



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 20, 2007

## House Amendment 1845

PAG LIN

1 1 Amend the amendment, H=1822, to House File 909, as  
1 2 follows:  
1 3 #1. Page 2, by inserting after line 17 the  
1 4 following:  
1 5 <#\_\_\_\_. Page 16, line 12, by inserting after the  
1 6 figure <3.> the following: <a.>>  
1 7 #2. Page 2, by inserting after line 19 the  
1 8 following:  
1 9 <#\_\_\_\_. Page 16, by inserting after line 21 the  
1 10 following:  
1 11 <b. The general assembly supports efforts by the  
1 12 organization receiving funding under this subsection  
1 13 to create a statewide earned income tax credit and  
1 14 asset=building coalition to achieve both of the  
1 15 following purposes:  
1 16 (1) Expanding the usage of the tax credit through  
1 17 new and enhanced outreach and marketing strategies as  
1 18 well as identifying new local sites and human and  
1 19 financial resources.  
1 20 (2) Assessing and recommending various strategies  
1 21 for Iowans to develop assets through savings,  
1 22 individual development accounts, financial literacy,  
1 23 anti=predatory lending initiatives, informed home  
1 24 ownership, use of various forms of support for work,  
1 25 and microenterprise business development targeted to  
1 26 persons who are self=employed or have fewer than five  
1 27 employees.>>  
1 28 #3. By renumbering as necessary.  
1 29  
1 30  
1 31  
1 32 HEATON of Henry  
1 33 HF 909.527 82  
1 34 jp/je/9227  
1 35  
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**House Amendment 1846**

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1 1 Amend the amendment, H=1822, to House File 909 as  
1 2 follows:  
1 3 #1. Page 5, line 4, by striking the figure  
1 4 <8,200,254> and inserting the following: <6,882,254>.  
1 5 #2. Page 5, line 11, by striking the figure  
1 6 <682,000> and inserting the following: <2,000,000>.  
1 7  
1 8  
1 9  
1 10 UPMEYER of Hancock  
1 11 HF 909.712 82  
1 12 pf/gg/9456  
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1 1 Amend House File 909 as follows:
1 2 #1. Page 79, line 34, by striking the figure
1 3 <3,125,000> and inserting the following: <2,925,000>.
1 4 #2. Page 80, by striking lines 20 through 23.
1 5 #3. Page 81, line 19, by striking the figure
1 6 <450,000> and inserting the following: <350,000>.
1 7 #4. Page 81, by inserting after line 35 the
1 8 following:
1 9 <4A. ENVIRONMENTAL HAZARDS
1 10 ..... $ 200,000
1 11 The funds appropriated in this subsection shall be
1 12 used as additional funding for lead remediation.>
1 13 #5. By renumbering as necessary.
1 14
1 15
1 16
1 17 GRANZOW of Hardin
1 18 HF 909.704 82
1 19 pf/gg/9427
1 20
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House Amendment 1848

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1 1 Amend House File 909 as follows:  
1 2 #1. Page 19, line 8, by striking the figure  
1 3 <618,696,202> and inserting the following:  
1 4 <633,194,191>.  
1 5 #2. Page 49, by inserting after line 6 the  
1 6 following:  
1 7 <12A. Notwithstanding any provision of this Act to  
1 8 the contrary, for the fiscal period beginning July 1,  
1 9 2007, the following providers and services shall be  
1 10 provided reimbursement in an amount that is three  
1 11 percent greater than the reimbursement amount in  
1 12 effect on June 30, 2007: inpatient and outpatient  
1 13 hospital services; disproportionate share hospitals,  
1 14 indirect medical education and direct medical  
1 15 education; home health services; physician services;  
1 16 psychiatric services; family planning services; early  
1 17 periodic screening, diagnosis, and treatment; dental  
1 18 services; optometric services; supplies; ambulance  
1 19 services; practitioner services; podiatric services;  
1 20 chiropractic services; clinic services; community  
1 21 mental health centers; home and community-based waiver  
1 22 services; the Iowa plan for behavioral health; health  
1 23 maintenance organizations; case management services;  
1 24 rehabilitative treatment services; adult  
1 25 rehabilitative option services; and pharmacy  
1 26 dispensing fees.>  
1 27 #3. By renumbering as necessary.  
1 28  
1 29  
1 30  
1 31 L. MILLER of Scott  
1 32 HF 909.229 82  
1 33 pf/es/9449  
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# House Amendment 1849

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1 1 Amend the amendment, H=1801, to House File 909, as  
1 2 follows:  
1 3 #1. Page 1, line 6, by striking the word  
1 4 <CORRECTIONAL> and inserting the following:  
1 5 <CONSTITUTIONAL>.  
1 6  
1 7  
1 8  
1 9 WIENCEK of Black Hawk  
1 10 HF 909.233 82  
1 11 pf/es/9457  
1 12  
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**House Amendment 1850**

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1 1 Amend House File 909 as follows:

1 2 #1. Page 31, line 32, by inserting after the

1 3 figure <234.46.> the following: <Of the amount

1 4 allocated in this subsection, \$210,000 is transferred

1 5 and credited to the risk pool in the property tax

1 6 relief fund.>

1 7 #2. Page 36, line 13, by striking the figure

1 8 <5,367,652> and inserting the following: <5,273,361>.

1 9 #3. Page 36, line 19, by striking the figure

1 10 <6,540,101> and inserting the following: <6,409,501>.

1 11 #4. Page 36, line 25, by striking the figure

1 12 <9,606,542> and inserting the following: <9,358,177>.

1 13 #5. Page 36, line 31, by striking the figure

1 14 <1,522,598> and inserting the following: <1,339,216>.

1 15 #6. Page 42, line 14, by striking the figure

1 16 <16,001,927> and inserting the following:

1 17 <15,901,927>.

1 18 #7. Page 59, line 33, by inserting after the word

1 19 <year.> the following: <In addition, of the moneys

1 20 appropriated in this section that remain unencumbered

1 21 or unobligated at the close of the fiscal year,

1 22 \$250,000 shall be credited to the risk pool in the

1 23 property tax relief fund.>

1 24 #8. Page 70, by inserting after line 17 the

1 25 following:

1 26 <Sec. \_\_\_\_\_. RISK POOL. There is appropriated from

1 27 the general fund of the state to the department of

1 28 human services for the fiscal year beginning July 1,

1 29 2007, and ending June 30, 2008, the following amount,

1 30 or so much thereof as is necessary, to be used for the

1 31 purposes designated:

1 32 To be credited to the risk pool in the property tax

1 33 relief fund for distribution in accordance with

1 34 section 426B.5, subsection 2:

1 35 ..... \$ 756,638>

1 36 #9. Page 74, by inserting after line 13 the

1 37 following:

1 38 <1B. There is appropriated from the general fund

1 39 of the state to the department of human services for

1 40 the fiscal year beginning July 1, 2007, and ending

1 41 June 30, 2008, the following amount, or so much

1 42 thereof as is necessary, to be used for the purpose

1 43 designated:

1 44 For distribution to counties that meet the

1 45 requirements of this subsection:

1 46 ..... \$ 12,000,000

1 47 a. To be eligible to receive an allocation under

1 48 this subsection, a county must meet the following

1 49 requirements:

1 50 (1) The county is levying for the maximum amount



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2 1 allowed for the county's mental health, mental  
2 2 retardation, and developmental disabilities services  
2 3 fund under section 331.424A for taxes due and payable  
2 4 in the fiscal year beginning July 1, 2007, or the  
2 5 county is levying for at least 90 percent of the  
2 6 maximum amount allowed for the county's services fund  
2 7 and that levy rate is more than \$2 per \$1,000 of the  
2 8 assessed value of all taxable property in the county.  
2 9 (2) In the fiscal year beginning July 1, 2006, the  
2 10 county's mental health, mental retardation, and  
2 11 developmental disabilities services fund ending  
2 12 balance under generally accepted accounting principles  
2 13 was equal to or less than 15 percent of the county's  
2 14 actual gross expenditures for that fiscal year.  
2 15 b. A county's allocation of the amount  
2 16 appropriated in this subsection shall be determined  
2 17 based upon the county's proportion of the general  
2 18 population of the counties eligible to receive an  
2 19 allocation under this subsection. The most recent  
2 20 population estimates issued by the United States  
2 21 bureau of the census shall be applied in determining  
2 22 population for the purposes of this paragraph.  
2 23 c. The allocations made pursuant to this  
2 24 subsection are subject to the distribution provisions  
2 25 and withholding requirements established in this  
2 26 section for the county mental health, mental  
2 27 retardation, and developmental disabilities allowed  
2 28 growth factor adjustment for the fiscal year beginning  
2 29 July 1, 2007.>  
2 30 #10. Page 77, by striking lines 21 through 26.  
2 31 #11. Page 77, by inserting after line 27 the  
2 32 following:  
2 33 <DIVISION  
2 34 MH/MR/DD DATA REPORTING  
2 35 == RISK POOL ASSISTANCE  
2 36 Sec. \_\_\_\_\_. Section 225C.6A, subsection 2, paragraph  
2 37 c, Code 2007, is amended by adding the following new  
2 38 subparagraph:  
2 39 NEW SUBPARAGRAPH. (3) Each county shall report to  
2 40 the department annually on or before December 1, for  
2 41 the preceding fiscal year the following information  
2 42 for each individual served: demographic information,  
2 43 expenditure data, and data concerning the services and  
2 44 other support provided to each individual, as  
2 45 specified in administrative rule adopted by the  
2 46 commission.  
2 47 Sec. \_\_\_\_\_. Section 331.439, subsection 1, paragraph  
2 48 a, Code 2007, is amended to read as follows:  
2 49 a. The county accurately reported by December 1  
2 50 the county's expenditures for mental health, mental



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3 1 retardation, and developmental disabilities services  
3 2 and the information required under section 225C.6A,  
3 3 subsection 2, paragraph "c", for the previous fiscal  
3 4 year on forms prescribed by rules adopted by the  
3 5 department of human services state commission.  
3 6 Sec. \_\_\_\_\_. Section 426B.5, subsection 2, Code 2007,  
3 7 is amended to read as follows:  
3 8 2. RISK POOL.  
3 9 a. For the purposes of this subsection, unless the  
3 10 context otherwise requires+,  
3 11 ~~(1) "Net expenditure amount" means a county's~~  
3 12 ~~gross expenditures from the services fund for a fiscal~~  
3 13 ~~year as adjusted by subtracting all services fund~~  
3 14 ~~revenues for that fiscal year that are received from a~~  
3 15 ~~source other than property taxes, as calculated on a~~  
3 16 ~~modified accrual basis.~~  
3 17 ~~(2) "Services "services fund" means a county's~~  
3 18 ~~mental health, mental retardation, and developmental~~  
3 19 ~~disabilities services fund created in section~~  
3 20 ~~331.424A.~~  
3 21 b. A risk pool is created in the property tax  
3 22 relief fund. The pool shall consist of the moneys  
3 23 credited to the pool by law.  
3 24 c. A risk pool board is created. The board shall  
3 25 consist of two county supervisors, two county  
3 26 auditors, a member of the mental health, mental  
3 27 retardation, developmental disabilities, and brain  
3 28 injury commission who is not a member of a county  
3 29 board of supervisors, a member of the county finance  
3 30 committee created in chapter 333A who is not an  
3 31 elected official, a representative of a provider of  
3 32 mental health or developmental disabilities services  
3 33 selected from nominees submitted by the Iowa  
3 34 association of community providers, and two central  
3 35 point of coordination process administrators, all  
3 36 appointed by the governor, and one member appointed by  
3 37 the director of human services. All members appointed  
3 38 by the governor shall be subject to confirmation by  
3 39 the senate. Members shall serve for three-year terms.  
3 40 A vacancy shall be filled in the same manner as the  
3 41 original appointment. Expenses and other costs of the  
3 42 risk pool board members representing counties shall be  
3 43 paid by the county of origin. Expenses and other  
3 44 costs of risk pool board members who do not represent  
3 45 counties shall be paid from a source determined by the  
3 46 governor. Staff assistance to the board shall be  
3 47 provided by the department of human services and  
3 48 counties. Actuarial expenses and other direct  
3 49 administrative costs shall be charged to the pool.  
3 50 d. ~~(1)~~ A county must apply to the risk pool board



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4 1 for assistance from the risk pool on or before January  
4 2 25 to cover an unanticipated net expenditure amount in  
~~4 3 excess of the county's current fiscal year budgeted~~  
~~4 4 net expenditure amount for the county's services fund.~~  
4 5 The risk pool board shall make its final decisions on  
4 6 or before February 25 regarding acceptance or  
4 7 rejection of the applications for assistance and the  
4 8 total amount accepted shall be considered obligated.  
~~4 9 For purposes of applying for risk pool assistance and~~  
~~4 10 for repaying unused risk pool assistance, the current~~  
~~4 11 fiscal year budgeted net expenditure amount shall be~~  
~~4 12 deemed to be the higher of either the budgeted net~~  
~~4 13 expenditure amount in the management plan approved~~  
~~4 14 under section 331.439 for the fiscal year in which the~~  
~~4 15 application is made or the prior fiscal year's net~~  
~~4 16 expenditure amount.~~  
4 17 ~~(2)~~ e. Basic eligibility for risk pool assistance  
4 18 ~~shall require a projected net expenditure amount in~~  
~~4 19 excess of the sum of one hundred five percent of the~~  
~~4 20 county's current fiscal year budgeted net expenditure~~  
~~4 21 amount and any amount of the county's prior fiscal~~  
~~4 22 year ending fund balance in excess of twenty-five~~  
~~4 23 percent of the county's gross expenditures from the~~  
~~4 24 services fund in the prior fiscal year. However, if a~~  
~~4 25 county's services fund ending balance in the previous~~  
~~4 26 fiscal year was less than ten percent of the amount of~~  
~~4 27 the county's gross expenditures from the services fund~~  
~~4 28 for that fiscal year and the county has a projected~~  
~~4 29 net expenditure amount for the current fiscal year~~  
~~4 30 that is in excess of one hundred one percent of the~~  
~~4 31 budgeted net expenditure amount for the current fiscal~~  
~~4 32 year, the county shall be considered to have met the~~  
~~4 33 basic eligibility requirement and is qualified for~~  
~~4 34 risk pool assistance. requires that a county meet all~~  
~~4 35 of the following conditions:~~  
4 36 (1) The county is in compliance with the  
4 37 requirements of section 331.439.  
4 38 (2) The county levied the maximum amount allowed  
4 39 for the county's services fund under section 331.424A  
4 40 for the fiscal year of application for risk pool  
4 41 assistance.  
4 42 (3) At the close of the fiscal year that  
4 43 immediately preceded the fiscal year of application,  
4 44 the county's services fund ending balance under  
4 45 generally accepted accounting principles was equal to  
4 46 or less than twenty percent of the county's actual  
4 47 gross expenditures for that fiscal year.  
4 48 ~~(3)~~ f. The board shall review the fiscal year=end  
4 49 financial records for all counties that are granted  
4 50 risk pool assistance. If the board determines a



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5 1 county's actual need for risk pool assistance was less  
5 2 than the amount of risk pool assistance granted to the  
5 3 county, the county shall refund the difference between  
5 4 the amount of assistance granted and the actual need.  
5 5 The county shall submit the refund within thirty days  
5 6 of receiving notice from the board. Refunds shall be  
5 7 credited to the risk pool.

~~5 8 (4) A county receiving risk pool assistance in a  
5 9 fiscal year in which the county did not levy the  
5 10 maximum amount allowed for the county's services fund  
5 11 under section 331.424A shall be required to repay the  
5 12 risk pool assistance during the two succeeding fiscal  
5 13 years. The repayment amount shall be limited to the  
5 14 amount by which the actual amount levied was less than  
5 15 the maximum amount allowed, with at least fifty  
5 16 percent due in the first succeeding fiscal year and  
5 17 the remainder due in the second succeeding fiscal  
5 18 year.~~

5 19 (5) g. The board shall determine application  
5 20 requirements to ensure prudent use of risk pool  
5 21 assistance. The board may accept or reject an  
5 22 application for assistance in whole or in part. The  
5 23 decision of the board is final.

~~5 24 (6) h. The total amount of risk pool assistance  
5 25 shall be limited to the amount available in the risk  
5 26 pool for a fiscal year. If the total amount of  
5 27 eligible assistance exceeds the amount available in  
5 28 the risk pool, the amount of assistance paid shall be  
5 29 prorated among the counties eligible for assistance.  
5 30 Moneys remaining unexpended or unobligated in the risk  
5 31 pool following the risk pool board's decisions made  
5 32 pursuant to subparagraph (1) shall be distributed to  
5 33 the counties eligible to receive funding from the  
5 34 allowed growth factor adjustment appropriation for the  
5 35 fiscal year using the distribution methodology  
5 36 applicable to that appropriation. A county shall not  
5 37 receive more than forty percent of the amount  
5 38 available in the risk pool for a fiscal year. Any  
5 39 unobligated balance in the risk pool at the close of a  
5 40 fiscal year shall remain in the risk pool for  
5 41 distribution in the succeeding fiscal year.~~

5 42 e. i. A county may apply for preapproval for risk  
5 43 pool assistance based upon an individual who has an  
~~5 44 unanticipated disability condition with an exceptional  
5 45 cost and the individual is either new to the county's  
5 46 service system or the individual's unanticipated  
5 47 disability condition is new to the individual.~~  
5 48 Whether for a preapproval or regular application, risk  
5 49 pool assistance shall only be made available to  
5 50 address one or more of the following circumstances:



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6 1       (1) Continuing support for mandated services.  
6 2       (2) Avoiding the need for reduction or elimination  
6 3 of critical services when the reduction or elimination  
6 4 places consumers' health or safety at risk.  
6 5       (3) Avoiding the need for reduction or elimination  
6 6 of critical emergency services when the reduction or  
6 7 elimination places the public's health or safety at  
6 8 risk.  
6 9       (4) Avoiding the need for reduction or elimination  
6 10 of the services or other support provided to entire  
6 11 disability populations.  
6 12       (5) Avoiding the need for reduction or elimination  
6 13 of services or other support that maintain consumers  
6 14 in a community setting, creating a risk that the  
6 15 consumers would be placed in more restrictive, higher  
6 16 cost settings.  
6 17       ~~f.~~ j. The department of human services shall  
6 18 annually calculate the amount of moneys due to  
6 19 eligible counties in accordance with the board's  
6 20 decisions and that amount is appropriated from the  
6 21 risk pool to the department for payment of the moneys  
6 22 due. The department shall authorize the issuance of  
6 23 warrants payable to the county treasurer for the  
6 24 amounts due and the warrants shall be issued before  
6 25 the close of the fiscal year.  
6 26       ~~g.~~ k. On or before March 1 and September 1 of  
6 27 each fiscal year, the department of human services  
6 28 shall provide the risk pool board with a report of the  
6 29 financial condition of each funding source  
6 30 administered by the board. The report shall include  
6 31 but is not limited to an itemization of the funding  
6 32 source's balances, types and amount of revenues  
6 33 credited, and payees and payment amounts for the  
6 34 expenditures made from the funding source during the  
6 35 reporting period.  
6 36       Sec. \_\_\_\_. INFORMATION TECHNOLOGY. The department  
6 37 of human services shall meet with the Iowa state  
6 38 association of counties to develop a joint proposal  
6 39 addressing the information technology needed for  
6 40 counties to comply with the data reporting  
6 41 requirements applicable under this division. The joint  
6 42 proposal shall be submitted to the chairpersons and  
6 43 ranking members of the general assembly's committees  
6 44 on human resources and the joint appropriations  
6 45 subcommittee on health and human services by November  
6 46 15, 2007.  
6 47       Sec. \_\_\_\_. EMERGENCY RULES. The mental health,  
6 48 mental retardation, developmental disabilities, and  
6 49 brain injury commission may adopt administrative rules  
6 50 under section 17A.4, subsection 2, and section 17A.5,



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7 1 subsection 2, paragraph "b", to implement the  
7 2 provisions of this division of this Act and the rules  
7 3 shall become effective immediately upon filing or on a  
7 4 later effective date specified in the rules, unless  
7 5 the effective date is delayed by the administrative  
7 6 rules review committee. Any rules adopted in  
7 7 accordance with this section shall not take effect  
7 8 before the rules are reviewed by the administrative  
7 9 rules review committee. The delay authority provided  
7 10 to the administrative rules review committee under  
7 11 section 17A.4, subsection 5, and section 17A.8,  
7 12 subsection 9, shall be applicable to a delay imposed  
7 13 under this section, notwithstanding a provision in  
7 14 those sections making them inapplicable to section  
7 15 17A.5, subsection 2, paragraph "b". Any rules adopted  
7 16 in accordance with the provisions of this section  
7 17 shall also be published as notice of intended action  
7 18 as provided in section 17A.4.

7 19 Sec. \_\_\_\_\_. EFFECTIVE DATE == RETROACTIVE  
7 20 APPLICABILITY. This division of this Act, being  
7 21 deemed of immediate importance, takes effect upon  
7 22 enactment and is retroactively applicable to December  
7 23 1, 2006, and is applicable on and after that date for  
7 24 information collected by a county as of that date. A  
7 25 county that has not submitted the data specified in  
7 26 section 225C.6A for the preceding fiscal year as of  
7 27 the effective date of this division, shall submit the  
7 28 data within twenty-five business days of the effective  
7 29 date of the rules adopted to implement the provisions  
7 30 of this division. Unless the department approves an  
7 31 exception for good cause, if a county does not submit  
7 32 the data specified within the required time period,  
7 33 the county is subject to withholding of the county's  
7 34 state payment for property tax relief and allowed  
7 35 growth factor adjustment for the fiscal year beginning  
7 36 July 1, 2007.

7 37 DIVISION

7 38 MENTAL HEALTH SERVICES SYSTEM IMPROVEMENT

7 39 Sec. \_\_\_\_\_. NEW SECTION. 225C.6B MENTAL HEALTH  
7 40 SERVICES SYSTEM IMPROVEMENT == LEGISLATIVE INTENT ==  
7 41 PLANNING AND IMPLEMENTATION.

7 42 1. INTENT.

7 43 a. The general assembly intends for the state to  
7 44 implement a comprehensive, continuous, and integrated  
7 45 state mental health services plan in accordance with  
7 46 the requirements of sections 225C.4 and 225C.6 and  
7 47 other provisions of this chapter, by increasing the  
7 48 department's responsibilities in the development,  
7 49 funding, oversight, and ongoing leadership of mental  
7 50 health services in this state.



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8 1       b. In order to further the purposes listed in  
8 2 sections 225C.1 and 225C.27 and in other provisions of  
8 3 this chapter, the general assembly intends that  
8 4 efforts focus on the goal of making available a  
8 5 comprehensive array of high-quality, evidence-based  
8 6 consumer and family-centered mental health services  
8 7 and other support in the least restrictive,  
8 8 community-based setting appropriate for a consumer.  
8 9       c. In addition, it is the intent of the general  
8 10 assembly to promote policies and practices that  
8 11 achieve for consumers the earliest possible detection  
8 12 of mental health problems and early intervention; to  
8 13 stress that all health care programs address mental  
8 14 health disorders with the same urgency as physical  
8 15 health disorders; to promote the policies of all  
8 16 public programs that serve adults and children with  
8 17 mental disorders, including but not limited to child  
8 18 welfare, Medicaid, education, housing, criminal and  
8 19 juvenile justice, substance abuse treatment, and  
8 20 employment services; to consider the special mental  
8 21 health needs of adults and children; and to promote  
8 22 recovery and resiliency as expected outcomes for all  
8 23 consumers.  
8 24       2. PLANNING AND IMPLEMENTATION. In order to build  
8 25 upon the partnership between the state and counties in  
8 26 providing mental health and disability services in the  
8 27 state, the workgroups established for purposes of this  
8 28 subsection shall engage equal proportions representing  
8 29 the department, counties, and service providers. The  
8 30 county and provider representatives shall be appointed  
8 31 by the statewide associations representing counties  
8 32 and community providers. In addition, each workgroup  
8 33 shall include a representative of the commission, the  
8 34 mental health planning and advisory council,  
8 35 consumers, and a statewide advocacy organization. A  
8 36 workgroup shall be established for each of the  
8 37 following tasks provided for in this subsection:  
8 38 alternative distribution formulas, community mental  
8 39 health center plan, core mental health services, and  
8 40 the two comprehensive plan items. The division shall  
8 41 perform all of the following tasks in taking steps to  
8 42 improve the mental health services system for adults  
8 43 and children in this state:  
8 44       a. ALTERNATIVE DISTRIBUTION FORMULAS. Identify  
8 45 alternative formulas for distributing mental health,  
8 46 mental retardation, and developmental disabilities  
8 47 allowed growth factor adjustment funding to counties.  
8 48 The alternative formulas shall provide methodologies  
8 49 that, as compared to the current methodologies, are  
8 50 more readily understood, better reflect the needs for



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House Amendment 1850 continued

9 1 services, respond to utilization patterns, acknowledge  
9 2 historical county spending, and address disparities in  
9 3 funding and service availability. The formulas shall  
9 4 serve to strengthen the partnership between the  
9 5 department and counties in the state's services  
9 6 system. The division may engage assistance from  
9 7 expert consultants with experience with funding  
9 8 allocation systems as necessary to evaluate options.  
9 9 The department shall report with findings and  
9 10 recommendations to the commission on or before  
9 11 November 1, 2007, and shall review and make  
9 12 recommendations to the department on or before  
9 13 December 1, 2007. The department shall submit the  
9 14 final report to the chairpersons and ranking members  
9 15 of the general assembly's committees on human  
9 16 resources and the joint appropriations subcommittee on  
9 17 health and human services, and to associated  
9 18 legislative staff, on or before January 31, 2008.

9 19 b. COMMUNITY MENTAL HEALTH CENTER PLAN. Prepare a  
9 20 phased plan for increasing state responsibility for  
9 21 and oversight of mental health services provided by  
9 22 community mental health centers and the providers  
9 23 approved to fill the role of a center. The plan shall  
9 24 provide for an initial implementation date of July 1,  
9 25 2008. The plan shall be submitted to the commission  
9 26 on or before October 1, 2007. The commission shall  
9 27 review the plan and provide comments to the department  
9 28 on or before November 1, 2007. The plan shall be  
9 29 submitted to the governor and general assembly on or  
9 30 before January 31, 2008. The department shall ensure  
9 31 that key stakeholders are engaged in the planning  
9 32 process, including but not limited to the commission,  
9 33 mental health services providers, individuals with  
9 34 expertise in the delivery of mental health services,  
9 35 youth and adult consumers, family members of  
9 36 consumers, advocacy organizations, and counties.

9 37 c. CORE MENTAL HEALTH SERVICES. Identify core  
9 38 mental health services to be offered in each area of  
9 39 the state by community mental health centers and core  
9 40 services agency providers. The workgroup for this  
9 41 task shall be established no later than August 1,  
9 42 2007. The core services shall be designed to address  
9 43 the needs of target populations identified by the  
9 44 workgroup and the services may include but are not  
9 45 limited to emergency services, school-based mental  
9 46 health services, short-term counseling, prescreening  
9 47 for those subject to involuntary treatment orders, and  
9 48 evidence-based practices. The division shall submit  
9 49 to the commission on or before October 1, 2007,  
9 50 proposed administrative rules and legislation to amend



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House Amendment 1850 continued

10 1 chapter 230A as necessary to implement the core  
10 2 services beginning July 1, 2008. The commission shall  
10 3 review and revise the proposed administrative rules  
10 4 and shall adopt the administrative rules after the  
10 5 general assembly has reviewed and approved the  
10 6 proposal. The proposals shall be submitted to the  
10 7 general assembly for review on or before January 31,  
10 8 2008.

10 9 d. MENTAL HEALTH AND CORE SERVICE AGENCY STANDARDS  
10 10 AND ACCREDITATION. Identify standards for  
10 11 accreditation of core services agencies that are not a  
10 12 community mental health center but may serve as a  
10 13 provider approved to fill the role of a center. Such  
10 14 core services agencies could be approved to provide  
10 15 core mental health services for children and adults on  
10 16 a regional basis. The standards shall be submitted to  
10 17 the commission for review and recommendation on or  
10 18 before December 1, 2007, and to the governor and  
10 19 general assembly on or before January 31, 2008.

10 20 e. CO-OCCURRING DISORDERS. The division and the  
10 21 department of public health shall give priority to the  
10 22 efforts underway to develop an implementation plan for  
10 23 addressing co-occurring mental health and substance  
10 24 abuse disorders in order to establish a comprehensive,  
10 25 continuous, and integrated system of care for such  
10 26 disorders. The division and the department of public  
10 27 health shall participate in a policy academy on  
10 28 co-occurring mental health and substance abuse  
10 29 disorders as part of developing an implementation plan  
10 30 for commission review by April 1, 2008. The  
10 31 commission shall review and make recommendations on  
10 32 the plan on or before May 1, 2008. The plan shall then  
10 33 be submitted to the governor and general assembly on  
10 34 or before June 1, 2008. The division may engage  
10 35 experts in the field of co-occurring mental health and  
10 36 substance abuse disorders to facilitate this planning  
10 37 process.

10 38 f. EVIDENCE=BASED PRACTICES. Begin phased  
10 39 implementation of evidence-based practices for mental  
10 40 health services over a period of several years.

10 41 (1) Not later than October 1, 2007, in order to  
10 42 provide a reasonable timeline for the implementation  
10 43 of evidence-based practices with mental health and  
10 44 disability services providers, the division shall  
10 45 provide for implementation of two adult and two  
10 46 children evidence-based practices per year over a  
10 47 three-year period.

10 48 (2) The division shall develop a comprehensive  
10 49 training program concerning such practices for  
10 50 community mental health centers, state resource



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House Amendment 1850 continued

11 1 centers and mental health institutes, and other  
11 2 providers, in collaboration with the Iowa consortium  
11 3 for mental health and mental health service providers.  
11 4 The division shall consult with experts on behavioral  
11 5 health workforce development regarding implementation  
11 6 of the mental health and disability services training  
11 7 and the curriculum and training opportunities offered.  
11 8 (3) The department shall apply measures to ensure  
11 9 appropriate reimbursement is available to all  
11 10 providers for the implementation of mandated  
11 11 evidence-based practices and request appropriate  
11 12 funding for evidence-based practices from the governor  
11 13 and general assembly as part of the implementation  
11 14 plan. The implementation plan shall be submitted to  
11 15 the governor and general assembly on or before January  
11 16 31, 2008.  
11 17 (4) The department shall provide the commission  
11 18 with a plan for review to implement the provisions of  
11 19 this paragraph "f".  
11 20 g. COMPREHENSIVE PLAN.  
11 21 (1) Complete a written plan describing the key  
11 22 components of the state's mental health services  
11 23 system, including the services addressed in this  
11 24 subsection and those that are community-based, state  
11 25 institution-based, or regional or state-based. The  
11 26 plan shall incorporate the community mental health  
11 27 center plan provisions implemented pursuant to this  
11 28 subsection. The plan shall be submitted to the  
11 29 commission on or before November 15, 2008, and to the  
11 30 governor and general assembly on or before December  
11 31 15, 2008.  
11 32 (2) In addition, complete a written plan for the  
11 33 department to assume leadership and to assign and  
11 34 reassign significant financial responsibility for the  
11 35 components of the mental health services system in  
11 36 this state, including but not limited to the actions  
11 37 needed to implement the provisions of this subsection  
11 38 involving community mental health centers, core mental  
11 39 health services, core services agencies, co-occurring  
11 40 disorders, and evidence-based practices. The plan  
11 41 shall include recommendations for funding levels,  
11 42 payment methodologies for new and existing services,  
11 43 and allocation changes necessary for the department to  
11 44 assume significant financial responsibility for mental  
11 45 health services. The plan shall be submitted to the  
11 46 commission on or before November 15, 2008, and the  
11 47 commission shall provide review and recommendations on  
11 48 the plan to the department on or before December 15,  
11 49 2008. The plan shall be submitted to the governor and  
11 50 general assembly on or before January 15, 2009.



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House Amendment 1850 continued

12 1 (3) The planning provisions of this paragraph  
12 2 shall be directed toward the goal of strengthening the  
12 3 partnership between the department and counties in the  
12 4 state's services system.

12 5 DIVISION

12 6 DECATEGORIZATION PROJECT FUNDING

12 7 Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 175, section 16,  
12 8 subsection 4, is amended by adding the following new  
12 9 unnumbered paragraph:

12 10 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
12 11 8.33, moneys in the allocations made in this  
12 12 subsection or made from any other source for the  
12 13 decategorization of the child welfare and juvenile  
12 14 justice funding initiative under section 232.188 that  
12 15 remain unencumbered or unobligated at the close of the  
12 16 fiscal year beginning July 1, 2006, shall not revert  
12 17 but shall remain available for expenditure for the  
12 18 purposes allocated until the close of the succeeding  
12 19 fiscal year. Priority for the moneys addressed in  
12 20 this paragraph shall be given to services for children  
12 21 with special needs such as mental health needs, sexual  
12 22 abuse victims or offenders, and substance abuse. If  
12 23 moneys addressed in this paragraph are used to support  
12 24 services for children with special needs that were  
12 25 previously provided under a county contract funded  
12 26 from a county's mental health, mental retardation, and  
12 27 developmental disabilities services fund under section  
12 28 331.424A, a decategorization project may contract with  
12 29 a provider of such services in place of the county  
12 30 contract, notwithstanding any request for proposals  
12 31 requirement otherwise applicable under section 8A.311.

12 32 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
12 33 Act, being deemed of immediate importance, takes  
12 34 effect upon enactment.

