn, hay, straw, and stover and require a
1 9 permit to transport such loads. This paragraph applies to
1 10 loads transported on highways other than interstate roads by
1 11 vehicles or combinations of vehicles which do not exceed a
1 12 maximum gross weight of ninety thousand pounds and maximum
1 13 axle weight limits under subsection 2 and which comply with
1 14 posted limits on bridges.

1 15 EXPLANATION

1 16 This bill provides for annual suspension of maximum size
1 17 and weight limits and permit requirements for vehicles hauling
1 18 crops on noninterstate roads from September 15 through
1 19 November 15. Current law establishes graduated weight limits
1 20 for vehicles or combinations of vehicles based on the number
1 21 of axles, with a maximum allowable weight of 80,000 pounds.
1 22 The bill allows a maximum gross weight of 90,000 pounds during
1 23 the annual suspension period regardless of the number of
1 24 axles, provided that maximum legal axle weight limits are not
1 25 exceeded. Weight embargoes on bridges are not affected by the
1 26 bill.

1 27 LSB 2834SV 82

1 28 dea:nh/es/88



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Senate File 485 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 153)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring consideration of greenhouse gas emissions in
- 2 issuing specified air quality permits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2223SV 82
- 5 rn/gg/14



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Senate File 485 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.131, Code 2007, is amended by
1 2 adding the following new subsection:

1 3 NEW SUBSECTION. 6A. "Greenhouse gas" means carbon
1 4 dioxide, methane, nitrous oxide, hydrofluorocarbons,
1 5 perfluorocarbons, and sulfur hexafluoride.

1 6 Sec. 2. Section 455B.134, subsection 3, paragraph d, Code
1 7 2007, is amended to read as follows:

1 8 d. (1) All applications for conditional permits for
1 9 electric power generating facilities shall be subject to such
1 10 notice and opportunity for public participation as may be
1 11 consistent with chapter 476A or any agreement pursuant thereto
1 12 under chapter 28E. The applicant or intervenor may appeal to
1 13 the commission from the denial of a conditional permit or any
1 14 of its conditions. For the purposes of chapter 476A, the
1 15 issuance or denial of a conditional permit by the director or
1 16 by the commission upon appeal shall be a determination that
1 17 the electric power generating facility does or does not meet
1 18 the permit and licensing requirements of the commission. The
1 19 issuance of a conditional permit shall not relieve the
1 20 applicant of the responsibility to submit final and detailed
1 21 construction plans and drawings and an application for a
1 22 construction permit for control equipment that will meet the
1 23 emission limitations established in the conditional permit.

1 24 (2) In evaluating applications for conditional permits for
1 25 electric power generating facilities the director or the
1 26 commission shall, in addition to other applicable factors,
1 27 quantify the potential to emit greenhouse gas emissions due to
1 28 the proposed project.

1 29 Sec. 3. Section 455B.134, subsection 3, Code 2007, is
1 30 amended by adding the following new paragraph:

1 31 NEW PARAGRAPH. g. All applications for construction
1 32 permits or prevention of significant deterioration permits
1 33 shall quantify the potential to emit greenhouse gas emissions
1 34 due to the proposed project.

1 35 EXPLANATION



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Senate File 485 - Introduced continued

2 1 This bill requires the environmental protection commission
2 2 and the director of the department of natural resources to
2 3 quantify the potential for emission of greenhouse gases by
2 4 applicants for conditional permits for electric power
2 5 generating facilities, and for applications for construction
2 6 permits or prevention of significant deterioration permits, in
2 7 determining whether to grant such permits for a proposed
2 8 project. The bill defines a "greenhouse gas" as carbon
2 9 dioxide, methane, nitrous oxide, hydrofluorocarbons,
2 10 perfluorocarbons, and sulfur hexafluoride.
2 11 LSB 2223SV 82
2 12 rn:nh/gg/14



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Senate File 486 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1323)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning distribution of revenue from the wine gallonage
- 2 tax on wine imported into this state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2826SV 82
- 5 ec/gg/14



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Senate File 486 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.183, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. The revenue collected from the wine gallonage tax on
1 4 wine imported into this state for sale at wholesale and sold
1 5 in this state at wholesale shall be deposited ~~as follows:~~

1 6 a. ~~Five percent of the revenue collected from the wine~~
~~1 7 gallonage tax on wine imported into this state for sale at~~
~~1 8 wholesale and sold in this state at wholesale shall be~~
~~1 9 deposited in the grape and wine development fund as created in~~
~~1 10 section 175A.5.~~

1 11 b. ~~The remaining revenue collected from the wine gallonage~~
~~1 12 tax on wine imported into this state for sale at wholesale and~~
~~1 13 sold in this state at wholesale shall be deposited in the beer~~
1 14 and liquor control fund created in section 123.53.

1 15 Sec. 2. Section 175A.5, subsection 1, Code 2007, is
1 16 amended to read as follows:

1 17 1. A grape and wine development fund is created in the
1 18 state treasury under the control of the department. The fund
1 19 is composed of moneys appropriated by the general assembly and
1 20 moneys available to and obtained or accepted by the department
1 21 from the United States or private sources for placement in the
1 22 fund. ~~The fund shall include moneys deposited into the fund~~
~~1 23 from the wine gallonage tax as provided in section 123.183.~~

1 24 EXPLANATION

1 25 This bill provides that all revenue collected from the wine
1 26 gallonage tax on wine imported into this state for sale at
1 27 wholesale shall be deposited in the beer and liquor control
1 28 fund. Current law, stricken by the bill, provides that five
1 29 percent of revenue collected shall be deposited into the grape
1 30 and wine development fund.

1 31 LSB 2826SV 82

1 32 ec:nh/gg/14



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Senate File 487 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 330)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the state fire marshal to assess the practice
- 2 and impact of selling novelty lighters.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2720SV 82
- 5 rn/je/5



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Senate File 487 - Introduced continued

PAG LIN

1 1 Section 1. NOVELTY LIGHTER SALES == IMPACT ASSESSMENT.
1 2 1. The state fire marshal shall assess the degree to which
1 3 the sale of novelty lighters may increase the likelihood of
1 4 accidental fire, and related injury or death. For purposes of
1 5 this section, "novelty lighter" means a cigarette lighter or
1 6 other incendiary device which exhibits a design which deviates
1 7 from the normal design of such lighters or devices in terms of
1 8 the nature of the object depicted, such as an animal,
1 9 inanimate object shape, firearm, or other novel or unusual
1 10 design which is intended to attract the purchaser. In
1 11 conducting the assessment, the state fire marshal shall focus
1 12 on the extent to which children and youth may be more inclined
1 13 to pick up and utilize novelty lighters by virtue of their
1 14 unique design characteristics, and shall make a determination
1 15 or render an estimate regarding the number of accidental fires
1 16 involving or started by children and youth in which novelty
1 17 lighters may have been involved.
1 18 2. The state fire marshal shall prepare a report based on
1 19 the assessment, which shall include recommendations regarding
1 20 restrictions on the sale of novelty lighters, and shall submit
1 21 the report to the members of the general assembly by January
1 22 1, 2008.

1 23 EXPLANATION

1 24 This bill requires the state fire marshal to assess the
1 25 degree to which novelty lighter sales may increase the
1 26 likelihood of accidental fire, and related injury or death.
1 27 The bill defines a "novelty lighter" as a cigarette lighter or
1 28 other incendiary device which exhibits a design which deviates
1 29 from the normal design of such lighters or devices in terms of
1 30 the nature of the object depicted and which is intended to
1 31 attract the purchaser as a result. The bill provides as
1 32 examples of novel designs an animal, inanimate object shape,
1 33 or firearm. The bill provides that in conducting the
1 34 assessment, the state fire marshal shall focus on the extent
1 35 to which children and youth may be more inclined to pick up



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2 1 and utilize novelty lighters by virtue of their unique design
2 2 characteristics, and shall determine or estimate the number of
2 3 accidental fires involving or started by children and youth in
2 4 which novelty lighters may have been involved.
2 5 The bill states that the state fire marshal shall prepare a
2 6 report based on the assessment, including recommendations
2 7 regarding restrictions on the sale of novelty lighters, and
2 8 shall submit the report to the members of the general assembly
2 9 by January 1, 2008.
2 10 LSB 2720SV 82
2 11 rn:nh/je/5



Iowa General Assembly
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Senate File 488 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1309)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning assessments for funding of municipal utility
- 2 retirement systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2828SV 82
- 5 ec/es/88



Iowa General Assembly
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Senate File 488 - Introduced continued

PAG LIN

1 1 Section 1. Section 412.2, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. From the proceeds of the assessments on the wages and
1 4 salaries of employees, of any such waterworks system, or other
1 5 municipally owned and operated public utility, eligible to
1 6 receive the benefits thereof. However, notwithstanding any
1 7 provision of law to the contrary, the employer shall not make
1 8 a unilateral assessment on the wages and salaries of employees
1 9 without first bargaining to impasse.

1 10 EXPLANATION

1 11 This bill concerns the funding of municipal utility
1 12 retirement systems from assessments on the wages and salaries
1 13 of employees and provides that the employer shall not make a
1 14 unilateral assessment on wages for that funding.

1 15 LSB 2828SV 82

1 16 ec:rj/es/88



Iowa General Assembly
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March 12, 2007

Senate File 489 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 316)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an Alzheimer's disease task force.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2556SV 82
- 4 nh/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2007

Senate File 489 - Introduced continued

PAG LIN

1 1 Section 1. ALZHEIMER'S DISEASE TASK FORCE.
1 2 1. The Alzheimer's disease task force is established. The
1 3 task force shall consist of the following members:
1 4 a. The joint chairpersons of the legislative health and
1 5 human services appropriations subcommittee and the chairs of
1 6 the human resources standing committees of the senate and the
1 7 house of representatives.
1 8 b. The following members appointed by the governor:
1 9 (1) One person with Alzheimer's disease.
1 10 (2) One caregiver of a person with Alzheimer's disease.
1 11 (3) A representative of the nursing facility industry.
1 12 (4) A representative of the assisted living industry.
1 13 (5) A representative of the adult day services industry.
1 14 (6) A representative of the health care provider
1 15 community.
1 16 (7) A person who conducts Alzheimer's disease research.
1 17 (8) A representative of the Alzheimer's association.
1 18 c. The director, or the director's designee, of each of
1 19 the following agencies:
1 20 (1) The department of elder affairs.
1 21 (2) The department of human services.
1 22 (3) The department of public health.
1 23 (4) The department of workforce development.
1 24 (5) The department of inspections and appeals.
1 25 2. The department of elder affairs shall convene the task
1 26 force and provide necessary administrative support for the
1 27 task force.
1 28 3. The task force shall assess the current and future
1 29 impact of Alzheimer's disease and related disorders on the
1 30 residents of the state; examine the existing industries,
1 31 services, and resources addressing the needs of persons with
1 32 Alzheimer's disease or related disorders, their families, and
1 33 their caregivers; and develop a strategy to mobilize a state
1 34 response to this public health crisis.
1 35 4. The task force shall include an examination of the



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Senate File 489 - Introduced continued

2 1 following in its assessment and recommendations:
2 2 a. Trends in the state's population of persons with
2 3 Alzheimer's disease or related disorders and the needs of such
2 4 persons including but not limited to:
2 5 (1) The state role in long-term care, family caregiver
2 6 support, and assistance to persons with early-stage and early
2 7 onset of Alzheimer's disease or related disorders.
2 8 (2) State policy regarding persons with Alzheimer's
2 9 disease or related disorders.
2 10 b. Existing services, resources, and capacity including
2 11 but not limited to:
2 12 (1) The type, cost, and availability of dementia services.
2 13 (2) Dementia-specific training requirements for long-term
2 14 care staff.
2 15 (3) Quality care measures for residential care facilities.
2 16 (4) The capacity of public safety and law enforcement
2 17 agencies to respond to persons with Alzheimer's disease or
2 18 related disorders.
2 19 (5) The availability of home and community-based resources
2 20 for persons with Alzheimer's disease or related disorders and
2 21 respite care to assist families.
2 22 (6) An inventory of long-term care dementia care units.
2 23 (7) The adequacy and appropriateness of
2 24 geriatric-psychiatric units for persons with behavior
2 25 disorders associated with Alzheimer's disease and related
2 26 dementia.
2 27 (8) Assisted living residential options for persons with
2 28 dementia.
2 29 (9) State support of research of Alzheimer's disease and
2 30 related disorders through the state's institutions of higher
2 31 education and other resources.
2 32 c. Needed state policies or responses including but not
2 33 limited to directions for the provision of clear and
2 34 coordinated services and support to persons and families
2 35 living with Alzheimer's disease or related disorders, and



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Senate File 489 - Introduced continued

3 1 strategies to address any identified gaps in services.
3 2 5. All meetings of the task force shall comply with
3 3 chapter 21 and the task force shall utilize technological
3 4 means, such as webcasts, to gather feedback on its discussions
3 5 and recommendations from persons and families affected by
3 6 Alzheimer's disease and related disorders and from the general
3 7 public.

3 8 6. The task force shall submit a report of its findings
3 9 and date-specific recommendations to the general assembly and
3 10 the governor in the form of a state Alzheimer's disease and
3 11 related disorders plan by January 1, 2008. The task force
3 12 shall be dissolved upon the submission of the plan.

3 13 EXPLANATION

3 14 This bill establishes an Alzheimer's disease task force.
3 15 The department of elder affairs is to convene the task force
3 16 and provide administrative support for the task force. The
3 17 task force is to consist of legislative members, persons
3 18 living with and affected by Alzheimer's disease,
3 19 representatives of various types of health care facilities and
3 20 health care providers, an Alzheimer's disease researcher, a
3 21 representative of the Alzheimer's association, and the
3 22 directors, or their designees, of the departments of elder
3 23 affairs, human services, public health, workforce development,
3 24 and inspections and appeals.

3 25 The task force is directed to assess the current and future
3 26 impact of Alzheimer's disease and related disorders on
3 27 residents of the state; examine the existing industries,
3 28 services, and resources addressing the needs of persons with
3 29 Alzheimer's or related disorders, their families, and
3 30 caregivers; and develop a strategy to mobilize a state
3 31 response to the public health crisis. The task force is to
3 32 submit a state Alzheimer's disease and related disorders plan
3 33 to the general assembly and the governor by January 1, 2008,
3 34 and shall be dissolved upon submitting the plan.