12 35 DIVISION

12 36 COUNTY FUNDS

12 37 Sec. \_\_\_\_\_. Notwithstanding section 331.424A,  
12 38 subsection 5, and section 331.432, subsection 3, for  
12 39 the fiscal year beginning July 1, 2007, a county may  
12 40 transfer moneys from other funds of the county to the  
12 41 county's services fund created in section 331.424A.>  
12 42 #12. Page 79, line 34, by striking the figure  
12 43 <3,125,000> and inserting the following: <3,025,000>.  
12 44 #13. Page 80, line 4, by striking the figure  
12 45 <300,000> and inserting the following: <200,000>.  
12 46 #14. Page 83, by inserting after line 28 the  
12 47 following:

12 48 <4. MH/MR/DD RISK POOL  
12 49 ..... \$ 100,000

12 50 The funds appropriated in this subsection shall be



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House Amendment 1850 continued

13 1 credited to the risk pool in the property tax relief  
13 2 fund created in section 426B.1.>  
13 3 #15. Page 97, line 31, by inserting after the word  
13 4 <persons> the following: <with chronic mental  
13 5 illness>.  
13 6 #16. Page 97, line 33, by striking the word  
13 7 <habilitation> and inserting the following: <such>.  
13 8 #17. Page 97, line 34, by inserting after the word  
13 9 <such> the following: <adult>.  
13 10 #18. By renumbering as necessary.  
13 11  
13 12  
13 13  
13 14 GAYMAN of Scott  
13 15  
13 16  
13 17  
13 18 HEDDENS of Story  
13 19 HF 909.519 82  
13 20 jp/je/8596



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**House Amendment 1851**

PAG LIN

1 1 Amend the amendment, H=1850, to House File 909 as  
 1 2 follows:  
 1 3 #1. Page 13, by striking lines 3 through 9 and  
 1 4 inserting the following:  
 1 5 <#\_\_\_\_. By striking page 97, line 17, through page  
 1 6 98, line 1, and inserting the following:  
 1 7 <Sec. \_\_\_\_ . Section 249A.26, subsection 4, Code  
 1 8 2007, is amended to read as follows:  
 1 9 4. The county of legal settlement shall pay for  
 1 10 one hundred percent of the nonfederal share of the  
 1 11 cost of services provided to adult persons with  
 1 12 chronic mental illness ~~implemented under the adult~~  
 1 13 ~~rehabilitation option of the state medical assistance~~  
 1 14 ~~plan who qualify for habilitation services in~~  
 1 15 accordance with the rules adopted for the services.  
 1 16 The state shall pay for one hundred percent of the  
 1 17 nonfederal share of the cost of such services provided  
 1 18 to such persons who have no legal settlement or the  
 1 19 legal settlement is unknown so that the persons are  
 1 20 deemed to be state cases.>>  
 1 21 #2. By renumbering as necessary.  
 1 22  
 1 23  
 1 24  
 1 25 HEDDENS of Story  
 1 26  
 1 27  
 1 28  
 1 29 GAYMAN of Scott  
 1 30 HF 909.714 82  
 1 31 jp/gg/9225  
 1 32  
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# House Amendment 1852

PAG LIN

1 1 Amend the amendment, H=1822, to House File 909 as  
1 2 follows:  
1 3 #1. Page 1, by striking line 11, and inserting the  
1 4 following: <carrier to provide funds to continue  
1 5 the>.  
1 6  
1 7  
1 8  
1 9 FOEGE of Linn  
1 10 HF 909.234 82  
1 11 pf/es/9458  
1 12  
1 13  
1 14  
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# House Amendment 1853

PAG LIN

1 1 Amend the amendment, H=1850, to House File 909 as  
1 2 follows:  
1 3 #1. Page 12, by striking lines 35 through 41.  
1 4 #2. By renumbering as necessary.  
1 5  
1 6  
1 7  
1 8 RANTS of Woodbury  
1 9 HF 909.235 82  
1 10 jp/es/9224  
1 11  
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**House Amendment 1854**

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1 1 Amend the amendment H=1836, to Senate File 551, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by striking lines 19 and 20.
1 5 #2. Page 2, by inserting after line 24 the
1 6 following:
1 7 <14. For deposit in the waste tire management fund
1 8 created in section 455D.11C to support the purposes of
1 9 the fund:
1 10 ..... $ 500,000>>
1 11 #3. By renumbering as necessary.
1 12
1 13
1 14
1 15 DE BOEF of Keokuk
1 16 SF 551.514 82
1 17 da/je/8890
1 18
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# House Amendment 1855

PAG LIN

1 1 Amend the amendment, H=1850, to House File 909 as  
1 2 follows:  
1 3 #1. Page 1, line 46, by striking the figure  
1 4 <12,000,000> and inserting the following:  
1 5 <16,000,000>.  
1 6  
1 7  
1 8  
1 9 RAECKER of Polk  
1 10 HF 909.715 82  
1 11 jp/gg/9223  
1 12  
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House Amendment 1856

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 21, line 25, by inserting after the word  
1 3 <activities.> the following: <The department of human  
1 4 services and the department of corrections may  
1 5 subcontract with nonprofit organizations with  
1 6 expertise in providing services to ex-offenders in  
1 7 implementing the DMIE.>  
1 8  
1 9  
1 10  
1 11 FORD of Polk  
1 12 HF 909.236 82  
1 13 pf/es/9459  
1 14  
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House Amendment 1857

PAG LIN

1 1 Amend Senate File 341, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 3, by inserting after line 1 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. Section 87.1, Code 2007, is amended by  
1 6 adding the following new unnumbered paragraph:  
1 7 NEW UNNUMBERED PARAGRAPH. Every employer subject  
1 8 to the provisions of this chapter and chapters 85,  
1 9 85A, 85B, and 86, shall be required to show proof of  
1 10 United States citizenship, documentation issued by the  
1 11 United States government as proof of legal presence in  
1 12 the country, or other acceptable form of  
1 13 identification as determined by the commissioner by  
1 14 rule for each current employee physically present in  
1 15 the United States.>  
1 16 #2. By renumbering as necessary.  
1 17  
1 18  
1 19  
1 20 RANTS of Woodbury  
1 21 SF 341.703 82  
1 22 av/gg/9716  
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# House Amendment 1858

PAG LIN

1 1 Amend the amendment, H=1836, to Senate File 551, as  
1 2 amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, line 40, by striking the word  
1 5 <ranching> and inserting the following: <ranging>.  
1 6  
1 7  
1 8  
1 9 DE BOEF of Keokuk  
1 10 SF 551.515 82  
1 11 da/je/8891  
1 12  
1 13  
1 14  
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# House Amendment 1859

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 34, line 10, by striking the figure <10>  
1 3 and inserting the following: <20>.  
1 4  
1 5  
1 6  
1 7 GRANZOW of Hardin  
1 8 HF 909.308 82  
1 9 jp/cf/9222  
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# House Amendment 1860

PAG LIN

1 1 Amend the amendment, H=1850, to House File 909 as  
1 2 follows:  
1 3 #1. Page 12, line 39, by inserting after the  
1 4 figure <2007,> the following: <and ending June 30,  
1 5 2008,>.  
1 6  
1 7  
1 8  
1 9 GAYMAN of Scott  
1 10 HF 909.239 82  
1 11 jp/es/9221  
1 12  
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House Amendment 1861

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 44, by striking lines 17 through 19 and  
1 3 inserting the following:  
1 4 <c. (1) For the fiscal year beginning July 1,  
1 5 2007, reimbursement rates for inpatient and outpatient  
1 6 hospital services shall be increased to reflect the  
1 7 rebased inpatient and outpatient rates determined  
1 8 pursuant to 2005 Iowa Acts, chapter 175, section 29,  
1 9 subsection 1, paragraph "c", for the fiscal year  
1 10 beginning July 1, 2005, and notwithstanding the  
1 11 limitation on funding specified in that paragraph "c",  
1 12 the rebased amount shall be fully funded.>  
1 13  
1 14  
1 15  
1 16 L. MILLER of Scott  
1 17 HF 909.717 82  
1 18 pf/gg/9475  
1 19  
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House Amendment 1862

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. By striking page 45, line 28, through page 46,  
1 3 line 6, and inserting the following:  
1 4 <j. For the fiscal year beginning July 1, 2007,  
1 5 with the exception of area education agencies, local  
1 6 education agencies, infant and toddler services  
1 7 providers, and those providers whose rates are  
1 8 required to be determined pursuant to section 249A.20,  
1 9 noninstitutional medical assistance provider  
1 10 reimbursement rates shall be increased by three  
1 11 percent over the rates in effect on June 30, 2007.  
1 12 k. For the fiscal year beginning July 1, 2007, and  
1 13 ending June 30, 2008, all noninstitutional medical  
1 14 assistance health providers as specified in section  
1 15 249A.20 shall be reimbursed at the rate allowed under  
1 16 the Medicare program, subject to the medical  
1 17 assistance program upper payment limit.>  
1 18  
1 19  
1 20  
1 21 L. MILLER of Scott  
1 22 HF 909.530 82  
1 23 pf/je/9462  
1 24  
1 25  
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House Amendment 1863

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 49, by inserting after line 6 the  
1 3 following:  
1 4 <12A. Notwithstanding any provision of this Act to  
1 5 the contrary, for the fiscal period beginning July 1,  
1 6 2007, the following providers and services shall be  
1 7 provided reimbursement in an amount that is three  
1 8 percent greater than the reimbursement amount in  
1 9 effect on June 30, 2007: inpatient and outpatient  
1 10 hospital services; disproportionate share hospitals,  
1 11 indirect medical education and direct medical  
1 12 education; home health services; physician services;  
1 13 psychiatric services; family planning services; early  
1 14 periodic screening, diagnosis, and treatment; dental  
1 15 services; optometric services; supplies; ambulance  
1 16 services; practitioner services; podiatric services;  
1 17 chiropractic services; clinic services; community  
1 18 mental health centers; home and community-based waiver  
1 19 services; the Iowa plan for behavioral health; health  
1 20 maintenance organizations; case management services;  
1 21 rehabilitative treatment services; adult  
1 22 rehabilitative option services; and pharmacy  
1 23 dispensing fees.>  
1 24 #2. By renumbering as necessary.  
1 25  
1 26  
1 27  
1 28 L. MILLER of Scott  
1 29 HF 909.529 82  
1 30 pf/je/9465  
1 31  
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**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 20, 2007**

**House Amendment 1864**

PAG LIN

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1 1 Amend House File 909 as follows:
1 2 #1. Page 22, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ . MEDICAL ASSISTANCE FULL FUNDING. In
1 5 addition to any other funding appropriated in this
1 6 division of this Act for medical assistance, there is
1 7 appropriated from the general fund of the state to the
1 8 department of human services for the fiscal year
1 9 beginning July 1, 2007, and ending June 30, 2008, the
1 10 following amount, or so much thereof as is necessary,
1 11 for the purpose designated:
1 12 For fully funding the medical assistance program:
1 13 ..... $ 11,950,000>
1 14 #2. By renumbering as necessary.
1 15
1 16
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1 18 RANTS of Woodbury
1 19 HF 909.531 82
1 20 pf/je/9466
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 20, 2007

# House Amendment 1865

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 49, by inserting after line 6 the  
1 3 following:  
1 4 <12A. Notwithstanding any provision of this Act to  
1 5 the contrary, for the fiscal period beginning July 1,  
1 6 2007, the following providers and services shall be  
1 7 provided reimbursement in an amount that is three  
1 8 percent greater than the reimbursement amount in  
1 9 effect on June 30, 2007: inpatient and outpatient  
1 10 hospital services; disproportionate share hospitals,  
1 11 indirect medical education and direct medical  
1 12 education; home health services; physician services;  
1 13 anesthesia services; psychiatric services; family  
1 14 planning services; early periodic screening,  
1 15 diagnosis, and treatment; dental services; optometric  
1 16 services; supplies; ambulance services; practitioner  
1 17 services; podiatric services; chiropractic services;  
1 18 clinic services; community mental health centers; home  
1 19 and community-based waiver services; the Iowa plan for  
1 20 behavioral health; health maintenance organizations;  
1 21 case management services; rehabilitative treatment  
1 22 services; adult rehabilitative option services; and  
1 23 pharmacy dispensing fees.>  
1 24 #2. By renumbering as necessary.  
1 25  
1 26  
1 27  
1 28 L. MILLER of Scott  
1 29 HF 909.718 82  
1 30 pf/gg/9474  
1 31  
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Iowa General Assembly  
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# House Amendment 1866

PAG LIN

1 1 Amend House File 909 as follows:  
1 2 #1. Page 8, line 16, by striking the figure  
1 3 <1,500,000> and inserting the following: <5,000,000>.  
1 4  
1 5  
1 6  
1 7 TYMESON of Madison  
1 8 HF 909.238 82  
1 9 pf/es/9464  
1 10  
1 11  
1 12  
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Iowa General Assembly  
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# House Amendment 1867

PAG LIN

1 1 Amend the amendment, H=1782, to Senate File 559, as  
1 2 amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, line 6, by striking the figure <2003>  
1 5 and inserting the following: <2002>.  
1 6  
1 7  
1 8  
1 9 RAECKER of Polk  
1 10  
1 11  
1 12  
1 13 BERRY of Black Hawk  
1 14 SF 559.504 82  
1 15 av/je/9725  
1 16  
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Iowa General Assembly  
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House Amendment 1868

PAG LIN

1 1 Amend Senate File 588, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 15, by inserting after line 35 the  
1 4 following:  
1 5 <The state board of regents shall conduct a  
1 6 detailed study examining campus security protocols,  
1 7 processes, procedures, technologies, and prevention  
1 8 counseling techniques in use at each of the  
1 9 institutions of higher learning the board governs.  
1 10 The study shall also explore process, protocol, and  
1 11 technology improvements, as well as any other  
1 12 improvements which may lead to significant  
1 13 improvements in campus safety and security. The study  
1 14 shall include the effectiveness and necessity of armed  
1 15 campus security officers. The board shall complete  
1 16 the study by July 1, 2007, and shall submit its  
1 17 findings and recommendations in a report to the  
1 18 governor and the general assembly by August 1, 2007.>  
1 19 #2. Page 45, by inserting after line 18 the  
1 20 following:  
1 21 <\_\_\_. The provision of this Act requiring the  
1 22 state board of regents to conduct a detailed study  
1 23 examining campus security protocols, processes and  
1 24 procedures, being deemed of immediate importance,  
1 25 takes effect upon enactment.>  
1 26 #3. By renumbering as necessary.  
1 27  
1 28  
1 29  
1 30 JACOBY of Johnson  
1 31  
1 32  
1 33  
1 34 MASCHER of Johnson  
1 35  
1 36  
1 37  
1 38 LENSING of Johnson  
1 39  
1 40  
1 41  
1 42 WESSEL-KROESCHELL of Story  
1 43 SF 588.218 82  
1 44 kh/es/8260  
1 45  
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**Iowa General Assembly  
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**House Amendment 1869**

PAG LIN

1 1 Amend Senate File 588, as amended, passed, and  
 1 2 reprinted by the Senate, as follows:  
 1 3 #1. Page 39, by inserting after line 4 the  
 1 4 following:  
 1 5 <Sec. \_\_\_\_\_. Section 262.13, Code 2007, is amended  
 1 6 to read as follows:  
 1 7 262.13 SECURITY OFFICERS AT INSTITUTIONS AS PEACE  
 1 8 OFFICERS.  
 1 9 1. The board may authorize any institution under  
 1 10 its control to commission one or more of its employees  
 1 11 as ~~special~~ security officers. The board shall, at a  
 1 12 minimum, authorize the commissioning of special  
 1 13 security officers at the institutions of higher  
 1 14 learning. Special security officers shall have the  
 1 15 powers, privileges, and immunities of regular peace  
 1 16 officers when acting in the interests of the  
 1 17 institution by which they are employed. The board  
 1 18 shall provide as rapidly as practicable for the  
 1 19 adequate training of such special security officers at  
 1 20 the Iowa law enforcement academy or in an equivalent  
 1 21 training program, unless they have already received  
 1 22 such training.  
 1 23 2. The board shall require institutions of higher  
 1 24 learning under its control to provide that individuals  
 1 25 employed as special security officers by the  
 1 26 institutions carry a firearm while performing security  
 1 27 duties. An individual who is employed as a special  
 1 28 security officer at an institution shall meet all of  
 1 29 the following requirements:  
 1 30 a. Has successfully completed training at the Iowa  
 1 31 law enforcement academy or a regional training faculty  
 1 32 certified by the director of the Iowa law enforcement  
 1 33 academy.  
 1 34 b. Is certified by the Iowa law enforcement  
 1 35 academy under chapter 80B.  
 1 36 c. Possess a permit to carry weapons issued by the  
 1 37 department of public safety.>  
 1 38 #2. By renumbering as necessary.  
 1 39  
 1 40  
 1 41  
 1 42 BAUDLER of Adair  
 1 43 SF 588.219 82  
 1 44 kh/es/8261  
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**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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**House Amendment 1870**

PAG LIN

1 1 Amend the amendment, H=1836, to Senate File 551, as  
 1 2 amended, passed, and reprinted by the Senate, as  
 1 3 follows:  
 1 4 #1. Page 1, line 37, by striking the figure  
 1 5 <2,000,000> and inserting the following: <1,000,000>.  
 1 6 #2. Page 2, by inserting after line 24, the  
 1 7 following:  
 1 8 <\_\_\_. a. For allocation to Iowa state  
 1 9 university's department of agricultural and biosystems  
 1 10 engineering to develop and implement a community-based  
 1 11 odor assessment model for purposes of providing  
 1 12 recommendations to the general assembly concerning  
 1 13 minimum separation distances between confinement  
 1 14 feeding operation structures and designated lakes  
 1 15 having at least one thousand acres of surface area and  
 1 16 at least one urban area that is not in proximity to a  
 1 17 river or lake:  
 1 18 ..... \$ 150,000  
 1 19 b. For the development of a joint plan in  
 1 20 cooperation with Iowa state university as part of an  
 1 21 effort to coordinate water monitoring in this state,  
 1 22 including by completing, updating, or supplementing  
 1 23 existing plans as necessary, the collection of water  
 1 24 quality data, and for publishing annual reports based  
 1 25 on its work for use by the department and Iowa state  
 1 26 university to provide a baseline for water quality  
 1 27 efforts and to provide for scientific data to analyze  
 1 28 water quality trends:  
 1 29 .....\$ 850,000>>  
 1 30  
 1 31  
 1 32  
 1 33 MAY of Dickinson  
 1 34  
 1 35  
 1 36  
 1 37 UPMEYER of Hancock  
 1 38  
 1 39  
 1 40  
 1 41 ROBERTS of Carroll  
 1 42 SF 551.212 82  
 1 43 da/es/9594  
 1 44  
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**Iowa General Assembly  
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# House Amendment 1871

PAG LIN

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1 1 Amend House File 911 as follows:
1 2 #1. Page 9, by inserting after line 29 the
1 3 following:
1 4 <____. DEPARTMENT OF VETERANS AFFAIRS
1 5 For vertical infrastructure improvement projects at
1 6 the Iowa veterans home:
1 7 ..... $ 9,700,000>
1 8 #2. By renumbering as necessary.
1 9
1 10
1 11
1 12 TYMESON of Madison
1 13
1 14
1 15
1 16 BAILEY of Hamilton
1 17 HF 911.505 82
1 18 rh/je/8761
1 19
1 20
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Iowa General Assembly  
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House Amendment 1872

PAG LIN

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1 1 Amend House File 911 as follows:
1 2 #1. Page 9, by inserting after line 29, the
1 3 following:
1 4 <Sec. _____. DEPARTMENT OF VETERANS AFFAIRS
1 5 For vertical infrastructure improvements at the
1 6 Iowa veterans home:
1 7 ..... $ 4,500,000>
1 8 #2. By renumbering as necessary.
1 9
1 10
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1 12 TYMESON of Madison
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1 15
1 16 BAILEY of Hamilton
1 17 HF 911.205 82
1 18 rh/es/8762
1 19
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Iowa General Assembly  
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# House Amendment 1873

PAG LIN

1 1 Amend House File 912 as follows:  
1 2 #1. Page 1, line 24, by striking the word  
1 3 <primary>.  
1 4 #2. Page 3, lines 9 and 10, by striking the words  
1 5 <whose primary business> and inserting the following:  
1 6 <among whose primary businesses>.  
1 7  
1 8  
1 9  
1 10 WISE of Lee  
1 11 HF 912.302 82  
1 12 mg/cf/8366  
1 13  
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Iowa General Assembly  
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House File 907 - Introduced

HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 310)

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

A BILL FOR

- 1 An Act relating to and making appropriations from the healthy
- 2 Iowans tobacco trust and the tobacco settlement trust fund and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1137HV 82
- 6 pf/gg/14



**Iowa General Assembly  
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House File 907 - Introduced continued

PAG LIN

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



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 20, 2007**

House File 907 - Introduced continued

2 1 services:  
 2 2 ..... \$ 3,761,677  
 2 3 c. To continue supplementation of the state supplementary  
 2 4 assistance program including reimbursements for residential  
 2 5 care facilities and in-home health services:  
 2 6 ..... \$ 182,381  
 2 7 d. For general administration of health-related programs:  
 2 8 ..... \$ 274,000  
 2 9 2. To the Iowa department of public health:  
 2 10 a. For the tobacco use prevention and control initiative,  
 2 11 including efforts at the state and local levels, as provided  
 2 12 in chapter 142A and for not more than the following full-time  
 2 13 equivalent positions:  
 2 14 ..... \$ 5,928,465  
 2 15 ..... FTEs 7.00  
 2 16 (1) The director of public health shall dedicate  
 2 17 sufficient resources to promote and ensure retailer compliance  
 2 18 with tobacco laws and ordinances relating to persons under 18  
 2 19 years of age, and shall prioritize the state's compliance in  
 2 20 the allocation of available funds to comply with 42 U.S.C. }  
 2 21 300x=26 and section 453A.2.  
 2 22 (2) Of the full-time equivalent positions funded in this  
 2 23 paragraph "a", two full-time equivalent positions shall be  
 2 24 utilized to provide for enforcement of tobacco laws,  
 2 25 regulations, and ordinances under a chapter 28D agreement  
 2 26 entered into between the Iowa department of public health and  
 2 27 the alcoholic beverages division of the department of  
 2 28 commerce.  
 2 29 (3) Of the funds appropriated in this paragraph "a", not  
 2 30 more than \$525,759 shall be expended on administration and  
 2 31 management of the program.  
 2 32 (4) Of the funds appropriated in this paragraph "a", not  
 2 33 less than 80 percent of the amount expended in the fiscal year  
 2 34 beginning July 1, 2001, for community partnerships shall be  
 2 35 expended in the fiscal year beginning July 1, 2007, for that



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 20, 2007**

House File 907 - Introduced continued

3 1 purpose.

3 2     b. For additional substance abuse treatment under the

3 3 substance abuse treatment program:

3 4 ..... \$ 13,800,000

3 5     (1) The department shall use funds appropriated in this

3 6 paragraph "b" to enhance the quality of and to expand the

3 7 capacity to provide 24-hour substance abuse treatment

3 8 programs.

3 9     (2) The department shall use funds appropriated in this

3 10 paragraph "b" to expand the length of individual client

3 11 substance abuse treatment plans, as necessary to reduce

3 12 program recidivism.

3 13     (3) The department shall use funds appropriated in this

3 14 paragraph "b" to share research-based best practices for

3 15 treatment with substance abuse treatment facilities.

3 16     (4) The department shall use funds appropriated in this

3 17 paragraph "b" to develop a results-based funding approach for

3 18 substance abuse treatment services.

3 19     (5) The department shall use funds appropriated in this

3 20 paragraph "b" to develop a program to encourage individuals

3 21 who are successfully managing their substance abuse problems

3 22 to serve as role models.

3 23     (6) The department shall submit a report annually by March

3 24 1, to the governor and the general assembly delineating the

3 25 success rates of the substance abuse treatment programs that

3 26 receive funding under this paragraph "b".

3 27     c. For the healthy Iowans 2010 plan within the Iowa

3 28 department of public health and for not more than the

3 29 following full-time equivalent positions:

3 30 ..... \$ 2,509,960

3 31 ..... FTEs 4.00

3 32     (1) Of the funds appropriated in this paragraph "c", not

3 33 more than \$1,157,482 shall be used for essential public health

3 34 services that promote healthy aging throughout the lifespan,

3 35 contracted through a formula for local boards of health, to



**Iowa General Assembly**  
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House File 907 - Introduced continued

4 1 enhance health promotion and disease prevention services.  
4 2       (2) Of the funds appropriated in this paragraph "c", not  
4 3 more than \$387,320 shall be used for the continuation and  
4 4 support of a coordinated system of delivery of trauma and  
4 5 emergency medical services.  
4 6       (3) Of the funds appropriated in this paragraph "c", not  
4 7 more than \$600,000 shall be used for the state poison control  
4 8 center.  
4 9       (4) Of the funds appropriated in this paragraph "c", not  
4 10 more than \$288,770 shall be used for the development of  
4 11 scientific and medical expertise in environmental  
4 12 epidemiology.  
4 13       (5) Of the funds appropriated in this paragraph "c", not  
4 14 more than \$76,388 shall be used for the childhood lead  
4 15 poisoning prevention program.  
4 16       d. For the automated external defibrillator grant program  
4 17 established pursuant to section 135.26:  
4 18 ..... \$       40,000  
4 19       e. For the center for congenital and inherited disorders  
4 20 established pursuant to section 136A.3:  
4 21 ..... \$       26,000  
4 22       f. For a grant program to provide substance abuse  
4 23 prevention programming for children:  
4 24 ..... \$ 1,050,000  
4 25       (1) Of the funds appropriated in this paragraph "f",  
4 26 \$500,000 shall be utilized to provide funding for  
4 27 organizations that provide programming for children by  
4 28 utilizing mentors. Of the amount specified in this  
4 29 subparagraph (1), \$25,000 shall be utilized to provide grants  
4 30 to small community-based organizations that meet the  
4 31 requirements of this subparagraph (1). Programs approved for  
4 32 grants under this subparagraph (1) shall be certified or will  
4 33 be certified within six months of receiving the grant award by  
4 34 the Iowa commission on volunteer services as utilizing the  
4 35 standards for effective practice for mentoring programs.



**Iowa General Assembly  
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House File 907 - Introduced continued

5 1 (2) Of the funds appropriated in this paragraph "f",  
 5 2 \$500,000 shall be utilized to provide funding for  
 5 3 organizations that provide programming that includes youth  
 5 4 development and leadership. Of the amount specified in this  
 5 5 subparagraph (2), \$25,000 shall be utilized to provide grants  
 5 6 to small community-based organizations that meet the  
 5 7 requirements of this subparagraph (2). The programs shall  
 5 8 also be recognized as being programs that are scientifically  
 5 9 based with evidence of their effectiveness in reducing  
 5 10 substance abuse in children.

5 11 (3) The Iowa department of public health shall utilize a  
 5 12 request for proposals process to implement the program under  
 5 13 this paragraph "f".

5 14 (4) All grant recipients under this paragraph "f" shall  
 5 15 participate in a program evaluation as a requirement for  
 5 16 receiving grant funds.

5 17 (5) Of the funds appropriated in this paragraph "f",  
 5 18 \$50,000 shall be used to administer substance abuse prevention  
 5 19 grants and for program evaluations.

5 20 g. For providing grants to individual patients who have  
 5 21 phenylketonuria (PKU) to assist with the costs of necessary  
 5 22 special foods:

5 23 ..... \$ 100,000

5 24 h. For additional funding to leverage federal funding  
 5 25 through the federal Ryan White Care Act, Title II, AIDS drug  
 5 26 assistance program supplemental drug treatment grants:

5 27 ..... \$ 275,000

5 28 i. For a grant to an existing national-affiliated  
 5 29 organization to provide education, client-centered programs,  
 5 30 and client and family support for people living with epilepsy  
 5 31 and their families:

5 32 ..... \$ 100,000

5 33 3. To the department of corrections:

5 34 ..... \$ 4,006,474

5 35 a. Of the funds appropriated in this subsection, \$228,216



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 907 - Introduced continued

6 1 is allocated to the first judicial district department of  
6 2 correctional services. Of the funds allocated, \$100,000 shall  
6 3 be used for community-based corrections, and \$128,216 shall be  
6 4 used to replace expired federal funding for dual diagnosis  
6 5 offenders.

6 6     b. Of the funds appropriated in this subsection, \$406,217  
6 7 is allocated to the second judicial district department of  
6 8 correctional services. Of the funds allocated, \$100,000 shall  
6 9 be used for community-based corrections and \$306,217 shall be  
6 10 used to replace expired federal funding for day programming  
6 11 and to replace expired federal funding for the drug court  
6 12 program with \$50,000 of this amount being used for substance  
6 13 abuse treatment.

6 14     c. Of the funds appropriated in this subsection, \$200,359  
6 15 is allocated to the third judicial district department of  
6 16 correctional services. Of the funds allocated, \$100,000 shall  
6 17 be used for community-based corrections, and \$100,359 shall be  
6 18 used to replace expired federal funding for the drug court  
6 19 program.

6 20     d. Of the funds appropriated in this subsection, \$291,731  
6 21 is allocated to the fourth judicial district department of  
6 22 correctional services. Of the funds allocated, \$100,000 shall  
6 23 be used for community-based corrections, and \$191,731 shall be  
6 24 used for the drug court program.

6 25     e. Of the funds appropriated in this subsection, \$355,693  
6 26 is allocated to the fifth judicial district department of  
6 27 correctional services. Of the funds allocated, \$100,000 shall  
6 28 be used for community-based corrections, and \$255,693 shall be  
6 29 used to replace expired federal funding for the drug court  
6 30 program.

6 31     f. Of the funds appropriated in this subsection, \$494,741  
6 32 is allocated to the sixth judicial district department of  
6 33 correctional services. Of the funds allocated, \$100,000 shall  
6 34 be used for community-based corrections, \$64,741 shall be used  
6 35 to replace expired federal funding for dual diagnosis



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House File 907 - Introduced continued

7 1 offenders, and \$330,000 shall be used to establish drug court  
7 2 programs in Johnson and Linn counties.

7 3 g. Of the funds appropriated in this subsection, \$232,232  
7 4 is allocated to the seventh judicial district department of  
7 5 correctional services. Of the funds allocated, \$100,000 shall  
7 6 be used for community-based corrections, and \$132,232 shall be  
7 7 used to replace expired federal funding for the drug court  
7 8 program.

7 9 h. Of the funds appropriated in this subsection, \$300,000  
7 10 is allocated to the eighth judicial district department of  
7 11 correctional services. Of the funds allocated, \$100,000 shall  
7 12 be used for community-based corrections, and \$200,000 shall be  
7 13 used to implement an adult drug court program.

7 14 i. Of the funds appropriated in this subsection,  
7 15 \$1,497,285 is allocated to the Fort Madison correctional  
7 16 facility for the clinical care unit.

7 17 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==  
7 18 REIMBURSEMENT INCREASE. There is appropriated from the  
7 19 healthy Iowans tobacco trust created in section 12.65 to the  
7 20 property tax relief fund created in section 426B.1 for the  
7 21 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
7 22 the following amount, or so much thereof as is necessary, to  
7 23 be used for the purposes designated:

7 24 For assistance to the counties with limited county mental  
7 25 health, mental retardation, and developmental disabilities  
7 26 services fund balances which were selected in accordance with  
7 27 2000 Iowa Acts, chapter 1221, section 3, to receive such  
7 28 assistance in the same amount provided during the fiscal year  
7 29 beginning July 1, 2000, and ending June 30, 2001, to pay  
7 30 reimbursement increases in accordance with 2000 Iowa Acts,  
7 31 chapter 1221, section 3:  
7 32 ..... \$ 146,750

7 33 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from  
7 34 the healthy Iowans tobacco trust created in section 12.65, to  
7 35 the Iowa empowerment fund created in section 28.9 for the



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8 1 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
 8 2 for deposit in the school ready children grants account:  
 8 3 ..... \$ 2,153,250  
 8 4     Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is  
 8 5 appropriated from the healthy Iowans tobacco trust created in  
 8 6 section 12.65 to the department of economic development for  
 8 7 the fiscal year beginning July 1, 2007, and ending June 30,  
 8 8 2008, the following amount, or so much thereof as is  
 8 9 necessary, to be used for the purpose designated:  
 8 10     For allocation to the Iowa commission on volunteer services  
 8 11 for the Iowa's promise and mentoring partnership program and  
 8 12 for not more than the following full-time equivalent  
 8 13 positions:  
 8 14 ..... \$ 125,000  
 8 15 ..... FTEs 1.00  
 8 16     Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated  
 8 17 from the healthy Iowans tobacco trust created in section  
 8 18 12.65, to the department of education for the fiscal year  
 8 19 beginning July 1, 2007, and ending June 30, 2008, the  
 8 20 following amount, or so much thereof as is necessary, to be  
 8 21 used for the purpose designated:  
 8 22     To continue the competitive grants program to expand the  
 8 23 availability of before and after school programs as provided  
 8 24 in section 256.26, if enacted by the Eighty-second General  
 8 25 Assembly, 2007 Session:  
 8 26 ..... \$ 305,000  
 8 27     Sec. 6. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.  
 8 28 In addition to the amount transferred pursuant to section  
 8 29 12E.12, subsection 1, paragraph "b", subparagraph (2),  
 8 30 subparagraph subdivision (b), \$9,100,000 is transferred from  
 8 31 the endowment for Iowa's health account of the tobacco  
 8 32 settlement trust fund created in section 12E.12 to the healthy  
 8 33 Iowans tobacco trust created in section 12.65 for the fiscal  
 8 34 year beginning July 1, 2007, and ending June 30, 2008.  
 8 35     Sec. 7. 2006 Iowa Acts, chapter 1181, section 1,



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9 1 subsection 2, paragraph e, is amended to read as follows:  
 9 2 e. For the automated external defibrillator grant program  
 9 3 established pursuant to section 135.26:  
 9 4 ..... \$ 350,000  
 9 5 Notwithstanding section 8.33, moneys appropriated in this  
 9 6 paragraph "e" that remain unencumbered or unobligated at the  
 9 7 close of the fiscal year shall not revert but shall remain  
 9 8 available for expenditure for the purpose designated until the  
 9 9 close of the succeeding fiscal year.

9 10 Sec. 8. EFFECTIVE DATE. The section of this Act amending  
 9 11 2006 Iowa Acts, chapter 1181, being deemed of immediate  
 9 12 importance, takes effect upon enactment.

9 13 EXPLANATION

9 14 This bill relates to and makes appropriations from the  
 9 15 healthy Iowans tobacco trust to the following departments for  
 9 16 fiscal year 2007=2008:

9 17 To the department of human services:

9 18 1. To supplement the medical assistance appropriation  
 9 19 including reimbursement for all noninstitutional providers  
 9 20 with the exception of anesthesia and dental providers and for  
 9 21 continuation of the resource-based relative value system; for  
 9 22 reimbursement for dental services, hospitals, home health  
 9 23 agencies, critical access hospitals, the expansion of home  
 9 24 health care services and habilitative day care services, for  
 9 25 children with special needs, and expansion of respite care  
 9 26 services provided through home and community-based services  
 9 27 waivers; and for provision of coverage to women who require  
 9 28 treatment for breast or cervical cancer. A portion of the  
 9 29 funds are to be used to continue the chronic care consortium.

9 30 2. For child and family services including for  
 9 31 reimbursement of adoption, independent living, shelter care,  
 9 32 and home studies services providers, and other service  
 9 33 providers under the purview of the department of human  
 9 34 services.

9 35 3. For supplementation of the state supplementary



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House File 907 - Introduced continued

10 1 assistance program.  
10 2 4. For general administration of health-related programs.  
10 3 To the Iowa department of public health:  
10 4 1. For the tobacco use prevention and control initiative  
10 5 and for additional substance abuse treatment.  
10 6 2. For development of a healthy Iowans 2010 plan for the  
10 7 following purposes: for essential public health services that  
10 8 promote healthy aging throughout the lifespan, contracted  
10 9 through a formula by local boards of health, to enhance health  
10 10 promotion and disease prevention services; for the  
10 11 implementation and support of a coordinated system of delivery  
10 12 of trauma and emergency medical services; for the poison  
10 13 control center; for development of scientific and medical  
10 14 expertise in environmental epidemiology; and for the childhood  
10 15 lead poisoning prevention program.  
10 16 3. For the automated external defibrillator grant program.  
10 17 4. For the center for congenital and inherited disorders.  
10 18 5. For a grant program to provide substance abuse  
10 19 prevention programming for children with specific criteria.  
10 20 6. For a grant program for individuals with  
10 21 phenylketonuria (PKU).  
10 22 7. For leveraging of federal funds under the federal Ryan  
10 23 White Care Act.  
10 24 8. For a grant to provide education, programming, and  
10 25 support for people living with epilepsy and their families.  
10 26 To the department of corrections: for community-based  
10 27 corrections, day programming, the drug court program, and for  
10 28 the Fort Madison correctional facility for the clinical care  
10 29 unit.  
10 30 The bill appropriates funds for fiscal year 2007=2008 to  
10 31 the property tax relief fund for the fiscal year beginning  
10 32 July 1, 2007, and ending June 30, 2008, for assistance to  
10 33 counties with limited county mental health, mental  
10 34 retardation, and developmental disabilities services fund  
10 35 balances to pay reimbursement increases in the same amount as



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House File 907 - Introduced continued

11 1 provided in the fiscal year beginning July 1, 2000, and ending  
11 2 June 30, 2001.

11 3     The bill appropriates funds to the Iowa empowerment fund  
11 4 for the fiscal year beginning July 1, 2007, and ending June  
11 5 30, 2008, for deposit in the school ready children grants  
11 6 account.

11 7     The bill appropriates funds to the department of economic  
11 8 development for fiscal year 2007=2008 for allocation to the  
11 9 Iowa commission on volunteer services for the Iowa's promise  
11 10 and mentoring partnership program.

11 11     The bill appropriates funds to the department of education  
11 12 to continue the competitive grants program to expand the  
11 13 availability of before and after school programs.

11 14     The bill provides for the transfer of additional funds from  
11 15 the endowment for Iowa's health account to the healthy Iowans  
11 16 tobacco trust for the fiscal year beginning July 1, 2007, and  
11 17 ending June 30, 2008.

11 18     The bill provides for the nonreversion of the appropriation  
11 19 for fiscal year 2006=2007 for the automated external  
11 20 defibrillator grant program made in 2006 Iowa Acts, chapter  
11 21 1181. This provision takes effect upon enactment.

11 22 LSB 1137HV 82

11 23 pf:mg/gg/14



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House File 919 - Introduced

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 855)  
(SUCCESSOR TO HSB 245)

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

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

A BILL FOR

- 1 An Act providing for excise taxes imposed on the sale of motor
- 2 fuel containing ethanol blended gasoline.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2805HZ 82
- 5 da/je/5



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House File 919 - Introduced continued

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1 1 Section 1. Section 452A.3, subsection 1, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:  
1 3 Except as otherwise provided in this section and in this  
1 4 division, until June 30, ~~2007~~ 2008, this subsection shall  
1 5 apply to the excise tax imposed on each gallon of motor fuel  
1 6 used for any purpose for the privilege of operating motor  
1 7 vehicles in this state.

1 8 Sec. 2. Section 452A.3, subsection 1A, Code 2007, is  
1 9 amended to read as follows:

1 10 1A. Except as otherwise provided in this section and in  
1 11 this division, after June 30, ~~2007~~ 2008, an excise tax of  
1 12 twenty cents is imposed on each gallon of motor fuel used for  
1 13 any purpose for the privilege of operating motor vehicles in  
1 14 this state.

1 15 EXPLANATION

1 16 This bill amends provisions in Code section 452A.3 that  
1 17 provide for an excise tax on each gallon of "motor fuel"  
1 18 (i.e., gasoline) sold in the state. Until June 30, 2007, the  
1 19 rates for unblended and blended motor fuel are adjusted each  
1 20 year based on the number of gallons of ethanol blended  
1 21 gasoline that are distributed in this state expressed as a  
1 22 percentage of the total number of gallons of motor fuel  
1 23 distributed in this state. The department of revenue must  
1 24 determine the percentage basis. The rates are set based on  
1 25 that determination effective for 12 months beginning on the  
1 26 following July 1. Under the formula, the general rate for  
1 27 nonblended motor fuel fluctuates between 20 and 21 cents and  
1 28 the special rate for ethanol blended gasoline fluctuates  
1 29 between 19 and 20 cents. After June 30, 2007, the tax rate  
1 30 reverts to a flat 20 cents for motor fuel regardless of the  
1 31 ethanol blend.

1 32 The bill extends the June 30, 2007, expiration date and  
1 33 flat rate of 20 cents that would have become effective after  
1 34 that date, making the formula effective until June 30, 2008.

1 35 LSB 2805HZ 82



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House File 919 - Introduced continued

2 1 da:nh/je/5



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House File 920 - Introduced

HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 314)

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

A BILL FOR

1 An Act authorizing the state board of regents to borrow moneys  
2 and issue revenue bonds to finance the costs of certain  
3 building and facility improvement programs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2919HV 82  
6 ak/gg/14



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House File 920 - Introduced continued

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1 1 Section 1. STATE BOARD OF REGENTS BONDING.  
1 2 1. FINDINGS. The general assembly finds that:  
1 3 a. The state board of regents has approved a buildings and  
1 4 facilities improvement program for the institutions of higher  
1 5 learning under the jurisdiction of the board, which the board  
1 6 deems necessary to further the educational objectives of the  
1 7 institutions, together with an estimate of the cost of each of  
1 8 the buildings and facilities.  
1 9 b. The projects contained in the buildings and facilities  
1 10 improvement program are deemed necessary for the proper  
1 11 performance of the instructional, research, and service  
1 12 functions of the institutions.  
1 13 c. Section 262A.4 provides that the state board of  
1 14 regents, after authorization by a constitutional majority of  
1 15 each house of the general assembly and approval by the  
1 16 governor, may undertake and carry out at the institutions of  
1 17 higher learning under the jurisdiction of the board any  
1 18 project as defined in chapter 262A.  
1 19 d. Chapter 262A authorizes the state board of regents to  
1 20 borrow moneys and to issue and sell negotiable revenue bonds  
1 21 to pay all or any part of the cost of carrying out projects at  
1 22 any institution payable solely from and secured by an  
1 23 irrevocable pledge of a sufficient portion of the student fees  
1 24 and charges and institutional income received by the  
1 25 particular institution.  
1 26 e. To further the educational objectives of the  
1 27 institutions, the state board of regents requests  
1 28 authorization to finance certain costs of the capital  
1 29 improvement program by borrowing moneys and issuing negotiable  
1 30 bonds under chapter 262A in a total amount as provided in this  
1 31 section, with the remaining costs of the projects to be  
1 32 financed by appropriations or by federal or other funds  
1 33 lawfully available.  
1 34 2. AUTHORIZATION OF PROJECTS. The state board of regents  
1 35 is authorized to undertake, plan, construct, improve, repair,



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2 1 remodel, furnish, and equip, and otherwise carry out the  
2 2 following projects at the institutions of higher learning  
2 3 under the jurisdiction of the board at a cost not to exceed  
2 4 the following amounts:  
2 5     a. State university of Iowa:  
2 6 ..... \$ 35,900,000  
2 7     Of the amount authorized in this lettered paragraph,  
2 8 \$18,700,000 shall be allocated to the college of public health  
2 9 academic building.  
2 10     Of the amount authorized in this lettered paragraph,  
2 11 \$4,200,000 shall be allocated to the renovation of the old  
2 12 music building.  
2 13     Of the amount authorized in this lettered paragraph,  
2 14 \$13,000,000 shall be allocated for renewal and HVAC  
2 15 modernization of the pentacrest.  
2 16     Any balance remaining in a project fund after a project is  
2 17 completed may be expended for fire and environmental safety,  
2 18 deferred maintenance, or campus security improvements at the  
2 19 buildings and facilities of the institution as deemed  
2 20 necessary by the state board of regents.  
2 21     b. Iowa state university of science and technology:  
2 22     For chemistry building facilities:  
2 23 ..... \$ 53,900,000  
2 24     Any balance remaining in the project fund after the project  
2 25 is completed may be expended for fire and environmental  
2 26 safety, deferred maintenance, or campus security improvements  
2 27 at the buildings and facilities of the institution as deemed  
2 28 necessary by the state board of regents.  
2 29     c. University of northern Iowa:  
2 30 ..... \$ 17,600,000  
2 31     Of the amount authorized in this lettered paragraph,  
2 32 \$5,800,000 shall be allocated for phase II of the electrical  
2 33 distribution loop system load break.  
2 34     Of the amount authorized in this lettered paragraph,  
2 35 \$11,800,000 shall be allocated for the renovation of Sabin



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House File 920 - Introduced continued

3 1 hall.

3 2 Any balance remaining in a project fund after a project is

3 3 completed may be expended for fire and environmental safety,

3 4 deferred maintenance, or campus security improvements at the

3 5 buildings and facilities of the institution as deemed

3 6 necessary by the state board of regents.

3 7 d. For fire and environmental safety, deferred

3 8 maintenance, and campus security improvements at buildings and

3 9 facilities of the universities as deemed necessary by the

3 10 state board of regents:

3 11 ..... \$ 24,000,000

3 12 3. AUTHORIZATION OF BORROWING AND BONDING.

3 13 a. The general assembly authorizes the state board of

3 14 regents to borrow moneys and to issue and sell negotiable

3 15 revenue bonds in the amount of \$131,400,000 in the manner

3 16 provided in sections 262A.5 and 262A.6 in order to pay all or

3 17 any part of the costs of carrying out the projects at the

3 18 institutions approved and authorized in subsection 2, with the

3 19 remaining costs of the projects to be financed by

3 20 appropriations or by federal or other funds lawfully

3 21 available. The amount of bonds may be exceeded by the amount

3 22 the state board of regents determines to be necessary to

3 23 capitalize bond reserves, interest during construction, and

3 24 issuance costs. No commitment is implied or intended by

3 25 approval to fund any portion of the buildings and facilities

3 26 improvement program beyond the portion that is financed and

3 27 approved by the Eighty-second General Assembly, 2007 Session,

3 28 and the governor.

3 29 b. In light of this bonding authorization, the state board

3 30 of regents shall not request additional state capital funding

3 31 for its universities for new academic buildings through the

3 32 fiscal year ending June 30, 2013. Capital projects already

3 33 receiving some state dollars, new infrastructure projects

3 34 resulting from economic development initiatives, and projects

3 35 for deferred maintenance, fire safety, or campus security



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4 1 improvements are excluded from this funding restriction.

4 2 EXPLANATION

4 3 This bill authorizes the state board of regents, pursuant  
4 4 to Code chapter 262A, to borrow moneys and to issue and sell  
4 5 negotiable revenue bonds to pay all or part of the cost of  
4 6 certain building and facility improvement projects at its  
4 7 institutions of higher education, payable solely from student  
4 8 fees and charges and institutional income. The bill  
4 9 authorizes the state board of regents to carry out the  
4 10 following projects at the following institutions:

4 11 1. University of Iowa: college of public health academic  
4 12 building; old music building renovation; pentacrest renewal  
4 13 and HVAC modernization. The total amount of spending  
4 14 authorized is \$35.9 million.

4 15 2. Iowa state university of science and technology:  
4 16 chemistry building facilities. The total amount of spending  
4 17 authorized is \$53.9 million.

4 18 3. University of northern Iowa: phase II of the  
4 19 electrical distribution loop system load break and Sabin hall  
4 20 renovation. The total amount of spending authorized is \$17.6  
4 21 million.

4 22 4. Fire and safety, deferred maintenance, and campus  
4 23 security improvements at buildings and facilities of the  
4 24 universities as deemed necessary by the board. The total  
4 25 amount of spending authorized is \$24 million.

4 26 LSB 2919HV 82

4 27 ak:rj/gg/14



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House File 921 - Introduced

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 316)

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

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 2615HV 82
- 5 tm/gg/14



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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 2615HV 82



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2 1 tm:nh/gg/14



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House File 922 - Introduced

HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 416)

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

A BILL FOR

- 1 An Act revising the requirements for child care registration and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2242HV 82
- 5 jp/gg/14



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House File 922 - Introduced continued

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1 1 Section 1. CHILD CARE REGISTRATION == LEGISLATIVE INTENT.  
1 2 It is the intent of the general assembly to improve the safety  
1 3 and quality of home-based child care in the state by  
1 4 increasing the number of child care providers who are required  
1 5 to register under chapter 237A and increasing the staff and  
1 6 resources of the department of human services committed to  
1 7 addressing home-based child care.

1 8 Sec. 2. Section 237A.1, subsections 6 and 7, Code 2007,  
1 9 are amended to read as follows:

1 10 6. "Child care home" means a person or program providing  
1 11 child care to ~~five~~ three or fewer children at any one time  
1 12 that is not registered to provide child care under this  
1 13 chapter, as authorized under section 237A.3.

1 14 7. "Child development home" means a person or program  
1 15 registered under section 237A.3A that may provide child care  
1 16 to ~~six~~ four or more children at any one time.

1 17 Sec. 3. Section 237A.3, subsection 1, Code 2007, is  
1 18 amended to read as follows:

1 19 1. a. A person or program providing child care to ~~five~~  
1 20 three children or fewer at any one time is a child care home  
1 21 provider and is not required to register under section 237A.3A  
1 22 as a child development home.

1 23 b. The following are not required to register as a child  
1 24 development home under section 237A.3A:

1 25 (1) An individual providing child care in a private  
1 26 residence to not more than five children at any one time who  
1 27 reside in the private residence.

1 28 (2) A relative providing care to not more than five  
1 29 children at any one time who are all related to the relative.

1 30 c. ~~However,~~ Notwithstanding the provisions of paragraphs  
1 31 "a" and "b", the person, ~~or~~ program, or relative may register  
1 32 as a child development home.

1 33 d. For the purposes of this section, "relative" means an  
1 34 adult person who is one of the following relatives of a child  
1 35 by means of blood relationship, marriage, or adoption, or is



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2 1 the spouse of one of the following relatives: a sibling, a  
2 2 grandparent, a first cousin, an aunt, or an uncle.

2 3 Sec. 4. Section 237A.3, Code 2007, is amended by adding  
2 4 the following new subsection:

2 5 NEW SUBSECTION. 3. a. A child care home provider shall  
2 6 provide information to the parents, guardians, and custodians  
2 7 of the children receiving child care that the provider is not  
2 8 registered as a child development home and that the number of  
2 9 children that can be cared for at any one time by the provider  
2 10 is limited to three or fewer.

2 11 b. In addition, the information shall expressly state that  
2 12 corporal punishment by a child care home provider is  
2 13 prohibited and list all the forms of corporal punishment  
2 14 identified in section 237A.18. The information shall also  
2 15 explain to the parent how to file a complaint with the  
2 16 department against the child care home.

2 17 c. The information shall be provided to parents,  
2 18 guardians, and custodians either in writing at the time of  
2 19 enrollment with the provider or be conspicuously posted at the  
2 20 main entrance to the child care home where it can be read by  
2 21 parents and any member of the public.

2 22 Sec. 5. Section 237A.5, subsection 2, paragraph a,  
2 23 subparagraph (3), Code 2007, is amended by adding the  
2 24 following new subparagraph subdivision:

2 25 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been  
2 26 determined through an investigation by the department of a  
2 27 complaint, a child abuse assessment, or the existence of a  
2 28 criminal record to have inflicted corporal punishment as  
2 29 described in section 237A.18 on an individual receiving child  
2 30 care from the person.

2 31 Sec. 6. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.

2 32 A person who operates, is employed by, or resides in a  
2 33 child care home, child development home, or child care center  
2 34 shall not inflict corporal punishment on an individual  
2 35 receiving care from the child care home, child development



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3 1 home, or child care center. For the purposes of this section,  
3 2 "corporal punishment" includes but is not limited to spanking,  
3 3 slapping, shaking, punishment which is humiliating or  
3 4 frightening, using restraints, or enclosing a child in a  
3 5 locked area. Such a person who has inflicted corporal  
3 6 punishment on an individual receiving care from the child care  
3 7 home, child development home, or child care center, as  
3 8 determined through an investigation by the department of a  
3 9 complaint, a child abuse assessment, or existence of a  
3 10 criminal record, may be subject to prohibition of involvement  
3 11 with child care in accordance with section 237A.5.

3 12 Sec. 7. WORKGROUP == CHILD CARE REGISTRATION CHANGE  
3 13 IMPLEMENTATION AND EARLY CHILDHOOD SYSTEM.

3 14 1. a. The department of human services, in partnership  
3 15 with the departments of education, human rights, and public  
3 16 health and the Iowa empowerment board, shall jointly establish  
3 17 a workgroup to address implementation of the provisions of  
3 18 this Act and the issues identified in this section. The  
3 19 workgroup membership shall also include representatives of the  
3 20 state child care advisory council.

3 21 b. The workgroup shall submit a report with findings and  
3 22 recommendations to the governor and general assembly on or  
3 23 before December 15, 2007, regarding the implementation of the  
3 24 provisions of this Act and other issues addressed by the  
3 25 workgroup.

3 26 c. The funding transferred to the department of human  
3 27 services for development and implementation of a statewide  
3 28 mandatory child care registration study from the appropriation  
3 29 made to the department of education in accordance with 2007  
3 30 Iowa Acts, Senate File 598, if enacted, shall be used for the  
3 31 workgroup's activities under this section.

3 32 2. The workgroup shall address the implementation issues  
3 33 associated with the mandatory change in child care  
3 34 registration made in this Act. The issues considered shall  
3 35 include but are not limited to planning for the phase-in of



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4 1 and costs for additional inspection visits of child  
4 2 development homes, increased expense for state child care  
4 3 assistance slots, state child care assistance reimbursement  
4 4 methodologies to reward quality, and other implementation  
4 5 issues.  
4 6 3. The workgroup shall cooperate with early childhood  
4 7 stakeholders and the private sector in addressing the many  
4 8 publicly supported programs and services directed to early  
4 9 childhood and issues involved with redirecting the programs  
4 10 and services to be part of a cohesive child care system. The  
4 11 issues addressed shall include professional development of  
4 12 workers, improving workforce, ensuring articulation between  
4 13 programs, meeting the needs of both children and parents,  
4 14 enhancing community engagement to support early childhood, and  
4 15 other efforts to address early childhood needs with a  
4 16 coordinated system.

4 17 Sec. 8. EFFECTIVE DATE == IMPLEMENTATION.

4 18 1. The following provisions of this Act take effect  
4 19 October 1, 2008:

4 20 a. The provision amending section 237A.1, subsections 6  
4 21 and 7.

4 22 b. The provision amending section 237A.3, subsection 1.

4 23 2. The department shall adopt administrative rules, assist  
4 24 child care providers, and expand staffing to support the  
4 25 implementation of the change in the numbers of children for  
4 26 which child care homes and child development homes may provide  
4 27 child care on October 1, 2008, as provided in this Act, in  
4 28 accordance with the funding made available for that purpose.

4 29 EXPLANATION

4 30 This bill revises the requirements for child care  
4 31 registration administered by the department of human services,  
4 32 prohibits persons providing either regulated or unregulated  
4 33 care from inflicting corporal punishment, and provides for the  
4 34 creation of a workgroup to address implementation of the  
4 35 bill's changes and issues associated with developing a more



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5 1 cohesive child care system.

5 2 An intent section explains that the general assembly is  
5 3 seeking to improve the safety and quality of home-based child  
5 4 care by increasing the number of providers who are required to  
5 5 register and the resources available to the department to  
5 6 address home-based child care.

5 7 Current law in Code section 237A.3 allows a person or  
5 8 program providing child care to five children or fewer at any  
5 9 one time to operate as a child care home without registering  
5 10 with the department as a child development home. Effective  
5 11 October 1, 2008, the bill reduces this number to three  
5 12 children or fewer at any one time but allows two exceptions.  
5 13 A relative may provide child care to not more than five  
5 14 related children at any one time. An individual may provide  
5 15 child care in a private residence to not more than five  
5 16 children who reside in that residence. Conforming amendments  
5 17 are included in the relevant definitions in Code section  
5 18 237A.1.

5 19 Effective July 1, 2007, an unregistered child care home  
5 20 provider is required to disclose to the parents, guardians,  
5 21 and custodians of the children receiving child care that the  
5 22 provider is not registered and that the number of children who  
5 23 may receive child care at any one time is limited. The  
5 24 information is also required to provide information that  
5 25 corporal punishment by the provider is prohibited. The  
5 26 information is required to be distributed and posted.

5 27 New Code section 237A.18 defines the term "corporal  
5 28 punishment", prohibits any person providing child care or  
5 29 living where child care is provided from inflicting corporal  
5 30 punishment on children receiving care, and states that such a  
5 31 person who inflicts corporal punishment may be prohibited from  
5 32 involvement with child care. The Code section takes effect  
5 33 July 1, 2007.

5 34 The department of human services is required to establish a  
5 35 workgroup jointly with the departments of education, human



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6 1 rights, and public health and the Iowa empowerment board to  
6 2 address issues associated with the bill's changes to child  
6 3 care registration and corporal punishment requirements and on  
6 4 issues associated with redirecting programs and services to be  
6 5 part of a cohesive child care system. The workgroup is also  
6 6 required to include representatives of the state child care  
6 7 advisory council. For its work on the cohesive system, the  
6 8 workgroup is required to include early childhood stakeholders  
6 9 and the private sector. Funding for the workgroup is included  
6 10 in 2007 Iowa Acts, Senate File 598, the education  
6 11 appropriations bill. The workgroup is required to report to  
6 12 the governor and general assembly on or before December 15,  
6 13 2007.  
6 14 LSB 2242HV 82  
6 15 jp:nh/gg/14



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HOUSE FILE  
 BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 106)

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

A BILL FOR

1 An Act relating to the policy and technical administration of the  
 2 tax and related laws by the department of revenue, including  
 3 administration of income, sales, use, cigarette, and tobacco  
 4 taxes and including a retroactive applicability date  
 5 provision.  
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 7 TLSB 1264HV 82  
 8 mg/je/5





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2 1 limited liability company, or partnership, who has  
2 2 intentionally failed to pay the tax is personally liable for  
2 3 the payment of the tax, interest, and penalty due and unpaid.  
2 4 However, this section shall not apply to taxes on accounts  
2 5 receivable. The dissolution of a corporation, association,  
2 6 limited liability company, or partnership shall not discharge  
2 7 a person's liability for failure to remit the tax due.  
2 8 Sec. 4. Section 421.27, subsection 1, Code 2007, is  
2 9 amended by adding the following new paragraph:  
2 10 NEW PARAGRAPH. m. That an Iowa inheritance tax return is  
2 11 filed for an estate within the later of nine months from the  
2 12 date of death or sixty days from the filing of a disclaimer by  
2 13 the beneficiary of the estate refusing to take the property or  
2 14 right or interest in the property.  
2 15 Sec. 5. Section 421.27, subsection 2, Code 2007, is  
2 16 amended by adding the following new paragraph:  
2 17 NEW PARAGRAPH. i. That an Iowa inheritance tax return is  
2 18 filed for an estate within the later of nine months from the  
2 19 date of death or sixty days from the filing of a disclaimer by  
2 20 the beneficiary of the estate refusing to take the property or  
2 21 right or interest in the property.  
2 22 Sec. 6. Section 422.7, subsection 32, Code 2007, is  
2 23 amended by adding the following new paragraph:  
2 24 NEW PARAGRAPH. c. Add the amount resulting from a  
2 25 withdrawal made by a taxpayer from the Iowa educational  
2 26 savings plan trust for purposes other than the payment of  
2 27 qualified education expenses to the extent previously deducted  
2 28 as a contribution to the trust.  
2 29 Sec. 7. Section 422.11S, subsection 1, Code 2007, is  
2 30 amended to read as follows:  
2 31 1. The taxes imposed under this division less the credits  
2 32 allowed under sections 422.12 and 422.12B shall be reduced by  
2 33 a school tuition organization tax credit equal to sixty-five  
2 34 percent of the amount of the voluntary cash or noncash  
2 35 contributions made by the taxpayer during the tax year to a



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3 1 school tuition organization, subject to the total dollar value  
3 2 of the organization's tax credit certificates as computed in  
3 3 subsection 7. The tax credit shall be claimed by use of a tax  
3 4 credit certificate as provided in subsection 6.

3 5 Sec. 8. Section 422.11S, subsection 2, Code 2007, is  
3 6 amended by adding the following new paragraph:

3 7 NEW PARAGRAPH. c. The value of a noncash contribution  
3 8 shall be appraised pursuant to rules of the director.

3 9 Sec. 9. Section 422.11S, subsection 6, paragraph d, Code  
3 10 2007, is amended to read as follows:

3 11 d. Each school that is served by a school tuition  
3 12 organization shall submit a participation form annually to the  
3 13 department by ~~October 15~~ November 1 providing the following  
3 14 information:

3 15 (1) Certified enrollment as of ~~the third Friday of~~  
~~3 16 September~~ October 1, or the first Monday in October if October  
3 17 1 falls on a Saturday or Sunday.

3 18 (2) The school tuition organization that represents the  
3 19 school. A school shall only be represented by one school  
3 20 tuition organization.

3 21 Sec. 10. Section 422.11S, subsection 7, paragraph b,  
3 22 unnumbered paragraph 1, Code 2007, is amended to read as  
3 23 follows:

3 24 Each year by ~~November 15~~ December 1, the department shall  
3 25 authorize school tuition organizations to issue tax credit  
3 26 certificates for the following tax year. However, for the tax  
3 27 year beginning in the 2006 calendar year only, the department,  
3 28 by September 1, 2006, shall authorize school tuition  
3 29 organizations to issue tax credit certificates for the 2006  
3 30 calendar tax year. For the tax year beginning in the 2006  
3 31 calendar year only, each school served by a school tuition  
3 32 organization shall submit a participation form to the  
3 33 department by August 1, 2006, providing the certified  
3 34 enrollment as of the third Friday of September 2005, along  
3 35 with the school tuition organization that represents the



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4 1 school. Tax credit certificates available for issue by each  
4 2 school tuition organization shall be determined in the  
4 3 following manner:

4 4 Sec. 11. Section 422.11S, subsection 8, unnumbered  
4 5 paragraph 1, Code 2007, is amended to read as follows:

4 6 A school tuition organization that receives a voluntary  
4 7 cash or noncash contribution pursuant to this section shall  
4 8 report to the department, on a form prescribed by the  
4 9 department, by January 12 of each tax year all of the  
4 10 following information:

4 11 Sec. 12. Section 422.12E, unnumbered paragraph 2, Code  
4 12 2007, is amended to read as follows:

4 13 If more checkoffs are enacted in the same session of the  
4 14 general assembly than there is space for inclusion on the  
4 15 individual tax return form, the earliest enacted checkoffs for  
4 16 which there is space for inclusion on the return form shall be  
4 17 included on the return form, and all other checkoffs enacted  
4 18 during that session of the general assembly are repealed. If  
4 19 more checkoffs are enacted in the same session of the general  
4 20 assembly than there is space for inclusion on the individual  
4 21 income tax form and the additional checkoffs are enacted on  
4 22 the same day, the director shall determine which checkoffs  
4 23 shall be included on the return form.

4 24 Sec. 13. Section 422.13, subsection 5, Code 2007, is  
4 25 amended to read as follows:

4 26 5. Notwithstanding subsections 1 through 4 and sections  
4 27 422.15 and 422.36, a partnership, a limited liability company  
4 28 whose members are taxed on the company's income under  
4 29 provisions of the Internal Revenue Code, trust, or corporation  
4 30 whose stockholders are taxed on the corporation's income under  
4 31 the provisions of the Internal Revenue Code may, not later  
4 32 than the due date for filing its return for the taxable year,  
4 33 including any extension thereof, elect to file a composite  
4 34 return for the nonresident partners, members, beneficiaries,  
4 35 or shareholders. Nonresident trusts or estates which are



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5 1 partners, members, beneficiaries, or shareholders in  
5 2 partnerships, limited liability companies, trusts, or S  
5 3 corporations may also be included on a composite return. The  
5 4 director may require that a composite return be filed under  
5 5 the conditions deemed appropriate by the director. A  
5 6 partnership, limited liability company, trust, or corporation  
5 7 filing a composite return is liable for tax required to be  
5 8 shown due on the return. All powers of the director and  
5 9 requirements of the director apply to returns filed under this  
5 10 subsection including, but not limited to, the provisions of  
5 11 this division and division VI of this chapter.

5 12 Sec. 14. Section 422.16, subsection 12, Code 2007, is  
5 13 amended by adding the following new unnumbered paragraph:  
5 14 NEW UNNUMBERED PARAGRAPH. Notwithstanding this subsection,  
5 15 withholding agents are not required to withhold state income  
5 16 tax from a partner's pro rata share of income from a publicly  
5 17 traded partnership, as defined in section 7704(b) of the  
5 18 Internal Revenue Code, provided that the publicly traded  
5 19 partnership files with the department an information return  
5 20 that reports the name, address, taxpayer identification  
5 21 number, and any other information requested by the department  
5 22 for each unit holder with an income in this state from the  
5 23 publicly traded partnership in excess of five hundred dollars.

5 24 Sec. 15. Section 422.35, subsection 17, Code 2007, is  
5 25 amended to read as follows:

5 26 17. Subtract the amount of the employer social security  
5 27 credit allowable for the tax year under section 45B of the  
5 28 Internal Revenue Code to the extent that the credit increases  
5 29 federal ~~adjusted gross~~ taxable income.

5 30 Sec. 16. Section 422.73, subsection 3, Code 2007, is  
5 31 amended by striking the subsection.

5 32 Sec. 17. Section 422.75, Code 2007, is amended to read as  
5 33 follows:

5 34 422.75 STATISTICS == PUBLICATION.

5 35 The department shall prepare and publish an annual report



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6 1 which shall include statistics reasonably available, with  
6 2 respect to the operation of this chapter, including amounts  
6 3 collected, classification of taxpayers, and such other facts  
6 4 as are deemed pertinent and valuable. The annual report shall  
6 5 also include the reports and information required pursuant to  
6 6 ~~section 421.1, subsection 4, paragraph "e"; section 421.17,~~  
6 7 ~~subsection 13; section 421.17, subsection 27, paragraph "h";~~  
6 8 ~~and section 421.60, subsection 2, paragraphs "i" and "l"; and~~  
~~6 9 1997 Iowa Acts, ch. 211, section 22, subsection 5, paragraph~~  
~~6 10 "a".~~

6 11 Sec. 18. Section 423.2, subsection 6, unnumbered paragraph  
6 12 2, Code 2007, is amended to read as follows:

6 13 For the purposes of this subsection, "financial  
6 14 institutions" means all national banks, federally chartered  
6 15 savings and loan associations, federally chartered savings  
6 16 banks, federally chartered credit unions, banks organized  
6 17 under chapter 524, savings and loan associations and savings  
6 18 banks organized under chapter 534, ~~and~~ credit unions organized  
6 19 under chapter 533, and all banks, savings banks, credit  
6 20 unions, and savings and loan associations chartered or  
6 21 otherwise created under the laws of any state and doing  
6 22 business in Iowa.

6 23 Sec. 19. Section 423.3, subsection 65, Code 2007, is  
6 24 amended to read as follows:

6 25 65. The sales price from charges paid to a provider for  
6 26 access to on-line computer services. For purposes of this  
6 27 subsection, "on-line computer service" means a service that  
6 28 provides or enables computer access by multiple users to the  
6 29 internet or to other information made available through a  
6 30 computer server or other device.

6 31 Sec. 20. Section 423.3, subsection 80, paragraph b, Code  
6 32 2007, is amended to read as follows:

6 33 b. If a contractor, subcontractor, or builder is to use  
6 34 building materials, supplies, and equipment in the performance  
6 35 of a construction contract with a designated exempt entity,



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7 1 the person shall purchase such items of tangible personal  
7 2 property without liability for the tax if such property will  
7 3 be used in the performance of the construction contract and a  
7 4 purchasing agent authorization letter and an exemption  
7 5 certificate, issued by the designated exempt entity, are  
7 6 presented to the retailer. The sales price of building  
7 7 materials, supplies, or equipment is exempt from tax by this  
7 8 subsection only to the extent the building materials,  
7 9 supplies, or equipment are completely consumed in the  
7 10 performance of the construction contract with the designated  
7 11 exempt entity.

7 12 Sec. 21. Section 423.41, Code 2007, is amended to read as  
7 13 follows:

7 14 423.41 BOOKS == EXAMINATION.

7 15 Every retailer required or authorized to collect taxes  
7 16 imposed by this chapter and every person using in this state  
7 17 tangible personal property, services, or the product of  
7 18 services shall keep records, receipts, invoices, and other  
7 19 pertinent papers as the director shall require, in the form  
7 20 that the director shall require, for as long as the director  
7 21 has the authority to examine and determine tax due. The  
7 22 director or any duly authorized agent of the department may  
7 23 examine the books, papers, records, and equipment of any  
7 24 person either selling tangible personal property or services  
7 25 or liable for the tax imposed by this chapter, and investigate  
7 26 the character of the business of any person in order to verify  
7 27 the accuracy of any return made, or if a return was not made  
7 28 by the person, ascertain and determine the amount due under  
7 29 this chapter. These books, papers, and records shall be made  
7 30 available within this state for examination upon reasonable  
7 31 notice when the director deems it advisable and so orders. If  
7 32 the taxpayer maintains any records in an electronic format,  
7 33 the taxpayer shall comply with reasonable requests by the  
7 34 director or the director's authorized agents to provide those  
7 35 electronic records in a standard record format. The preceding



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8 1 requirements shall likewise apply to users and persons  
8 2 furnishing services enumerated in section 423.2.  
8 3 Sec. 22. Section 423A.4, unnumbered paragraph 3, Code  
8 4 2007, is amended to read as follows:  
8 5 A local hotel and motel tax shall be imposed on January 1  
8 6 or July 1, following the notification of the director of  
8 7 revenue. Once imposed, the tax shall remain in effect at the  
8 8 rate imposed for a minimum of one year. A local hotel and  
8 9 motel tax shall terminate only on June 30 or December 31. At  
8 10 least forty-five days prior to the tax being effective or  
8 11 prior to a revision in the tax rate, or prior to the repeal of  
8 12 the tax, a city or county shall provide notice by mail of such  
8 13 action to the director of revenue. The director shall have  
8 14 the authority to waive the notice requirement.

8 15 Sec. 23. Section 423B.1, subsection 6, paragraph b, Code  
8 16 2007, is amended to read as follows:  
8 17 b. Within ten days of the election at which a majority of  
8 18 those voting on the question favors the imposition, repeal, or  
8 19 change in the rate of a local option tax, the county auditor  
8 20 shall give written notice of the result of the election by  
8 21 sending a copy of the abstract of the votes from the favorable  
8 22 election to the director of revenue or, in the case of a local  
8 23 vehicle tax, to the director of the department of  
8 24 transportation. The appropriate director shall have the  
8 25 authority to waive the notice requirement.

8 26 Sec. 24. Section 423E.2, subsection 5, paragraph b, Code  
8 27 2007, is amended to read as follows:  
8 28 b. Within ten days of the election at which a majority of  
8 29 those voting on the question favors the imposition, repeal,  
8 30 extension, or change in the rate of the tax, the county  
8 31 auditor shall give written notice of the result of the  
8 32 election by sending a copy of the abstract of the votes from  
8 33 the favorable election to the director of revenue. Election  
8 34 costs shall be apportioned among school districts within the  
8 35 county on a pro rata basis in proportion to the number of



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9 1 registered voters in each school district who reside within  
9 2 the county and the total number of registered voters within  
9 3 the county. The director shall have the authority to waive  
9 4 the notice requirement.

9 5 Sec. 25. RETROACTIVE APPLICABILITY DATE. The sections of  
9 6 this division of this Act amending section 422.11S,  
9 7 subsections 1, 2, and 8, apply retroactively to January 1,  
9 8 2007, for tax years beginning on or after that date.

9 9 DIVISION II  
9 10 CIGARETTES AND TOBACCO

9 11 Sec. 26. Section 421B.3, Code 2007, is amended by adding  
9 12 the following new subsection:

9 13 NEW SUBSECTION. 3. a. The following civil penalties  
9 14 shall be imposed for a violation of this section:

9 15 (1) A two hundred dollar penalty for the first violation.

9 16 (2) A five hundred dollar penalty for a second violation  
9 17 within three years of the first violation.

9 18 (3) A thousand dollar penalty for a third or subsequent  
9 19 violation within three years of the first violation.

9 20 Each day the violation occurs counts as a new violation for  
9 21 purposes of this subsection.

9 22 b. The civil penalty imposed under this subsection is in  
9 23 addition to the penalty imposed under subsection 1. Penalties  
9 24 collected under this subsection shall be deposited into the  
9 25 general fund of the state.

9 26 Sec. 27. Section 453A.7, unnumbered paragraph 2, Code  
9 27 2007, is amended to read as follows:

9 28 There is appropriated annually from the ~~general fund of the~~  
~~9 29 state the sum of one hundred fifteen thousand dollars~~ state  
9 30 treasury from funds not otherwise appropriated an amount  
9 31 sufficient to carry out the provisions of this section.

9 32 Sec. 28. Section 453A.13, subsections 5 and 9, Code 2007,  
9 33 are amended to read as follows:

9 34 5. APPLICATION == BOND. ~~Said permits~~ Permits shall be  
9 35 issued only upon applications accompanied by the fee indicated



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10 1 above, and by an adequate bond as provided in section 453A.14,  
10 2 and upon forms furnished by the department upon written  
10 3 request. The failure to furnish such forms shall be no excuse  
10 4 for the failure to file the ~~same~~ forms unless absolute refusal  
10 5 is shown. ~~Said~~ The forms shall set forth all of the  
10 6 following:

10 7 a. The manner under which ~~such~~ the distributor,  
10 8 wholesaler, or retailer, transacts or intends to transact such  
10 9 business as a distributor, wholesaler, or retailer.