3 35 LSB 2556SV 82



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Senate File 489 - Introduced continued

4 1 nh:sc/je/5



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Senate File 490 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 1301)

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

A BILL FOR

- 1 An Act to support efforts to strengthen education and enrichment
- 2 programming using the arts and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2542SV 82
- 5 kh/es/88

PAG LIN



**Iowa General Assembly
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Senate File 489 - Introduced continued

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS == EDUCATION AND
1 2 ENRICHMENT ARTS == APPROPRIATION. There is appropriated from
1 3 the general fund of the state to the department of cultural
1 4 affairs for the fiscal year beginning July 1, 2007, and ending
1 5 June 30, 2008, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:

1 7 For efforts to strengthen education and enrichment
1 8 programming using the arts:
1 9 \$ 100,000

1 10 Funds appropriated pursuant to this section shall be used
1 11 by the department to employ on a part-time basis an arts
1 12 education specialist, organize a professional development
1 13 network to provide intensive professional development
1 14 opportunities to child care providers, youth camps, youth
1 15 development organizations, out-of-school programs, parents,
1 16 teachers, individuals providing competent instruction, and
1 17 teaching artists throughout the state, initiate ongoing
1 18 research on best practices, engage in partnering opportunities
1 19 with other state agencies, and to provide grants to support
1 20 development of arts-based education and enrichment programming
1 21 models for students at any grade level or at various grade
1 22 levels from prekindergarten through high school.

EXPLANATION

1 24 This bill appropriates \$100,000 from the state general fund
1 25 for FY 2007=2008 to the department of cultural affairs for
1 26 efforts to strengthen education and enrichment programming
1 27 using the arts. The bill directs the department to use the
1 28 funds to employ an arts education specialist, organize a
1 29 professional development network to provide intensive
1 30 professional development opportunities to child care
1 31 providers, youth camps, youth development organizations,
1 32 out-of-school programs, parents, teachers, individuals
1 33 providing competent private instruction, and teaching artists
1 34 throughout the state, initiate ongoing research on best
1 35 practices, engage in partnering opportunities with other state



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Senate File 489 - Introduced continued

2 1 agencies, and to provide grants to support development of
2 2 arts-based education and enrichment programming models for
2 3 students at any grade level or at various grade levels from
2 4 prekindergarten through high school.
2 5 LSB 2542SV 82
2 6 kh:sc/es/88



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Senate File 491 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1234)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

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

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

7 TLSB 1098SV 82

8 rh/je/5



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Senate File 491 - Introduced continued

PAG LIN

1 1 Section 1. Section 724.26, Code 2007, is amended to read
1 2 as follows:

1 3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION
1 4 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND
1 5 OTHERS.

1 6 1. A person who is convicted of a felony in a state or
1 7 federal court, or who is adjudicated delinquent on the basis
1 8 of conduct that would constitute a felony if committed by an
1 9 adult, and who knowingly has under the person's dominion and
1 10 control or possession, receives, or transports or causes to be
1 11 transported a firearm or offensive weapon is guilty of a class
1 12 "D" felony.

1 13 2. A person who is subject to a protective order under 18
1 14 U.S.C. } 922(g)(8) or who has been convicted of a misdemeanor
1 15 crime of domestic violence under 18 U.S.C. } 922(g)(9), and
1 16 who knowingly possesses, ships, transports, or receives a
1 17 firearm or offensive weapon, is guilty of a class "D" felony.
1 18 Such a person shall not be eligible to obtain a permit under
1 19 this chapter and any permits issued to such a person are
1 20 deemed revoked.

1 21 3. Except as provided in section 809A.17, subsection 5,
1 22 paragraph "b", a firearm or offensive weapon taken into
1 23 custody by or surrendered to law enforcement under this
1 24 section shall be disposed of in any of the following ways:

1 25 a. Held as evidence if used or intended to be used in any
1 26 manner or part to facilitate conduct giving rise to a
1 27 violation described in subsection 2.

1 28 b. Transferred to the custody of a qualified person in
1 29 this state, as determined by the court. The qualified person
1 30 shall not reside in the home of a person found guilty of an
1 31 offense under this section and must be able to lawfully
1 32 possess a firearm or offensive weapon in this state. The
1 33 qualified person who takes custody of the firearm or offensive
1 34 weapon may, at the direction and on behalf of the person
1 35 subject to subsection 2, sell the firearm or offensive weapon



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Senate File 491 - Introduced continued

2 1 to any other person who is not otherwise prohibited by law
2 2 from possessing a firearm or offensive weapon.
2 3 c. Stored by the county sheriff. The court shall assess
2 4 the defendant, in addition to any penalty, a fee of fifty
2 5 dollars plus the cost of any other expenses for storing the
2 6 firearm or offensive weapon, payable to the county sheriff's
2 7 office.
2 8 4. A firearm or offensive weapon taken into custody or
2 9 surrendered pursuant to subsection 2 from a person who is the
2 10 subject of a protective order shall be returned by the county
2 11 sheriff upon the person's demand if the county sheriff
2 12 determines both of the following:
2 13 a. The protective order has been vacated or has expired.
2 14 b. The person subject to the protective order is not
2 15 otherwise prohibited by law from possessing a firearm.
2 16 5. The county sheriff or the county sheriff's designee
2 17 shall not be liable to any person for acts done in reasonable
2 18 compliance with this section.

2 19 EXPLANATION

2 20 This bill amends Code section 724.26 to prohibit the
2 21 knowing possession, shipment, transportation, or receipt of a
2 22 firearm or offensive weapon by a person who is the subject of
2 23 a protective order under federal law (18 U.S.C. } 922(g)(8))
2 24 or by a person who has been convicted of a misdemeanor crime
2 25 of domestic violence under federal law (18 U.S.C. }
2 26 922(g)(9)).
2 27 Violation of the prohibition is a class "D" felony. A
2 28 class "D" felony is punishable by confinement for no more than
2 29 five years and a fine of at least \$750 but not more than
2 30 \$7,500. Such a person shall not be eligible to obtain a
2 31 permit to carry weapons or a permit to acquire pistols or
2 32 revolvers.
2 33 The bill further provides that unless a forfeiture
2 34 proceeding has been initiated, a firearm or offensive weapon
2 35 taken into custody or surrendered to law enforcement under the



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Senate File 491 - Introduced continued

3 1 bill and Code section 724.26 shall be disposed of in any one
3 2 of the following ways:

3 3 1. Held in evidence if the firearm or offensive weapon was
3 4 used or intended to be used in any part to facilitate conduct
3 5 giving rise to any of the delineated violations.

3 6 2. Transferred to a qualified person who does not live
3 7 with the offender and who is qualified in Iowa to possess a
3 8 firearm or offensive weapon, as determined by the court. The
3 9 qualified person who takes custody of the firearm or offensive
3 10 weapon may, at the direction and on behalf of the person who
3 11 is the subject of a protective order or who has been convicted
3 12 of a misdemeanor crime of domestic violence under federal law,
3 13 sell the firearm or offensive weapon to any other person who
3 14 is not otherwise prohibited by law from possessing a firearm
3 15 or offensive weapon.

3 16 3. Stored by the county sheriff. The court shall assess
3 17 the defendant, in addition to any other penalty, a fee of \$50
3 18 plus the costs of any other expenses to cover storage costs.

3 19 4. A firearm or offensive weapon taken into custody or
3 20 surrendered pursuant to the bill shall be returned by the
3 21 county sheriff upon the person's demand if the county sheriff
3 22 determines that the protective order has been vacated or has
3 23 expired and the person subject to the protective order is not
3 24 otherwise prohibited by law from possessing a firearm.

3 25 The bill provides the county sheriff or the county
3 26 sheriff's designee shall not be liable to any person for acts
3 27 done in reasonable compliance with the bill.

3 28 LSB 1098SV 82
3 29 rh:rj/je/5.1



Iowa General Assembly
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March 12, 2007

Senate File 492 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1232)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate File 492 - Introduced continued

PAG LIN

1 1 Section 1. Section 80B.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Minimum entrance requirements, course of study,
1 4 attendance requirements, and equipment and facilities required
1 5 at approved law enforcement training schools. Minimum ~~age~~
1 6 requirements for entrance to an approved law enforcement
1 7 training ~~schools~~ school shall include requirements that a
1 8 person be eighteen years of age and a citizen of the United
1 9 States or an alien who has been lawfully admitted into the
1 10 United States for permanent residence and who intends to
1 11 become a citizen of the United States within eight years of
1 12 commencing employment with a state or local law enforcement
1 13 agency. Minimum course of study requirements shall include a
1 14 separate domestic abuse curriculum, which may include, but is
1 15 not limited to, outside speakers from domestic abuse shelters
1 16 and crime victim assistance organizations. Minimum course of
1 17 study requirements shall also include a sexual assault
1 18 curriculum.

1 19 EXPLANATION

1 20 This bill relates to the Iowa law enforcement academy and
1 21 minimum entrance requirements.
1 22 The bill provides that minimum requirements for entrance to
1 23 an approved law enforcement training school, which include a
1 24 minimum age of 18, shall also include a requirement that a
1 25 person be a citizen of the United States or an alien who has
1 26 been lawfully admitted into the United States for permanent
1 27 residence and who intends to become a citizen of the United
1 28 States within eight years of commencing employment with a
1 29 state or local law enforcement agency.
1 30 LSB 2423SV 82
1 31 rh:rj/je/5



Iowa General Assembly
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Senate File 493 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 328)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to plans and financial assurance requirements for
- 2 certain sanitary landfill projects.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2615SV 82
- 5 tm/gg/14



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Senate File 493 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.306, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 12. This section shall not apply to a
1 4 sanitary landfill project owned by an electric generating
1 5 facility and used exclusively for the disposal of coal
1 6 combustion residue. Notwithstanding section 455B.301,
1 7 subsection 8, a utility under this subsection may demonstrate
1 8 financial assurance through the use of a secured trust fund, a
1 9 cash or surety bond, a corporate financial test as provided by
1 10 the department, the obtaining of an irrevocable letter of
1 11 credit, or an alternative method as provided by the
1 12 department. The financial assurance instrument submitted must
1 13 ensure the facility's financial capability to provide
1 14 reasonable and necessary response during the lifetime of the
1 15 project and for a specified period of time following closure
1 16 as required by rules adopted by the commission.

1 17 EXPLANATION

1 18 This bill relates to plans and financial assurance
1 19 requirements for certain sanitary landfill projects.
1 20 The bill provides that certain planning requirements for
1 21 sanitary landfills do not apply to a sanitary landfill project
1 22 owned by an electric generating facility and used exclusively
1 23 for the disposal of coal combustion residue. The bill
1 24 provides that a utility owning such a sanitary landfill
1 25 project may demonstrate financial assurance through the use of
1 26 a secured trust fund, a cash or surety bond, a corporate
1 27 financial test as provided by the department of natural
1 28 resources, the obtaining of an irrevocable letter of credit,
1 29 or an alternative method as provided by the department. The
1 30 bill provides that a financial assurance instrument must
1 31 ensure the facility's financial capability to provide
1 32 reasonable and necessary response during the lifetime of the
1 33 project and for a specified period of time following the
1 34 closure as required by rule.
1 35 LSB 2615SV 82



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Senate File 493 - Introduced continued

2 1 tm:nh/gg/14



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Senate File 494 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 262)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to statewide greenhouse gas emissions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2393SV 82
- 4 tm/je/5

PAG LIN



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Senate File 493 - Introduced continued

1 1 Section 1. NEW SECTION. 455B.152 GREENHOUSE GAS
1 2 INVENTORY AND REGISTRY.
1 3 1. DEFINITIONS. For purposes of this section, "greenhouse
1 4 gas" means carbon dioxide, methane, nitrous oxide,
1 5 hydrofluorocarbons, perfluorocarbons, or sulphur hexafluoride.
1 6 2. GREENHOUSE GAS INVENTORY.
1 7 a. By January 1, 2008, the department shall establish a
1 8 method for collecting data from producers of greenhouse gases
1 9 regarding generated greenhouse gases. The data collection
1 10 method shall provide for mandatory reporting to collect
1 11 information from affected entities individually and shall
1 12 include information regarding the amount and type of
1 13 greenhouse gases generated, the type of source, and other
1 14 information deemed relevant by the department in developing a
1 15 baseline measure of greenhouse gases produced in the state.
1 16 b. The department may allow a series of reporting
1 17 requirements to be phased in over a period of time and may
1 18 provide for phasing in by producer sector, geographic area,
1 19 size of producer, or other factors. The reporting
1 20 requirements shall apply to the departments, agencies, boards,
1 21 and commissions of the state, in addition to any other
1 22 entities subject to the reporting requirements established by
1 23 the department.
1 24 3. GREENHOUSE GAS REGISTRY.
1 25 a. The department shall establish a voluntary greenhouse
1 26 gas registry for purposes of cooperating with other states in
1 27 tracking, managing, and crediting entities in the state that
1 28 reduce their generation of greenhouse gases or that provide
1 29 increased energy efficiency.
1 30 b. The department shall develop a mechanism to coordinate
1 31 the information obtained in the greenhouse gas inventory with
1 32 the greenhouse gas registry.
1 33 4. AVAILABILITY. By January 1, 2009, the greenhouse gas
1 34 registry shall be made available on an internet website.
1 35 Sec. 2. NEW SECTION. 455B.851 IOWA CLIMATE CHANGE



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Senate File 493 - Introduced continued

2 1 ADVISORY COUNCIL.

2 2 1. The department shall create an Iowa climate change
2 3 advisory council consisting of twenty-one voting members
2 4 serving three-year staggered terms and four nonvoting, ex
2 5 officio members.

2 6 2. a. The voting members shall be appointed by the
2 7 governor and shall represent the following:

2 8 (1) The university of Iowa center for global and regional
2 9 environmental research.

2 10 (2) The university of northern Iowa center for energy and
2 11 environmental education.

2 12 (3) The Iowa farm bureau.

2 13 (4) The Iowa public transit association.

2 14 (5) Rural electric cooperatives.

2 15 (6) Investor-owned utilities.

2 16 (7) Municipal utilities.

2 17 (8) The Iowa utilities board.

2 18 (9) More than one association with environmental interests
2 19 or activities.

2 20 (10) An association with conservation interests or
2 21 activities.

2 22 (11) The international brotherhood of electrical workers.

2 23 (12) The Iowa association of business and industry.

2 24 (13) The Iowa energy center.

2 25 (14) The Iowa bicycle coalition.

2 26 (15) The Iowa renewable fuels association.

2 27 (16) The office of consumer advocate of the department of
2 28 justice.

2 29 (17) An Iowa representative of the international council
2 30 for local environmental initiatives.

2 31 (18) The director of renewable energy in the office of the
2 32 governor.

2 33 (19) A faith-based organization.

2 34 (20) A manufacturer of equipment used for alternative
2 35 energy production.



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Senate File 493 - Introduced continued

3 1 b. The four nonvoting, ex officio members shall consist of
3 2 four members of the general assembly, two from the senate and
3 3 two from the house of representatives, with not more than one
3 4 member from each chamber being from the same political party.
3 5 The two senators shall be designated by the majority leader of
3 6 the senate after consultation with the president and the
3 7 minority leader of the senate. The two representatives shall
3 8 be designated by the speaker of the house of representatives
3 9 after consultation with the majority and minority leaders of
3 10 the house of representatives.

3 11 3. Voting members of the council shall serve at the
3 12 pleasure of the governor and shall serve without compensation.

3 13 4. The chairperson of the council shall be designated by
3 14 the governor and may convene the council at any time.