10 10 b. The principal office, residence, and place of business,  
~~10 11 for which~~ where the permit is to apply.

10 12 c. If the applicant is not an individual, the principal  
10 13 officers or members ~~thereof, not to exceed three,~~ and their  
10 14 addresses.

10 15 d. ~~Such~~ Any other information as the director shall by  
10 16 rules prescribe.

10 17 9. PERMIT == FORM AND CONTENTS. Each permit issued shall  
10 18 describe clearly the place of business for which it is issued,  
10 19 shall be nonassignable, consecutively numbered, designating  
10 20 the kind of permit, and shall authorize the sale of cigarettes  
10 21 in this state subject to the limitations and restrictions  
10 22 herein contained. The retail permits shall be upon forms  
10 23 furnished by the department or on forms made available or  
10 24 approved by the department.

10 25 Sec. 29. Section 453A.13, Code 2007, is amended by adding  
10 26 the following new subsection:

10 27 NEW SUBSECTION. 10. PERMIT DISPLAYED. The permit shall,  
10 28 at all times, be publicly displayed by the distributor,  
10 29 wholesaler, or retailer at the place of business so as to be  
10 30 easily seen by the public and the persons authorized to  
10 31 inspect the place of business. The proprietor or keeper of  
10 32 any building or place where cigarettes and other tobacco  
10 33 products are kept for sale, or with intent to sell, shall upon  
10 34 request of any agent of the department or any peace officer  
10 35 exhibit the permit. A refusal or failure to exhibit the



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11 1 permit is prima facie evidence that the cigarettes or other  
11 2 tobacco products are kept for sale or with intent to sell in  
11 3 violation of this division.

11 4 Sec. 30. Section 453A.15, subsection 2, Code 2007, is  
11 5 amended to read as follows:

11 6 2. Where a state permit holder sells cigarettes at retail,  
11 7 the holder shall be required to ~~issue an invoice to the~~  
~~11 8 holder's retail department for~~ maintain detailed records for  
11 9 sales of cigarettes to be sold at retail and such the  
11 10 cigarette invoices sales records shall be kept separate and  
11 11 apart.

11 12 Sec. 31. Section 453A.15, Code 2007, is amended by adding  
11 13 the following new subsection:

11 14 NEW SUBSECTION. 7. The director may require by rule that  
11 15 reports required to be made under this division be filed by  
11 16 electronic transmission.

11 17 Sec. 32. Section 453A.18, Code 2007, is amended to read as  
11 18 follows:

11 19 453A.18 FORMS FOR RECORDS AND REPORTS.

11 20 The department shall furnish or make available in  
11 21 electronic form, without charge, to holders of the various  
11 22 permits, forms in sufficient quantities to enable permit  
11 23 holders to make the reports required to be made under this  
11 24 division. The permit holders shall furnish at their own  
11 25 expense the books, records, and invoices, required to be used  
11 26 and kept, but the books, records, and invoices shall be in  
11 27 exact conformity to the forms prescribed for that purpose by  
11 28 the director, and shall be kept and used in the manner  
11 29 prescribed by the director. However, the director may, by  
11 30 express order in certain cases, authorize permit holders to  
11 31 keep their records in a manner and upon forms other than those  
11 32 ~~so~~ prescribed. The authorization may be revoked at any time.

11 33 Sec. 33. Section 453A.24, Code 2007, is amended to read as  
11 34 follows:

11 35 453A.24 CARRIER TO PERMIT ACCESS TO RECORDS.



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12 1 1. Every common carrier or person in this state having  
12 2 custody of books or records showing the transportation of  
12 3 cigarettes both interstate and intrastate shall give and allow  
12 4 the department free access to ~~such~~ those books and records.

12 5 2. The director may require by rule that common carriers  
12 6 or the appropriate persons provide monthly reports to the  
12 7 department detailing all information the department deems  
12 8 necessary on shipments into and out of Iowa of cigarettes and  
12 9 tobacco products as set forth in divisions I and II of this  
12 10 chapter. The director may require by rule that the reports be  
12 11 filed by electronic transmission.

12 12 Sec. 34. Section 453A.25, subsection 3, Code 2007, is  
12 13 amended to read as follows:

12 14 ~~3. The director is hereby authorized to appoint an~~  
12 15 ~~assistant, whose sole duty it shall be~~ may designate employees  
12 16 to administer and enforce the provisions of this chapter,  
12 17 including the collection of all taxes provided for ~~herein in~~  
12 18 this chapter. In ~~such~~ the enforcement, the director may  
12 19 request aid from the attorney general, the special agents of  
12 20 the state, any county attorney, or any peace officer. The  
12 21 director ~~is authorized to~~ may appoint ~~such~~ clerks and  
12 22 additional help as may be needed to ~~carry out the provisions~~  
12 23 of administer this chapter.

12 24 Sec. 35. Section 453A.30, Code 2007, is amended to read as  
12 25 follows:

12 26 453A.30 ASSESSMENT OF COST OF AUDIT.

12 27 The department may employ auditors or other persons to  
12 28 audit and examine the books and records of any permit holder  
12 29 or other person dealing in cigarettes to ascertain whether  
12 30 ~~such~~ the permit holder or other person has paid the amount of  
12 31 the taxes required to be paid by the holder or person or filed  
12 32 all reports containing all required information as specified  
12 33 by the department under the provisions of this chapter. If  
12 34 such taxes have not been paid or such reports not filed, as  
12 35 required, the department shall assess against ~~such~~ the permit



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13 1 holder or other person, as additional penalty, the reasonable  
13 2 expenses and costs of ~~such~~ the investigation and audit.

13 3 Sec. 36. Section 453A.31, Code 2007, is amended by adding  
13 4 the following new unnumbered paragraph:

13 5 NEW UNNUMBERED PARAGRAPH. If a cigarette distributor fails  
13 6 to file a return or to report timely, stamps shall not be  
13 7 provided to that cigarette distributor until all returns and  
13 8 reports are filed properly and all tax, penalties, and  
13 9 interest are paid.

13 10 Sec. 37. Section 453A.32, Code 2007, is amended by adding  
13 11 the following new subsection:

13 12 NEW SUBSECTION. 6. The provisions of this section  
13 13 applying to cigarettes shall also apply to tobacco products  
13 14 taxed under division II of this chapter.

13 15 Sec. 38. Section 453A.36, subsection 6, Code 2007, is  
13 16 amended to read as follows:

13 17 6. Any sales of cigarettes or tobacco products made  
13 18 through a cigarette vending machine are subject to rules and  
13 19 penalties relative to retail sales of cigarettes and tobacco  
13 20 products provided for in this chapter. ~~No cigarettes shall~~  
13 21 Cigarettes shall not be sold through any cigarette vending  
13 22 machine unless the cigarettes have been properly stamped or  
13 23 metered as provided by this division, and in case of violation  
13 24 of this provision, the permit of the dealer authorizing retail  
13 25 sales of cigarettes shall be ~~cancelled~~ revoked. Payment of the  
13 26 ~~license~~ permit fee as provided in section 453A.13 authorizes a  
13 27 cigarette vendor to sell cigarettes or tobacco products  
13 28 through vending machines. However, cigarettes or tobacco  
13 29 products shall not be sold through a vending machine unless  
13 30 the vending machine is located in a place where the retailer  
13 31 ensures that no person younger than eighteen years of age is  
13 32 present or permitted to enter at any time. Cigarettes or  
13 33 tobacco products shall not be sold through any cigarette  
13 34 vending machine if such products are placed together with any  
13 35 nontobacco product, other than matches, in the cigarette



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14 1 vending machine. This section does not require a retail  
14 2 licensee permit holder to buy a cigarette vendor's permit if  
14 3 the retail licensee permit holder is in fact the owner of the  
14 4 cigarette vending machines and the machines are operated in  
14 5 the location described in the retail permit.

14 6 Sec. 39. Section 453A.36, Code 2007, is amended by adding  
14 7 the following new subsection:

14 8 NEW SUBSECTION. 7A. It shall be unlawful for a holder of  
14 9 a retail permit to sell or distribute any cigarettes or  
14 10 tobacco products, including but not limited to a single or  
14 11 loose cigarette, that are not contained within a sealed  
14 12 carton, pack, or package as provided by the manufacturer,  
14 13 which carton, pack, or package bears the health warning that  
14 14 is required by federal law.

14 15 Sec. 40. Section 453A.40, subsection 1, Code 2007, is  
14 16 amended to read as follows:

14 17 1. All persons required to ~~be licensed~~ hold a  
14 18 distributor's permit, wholesaler's permit, or retailer's  
14 19 permit under section 453A.13 as distributors having in their  
14 20 possession and held for resale on the effective date of an  
14 21 increase in the tax rate cigarettes or little cigars upon  
14 22 which the tax under section 453A.6 or 453A.43 has been paid,  
14 23 unused cigarette tax stamps which have been paid for under  
14 24 section 453A.8, or unused metered imprints which have been  
14 25 paid for under section 453A.12 shall be subject to an  
14 26 inventory tax on the items as provided in this section.

14 27 Sec. 41. Section 453A.45, subsection 5, unnumbered  
14 28 paragraphs 2 and 4, Code 2007, are amended to read as follows:

14 29 ~~Such~~ The report shall be made on forms provided by the  
14 30 director or the director may require by rule that the report  
14 31 be filed by electronic transmission.

14 32 Any person who fails or refuses to transmit to the director  
14 33 the required reports or whoever refuses to permit the  
14 34 examination of the records by the director shall be guilty of  
14 35 a ~~simple~~ serious misdemeanor.



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15 1 Sec. 42. Section 453A.46, subsections 1 and 3, Code 2007,  
15 2 are amended to read as follows:  
15 3 1. On or before the twentieth day of each calendar month  
15 4 every distributor with a place of business in this state shall  
15 5 file a return with the director showing for the preceding  
15 6 calendar month the quantity and wholesale sales price of each  
15 7 tobacco product brought, or caused to be brought, into this  
15 8 state for sale; ~~and~~ made, manufactured, or fabricated in this  
15 9 state for sale in this state, ~~during the preceding calendar~~  
15 10 ~~month~~; and any other information the director may require.  
15 11 Every licensed distributor outside this state shall in like  
15 12 manner file a return with the director showing for the  
15 13 preceding calendar month the quantity and wholesale sales  
15 14 price of each tobacco product shipped or transported to  
15 15 retailers in this state to be sold by those retailers, ~~during~~  
15 16 ~~the preceding calendar month~~ and any other information the  
15 17 director may require. Returns shall be made upon forms  
15 18 furnished or made available in electronic form and prescribed  
15 19 by the director and shall contain other information as the  
15 20 director may require. Each return shall be accompanied by a  
15 21 remittance for the full tax liability shown on the return,  
15 22 less a discount as fixed by the director not to exceed five  
15 23 percent of the tax. Within three years after the return is  
15 24 filed or within three years after the return became due,  
15 25 whichever is later, the department shall examine it, determine  
15 26 the correct amount of tax, and assess the tax against the  
15 27 taxpayer for any deficiency. The period for examination and  
15 28 determination of the correct amount of tax is unlimited in the  
15 29 case of a false or fraudulent return made with the intent to  
15 30 evade tax, or in the case of a failure to file a return.  
15 31 The three-year ~~period of~~ limitation period may be extended  
15 32 by a taxpayer by signing a waiver agreement form ~~to be~~  
15 33 provided by the department. The agreement must stipulate the  
15 34 ~~period of~~ extension period and the tax period to which the  
15 35 extension applies. The agreement must also ~~provide~~ stipulate



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16 1 that a claim for refund may be filed by the taxpayer at any  
16 2 time during the ~~period of~~ extension period.

16 3 3. In addition to the tax or additional tax, the taxpayer  
16 4 shall also pay a penalty as provided in section 421.27 and be  
16 5 subject to the civil penalties set forth in sections 421.27;  
16 6 453A.31, subsection 2; and 453A.50, subsection 3, as  
16 7 applicable.

16 8 Sec. 43. Section 453A.46, Code 2007, is amended by adding  
16 9 the following new subsection:

16 10 NEW SUBSECTION. 7. The director may require by rule that  
16 11 reports be filed by electronic transmission.

16 12 Sec. 44. Section 453A.50, subsection 2, Code 2007, is  
16 13 amended to read as follows:

16 14 2. ~~Any~~ Except as otherwise provided, any person who  
16 15 otherwise violates any provisions of this division shall be  
16 16 guilty of a simple misdemeanor.

16 17 Sec. 45. Section 453A.50, Code 2007, is amended by adding  
16 18 the following new subsection:

16 19 NEW SUBSECTION. 3. The following civil penalties shall be  
16 20 imposed for a violation of this division:

16 21 a. A two hundred dollar penalty for the first violation.

16 22 b. A five hundred dollar penalty for a second violation  
16 23 within three years of the first violation.

16 24 c. A thousand dollar penalty for a third or subsequent  
16 25 violation within three years of the first violation.

16 26 The penalty imposed in this subsection is in addition to  
16 27 the tax, penalty, and interest imposed in other sections of  
16 28 this division. Each day a violation occurs counts as a new  
16 29 violation for purposes of this subsection.

16 30 Sec. 46. NEW SECTION. 453A.51 ASSESSMENT OF COST OF  
16 31 AUDIT.

16 32 The department may employ auditors or other persons to  
16 33 audit and examine the books and records of a permit holder or  
16 34 other person dealing in tobacco products to ascertain whether  
16 35 the permit holder or other person has paid the amount of the



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17 1 taxes required to be paid by the permit holder or other person  
17 2 under the provisions of this chapter. If the taxes have not  
17 3 been paid, as required, the department shall assess against  
17 4 the permit holder or other person, as additional penalty, the  
17 5 reasonable expenses and costs of the investigation and audit.  
17 6 Sec. 47. Section 453C.1, subsection 10, Code 2007, is  
17 7 amended to read as follows:

17 8 10. "Units sold" means the number of individual cigarettes  
17 9 sold in the state by the applicable tobacco product  
17 10 manufacturer, whether directly or through a distributor,  
17 11 retailer, or similar intermediary or intermediaries, during  
17 12 the year in question, as measured by excise taxes collected by  
17 13 the state on packs bearing the excise stamp of the state or on  
17 14 roll-your-own tobacco containers. The department of revenue  
17 15 shall adopt rules as are necessary to ascertain the amount of  
17 16 state excise tax paid on the cigarettes of such tobacco  
17 17 product manufacturer for each year.

17 18 EXPLANATION

17 19 DIVISION I == TAX ADMINISTRATION. Code sections 15E.44,  
17 20 subsection 1, and 15E.45, subsection 3, are amended to  
17 21 eliminate the requirement that tax identification numbers of  
17 22 investors (social security numbers) must be provided at the  
17 23 time that a qualifying business or community-based seed  
17 24 capital fund submits an application to the Iowa capital  
17 25 investment board. The tax identification numbers are provided  
17 26 at the time that the investors apply for a tax credit  
17 27 certificate.

17 28 Code section 421.26 is amended to require cigarette permit  
17 29 holders to be personally liable for unpaid cigarette taxes.  
17 30 This requirement is the same as presently exists for  
17 31 licensees, retailers, purchasers, users, and permit holders  
17 32 for other taxes.

17 33 Code section 421.27, subsections 1 and 2, are amended to  
17 34 allow a penalty waiver which reflects a legislative change  
17 35 made to correct an inconsistent time frame for filing



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18 1 disclaimers by the beneficiary of an estate refusing to take  
18 2 the property.

18 3 Code section 422.7, subsection 32, is amended to provide  
18 4 that withdrawals from the Iowa educational savings plan trust  
18 5 that are not used for qualified education expenses must be  
18 6 added back on the Iowa individual income tax return to the  
18 7 extent that a deduction for a contribution was previously  
18 8 allowed.

18 9 Code section 422.11S, subsections 1, 2, and 8, are amended  
18 10 to allow noncash contributions to be made for purposes of the  
18 11 school tuition organization tax credit with the noncash  
18 12 contribution to be valued according to rules of the director.  
18 13 These provisions are effective retroactively to January 1,  
18 14 2007, for tax years beginning on or after that date.

18 15 Code section 422.11S, subsections 6 and 7, are amended to  
18 16 change the deadlines for certified enrollment and notification  
18 17 requirements for the school tuition organization tax credit to  
18 18 be consistent with the notification requirements of Code  
18 19 section 257.6 relating to the school aid formula.

18 20 Code section 422.12E is amended to state that the director  
18 21 will determine which checkoffs will be included on the  
18 22 individual income tax form in situations where additional  
18 23 checkoffs in excess of the number allowed are enacted on the  
18 24 same day.

18 25 Code section 422.13, subsection 5, is amended to allow  
18 26 nonresident trusts and estates that are members of  
18 27 partnerships, limited liability, trusts, or S corporations to  
18 28 be included on an Iowa composite return.

18 29 Code section 422.16, subsection 12, is amended to provide  
18 30 that withholding agents are not required to withhold state  
18 31 income tax from a partner's pro rata share of income from a  
18 32 publicly traded partnership if the partnership files an  
18 33 informational return with the department concerning the  
18 34 partner.

18 35 Code section 422.35, subsection 17, is amended to correct



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19 1 the reference to federal taxable income for the deduction  
19 2 allowed for the social security credit for corporation income  
19 3 tax.  
19 4 Code section 422.73, subsection 3, adopted as part of 2006  
19 5 Iowa Acts, House File 2351, is repealed. Because any capital  
19 6 or ordinary gain from the involuntary conversion relating to  
19 7 eminent domain is exempt from Iowa individual or corporation  
19 8 income tax, there is no need to file a claim for refund  
19 9 relating to the repurchase of property when tax was not paid  
19 10 on the gain in the initial instance.  
19 11 Code section 422.75 is amended to update current reporting  
19 12 requirements related to the annual report filed by the  
19 13 department.  
19 14 Code section 423.2, subsection 6, is amended to require  
19 15 financial institutions unregulated by federal or Iowa  
19 16 authorities to pay sales tax on service charges if they are  
19 17 doing business in Iowa.  
19 18 Code section 423.3, subsection 65, is amended to exempt  
19 19 from sales tax charges paid for access to the internet by  
19 20 means of any device and not solely by means of a computer  
19 21 server.  
19 22 Code section 423.3, subsection 80, is amended to exempt  
19 23 from sales tax sales of building materials, supplies, or  
19 24 equipment only to the extent those items are consumed in an  
19 25 exempt construction project.  
19 26 Code section 423.41 is amended to require a taxpayer  
19 27 maintaining electronic records to provide those electronic  
19 28 records relating to sales and use taxes to the director for  
19 29 examination upon request.  
19 30 Code sections 423A.4, 423B.1, subsection 6, and 423E.2,  
19 31 subsection 5, are amended to grant the director the authority  
19 32 to waive the requirement that a city or county notify the  
19 33 director of the imposition, repeal, extension, or change in  
19 34 the rate of the local option tax.  
19 35 DIVISION II == CIGARETTE/TOBACCO TAXES. Code section



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20 1 421B.3 is amended to impose civil penalties for the sale of  
20 2 cigarettes below minimum price. These penalties are  
20 3 consistent with those for violations of other cigarette and  
20 4 tobacco tax laws and rules. The penalties are in addition to  
20 5 other penalties for violating the chapter and moneys collected  
20 6 are to be deposited into the state general fund.  
20 7 Code section 453A.7 is amended to provide sufficient funds  
20 8 for the department to purchase tax stamps for placement on  
20 9 packages of cigarettes as evidence that the tax has been paid.  
20 10 Code section 453A.13 is amended to require furnishing of  
20 11 the names and addresses of all officers of the business  
20 12 applying for a bond to obtain a cigarette permit. Code  
20 13 section 453A.13 is further amended to permit the use of  
20 14 cigarette retail permit forms approved by the department.  
20 15 Code section 453A.13 is also amended to require the public  
20 16 display of the permit at the place of business.  
20 17 Code section 453A.15, subsection 2, requires cigarette  
20 18 permit holders to maintain separate records for cigarette  
20 19 sales that are sold at wholesale and sold at retail from the  
20 20 same location.  
20 21 Code section 453A.15 is amended to require the permit  
20 22 holder to maintain detailed records and to give the director  
20 23 the authority to require that cigarette reports be filed by  
20 24 electronic transmission.  
20 25 Code section 453A.18 authorizes the department to furnish  
20 26 permit holders with electronic forms in lieu of paper forms.  
20 27 Code section 453A.24 is amended to require common carriers  
20 28 or other persons to provide monthly reports to the department  
20 29 by electronic transmission if the director requires by rule.  
20 30 Code section 453A.25, subsection 3, is amended to delete  
20 31 the requirement that the director appoint a person whose only  
20 32 responsibility is to administer cigarette and tobacco taxes.  
20 33 Code section 453A.30 is amended to include the requirements  
20 34 for the filing of cigarette reports the same as those for the  
20 35 filing of cigarette returns relating to the cost of an audit.



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21 1 Code section 453A.31 is amended to prohibit the sale of  
21 2 cigarette stamps to distributors who do not file appropriate  
21 3 returns or reports in a timely manner.

21 4 Code section 453A.32 is amended to make the cigarette  
21 5 seizure provisions applicable to tobacco products.

21 6 Code section 453A.36, subsection 6, is amended to specify  
21 7 that cigarette retailers receive a permit, not a license, to  
21 8 do business in Iowa. The subsection is also amended to  
21 9 prohibit the sale of cigarettes or tobacco through a vending  
21 10 machine if other nontobacco products are also sold in the  
21 11 vending machine.

21 12 Code section 453A.36 is amended to add new subsection 7A  
21 13 that prohibits a holder of a retail permit to sell or  
21 14 distribute any cigarettes or tobacco products, even a single  
21 15 cigarette, without having the federal health warning on it.

21 16 Code section 453A.40, subsection 1, is amended to impose  
21 17 the cigarette inventory tax on distributors, wholesalers, and  
21 18 retailers that hold permits to sell cigarettes.

21 19 Code section 453A.45, subsection 5, is amended to give the  
21 20 director the authority to require by rule that tobacco  
21 21 transportation reports be filed electronically and makes the  
21 22 failure or refusal to file or allow the examination of the  
21 23 required reports a serious misdemeanor rather than a simple  
21 24 misdemeanor.

21 25 Code section 453A.46 is amended to give the director the  
21 26 authority to require by rule any additional information that  
21 27 should be included on a return, adds language to reference  
21 28 civil penalties, and gives the director the authority to  
21 29 require by rule that distributors file tobacco reports  
21 30 electronically.

21 31 Code section 453A.50, subsection 2, is amended to specify  
21 32 that unless otherwise stated, violations of the tobacco  
21 33 products division are simple misdemeanors.

21 34 Code section 453A.50 is also amended to impose civil  
21 35 penalties for violation of the tobacco tax laws and



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22 1 regulations. These penalties are consistent with penalties  
22 2 that are applicable to cigarettes.  
22 3 Code section 453A.51 is enacted to make tobacco products  
22 4 tax enforcement provisions similar to cigarette tax  
22 5 enforcement provisions related to the cost of an audit.  
22 6 Code section 453C.1 is amended to provide a more specific  
22 7 definition of "units sold" for the purposes of the tobacco  
22 8 product manufacturers' obligations which is the basis for  
22 9 determining the amount that a nonparticipating manufacturer in  
22 10 the tobacco master settlement agreement must place in escrow.  
22 11 The amended definition provides that "units sold" is measured  
22 12 only by those packs bearing an excise stamp of the state.  
22 13 LSB 1264HV 82  
22 14 mg:sc/je/5



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House File 924 - Introduced

HOUSE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 320)

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

A BILL FOR

- 1 An Act relating to qualifications for licensure as a real estate
- 2 broker or salesperson upon conviction of specified offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2936HV 82
- 5 rn/es/88



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1 1 Section 1. Section 543B.15, subsection 3, Code 2007, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:  
1 4 3. a. An applicant for a real estate broker's or  
1 5 salesperson's license who has been convicted of an indictable  
1 6 offense shall not be considered for licensure until the  
1 7 following time periods have elapsed following completion of  
1 8 any applicable period of incarceration, or payment of a fine  
1 9 or fulfillment of any other type of sentence:  
1 10 (1) For an offense which is classified as a serious or  
1 11 aggravated misdemeanor, one year.  
1 12 (2) For an offense which is classified as a felony, two  
1 13 years.  
1 14 (3) Notwithstanding subparagraphs (1) and (2), for  
1 15 offenses including or involving forgery, embezzlement,  
1 16 obtaining money under false pretenses, theft, arson,  
1 17 extortion, conspiracy to defraud, or other offense involving a  
1 18 criminal breach of fiduciary duty, five years.  
1 19 b. After expiration of the time periods specified in  
1 20 paragraph "a", an application shall be considered by the  
1 21 commission pursuant to subsection 7 and may be denied on the  
1 22 grounds of the conviction. An applicant may request a hearing  
1 23 pursuant to section 543B.19 in the event of a denial.  
1 24 c. For purposes of this section, "convicted" means a  
1 25 guilty plea, deferred judgment from the time of entry of the  
1 26 deferred judgment until the time the defendant is discharged  
1 27 by the court without entry of judgment, or other finding of  
1 28 guilt by a court of competent jurisdiction in this state, or  
1 29 in any other state, territory, or district of the United  
1 30 States, or in any foreign jurisdiction.  
1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is  
1 32 amended to read as follows:  
1 33 6. A licensed real estate broker or salesperson shall  
1 34 notify the commission of the licensee's conviction of an  
1 35 offense included in subsection 3 within ~~sixty~~ ten days of the



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2 1 conviction. Notification of a conviction for an offense which  
2 2 is classified as a felony shall result in the immediate  
2 3 suspension of a license pending the outcome of a hearing  
2 4 conducted pursuant to section 543B.35. The failure of the  
2 5 licensee to notify the commission of the conviction within  
2 6 ~~sixty~~ ten days of the date of the conviction is sufficient  
2 7 grounds for revocation of the license.

2 8 EXPLANATION

2 9 This bill relates to action taken by the real estate  
2 10 commission in circumstances where an applicant for licensure,  
2 11 or an existing licensee, has been convicted of specified  
2 12 criminal offenses.

2 13 The bill provides that an applicant for a real estate  
2 14 broker's or salesperson's license who has been convicted of an  
2 15 indictable offense shall not be considered for licensure until  
2 16 specified time periods have elapsed following completion of a  
2 17 sentence. The bill defines "convicted" to refer to a guilty  
2 18 plea, deferred judgment, or other finding of guilt. The time  
2 19 periods are one year for a serious or aggravated misdemeanor,  
2 20 two years for a felony, and five years for offenses which  
2 21 include or involve forgery, embezzlement, obtaining money  
2 22 under false pretenses, theft, arson, extortion, conspiracy to  
2 23 defraud, or other criminal breach of fiduciary duty. The bill  
2 24 provides that after these time periods have elapsed, the  
2 25 commission shall consider an application and may deny it based  
2 26 on the conviction. If denied, an applicant may request a  
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code  
2 29 section 543B.15 to require that a licensee notify the  
2 30 commission of a conviction of any of the above-specified  
2 31 offenses within 10 days of the conviction. That Code section  
2 32 currently provides for a 60-day notification period. The bill  
2 33 provides that notification of a conviction for an offense  
2 34 which is classified as a felony will result in the immediate  
2 35 suspension of a license pending the outcome of a revocation



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- 3 1 hearing conducted pursuant to Code section 543B.35.
- 3 2 LSB 2936HV 82
- 3 3 rn:nh/es/88





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1 1 DIVISION I  
 1 2 OPTOMETRY  
 1 3 Section 1. Section 154.1, Code 2007, is amended to read as  
 1 4 follows:  
 1 5 154.1 OPTOMETRY == DIAGNOSTICALLY CERTIFIED LICENSED  
 1 6 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.  
 1 7 1. For the purpose of this subtitle the following classes  
 1 8 of persons shall be deemed to be engaged in the practice of  
 1 9 optometry:  
 1 10 ~~1.~~ a. Persons employing any means other than the use of  
 1 11 drugs, medicine, or surgery for the measurement of the visual  
 1 12 power and visual efficiency of the human eye; persons engaged  
 1 13 in the prescribing and adapting of lenses, prisms, and contact  
 1 14 lenses; and persons engaged in the using or employing of  
 1 15 visual training or ocular exercise, for the aid, relief, or  
 1 16 correction of vision.  
 1 17 ~~2.~~ b. Persons who allow the public to use any mechanical  
 1 18 device for ~~such a~~ purpose described in paragraph "a".  
 1 19 ~~3.~~ c. Persons who publicly profess to be optometrists and  
 1 20 to assume the duties incident to ~~said the~~ profession.  
 1 21 2. ~~Certified~~ Diagnostically certified licensed  
 1 22 optometrists may employ cycloplegics, mydriatics, and topical  
 1 23 anesthetics as diagnostic agents topically applied to  
 1 24 determine the condition of the human eye for proper optometric  
 1 25 practice or referral for treatment to a person licensed under  
 1 26 chapter 148, 150, or 150A. A diagnostically certified  
 1 27 licensed optometrist is an optometrist who is licensed to  
 1 28 practice optometry in this state and who is certified by the  
 1 29 board of optometry examiners to use diagnostic agents. A  
 1 30 ~~certified licensed optometrist shall be provided with a~~  
 1 31 ~~distinctive certificate by the board which shall be displayed~~  
 1 32 ~~for viewing by the patients of the optometrist.~~  
 1 33 3. Therapeutically certified optometrists may employ all  
 1 34 diagnostic and therapeutic pharmaceutical agents for the  
 1 35 purpose of diagnosis and treatment of conditions of the human



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2 1 eye and adnexa pursuant to this ~~paragraph~~ subsection,  
2 2 excluding the use of injections other than to counteract an  
2 3 anaphylactic reaction, and notwithstanding section 147.107,  
2 4 may without charge supply any of the above pharmaceuticals to  
2 5 commence a course of therapy. Therapeutically certified  
2 6 optometrists may prescribe oral steroids for a period not to  
2 7 exceed fourteen days without consultation with a ~~primary care~~  
2 8 physician. Therapeutically certified optometrists shall not  
2 9 prescribe oral Imuran or oral Methotrexate. Therapeutically  
2 10 certified optometrists may be authorized, where reasonable and  
2 11 appropriate, by rule of the board, to employ new diagnostic  
2 12 and therapeutic pharmaceutical agents approved by the United  
2 13 States food and drug administration on or after July 1, 2002,  
2 14 for the diagnosis and treatment of the human eye and adnexa.  
2 15 The board shall not be required to adopt rules relating to  
2 16 topical pharmaceutical agents, oral antimicrobial agents, oral  
2 17 antihistamines, oral antiglaucoma agents, and oral analgesic  
2 18 agents. Superficial foreign bodies may be removed from the  
2 19 human eye and adnexa. The therapeutic efforts of a  
2 20 therapeutically certified optometrist are intended for the  
2 21 purpose of examination, diagnosis, and treatment of visual  
2 22 defects, abnormal conditions, and diseases of the human eye  
2 23 and adnexa, for proper optometric practice or referral for  
2 24 consultation or treatment to persons licensed under chapter  
2 25 148, 150, or 150A. A therapeutically certified optometrist is  
2 26 an optometrist who is licensed to practice optometry in this  
2 27 state and who is certified by the board of optometry examiners  
2 28 to use the agents and procedures authorized pursuant to this  
2 29 ~~paragraph subsection. A therapeutically certified optometrist~~  
~~2 30 shall be provided with a distinctive certificate by the board~~  
~~2 31 which shall be displayed for viewing by the patients of the~~  
~~2 32 optometrist.~~  
2 33 Sec. 2. Section 154.3, Code 2007, is amended to read as  
2 34 follows:  
2 35 154.3 LICENSE.



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3 1     ~~1.~~ Every applicant for a license to practice optometry  
3 2 shall:  
3 3     ~~a.~~ 1. Be a graduate of an accredited school of optometry  
3 4 and meet requirements as established by rules of the board.  
3 5     ~~b.~~ 2. Present an official transcript issued by an  
3 6 accredited school of optometry.  
3 7     ~~c.~~ 3. Pass an examination as determined by the board by  
3 8 rule.  
3 9     ~~2.~~ ~~A person applying to be licensed as an optometrist~~  
~~3 10 after January 1, 1980, shall also apply to be a certified~~  
~~3 11 licensed optometrist and shall, in addition to satisfactorily~~  
~~3 12 completing all requirements for a license to practice~~  
~~3 13 optometry, satisfactorily complete a course consisting of at~~  
~~3 14 least one hundred contact hours in pharmacology and receive~~  
~~3 15 clinical training as it applies to optometry with particular~~  
~~3 16 emphasis on the topical application of diagnostic agents to~~  
~~3 17 the human eye for the purpose of examination of the human eye,~~  
~~3 18 and the diagnosis of conditions of the human eye, at an~~  
~~3 19 institution accredited by a regional or professional~~  
~~3 20 accreditation organization which is recognized or approved by~~  
~~3 21 the council on postsecondary accreditation or the United~~  
~~3 22 States office of education.~~  
3 23     ~~3.~~ A person licensed as an optometrist prior to January 1,  
~~3 24 1980 who applies to be a certified licensed optometrist shall~~  
~~3 25 first satisfactorily complete a course consisting of at least~~  
~~3 26 one hundred contact hours in pharmacology as it applies to~~  
~~3 27 optometry including clinical training as it applies to~~  
~~3 28 optometry with particular emphasis on the topical application~~  
~~3 29 of diagnostic agents to the human eye and possible adverse~~  
~~3 30 reactions thereto, for the purpose of examination of the human~~  
~~3 31 eye and the diagnosis of conditions of the human eye, provided~~  
~~3 32 by an institution accredited by a regional or professional~~  
~~3 33 accreditation organization which is recognized or approved by~~  
~~3 34 the council on postsecondary accreditation or the United~~  
~~3 35 States office of education, and approved by the board of~~



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~~4 1 optometry examiners.~~

~~4 2 4. In addition to the examination required by subsection  
4 3 1, paragraph "c", a person applying to be a certified licensed  
4 4 optometrist shall also pass an examination prescribed by the  
4 5 optometry examiners in the subjects of physiology and  
4 6 pathology appropriate to the use of diagnostic pharmaceutical  
4 7 agents and diagnosis of conditions of the human eye, and  
4 8 pharmacology including systemic effects of ophthalmic  
4 9 diagnostic pharmaceutical agents and the possible adverse  
4 10 reactions thereto, authorized for use by optometrists by  
4 11 section 154.1.~~

~~4 12 5. A person applying to be licensed as an optometrist  
4 13 after January 1, 1986, shall also apply to be a  
4 14 therapeutically certified optometrist and shall, in addition  
4 15 to satisfactorily completing all requirements for a license to  
4 16 practice optometry, satisfactorily complete a course as  
4 17 defined by rule of the state board of optometry examiners with  
4 18 particular emphasis on the examination, diagnosis and  
4 19 treatment of conditions of the human eye and adnexa provided  
4 20 by an institution accredited by a regional or professional  
4 21 accreditation organization which is recognized or approved by  
4 22 the council on postsecondary accreditation of the United  
4 23 States office of education, and approved by the board of  
4 24 optometry examiners. The rule of the board shall require a  
4 25 course including a minimum of forty hours of didactic  
4 26 education and sixty hours of approved supervised clinical  
4 27 training in the examination, diagnosis and treatment of  
4 28 conditions of the human eye and adnexa. The board may also,  
4 29 by rule, provide a procedure by which an applicant who has  
4 30 received didactic education meeting the requirements of rules  
4 31 adopted pursuant to this subsection at an approved school of  
4 32 optometry may apply to the board for a waiver of the didactic  
4 33 education requirements of this subsection.~~

~~4 34 6. A person licensed in any state as an optometrist prior  
4 35 to January 1, 1986, who applies to be a therapeutically~~



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~~5 1 certified optometrist shall first satisfactorily complete a~~  
~~5 2 course as defined by rule of the board of optometry examiners~~  
~~5 3 with particular emphasis on the examination, diagnosis and~~  
~~5 4 treatment of conditions of the human eye and adnexa provided~~  
~~5 5 by an institution accredited by a regional or professional~~  
~~5 6 accreditation organization which is recognized or approved by~~  
~~5 7 the council on postsecondary accreditation of the United~~  
~~5 8 States office of education, and approved by the board of~~  
~~5 9 optometry examiners. The rule of the board shall require a~~  
~~5 10 course including a minimum of forty hours of didactic~~  
~~5 11 education and sixty hours of approved supervised clinical~~  
~~5 12 training in the examination, diagnosis, and treatment of~~  
~~5 13 conditions of the human eye and adnexa. Effective July 1,~~  
~~5 14 1987, the board shall require that therapeutically certified~~  
~~5 15 optometrists prior to the utilization of topical and oral~~  
~~5 16 antiglaucoma agents, oral antimicrobial agents and oral~~  
~~5 17 analgesic agents shall complete an additional forty-four hours~~  
~~5 18 of education with emphasis on treatment and management of~~  
~~5 19 glaucoma and use of oral pharmaceutical agents for treatment~~  
~~5 20 and management of ocular diseases, provided by an institution~~  
~~5 21 accredited by a regional or professional accreditation~~  
~~5 22 organization which is recognized or approved by the council on~~  
~~5 23 postsecondary accreditation of the United States office of~~  
~~5 24 education, and approved by the board of optometry examiners.~~  
~~5 25 Upon completion of the additional forty-four hours of~~  
~~5 26 education, a therapeutically certified optometrist shall also~~  
~~5 27 pass an oral or written examination prescribed by the board.~~  
~~5 28 The board shall suspend the optometrist's therapeutic~~  
~~5 29 certificate for failure to comply with this subsection by July~~  
~~5 30 1, 1988.~~

5 31 The board shall adopt rules requiring an additional twenty  
~~5 32 hours per biennium of continuing education in the treatment~~  
~~5 33 and management of ocular disease for all therapeutically~~  
~~5 34 certified optometrists. The department of ophthalmology of~~  
~~5 35 the school of medicine of the state university of Iowa shall~~



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~~6 1 be one of the providers of this continuing education.  
6 2 7. A person licensed in any state as an optometrist prior  
6 3 to January 1, 1986, who applies to be a therapeutically  
6 4 certified optometrist shall also be required to qualify as a  
6 5 certified licensed optometrist as defined in subsections 2, 3,  
6 6 and 4.~~

~~6 7 8. In addition to the examination required by subsection  
6 8 1, paragraph "c", a person applying to be a therapeutically  
6 9 certified optometrist shall also pass an examination  
6 10 prescribed by the board of optometry examiners in the  
6 11 examination, diagnosis, and treatment of diseases of the human  
6 12 eye and adnexa.~~

6 13 Sec. 3. Section 154.10, Code 2007, is amended to read as  
6 14 follows:

6 15 154.10 STANDARD OF CARE.

6 16 1. A diagnostically certified licensed optometrist  
6 17 employing diagnostic pharmaceutical agents as authorized by  
6 18 section 154.1 shall be held to the same standard of care in  
6 19 the use of such agents and in diagnosis as is common to  
6 20 persons licensed under chapter 148, 150, or 150A in this  
6 21 state.

6 22 2. A therapeutically certified optometrist employing  
6 23 pharmaceutical agents as authorized by section 154.1 shall be  
6 24 held to the same standard of care in the use of such agents  
6 25 and in diagnosis and treatment as is common to persons  
6 26 licensed under chapter 148, 150, or 150A in this state.

6 27 Sec. 4. Sections 154.4, 154.5, 154.6, and 154.7, Code  
6 28 2007, are repealed.

DIVISION II  
MORTUARY SCIENCE

6 29  
6 30  
6 31 Sec. 5. Section 156.1, subsection 6, Code 2007, is amended  
6 32 to read as follows:

6 33 6. "Intern" means a person registered by the board to  
6 34 practice mortuary science under the direct supervision of a  
6 35 ~~funeral director~~ preceptor certified by the board.



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7 1 Sec. 6. Section 156.1, subsection 7, paragraph d, Code  
7 2 2007, is amended to read as follows:

7 3 d. Embalming ~~by disinfecting or preserving~~ dead human  
7 4 bodies, entire or in part, by the use of chemical substances,  
7 5 fluids, or gases in the body, or by the introduction of the  
7 6 same into the body by vascular ~~or~~ injections, hypodermic  
7 7 injections, or by ~~direct~~ surface application into the organs  
7 8 or cavities for the purpose of preservation or disinfection.

7 9 Sec. 7. Section 156.4, subsections 1 and 3, Code 2007, are  
7 10 amended to read as follows:

7 11 1. The practice of a funeral director must be conducted  
7 12 from a funeral establishment licensed by the board. The board  
7 13 may specify criteria for exceptions to the requirement of this  
7 14 subsection in rules.

7 15 3. Applications for the examination for a funeral  
7 16 director's license shall be ~~in writing and~~ verified on a form  
7 17 furnished by the board.

7 18 Sec. 8. Section 156.8A, Code 2007, is amended to read as  
7 19 follows:

7 20 156.8A STUDENT PRACTICUM.

7 21 The board, by rule, shall provide for practicums in  
7 22 mortuary science for students available through any school  
7 23 accredited by the American board of funeral service education  
7 24 ~~and shall regulate the registration, training, and fees for~~  
7 25 ~~such practicums.~~

7 26 Sec. 9. Section 156.9, subsection 2, Code 2007, is amended  
7 27 to read as follows:

7 28 2. In addition to the grounds stated in sections 147.55  
7 29 and 272C.10, the board may revoke or suspend the license of,  
7 30 or otherwise discipline, a funeral director for any one of the  
7 31 following acts:

7 32 a. Knowingly misrepresenting any material matter to a  
7 33 prospective purchaser of funeral merchandise, furnishings, or  
7 34 services.

7 35 b. ~~Executing a death certificate or burial transit permit~~



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~~8 1 for use by anyone except a funeral director or a certified  
8 2 intern who is working under the direct supervision of a  
8 3 funeral director unless otherwise allowed under section  
8 4 144.32. A violation of chapter 144 related to the practice of  
8 5 mortuary science.~~

8 6 c. Knowingly aiding, assisting, procuring, advising, or  
8 7 allowing a person to unlawfully practice mortuary science.

8 8 d. Willful or repeated violations of this chapter, or the  
8 9 rules adopted pursuant to this chapter.

8 10 e. Conviction of any crime related to the practice of  
8 11 mortuary science or implicating the licensee's competence to  
8 12 safely perform mortuary science services, including but not  
8 13 limited to a crime involving moral character, dishonesty,  
8 14 fraud, theft, embezzlement, extortion, or controlled  
8 15 substances, in a court of competent jurisdiction in this  
8 16 state, or in another state, territory, or district of the  
8 17 United States, or in a foreign jurisdiction. For purposes of  
8 18 this paragraph, "conviction" includes a guilty plea, deferred  
8 19 judgment, or other finding of guilt. A certified copy of the  
8 20 judgment is prima facie evidence of the conviction.

8 21 Sec. 10. Section 156.10, Code 2007, is amended to read as  
8 22 follows:

8 23 156.10 INSPECTION.

8 24 1. The director of public health shall inspect all places  
8 25 where dead human bodies are prepared or held for burial,  
8 26 entombment, or cremation, and shall adopt and enforce such  
8 27 rules and regulations in connection with the inspection as  
8 28 shall be necessary for the preservation of the public health.

8 29 2. ~~An~~ The Iowa department of public health shall assess an  
8 30 inspection fee for each an inspection of a place where dead  
8 31 human bodies are prepared for burial or cremation shall be  
~~8 32 fifteen dollars per year, which shall be collected by the~~  
~~8 33 director of public health. The fee shall be determined by the~~  
8 34 department by rule.

8 35 Sec. 11. Section 156.15, subsection 2, paragraph a, Code



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9 1 2007, is amended to read as follows:

9 2 a. Been convicted of a felony or a ~~misdemeanor involving~~  
~~9 3 moral turpitude~~ any crime related to the practice of mortuary  
9 4 science or implicating the establishment's ability to safely  
9 5 perform mortuary science services, or if the applicant is an  
9 6 association, joint stock company, partnership, or corporation,  
9 7 that a managing officer or owner has been convicted of a  
~~9 8 felony or a misdemeanor involving moral turpitude~~ such a  
9 9 crime, under the laws of this state, another state, or the  
9 10 United States.

9 11 Sec. 12. Section 156.13, Code 2007, is repealed.

DIVISION III

STATE PUBLIC HEALTH DENTAL DIRECTOR AND ORAL

HEALTH BUREAU ESTABLISHED

9 15 Sec. 13. NEW SECTION. 135.14 STATE PUBLIC HEALTH DENTAL  
9 16 DIRECTOR == DUTIES.

9 17 1. The position of state public health dental director is  
9 18 established within the department.

9 19 2. The dental director shall perform all of the following  
9 20 duties:

9 21 a. Plan and direct all work activities of the statewide  
9 22 public health dental program.

9 23 b. Develop comprehensive dental initiatives for prevention  
9 24 activities.

9 25 c. Evaluate the effectiveness of the statewide public  
9 26 health dental program and of program personnel.

9 27 d. Manage the oral health bureau including direction,  
9 28 supervision, and fiscal management of bureau staff.

9 29 e. Other related work as required.

9 30 Sec. 14. NEW SECTION. 135.15 ORAL HEALTH BUREAU  
9 31 ESTABLISHED == RESPONSIBILITIES.

9 32 An oral health bureau is established within the division of  
9 33 health promotion and chronic disease prevention of the  
9 34 department. The bureau shall be responsible for all of the  
9 35 following:



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10 1 1. Providing population-based oral health services,  
10 2 including public health training, improvement of dental  
10 3 support systems for families, technical assistance,  
10 4 awareness-building activities, and educational services, at  
10 5 the state and local level to assist Iowans in maintaining  
10 6 optimal oral health throughout all stages of life.  
10 7 2. Performing infrastructure building and enabling  
10 8 services through the administration of state and federal grant  
10 9 programs targeting access improvement, prevention, and local  
10 10 oral health programs utilizing maternal and child health  
10 11 programs, Medicaid, and other new or existing programs.  
10 12 3. Leveraging federal, state, and local resources for  
10 13 programs under the purview of the bureau.  
10 14 4. Facilitating ongoing strategic planning and application  
10 15 of evidence-based research in oral health care policy  
10 16 development that improves oral health care access and the  
10 17 overall oral health of all Iowans.  
10 18 5. Developing and implementing an ongoing oral health  
10 19 surveillance system for the evaluation and monitoring of the  
10 20 oral health status of children and other underserved  
10 21 populations.

10 22 DIVISION IV

10 23 DEPENDENT ADULT ABUSE

10 24 Sec. 15. Section 235B.3, subsection 1, Code 2007, is  
10 25 amended to read as follows:  
10 26 1. a. The department shall receive dependent adult abuse  
10 27 reports and shall collect, maintain, and disseminate the  
10 28 reports by establishing a central registry for dependent adult  
10 29 abuse information. The department shall evaluate the reports  
10 30 expeditiously. However, the department of inspections and  
10 31 appeals is solely responsible for the evaluation and  
10 32 disposition of dependent adult abuse cases within health care  
10 33 facilities and shall inform the department of human services  
10 34 of such evaluations and dispositions.  
10 35 b. Reports of dependent adult abuse which is the result of



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11 1 the acts or omissions of the dependent adult shall be  
11 2 collected and maintained in the files of the dependent adult  
11 3 as assessments only and shall not be included in the central  
11 4 registry.

11 5 c. A report of dependent adult abuse that meets the  
11 6 definition of dependent adult abuse under section 235B.2,  
11 7 subsection 5, paragraph "a", subparagraph (1), subparagraph  
11 8 subdivision (a) or (d), which the department determines is  
11 9 minor, isolated, and unlikely to reoccur shall be collected  
11 10 and maintained by the department as an assessment only for a  
11 11 five-year period and shall not be included in the central  
11 12 registry and shall not be considered to be founded dependent  
11 13 adult abuse. However, a subsequent report of dependent adult  
11 14 abuse that meets the definition of dependent adult abuse under  
11 15 section 235B.2, subsection 5, paragraph "a", subparagraph (1),  
11 16 subparagraph subdivision (a) or (d), that occurs within the  
11 17 five-year period and that is committed by the caretaker  
11 18 responsible for the act or omission which was the subject of  
11 19 the previous report of dependent adult abuse which the  
11 20 department determined was minor, isolated, and unlikely to  
11 21 reoccur shall not be considered minor, isolated, and unlikely  
11 22 to reoccur.

11 23 Sec. 16. Section 235B.9, Code 2007, is amended by adding  
11 24 the following new subsection:

11 25 NEW SUBSECTION. 5. Dependent adult abuse information  
11 26 which is determined to be minor, isolated, and unlikely to  
11 27 reoccur shall be expunged five years after the receipt of the  
11 28 initial report by the department. If a subsequent report of  
11 29 dependent adult abuse committed by the caretaker responsible  
11 30 for the act or omission which was the subject of the previous  
11 31 report of dependent adult abuse which the department  
11 32 determined was minor, isolated, and unlikely to reoccur is  
11 33 received by the department within the five-year period, the  
11 34 information shall be sealed ten years after receipt of the  
11 35 subsequent report unless good cause can be shown why the



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12 1 information should remain open to authorized access.

12 2 DIVISION V

12 3 MISCELLANEOUS PROVISIONS

12 4 Sec. 17. Section 135.11, Code 2007, is amended by adding  
12 5 the following new subsection:

12 6 NEW SUBSECTION. 31. In consultation with the advisory  
12 7 committee for perinatal guidelines, develop and maintain the  
12 8 statewide perinatal program based on the recommendations of  
12 9 the American academy of pediatrics and the American college of  
12 10 obstetricians and gynecologists contained in the most recent  
12 11 edition of the guidelines for perinatal care, and shall adopt  
12 12 rules in accordance with chapter 17A to implement those  
12 13 recommendations. Hospitals within the state shall determine  
12 14 whether to participate in the statewide perinatal program, and  
12 15 select the hospital's level of participation in the program.  
12 16 A hospital having determined to participate in the program  
12 17 shall comply with the guidelines appropriate to the level of  
12 18 participation selected by the hospital.

12 19 Sec. 18. Section 135.24, subsection 5, paragraph a, Code  
12 20 2007, is amended to read as follows:

12 21 a. "Charitable organization" means a charitable  
12 22 organization within the meaning of section 501(c)(3) of the  
12 23 Internal Revenue Code ~~which has as its primary purpose the~~  
~~12 24 sponsorship or support of programs designed to improve the~~  
~~12 25 quality, awareness, and availability of chiropractic, dental,~~  
~~12 26 medical, pharmaceutical, nursing, optometric, psychological,~~  
~~12 27 social work, behavioral science, podiatric, physical therapy,~~  
~~12 28 occupational therapy, respiratory therapy, or emergency~~  
~~12 29 medical care services to children and to serve as a funding~~  
~~12 30 mechanism for provision of chiropractic, dental, medical,~~  
~~12 31 pharmaceutical, nursing, optometric, psychological, social~~  
~~12 32 work, behavioral science, podiatric, physical therapy,~~  
~~12 33 occupational therapy, respiratory therapy, or emergency~~  
~~12 34 medical care services, including but not limited to~~  
~~12 35 immunizations, to children in this state.~~



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13 1 Sec. 19. Section 135.43, subsection 2, unnumbered  
13 2 paragraph 1, Code 2007, is amended to read as follows:  
13 3 The membership of the review team is subject to the  
13 4 provisions of sections 69.16 and 69.16A, relating to political  
13 5 affiliation and gender balance. Review team members who are  
13 6 not designated by another appointing authority shall be  
13 7 appointed by the director of public health ~~in consultation~~  
~~13 8 with the director of human services.~~ Membership terms shall  
13 9 be for three years. A membership vacancy shall be filled in  
13 10 the same manner as the original appointment. The review team  
13 11 shall elect a chairperson and other officers as deemed  
13 12 necessary by the review team. The review team shall meet upon  
13 13 the call of the chairperson, upon the request of a state  
13 14 agency, or as determined by the review team. The members of  
13 15 the team are eligible for reimbursement of actual and  
13 16 necessary expenses incurred in the performance of their  
13 17 official duties.

13 18 Sec. 20. Section 135.43, subsection 5, Code 2007, is  
13 19 amended to read as follows:

13 20 5. a. The following individuals shall designate a liaison  
13 21 to assist the review team in fulfilling its responsibilities:

13 22 ~~a.~~ (1) The director of public health.

13 23 ~~b.~~ (2) The director of human services.

13 24 ~~c.~~ (3) The commissioner of public safety.

13 25 ~~d. The administrator of the bureau of vital records of the~~  
~~13 26 Iowa department of public health.~~

13 27 ~~e.~~ (4) The attorney general.

13 28 ~~f.~~ (5) The director of transportation.

13 29 ~~g.~~ (6) The director of the department of education.

13 30 b. In addition, the chairperson of the review team shall  
13 31 designate a liaison from the public at large to assist the  
13 32 review team in fulfilling its responsibilities.

13 33 Sec. 21. NEW SECTION. 135.147 IMMUNITY FOR EMERGENCY AID  
13 34 == EXCEPTIONS.

13 35 1. A person, corporation, or other legal entity, or an



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14 1 employee or agent of such person, corporation, or entity, who,  
14 2 during a public health disaster, in good faith and at the  
14 3 request of or under the direction of the department or the  
14 4 department of public defense renders emergency care or  
14 5 assistance to a victim of the public health disaster shall not  
14 6 be liable for civil damages for causing the death of or injury  
14 7 to a person, or for damage to property, unless such acts or  
14 8 omissions constitute recklessness.

14 9 2. The immunities provided in this section shall not apply  
14 10 to any person, corporation, or other legal entity, or an  
14 11 employee or agent of such person, corporation, or entity,  
14 12 whose act or omission caused in whole or in part the public  
14 13 health disaster and who would otherwise be liable therefor.

14 14 Sec. 22. Section 135I.4, subsection 5, Code 2007, is  
14 15 amended to read as follows:

14 16 5. Adopt rules in accordance with chapter 17A for the  
14 17 implementation and enforcement of this chapter, and the  
14 18 establishment of fees. ~~The department shall appoint an~~  
~~14 19 advisory committee composed of owners, operators, local~~  
~~14 20 officials, and representatives of the public to advise it in~~  
~~14 21 the formulation of appropriate rules.~~

14 22 Sec. 23. Section 135I.6, Code 2007, is amended to read as  
14 23 follows:

14 24 135I.6 ENFORCEMENT.

14 25 If the department or a local board of health acting  
14 26 pursuant to agreement with the department determines that a  
14 27 provision of this chapter or a rule adopted pursuant to this  
14 28 chapter has been or is being violated, the department may  
14 29 withhold or revoke the registration of a swimming pool or spa,  
14 30 or the department or the local board of health may order that  
14 31 a facility or item of equipment not be used, until the  
14 32 necessary corrective action has been taken. The department or  
14 33 the local board of health may request the county attorney to  
14 34 bring appropriate legal proceedings to enforce this chapter,  
14 35 including an action to enjoin violations. The attorney



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15 1 general may also institute appropriate legal proceedings at  
15 2 the request of the department. This remedy is in addition to  
15 3 any other legal remedy available to the department or a local  
15 4 board of health.

15 5 Sec. 24. Section 135M.4, subsection 1, paragraph d, Code  
15 6 2007, is amended to read as follows:

15 7 d. The prescription drug or supplies are prescribed by a  
15 8 health care practitioner for use by an eligible individual and  
15 9 are dispensed by a pharmacist or are dispensed to an eligible  
15 10 individual by the prescribing health care practitioner or the  
15 11 practitioner's authorized agent.

15 12 Sec. 25. Section 139A.13A, subsection 1, Code 2007, is  
15 13 amended to read as follows:

15 14 1. An employer shall not discharge an employee, or take or  
15 15 fail to take action regarding an employee's promotion or  
15 16 proposed promotion, or take action to reduce an employee's  
15 17 wages or benefits for actual time worked, due to the  
15 18 compliance of an employee with a quarantine or isolation order  
15 19 or voluntary confinement request issued by the department, ~~or~~  
15 20 a local board, or the centers for disease control and  
15 21 prevention of the United States department of health and human  
15 22 services.

15 23 Sec. 26. Section 144.28, subsection 1, Code 2007, is  
15 24 amended to read as follows:

15 25 1. The medical certification shall be completed and signed  
15 26 by the physician in charge of the patient's care for the  
15 27 illness or condition which resulted in death within  
15 28 seventy-two hours after receipt of the death certificate from  
15 29 the funeral director or individual who initially assumes  
15 30 custody of the body, except when inquiry is required by the  
15 31 county medical examiner. If upon inquiry into the death, the  
15 32 county medical examiner determines that a preexisting natural  
15 33 disease or condition was the likely cause of death and that  
15 34 the death does not affect the public interest as described in  
15 35 section 331.802, subsection 3, the county medical examiner may



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16 1 elect to defer to the physician in charge of the patient's  
16 2 preexisting condition the certification of the cause of death.  
16 3 When inquiry is required by the county medical examiner, the  
16 4 medical examiner shall investigate the cause of death and  
16 5 shall complete and sign the medical certification within  
16 6 seventy-two hours after determination of the cause of death.  
16 7 Sec. 27. Section 144.46, Code 2007, is amended to read as  
16 8 follows:  
16 9 144.46 ~~FEE FOR COPY OF RECORD FEES.~~  
16 10 1. The department by rule shall establish fees based on  
16 11 the average administrative cost which shall be collected by  
16 12 the state registrar or the county registrar for each of the  
16 13 following:  
16 14 a. A certified copy or short form certification of  
16 15 ~~certificates or records, or for a~~ certificate or record.  
16 16 b. A search of the files or records when no copy is made,  
16 17 or when no record is found on file.  
16 18 c. A copy of a certificate or record or a vital statistics  
16 19 data file provided to a researcher in accordance with section  
16 20 144.44.  
16 21 d. A copy of a certificate or record or a vital statistics  
16 22 data file provided to a federal, state, local, or other public  
16 23 or private agency for statistical purposes in accordance with  
16 24 section 144.45.  
16 25 e. Verification or certification of vital statistics data  
16 26 provided to a federal, state, or local governmental agency  
16 27 authorized by rule to receive such data.  
16 28 2. Fees collected by the state registrar and by the county  
16 29 registrar on behalf of the state under this section shall be  
16 30 deposited in the general fund of the state and the vital  
16 31 records fund established in section 144.46A in accordance with  
16 32 an apportionment established by rule. Fees collected by the  
16 33 county registrar pursuant to section 331.605, subsection 6,  
16 34 shall be deposited in the county general fund. ~~A fee shall~~  
16 35 ~~not be collected from a political subdivision or agency of~~



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~~17 1 this state.~~

17 2 Sec. 28. Section 144.46A, subsections 2 and 3, Code 2007,  
17 3 are amended to read as follows:

~~17 4 2. The department shall adopt rules providing for an  
17 5 increase in the fees charged by the state registrar for vital  
17 6 records services under section 144.46 in an amount necessary  
17 7 to pay for the purposes designated in subsection 1.~~

~~17 8 3. 2. Increased fees collected by the state registrar  
17 9 pursuant to this section shall be credited to the vital  
17 10 records fund. Moneys credited to the fund pursuant to section  
17 11 144.46 and otherwise are appropriated to the department to be~~

17 12 used for the purposes designated in subsection 1.

17 13 Notwithstanding section 8.33, moneys credited to the fund that  
17 14 remain unencumbered or unobligated at the close of the fiscal  
17 15 year shall not revert to any fund but shall remain available  
17 16 for expenditure for the purposes designated.

17 17 Sec. 29. Section 152.1, subsection 4, paragraph c, Code  
17 18 2007, is amended to read as follows:

17 19 c. Make the pronouncement of death for a patient whose  
17 20 death is anticipated if the death occurs in a licensed  
17 21 hospital, a licensed health care facility, a  
17 22 Medicare=certified home health agency, ~~or~~ a Medicare=certified  
17 23 hospice program or facility, or an assisted living facility or  
17 24 residential care facility, with notice of the death to a  
17 25 physician and in accordance with any directions of a  
17 26 physician.

17 27 Sec. 30. Section 152.1, subsection 6, paragraph e, Code  
17 28 2007, is amended to read as follows:

17 29 e. Make the pronouncement of death for a patient whose  
17 30 death is anticipated if the death occurs in a licensed  
17 31 hospital, a licensed health care facility, a  
17 32 Medicare=certified home health agency, ~~or~~ a Medicare=certified  
17 33 hospice program or facility, an assisted living facility, or a  
17 34 residential care facility, with notice of the death to a  
17 35 physician and in accordance with any directions of a



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18 1 physician.

18 2 EXPLANATION

18 3 This bill relates to entities and activities regulated by  
18 4 the Iowa department of public health.

18 5 DIVISION I == OPTOMETRY. The bill eliminates various Code  
18 6 provisions relating to requirements for licensure as an  
18 7 optometrist and provides that the board of optometry examiners  
18 8 shall establish requirements for licensure by rule. The bill  
18 9 specifies that certain optometrists are diagnostically  
18 10 certified to distinguish them from optometrists who are  
18 11 therapeutically certified. A requirement that certified  
18 12 optometrists be provided with a distinctive certificate which  
18 13 is to be displayed for viewing by the optometrist's patients  
18 14 is eliminated.

18 15 DIVISION II == MORTUARY SCIENCE. The bill makes various  
18 16 changes relating to the practice of mortuary science. The  
18 17 bill modifies the definition of "intern" to require such  
18 18 persons to be directly supervised by a preceptor certified by  
18 19 the board of mortuary science examiners. A description of  
18 20 embalming procedures utilized in the practice of mortuary  
18 21 science is amended to provide that chemical substances,  
18 22 fluids, or gases may be introduced into the body by surface,  
18 23 rather than direct, application into the organs or cavities.

18 24 A provision requiring the practice of a funeral director to  
18 25 be conducted from an establishment licensed by the board is  
18 26 amended to allow the board to specify exceptions to the  
18 27 requirement in rules. The bill eliminates provisions  
18 28 requiring that an application for examination for a funeral  
18 29 director's license be in writing, allowing electronic  
18 30 submission; requiring the board to regulate registration,  
18 31 training, and fees for mortuary science practicums, which are  
18 32 regulated by certain mortuary science schools; and allowing  
18 33 the department, with the approval of the board, to accept  
18 34 certain national certificates of examination in lieu of the  
18 35 examination prescribed by the board.



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19 1 The bill allows the board to discipline a licensed funeral  
19 2 director other than by license revocation or suspension and  
19 3 makes changes in the permissible grounds for revocation or  
19 4 suspension. The bill provides that such grounds include  
19 5 violations of Code chapter 144 (vital statistics) relating to  
19 6 the practice of mortuary science and convictions of crimes  
19 7 related to the practice of mortuary science or implicating the  
19 8 licensee's competence to safely perform mortuary science  
19 9 services. The bill similarly modifies the grounds for  
19 10 revocation of a funeral or cremation establishment's license  
19 11 based on a criminal conviction and adds an owner of such a  
19 12 funeral or cremation establishment to the list of persons and  
19 13 entities who may commit such a crime causing the revocation or  
19 14 suspension.

19 15 The \$15 annual fee for funeral and cremation establishment  
19 16 inspections is replaced by an inspection fee to be established  
19 17 by the department by rule.

19 18 DIVISION III == DENTAL AND ORAL HEALTH. The bill  
19 19 establishes the position of state public health dental  
19 20 director and the oral health bureau within the department.  
19 21 The state public health dental director is directed to plan  
19 22 and direct all activities of the statewide public health  
19 23 dental program, develop comprehensive dental initiatives for  
19 24 prevention activities, evaluate the effectiveness of the  
19 25 dental program and of program personnel, and manage the oral  
19 26 health bureau.

19 27 The oral health bureau is responsible for providing  
19 28 population-based oral health services at the state and local  
19 29 level, performing infrastructure building and enabling  
19 30 services, facilitating ongoing strategic planning and  
19 31 application of research in oral health care policy development  
19 32 that improves access and the overall oral health of Iowans,  
19 33 and developing and implementing an oral health surveillance  
19 34 system for the evaluation and monitoring of the oral health  
19 35 status of underserved populations.



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20 1       DIVISION IV == DEPENDENT ADULT ABUSE. The bill provides  
20 2 that a report of dependent adult abuse that meets the  
20 3 definition of dependent adult abuse involving physical injury,  
20 4 unreasonable confinement, unreasonable punishment, or assault  
20 5 of a dependent adult or the deprivation of the minimum food,  
20 6 shelter, clothing, supervision, physical or mental health  
20 7 care, or other care necessary to maintain a dependent adult's  
20 8 life or health, which the department of human services  
20 9 determines is minor, isolated, and unlikely to reoccur shall  
20 10 be collected and maintained by the department of human  
20 11 services as an assessment only for a five-year period and  
20 12 shall not be included in the department of human services'  
20 13 central registry for dependent adult abuse information and  
20 14 shall not be considered to be founded dependent adult abuse.  
20 15 However, a subsequent report of dependent adult abuse that  
20 16 meets the definition of dependent adult abuse involving  
20 17 physical injury, unreasonable confinement, unreasonable  
20 18 punishment, or assault of a dependent adult or the deprivation  
20 19 of the minimum food, shelter, clothing, supervision, physical  
20 20 or mental health care, or other care necessary to maintain a  
20 21 dependent adult's life or health that occurs within the  
20 22 five-year period and that is committed by the caretaker  
20 23 responsible for the act or omission which was the subject of  
20 24 the previous report of dependent adult abuse which the  
20 25 department of human services determined was minor, isolated,  
20 26 and unlikely to reoccur shall not be considered minor,  
20 27 isolated, and unlikely to reoccur.  
20 28       The bill provides that dependent adult abuse information  
20 29 which is determined to be minor, isolated, and unlikely to  
20 30 reoccur shall be expunged five years after the receipt of the  
20 31 initial report by the department of human services. If a  
20 32 subsequent report of dependent adult abuse committed by the  
20 33 caretaker responsible for the act or omission which was the  
20 34 subject of the previous report of dependent adult abuse which  
20 35 the department of human services determined was minor,



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21 1 isolated, and unlikely to reoccur is received by the  
21 2 department of human services within the five-year period, the  
21 3 information shall be sealed 10 years after receipt of the  
21 4 subsequent report unless good cause can be shown why the  
21 5 information should remain open to authorized access.

21 6 DIVISION V == MISCELLANEOUS PROVISIONS. The bill codifies  
21 7 provisions enacted in 1998 directing the department to develop  
21 8 and maintain the statewide perinatal program.

21 9 A definition of "charitable organization" for purposes of  
21 10 the volunteer health care provider program is amended to  
21 11 remove the specific purposes such an organization must have,  
21 12 leaving the reference to the definition in the Internal  
21 13 Revenue Code.

21 14 The bill makes several changes to the membership of the  
21 15 child death review team. The bill eliminates a requirement  
21 16 that the director of public health consult with the director  
21 17 of human services in making appointments to the review team  
21 18 and replaces a liaison to the review team designated by the  
21 19 administrator of the bureau of vital records with an at-large  
21 20 liaison designated by the chairperson of the review team.

21 21 The bill provides legal immunity for persons and entities,  
21 22 or employees or agents of such persons or entities, who in  
21 23 good faith and at the request of or under the direction of the  
21 24 department of public health or the department of public  
21 25 defense render emergency care or assistance during a public  
21 26 health disaster to a victim of such disaster. Such immunity  
21 27 does not apply in the event of recklessness or to a person or  
21 28 entity, or employee or agent of such person or entity, whose  
21 29 act or omission caused the public health disaster and who  
21 30 would otherwise be liable therefor.

21 31 A provision requiring the department to appoint an advisory  
21 32 committee relating to the regulation of swimming pools and  
21 33 spas is eliminated in the bill. The bill allows the  
21 34 department to withhold or revoke the registration of a  
21 35 swimming pool or spa for a violation of the laws or rules



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22 1 regulating pools and spas until the necessary corrective  
22 2 action has been taken.

22 3     The bill extends isolation and quarantine employment  
22 4 protection for persons who voluntarily comply with a  
22 5 confinement request issued by the department, a local board of  
22 6 health, or the federal centers for disease control and  
22 7 prevention.

22 8     The bill allows a county medical examiner to defer to the  
22 9 physician in charge of a patient's preexisting condition the  
22 10 certification of the cause of death if the medical examiner  
22 11 determines that a preexisting natural disease or condition was  
22 12 the likely cause of death and that the death does not affect  
22 13 the public interest.

22 14     Provisions regarding the fees for certain vital records  
22 15 copies and services are amended in the bill. The bill  
22 16 provides that the department shall establish fees by rule for  
22 17 copies of certain vital records documents provided to  
22 18 researchers and public and private agencies and for  
22 19 verification or certification of vital statistics data  
22 20 provided to a governmental agency authorized by rule to  
22 21 receive such data. The bill eliminates a provision exempting  
22 22 political subdivisions and agencies of the state from payment  
22 23 of vital records fees.

22 24     The bill also provides that such fees collected by the  
22 25 state registrar and by the county registrar on behalf of the  
22 26 state shall be deposited in the general fund of the state and  
22 27 the vital records fund, in an apportionment established by  
22 28 rule. Currently, such fees are deposited in the general fund  
22 29 of the state, with the exception of that portion of the fees  
22 30 attributed to the 2005 increase in such fees, which is to be  
22 31 deposited in the vital records fund, to be used for purposes  
22 32 of the purchase and maintenance of an electronic system for  
22 33 vital records scanning, data capture, data reporting, storage,  
22 34 and retrieval, and for all registration and issuance  
22 35 activities.



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23 1 In addition, provisions relating to the scope of practice  
23 2 of licensed practical nurses and registered nurses are amended  
23 3 to include making a pronouncement of death for a patient whose  
23 4 death is anticipated if the death occurs in an assisted living  
23 5 or residential care facility, with notice of the death to a  
23 6 physician and in accordance with any directions of a  
23 7 physician. Currently, such nurses may make a pronouncement of  
23 8 death if the death occurs in a licensed hospital, a licensed  
23 9 health care facility, a Medicare-certified home health agency,  
23 10 or a Medicare-certified hospice program or facility.  
23 11 LSB 1213Hv 82  
23 12 nh:rj/cf/24



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HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 845)  
(SUCCESSOR TO HSB 178)

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

A BILL FOR

- 1 An Act relating to voting machines and optical scan voting
- 2 systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1607HZ 82
- 5 sc/je/5



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PAG LIN

1 1 Section 1. Section 49.28, Code 2007, is amended to read as  
1 2 follows:

1 3 49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES.

1 4 1. The commissioner shall prepare and furnish to each  
1 5 precinct an election register and all other books, forms,  
1 6 materials, equipment, and supplies necessary to conduct the  
1 7 election.

1 8 2. a. After the registration deadline and before election  
1 9 day the commissioner shall prepare an election register for  
1 10 each precinct in which voting will occur on the day of the  
1 11 election. The precinct election register shall be a list of  
1 12 the names and addresses of all registered voters of the  
1 13 precinct. Inactive records listed in the election register  
1 14 shall be clearly identified with a special mark or symbol.

1 15 b. When a precinct is divided by a district boundary, and  
1 16 some, but not all, registered voters of the precinct may vote  
1 17 on an issue or office from that district, the election  
1 18 register shall clearly indicate which of the registered voters  
1 19 are entitled to vote in the district.

1 20 3. a. The commissioner shall furnish a supply of printed  
1 21 ballots to each precinct where voting machines are to be used  
1 22 for any election.