3 15 5. A vacancy in the membership shall not impair the right
3 16 of a quorum to exercise all the rights and perform all the
3 17 duties of the council. A majority of the council members then
3 18 appointed constitutes a quorum. A majority vote of the quorum
3 19 is required for council action.

3 20 6. The department shall provide necessary staff assistance
3 21 to the council.

3 22 7. After consideration of a full range of policies and
3 23 strategies, the council shall develop multiple scenarios
3 24 designed to reduce statewide greenhouse gas emissions
3 25 including one scenario that would reduce such emissions by
3 26 fifty percent by 2050. The council shall also develop
3 27 short-term, medium-term, and long-term scenarios designed to
3 28 reduce statewide greenhouse gas emissions. The council shall
3 29 establish a baseline year for purposes of calculating
3 30 reductions in statewide greenhouse gas emissions. The council
3 31 shall submit the proposal to the governor and the general
3 32 assembly by January 1, 2008.

3 33 8. The council may periodically adopt recommendations
3 34 designed to encourage the reduction of statewide greenhouse
3 35 gas emissions.



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Senate File 493 - Introduced continued

4 1 9. By September 1 of each year, the department shall
4 2 submit a report to the governor and the general assembly
4 3 regarding the greenhouse gas emissions in the state during the
4 4 previous calendar year and forecasting trends in such
4 5 emissions. The first submission by the department shall be
4 6 filed by September 1, 2008, for the calendar year beginning
4 7 January 1, 2007.

4 8 10. There is appropriated from the general fund of the
4 9 state to the department of natural resources for the fiscal
4 10 period beginning July 1, 2007, and ending June 30, 2011, the
4 11 sum of one hundred thousand dollars each fiscal year for
4 12 purposes of the establishment and support of the Iowa climate
4 13 change advisory council. Notwithstanding section 8.33, moneys
4 14 appropriated in this subsection that remain unencumbered or
4 15 unobligated at the close of the fiscal year shall not revert
4 16 but shall remain available for expenditure for the purposes
4 17 designated until the close of the succeeding fiscal year.

4 18 EXPLANATION

4 19 This bill relates to statewide greenhouse emissions.

4 20 The bill provides that, by January 1, 2008, the department
4 21 of natural resources shall establish a method for collecting
4 22 data from producers of greenhouse gases. The bill includes a
4 23 mandatory reporting requirement as part of the data collection
4 24 method. The bill allows the department to phase in reporting
4 25 requirements.

4 26 The bill requires the department to establish a voluntary
4 27 greenhouse gas registry for purposes of cooperating with other
4 28 states in tracking, managing, and crediting entities in the
4 29 state that reduce their generation of greenhouse gases or that
4 30 provide increased energy efficiency.

4 31 The bill requires the department of natural resources to
4 32 create an Iowa climate change advisory council consisting of
4 33 21 voting members and four nonvoting, ex officio members
4 34 representing the general assembly. The bill provides that the
4 35 voting members are appointed by the governor and shall



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5 1 represent certain associations and groups. The bill requires
5 2 the governor to designate the chairperson of the council. The
5 3 bill requires the department to provide necessary staff
5 4 assistance to the council.

5 5 The bill requires the council, after consideration of a
5 6 full range of policies and strategies, to adopt multiple
5 7 scenarios designed to reduce statewide greenhouse gas
5 8 emissions including one scenario that would reduce such
5 9 emissions by 50 percent by 2050. The bill requires the
5 10 council to also develop short-term, medium-term, and long-term
5 11 scenarios, designed to reduce statewide greenhouse gas
5 12 emissions. The council shall submit the proposal to the
5 13 governor and the general assembly by January 1, 2008.

5 14 By September 1 of each year, the bill requires the
5 15 department to submit a report to the governor and the general
5 16 assembly regarding the greenhouse gas emissions in the state
5 17 during the previous calendar year and forecasting trends in
5 18 such emissions.

5 19 The bill appropriates from the general fund of the state to
5 20 the department of natural resources for the fiscal period
5 21 beginning July 1, 2007, and ending June 30, 2011, the sum of
5 22 \$100,000 each fiscal year for purposes of the establishment
5 23 and support of the Iowa climate change advisory council.

5 24 LSB 2393SV 82

5 25 tm:rj/je/5



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SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1235)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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



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2 1 of impairments to water quality and the potential sources of
2 2 the impairments. Data collected and modeling conducted
2 3 through this process are for planning purposes only and shall
2 4 not be used in an enforcement action. Individual identifying
2 5 data shall not be considered a public record subject to
2 6 examination and copying under chapter 22. The geological
2 7 survey bureau of the department of natural resources and the
2 8 division of soil conservation of the department of agriculture
2 9 and land stewardship shall cooperatively assist locally led
2 10 watershed groups in the development of eight-digit hydrologic
2 11 unit code watershed goals.

2 12 3. The watershed counselor shall not be considered an
2 13 agency under section 17A.2 and shall not have any independent
2 14 authority to regulate.

2 15 4. The department of natural resources shall provide any
2 16 information or data requested by the watershed counselor.

2 17 Sec. 2. NEW SECTION. 7.24 STRATEGIC WATER PLAN.

2 18 1. The watershed counselor shall do all of the following
2 19 for purposes of developing the strategic water plan:

2 20 a. Consult with the department of natural resources, the
2 21 department of agriculture and land stewardship, organizations
2 22 represented on the watershed improvement review board
2 23 established in section 466A.3, the Iowa division of the
2 24 natural resources conservation service of the United States
2 25 department of agriculture, the state soil conservation
2 26 committee established in section 161A.4, and any other
2 27 entities deemed appropriate by the watershed counselor.

2 28 b. Review the water quality programs administered by the
2 29 department of natural resources, the department of agriculture
2 30 and land stewardship, and soil and water conservation
2 31 districts.

2 32 c. Review recommendations of the sustainable natural
2 33 resource funding study established in 2006 Iowa Acts, ch.
2 34 1185. This review is not required for the development of
2 35 strategic water plans subsequent to the initial strategic



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



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



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5 1 following new subsections:

5 2 NEW SUBSECTION. 58. Individual identifying data collected
5 3 as part of a statewide ongoing comprehensive assessment and
5 4 planning process for eight=digit hydrologic unit code
5 5 watersheds pursuant to section 7.23, subsection 2.

5 6 NEW SUBSECTION. 59. Information collected or provided
5 7 during the provision of services listed in section 161A.101,
5 8 subsection 2.

5 9 Sec. 5. NEW SECTION. 161A.101 VOLUNTARY ENVIRONMENTAL
5 10 PERFORMANCE BUREAU.

5 11 1. A voluntary environmental performance bureau is
5 12 established within the division.

5 13 2. The bureau shall do all of the following:

5 14 a. Assist agricultural producers with a review of
5 15 regulatory and conservation needs and opportunities.

5 16 b. Conduct voluntary farm assessments and manure
5 17 management planning for both permitted and nonpermitted open
5 18 feedlots operations and confinement feeding operation
5 19 structures.

5 20 c. Provide comprehensive evaluations of associated field
5 21 conservation practices.

5 22 d. Provide compliance assistance to agricultural producers
5 23 with respect to applicable state and federal regulations.

5 24 e. Communicate regulatory requirements for agricultural
5 25 producers to the general public through electronic and other
5 26 means.

5 27 f. Collaborate with the department to develop eight=digit
5 28 hydrologic unit code watershed goals.

5 29 3. The bureau may contract and train third=party vendors
5 30 to provide any of the services listed in subsection 2.

5 31 4. Any information obtained or provided during the
5 32 provision of services listed in subsection 2 shall not be used
5 33 in an enforcement action and shall not be considered public
5 34 records subject to examination and copying under chapter 22.

5 35 5. Activities under subsection 2 conducted by the bureau



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6 1 or a third-party vendor shall not take the form of enforcement
6 2 activities.

6 3 Sec. 6. Section 455B.173, subsection 2, Code 2007, is
6 4 amended by adding the following new unnumbered paragraph:

6 5 NEW UNNUMBERED PARAGRAPH. If the United States
6 6 environmental protection agency has established nationally
6 7 recommended water quality criteria pursuant to section
6 8 304(a)(1) of the federal Clean Water Act, a state water
6 9 quality standard shall not be more restrictive than the
6 10 federal recommendation. A state water quality standard shall
6 11 not be modified to be more restrictive unless all of the
6 12 following are met:

6 13 a. The rule is required by the federal Clean Water Act.

6 14 b. Research and practice trials have demonstrated that the
6 15 standards or requirements of the more restrictive rule can be
6 16 met with the use of economically feasible technology.

6 17 c. The established or modified rule provides a reasonable
6 18 time frame for accomplishing the goals of the water quality
6 19 standard considering the scope of the economic impact of the
6 20 rule and the number of land acres impacted by the rule should
6 21 the new restriction cause a water segment to be placed on the
6 22 section 303(d) list.

6 23 d. A rule establishing or modifying a nutrient standard
6 24 shall not be adopted unless the standard can be met with
6 25 available voluntary land care programs.

6 26 Sec. 7. Section 455B.173, Code 2007, is amended by adding
6 27 the following new subsection:

6 28 NEW SUBSECTION. 13. Adopt rules establishing a program
6 29 for water quality credit trading for nutrients, sediments, and
6 30 other pollutants. The program shall be designed to do all of
6 31 the following:

6 32 a. Achieve water quality improvements more quickly than
6 33 would otherwise be possible.

6 34 b. Lead to a more cost-effective way to achieve water
6 35 quality standards in waters of the state.



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7 1 c. Provide economic incentives for reductions in nonpoint
7 2 source pollution.

7 3 d. Provide other environmental benefits including but not
7 4 limited to restoring natural flow patterns, improving aquatic
7 5 habitat, increasing the ability of streams to process certain
7 6 pollutants, and creating stream buffers, shading, and other
7 7 benefits that go beyond reducing pollutants.

7 8 Sec. 8. Section 455B.174, Code 2007, is amended by adding
7 9 the following new subsection:

7 10 NEW SUBSECTION. 6. Conduct watershed assessments,
7 11 including modeling and water monitoring prior to the
7 12 development of total maximum daily loads. If a total maximum
7 13 daily load has been developed by the effective date of this
7 14 Act, watershed assessments shall be conducted and the total
7 15 maximum daily load shall be modified accordingly. A watershed
7 16 assessment shall include a scientific identification of
7 17 geographic areas to prioritize for achieving total maximum
7 18 daily loads. The department may contract with a third party
7 19 for purposes of conducting the watershed assessments.

7 20 Sec. 9. NEW SECTION. 459.104 VARIANCES.

7 21 A person who owns or operates a confinement feeding
7 22 operation may apply for a variance from the rules or standards
7 23 adopted by the department by filing an application with the
7 24 department. The application shall be accompanied by such
7 25 information and data required by the department.

7 26 1. The director shall promptly investigate the application
7 27 and approve or disapprove the application. The director may
7 28 grant a variance if the director finds that the applicant
7 29 satisfactorily demonstrates that the management or control
7 30 system adopted for the confinement feeding operation will
7 31 provide an equivalent level of performance to that achieved by
7 32 the requirement from which a variance is requested absent the
7 33 additional management or control system. Demonstration of
7 34 equivalent performance may include submitted results of
7 35 computer modeling which compares the predicted performance of



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8 1 the proposed management or control system with that achieved
8 2 by the requirement from which a variance is sought.
8 3 2. The applicant may request a review hearing before the
8 4 department if the application is denied.
8 5 3. The director may grant a variance for a specific period
8 6 of time or a permanent variance, as deemed necessary and
8 7 appropriate by the director.
8 8 4. The director shall maintain a record of each variance
8 9 granted specifying the reasons for its issuance or extension.
8 10 Sec. 10. Section 466A.3, Code 2007, is amended by adding
8 11 the following new subsection:
8 12 NEW SUBSECTION. 5. A voting member of the board who is
8 13 not a state employee as defined in section 68B.2 shall be paid
8 14 a per diem as specified in section 7E.6.
8 15 Sec. 11. CLEAN WATER ACT. The department of natural
8 16 resources and the department of agriculture and land
8 17 stewardship shall work with the United States environmental
8 18 protection agency to modify the portion of the federal Clean
8 19 Water Act delegation agreement to move the administration of
8 20 section 319 of the federal Clean Water Act to the department
8 21 of agriculture and land stewardship.
8 22 Sec. 12. AGRICULTURAL DRAINAGE WELL WATER QUALITY
8 23 ASSISTANCE PROGRAM. The department of agriculture and land
8 24 stewardship shall increase the amount of assistance provided
8 25 under the agricultural drainage well water quality assistance
8 26 program established pursuant to section 460.304.
8 27 Sec. 13. RESEARCH. With appropriated moneys and grants
8 28 received by Iowa state university of science and technology,
8 29 the college of agriculture shall take the lead in conducting
8 30 basic and applied research and education to determine
8 31 practicable science-based solutions for nutrient and sediment
8 32 impairment issues. The college shall do all of the following:
8 33 1. Leverage research and education efforts, collaborate
8 34 with other colleges and centers at Iowa state university of
8 35 science and technology and other land grant or United States
9 1 department of agriculture research institutions.
9 2 2. Develop land care program templates for successfully
9 3 minimizing water quality impacts from the production of farm
9 4 commodities, including corn and soybeans, with minimal crop
9 5 yield losses.
9 6 3. Research agronomic fertilization needs of crops
9 7 throughout the state, beginning with corn and soybeans, to
9 8 develop recommendations both to meet crop needs and minimize
9 9 the potential for nutrient runoff, including but not limited
9 10 to whether manure can be applied to a soybean crop without
9 11 increasing the amount of nitrogen runoff from what is expected
9 12 from a corn crop. The research shall evaluate at a minimum
9 13 the effects of various application rates, a corn and soybean
9 14 rotation, and continuous corn production for comparison
9 15 purposes.
9 16 4. Research alternatives to reduce the water impact of
9 17 man-made drainage while continuing to meet land drainage needs
9 18 for working agricultural lands.
9 19 5. Consult with the water counselor in developing its
9 20 research plan.

9 21

EXPLANATION



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9 22 This bill relates to water quality.
9 23 The bill requires the governor to establish a position of
9 24 watershed counselor as part of the governor's office and
9 25 appoint a person in the governor's office or the lieutenant
9 26 governor's office to serve in the position. The bill requires
9 27 the watershed counselor to coordinate staff communication,
9 28 programs, and funding in state agencies responsible for water
9 29 resources with the purpose of achieving common goals; develop
9 30 a strategic water plan for the state; update the strategic
9 31 water plan by January 1, 2010, and at five-year intervals
9 32 thereafter; file a written progress report with the general
9 33 assembly and the governor by January 15 of each year beginning
9 34 in the calendar year 2010; coordinate the development and
9 35 implementation of the goals identified in the strategic water



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10 1 plan; monitor and regularly assess if water programs and
10 2 processes administered by agencies in the executive branch are
10 3 enabling the strategic water plan goals to be achieved; in
10 4 consultation with the secretary of agriculture and the
10 5 director of the department of natural resources, lead the
10 6 science advisory council; in an effort to achieve strategic
10 7 water plan goals, coordinate watershed programs with local
10 8 governments, the state government, the federal government,
10 9 community colleges, and nongovernmental entities; and direct a
10 10 statewide ongoing comprehensive assessment and planning
10 11 process for eight-digit hydrologic unit code watersheds that
10 12 enables the continued priority identification of water quality
10 13 impairments and their potential sources.

10 14 The bill provides that the watershed counselor shall not be
10 15 considered an agency under Code section 17A.2 and shall not
10 16 have any independent authority to regulate. The bill provides
10 17 that the department of natural resources shall provide any
10 18 information or data requested by the watershed counselor.

10 19 The bill provides that, for purposes of developing the
10 20 strategic water plan, the watershed counselor shall consult
10 21 with the department of natural resources, the department of
10 22 agriculture and land stewardship, organizations represented on
10 23 the watershed improvement review board established in Code
10 24 section 466A.3, the Iowa division of the United States
10 25 department of agriculture, natural resources conservation
10 26 service, the state soil conservation committee established in
10 27 Code section 161A.4, and any other entities deemed appropriate
10 28 by the watershed counselor; review the water quality programs
10 29 administered by the department of natural resources, the
10 30 department of agriculture and land stewardship, and soil and
10 31 water conservation districts; review recommendations of the
10 32 sustainable natural resource funding study; and review
10 33 recommendations from the watershed quality planning task
10 34 force.

10 35 The bill provides that the initial strategic water plan and



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11 1 subsequent strategic water plans shall include certain data
11 2 and recommendations. The bill requires the strategic water
11 3 plan to be approved by the watershed improvement review board.

11 4 The bill establishes a science advisory council with
11 5 membership determined by the watershed counselor in
11 6 consultation with the secretary of agriculture and the
11 7 director of the department of natural resources. The bill
11 8 requires the council to recommend basic scientific standards
11 9 on which state environmental rules shall be based. The bill
11 10 requires the standards to be adopted by the environmental
11 11 protection commission.

11 12 The bill provides that individual identifying data
11 13 collected as part of a statewide ongoing comprehensive
11 14 assessment and planning process for eight-digit hydrologic
11 15 unit code watersheds and information collected or provided
11 16 during the provision of services by the voluntary
11 17 environmental performance bureau are not open records.

11 18 The bill establishes within the division of soil
11 19 conservation of the department of agriculture and land
11 20 stewardship a voluntary environmental performance bureau. The
11 21 bill requires the bureau to assist agricultural producers with
11 22 a review of regulatory and conservation needs and
11 23 opportunities, conduct voluntary farm assessments and manure
11 24 management planning for both permitted and nonpermitted open
11 25 feedlots operations and confinement feeding operation
11 26 structures, provide comprehensive evaluations of associated
11 27 field conservation practices, provide compliance assistance to
11 28 agricultural producers with respect to applicable state and
11 29 federal regulations, communicate regulatory requirements for
11 30 agricultural producers to the general public through
11 31 electronic and other means, and collaborate with the
11 32 department to develop eight-digit hydrologic unit code
11 33 watershed goals. The bill allows the bureau to contract and
11 34 train third-party vendors to provide any of the services
11 35 required of the bureau and that such services conducted by the



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12 1 bureau or a third-party vendor shall not take the form of
12 2 enforcement activities.

12 3 The bill provides that if the United States environmental
12 4 protection agency has established nationally recommended water
12 5 quality criteria pursuant to the federal Clean Water Act, a
12 6 state water quality standard shall not be more restrictive
12 7 than the federal recommendation. The bill provides that a
12 8 state water quality standard shall not be modified to be more
12 9 restrictive unless the rule is required by the federal Clean
12 10 Water Act, research and practice trials have demonstrated that
12 11 the standards or requirements of the more restrictive rule can
12 12 be met with the use of economically feasible technology, the
12 13 established or modified rule provides a reasonable time frame
12 14 for accomplishing the goals of the water quality standard,
12 15 and, if the rule establishes or modifies a nutrient standard,
12 16 the rule shall not be adopted unless the standard can be met
12 17 with available voluntary land care programs.

12 18 The bill requires the environmental protection commission
12 19 to adopt rules establishing a program for water quality credit
12 20 trading for nutrients, sediments, and other pollutants.

12 21 The bill requires the department of natural resources to
12 22 conduct watershed assessments, including modeling and water
12 23 monitoring prior to the development of total maximum daily
12 24 loads. The bill provides that, if a total maximum daily load
12 25 has been developed by the effective date of this bill,
12 26 watershed assessments shall be conducted and the total maximum
12 27 daily load shall be modified accordingly.

12 28 The bill provides that a person who owns or operates a
12 29 confinement feeding operation may apply for a variance from
12 30 the rules or standards adopted by the department of natural
12 31 resources by filing an application with the department. The
12 32 bill requires the director of the department to promptly
12 33 investigate the application and approve or disapprove the
12 34 application. The director may grant a variance if certain
12 35 findings are made. The bill allows the applicant to request a



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13 1 review hearing before the department if the application is
13 2 denied. The bill allows the director to grant a variance for
13 3 a specific period of time or permanently. The bill requires
13 4 the director to maintain a record of each variance granted
13 5 specifying the reasons for its issuance or extension.

13 6 The bill provides that any voting member of the watershed
13 7 improvement review board who is not a state employee shall be
13 8 paid a per diem.

13 9 The bill requires the department of natural resources and
13 10 the department of agriculture and land stewardship to work
13 11 with the United States environmental protection agency to
13 12 modify the portion of the federal Clean Water Act delegation
13 13 agreement to move the administration of section 319 of the
13 14 federal Clean Water Act to the department of agriculture and
13 15 land stewardship.

13 16 The bill requires the department of agriculture and land
13 17 stewardship to increase assistance under the agricultural
13 18 drainage well water quality assistance program.

13 19 The bill provides that, with appropriated moneys and grants
13 20 received by Iowa state university of science and technology,
13 21 the college of agriculture shall take the lead in conducting
13 22 basic and applied research and education to determine
13 23 practicable science-based solutions for nutrient and sediment
13 24 impairment issues.

13 25 LSB 1804SV 82

13 26 tm:rj/je/5



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SENATE FILE
BY ZIEMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a commercial property tax credit for
- 2 proportional increases in the state percent of growth, making
- 3 an appropriation, and including an applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2271XS 82
- 6 ak/gg/14



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1 1 Section 1. NEW SECTION. 426C.1 COMMERCIAL PROPERTY TAX
1 2 CREDIT FUND.
1 3 There is created as a permanent fund in the office of the
1 4 treasurer of state a fund to be known as the commercial
1 5 property tax credit fund, and for the purpose of establishing
1 6 and maintaining this fund, for each fiscal year there is
1 7 appropriated from the general fund of the state and deposited
1 8 into the commercial property tax credit fund an amount
1 9 sufficient to implement this chapter.
1 10 Sec. 2. NEW SECTION. 426C.2 DEFINITIONS.
1 11 As used in this chapter:
1 12 1. "Base year" means the budget year beginning July 1,
1 13 2007.
1 14 2. "Budget year" means as defined in section 257.2.
1 15 3. "Commercial property" means property assessed for
1 16 property taxation as commercial and industrial real estate,
1 17 except for property intended for human habitation.
1 18 Sec. 3. NEW SECTION. 426C.3 WHERE CREDIT GIVEN.
1 19 The commercial property tax credit fund shall be
1 20 apportioned each year so as to give a credit against the tax
1 21 levied against commercial property that is equal in amount to
1 22 the amount by which the additional property tax levy rate
1 23 computed under section 257.4 for the budget year exceeds the
1 24 amount that the additional property tax levy rate would be for
1 25 the budget year if the combined district cost is the same as
1 26 the combined district cost for the base year.
1 27 Sec. 4. NEW SECTION. 426C.4 COMPUTATION BY DEPARTMENT OF
1 28 MANAGEMENT.
1 29 1. On or before May 15 of each year, the department of
1 30 management shall calculate the tax rate for each of the
1 31 several school districts to be used by the county auditor in
1 32 computing the amount of credit that shall be owed to
1 33 commercial property taxpayers in the county for taxes due and
1 34 payable in the ensuing fiscal year.
1 35 2. The department of management shall use the following



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2 1 formula to calculate the tax rate per one thousand dollars of
2 2 assessed value of taxable property for each school district:
2 3 a. Calculate the additional property tax levy rate under
2 4 section 257.4 for the budget year.

2 5 b. Calculate the additional property tax levy rate under
2 6 section 257.4 as if the combined district cost for the budget
2 7 year was equal to the combined district cost for the base
2 8 year.

2 9 c. Subtract the amount in paragraph "b" from the amount in
2 10 paragraph "a". If the amount in paragraph "a" does not exceed
2 11 the amount in paragraph "b", there is no credit for the budget
2 12 year and the department shall notify the county auditors of
2 13 that fact.

2 14 d. On or before May 15 the department shall certify the
2 15 applicable tax rates to each county auditor.

2 16 Sec. 5. NEW SECTION. 426C.5 APPORTIONMENT BY AUDITOR.

2 17 Upon receiving the applicable tax rates from the department
2 18 of management, the county auditor shall determine the amount
2 19 to be credited to each parcel of commercial property and shall
2 20 enter such amounts upon the tax list as a credit against the
2 21 tax levied on each parcel of commercial property before
2 22 delivering the tax list to the county treasurer. The county
2 23 treasurer shall show on the tax statement the amount of tax
2 24 credit for each parcel of commercial property. In case of
2 25 change of ownership, the credit shall follow the title.

2 26 Sec. 6. NEW SECTION. 426C.6 WARRANTS AUTHORIZED BY
2 27 DIRECTOR.

2 28 1. The county auditor shall certify to the department of
2 29 management the total amount of credits provided to commercial
2 30 property taxpayers in the county.

2 31 2. During the following budget year, the department of
2 32 management shall draw warrants on the commercial property tax
2 33 credit fund created in section 426C.1, payable to the county
2 34 treasurers, in the amount certified by the county auditors of
2 35 the respective counties and shall mail the warrants to the



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3 1 counties. The amount due each county shall be paid in two
3 2 payments on November 15 and March 15 of each fiscal year. The
3 3 two payments shall be as nearly equal as possible. Upon
3 4 receipt of the warrant by the county auditor, the auditor
3 5 shall deliver the warrant to the county treasurer.
3 6 Sec. 7. APPLICABLE DATE. This Act applies to property
3 7 taxes due and payable on or after July 1, 2008.

3 8 EXPLANATION

3 9 This bill provides commercial property taxpayers with an
3 10 annual property tax credit equal to the increase in the
3 11 additional property tax levy caused by an increase in the
3 12 state percent of growth. Commercial property is defined as
3 13 real estate that is assessed as commercial and industrial
3 14 property, except for property used for human habitation.

3 15 The bill creates a commercial property tax credit fund in
3 16 the office of state treasurer and annually appropriates an
3 17 amount sufficient to pay the credits. The credit amount each
3 18 year is the amount of tax that is levied that is more than the
3 19 commercial property taxpayer would have paid in the base year
3 20 due to the state percent of growth. The bill defines "base
3 21 year" as the budget year beginning July 1, 2007.

3 22 The department of management is responsible for calculating
3 23 the tax rates upon which the credit will be computed. The
3 24 county auditor is responsible for determining how much each
3 25 parcel of commercial property will be credited and for
3 26 delivering the adjusted tax list to the county treasurer. The
3 27 county treasurer shall show on each commercial property tax
3 28 statement the amount of the tax credit.

3 29 The bill applies to property taxes due and payable on or
3 30 after July 1, 2008.

3 31 LSB 2271XS 82

3 32 ak:sc/gg/14



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Senate File 497 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 1306)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an Iowa advanced renewable fuels technology
- 2 commercialization program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2626SV 82
- 5 tm/gg/14



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1 1 Section 1. NEW SECTION. 15G.215A INNOVATION PROJECT FOR
1 2 COMMERCIALIZATION OF ADVANCED BIOREFINERY TECHNOLOGY.

1 3 An innovation project for commercialization of advanced
1 4 biorefinery technology is created. The innovation project
1 5 shall be administered by the department as provided in this
1 6 section.

1 7 1. The purpose of the innovation project is to provide for
1 8 the installation of advanced technology at a biorefinery in
1 9 order to maximize the processing of biomass into biofuel and
1 10 associated coproducts.

1 11 a. The installation of the advanced technology shall be
1 12 used to demonstrate its development as a commercially feasible
1 13 alternative to conventional technology used by biorefineries.

1 14 b. The advanced technology may address methods to maximize
1 15 the value of feedstocks used to manufacture biofuel or
1 16 associated coproducts, reduce costs associated with
1 17 production, or minimize the effect upon natural resources,
1 18 including water resources, used in production.

1 19 2. The department may issue requests for proposals and
1 20 select qualified persons to participate in the innovation
1 21 project based on the scoring of those proposals as required by
1 22 the department.

1 23 3. An innovation project shall be financed by state
1 24 appropriations and contributions from other persons. The
1 25 department may require as a condition to financing that it
1 26 receive a contribution from another person. The department
1 27 may require that the contribution be in the form of money,
1 28 services, material, or other in-kind contributions.

1 29 EXPLANATION

1 30 This bill creates an innovation project for
1 31 commercialization of advanced biorefinery technology to be
1 32 administered by the department of economic development.

1 33 The bill provides that the purpose of the project is to
1 34 provide for the installation of advanced technology at a
1 35 biorefinery in order to maximize the processing of biomass



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2 1 into biofuel and associated coproducts. The bill allows the
2 2 department to issue requests for proposals and select
2 3 qualified persons to participate in the project based on the
2 4 scoring of those proposals. The bill provides that a project
2 5 shall be financed by state appropriations and contributions
2 6 from other persons. The bill allows the department to require
2 7 as a condition to financing that it receive a contribution
2 8 from another person.
2 9 LSB 2626SV 82
2 10 tm:nh/gg/14



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Senate File 498 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1152)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to child welfare services by requiring services
2 to be provided to families of children removed from the home
3 by court order and providing a temporary exception to the
4 expenditure and budget targets for children placed in group
5 foster care.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2181SV 82
8 jp/gg/14



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1 1 Section 1. Section 232.52, subsection 6, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 When the court orders the transfer of legal custody of a
1 4 child pursuant to subsection 2, paragraph "d", "e", or "f",
1 5 the order shall state that reasonable efforts as defined in
1 6 section 232.57 have been made. If deemed appropriate by the
1 7 court, the order may include a determination that continuation
1 8 of the child in the child's home is contrary to the child's
1 9 welfare. The inclusion of such a determination shall not
1 10 under any circumstances be deemed a prerequisite for entering
1 11 an order pursuant to this section. However, the inclusion of
1 12 such a determination, supported by the record, may be used to
1 13 assist the department in obtaining federal funding for the
1 14 child's placement. If such a determination is included in the
1 15 order, unless the court makes a determination that further
1 16 reasonable efforts are not required, reasonable efforts shall
1 17 be made to prevent permanent removal of a child from the
1 18 child's home and to encourage reunification of the child with
1 19 the child's parents and family. The reasonable efforts may
1 20 include but are not limited to early intervention and
1 21 follow-up programs implemented pursuant to section 232.191.
1 22 Sec. 2. Section 232.102, subsection 5, paragraph b, Code
1 23 2007, is amended to read as follows:
1 24 b. In order to transfer custody of the child under this
1 25 subsection, the court must make a determination that
1 26 continuation of the child in the child's home would be
1 27 contrary to the welfare of the child, and shall identify the
1 28 reasonable efforts that have been made. The court's
1 29 determination regarding continuation of the child in the
1 30 child's home, and regarding reasonable efforts, including
1 31 those made to prevent removal and those made to finalize any
1 32 permanency plan in effect, as well as any determination by the
1 33 court that reasonable efforts are not required, must be made
1 34 on a case-by-case basis. The grounds for each determination
1 35 must be explicitly documented and stated in the court order.