1 23 b. In any precinct in which voting machines are designated  
1 24 as the only method of voting for an election, a paper ballot  
1 25 shall be furnished to any person offering to vote under the  
1 26 provisions of section 49.81 or 49.90 or to any person offering  
1 27 to vote if any of the following apply:

1 28 (1) A power failure prevents use of the voting machines.

1 29 (2) A malfunction occurs that prevents the use of one or  
1 30 more voting machines.

1 31 (3) A malfunction occurs preventing one or more voting  
1 32 machines from producing the paper record required in section  
1 33 52.7, subsection 2.

1 34 (4) Any other conditions existing due to a fault of one or  
1 35 more voting machines that prevents a person offering to vote



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2 1 from casting the person's ballot.

2 2 c. The ballots furnished by the commissioner shall be the  
2 3 same as the ballots used for voters casting ballots pursuant  
2 4 to sections 49.81 and 49.90, and voting shall be in accordance  
2 5 with statutory provisions relating to conventional paper  
2 6 ballots. After a paper ballot has been voted under this  
2 7 subsection, the precinct election official shall place the  
2 8 voted ballot in a closed container to be kept in a secure  
2 9 manner in a secure place.

2 10 Sec. 2. Section 49.53, unnumbered paragraph 1, Code 2007,  
2 11 is amended to read as follows:

2 12 The commissioner shall not less than four nor more than  
2 13 twenty days before the day of each election, except those for  
2 14 which different publication requirements are prescribed by  
2 15 law, publish notice of the election. The notice shall contain  
2 16 a facsimile of the portion of the ballot containing the first  
2 17 rotation as prescribed by section 49.31, subsection 2, and  
2 18 shall show the names of all candidates or nominees and the  
2 19 office each seeks, and all public questions, to be voted upon  
2 20 at the election. The sample ballot published as a part of the  
2 21 notice may at the discretion of the commissioner be reduced in  
2 22 size relative to the actual ballot but such reduction shall  
2 23 not cause upper case letters appearing in candidates' names or  
2 24 in summaries of public measures on the published sample ballot  
2 25 to be less than ninety percent of the size of such upper case  
2 26 letters appearing on the actual ballot. The notice shall also  
2 27 state the date of the election, the hours the polls will be  
2 28 open, the location of each polling place at which voting is to  
2 29 occur in the election, the location of the polling places  
2 30 designated as early ballot pick-up sites, and the names of the  
2 31 precincts voting at each polling place, but the statement need  
2 32 not set forth any fact which is apparent from the portion of  
2 33 the ballot appearing as a part of the same notice. The notice  
2 34 shall include the full text of all public measures to be voted  
2 35 upon at the election. ~~The notice shall also include notice of~~



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~~3 1 testing required pursuant to sections 52.9, 52.35, and 52.38.~~  
3 2     Sec. 3. Section 50.48, subsection 4, unnumbered paragraph  
3 3 1, Code 2007, is amended to read as follows:  
3 4     When all members of the recount board have been selected,  
3 5 the board shall undertake and complete the required recount as  
3 6 expeditiously as reasonably possible. The commissioner or the  
3 7 commissioner's designee shall supervise the handling of  
3 8 ballots or voting machine documents to ensure that the ballots  
3 9 and other documents are protected from alteration or damage.  
3 10 The board shall open only the sealed ballot containers from  
3 11 the precincts specified to be recounted in the request or by  
3 12 the recount board. The board shall recount only the ballots  
3 13 which were voted and counted for the office in question,  
3 14 including any disputed ballots returned as required in section  
3 15 50.5. If an electronic tabulating system was used to count  
3 16 the ballots, the recount board may request the commissioner to  
3 17 retabulate the ballots using the electronic tabulating system.  
3 18 The same program used for tabulating the votes on election day  
3 19 shall be used at the recount unless the program is believed or  
3 20 known to be flawed. If a voting machine was used, the paper  
3 21 record required in section 52.7, subsection 2, shall be the  
3 22 official record used in the recount. However, if the  
3 23 commissioner believes or knows that the paper records produced  
3 24 from a machine have been compromised due to damage, mischief,  
3 25 malfunction, or other cause, the printed ballot images  
3 26 produced from the internal audit log for that machine shall be  
3 27 the official record used in the recount.  
3 28     Sec. 4. Section 52.1, subsection 1, Code 2007, is amended  
3 29 to read as follows:  
3 30     1. At all elections conducted under chapter 49, and at any  
3 31 other election unless specifically prohibited by the statute  
3 32 authorizing the election, votes may be cast, registered,  
3 33 recorded, and counted by means of either voting machines or  
3 34 electronic optical scan voting systems, in accordance with  
3 35 this chapter.



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4 1     Sec. 5. Section 52.1, subsection 2, Code 2007, is amended  
4 2 by striking the subsection and inserting in lieu thereof the  
4 3 following:

4 4     2. As used in this chapter, unless the context otherwise  
4 5 requires:

4 6     a. "Automatic tabulating equipment" means apparatus,  
4 7 including but not limited to electronic data processing  
4 8 machines, that are utilized to ascertain the manner in which  
4 9 optical scan ballots have been marked by voters or by  
4 10 electronic ballot marking devices, and count the votes marked  
4 11 on the ballots.

4 12     b. "Ballot" includes paper ballots designed to be read by  
4 13 automatic tabulating equipment. In appropriate contexts,  
4 14 "ballot" also includes conventional paper ballots.

4 15     c. "Ballot marking device" means a pen, pencil, or similar  
4 16 writing tool, or an electronic device, all designed for use in  
4 17 marking an optical scan ballot, and so designed or fabricated  
4 18 that the mark it leaves may be detected and the vote so cast  
4 19 counted by automatic tabulating equipment.

4 20     d. "Optical scan ballot" means a printed ballot designed  
4 21 to be marked by a voter with a ballot marking device.

4 22     e. "Optical scan voting system" means a system employing  
4 23 paper ballots under which votes are cast by voters by marking  
4 24 paper ballots with a ballot marking device and thereafter  
4 25 counted by use of automatic tabulating equipment.

4 26     f. "Program" means the written record of the set of  
4 27 instructions defining the operations to be performed by a  
4 28 computer in examining, counting, tabulating, and printing  
4 29 votes.

4 30     g. "Voting machine" means a direct recording electronic  
4 31 device meeting the requirements of section 52.7, subsections 1  
4 32 and 2, and designated for use in casting, registering,  
4 33 recording, and counting votes at an election.

4 34     Sec. 6. Section 52.2, Code 2007, is amended to read as  
4 35 follows:



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5 1 52.2 PURCHASE.

5 2 1. The Except as otherwise provided in subsection 2, the  
5 3 board of supervisors of a county may, by a majority vote,  
5 4 authorize, purchase, and order the use of voting machines or  
5 5 an ~~electronic~~ optical scan voting system in any one or more  
5 6 voting precincts within the county until otherwise ordered by  
5 7 the board of supervisors. Voting machines and an ~~electronic~~  
5 8 optical scan voting system may be used concurrently at the  
5 9 same precinct.

5 10 2. Notwithstanding any provision to the contrary:

5 11 a. On or after the effective date of this Act, a county  
5 12 whose voting system primarily utilizes voting machines, as  
5 13 defined in section 52.1, shall, when seeking to replace the  
5 14 voting system, replace the voting system with an optical scan  
5 15 voting system only. The requirements of the federal Help  
5 16 America Vote Act relating to disabled voters shall be met by a  
5 17 county through the use of electronic ballot marking devices  
5 18 that are compatible with an optical scan voting system.

5 19 b. On or after the effective date of this Act, a county  
5 20 that utilizes a voting machine, as defined in section 52.1,  
5 21 and an optical scan voting system concurrently at the same  
5 22 precinct shall, when seeking to replace the voting machine,  
5 23 replace the voting machine with an electronic ballot marking  
5 24 device that is compatible with an optical scan voting system  
5 25 in order to ensure that each precinct in the county shall have  
5 26 at least one electronic ballot marking device.

5 27 Sec. 7. Section 52.7, Code 2007, is amended by striking  
5 28 the section and inserting in lieu thereof the following:

5 29 52.7 CONSTRUCTION OF MACHINE APPROVED == REQUIREMENTS.

5 30 1. A voting machine approved by the state board of  
5 31 examiners for voting machines and optical scan voting systems  
5 32 shall be so constructed as to do all of the following:

5 33 a. Permit straight party voting, pursuant to section  
5 34 49.94, for all political parties and nonparty political  
5 35 organizations on the ballot.



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- 6 1       b. Permit a voter to vote for any person for any office,  
6 2 whether or not the person is nominated as a candidate by any  
6 3 party or organization.
- 6 4       c. Permit voting in absolute secrecy.
- 6 5       d. Prevent voting for more than one person for the same  
6 6 office, except where a voter is lawfully entitled to vote for  
6 7 more than one person for that office.
- 6 8       e. Afford a voter an opportunity to vote for any or all  
6 9 persons for that office as the voter is by law entitled to  
6 10 vote for and no more, at the same time preventing a voter from  
6 11 voting for the same person twice.
- 6 12       f. Provide a voter with an opportunity to change a vote  
6 13 before the ballot is recorded and counted.
- 6 14       g. Present together the names of each team of candidates  
6 15 for president and vice president and for governor and  
6 16 lieutenant governor. The votes for a team shall be counted as  
6 17 a vote for both candidates of the team.
- 6 18       h. Provide a voter with a method for casting write-in  
6 19 votes for paired offices so that the voter can specify one  
6 20 person as a candidate for president or for governor and one  
6 21 person as a candidate for vice president or for lieutenant  
6 22 governor.
- 6 23       i. Accurately account for every vote cast upon it.
- 6 24       j. If the machine is to be used for provisional or  
6 25 absentee voting, remove information from the ballot  
6 26 identifying the voter before the ballot is recorded and  
6 27 counted.
- 6 28       k. Maintain an internal audit log that will store each  
6 29 ballot cast separate from the ballot tabulation function,  
6 30 which ballot may be reproduced on paper in the case of a  
6 31 recount or machine malfunction. The printed ballot image  
6 32 produced from an internal audit log shall be sealed in the  
6 33 manner, and for the time period, prescribed in section 50.12.  
6 34 The state commissioner of elections shall adopt rules to  
6 35 implement this paragraph "k".



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7 1 1. For all elections held on or after November 4, 2008,  
7 2 provide a paper record for review by the voter as provided in  
7 3 subsection 2.

7 4 2. A voting machine shall be capable of producing a paper  
7 5 record that the voter may review before the voter casts the  
7 6 voter's ballot. The paper record shall meet all of the  
7 7 following requirements:

7 8 a. Be printed on paper separate from all other paper  
7 9 records.

7 10 b. Be readable by the voter without the use of an  
7 11 electronic device. It may also be machine-readable.

7 12 c. Not contain any information that will identify the  
7 13 person who cast the ballot.

7 14 d. Be stored at the polling place in a secure container,  
7 15 such that the voter is incapable of removing the paper record  
7 16 from the polling place.

7 17 3. After the polls close, the precinct election officials  
7 18 shall seal all paper records required by subsection 2 in the  
7 19 manner, and for the time period, prescribed in section 50.12.

7 20 Sec. 8. Section 52.9, unnumbered paragraph 2, Code 2007,  
7 21 is amended to read as follows:

7 22 It shall be the duty of the commissioner or the  
7 23 commissioner's duly authorized agents to examine and test the  
7 24 voting machines to be used at any election, after the machines  
7 25 have been prepared for the election and not less than twelve  
7 26 hours before the opening of the polls on the morning of the  
7 27 election. For any election to fill a partisan office, the  
7 28 county chairperson of each political party referred to in  
7 29 section 49.13 shall be notified in writing of the date, time  
7 30 ~~said~~, and place the machines shall be examined and tested so  
7 31 that they may be present, or have a representative present.

7 32 For every election, the commissioner shall ~~include the~~ publish  
7 33 notice of the date, time, and place the examination and  
7 34 testing will be conducted. The commissioner may include such  
7 35 notice in the notice of the election published ~~as required by~~



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8 1 pursuant to section 49.53. Those present for the examination  
8 2 and testing shall sign a certificate which shall read  
8 3 substantially as follows:

8 4 Sec. 9. Section 52.33, Code 2007, is amended to read as  
8 5 follows:

8 6 52.33 ABSENTEE VOTING BY ~~ELECTRONIC~~ OPTICAL SCAN VOTING  
8 7 SYSTEM.

8 8 In any county in which the board of supervisors has adopted  
8 9 voting by means of an electronic optical scan voting system,  
8 10 the commissioner ~~may elect to shall~~ also conduct absentee  
8 11 voting by use of such a system ~~if the system so used is~~  
~~8 12 compatible with the counting center serving the precinct~~  
~~8 13 polling places in the county where voting is by means of an~~  
~~8 14 electronic voting system.~~ In any other county, the  
8 15 commissioner may with approval of the board of supervisors  
8 16 conduct absentee voting by use of an electronic optical scan  
8 17 voting system. All provisions of chapter 53 shall apply to  
8 18 such absentee voting, so far as applicable. In counties where  
8 19 absentee voting is conducted by use of an electronic optical  
8 20 scan voting system, the special precinct counting board shall,  
8 21 at the time required by chapter 53, prepare absentee ballots  
8 22 for ~~delivery to the counting center~~ tabulation in the manner  
8 23 prescribed by this chapter.

8 24 The absentee and special precinct board shall follow the  
8 25 process prescribed in section 52.37, subsection ~~2~~ 1, in  
8 26 handling damaged or defective ballots and in counting write-in  
8 27 votes on ~~special paper~~ optical scan ballots.

8 28 Sec. 10. Section 52.35, unnumbered paragraph 1, Code 2007,  
8 29 is amended to read as follows:

8 30 ~~Within five days before~~ Before the date of any election at  
8 31 which votes are to be cast by means of an electronic optical  
8 32 scan voting system ~~and tabulated at a counting center~~  
~~8 33 established under section 52.34, the commissioner in charge of~~  
~~8 34 the counting center where votes so cast are to be tabulated~~  
8 35 shall have the automatic tabulating equipment, including the



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9 1 portable tabulating devices, tested to ascertain that it will  
9 2 correctly count the votes cast for all offices and on all  
9 3 public questions. Testing shall be completed not later than  
9 4 twelve hours before the opening of the polls on the morning of  
9 5 the election. The procedure for conducting the test shall be  
9 6 as follows:  
9 7     Sec. 11. Section 52.35, subsections 1 and 3, Code 2007,  
9 8 are amended to read as follows:  
9 9     1. For any election to fill a partisan office, the county  
9 10 chairperson of each political party shall be notified in  
9 11 writing of the date, time, and place the test will be  
9 12 conducted, so that they may be present or have a  
9 13 representative present. For every election, the commissioner  
9 14 shall ~~include such~~ publish notice of the date, time, and place  
9 15 the test will be conducted. ~~The commissioner may include such~~  
9 16 notice in the notice of the election published as required by  
9 17 pursuant to section 49.53. The test shall be open to the  
9 18 public.  
9 19     3. The test group of ballots used for the test shall be  
9 20 clearly labeled as such, and retained in the ~~counting center~~  
9 21 commissioner's office. ~~The test prescribed in subsection 2~~  
~~9 22 shall be repeated immediately before the start of the official~~  
~~9 23 tabulation of ballots cast in the election, and again~~  
~~9 24 immediately after the tabulation is completed.~~ The test group  
9 25 of ballots and the programs used for the counting procedure  
9 26 shall be sealed, retained for the time required for and  
9 27 disposed of in the same manner as ballots cast in the  
9 28 election.  
9 29     Sec. 12. Section 52.35, Code 2007, is amended by adding  
9 30 the following new subsection:  
9 31     NEW SUBSECTION. 4. Those present for the test shall sign  
9 32 a certificate which shall read substantially as follows:  
9 33     The undersigned certify that we were present and witnessed  
9 34 the testing of the following tabulating devices, that we  
9 35 believe the devices are in proper condition for use in the



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10 1 election of ..... (date); that following the test the vote  
 10 2 totals were erased from the memory of each tabulating device  
 10 3 and a report was produced showing that all vote totals in the  
 10 4 memory were set at 0000; that the devices were securely locked  
 10 5 or sealed; and that the serial numbers and locations of the  
 10 6 devices which were tested are listed below.

10 7 Signed .....  
 10 8 (name and political party affiliation,  
 10 9 if applicable)  
 10 10 .....  
 10 11 (name and political party affiliation,  
 10 12 if applicable)

10 13 .....  
 10 14 Voting equipment custodian

10 15 Dated .....

10 16 Precinct	Location	Serial Number
10 17 .....	.....	.....
10 18 .....	.....	.....
10 19 .....	.....	.....

10 20 Sec. 13. Sections 52.11 through 52.16, 52.21,  
 10 21 52.22, 52.32, 52.34, 52.36, 52.38, and 52.40, Code  
 10 22 2007, are repealed.

CONFORMING AMENDMENTS

10 24 Sec. 14. Section 39A.5, subsection 1, paragraph a,  
 10 25 subparagraph (3), Code 2007, is amended to read as follows:

10 26 (3) Circulating, communicating, or attempting to circulate  
 10 27 or communicate information with reference to the result of the  
 10 28 counted ballots or making a compilation of vote subtotals  
 10 29 before the polls are closed in violation of section 51.11,  
~~10 30 52.40, or 53.23.~~

10 31 Sec. 15. Section 43.45, subsection 4, unnumbered paragraph  
 10 32 1, Code 2007, is amended to read as follows:

10 33 In precincts where electronic optical scan voting systems  
 10 34 are used and ballots are counted in the precinct, precinct  
 10 35 election officials shall do all of the following:



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11 1 Sec. 16. Section 43.45, subsection 5, Code 2007, is  
11 2 amended by striking the subsection.  
11 3 Sec. 17. Section 43.48, Code 2007, is amended by striking  
11 4 the section and inserting in lieu thereof the following:  
11 5 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.  
11 6 The commissioner shall make available to the public the  
11 7 precinct counts produced by the voting equipment.  
11 8 Sec. 18. Section 46.22, Code 2007, is amended to read as  
11 9 follows:  
11 10 46.22 VOTING.  
11 11 Voting at judicial elections shall be by separate paper  
11 12 ballot, ~~special paper ballot, ballot cards~~ optical scan  
11 13 ballot, or by voting machine in the space provided for public  
11 14 measures. If separate paper ballots are used, the election  
11 15 judges shall offer a ballot to each voter. If ~~special paper~~  
11 16 optical scan ballots ~~or ballot cards~~ are used, either a  
11 17 separate ballot or a distinct heading may be used to  
11 18 distinguish the judicial ballot. Separate ballot boxes for  
11 19 the general election ballots and the judicial election ballots  
11 20 are not required. The general election ballot and the  
11 21 judicial election ballot may be voted in the same voting  
11 22 booth.  
11 23 Sec. 19. Section 49.25, subsection 3, Code 2007, is  
11 24 amended to read as follows:  
11 25 3. The commissioner shall furnish to each precinct where  
11 26 voting is to be by paper ballot, ~~special paper or optical scan~~  
11 27 ballot, or ballot card, rather than by voting machine, the  
11 28 necessary ballot boxes, suitably equipped with seals or locks  
11 29 and keys, and voting booths. The voting booths shall be  
11 30 approved by the board of examiners for voting machines and  
11 31 ~~electronic~~ optical scan voting systems and shall provide for  
11 32 voting in secrecy. At least one voting booth in each precinct  
11 33 shall be accessible to persons with disabilities. If the  
11 34 lighting in the polling place is inadequate, the voting booths  
11 35 used in that precinct shall include lights. Ballot boxes



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12 1 shall be locked or sealed before the polls open and shall  
12 2 remain locked or sealed until the polls are closed, except as  
12 3 provided in ~~sections~~ section 51.7 ~~and 52.40~~, or to provide  
12 4 necessary service to a malfunctioning portable vote tallying  
12 5 device. If a ballot box is opened prior to the closing of the  
12 6 polls, two precinct election officials not of the same party  
12 7 shall be present and observe the ballot box being opened.

12 8 Sec. 20. Section 49.30, subsection 1, Code 2007, is  
12 9 amended to read as follows:

12 10 1. Where ~~special paper~~ optical scan ballots are used, if  
12 11 it is not possible to include all offices and public measures  
12 12 on a single ballot, separate ballots may be provided for  
12 13 nonpartisan offices, judges, or public measures.

12 14 Sec. 21. Section 49.30, subsection 2, Code 2007, is  
12 15 amended by striking the subsection.

12 16 Sec. 22. Section 49.30, subsection 3, unnumbered paragraph  
12 17 1, Code 2007, is amended to read as follows:

12 18 Where conventional paper ballots are used, separate paper  
12 19 ballots shall be used:

12 20 Sec. 23. Section 49.43, unnumbered paragraphs 1 and 2,  
12 21 Code 2007, are amended to read as follows:

12 22 If possible, all public measures and constitutional  
12 23 amendments to be voted upon by an elector shall be included on  
12 24 a single ~~special paper~~ ballot which shall also include all  
12 25 offices to be voted upon. However, if it is necessary, a  
12 26 separate ballot may be used as provided in section 49.30,  
12 27 subsection 1.

12 28 In precincts using paper ballots all public measures to be  
12 29 voted upon by a voter at a given election shall be printed  
12 30 upon one ballot of some color other than white. In precincts  
12 31 using voting machines all public measures shall be placed ~~in~~  
~~12 32 the question row on the machine; however, if it is impossible~~  
~~12 33 to place all the public measures on the machine ballot, or if~~  
~~12 34 only a portion of the registered voters of the precinct are~~  
~~12 35 entitled to vote upon any measure presented, the commissioner~~



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~~13 1 may provide a separate paper ballot for the public measure or  
13 2 measures.~~

13 3 Sec. 24. Section 49.44, unnumbered paragraphs 1 and 2,  
13 4 Code 2007, are amended to read as follows:

13 5 When a proposed constitutional amendment or other public  
13 6 measure to be decided by the voters of the entire state is to  
13 7 be voted upon, the state commissioner shall prepare a written  
13 8 summary of the amendment or measure including the number of  
13 9 the amendment or statewide public measure assigned by the  
13 10 state commissioner. The summary shall be printed immediately  
13 11 preceding the text of the proposed amendment or measure on the  
13 12 paper ballot or ~~special paper~~ optical scan ballot referred to  
13 13 in section 49.43. If the complete text of the public measure  
13 14 will not fit on the ~~special paper~~ ballot it shall be posted  
13 15 inside the voting booth. A copy of the full text shall be  
13 16 included with any absentee ballots.

13 17 In precincts where the amendment or measure will be voted  
13 18 on by machine, the summary shall be placed ~~in~~ on the ~~voting~~  
13 19 machine ~~inserts~~ as required by section 52.25.

13 20 Sec. 25. Section 49.90, Code 2007, is amended to read as  
13 21 follows:

13 22 49.90 ASSISTING VOTER.

13 23 Any voter who may declare upon oath that the voter is  
13 24 blind, cannot read the English language, or is, by reason of  
13 25 any physical disability other than intoxication, unable to  
13 26 cast a vote without assistance, shall, upon request, be  
13 27 assisted by the two officers as provided in section 49.89, or  
13 28 alternatively by any other person the voter may select in  
13 29 casting the vote. The officers, or the person selected by the  
13 30 voter, shall cast the vote of the voter requiring assistance,  
13 31 and shall thereafter give no information regarding the vote  
13 32 cast. If any elector because of a disability cannot enter the  
13 33 building where the polling place for the elector's precinct of  
13 34 residence is located, the two officers shall take a paper  
13 35 ballot to the vehicle occupied by the elector with a



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14 1 disability and allow the elector to cast the ballot in the  
14 2 vehicle. If an elector with a disability cannot cast a ballot  
14 3 on a voting machine the elector shall be allowed to cast a  
14 4 paper ballot, which shall be opened immediately after the  
14 5 closing of the polling place by the two precinct election  
14 6 officials designated under section 49.89, who shall register  
14 7 the votes cast thereon on a voting machine in the polling  
14 8 place before the votes cast there are tallied pursuant to  
14 9 section ~~52.21~~ 50.16. To preserve so far as possible the  
14 10 confidentiality of each ballot of an elector with a  
14 11 disability, the two officers shall proceed substantially in  
14 12 the same manner as provided in section 53.24. In precincts  
14 13 where all voters use paper ballots, those cast by voters with  
14 14 disabilities shall be deposited in the regular ballot box and  
14 15 counted in the usual manner.

14 16 Sec. 26. Section 49.99, unnumbered paragraph 1, Code 2007,  
14 17 is amended to read as follows:

14 18 The voter may also write on the line provided for write-in  
14 19 votes the name of any person for whom the voter desires to  
14 20 vote and mark the voting target opposite the name. If the  
14 21 voter is using a voting system other than an ~~electronic~~  
14 22 optical scan voting system, as defined in section 52.1, the  
14 23 writing of the name shall constitute a valid vote for the  
14 24 person whose name has been written on the ballot without  
14 25 regard to whether the voter has made a mark opposite the name.  
14 26 However, when a write-in vote is cast using an ~~electronic~~  
14 27 optical scan voting system, the ballot must also be marked in  
14 28 the corresponding space in order to be counted. Marking the  
14 29 voting target opposite a write-in line without writing a name  
14 30 on the line shall not affect the validity of the remainder of  
14 31 the ballot.

14 32 Sec. 27. Section 52.3, Code 2007, is amended to read as  
14 33 follows:

14 34 52.3 TERMS OF PURCHASE == TAX LEVY.

14 35 The county board of supervisors, on the adoption and



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15 1 purchase of a voting machine or an electronic optical scan  
15 2 voting system, may issue bonds under section 331.441,  
15 3 subsection 2, paragraph "b", subparagraph (1).

15 4 Sec. 28. Section 52.4, Code 2007, is amended to read as  
15 5 follows:

15 6 52.4 EXAMINERS == TERM == REMOVAL.

15 7 The state commissioner of elections shall appoint three  
15 8 members to a board of examiners for ~~voting machines and~~  
15 9 ~~electronic~~ voting systems, not more than two of whom shall be  
15 10 from the same political party. The examiners shall hold  
15 11 office for staggered terms of six years, subject to removal at  
15 12 the pleasure of the state commissioner of elections.

15 13 At least one of the examiners shall have been trained in  
15 14 computer programming and operations. The other two members  
15 15 shall be directly involved in the administration of elections  
15 16 and shall have experience in the use of electronic voting  
15 17 machines and optical scan voting systems.

15 18 Sec. 29. Section 52.5, Code 2007, is amended to read as  
15 19 follows:

15 20 52.5 TESTING AND EXAMINATION OF VOTING EQUIPMENT.

15 21 A person or corporation owning or being interested in a  
15 22 voting machine or electronic optical scan voting system may  
15 23 request that the state commissioner call upon the board of  
15 24 examiners to examine and test the machine or system. Within  
15 25 seven days of receiving a request for examination and test,  
15 26 the state commissioner shall notify the board of examiners of  
15 27 the request in writing and set a time and place for the  
15 28 examination and test.

15 29 The state commissioner shall formulate, with the advice and  
15 30 assistance of the examiners, and adopt rules governing the  
15 31 testing and examination of any voting machine or electronic  
15 32 optical scan voting system by the board of examiners. The  
15 33 rules shall prescribe the method to be used in determining  
15 34 whether the machine or system is suitable for use within the  
15 35 state and performance standards for voting equipment in use



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16 1 within the state. The rules shall provide that all ~~electronic~~  
16 2 optical scan voting systems and voting machines approved for  
16 3 use by the examiners after April 9, 2003, shall meet voting  
16 4 systems performance and test standards, as adopted by the  
16 5 federal election commission on April 30, 2002, and as deemed  
16 6 adopted by Pub. L. No. 107=252, section 222. The rules shall  
16 7 include standards for determining when recertification is  
16 8 necessary following modifications to the equipment or to the  
16 9 programs used in tabulating votes, and a procedure for  
16 10 rescinding certification if a system or machine is found not  
16 11 to comply with performance standards adopted by the state  
16 12 commissioner.

16 13 The state commissioner may employ a competent person or  
16 14 persons to assist the examiners in their evaluation of the  
16 15 equipment and to advise the examiners as to the sufficiency of  
16 16 the equipment. Consultant fees shall be paid by the person  
16 17 who requested the certification. Following the examination  
16 18 and testing of the voting machine or system the examiners  
16 19 shall report to the state commissioner describing the testing  
16 20 and examination of the machine or system and upon the capacity  
16 21 of the machine or system to register the will of voters, its  
16 22 accuracy and efficiency, and with respect to its mechanical  
16 23 perfections and imperfections. Their report shall be filed in  
16 24 the office of the state commissioner and shall state whether  
16 25 in their opinion the kind of machine or system so examined can  
16 26 be safely used by voters at elections under the conditions  
16 27 prescribed in this chapter. If the report states that the  
16 28 machine or system can be so used, it shall be deemed approved  
16 29 by the examiners, and machines or systems of its kind may be  
16 30 adopted for use at elections as provided in this section. Any  
16 31 form of voting machine or system not so approved cannot be  
16 32 used at any election. Before actual use by a county of a  
16 33 particular ~~electronic~~ optical scan voting system which has  
16 34 been approved for use in this state, the state commissioner  
16 35 shall formulate, with the advice and assistance of the



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17 1 examiners, and adopt rules governing the development of vote  
17 2 counting programs and all procedures used in actual counting  
17 3 of votes by means of that system.

17 4 Sec. 30. Section 52.8, Code 2007, is amended to read as  
17 5 follows:

17 6 52.8 EXPERIMENTAL USE.

17 7 The board of supervisors of any county may provide for the  
17 8 experimental use at an election in one or more districts, of a  
17 9 voting machine or ~~electronic~~ optical scan voting system which  
17 10 it might lawfully adopt, without a formal adoption thereof;  
17 11 and its use at such election shall be as valid for all  
17 12 purposes as if it had been lawfully adopted.

17 13 Sec. 31. Section 52.23, unnumbered paragraph 1, Code 2007,  
17 14 is amended to read as follows:

17 15 After the total vote for each candidate has been  
17 16 ascertained, and before leaving the room or voting place, the  
17 17 precinct election officials shall make and sign the ~~canvass~~  
~~17 18 forms referred to in section 52.21, which canvass shall serve~~  
~~17 19 as a written statement of election. Said canvass statement~~  
~~17 20 shall be in lieu of the tally list required in section 50.16.~~

17 21 Sec. 32. Section 52.25, unnumbered paragraphs 1 and 2,  
17 22 Code 2007, are amended to read as follows:

17 23 The question of a constitutional convention, amendments,  
17 24 and public measures including bond issues may be voted on  
17 25 voting machines and on ~~special paper~~ ballots in the following  
17 26 manner:

17 27 The entire convention question, amendment or public measure  
17 28 shall be printed and displayed prominently in at least four  
17 29 places within the voting precinct, and inside each voting  
17 30 booth, ~~or on the left-hand side inside the curtain of each~~  
~~17 31 voting machine,~~ the printing to be in conformity with the  
17 32 provisions of chapter 49. The public measure shall be  
17 33 summarized by the commissioner and in the largest type  
17 34 possible printed on the ~~special paper~~ ballots or ~~inserts used~~  
~~17 35 in on~~ the voting machines, except that:



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18 1 Sec. 33. Section 52.26, subsection 1, unnumbered paragraph  
18 2 1, Code 2007, is amended to read as follows:

18 3 Every ~~electronic~~ optical scan voting system approved by the  
18 4 state board of examiners for ~~voting machines and electronic~~  
18 5 voting systems shall:

18 6 Sec. 34. Section 52.26, subsection 1, paragraph a, Code  
18 7 2007, is amended to read as follows:

18 8 a. Provide for voting in secrecy, except as to persons  
18 9 entitled by sections 49.90 and 49.91 to assistance. The state  
18 10 board of examiners for ~~voting machines and electronic~~ voting  
18 11 systems shall determine whether the systems' voting booths  
18 12 provide for voting in secrecy.

18 13 Sec. 35. Section 52.27, Code 2007, is amended to read as  
18 14 follows:

18 15 52.27 COMMISSIONER TO PROVIDE ~~ELECTRONIC~~ OPTICAL SCAN  
18 16 VOTING EQUIPMENT.

18 17 The commissioner having jurisdiction of any precinct for  
18 18 which the board of supervisors has adopted voting by means of  
18 19 an ~~electronic~~ optical scan voting system shall, as soon as  
18 20 practicable thereafter, provide for use at each election held  
18 21 in the precinct ~~special paper~~ optical scan ballots and ~~vote~~  
18 22 ballot marking devices in appropriate numbers. The  
18 23 commissioner shall have custody of all equipment required for  
18 24 use of the ~~electronic~~ optical scan voting system, and shall be  
18 25 responsible for maintaining it in good condition and for  
18 26 storing it between elections. All provisions of chapter 49  
18 27 relative to times and circumstances under which voting  
18 28 machines are to be used in any election and the number of  
18 29 voting machines to be provided shall also govern the use of  
18 30 ~~electronic~~ optical scan voting systems, when applicable.

18 31 Sec. 36. Section 52.28, Code 2007, is amended to read as  
18 32 follows:

18 33 52.28 ~~ELECTRONIC~~ OPTICAL SCAN VOTING SYSTEM BALLOT FORMS.

18 34 The commissioner of each county in which the use of an  
18 35 ~~electronic~~ optical scan voting system in one or more precincts



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19 1 has been authorized shall determine the arrangement of  
19 2 candidates' names and public questions upon the ballot or  
19 3 ballots used with the system. The ballot information shall be  
19 4 arranged as required by chapters 43 and 49, and by any  
19 5 relevant provisions of any statutes which specify the form of  
19 6 ballots for special elections, so far as possible within the  
19 7 constraints of the physical characteristics of the ~~electronic~~  
19 8 optical scan voting system in use in that county. The state  
19 9 commissioner may adopt rules requiring a reasonable degree of  
19 10 uniformity among counties in arrangement of ~~electronic~~ optical  
19 11 scan voting system ballots.

19 12 Sec. 37. Section 52.29, Code 2007, is amended to read as  
19 13 follows:

19 14 52.29 ~~ELECTRONIC~~ OPTICAL SCAN VOTING SYSTEM SAMPLE  
19 15 BALLOTS.

19 16 The commissioner shall provide for each precinct where an  
19 17 ~~electronic~~ optical scan voting system is in use at least four  
19 18 sample ~~special paper~~ optical scan ballots which shall be exact  
19 19 copies of the official ballots as printed for that precinct.  
19 20 The sample ballots shall be arranged in the form of a diagram  
19 21 showing the ~~special paper~~ optical scan ballot as it will  
19 22 appear to the voter in that precinct on election day. The  
19 23 sample ballots shall be posted prominently within the polling  
19 24 place, and shall be open to public inspection during the hours  
19 25 the polls are open on election day.

19 26 Sec. 38. Section 52.31, Code 2007, is amended to read as  
19 27 follows:

19 28 52.31 PROCEDURE WHERE VOTES CAST ON ~~SPECIAL PAPER~~ OPTICAL  
19 29 SCAN BALLOTS.