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2 1 However, preserving the safety of the child is the paramount
2 2 consideration. If imminent danger to the child's life or
2 3 health exists at the time of the court's consideration, the
2 4 determinations otherwise required under this paragraph shall
2 5 not be a prerequisite for an order for removal of the child.
2 6 If the court transfers custody of the child, unless the court
2 7 waives the requirement for making reasonable efforts or
2 8 otherwise makes a determination that reasonable efforts are
2 9 not required, reasonable efforts shall be made to make it
2 10 possible for the child to safely return to the family's home.
2 11 Sec. 3. Section 232.143, subsection 1, Code 2007, is
2 12 amended to read as follows:
2 13 1. a. A statewide expenditure target for children in
2 14 group foster care placements in a fiscal year, which
2 15 placements are a charge upon or are paid for by the state,
2 16 shall be established annually in an appropriation bill by the
2 17 general assembly. Representatives of the department and
2 18 juvenile court services shall jointly develop a formula for
2 19 allocating a portion of the statewide expenditure target
2 20 established by the general assembly to each of the
2 21 department's service areas. The formula shall be based upon
2 22 the service area's proportion of the state population of
2 23 children and of the statewide usage of group foster care in
2 24 the previous five completed fiscal years and upon other
2 25 indicators of need. The expenditure amount determined in
2 26 accordance with the formula shall be the group foster care
2 27 budget target for that service area.
2 28 b. A service area may exceed the service area's budget
2 29 target for group foster care by not more than five percent in
2 30 a fiscal year, provided the overall funding allocated by the
2 31 department for all child welfare services in the service area
2 32 is not exceeded.
2 33 c. If any of the following circumstances exist, a service
2 34 area may temporarily exceed the service area's budget target
2 35 as necessary for placement of a child in group foster care:



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4 1 efforts are not required, reasonable efforts must be made to
4 2 prevent permanent removal of a child from the child's home and
4 3 to encourage reunification of the child with the child's
4 4 parents and family. The bill provides that the reasonable
4 5 efforts may include early intervention and follow-up programs
4 6 implemented pursuant to Code section 232.191.

4 7 Code section 232.102 is similarly amended.

4 8 Under current law in Code section 232.143, the general
4 9 assembly annually establishes, in an appropriation made to the
4 10 department of human services, a statewide expenditure target
4 11 for children in group foster care placements. Representatives
4 12 of the department and juvenile court services then allocate
4 13 the statewide target among the department's service areas
4 14 based upon a formula. Local representatives of the department
4 15 and juvenile court services develop a plan for the service
4 16 area to remain within the expenditure target. State payment
4 17 for group foster care services is limited to those placements
4 18 that comply with the plan, and the juvenile court is
4 19 prohibited from ordering a group foster care placement that
4 20 does not comply with the plan.

4 21 The bill provides an exception to allow a service area's
4 22 budget target to be temporarily exceeded as necessary for
4 23 placement of a child in group foster care when the child has
4 24 been placed in a shelter care or juvenile detention facility
4 25 for 30 days or more awaiting placement in group foster care or
4 26 when the child is placed in a juvenile detention facility
4 27 awaiting placement in group foster care and is age 13 or
4 28 younger.

4 29 If such a placement is made, the department and juvenile
4 30 court services are required to examine the cases of other
4 31 children placed in group foster care for that service area.
4 32 If the examination indicates it may be appropriate to
4 33 terminate the placement for any of the cases, action to
4 34 initiate a dispositional review hearing is required. In the
4 35 dispositional review hearing, the court is required to



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5 1 determine whether needed aftercare services are available
5 2 following termination of the placement and whether termination
5 3 is in the best interests of the child and the community.
5 4 LSB 2181SV 82
5 5 jp:nh/gg/14



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Senate File 499 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1226)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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1 1 Section 1. Section 455B.474, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:

1 3 b. Maintaining records of any monitoring or leak detection
1 4 system, inventory control system, ~~or~~ tank testing or
1 5 comparable system, and periodic underground storage tank
1 6 facility compliance inspections conducted by inspectors
1 7 certified by the department.

1 8 Sec. 2. Section 455B.474, subsection 1, paragraph h,
1 9 subparagraph (3), Code 2007, is amended to read as follows:

1 10 (3) A certificate ~~may~~ shall be recorded with the county
1 11 recorder. The owner or operator of a site who has been issued
1 12 a certificate under this paragraph "h" or a subsequent
1 13 purchaser of the site shall not be required to perform further
1 14 corrective action solely because action standards are changed
1 15 at a later date. A certificate shall not prevent the
1 16 department from ordering corrective action of a new release.

1 17 Sec. 3. Section 455B.474, subsection 1, Code 2007, is
1 18 amended by adding the following new paragraph:

1 19 NEW PARAGRAPH. i. Establishing a certified compliance
1 20 inspector program administered by the department for
1 21 underground storage tank facility compliance inspections.

1 22 (1) The certified compliance inspector program shall
1 23 provide for, but not be limited to, all of the following:

1 24 (a) Mandatory periodic underground storage tank facility
1 25 compliance inspections by owners and operators using
1 26 inspectors certified by the department.

1 27 (b) Compliance inspector qualifications, certification
1 28 procedures, certification and renewal fees sufficient to cover
1 29 administrative costs, continuing education requirements,
1 30 inspector discipline standards including certification
1 31 suspension and revocation for good cause, compliance
1 32 inspection standards, professional liability bonding or
1 33 insurance requirements, and any other requirements as the
1 34 commission may deem appropriate. Certification and renewal
1 35 fees received by the department are appropriated to the



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2 1 department for purposes of the administration of the certified
2 2 compliance inspector program.

2 3 (2) The department shall continue to conduct independent
2 4 inspections as provided in section 455B.475 as deemed
2 5 appropriate to assure effective compliance and enforcement and
2 6 for the purpose of auditing the accuracy and completeness of
2 7 inspections conducted by certified compliance inspectors.

2 8 (3) Acts or omissions by a certified compliance inspector,
2 9 the state, or the department regarding certification, renewal,
2 10 oversight of the certification process, continuing education,
2 11 discipline, inspection standards, or any other actions, rules,
2 12 or regulations arising out of the certification, inspections,
2 13 or duties imposed by this section shall not be cause for a
2 14 claim against the state or the department within the meaning
2 15 of chapter 669 or any other provision of the Iowa Code.

2 16 Sec. 4. Section 455B.474, subsection 1, paragraph d,
2 17 subparagraph (2), subparagraph subdivision (e), Code 2007, is
2 18 amended to read as follows:

2 19 (e) A site cleanup report which classifies a site as
2 20 either high risk, low risk, or no action required shall be
2 21 submitted by a groundwater professional to the department with
2 22 a certification that the report complies with the provisions
2 23 of this chapter and rules adopted by the department. The
2 24 report shall be determinative of the appropriate
2 25 classification of the site. However, if the report is found
2 26 to be inaccurate or incomplete, and if based upon information
2 27 in the report the risk classification of the site cannot be
2 28 reasonably determined by the department based upon industry
2 29 standards, the department shall work with the groundwater
2 30 professional to obtain the additional information necessary to
2 31 appropriately classify the site. A groundwater professional
2 32 who knowingly or intentionally makes a false statement or
2 33 misrepresentation which results in a mistaken classification
2 34 of a site shall be guilty of a serious misdemeanor and shall
2 35 have the groundwater professional's certification revoked



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3 1 under this section ~~455G.18~~.

3 2 Sec. 5. Section 455B.474, subsection 1, paragraph f,
3 3 subparagraph (5), Code 2007, is amended to read as follows:

3 4 (5) A corrective action design report submitted by a
3 5 groundwater professional shall be accepted by the department
3 6 and shall be primarily relied upon by the department to
3 7 determine the corrective action response requirements of the
3 8 site. However, if the corrective action design report is
3 9 found to be inaccurate or incomplete, and if based upon
3 10 information in the report the appropriate corrective action
3 11 response cannot be reasonably determined by the department
3 12 based upon industry standards, the department shall work with
3 13 the groundwater professional to obtain the additional
3 14 information necessary to appropriately determine the
3 15 corrective action response requirements. A groundwater
3 16 professional who knowingly or intentionally makes a false
3 17 statement or misrepresentation which results in an improper or
3 18 incorrect corrective action response shall be guilty of a
3 19 serious misdemeanor and shall have the groundwater
3 20 professional's certification revoked under this section
3 21 ~~455G.18~~.

3 22 Sec. 6. Section 455B.474, Code 2007, is amended by adding
3 23 the following new subsections:

3 24 NEW SUBSECTION. 8. Requirements as may be necessary to
3 25 maintain state program approval and which are consistent with
3 26 applicable provisions of the federal Energy Policy Act of
3 27 2005, Pub. L. No. 109-58, Title XV, Subtitle B, Underground
3 28 Storage Tank Compliance, as codified in 42 U.S.C. } 6991 et
3 29 seq.

3 30 a. The commission shall adopt rules establishing a
3 31 training program applicable to owners and operators of
3 32 underground storage tanks. The rules may include provisions
3 33 for department certification of operators, self-certification
3 34 by owners and operators, education and training requirements,
3 35 owner requirements to assure operator qualifications, and



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4 1 assessment of education, training, and certification fees.
4 2 The rules shall be consistent with and sufficient to comply
4 3 with the operator training requirements as provided in 42
4 4 U.S.C. 6991i, guidance adopted pursuant to that provision by
4 5 the administrator of the United States environmental
4 6 protection agency, and state program approval requirements
4 7 under 42 U.S.C. 6991i(b).
4 8 b. The commission shall adopt rules related to the
4 9 prohibition on the delivery of regulated substances consistent
4 10 with and sufficient to comply with the provisions of 42 U.S.C.
4 11 6991k, guidance adopted by the administrator of the United
4 12 States Environmental Protection Agency pursuant to that
4 13 provision, and state program approval requirements under 42
4 14 U.S.C. 6991k(a)(3).
4 15 c. The commission shall adopt rules applicable to
4 16 secondary containment requirements consistent with and
4 17 sufficient to comply with the provisions of Pub. L. 109=58,
4 18 Title XV, section 1530(a), as codified at 42 U.S.C.
4 19 6991b(i)(1), and guidance adopted by the administrator of the
4 20 United States environmental protection agency pursuant to that
4 21 provision. Each new underground storage tank or piping
4 22 connected to any such new tank installed after the effective
4 23 date of this section of this Act, or any existing underground
4 24 storage tank or existing piping connected to such existing
4 25 underground storage tank that is replaced after August 1,
4 26 2007, shall be secondarily contained if the installation is
4 27 within one thousand feet of any existing community water
4 28 system or any existing potable drinking water well as provided
4 29 in Pub. L. 109=58, Title XV, section 1530(a), as codified at
4 30 42 U.S.C. } 6991b(i)(1) and in guidance adopted by the United
4 31 States environmental protection agency pursuant to that
4 32 provision. Rules adopted under this paragraph shall not amend
4 33 or modify the secondary containment requirements in subsection
4 34 1, paragraph "f", subparagraph (9).
4 35 NEW SUBSECTION. 9. a. Groundwater professionals shall be



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5 1 certified. The commission shall adopt rules pursuant to
5 2 chapter 17A for such certifications, and the rules shall
5 3 include provisions for certification suspension or revocation
5 4 for good cause.

5 5 b. A groundwater professional is a person who provides
5 6 subsurface soil contamination and groundwater consulting
5 7 services or who contracts to perform remediation or corrective
5 8 action services and is one or more of the following:

5 9 (1) A person certified by the American institute of
5 10 hydrology, the national water well association, the American
5 11 board of industrial hygiene, or the association of groundwater
5 12 scientists and engineers.

5 13 (2) A professional engineer licensed in Iowa.

5 14 (3) A professional geologist certified by a national
5 15 organization.

5 16 (4) Any person who has five years of direct and related
5 17 experience and training as a groundwater professional or in
5 18 the field of earth sciences.

5 19 (5) Any other person with a license, certification, or
5 20 registration to practice hydrogeology or groundwater hydrology
5 21 issued by any state in the United States or by any national
5 22 organization, provided that the license, certification, or
5 23 registration process requires, at a minimum, all of the
5 24 following:

5 25 (a) Possession of a bachelor's degree from an accredited
5 26 college.

5 27 (b) Five years of related professional experience.

5 28 c. The department of natural resources may provide for a
5 29 civil penalty of no more than fifty dollars for failure to
5 30 obtain certification. An interested person may obtain a list
5 31 of certified groundwater professionals from the department of
5 32 natural resources. The department may impose and retain a fee
5 33 for the certification of persons under this subsection
5 34 sufficient to cover the costs of administration.

5 35 d. The certification of groundwater professionals shall



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6 1 not impose liability on the board, the department, or the fund
6 2 for any claim or cause of action of any nature, based on the
6 3 action or inaction of a groundwater professional certified
6 4 pursuant to this subsection.

6 5 e. A person who requests certification under this
6 6 subsection shall be required to attend a course of instruction
6 7 and pass a certification examination. An applicant who
6 8 successfully passes the examination shall be certified as a
6 9 groundwater professional.

6 10 f. All groundwater professionals shall be required to
6 11 complete continuing education requirements as adopted by rule
6 12 by the commission.

6 13 g. The commission may provide for exemption from the
6 14 certification requirements of this subsection and rules
6 15 adopted hereunder for a professional engineer licensed
6 16 pursuant to chapter 542B, if the person is qualified in the
6 17 field of geotechnical, hydrological, environmental
6 18 groundwater, or hydrogeological engineering.

6 19 h. Notwithstanding the certification requirements of this
6 20 subsection, a site cleanup report or corrective action design
6 21 report submitted by a certified groundwater professional shall
6 22 be accepted by the department in accordance with subsection 1,
6 23 paragraph "d", subparagraph (2), subparagraph subdivision (e),
6 24 and paragraph "f", subparagraph (5).