19 30 Preparations for voting and voting at any election in a  
19 31 precinct where votes are to be received on ~~special paper~~  
19 32 optical scan ballots shall be in accordance with the  
19 33 provisions of chapter 49 governing voting upon conventional  
19 34 paper ballots with the following exceptions:

19 35 1. Before entering the voting booth each voter shall be



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20 1 cautioned to mark the ballot only with a ~~vote~~ ballot marking  
20 2 device provided in the booth or by the precinct election  
20 3 officials.  
20 4 2. In each precinct where a portable ~~vote tallying system~~  
20 5 automatic tabulating equipment is used and the ballots are  
~~20 6 tabulated by a device located in the precinct which is~~  
~~20 7 equipped with a mechanism which will not permit more than one~~  
~~20 8 ballot to be inserted at a time, the voter may personally~~  
20 9 insert the ballot into the tabulating device.  
20 10 Sec. 39. Section 52.37, Code 2007, is amended to read as  
20 11 follows:  
20 12 52.37 ~~COUNTING CENTER~~ SPECIAL PRECINCT TABULATION  
20 13 PROCEDURE.  
20 14 The tabulation of absentee and provisional ballots cast by  
20 15 means of an electronic optical scan voting system, ~~at a~~  
~~20 16 counting center established pursuant to this chapter, shall be~~  
20 17 conducted as follows:  
20 18 1. ~~The sealed ballot container from each precinct shall be~~  
~~20 19 delivered to the counting center by two election officials,~~  
~~20 20 not members of the same political party if the ballot contains~~  
~~20 21 partisan offices, who shall travel together in the same~~  
~~20 22 vehicle and shall have the container under their immediate~~  
~~20 23 joint control until they surrender it to the commissioner or~~  
~~20 24 the commissioner's designee in charge of the counting center.~~  
~~20 25 The commissioner may designate two precinct election~~  
~~20 26 officials, of different political parties if the ballot~~  
~~20 27 contains partisan offices, to collect the sealed ballot~~  
~~20 28 containers from more than one precinct to deliver to the~~  
~~20 29 counting center. The commissioner or designee shall, in the~~  
~~20 30 presence of the two precinct election officials who delivered~~  
~~20 31 the container, enter on a record kept for the purpose that the~~  
~~20 32 container was received, the time the container was received,~~  
~~20 33 and the condition of the seal upon receipt.~~  
20 34 In nonpartisan elections the election officials delivering  
~~20 35 the ballots are not required to be members of any political~~



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~~House File 926 — Introduced continued~~

~~21 1 party, or to be members of different political parties.~~  
21 2     ~~2. 1.~~ After the record required by subsection 1 has been  
~~21 3 made, the ballot container shall be opened.~~ If any ballot is  
21 4 found damaged or defective, so that it cannot be counted  
21 5 properly by the automatic tabulating equipment, a true  
21 6 duplicate shall be made by the resolution board team and  
21 7 substituted for the damaged or defective ballot, or, as an  
21 8 alternative, the valid votes on a defective ballot may be  
21 9 manually counted ~~at the counting center~~ by the ~~resolution~~  
21 10 special precinct election board, whichever method is best  
21 11 suited to the system being used. All duplicate ballots shall  
21 12 be clearly labeled as such, and shall bear a serial number  
21 13 which shall also be recorded on the damaged or defective  
21 14 ballot.  
21 15     The ~~resolution~~ special precinct election board shall also  
21 16 tabulate any write-in votes which were cast. Write-in votes  
21 17 cast for a candidate whose name appears on the ballot for the  
21 18 same office shall be counted as a vote for the candidate  
21 19 indicated, if the vote is otherwise properly cast.  
21 20     Ballots which are rejected by the tabulating equipment as  
21 21 blank because they have been marked with an unreadable marker  
21 22 shall be duplicated or tabulated as required by this  
21 23 subsection for damaged or defective ballots. The commissioner  
21 24 may instruct the ~~resolution~~ special precinct election board to  
21 25 mark over voters' unreadable marks using a marker compatible  
21 26 with the tabulating equipment. The ~~resolution~~ special  
21 27 precinct election board shall take care to leave part of the  
21 28 original mark made by the voter. If it is impossible to mark  
21 29 over the original marks made by the voter without completely  
21 30 obliterating them, the ballot shall be duplicated.  
21 31     ~~3.~~ 2. The record printed by the automatic tabulating  
21 32 equipment, with the addition of a record of any write-in or  
21 33 other votes manually counted pursuant to this chapter, shall  
21 34 constitute the official return of the absentee ballot and  
21 35 special voter's precinct. Upon completion of the tabulation



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22 1 of the votes ~~from each individual precinct~~, the result shall  
22 2 be announced and reported in substantially the manner required  
22 3 by section 50.11.

22 4 ~~4-~~ 3. If for any reason it becomes impracticable to count  
22 5 all or any part of the ballots with the automatic ~~tabulation~~  
22 6 tabulating equipment, the commissioner may direct that they be  
22 7 counted manually, in accordance with chapter 50 so far as  
22 8 applicable.

22 9 Sec. 40. Section 331.383, Code 2007, is amended to read as  
22 10 follows:

22 11 331.383 DUTIES AND POWERS RELATING TO ELECTIONS.

22 12 The board shall ensure that the county commissioner of  
22 13 elections conducts primary, general, city, school, and special  
22 14 elections in accordance with applicable state law. The board  
22 15 shall canvass elections in accordance with sections 43.49 to  
22 16 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to  
22 17 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The  
22 18 board shall prepare and deliver a list of persons nominated in  
22 19 accordance with section 43.55, provide for a recount in  
22 20 accordance with section 50.48, provide for election precincts  
22 21 in accordance with sections 49.3, 49.4, 49.6 to 49.8 and  
22 22 49.11, pay election costs as provided in section 47.3,  
22 23 participate in election contests as provided in sections 62.1A  
22 24 and 62.9, and perform other election duties required by state  
22 25 law. The board may authorize additional precinct election  
22 26 officials as provided in section 51.1, provide for the use of  
22 27 a voting machine or ~~electronic~~ optical scan voting system as  
22 28 provided in sections 52.2, 52.3, and 52.8, ~~and 52.34~~, and  
22 29 exercise other election powers as provided by state law.

22 30 Sec. 41. Section 331.441, subsection 2, paragraph b,  
22 31 subparagraph (1), Code 2007, is amended to read as follows:

22 32 (1) Voting machines or an ~~electronic~~ optical scan voting  
22 33 system.

22 34 Sec. 42. Section 364.2, subsection 4, paragraph b, Code  
22 35 2007, is amended to read as follows:



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23 1 b. Such an ordinance shall not become effective unless  
23 2 approved at an election. The proposal may be submitted by the  
23 3 council on its own motion to the voters at any city election.  
23 4 Upon receipt of a valid petition as defined in section 362.4  
23 5 requesting that a proposal be submitted to the voters, the  
23 6 council shall submit the proposal at the next regular city  
23 7 election or at a special election called for that purpose  
23 8 before the next regular city election. However, the city  
23 9 council may dispense with such election as to the grant,  
23 10 amendment, extension, or renewal of an electric light and  
23 11 power, heating, or gasworks franchise unless there is a valid  
23 12 petition requesting submission of the proposal to the voters,  
23 13 or the party seeking such franchise, grant, amendment,  
23 14 extension, or renewal requests an election. If a majority of  
23 15 those voting approves the proposal, the city may proceed as  
23 16 proposed. The complete text of the ordinance shall be  
23 17 included on the ballot if conventional paper ballots are used.  
23 18 If an ~~electronic~~ optical scan voting system or voting machine  
23 19 is used, the proposal shall be stated on the optical scan  
23 20 ballot and on the machine, and the full text of the ordinance  
23 21 posted for the voters pursuant to section 52.25. All absentee  
23 22 voters shall receive the full text of the ordinance.

23 23 EXPLANATION

23 24 This bill makes numerous changes relating to voting  
23 25 machines (direct recording electronic devices) and optical  
23 26 scan voting systems.  
23 27 The bill amends Code section 49.28 to provide that when  
23 28 voting machines are used in a precinct, the commissioner shall  
23 29 make a supply of paper ballots available in case of a power  
23 30 failure, machine malfunction, or any other condition that  
23 31 prevents a person from casting the person's ballot on the  
23 32 voting machine.  
23 33 Code sections 49.53, 52.9, and 52.35 are amended to strike  
23 34 the requirement that notice of testing of voting machines and  
23 35 voting system tabulating devices be included with the notice



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24 1 of the election. The bill provides that notice of testing may  
24 2 be published separately or may be published with the notice of  
24 3 the election. Code section 52.35 is also amended to add the  
24 4 provisions of Code section 52.38. Both Code sections relate  
24 5 to testing of tabulating devices used with optical scan voting  
24 6 systems. The bill repeals Code section 52.38.

24 7 Code section 50.48, containing the general provisions for  
24 8 recounts, is amended to provide that if a voting machine was  
24 9 used in the election, the paper record produced by the machine  
24 10 for voter review shall be the official record in a recount  
24 11 unless the county commissioner of elections believes or knows  
24 12 that the paper records for a machine have been compromised in  
24 13 some manner.

24 14 Code section 52.1, relating to voting machines and  
24 15 electronic voting system requirements, is amended to rewrite  
24 16 several of the definitions. "Electronic voting system", is  
24 17 changed to "optical scan voting system", and other changes are  
24 18 made to related terminology.

24 19 Code section 52.2 is amended to provide that on or after  
24 20 the effective date of the bill a county whose voting system  
24 21 primarily utilizes voting machines shall, when replacing the  
24 22 system, replace the system with an optical scan voting system  
24 23 only, and the federal law requirements relating to disabled  
24 24 voters shall be met through the use of an electronic ballot  
24 25 marking device that is compatible with an optical scan voting  
24 26 system. The bill further provides that on or after the  
24 27 effective date of the bill those counties that utilize both a  
24 28 voting machine and an optical scan voting system shall, when  
24 29 replacing a voting machine, replace the voting machine with an  
24 30 electronic ballot marking device that is compatible with an  
24 31 optical scan voting system.

24 32 Code section 52.7, relating to requirements for  
24 33 construction of voting machines, is stricken and rewritten for  
24 34 ease of reading and also to provide that, for all elections  
24 35 held on or after November 4, 2008, voting machines shall



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25 1 provide a paper record for review by the voter at the polling  
25 2 place.

25 3 Code section 52.33 is amended to provide that any county  
25 4 using an optical scan voting system shall also conduct  
25 5 absentee voting by use of such a system.

25 6 The bill repeals Code sections relating to use of voting  
25 7 machines that are lever machines.

25 8 The bill repeals Code sections authorizing and referring to  
25 9 the use of counting centers to tabulate optical scan ballots  
25 10 at a central location rather than at each precinct.

25 11 The bill makes conforming amendments related to the  
25 12 terminology changes in Code section 52.1 and the Code section  
25 13 repeals.

25 14 LSB 1607HZ 82

25 15 sc:nh/je/5



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House File 927 - Introduced

HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 319)

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

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

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

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

A BILL FOR

- 1 An Act making appropriations for specified energy-related
- 2 purposes and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2933HV 82
- 5 rn/cf/24



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1 1 Section 1. NEW SECTION. 469.10 IOWA POWER FUND ==  
1 2 APPROPRIATION.  
1 3 1. There is appropriated from the general fund of the  
1 4 state to the office of energy independence, if enacted by 2007  
1 5 Iowa Acts, House File 918, or its successor, for each fiscal  
1 6 year of the fiscal period beginning July 1, 2008, and ending  
1 7 June 30, 2011, the sum of twenty=five million dollars to be  
1 8 used for awarding grants and making loans from the Iowa power  
1 9 fund, if enacted by 2007 Iowa Acts, House File 918, or its  
1 10 successor.  
1 11 2. Of the moneys appropriated to the office and deposited  
1 12 in the fund, the office shall utilize up to one and  
1 13 five=tenths percent of the amount appropriated from the fund  
1 14 for a fiscal year for administrative costs.  
1 15 3. Of the moneys appropriated to the office and deposited  
1 16 in the fund, there shall be allocated on an annual basis two  
1 17 million five hundred thousand dollars to the department of  
1 18 economic development for deposit into the workforce training  
1 19 and economic development funds of the community colleges  
1 20 created pursuant to section 260C.18A. Of the funds so  
1 21 deposited into the workforce training and economic development  
1 22 funds of the community colleges, two million five hundred  
1 23 thousand dollars shall be used each year in the development  
1 24 and expansion of energy industry areas and for the  
1 25 department's north American industrial classification system  
1 26 for targeted industry areas established pursuant to section  
1 27 260C.18A.  
1 28 4. Notwithstanding section 8.33, amounts appropriated  
1 29 pursuant to this section shall not revert but shall remain  
1 30 available for the purposes designated for the following fiscal  
1 31 year. Notwithstanding section 12C.7, subsection 2, interest  
1 32 or earnings on moneys in the funds shall be credited to the  
1 33 fund.  
1 34 Sec. 2. IOWA POWER FUND. There is appropriated from the  
1 35 general fund of the state to the office of energy



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2 1 independence, if enacted by 2007 Iowa Acts, House File 918, or  
2 2 its successor, for the fiscal year beginning July 1, 2006, and  
2 3 ending June 30, 2007, the following amount, or so much thereof  
2 4 as is necessary, to be used for the purposes designated:

2 5 For deposit in the Iowa power fund, if enacted by 2007 Iowa  
2 6 Acts, House File 918, or its successor:

2 7 ..... \$ 24,670,000

2 8 1. Of the moneys appropriated to the office and deposited  
2 9 in the fund, the office shall utilize up to one and  
2 10 five-tenths percent of the amount appropriated from the fund  
2 11 for administrative purposes.

2 12 2. Of the moneys appropriated to the office and deposited  
2 13 in the fund, there shall be allocated two million five hundred  
2 14 thousand dollars to the department of economic development for  
2 15 deposit into the workforce training and economic development  
2 16 funds of the community colleges created pursuant to section  
2 17 260C.18A. Of the funds so deposited into the workforce  
2 18 training and economic development funds of the community  
2 19 colleges, two million five hundred thousand dollars shall be  
2 20 used each year in the development and expansion of energy  
2 21 industry areas and for the department's north American  
2 22 industrial classification system for targeted industry areas  
2 23 established pursuant to section 260C.18A.

2 24 3. Notwithstanding section 8.33, amounts appropriated  
2 25 pursuant to this section shall not revert but shall remain  
2 26 available for the purposes designated for the following fiscal  
2 27 year. Notwithstanding section 12C.7, subsection 2, interest  
2 28 or earnings on moneys in the funds shall be credited to the  
2 29 fund.

2 30 Sec. 3. 2007 Iowa Acts, Senate File 403, section 5, if  
2 31 enacted, is repealed.

2 32 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
2 33 immediate importance, takes effect upon enactment.

2 34 EXPLANATION  
2 35 This bill makes appropriations from the general fund of the



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3 1 state to the office of energy independence, if enacted by 2007  
3 2 Iowa Acts, House File 918, or its successor, to be used for  
3 3 awarding grants and making loans from the Iowa power fund,  
3 4 also if enacted by 2007 Iowa Acts, House File 918, or its  
3 5 successor.

3 6 The bill appropriates \$25 million from the general fund of  
3 7 the state for the above-stated purposes for each fiscal year  
3 8 of the fiscal period beginning July 1, 2008, and ending June  
3 9 30, 2011. The bill also appropriates \$24,670,000 for the  
3 10 above-stated purposes for the fiscal year beginning July 1,  
3 11 2006, and ending June 30, 2007.

3 12 The bill provides that of the moneys appropriated to the  
3 13 office and deposited in the fund, the office shall utilize up  
3 14 to 1.5 percent of the amount appropriated from the fund for  
3 15 administrative purposes. The bill also provides that of the  
3 16 moneys appropriated to the office and deposited in the fund,  
3 17 there shall be allocated \$2.5 million to the department of  
3 18 economic development for deposit into the workforce training  
3 19 and economic development funds of the community colleges  
3 20 created pursuant to Code section 260C.18A. Of the funds so  
3 21 deposited into the workforce training and economic development  
3 22 funds of the community colleges, \$2.5 million shall be used  
3 23 each year in the development and expansion of energy industry  
3 24 areas and for the department's north American industrial  
3 25 classification system for targeted industry areas established  
3 26 pursuant to Code section 260C.18A.

3 27 The bill additionally repeals a provision contained in 2007  
3 28 Iowa Acts, Senate File 403, if enacted, which appropriates  
3 29 \$250,000 from the general fund of state to the office of the  
3 30 governor and lieutenant governor for the fiscal year beginning  
3 31 July 1, 2006, and ending June 30, 2007, for initial  
3 32 implementation of the office of energy independence.

3 33 The bill takes effect upon enactment.

3 34 LSB 2933HV 82

3 35 rn:rj/cf/24



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House File 928 - Introduced

HOUSE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 792)  
(SUCCESSOR TO HSB 199)

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

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 1404HZ 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



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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 by striking the paragraph and inserting in  
9 4 lieu thereof the following:

9 5 k. Pursuant to an agreement between the board and the  
9 6 department of natural resources, assessment and corrective  
9 7 action arising out of releases at sites for which a no further  
9 8 action certificate has been issued pursuant to section  
9 9 455B.474, when the department determines that an unreasonable  
9 10 risk to public health and safety may still exist. At a  
9 11 minimum, the agreement shall address eligible costs,  
9 12 contracting for services, and conditions under which sites may  
9 13 be reevaluated.

9 14 Sec. 8. Section 455G.9, subsection 1, Code 2007, is  
9 15 amended by adding the following new paragraph:

9 16 NEW PARAGRAPH. 1. Costs for the permanent closure of an  
9 17 underground storage tank system that was in place on the date  
9 18 an eligible claim was submitted under paragraph "a".  
9 19 Reimbursement is limited to costs approved by the board prior  
9 20 to the closure activities.

9 21 Sec. 9. Section 455H.105, subsection 5, Code 2007, is  
9 22 amended to read as follows:

9 23 5. Adopt rules establishing requirements for the  
9 24 submission, performance, and verification of site assessments,  
9 25 cleanup plans, and certifications of completion. The rules  
9 26 shall provide that all site assessments, cleanup plans, and  
9 27 certifications of completion submitted by a participant shall  
9 28 be prepared by or under the supervision of an appropriately  
9 29 trained professional, including a groundwater professional  
9 30 certified pursuant to section ~~455G.18~~ 455B.474.

9 31 Sec. 10. TRANSITIONAL PROVISIONS.

9 32 1. Not later than August 1, 2007, the environmental  
9 33 protection commission shall adopt administrative rules  
9 34 previously adopted by the Iowa comprehensive petroleum  
9 35 underground storage tank fund board pursuant to section



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10 1 455G.17 in existence on the effective date of this Act by  
10 2 emergency rulemaking pursuant to section 17A.4, subsection 2,  
10 3 and section 17A.5, subsection 2, paragraph "b". The rules  
10 4 shall become effective immediately upon filing or on a later  
10 5 effective date specified in the rules. Any rules adopted in  
10 6 accordance with the provisions of this section shall also be  
10 7 published as notice of intended action as provided in section  
10 8 17A.4.

10 9 2. Following the adoption of emergency rules, the  
10 10 commission shall commence rulemaking procedures for the  
10 11 administration of section 455B.474, subsection 10.

10 12 3. Any registration or certification issued pursuant to  
10 13 section 455G.17 shall continue in full force and effect until  
10 14 expiration or renewal.

10 15 Sec. 11. Section 455G.17, Code 2007, is repealed.

10 16 Sec. 12. Section 455G.18, Code 2007, is repealed.

10 17 Sec. 13. CONTINGENT EFFECTIVE DATE. The section of this  
10 18 Act repealing section 455G.17, shall take effect upon the Code  
10 19 editor's receipt of notice from the environmental protection  
10 20 commission stating that emergency rules required under the  
10 21 section of this Act relating to transitional provisions have  
10 22 taken effect.

10 23 EXPLANATION

10 24 This bill relates to the regulation of underground storage  
10 25 tanks by the department of natural resources.

10 26 The bill requires the maintaining of records by owners and  
10 27 operators of underground storage tanks for periodic  
10 28 underground storage tank facility compliance inspections  
10 29 conducted by inspectors certified by the department.

10 30 The bill requires a no further action certificate issued by  
10 31 the department for an underground storage tank site which has  
10 32 been classified as a no further action site to be filed with  
10 33 the county recorder. Currently, a certificate may be filed.

10 34 The bill requires the department to administer a certified  
10 35 compliance inspector program for underground storage tank



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11 1 facility compliance inspections. The bill provides that the  
11 2 program shall include mandatory periodic underground storage  
11 3 tank facility compliance inspections by owners and operators  
11 4 using inspectors certified by the department. The bill  
11 5 requires the department to continue to conduct independent  
11 6 inspections as deemed appropriate. The bill appropriates  
11 7 moneys received by the department for certification and  
11 8 renewal fees for purposes of the administration of the  
11 9 certified compliance inspector program. The bill provides  
11 10 that acts or omissions of the certified compliance inspectors,  
11 11 the state, or the department regarding certification, renewal,  
11 12 oversight of the certification process, continuing education,  
11 13 discipline, inspection standards, or any other actions, rules,  
11 14 or regulations arising out of the certification, inspections,  
11 15 or duties imposed by these provisions shall not be cause for a  
11 16 claim against the state or the department.

11 17 The bill requires the environmental protection commission  
11 18 to adopt rules for requirements as may be necessary to  
11 19 maintain state program approval and which are consistent with  
11 20 applicable provisions of the federal Energy Policy Act of  
11 21 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground  
11 22 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.  
11 23 The bill provides that the commission shall adopt rules  
11 24 establishing a training program applicable to owners and  
11 25 operators of underground storage tanks. The bill provides  
11 26 that the rules may include provisions for department  
11 27 certification of operators, self-certification by owners and  
11 28 operators, education and training requirements, owner  
11 29 requirements to assure operator qualifications, and assessment  
11 30 of education, training, and certification fees. The bill  
11 31 requires the rules to be consistent with and sufficient to  
11 32 comply with certain federal requirements.

11 33 The bill repeals Code section 455G.17 relating to  
11 34 certification of different classes of persons as underground  
11 35 storage tank installation inspectors. The repeal takes effect



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12 1 upon the Code editor's receipt of notice from the  
12 2 environmental protection commission stating that emergency  
12 3 rules required under this bill have taken effect.  
12 4     The bill repeals Code section 455G.18 relating to the  
12 5 certification of groundwater professionals and moves  
12 6 substantially the same provisions to Code chapter 455B. The  
12 7 bill removes a requirement that certification courses and  
12 8 examinations be held by the administrator of the Iowa  
12 9 comprehensive petroleum underground storage tank fund and  
12 10 removes other outdated provisions. The bill makes conforming  
12 11 amendments.  
12 12     The bill requires that persons and companies performing or  
12 13 providing services for underground storage tank installations,  
12 14 installation inspections, testing, and permanent closure of  
12 15 underground storage tanks by removal or filling in place, and  
12 16 other closure activities be certified by the department. The  
12 17 bill provides that the rules shall include establishing  
12 18 separate certification criteria applicable to underground  
12 19 storage tank installers and installation inspectors,  
12 20 underground storage tank testers, and persons conducting  
12 21 underground storage tank closure activities, establishing  
12 22 minimum qualifications for certification, requiring a written  
12 23 examination developed and administered by the department or by  
12 24 some other qualified public or private entity identified by  
12 25 the department, providing for a minimum two-year renewable  
12 26 certification period, allowing a person to apply for a  
12 27 combined certificate, providing that certificate holders  
12 28 obtain and provide proof of financial responsibility for  
12 29 environmental liability with minimum liability limits of \$1  
12 30 million per occurrence and in the aggregate, providing  
12 31 criteria for the department to take disciplinary action  
12 32 against certificate holders, and providing for certification  
12 33 reciprocity between states, providing for assessment of fees  
12 34 sufficient to cover the costs of administration of the  
12 35 certification program. The bill that fees received by the



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13 1 department are appropriated to the department for purposes of  
13 2 the administration of these provisions. The bill allows the  
13 3 adoption of rules requiring that all underground storage tank  
13 4 installations, installation inspectors, testing, and closure  
13 5 activities be conducted by persons certified pursuant to these  
13 6 provisions. The bill provides that acts or omissions of  
13 7 certified persons, the state, or the department regarding  
13 8 certification, renewal, oversight of the certification  
13 9 process, continuing education, discipline, inspection  
13 10 standards, or any other actions including department onsite  
13 11 supervision of certified activities, rules, or regulations  
13 12 arising out of the certification, shall not be cause for a  
13 13 claim against the state or the department.

13 14 The bill modifies provisions relating to the payment of  
13 15 moneys in the remedial account of the Iowa comprehensive  
13 16 petroleum underground storage tank fund. Currently, one of  
13 17 the uses of such moneys is for corrective action in response  
13 18 to a high-risk condition caused by a release from an  
13 19 underground storage tank located on a site for which the  
13 20 department, after January 31, 1997, has issued a no further  
13 21 action certificate. The bill provides that the moneys may be  
13 22 used, pursuant to an agreement between the board and the  
13 23 department of natural resources, for assessment and corrective  
13 24 action arising out of releases at sites for which a no further  
13 25 action certificate has been issued when the department  
13 26 determines that an unreasonable risk to public health and  
13 27 safety may still exist.

13 28 The bill allows moneys in the remedial account of the Iowa  
13 29 comprehensive petroleum underground storage tank fund to be  
13 30 used for costs for the permanent closure of an underground  
13 31 storage tank system that was in place on the date an eligible  
13 32 claim was submitted. The bill places limits on the  
13 33 reimbursement allowed.

13 34 The bill provides that, not later than August 1, 2007, the  
13 35 environmental protection commission shall adopt administrative



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14 1 rules previously adopted by the Iowa comprehensive petroleum  
14 2 underground storage tank fund board pursuant to Code section  
14 3 455G.17 in existence on the effective date of this Act by  
14 4 emergency rulemaking. The bill provides that, following the  
14 5 adoption of emergency rules, the commission shall commence  
14 6 rulemaking procedures for the administration of Code section  
14 7 455B.474, subsection 10. The bill provides that any  
14 8 registration or certification issued pursuant to Code section  
14 9 455G.17 shall continue in full force and effect until  
14 10 expiration or renewal.  
14 11 LSB 1404HZ 82  
14 12 tm:nh/es/88



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HOUSE FILE  
 BY COMMITTEE ON WAYS AND  
 MEANS

(SUCCESSOR TO HSB 307)

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

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

A BILL FOR

- 1 An Act relating to the movement and health of swine by providing
- 2 for the taking of stray swine, the registration of game
- 3 swine, the imposition of fees, and by providing for penalties
- 4 and an effective date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 2900HV 82
- 7 da/es/88



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1 1 Section 1. Section 163.2, Code 2007, is amended by adding  
1 2 the following new subsections:

1 3 NEW SUBSECTION. 2A. "Custody or control" means to keep an  
1 4 animal in an enclosed or confined location, in a manner that  
1 5 prevents the release or escape of the animal from the location  
1 6 including but not limited to keeping the animal for breeding,  
1 7 growing, movement, or harvesting.

1 8 NEW SUBSECTION. 3A. "Estray" means not to be in the  
1 9 custody or control of a person.

1 10 NEW SUBSECTION. 3B. "Game swine" means the same as  
1 11 defined in section 171.1.

1 12 Sec. 2. Section 163.30, subsection 5, unnumbered paragraph  
1 13 1, Code 2007, is amended to read as follows:

1 14 All swine moved shall be accompanied by a certificate of  
1 15 veterinary inspection issued by the state of origin and  
1 16 prepared and signed by a veterinarian. The certificate shall  
1 17 show the point of origin, the point of destination, individual  
1 18 identification, immunization status, and, when required, any  
1 19 movement permit number assigned to the shipment by the  
1 20 department. The certificate of veterinary inspection shall  
1 21 state whether the swine are game swine, and shall provide any  
1 22 registration information as required by section 171.4. All  
1 23 ~~such~~ movement of swine shall be completed within seventy-two  
1 24 hours unless an extension of time for movement is granted by  
1 25 the department.

1 26 Sec. 3. NEW SECTION. 163.32 ESTRAY SWINE.

1 27 A person who captures swine which is estray in another  
1 28 state shall not move that swine into this state.

1 29 Sec. 4. NEW SECTION. 163.61A PENALTY AND DISCIPLINARY  
1 30 ACTION FOR TAKING ESTRAY SWINE.

1 31 1. A person who violates section 163.32 is guilty of an  
1 32 aggravated misdemeanor. A person is guilty of a separate  
1 33 offense for each swine which is the subject of the violation.

1 34 2. Upon a person's conviction for violating section  
1 35 163.32, the sentencing court may, as part of the judgment,



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2 1 revoke or suspend a license issued pursuant to chapter 481A or  
2 2 483A for a definite period of time.

2 3 Sec. 5. NEW SECTION. 171.1 DEFINITIONS.

2 4 As used in this chapter, unless the context otherwise  
2 5 requires:

2 6 1. "Custody or control" means the same as defined in  
2 7 section 163.2.

2 8 2. "Department" means the department of agriculture and  
2 9 land stewardship.

2 10 3. "Game swine" means swine that are classified as part of  
2 11 the species *sus scrofa linnaeus* which may be commonly known as  
2 12 Russian boar or European boar of either sex.

2 13 4. "Swine" means an animal belonging to the order  
2 14 artiodactyla, and classified as part of the family suidae.

2 15 Sec. 6. NEW SECTION. 171.2 RULES.

2 16 The department may adopt rules pursuant to chapter 17A as  
2 17 necessary to administer this chapter.

2 18 Sec. 7. NEW SECTION. 171.3 IDENTIFICATION.

2 19 A person who has custody or control of game swine shall  
2 20 identify the game swine as required by the department. Game  
2 21 swine shall at least be identified with a numbered metal ear  
2 22 tag affixed to the game swine or other method such as  
2 23 installing an electronic device onto or beneath the hide of  
2 24 the game swine as prescribed by the department. The game  
2 25 swine must be identified within ten days following the  
2 26 person's acquisition of the game swine, including acquisition  
2 27 by transfer or birth.

2 28 Sec. 8. NEW SECTION. 171.4 GAME SWINE REGISTRATION  
2 29 SYSTEM.

2 30 The department of agriculture and land stewardship shall  
2 31 establish a game swine registration system, in cooperation  
2 32 with the department of natural resources.

2 33 1. A person who has custody or control of a game swine  
2 34 shall register the game swine within ten days following the  
2 35 person's acquisition of the game swine, including acquisition



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3 1 by transfer or birth.

3 2 2. The person required to register game swine as provided  
3 3 in this section shall provide information required by the  
3 4 department which shall at least include all of the following:

3 5 a. The number, age, and description of the game swine,  
3 6 including its identification number as provided in section  
3 7 171.3.

3 8 b. The location where the person maintains custody or  
3 9 control of the game swine.

3 10 c. The purpose of the person in maintaining custody or  
3 11 control of the game swine.

3 12 d. Whether the person has been issued a hunting preserve  
3 13 operator's license as required in chapter 484B.

3 14 3. The department shall to every extent feasible provide  
3 15 for registration using the internet, including programming,  
3 16 necessary to ensure the convenience, completeness, and  
3 17 accuracy of the registrations.

3 18 Sec. 9. NEW SECTION. 171.5 GAME SWINE REGISTRATION FEE.

3 19 A person required to register game swine as provided in  
3 20 section 171.4 shall remit a registration fee to the  
3 21 department. The amount of the registration fee shall not  
3 22 exceed five dollars per head of swine. The moneys collected  
3 23 by the department under this section shall be retained as  
3 24 repayment receipts by the department exclusively to offset the  
3 25 costs of providing for registrations pursuant to section  
3 26 171.4.

3 27 Sec. 10. NEW SECTION. 171.6 HEALTH REQUIREMENTS.

3 28 Game swine shall be free of an infectious or contagious  
3 29 disease as defined in section 163.2. The department shall  
3 30 regulate game swine as any other swine for purposes of  
3 31 preventing, suppressing, and eradicating an infectious or  
3 32 contagious disease afflicting swine within the state.

3 33 Sec. 11. NEW SECTION. 171.7 PENALTY.

3 34 A person who violates section 171.3 or 171.4 is subject to  
3 35 a civil penalty of not more than one hundred dollars. Penalty



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4 1 moneys shall be deposited into the general fund of the state.

4 2 Sec. 12. Section 484B.1, Code 2007, is amended by adding  
4 3 the following new subsection:

4 4 NEW SUBSECTION. 4A. "Game swine" means the same as  
4 5 defined in section 171.1.

4 6 Sec. 13. NEW SECTION. 484B.12A HEALTH AND MOVEMENT  
4 7 REQUIREMENTS == GAME SWINE.

4 8 1. All game swine which are purchased, propagated,  
4 9 confined, released, or sold by a hunting preserve required to  
4 10 be licensed under this chapter shall be free of diseases  
4 11 considered significant for wildlife, poultry, or livestock.  
4 12 The department of agriculture and land stewardship shall  
4 13 provide for the regulation of game swine as any other swine  
4 14 for purposes of preventing, suppressing, and eradicating an  
4 15 infectious or contagious disease afflicting swine within the  
4 16 state.

4 17 2. Game swine that are purchased, propagated, confined, or  
4 18 sold by a hunting preserve shall only be moved in accordance  
4 19 with rules adopted or orders issued by the department of  
4 20 agriculture and land stewardship.

4 21 Sec. 14. IDENTIFICATION AND REGISTRATION == COMPLIANCE  
4 22 PERIOD. Notwithstanding sections 171.3 and 171.4, a person  
4 23 required to identify game swine and register game swine shall  
4 24 have until September 1, 2007, to comply with those sections.

4 25 Sec. 15. EFFECTIVE DATE. This Act, being deemed of  
4 26 immediate importance, takes effect upon enactment.

4 27 EXPLANATION

4 28 GENERAL. This bill provides for the regulation of swine  
4 29 including stray swine and game swine.

4 30 ESTRAY SWINE. The bill amends Code chapter 163 which in  
4 31 part regulates the health of swine. The bill prohibits a  
4 32 person who captures stray swine in another state from moving  
4 33 the swine into this state. A person who violates the  
4 34 provision is guilty of an aggravated misdemeanor. An  
4 35 aggravated misdemeanor is punishable by confinement for not



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5 1 more than two years and a fine of at least \$625 but not more  
5 2 than \$6,250. Upon conviction, the sentencing court may also  
5 3 revoke or suspend licenses associated with taking or managing  
5 4 wildlife including fishing and hunting licenses.  
5 5 GAME SWINE. The bill establishes a new Code chapter 171  
5 6 which provides for the regulation of swine classified as game  
5 7 swine (classified as part of the species *sus scrofa linnaeus*)  
5 8 commonly referred to as a Russian boar or European boar. The  
5 9 bill requires game swine to be identified (e.g., by an ear  
5 10 tag) and establishes a game swine registration system  
5 11 administered by the department of agriculture and land  
5 12 stewardship. A person registering the game swine must remit a  
5 13 registration fee to the department. The bill grants  
5 14 jurisdiction to the department of agriculture and land  
5 15 stewardship to regulate the movement and health of game swine,  
5 16 including game swine which are part of a hunting preserve  
5 17 otherwise regulated by the department of natural resources. A  
5 18 person who violates the movement and health requirements is  
5 19 subject to a civil penalty of not more than \$100. Under  
5 20 section 484B.14, a person who violates provisions regulating  
5 21 hunting preserves is guilty of a simple misdemeanor. A simple  
5 22 misdemeanor is punishable by confinement for no more than 30  
5 23 days or a fine of at least \$65 but not more than \$625 or by  
5 24 both.  
5 25 EFFECTIVE DATE. The bill takes effect upon enactment.  
5 26 LSB 2900HV 82  
5 27 da:rj/es/88



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Senate Amendment 3398

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1 1 Amend House File 641, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 321.210A, Code 2007, is  
1 6 amended by adding the following new subsection:  
1 7 NEW SUBSECTION. 4. If after suspension, the  
1 8 person enters into an installment agreement with the  
1 9 county attorney or county attorney's designee in  
1 10 accordance with section 321.210B to pay the fine,  
1 11 penalty, court cost, or surcharge, the person's  
1 12 license shall be reinstated by the department upon  
1 13 receipt of a report of an executed installment  
1 14 agreement.  
1 15 Sec. 2. NEW SECTION. 321.210B INSTALLMENT  
1 16 AGREEMENT.  
1 17 1. If a person's fine, penalty, surcharge, or  
1 18 court cost is deemed delinquent as provided in section  
1 19 602.8107, subsection 3, and the person's driver's  
1 20 license has been suspended pursuant to section  
1 21 321.210A, the person may execute an installment  
1 22 agreement with the county attorney or the county  
1 23 attorney's designee to pay the delinquent amount and  
1 24 the fee assessed in subsection 5 in installments.  
1 25 Prior to execution of the installment agreement, the  
1 26 person shall provide the county attorney or the county  
1 27 attorney's designee with a financial statement in  
1 28 order for the parties to the agreement to determine  
1 29 the amount of the installment payments.  
1 30 2. Upon execution of an installment agreement and  
1 31 after the first installment payment, the county  
1 32 attorney or the county attorney's designee shall send  
1 33 the executed installment agreement to the department.  
1 34 3. Upon receipt of an executed installment  
1 35 agreement and upon payment of the reinstatement fee as  
1 36 provided in section 321.191, the department shall  
1 37 immediately reinstate the driver's license of the  
1 38 person unless the driver's license of the person is  
1 39 otherwise suspended, revoked, denied, or barred under  
1 40 another provision of law.  
1 41 4. If a driver's license is reinstated upon  
1 42 receipt of an executed installment agreement the  
1 43 driver shall provide proof of financial responsibility  
1 44 pursuant to section 321A.17, if otherwise required by  
1 45 law.  
1 46 5. The civil penalty, if assessed pursuant to  
1 47 section 321.218A, shall be added to the amount owing  
1 48 under the installment agreement. The county attorney  
1 49 or the county attorney's designee shall transmit to  
1 50 the department, from the first funds collected, an



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Senate Amendment 3398 continued

2 1 amount equal to the amount of any civil penalty  
2 2 assessed and added to the installment agreement. The  
2 3 department shall transmit the funds received from the  
2 4 county attorney or county attorney's designee pursuant  
2 5 to this subsection to the treasurer of state for  
2 6 deposit in the juvenile detention home fund created in  
2 7 section 232.142.