6 25 NEW SUBSECTION. 10. Requirements that persons and
6 26 companies performing or providing services for underground
6 27 storage tank installations, installation inspections, testing,
6 28 permanent closure of underground storage tanks by removal or
6 29 filling in place, and other closure activities as defined by
6 30 rules adopted by the commission be certified by the
6 31 department. This provision does not apply to persons
6 32 performing services in their official capacity and as
6 33 authorized by the state fire marshal's office or fire
6 34 departments of political subdivisions of the state. The rules
6 35 adopted by the commission shall include all of the following:



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7 1 a. Establishing separate certification criteria applicable
7 2 to underground storage tank installers and installation
7 3 inspectors, underground storage tank testers, and persons
7 4 conducting underground storage tank closure activities as
7 5 required by commission rules.

7 6 b. Establishing minimum qualifications for certification
7 7 including but not limited to considerations based on
7 8 education, character, professional ethics, experience,
7 9 manufacturer or other private agency certification, training
7 10 and apprenticeship, and field demonstration of competence.
7 11 The rules may provide for exemption from education,
7 12 experience, and training requirements for a licensed engineer
7 13 for whom underground storage tank installation is within the
7 14 scope of their license and practice but shall require
7 15 compliance with other certification requirements.

7 16 c. Requiring a written examination developed and
7 17 administered by the department or by some other qualified
7 18 public or private entity identified by the department. The
7 19 department may contract with a public or private entity to
7 20 administer the department's examination or a department
7 21 approved third party examination. The examination shall, at a
7 22 minimum, be sufficient to establish knowledge of all
7 23 applicable underground storage tank rules adopted under this
7 24 section, private industry standards, federal standards, and
7 25 other applicable standards adopted by the Iowa fire marshal's
7 26 office pursuant to chapter 101.

7 27 d. Providing for a minimum two-year renewable
7 28 certification period. A person may apply for a combined
7 29 certificate applicable to underground storage tank installer
7 30 and installer inspector certification, tester certification,
7 31 and closure certification.

7 32 e. Providing that certificate holders obtain and provide
7 33 proof of financial responsibility for environmental liability
7 34 with minimum liability limits of one million dollars per
7 35 occurrence and in the aggregate. The rules may provide



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8 1 exemptions where the certificate holder is employed by the
8 2 owner or operator of the underground storage tank system and
8 3 the underground storage tank system is covered by a financial
8 4 responsibility mechanism under subsection 2.

8 5 f. Providing criteria for the department to take
8 6 disciplinary action including issuance of warnings,
8 7 reprimands, suspension and probation, and revocation. Any
8 8 certificate holder subject to suspension or revocation shall
8 9 be entitled to notice and an opportunity for an evidentiary
8 10 hearing as provided in section 17A.18.

8 11 g. Providing for certification reciprocity between states
8 12 upon demonstration that the out of state certification
8 13 criteria is substantially equivalent to rules adopted by the
8 14 commission.

8 15 h. Providing for assessment of fees sufficient to cover
8 16 the costs of administration of the certification program. A
8 17 separate fee may be established for persons applying for a
8 18 combination of installer and installer inspector, testing, or
8 19 closure certifications. Fees received by the department
8 20 pursuant to this subsection are appropriated to the department
8 21 for purposes of the administration of activities under this
8 22 subsection.

8 23 i. Notwithstanding subsection 7, the commission may adopt
8 24 rules requiring that all underground storage tank
8 25 installations, installation inspections, testing, and closure
8 26 activities be conducted by persons certified in accordance
8 27 with this subsection.

8 28 j. Acts or omissions of a person certified under this
8 29 subsection, the state, or the department regarding
8 30 certification, renewal, oversight of the certification
8 31 process, continuing education, discipline, inspection
8 32 standards, or any other actions including department onsite
8 33 supervision of certified activities, rules, or regulations
8 34 arising out of the certification, shall not be cause for a
8 35 claim against the state or the department within the meaning
9 1 of chapter 669 or any other provision of the Code.

9 2 Sec. 7. Section 455G.9, subsection 1, paragraph k, Code
9 3 2007, is amended to read as follows:

9 4 k. Corrective action including site assessment required by
9 5 the department in response to a high risk condition caused by
~~9 6 a release which was previously eligible for benefits under~~
9 7 this section from an underground storage tank located on a
9 8 site for which the department, after January 31, 1997, has
9 9 issued a no further action certificate under section 455B.474.
9 10 As a condition of receiving benefits under this paragraph, the
9 11 department must determine that the condition necessitating the
9 12 corrective action was not a result of a release that occurred
9 13 after the issuance of the no further action certificate, and
9 14 that the site qualified for remedial benefits under this
9 15 section prior to the issuance of the no further action
9 16 certificate. No more than one hundred thousand dollars per
9 17 site may be used for the costs of a corrective action,
9 18 including site assessment, under this paragraph. The owner or
9 19 operator may file a claim for no further action benefits as
9 20 provided in this paragraph. If the owner or operator is
9 21 unable or unwilling to file a claim, the department may



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9 22 establish a claim for the no further action benefits. If the
9 23 assessment and corrective action costs exceed one hundred
9 24 thousand dollars, the board may consider requests from any
9 25 eligible claimant or the department to reopen an eligible
9 26 remedial benefits claim as provided in this section or
9 27 authorized by section 455G.21. Any no further action benefit
9 28 moneys expended pursuant to this paragraph shall be applied to
9 29 any remaining balance of the reopened remedial benefits claim.
9 30 This paragraph does not confer a legal right on an owner or
9 31 operator of petroleum-contaminated property or on any other
9 32 person to receive benefits under this paragraph.
9 33 Sec. 8. Section 455G.9, subsection 1, Code 2007, is
9 34 amended by adding the following new paragraph:
9 35 NEW PARAGRAPH. 1. Costs for the permanent closure of an



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10 1 underground storage tank system that was in place on the date
10 2 an eligible claim was submitted under paragraph "a".
10 3 Reimbursement is limited to costs approved by the board prior
10 4 to the closure activities. Installation of a new underground
10 5 storage tank shall be prohibited on the property for a period
10 6 of two years.
10 7 Sec. 9. Section 455H.105, subsection 5, Code 2007, is
10 8 amended to read as follows:
10 9 5. Adopt rules establishing requirements for the
10 10 submission, performance, and verification of site assessments,
10 11 cleanup plans, and certifications of completion. The rules
10 12 shall provide that all site assessments, cleanup plans, and
10 13 certifications of completion submitted by a participant shall
10 14 be prepared by or under the supervision of an appropriately
10 15 trained professional, including a groundwater professional
10 16 certified pursuant to section ~~455G.18~~ 455B.474.
10 17 Sec. 10. TRANSITIONAL PROVISIONS.
10 18 1. Not later than August 1, 2007, the environmental
10 19 protection commission shall adopt administrative rules
10 20 previously adopted by the Iowa comprehensive petroleum
10 21 underground storage tank fund board pursuant to section
10 22 455G.17 in existence on the effective date of this Act by
10 23 emergency rulemaking pursuant to section 17A.4, subsection 2,
10 24 and section 17A.5, subsection 2, paragraph "b". The rules
10 25 shall become effective immediately upon filing or on a later
10 26 effective date specified in the rules. Any rules adopted in
10 27 accordance with the provisions of this section shall also be
10 28 published as notice of intended action as provided in section
10 29 17A.4.
10 30 2. Following the adoption of emergency rules, the
10 31 commission shall commence rulemaking procedures for the
10 32 administration of section 455B.474, subsection 10.
10 33 3. Any registration or certification issued pursuant to
10 34 section 455G.17 shall continue in full force and effect until
10 35 expiration or renewal.



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11 1 Sec. 11. Section 455G.17, Code 2007, is repealed.
11 2 Sec. 12. Section 455G.18, Code 2007, is repealed.
11 3 Sec. 13. CONTINGENT EFFECTIVE DATE. The section of this
11 4 Act repealing section 455G.17, shall take effect upon the Code
11 5 editor's receipt of notice from the environmental protection
11 6 commission stating that emergency rules required under the
11 7 section of this Act relating to transitional provisions have
11 8 taken effect.

11 9 EXPLANATION

11 10 This bill relates to the regulation of underground storage
11 11 tanks by the department of natural resources.

11 12 The bill requires the maintaining of records by owners and
11 13 operators of underground storage tanks for periodic
11 14 underground storage tank facility compliance inspections
11 15 conducted by inspectors certified by the department.

11 16 The bill requires a no further action certificate issued by
11 17 the department for an underground storage tank site which has
11 18 been classified as a no further action site to be filed with
11 19 the county recorder. Currently, a certificate may be filed.

11 20 The bill requires the department to administer a certified
11 21 compliance inspector program for underground storage tank
11 22 facility compliance inspections. The bill provides that the
11 23 program shall include mandatory periodic underground storage
11 24 tank facility compliance inspections by owners and operators
11 25 using inspectors certified by the department. The bill
11 26 requires the department to continue to conduct independent
11 27 inspections as deemed appropriate. The bill appropriates
11 28 moneys received by the department for certification and
11 29 renewal fees for purposes of the administration of the
11 30 certified compliance inspector program. The bill provides
11 31 that acts or omissions of the certified compliance inspectors,
11 32 the state, or the department regarding certification, renewal,
11 33 oversight of the certification process, continuing education,
11 34 discipline, inspection standards, or any other actions, rules,
11 35 or regulations arising out of the certification, inspections,



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12 1 or duties imposed by these provisions shall not be cause for a
12 2 claim against the state or the department.

12 3 The bill requires the environmental protection commission
12 4 to adopt rules for requirements as may be necessary to
12 5 maintain state program approval and which are consistent with
12 6 applicable provisions of the federal Energy Policy Act of
12 7 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
12 8 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.
12 9 The bill provides that the commission shall adopt rules
12 10 establishing a training program applicable to owners and
12 11 operators of underground storage tanks. The bill provides
12 12 that the rules may include provisions for department
12 13 certification of operators, self=certification by owners and
12 14 operators, education and training requirements, owner
12 15 requirements to assure operator qualifications, and assessment
12 16 of education, training, and certification fees. The bill
12 17 requires the rules to be consistent with and sufficient to
12 18 comply with certain federal requirements.

12 19 The bill repeals Code section 455G.17 relating to
12 20 certification of different classes of persons as underground
12 21 storage tank installation inspectors. The repeal takes effect
12 22 upon the Code editor's receipt of notice from the
12 23 environmental protection commission stating that emergency
12 24 rules required under this bill have taken effect.

12 25 The bill repeals Code section 455G.18 relating to the
12 26 certification of groundwater professionals and moves
12 27 substantially the same provisions to Code chapter 455B. The
12 28 bill removes a requirement that certification courses and
12 29 examinations be held by the administrator of the Iowa
12 30 comprehensive petroleum underground storage tank fund and
12 31 removes other outdated provisions. The bill makes conforming
12 32 amendments.

12 33 The bill requires that persons and companies performing or
12 34 providing services for underground storage tank installations,
12 35 installation inspections, testing, and permanent closure of



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



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14 1 moneys in the remedial account of the Iowa comprehensive
14 2 petroleum underground storage tank fund. Currently, one of
14 3 the uses of such moneys is for corrective action in response
14 4 to a high-risk condition caused by a release from an
14 5 underground storage tank located on a site for which the
14 6 department, after January 31, 1997, has issued a no further
14 7 action certificate. The bill provides that the moneys may be
14 8 used for a corrective action including a site assessment
14 9 required by the department in response to a release which was
14 10 previously eligible for benefits from the remedial account
14 11 from an underground storage tank located on a site for which
14 12 the department has issued a no further action certificate.
14 13 The bill also allows the department to establish a claim for
14 14 the no further action benefits if the owner or operator of a
14 15 site is unable or unwilling to file a claim for no further
14 16 action benefits from the remedial fund.

14 17 The bill allows moneys in the remedial account of the Iowa
14 18 comprehensive petroleum underground storage tank fund to be
14 19 used for costs for the permanent closure of an underground
14 20 storage tank system that was in place on the date an eligible
14 21 claim was submitted. The bill places limits on the
14 22 reimbursement allowed.

14 23 The bill provides that, not later than August 1, 2007, the
14 24 environmental protection commission shall adopt administrative
14 25 rules previously adopted by the Iowa comprehensive petroleum
14 26 underground storage tank fund board pursuant to Code section
14 27 455G.17 in existence on the effective date of this Act by
14 28 emergency rulemaking. The bill provides that, following the
14 29 adoption of emergency rules, the commission shall commence
14 30 rulemaking procedures for the administration of Code section
14 31 455B.474, subsection 10. The bill provides that any
14 32 registration or certification issued pursuant to Code section
14 33 455G.17 shall continue in full force and effect until
14 34 expiration or renewal.

14 35 LSB 1404SV 82



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15 1 tm:nh/es/88



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Senate File 500 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 1298)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing the office of renewable energy and the Iowa
2 power fund and related provisions, and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2818SV 82
6 rn/gg/14

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1 1 Section 1. NEW SECTION. 469.1 DEFINITIONS.
1 2 For the purposes of this chapter:
1 3 1. "Council" means the Iowa power fund council created in
1 4 section 469.4.
1 5 2. "Director" means the director of renewable energy.
1 6 3. "Fund" means the Iowa power fund created in section
1 7 469.5.
1 8 4. "Office" means the governor's office of renewable
1 9 energy.
1 10 Sec. 2. NEW SECTION. 469.2 OFFICE OF RENEWABLE ENERGY.
1 11 The office of renewable energy is established in the office
1 12 of the governor to coordinate state activities concerning
1 13 renewable energy.
1 14 Sec. 3. NEW SECTION. 469.3 DIRECTOR OF RENEWABLE ENERGY.
1 15 1. A director of renewable energy shall be appointed by
1 16 the governor, subject to confirmation by the senate, and shall
1 17 serve at the pleasure of the governor. The governor shall
1 18 fill a vacancy in the office in the same manner as the
1 19 original appointment was made. The director shall be selected
1 20 primarily for administrative ability and knowledge concerning
1 21 renewable energy, renewable fuels, and energy efficiency. The
1 22 salary of the director shall be fixed by the governor.
1 23 2. The director shall do all of the following:
1 24 a. Direct the governor's office of renewable energy.
1 25 b. Manage the Iowa power fund.
1 26 c. Lead outreach and public education efforts concerning
1 27 renewable energy, renewable fuels, and energy efficiency.
1 28 d. Pursue new research and investment funds from federal
1 29 and private sources.
1 30 e. Coordinate and monitor all existing state and federal
1 31 renewable energy, renewable fuels, and energy efficiency
1 32 grants and programs.
1 33 f. Advise the governor and lieutenant governor concerning
1 34 renewable energy, renewable fuels, and energy efficiency
1 35 policy and legislation.



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2 1 g. Establish performance measures for determining
2 2 effectiveness of renewable energy, renewable fuels, and energy
2 3 efficiency efforts.

2 4 h. Utilize assistance from the department of economic
2 5 development regarding administration of grants, loans, and
2 6 other financial incentives related to section 469.5,
2 7 subsection 3, paragraph "a", subparagraph (1), the department
2 8 of natural resources and the utilities board regarding
2 9 assistance in the administration of grants, loans, and other
2 10 financial incentives related to section 469.5, subsection 3,
2 11 paragraph "a", subparagraph (2), and other state agencies as
2 12 appropriate.

2 13 i. Coordinate with the department of natural resources
2 14 regarding the development of the state energy plan pursuant to
2 15 section 473.7.

2 16 j. Submit an annual report to the governor and general
2 17 assembly by November 1 of each year concerning the activities
2 18 and programs of the office, Iowa power fund, and other
2 19 departments related to renewable energy, renewable fuels, and
2 20 energy efficiency. The report shall include an assessment of
2 21 needs with respect to renewable energy, renewable fuels, and
2 22 energy efficiency efforts and policy and fiscal
2 23 recommendations for renewable energy, renewable fuels, and
2 24 energy efficiency.

2 25 k. Adopt rules pursuant to chapter 17A concerning the
2 26 office, the Iowa power fund, and the programs and functions of
2 27 the office and the fund.

2 28 Sec. 4. NEW SECTION. 469.4 IOWA POWER FUND COUNCIL.

2 29 1. A nine-member Iowa power fund council is created with
2 30 the following membership:

2 31 a. The chairperson of the utilities board or the
2 32 chairperson's designee.

2 33 b. The director of the department of economic development
2 34 or the director's designee.

2 35 c. The director of the department of natural resources or



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3 1 the director's designee.

3 2 d. Six members appointed by the governor subject to
3 3 confirmation by the senate. An appointee shall have
3 4 demonstrated experience or expertise in one or more of the
3 5 fields of renewable energy, renewable fuels, energy
3 6 efficiency, greenhouse gas reductions, utility operations,
3 7 research and development of new technologies,
3 8 commercialization of new technologies, and economic
3 9 development.

3 10 2. The members appointed by the governor shall be
3 11 appointed for three-year staggered terms beginning and ending
3 12 as provided in section 69.19. A vacancy on the council shall
3 13 be filled for the unexpired term in the same manner as the
3 14 original appointment was made.

3 15 3. The members of the council shall be reimbursed for
3 16 actual and necessary travel and related expenses incurred in
3 17 the discharge of official duties. Each member of the council
3 18 may also be eligible to receive compensation as provided in
3 19 section 7E.6.

3 20 4. A majority of the members of the council constitutes a
3 21 quorum, and a majority of the total membership of the council
3 22 is necessary to act in any matter within the jurisdiction of
3 23 the council.

3 24 5. The duties of the council include all of the following:

3 25 a. Consider and approve grants, loans, or investments made
3 26 from the fund.

3 27 b. Advise the governor and director concerning strategic
3 28 direction for the fund.

3 29 c. Provide the governor with advice concerning economic
3 30 development, policy, technical issues, and strategic direction
3 31 concerning renewable energy, renewable fuels, and energy
3 32 efficiency.

3 33 Sec. 5. NEW SECTION. 469.5 IOWA POWER FUND.

3 34 1. The Iowa power fund is created in the state treasury
3 35 under the control of the office. The fund shall be separate



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4 1 from the general fund of the state and the balance in the fund
4 2 shall not be considered part of the balance of the general
4 3 fund of the state. However, the fund shall be considered a
4 4 special account for the purposes of section 8.53, relating to
4 5 generally accepted accounting principles.

4 6 2. The Iowa power fund shall be used to further the goals
4 7 of increasing the production, development, and use of biofuels
4 8 and other sources of renewable energy, improve energy
4 9 efficiency, and reduce greenhouse gas emissions, and shall
4 10 encourage and provide for research, development,
4 11 commercialization, and the implementation of energy
4 12 technologies and practices. The technologies and practices
4 13 should reduce this state's dependence on foreign sources of
4 14 energy and finite fossil fuels, reduce emissions of greenhouse
4 15 gases and other environmental impacts, and meet the demand for
4 16 energy services in an economically viable manner. The
4 17 research, development, commercialization, implementation, and
4 18 distribution of such technologies and practices are intended
4 19 to sustain the environment and develop business in this state
4 20 as Iowans market these technologies and practices to the
4 21 world.

4 22 3. The fund shall consist of appropriations made to the
4 23 fund and other moneys available to and obtained or accepted by
4 24 the office from federal or private sources to the credit of
4 25 the fund. Notwithstanding section 12C.7, subsection 2,
4 26 interest or earnings on moneys in the fund shall be credited
4 27 to the fund.

4 28 4. a. Moneys available in the fund for a fiscal year are
4 29 appropriated to the office to be used in providing financial
4 30 assistance to entities conducting business, research, or
4 31 programs in Iowa:

4 32 (1) To accelerate research and development, knowledge
4 33 transfer, technology innovation, and improve the economic
4 34 competitiveness of efforts furthering the goals stated in
4 35 subsection 2.



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5 1 (2) To increase the demand for and educate the public
5 2 about technologies and approaches furthering the goals stated
5 3 in subsection 2.
5 4 b. Eligibility criteria for grants awarded or loans made
5 5 pursuant to paragraph "a" after due diligence activities shall
5 6 be established by the director by rule, and shall include
5 7 documentation relating to the actual or potential development
5 8 of the following:
5 9 (1) Commercialization of technology and product
5 10 development for sale in the national and international market.
5 11 (2) Utilization of crops and products grown or produced in
5 12 this state.
5 13 (3) Reduction of greenhouse gas emissions and carbon
5 14 sequestration.
5 15 (4) Private or federal matching funds.
5 16 c. The council may reclaim any moneys granted or loaned if
5 17 the commitments set forth in the documentation required
5 18 pursuant to paragraph "b" are not met.
5 19 d. All grant and loan recipients must provide to the
5 20 council a report on the use and effectiveness of the moneys
5 21 granted or loaned on a periodic basis as determined by the
5 22 council.
5 23 5. Except as otherwise designated by law, the office shall
5 24 not utilize more than two hundred fifty thousand dollars of
5 25 the amount appropriated from the fund for a fiscal year for
5 26 administrative costs.
5 27 6. Notwithstanding section 8.33, moneys credited to the
5 28 Iowa power fund shall not revert to the fund from which
5 29 appropriated.
5 30 Sec. 6. NEW SECTION. 469.6 IOWA POWER FUND ==
5 31 APPROPRIATION.
5 32 1. There is appropriated from the general fund of the
5 33 state to the office of renewable energy for each fiscal year
5 34 of the fiscal period beginning July 1, 2008, and ending June
5 35 30, 2011, the sum of twenty=five million dollars to be used



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6 1 for awarding grants and making loans from the Iowa power fund
6 2 created in section 469.5.
6 3 2. Of the moneys appropriated to the office and deposited
6 4 in the fund, the following shall be allocated on an annual
6 5 basis as follows:
6 6 a. For energy planning and education:
6 7 (1) One hundred fifty thousand dollars to the department
6 8 of natural resources for development of the state energy plan
6 9 pursuant to section 473.7.
6 10 (2) One hundred fifty thousand dollars to the department
6 11 of natural resources for the operation of a greenhouse gas
6 12 commission.
6 13 (3) Two hundred thousand dollars to the department of
6 14 public safety for education, training, and outreach by the
6 15 state building code commissioner to encourage compliance with
6 16 energy conservation requirements incorporated into the state
6 17 building code established in chapter 103A.
6 18 (4) Three hundred thousand dollars to the department of
6 19 education to develop a database for school energy consumption.
6 20 (5) One hundred thousand dollars to the center for energy
6 21 and environmental education at the university of northern Iowa
6 22 for public education and outreach relating to energy
6 23 conservation.
6 24 (6) One hundred thousand dollars to the center for global
6 25 and regional environmental research for public education and
6 26 outreach on greenhouse gas reductions in this state.
6 27 b. For energy efficiency:
6 28 (1) One million dollars to the Iowa power fund council for
6 29 grants for green building public and school building
6 30 construction.
6 31 (2) One million dollars to the Iowa power fund council for
6 32 local government and nonprofit energy saving innovation
6 33 grants.
6 34 c. For renewable energy and fuels development:
6 35 (1) One million dollars for expansion of the alternate



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8 1 foreign sources of energy and finite fossil fuels, reduce
8 2 greenhouse gas emissions, and meet the demand for energy in an
8 3 economical manner, sustain the environment, and develop
8 4 business in Iowa.

8 5 The bill specifies that moneys appropriated to the fund or
8 6 otherwise deposited into the fund shall be used to provide
8 7 financial assistance to entities in this state conducting
8 8 business, research, or programs to accelerate research and
8 9 development, knowledge transfer, technology innovation, and
8 10 improve economic competitiveness, and to increase the demand
8 11 for and educate the public about technologies and approaches,
8 12 all in furtherance of the goals established for the fund.

8 13 Eligibility criteria for grants or loans from the fund, to be
8 14 established by the director, are set forth.

8 15 The bill appropriates \$24,420,000 to the Iowa power fund
8 16 from the general fund of the state for fiscal year 2007=2008,
8 17 and \$25 million annually for fiscal years 2008=2009,
8 18 2009=2010, and 2010=2011. The bill makes allocations from the
8 19 appropriated amounts to specified agencies or entities for the
8 20 purposes of energy planning and education, energy efficiency,
8 21 and renewable energy and fuels development.

8 22 The bill takes effect upon enactment.

8 23 LSB 2818SV 82

8 24 rn:rj/gg/14



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Senate File 501

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1286)

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 2398SV 82
- 7 rn/es/88



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Senate File 501 continued

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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 555A.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 552A.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 2398SV 82

2 32 rn:rj/es/88



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Senate Resolution 20 - Introduced

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1 1 SENATE RESOLUTION NO.
1 2 BY RAGAN and GASKILL
1 3 A Resolution declaring the trombone Iowa's premier
1 4 musical instrument.
1 5 WHEREAS, the trombone is certainly the most
1 6 recognizable of the brass instruments, being the only
1 7 one with a true slide section, having been in
1 8 existence for over five centuries, and remaining
1 9 relatively unchanged; and
1 10 WHEREAS, the trombone holds a unique place in
1 11 Iowa's musical heritage; and
1 12 WHEREAS, two of Iowa's favorite sons, Meredith
1 13 Willson and Glenn Miller have made the trombone a
1 14 centerpiece of their careers; and
1 15 WHEREAS, the trombone was made famous by Mason City
1 16 native Meredith Willson in that rousing song "76
1 17 Trombones," which was part of his Broadway hit and
1 18 Hollywood movie "The Music Man"; and
1 19 WHEREAS, Clarinda native Glenn Miller made dynamic
1 20 use of the trombone in his big band hits "In the
1 21 Mood," "Moonlight Serenade," "Chattanooga Choo=Choo,"
1 22 "Pennsylvania 6=5000," and "A String of Pearls"; and
1 23 WHEREAS, the trombone is a mainstay of every
1 24 marching band and jazz band in Iowa and in the nation;
1 25 NOW THEREFORE,
1 26 BE IT RESOLVED BY THE SENATE, That the Senate,
1 27 honoring the lives and music of those great Iowans,
1 28 Meredith Willson and Glenn Miller, declares the
1 29 trombone Iowa's premier musical instrument.
1 30 LSB 2546SS 82



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Senate Resolution 20 - Introduced continued

2 1 jr:rj/es/88



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Senate Study Bill 1329

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act allowing regions within the state to participate in a
2 pilot project for regional emergency response districts and
3 providing for a district tax levy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2394SC 82
6 eg/es/88



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1 1 REGIONAL EMERGENCY RESPONSE DISTRICT
1 2 Section 1. AUTHORIZATION AND PURPOSE. This Act authorizes
1 3 four pilot projects for which a region of the state may
1 4 establish a regional emergency response district.
1 5 The purpose of this Act is to provide regions within the
1 6 state an opportunity to participate in a pilot project having
1 7 a new governance structure to facilitate the delivery and
1 8 funding of fire protection service and emergency medical
1 9 service to residents of the region.
1 10 Sec. 2. DEFINITIONS. As used in this Act, unless the
1 11 context otherwise requires:
1 12 1. "Board" means the board of supervisors of a county.
1 13 2. "Commission" means a county emergency management
1 14 commission created pursuant to section 29C.9.
1 15 3. "District" means a regional emergency response
1 16 district.
1 17 Sec. 3. PETITION FOR PUBLIC HEARING.
1 18 1. The board of supervisors of any county or counties
1 19 shall, on the petition of 25 percent of the resident property
1 20 owners in any proposed district if the assessed valuation of
1 21 the property owned by the petitioners represents at least 25
1 22 percent of the total assessed value of the proposed district,
1 23 or on a motion of the township trustees, or on the board's own
1 24 motion, hold a public hearing concerning the establishment of
1 25 a proposed district. The petition shall include a statement
1 26 containing the following information:
1 27 a. The need for fire protection service and emergency
1 28 medical service.
1 29 b. The geographic boundaries of the district to be served.
1 30 c. The approximate number of families in the district.
1 31 d. The proposed personnel, equipment, and facilities to
1 32 provide the fire protection service and emergency medical
1 33 service.
1 34 2. The board of supervisors shall notify the state fire
1 35 marshal's office that a petition has been filed, or a board



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2 1 motion adopted, to form a district.

2 2 Sec. 4. REGIONAL DISTRICT. The boundary lines of the
2 3 district may include any region of the state, such as a whole
2 4 county having both unincorporated and incorporated areas, or
2 5 any townships within a county, or adjoining townships located
2 6 in more than one county.

2 7 Sec. 5. TIME OF HEARING. The public hearing required in
2 8 section 3 shall be held within 30 days of the presentation of
2 9 the petition. Notice of hearing shall be given by publication
2 10 in two successive issues of any newspaper of general
2 11 circulation within the district. The last publication shall
2 12 be not less than one week before the proposed hearing.

2 13 Sec. 6. DISTRICT ESTABLISHED == PLAN == PILOT AUTHORIZED.

2 14 1. Within 10 days after the hearing, the board shall
2 15 either establish the district by resolution or disallow the
2 16 petition.

2 17 2. Within 10 days after establishing a district, the board
2 18 shall submit a plan to the state fire marshal's office and the
2 19 county finance committee. The plan shall include all of the
2 20 following:

2 21 a. Personnel, equipment, facilities, and other available
2 22 resources that may be shared by all of the various fire
2 23 departments and emergency medical service providers within the
2 24 district.

2 25 b. Financial information demonstrating the ability to
2 26 provide fire protection service and emergency medical service
2 27 to the residents of the district.

2 28 c. A plan for transition of delivery and funding of fire
2 29 protection service and emergency medical service to the new
2 30 district.

2 31 3. The county finance committee shall review the
2 32 district's financial information, including revenues,
2 33 expenditures, and budget items as well as the financial
2 34 implications and plan for transitioning to a new financing
2 35 structure. Within 30 days after receiving the plan, the



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3 1 county finance committee shall report its findings to the
3 2 state fire marshal.
3 3 4. The state fire marshal shall consider the county
3 4 finance committee's findings and review the district's
3 5 personnel, equipment, facilities, and other available
3 6 resources that may be shared by all of the various fire
3 7 departments and emergency medical service providers as well as
3 8 the practical considerations and plan for transitioning to a
3 9 new structure for delivering fire protection service and
3 10 emergency medical service to the district. The state fire
3 11 marshal shall determine whether the district can successfully
3 12 deliver fire protection service and emergency medical service
3 13 throughout the district.
3 14 5. Within 60 days of receiving the board's plan, the state
3 15 fire marshal shall notify the board whether the board's plan
3 16 is approved.
3 17 Sec. 7. PILOT PROJECT == TWO YEARS == REPORT.
3 18 1. A district established by the board and having an
3 19 approved plan by the state fire marshal under section 6 is
3 20 authorized to proceed and continue as a pilot project for two
3 21 years beginning on July 1 of the fiscal year following the
3 22 date of the board's resolution establishing the district.
3 23 However, if the date of the board's action falls after
3 24 November 1, the pilot project shall not begin until July 1 of
3 25 the fiscal year subsequent to the next following fiscal year.
3 26 2. At the end of two years, the commission shall submit a
3 27 report to the state fire marshal summarizing the results of
3 28 the pilot project, including the strengths of the project,
3 29 whether delivery of fire protection service and emergency
3 30 medical service was improved throughout the district, and
3 31 additional measures needed to improve the delivery of such
3 32 services.
3 33 Sec. 8. ENGINEER.
3 34 1. When the pilot project is approved, the board shall
3 35 appoint a civil engineer or county engineer who shall prepare



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4 1 a preliminary plat showing:

4 2 a. The proper design in general outline of the district.

4 3 b. The lots and parcels of land within the proposed
4 4 district as they appear on the county auditor's plat books
4 5 with the names of the owners.

4 6 c. The assessed valuation of the lots and parcels.

4 7 2. The board shall determine the compensation for the
4 8 engineer's preliminary investigation. The engineer shall file
4 9 a report with the county auditor within 30 days of
4 10 appointment. The board may extend the time upon good cause
4 11 shown.

4 12 Sec. 9. HEARING ON ENGINEER'S REPORT. After the
4 13 engineer's report is filed, the board shall give notice, as
4 14 provided in section 5, of a public hearing to be held
4 15 concerning the engineer's preliminary plat. Within 10 days
4 16 after the hearing, the board shall, by resolution, approve or
4 17 disapprove the engineer's plan.

4 18 Sec. 10. ELECTION ON PROPOSED LEVY. When a preliminary
4 19 plat has been approved by the board, an election shall be held
4 20 within the district within 60 days to approve or disapprove
4 21 the levy of a tax of not more than \$1.60 and 3/4 cents per
4 22 \$1,000 of assessed value on all of the taxable property within
4 23 the district. The ballot shall set out the reason for the tax
4 24 and the amount needed. The tax shall be set to raise only the
4 25 amount needed. Notice of the election, including the time and
4 26 place of holding the election, shall be given as provided in
4 27 section 5. The vote shall be by ballot which shall state
4 28 clearly the proposition to be voted upon and any registered
4 29 voter residing within the district at the time of the election
4 30 may vote. The county auditor shall conduct elections held
4 31 pursuant to this Act. The proposition is approved if a
4 32 majority of those voting on the proposition vote in favor of
4 33 it.

4 34 Sec. 11. GOVERNANCE AUTHORITY == COMMISSION. The district
4 35 shall be governed by the county emergency management



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5 1 commission established in chapter 29C.
5 2 If the district includes townships located in more than one
5 3 county, the district shall be governed by a joint commission
5 4 that includes members of the commissions of each county.
5 5 Sec. 12. COMMISSION POWERS.
5 6 1. The commission may purchase, own, rent, or maintain
5 7 fire and emergency medical services apparatus or equipment
5 8 within the state or outside the territorial jurisdiction and
5 9 boundary limits of this state, provide housing for such
5 10 apparatus and equipment, provide fire protection service and
5 11 emergency medical service and facilities, and may certify for
5 12 levy an annual tax as provided in section 10. The commission
5 13 may purchase material, employ fire protection service
5 14 personnel, emergency medical service personnel, and other
5 15 personnel, and may perform all other acts necessary to
5 16 properly maintain and operate the district. The commission
5 17 may contract with any city or county or public or private
5 18 agency under chapter 28E for the purpose of providing fire
5 19 protection service or emergency medical service under this
5 20 Act. The commissioners are allowed necessary expenses in the
5 21 discharge of their duties.
5 22 2. The commission shall draw the boundaries of fire and
5 23 emergency medical services areas within the district to be
5 24 assigned to various fire departments and stations throughout
5 25 the district.
5 26 Sec. 13. REGIONAL FIRE CHIEF. The commission shall
5 27 appoint a regional fire chief who shall serve at the pleasure
5 28 of the commission and shall be responsible for the
5 29 coordination of fire protection service and emergency medical
5 30 service throughout the district.
5 31 Sec. 14. FIRE CHIEFS. The regional fire chief shall
5 32 appoint an assistant fire chief for each existing fire
5 33 department and station within the district who shall be
5 34 responsible for delivery of fire protection service and
5 35 emergency medical service within the areas designated by the



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6 1 commission pursuant to section 12.

6 2 Sec. 15. CITIES WITHIN THE DISTRICT. If a city is
6 3 included in a district, the maximum tax levy authorized for
6 4 the general fund of that city under section 384.1 shall be
6 5 reduced by the amount of the tax rate levied within the city
6 6 by the district. Such city shall not be responsible for
6 7 providing fire protection service and emergency medical
6 8 service as provided in section 364.16, and shall have no
6 9 liability for the method, manner, or means by which the
6 10 district provides the fire protection service and emergency
6 11 medical service.

6 12 Sec. 16. BONDS IN ANTICIPATION OF REVENUE. A district may
6 13 anticipate the collection of taxes by the levy authorized in
6 14 this Act, and to carry out the purposes of this Act may issue
6 15 bonds payable in not more than 10 equal installments with the
6 16 rate of interest not exceeding that permitted by chapter 74A.
6 17 An indebtedness shall not be incurred under this Act until
6 18 authorized by an election. The election shall be held and
6 19 notice given in the same manner as provided in section 10, and
6 20 a majority vote shall be necessary to authorize indebtedness.
6 21 Both propositions may be submitted to the voters at the same
6 22 election.

6 23 Sec. 17. TRANSITION == TOWNSHIP TAX DISCONTINUED. When
6 24 the boundary lines of the district include all or a portion of
6 25 a township and the district has certified a tax levy not
6 26 exceeding \$1.60 and 3/4 cents per \$1,000 of assessed valuation
6 27 of the taxable property within the township for the purpose of
6 28 fire protection service and emergency medical service, the
6 29 township trustees shall no longer levy the tax provided by
6 30 section 359.43 in that portion of the township provided
6 31 services by the district. Any indebtedness incurred for the
6 32 purposes of sections 359.42 through 359.45 for a service now
6 33 provided by the district shall be assumed by the district and
6 34 all of the assets of the township which relate to the
6 35 fire=fighting operation and emergency medical service



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7 1 operation shall be transferred to the district.

7 2 Sec. 18. NEW SECTION. 29C.9A GOVERNANCE FOR REGIONAL
7 3 EMERGENCY RESPONSE DISTRICT PILOT PROJECT == TAX LEVY.

7 4 The commission shall govern a regional emergency response
7 5 district established pursuant to this Act. The commission may
7 6 certify for levy an annual tax of not more than one dollar and
7 7 sixty and three-fourths cents per thousand dollars of assessed
7 8 value on all of the taxable property within such regional
7 9 emergency response district.

7 10 EXPLANATION

7 11 This bill allows a region of the state to participate in a
7 12 pilot project that provides for a new governance structure for
7 13 the delivery of fire protection and emergency medical services
7 14 to the residents of the region. The bill authorizes four
7 15 pilot projects for which a region of the state may establish a
7 16 regional emergency response district. The bill provides
7 17 procedures to establish a district that are similar to the
7 18 procedures found in Code chapter 357F for establishing an
7 19 emergency medical services district, including the initial
7 20 petition for a public hearing filed by the resident property
7 21 owners of the proposed district. The bill also allows a
7 22 public hearing on a proposed district based upon a petition by
7 23 the township trustees or the county board of supervisors' own
7 24 motion.

7 25 The boundaries of the district may include a whole county,
7 26 both unincorporated and incorporated areas, and may also
7 27 include townships within a county, or adjoining townships
7 28 located in different counties.

7 29 Once a public hearing is held, the bill provides that the
7 30 board of supervisors may establish the district by resolution.
7 31 The bill provides that the board submit a plan to the state
7 32 fire marshal's office and the county finance committee that
7 33 includes all of the following:

7 34 1. Personnel, equipment, facilities, and other available
7 35 resources that may be shared by all of the various fire



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8 1 departments and emergency medical service providers.
8 2 2. Financial information demonstrating the ability to
8 3 provide fire protection service and emergency medical service
8 4 to the residents of the district.
8 5 3. A plan for transitioning to the new district.
8 6 The bill provides that after the county finance committee
8 7 has reviewed the financial information and reported its
8 8 findings to the state fire marshal, the state fire marshal
8 9 shall review the findings as well as the personnel, equipment,
8 10 facilities, and other resources of the district to determine
8 11 whether the district can successfully deliver services
8 12 throughout the district.
8 13 A district established by the board and having an approved
8 14 plan by the state fire marshal is authorized to proceed and
8 15 continue as a pilot project for two years beginning on July 1
8 16 of the fiscal year following the date of the board's
8 17 resolution establishing the district. However, if the date of
8 18 the board's action falls after November 1, the pilot project
8 19 shall not begin until July 1 of the fiscal year subsequent to
8 20 the next following fiscal year.
8 21 The bill requires that at the end of two years, the
8 22 commission shall submit a report to the state fire marshal
8 23 summarizing the results of the pilot project, including the
8 24 strengths of the project, whether delivery of fire protection
8 25 service and emergency medical service was improved throughout
8 26 the district, and additional measures needed to improve the
8 27 delivery of such services.
8 28 The bill provides for an engineer to prepare a preliminary
8 29 plat of the district, which after public hearing, shall be
8 30 approved or disapproved by the board.
8 31 The bill provides for an election within the district to
8 32 approve or disapprove the levy of a tax of not more than \$1.60
8 33 and 3/4 cents per \$1,000 of assessed value on all the taxable
8 34 property within the district.
8 35 The bill provides that the district be governed by the
9 1 county emergency management commission for the county as
9 2 created pursuant to Code section 29C.9 whose membership is
9 3 composed of a member of the board of supervisors or its
9 4 appointed representative, the sheriff or the sheriff's
9 5 representative, and the mayor or the mayor's representative
9 6 from each city within the district. If the district includes
9 7 townships located in more than one county, the district shall
9 8 be governed by a joint commission that includes members of the
9 9 commissions of each county. The commission is authorized to
9 10 certify for levy an annual tax as approved at election. The
9 11 commission is also directed to draw the boundaries of
9 12 emergency services areas within the district to be assigned to
9 13 various fire departments and stations throughout the district.
9 14 The bill provides that the commission appoint a regional fire
9 15 chief who shall serve at the pleasure of the commission and
9 16 shall be responsible for the coordination of fire protection
9 17 service and emergency medical service throughout the district.
9 18 The regional fire chief shall appoint an assistant fire
9 19 chief for each existing fire department and station within the
9 20 district who shall be responsible for delivery of fire
9 21 protection service and emergency medical service within the



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9 22 areas designated by the commission.

9 23 The bill provides that the district may issue bonds if the
9 24 indebtedness is authorized by election.

9 25 Finally, the bill provides a transition provision from
9 26 township-funded fire protection and emergency medical services
9 27 to funding by the newly created district. The bill also
9 28 provides that any indebtedness incurred by the township
9 29 trustees for these services shall be assumed by the district
9 30 and all of the assets of the township which relate to the
9 31 fire-fighting operation and emergency medical services
9 32 operation shall be transferred to the district.

9 33 LSB 2394SC 82

9 34 eg:sc/es/88



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Senate Study Bill 1330

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 WAYS AND MEANS BILL BY
 CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing a county board of supervisors to expend moneys
- 2 from the local emergency management fund for a joint law
- 3 enforcement communications center.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2552SC 82
- 6 eg/es/88



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1 1 Section 1. Section 29C.17, subsections 4 and 5, Code 2007,
1 2 are amended to read as follows:

1 3 4. Expenditures from the local emergency management fund
1 4 shall be made on warrants drawn by the county auditor,
1 5 supported by claims and vouchers signed by the emergency
1 6 management coordinator, ~~or~~ chairperson of the commission, or
1 7 for purposes of a joint law enforcement communications center,
1 8 the board of supervisors.

1 9 5. Subject to chapter 24, the commission shall adopt,
1 10 certify, and submit a budget, on or before February 28 of each
1 11 year, to the county board of supervisors and the cities for
1 12 the ensuing fiscal year which will include an itemized list of
1 13 the number of emergency management personnel, their salaries
1 14 and cost of personnel benefits, travel and transportation
1 15 costs, fixed costs of operation, and all other anticipated
1 16 emergency management expenses. The salaries and compensation
1 17 of agency personnel coming under the merit system as
1 18 determined by the commission will include salary schedules for
1 19 classes in which the salary of a class is based on merit
1 20 qualifications for the positions. The budget shall account
1 21 for expenditures by the board of supervisors to construct and
1 22 operate a joint law enforcement communications center.

1 23 Sec. 2. Section 29C.17, Code 2007, is amended by adding
1 24 the following new subsection:

1 25 NEW SUBSECTION. 6. Notwithstanding the commission's
1 26 fiscal authority under this section, the board of supervisors
1 27 may expend moneys from the fund to construct and operate a
1 28 joint law enforcement communications center to serve emergency
1 29 responders countywide. For purposes of this section,
1 30 "emergency responders" means fire fighters, law enforcement
1 31 officers, emergency medical service personnel, and other
1 32 personnel having emergency response duties within the county.

1 33 EXPLANATION

1 34 This bill allows a county board of supervisors to expend
1 35 moneys from the local emergency management fund to construct



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2 1 and operate a joint law enforcement communications center to
2 2 serve emergency responders countywide. The bill gives the
2 3 board of supervisors this authority to expend such funds
2 4 despite the county emergency management commission's statutory
2 5 authority over this fund. The bill defines "emergency
2 6 responders" to mean fire fighters, law enforcement officers,
2 7 emergency medical service personnel, and other personnel
2 8 having emergency response duties within the county.
2 9 The bill provides that expenditures by the board of
2 10 supervisors from the local emergency management fund shall be
2 11 made on warrants drawn by the county auditor, supported by
2 12 claims and vouchers signed by the board of supervisors.
2 13 The commission is required to submit a budget each year.
2 14 The bill provides that the budget account for expenditures by
2 15 the board of supervisors to construct and operate a joint law
2 16 enforcement communications center.
2 17 LSB 2552SC 82
2 18 eg:sc/es/88