2 8 6. The county attorney, or the county attorney's  
2 9 designee, shall report any default to the department.

2 10 7. Upon receipt of a report of a default in the  
2 11 making of any installment agreement payment, the  
2 12 department shall suspend the driver's license of a  
2 13 person as provided in section 321.210A. For purposes  
2 14 of suspension and reinstatement of the driver's  
2 15 license of a person in default, the suspension and any  
2 16 subsequent reinstatement shall be considered a  
2 17 suspension pursuant to section 321.210A.

2 18 8. If a new fine, penalty, surcharge, or court  
2 19 cost is imposed on a person after the person has  
2 20 executed an installment agreement with the county  
2 21 attorney or the county attorney's designee, and the  
2 22 new fine, penalty, surcharge, or court cost is deemed  
2 23 delinquent as provided in section 602.8107, subsection  
2 24 3, and the person's driver's license has been  
2 25 suspended pursuant to section 321.210A, the person may  
2 26 enter into a second installment agreement with the  
2 27 county attorney or county attorney's designee to pay  
2 28 the delinquent amount and the fee, if assessed, in  
2 29 subsection 5 in installments.

2 30 9. If the person is in default in making the  
2 31 installment agreement payment covering a particular  
2 32 fine, penalty, surcharge, or court cost, that  
2 33 particular fine, penalty, surcharge, or court cost  
2 34 shall not become part of any new installment  
2 35 agreement.

2 36 10. Each county attorney shall develop and  
2 37 implement an installment agreement program pursuant to  
2 38 this section, which may include using a designee as  
2 39 defined in section 331.756, subsection 5. A person  
2 40 shall execute an installment agreement in the county  
2 41 where the fine, penalty, surcharge, or court cost was  
2 42 imposed. A person is only eligible to enter into five  
2 43 installment agreements in the person's lifetime.

2 44 11. Except for the civil penalty if assessed and  
2 45 collected pursuant to subsection 5, any amount  
2 46 collected under the installment agreement shall be  
2 47 kept in an interest bearing account by the county  
2 48 attorney or the county attorney's designee, and be  
2 49 distributed as provided in section 602.8107,  
2 50 subsection 4.



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Senate Amendment 3398 continued

3 1 Sec. 3. Section 321.210C, Code 2007, is amended to  
3 2 read as follows:

3 3 321.210C PROBATION PERIOD.

3 4 A person whose driver's license or operating  
3 5 privileges have been suspended, revoked, or barred  
3 6 under this chapter for a conviction of a moving  
3 7 traffic violation, or suspended, revoked, or barred  
3 8 under section 321.205 or section 321.210, subsection  
3 9 1, paragraph "e", or chapter 321J, must satisfactorily  
3 10 complete a twelve-month probation period beginning  
3 11 immediately after the end of the period of suspension,  
3 12 revocation, or bar. Upon a second conviction of a  
3 13 moving traffic violation which occurred during the  
3 14 probation period, the department may suspend the  
3 15 driver's license or operating privileges for an  
3 16 additional period equal in duration to the original  
3 17 period of suspension, revocation, or bar, or for one  
3 18 year, whichever is the shorter period. For purposes  
3 19 of determining a conviction under this section, the  
3 20 department shall not consider the first two speeding  
3 21 violations within the probation period that are ten  
3 22 miles per hour or less over the legal speed limit in  
3 23 speed zones having a legal speed limit between  
3 24 thirty-four miles per hour and fifty-six miles per  
3 25 hour.

3 26 Sec. 4. Section 321.215, subsection 1, Code 2007,  
3 27 is amended by adding the following new paragraph:

3 28 NEW PARAGRAPH. f. The person's appointments with  
3 29 the person's parole or probation officer.

3 30 Sec. 5. Section 321.218A, Code 2007, is amended to  
3 31 read as follows:

3 32 321.218A CIVIL PENALTY == DISPOSITION ==  
3 33 REINSTATEMENT.

3 34 When the department suspends, revokes, or bars a  
3 35 person's driver's license or nonresident operating  
3 36 privilege for a conviction under this chapter, the  
3 37 department shall assess the person a civil penalty of  
3 38 two hundred dollars. However, for persons age  
3 39 nineteen or under, the civil penalty assessed shall be  
3 40 fifty dollars. The civil penalty does not apply to a  
3 41 suspension issued for a violation of section 321.180B.  
3 42 The money collected by the department under this  
3 43 section shall be transmitted to the treasurer of state  
3 44 who shall deposit the money in the juvenile detention  
3 45 home fund created in section 232.142. Except as  
3 46 provided in section 321.210B, a temporary restricted  
3 47 license shall not be issued or a driver's license or  
3 48 nonresident operating privilege reinstated until the  
3 49 civil penalty has been paid.

3 50 Sec. 6. Section 321J.20, subsection 1, unnumbered



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Senate Amendment 3398 continued

4 1 paragraph 1, Code 2007, is amended to read as follows:

4 2 The department may, on application, issue a  
4 3 temporary restricted license to a person whose  
4 4 noncommercial driver's license is revoked under this  
4 5 chapter allowing the person to drive to and from the  
4 6 person's home and specified places at specified times  
4 7 which can be verified by the department and which are  
4 8 required by the person's full-time or part-time  
4 9 employment, continuing health care or the continuing  
4 10 health care of another who is dependent upon the  
4 11 person, continuing education while enrolled in an  
4 12 educational institution on a part-time or full-time  
4 13 basis and while pursuing a course of study leading to  
4 14 a diploma, degree, or other certification of  
4 15 successful educational completion, substance abuse  
4 16 treatment, ~~and~~ court-ordered community service  
4 17 responsibilities, and appointments with the person's  
4 18 parole or probation officer if the person's driver's  
4 19 license has not been revoked previously under section  
4 20 321J.4, 321J.9, or 321J.12 and if any of the following  
4 21 apply:

4 22 Sec. 7. Section 331.756, subsection 5, Code 2007,  
4 23 is amended to read as follows:

4 24 5. Enforce all forfeited bonds and recognizances  
4 25 and prosecute all proceedings necessary for the  
4 26 recovery of debts, revenues, moneys, fines, penalties,  
4 27 restitution of court-appointed attorney fees ordered  
4 28 pursuant to section 815.9, including the expense of a  
4 29 public defender, and forfeitures accruing to the  
4 30 state, the county or a road district in the county,  
4 31 and all suits in the county against public service  
4 32 corporations which are brought in the name of the  
4 33 state. To assist in this duty, the county attorney  
4 34 may procure ~~professional collection services provided~~  
4 35 ~~by persons or organizations, including private~~  
4 36 ~~attorneys, which are generally considered to have~~  
4 37 ~~knowledge and special abilities which are not~~  
4 38 ~~generally available to state or local government or~~  
4 39 ~~may designate another county official or agency a~~  
4 40 designee to assist with collection efforts.

4 41 b. If the designee is a professional collection  
4 42 services are procured agency, the county attorney  
4 43 shall file with the clerk of the district court an  
4 44 indication of the satisfaction of each obligation to  
4 45 the full extent of all moneys collected in  
4 46 satisfaction of that obligation, including all fees  
4 47 and compensation retained by the ~~collection service~~  
4 48 designee incident to the collection and not paid into  
4 49 the office of the clerk.

4 50 c. Before a county attorney designates another



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Senate Amendment 3398 continued

5 1 county official or agency to assist with collection of  
5 2 debts, revenues, moneys, fines, penalties, restitution  
5 3 of court-appointed attorney fees ordered pursuant to  
5 4 section 815.9, including the expense of a public  
5 5 defender, and forfeitures, the board of supervisors of  
5 6 the county must approve the designation.

5 7 d. All fines, penalties, court costs, fees, and  
5 8 restitution for court-appointed attorney fees ordered  
5 9 pursuant to section 815.9, including the expenses of a  
5 10 public defender which are delinquent as defined in  
5 11 section 602.8107 may be collected by the county  
5 12 attorney or the ~~person procured or designated by the~~  
5 13 ~~county attorney~~ county attorney's designee. The  
5 14 county attorney or the county attorney's designee may  
5 15 collect delinquent obligations under an installment  
5 16 agreement pursuant to section 321.210B.

5 17 e. In order to receive a percentage of the amounts  
5 18 collected pursuant to section 602.8107, the county  
5 19 attorney must file annually with the clerk of the  
5 20 district court on or before July 1 a notice of full  
5 21 commitment to collect delinquent obligations and must  
5 22 file on the first day of each month a list of the  
5 23 cases in which the county attorney or the ~~person~~  
5 24 ~~procured or designated by the county attorney~~ county  
5 25 attorney's designee is pursuing the collection of  
5 26 delinquent obligations. The list shall include a list  
5 27 of cases where delinquent obligations are being  
5 28 collected under an installment agreement pursuant to  
5 29 section 321.210B, and a list of cases in default which  
5 30 are no longer being collected under an installment  
5 31 agreement but remain delinquent. The annual notice  
5 32 shall contain a list of procedures which will be  
5 33 initiated by the county attorney. Amounts collected  
5 34 by the county attorney or the ~~person procured or~~  
5 35 ~~designated by the county attorney~~ county attorney's  
5 36 designee shall be distributed in accordance with  
5 37 section 602.8107.

5 38 f. As used in this subsection, "designee" means a  
5 39 professional collection services agency operated by a  
5 40 person or organization, including a private attorney,  
5 41 that is generally considered to have knowledge and  
5 42 special abilities not generally possessed by the  
5 43 state, a local government, or another county official  
5 44 or agency.

5 45 Sec. 8. Section 602.8105, subsection 2, paragraph  
5 46 e, Code 2007, is amended to read as follows:

5 47 e. For filing a praecipe to issue execution under  
5 48 chapter 626, twenty-five dollars. The fee shall be  
5 49 recoverable by the creditor against whom the execution  
5 50 is issued. A fee payable by a political subdivision



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Senate Amendment 3398 continued

6 1 of the state under this paragraph shall be collected  
6 2 by the clerk of the district court as provided in  
6 3 section 602.8109. However, the clerk shall not  
6 4 collect the fee from a political subdivision of the  
6 5 state engaged in the collection of a delinquent  
6 6 obligation owed the state pursuant to section  
6 7 331.756.>

6 8 #2. Page 2, by inserting after line 6 the  
6 9 following:

6 10 <Sec. \_\_\_\_\_. Section 602.8107, subsection 6,  
6 11 unnumbered paragraph 1, Code 2007, is amended to read  
6 12 as follows:

6 13 If a county attorney does not file the notice and  
6 14 list of cases required in section 331.756, subsection  
6 15 5, including the list of installment agreements under  
6 16 section 321.210B, the judicial branch may assign cases  
6 17 to the centralized collection unit of the department  
6 18 of revenue or its designee to collect debts owed to  
6 19 the clerk of the district court. In addition, an  
6 20 installment agreement in default that remains  
6 21 delinquent may also be assigned to the centralized  
6 22 collection unit of the department of revenue or its  
6 23 designee.>

6 24 #3. Page 3, by inserting after line 32 the  
6 25 following:

6 26 <Sec. \_\_\_\_\_. INSTALLMENT AGREEMENT == COOPERATION.  
6 27 It is the intent of the general assembly that the  
6 28 judicial branch, the department of transportation, the  
6 29 department of workforce development, county attorneys,  
6 30 and other state and local agencies cooperate in the  
6 31 collection of delinquent court fines, penalties,  
6 32 surcharges, and court costs by coordinating efforts in  
6 33 the collection of installment agreement payments under  
6 34 section 321.210B.>

6 35 #4. Title page, line 1, by inserting after the  
6 36 word <procedures> the following: <and the issuance of  
6 37 a driver's license or temporary restricted license>.

6 38 #5. Title page, line 2, by inserting after the  
6 39 word <including> the following: <collection of a  
6 40 delinquent obligation and reinstatement of a driver's  
6 41 license, and>.

6 42 #6. By renumbering as necessary.

6 43

6 44

6 45

6 46 ROBERT M. HOGG

6 47 HF 641.205 82

6 48 jm/es/9557



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**Senate Amendment 3399**

PAG LIN

1 1 Amend Senate File 340, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 10 through 12, and  
1 4 inserting the following: <Future interests may be  
1 5 considered, but expectancies or interests arising from  
1 6 inherited or gifted property created under a will or  
1 7 other instrument under which the trustee, trustor,  
1 8 trust protector, or owner has the power to remove the  
1 9 party in question as a beneficiary, shall not be  
1 10 considered.>  
1 11 SF 340.H  
1 12 pf/jg/25  
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Senate Amendment 3400

PAG LIN

1 1 Amend Senate File 457, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 2, line 4, by inserting after the word  
1 4 <officer> the following: <or where other  
1 5 investigations pursuant to state or federal law  
1 6 require different investigatory procedures>.  
1 7 #2. Page 2, by striking lines 13 through 22 and  
1 8 inserting the following:  
1 9 <5. An officer who is the subject of a complaint,  
1 10 shall at a minimum, be provided a written summary of  
1 11 the complaint prior to an interview. If a collective  
1 12 bargaining agreement applies, the complaint or written  
1 13 summary shall be provided pursuant to the procedures  
1 14 established under the collective bargaining agreement.  
1 15 If the complaint alleges domestic abuse, sexual abuse,  
1 16 or sexual harassment, an officer shall not receive  
1 17 more than a written summary of the complaint.>  
1 18 #3. Page 2, line 28, by striking the words <be  
1 19 electronically> and inserting the following: <, at a  
1 20 minimum, be audio>.  
1 21 #4. Page 2, by striking lines 29 through 31 and  
1 22 inserting the following:  
1 23 <8. The officer shall have the right to have legal  
1 24 counsel present, at the officer's expense, during the  
1 25 interview of the officer. In addition, the officer  
1 26 shall have the right, at the officer's expense, to  
1 27 have a union representative present during the  
1 28 interview or, if not a member of a union, the officer  
1 29 shall have the right to have a designee present.>  
1 30 #5. Page 3, line 8, by striking the words  
1 31 <intentionally false> and inserting the following: <a  
1 32 violation of section 718.6>.  
1 33 #6. Page 3, line 12, by striking the words <making  
1 34 a false report in> and inserting the following: <a>.  
1 35 #7. Page 3, by striking lines 13 through 17 and  
1 36 inserting the following:  
1 37 <13. An officer shall have the right to pursue  
1 38 civil remedies under the law against a citizen arising  
1 39 from the filing of a false complaint against the  
1 40 officer.>  
1 41 #8. Page 3, line 20, by inserting after the word  
1 42 <office> the following: <as long as the officer's  
1 43 candidacy does not violate the federal Hatch Act, 5  
1 44 U.S.C. } 1501 et seq>.  
1 45 #9. Page 3, line 28, by inserting after the word  
1 46 <duty> the following: <as long as the officer's  
1 47 political activity does not violate the federal Hatch  
1 48 Act, 5 U.S.C. } 1501 et seq>.  
1 49 SF 457.H  
1 50 jm/jg/25



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**Senate File 600 - Introduced**

SENATE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1357)

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

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

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

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

Approved

**A BILL FOR**

- 1 An Act relating to water quality improvements and watershed
- 2 improvements and related funding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2924SV 82
- 5 tm/gg/14



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Senate File 600 - Introduced continued

PAG LIN

1 1 Section 1. Section 159.5, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 15. In the administration of programs  
1 4 relating to water quality improvement and watershed  
1 5 improvements, cooperate with the department of natural  
1 6 resources in order to maximize the receipt of federal funds.

1 7 Sec. 2. Section 455A.4, subsection 1, Code 2007, is  
1 8 amended by adding the following new paragraph:

1 9 NEW PARAGRAPH. j. In the administration of programs  
1 10 relating to water quality improvement and watershed  
1 11 improvements, cooperate with the department of agriculture and  
1 12 land stewardship in order to maximize the receipt of federal  
1 13 funds.

1 14 Sec. 3. Section 466A.2, subsection 2, paragraph a, Code  
1 15 2007, is amended to read as follows:

1 16 a. Enhancement of water quality in the state through a  
1 17 variety of impairment-based, locally directed watershed  
1 18 improvement grant projects. Innovative water quality projects  
1 19 shall be encouraged.

1 20 Sec. 4. Section 466A.4, Code 2007, is amended by adding  
1 21 the following new subsection:

1 22 NEW SUBSECTION. 1A. Public water supply utilities and  
1 23 cities may also be eligible and apply for and receive local  
1 24 watershed improvement grants for water quality improvement  
1 25 projects. An applicant shall coordinate with a local  
1 26 watershed improvement committee or a soil and water  
1 27 conservation district and shall include in the application a  
1 28 description of existing projects and any potential impact the  
1 29 proposed project may have on existing or planned water quality  
1 30 improvement projects.

1 31 Sec. 5. 2006 Iowa Acts, chapter 1145, section 4,  
1 32 subsection 1, unnumbered paragraph 1, is amended to read as  
1 33 follows:

1 34 A watershed quality planning task force is established  
1 35 within the department of natural resources in cooperation with



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Senate File 600 - Introduced continued

2 1 the Iowa department of agriculture and land stewardship. By  
2 2 ~~June 30~~, January 1, 2008, the task force shall report to the  
2 3 general assembly its recommendations for a voluntary statewide  
2 4 water quality program which is designed to achieve all of the  
2 5 following goals:

2 6 EXPLANATION

2 7 This bill relates to water quality improvements and  
2 8 watershed improvements and related funding.  
2 9 The bill requires the director of the department of natural  
2 10 resources and the department of agriculture and land  
2 11 stewardship to cooperate in administering programs relating to  
2 12 water quality improvement and watershed improvements for  
2 13 purposes of maximizing the receipt of federal funds.  
2 14 The bill provides that innovative water quality projects  
2 15 shall be encouraged under the watershed improvement fund.  
2 16 The bill allows public water supply utilities and cities to  
2 17 apply for a watershed improvement grant for water improvement  
2 18 projects. The applicant shall coordinate with a local  
2 19 watershed improvement committee or soil and water conservation  
2 20 district and shall include a description of existing projects  
2 21 and the potential impact of a proposed project.  
2 22 Currently, the watershed quality planning task force is  
2 23 required to report to the general assembly its recommendations  
2 24 for a voluntary statewide water quality program by June 30,  
2 25 2008. The bill changes the reporting date to January 1, 2008.  
2 26 LSB 2924SV 82  
2 27 tm:nh/gg/14



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Senate File 601

SENATE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2904SC)

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

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

A BILL FOR

1 An Act relating to state and local finances by providing for  
2 funding of property tax credits and reimbursements, by making,  
3 increasing and reducing appropriations, providing for salaries  
4 and compensation of state employees, providing for fees and  
5 penalties, and providing for properly related matters, and  
6 including effective date provisions.

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

8 TLBS 2904SV 82

9 mg/cf/24



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Senate File 601 continued

PAG LIN

1 1 DIVISION I  
 1 2 MH/MR/DD/BI SERVICES ALLOWED  
 1 3 GROWTH FUNDING == FY 2008=2009  
 1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,  
 1 5 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH  
 1 6 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.  
 1 7 1. There is appropriated from the general fund of the  
 1 8 state to the department of human services for the fiscal year  
 1 9 beginning July 1, 2008, and ending June 30, 2009, the  
 1 10 following amount, or so much thereof as is necessary, to be  
 1 11 used for the purpose designated:  
 1 12 For distribution to counties of the county mental health,  
 1 13 mental retardation, and developmental disabilities allowed  
 1 14 growth factor adjustment for fiscal year 2008=2009, and for  
 1 15 the brain injury services program in the department of public  
 1 16 health:  
 1 17 ..... \$ 64,600,002  
 1 18 2. The amount appropriated in this section shall be  
 1 19 allocated as provided in a later enactment of the general  
 1 20 assembly.  
 1 21 DIVISION II  
 1 22 STANDING APPROPRIATIONS  
 1 23 AND RELATED MATTERS  
 1 24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2008=2009.  
 1 25 1. For the budget process applicable to the fiscal year  
 1 26 beginning July 1, 2008, on or before October 1, 2007, in lieu  
 1 27 of the information specified in section 8.23, subsection 1,  
 1 28 unnumbered paragraph 1, and paragraph "a", all departments and  
 1 29 establishments of the government shall transmit to the  
 1 30 director of the department of management, on blanks to be  
 1 31 furnished by the director, estimates of their expenditure  
 1 32 requirements, including every proposed expenditure, for the  
 1 33 ensuing fiscal year, together with supporting data and  
 1 34 explanations as called for by the director of the department  
 1 35 of management after consultation with the legislative services



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Senate File 601 continued

2 1 agency.

2 2     2. The estimates of expenditure requirements shall be in a  
2 3 form specified by the director of the department of  
2 4 management, and the expenditure requirements shall include all  
2 5 proposed expenditures and shall be prioritized by program or  
2 6 the results to be achieved. The estimates shall be  
2 7 accompanied by performance measures for evaluating the  
2 8 effectiveness of the programs or results.

2 9     Sec. 3. GENERAL ASSEMBLY == BUILDING SECURITY. Of the  
2 10 appropriations made pursuant to section 2.12 for the expenses  
2 11 of the general assembly and legislative agencies for the  
2 12 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
2 13 \$775,000 shall be used for capitol building and judicial  
2 14 building security.

2 15     Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
2 16 Notwithstanding the standing appropriations in the following  
2 17 designated sections for the fiscal year beginning July 1,  
2 18 2007, and ending June 30, 2008, the amounts appropriated from  
2 19 the general fund of the state pursuant to these sections for  
2 20 the following designated purposes shall not exceed the  
2 21 following amounts:

2 22     1. For instructional support state aid under section  
2 23 257.20:  
2 24 ..... \$ 14,428,271

2 25     2. For payment for nonpublic school transportation under  
2 26 section 285.2:  
2 27 ..... \$ 8,604,714

2 28     If total approved claims for reimbursement for nonpublic  
2 29 school pupil transportation claims exceed the amount  
2 30 appropriated in this section, the department of education  
2 31 shall prorate the amount of each claim.

2 32     3. For the educational excellence program under section  
2 33 294A.25, subsection 1:  
2 34 ..... \$ 55,469,053

2 35     4. For the state's share of the cost of the peace



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Senate File 601 continued

3 1 officers' retirement benefits under section 411.20:  
3 2 ..... \$ 2,745,784  
3 3 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF  
3 4 GENERAL FUND REIMBURSEMENT.  
3 5 1. a. Notwithstanding section 8.57, prior to the  
3 6 appropriation and distribution to the senior living trust fund  
3 7 and the cash reserve fund of the surplus existing in the  
3 8 general fund of the state at the conclusion of the fiscal year  
3 9 beginning July 1, 2006, and ending June 30, 2007, pursuant to  
3 10 section 8.57, subsections 1 and 2, of that surplus,  
3 11 \$157,868,964 is appropriated to the property tax credit fund  
3 12 which shall be created in the office of the treasurer of state  
3 13 to be used for the purposes of this section.  
3 14 b. Notwithstanding any provision in section 8.57 to the  
3 15 contrary in determining the amount of the appropriation to the  
3 16 senior living trust fund pursuant to section 8.57, subsection  
3 17 2, paragraph "a", the surplus for the fiscal year beginning  
3 18 July 1, 2006, shall not include the amount appropriated to the  
3 19 property tax credit fund pursuant to paragraph "a" of this  
3 20 subsection.  
3 21 c. There is appropriated from the general fund of the  
3 22 state to the property tax credit fund created in paragraph "a"  
3 23 for the fiscal year beginning July 1, 2007, and ending June  
3 24 30, 2008, the sum of \$2,000,000.  
3 25 2. Notwithstanding the amount of the standing  
3 26 appropriation from the general fund of the state in the  
3 27 following designated sections and notwithstanding any  
3 28 conflicting provisions or voting requirements of section 8.56,  
3 29 there is appropriated from the property tax credit fund in  
3 30 lieu of the appropriations in the following designated  
3 31 sections for the fiscal year beginning July 1, 2007, and  
3 32 ending June 30, 2008, the following amounts for the following  
3 33 designated purposes:  
3 34 a. For reimbursement for the homestead property tax credit  
3 35 under section 425.1:



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Senate File 601 continued

4 1 ..... \$102,658,781  
 4 2     b. For reimbursement for the agricultural land and family  
 4 3 farm tax credits under sections 425A.1 and 426.1:  
 4 4 ..... \$ 34,610,183  
 4 5     c. For reimbursement for the military service tax credit  
 4 6 under section 426A.1A:  
 4 7 ..... \$ 2,800,000  
 4 8     d. For implementing the elderly and disabled tax credit  
 4 9 and reimbursement pursuant to sections 425.16 through 425.40:  
 4 10 ..... \$ 19,800,000  
 4 11     If the director of revenue determines that the amount of  
 4 12 claims for credit for property taxes due pursuant to  
 4 13 paragraphs "a", "b", "c", and "d" plus the amount of claims  
 4 14 for reimbursement for rent constituting property taxes paid  
 4 15 which are to be paid during the fiscal year may exceed the  
 4 16 total amount appropriated, the director shall estimate the  
 4 17 percentage of the credits and reimbursements which will be  
 4 18 funded by the appropriation. The county treasurer shall  
 4 19 notify the director of the amount of property tax credits  
 4 20 claimed by June 8, 2007. The director shall estimate the  
 4 21 percentage of the property tax credits and rent reimbursement  
 4 22 claims that will be funded by the appropriation and notify the  
 4 23 county treasurer of the percentage estimate by June 15, 2007.  
 4 24 The estimated percentage shall be used in computing for each  
 4 25 claim the amount of property tax credit and reimbursement for  
 4 26 rent constituting property taxes paid for that fiscal year.  
 4 27 If the director overestimates the percentage of funding,  
 4 28 claims for reimbursement for rent constituting property taxes  
 4 29 paid shall be paid until they can no longer be paid at the  
 4 30 estimated percentage of funding. Rent reimbursement claims  
 4 31 filed after that point in time shall receive priority and  
 4 32 shall be paid in the following fiscal year.  
 4 33     3. Notwithstanding any other provision, if the  
 4 34 Eighty-second General Assembly, 2007 Session, enacts  
 4 35 legislation that also provides for the appropriation of the



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5 1 surplus or any part of the surplus existing in the general  
5 2 fund of the state at the conclusion of the fiscal year  
5 3 beginning July 1, 2006, and ending June 30, 2007, the moneys  
5 4 appropriated from such surplus pursuant to subsection 1 shall  
5 5 have priority over all other such appropriations.

5 6 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2007=2008. For  
5 7 the fiscal year beginning July 1, 2007, and ending June 30,  
5 8 2008, the appropriation to the cash reserve fund provided in  
5 9 section 8.57, subsection 1, paragraph "a", shall not be made.

5 10 Sec. 7. Section 8.57A, subsection 4, Code 2007, is amended  
5 11 to read as follows:

5 12 4. There is appropriated from the rebuild Iowa  
5 13 infrastructure fund for the fiscal year beginning July 1, ~~2000~~  
5 14 2007, and for each fiscal year thereafter, the sum of  
5 15 ~~thirty-five~~ forty million dollars to the environment first  
5 16 fund, notwithstanding section 8.57, subsection 6, paragraph  
5 17 "c".

5 18 Sec. 8. Section 257.35, subsection 4, Code 2007, is  
5 19 amended to read as follows:

5 20 4. Notwithstanding subsection 1, and in addition to the  
5 21 reduction applicable pursuant to subsection 2, the state aid  
5 22 for area education agencies and the portion of the combined  
5 23 district cost calculated for these agencies for the fiscal  
5 24 year beginning July 1, ~~2006~~ 2007, shall be reduced by the  
5 25 department of management by ~~eight~~ five million two hundred  
5 26 fifty thousand dollars. The reduction for each area education  
5 27 agency shall be prorated based on the reduction that the  
5 28 agency received in the fiscal year beginning July 1, 2003.

5 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent  
5 30 of the general assembly that for the fiscal year beginning  
5 31 July 1, 2008, any reduction in state aid to area education  
5 32 agencies and the combined district cost calculated for those  
5 33 agencies over the reduction applicable pursuant to section  
5 34 257.35, subsection 2, shall not exceed \$2.5 million and that  
5 35 for the fiscal year beginning July 1, 2009, there shall be no



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6 1 such additional reduction.

6 2     Sec. 10. EFFECTIVE DATE. The section of this division of  
6 3 this Act creating the property tax credit fund, being deemed  
6 4 of immediate importance, takes effect upon enactment.

6 5                                   DIVISION III

6 6                   SALARIES, COMPENSATION, AND RELATED MATTERS

6 7     Sec. 11. STATE COURTS == JUSTICES, JUDGES, AND  
6 8 MAGISTRATES.

6 9     1. The salary rates specified in subsection 2 are for the  
6 10 fiscal year beginning July 1, 2007, effective for the pay  
6 11 period beginning June 29, 2007, and for subsequent fiscal  
6 12 years until otherwise provided by the general assembly. The  
6 13 salaries provided for in this section shall be paid from funds  
6 14 appropriated to the judicial branch from the salary adjustment  
6 15 fund or if the appropriation is not sufficient, from funds  
6 16 appropriated to the judicial branch pursuant to any Act of the  
6 17 general assembly.

6 18     2. The following annual salary rates shall be paid to the  
6 19 persons holding the judicial positions indicated during the  
6 20 fiscal year beginning July 1, 2007, effective with the pay  
6 21 period beginning June 29, 2007, and for subsequent pay  
6 22 periods.

6 23     a. Chief justice of the supreme court:		
6 24     .....	\$	167,500
6 25     b. Each justice of the supreme court:		
6 26     .....	\$	160,000
6 27     c. Chief judge of the court of appeals:		
6 28     .....	\$	150,000
6 29     d. Each associate judge of the court of appeals:		
6 30     .....	\$	145,000
6 31     e. Each chief judge of a judicial district:		
6 32     .....	\$	140,000
6 33     f. Each district judge except the chief judge of a 6 34     judicial district:		
6 35     .....	\$	135,000



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7 1	g. Each district associate judge:		
7 2	.....	\$	120,000
7 3	h. Each associate juvenile judge:		
7 4	.....	\$	120,000
7 5	i. Each associate probate judge:		
7 6	.....	\$	120,000
7 7	j. Each judicial magistrate:		
7 8	.....	\$	37,000
7 9	k. Each senior judge:		
7 10	.....	\$	8,000

7 11 3. Persons receiving the salary rates established under  
7 12 this section shall not receive any additional salary  
7 13 adjustments provided by this division of this Act.

7 14 Sec. 12. APPOINTED STATE OFFICERS. The governor shall  
7 15 establish a salary for appointed nonelected persons in the  
7 16 executive branch of state government holding a position  
7 17 enumerated in the section of this division of this Act that  
7 18 addresses the salary ranges of state officers within the range  
7 19 provided, by considering, among other items, the experience of  
7 20 the individual in the position, changes in the duties of the  
7 21 position, the incumbent's performance of assigned duties, and  
7 22 subordinates' salaries. However, the attorney general shall  
7 23 establish the salary for the consumer advocate, the chief  
7 24 justice of the supreme court shall establish the salary for  
7 25 the state court administrator, the ethics and campaign  
7 26 disclosure board shall establish the salary of the executive  
7 27 director, the Iowa public broadcasting board shall establish  
7 28 the salary of the administrator of the public broadcasting  
7 29 division of the department of education, and the state fair  
7 30 board shall establish the salary of the secretary of the state  
7 31 fair board, each within the salary range provided in the  
7 32 section of this division of this Act that addresses the salary  
7 33 ranges of state officers.

7 34 The governor, in establishing salaries as provided in the  
7 35 section of this division of this Act that addresses the salary



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8 1 ranges of state officers, shall take into consideration other  
8 2 employee benefits which may be provided for an individual  
8 3 including but not limited to housing.

8 4 A person whose salary is established pursuant to the  
8 5 section of this division of this Act that addresses the salary  
8 6 ranges of state officers and who is a full-time, year-round  
8 7 employee of the state shall not receive any other remuneration  
8 8 from the state or from any other source for the performance of  
8 9 that person's duties unless the additional remuneration is  
8 10 first approved by the governor or authorized by law. However,  
8 11 this provision does not exclude the reimbursement for  
8 12 necessary travel and expenses incurred in the performance of  
8 13 duties or fringe benefits normally provided to employees of  
8 14 the state.

8 15 Sec. 13. STATE OFFICERS == SALARY RANGE. The following  
8 16 annual salary ranges are effective for the positions specified  
8 17 in this section for the fiscal year beginning July 1, 2007,  
8 18 and for subsequent fiscal years until otherwise provided by  
8 19 the general assembly. The governor or other person designated  
8 20 in the section of this division of this Act relating to  
8 21 appointed state officers shall determine the salary to be paid  
8 22 to the person indicated at a rate within this salary range  
8 23 from funds appropriated by the general assembly for that  
8 24 purpose.

8 25 1. The following are salary ranges for appointed state  
8 26 officers for the fiscal year beginning July 1, 2007, effective  
8 27 with the pay period beginning June 29, 2007:

8 28 SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
8 29 a. Range 1 .....	\$ 9,069	\$ 35,464
8 30 b. Range 2 .....	\$46,758	\$ 71,552
8 31 c. Range 3 .....	\$53,768	\$ 82,285
8 32 d. Range 4 .....	\$61,838	\$ 94,619
8 33 e. Range 5 .....	\$71,115	\$108,805
8 34 f. Range 6 .....	\$81,786	\$125,133
8 35 g. Range 7 .....	\$97,906	\$149,802



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9 1       2. The following are range 1 positions: there are no  
9 2 range 1 positions for the fiscal year beginning July 1, 2007.

9 3       3. The following are range 2 positions: administrator of  
9 4 the arts division of the department of cultural affairs,  
9 5 administrators of the division of persons with disabilities,  
9 6 the division on the status of women, the division on the  
9 7 status of Iowans of Asian and Pacific Islander heritage, the  
9 8 division on the status of African-Americans, the division of  
9 9 deaf services, and the division of Latino affairs of the  
9 10 department of human rights.

9 11       4. The following are range 3 positions: administrator of  
9 12 the division of criminal and juvenile justice planning of the  
9 13 department of human rights, administrator of the division of  
9 14 community action agencies of the department of human rights,  
9 15 executive director of the department of veterans affairs, and  
9 16 chairperson and members of the employment appeal board of the  
9 17 department of inspections and appeals.

9 18       5. The following are range 4 positions: director of the  
9 19 department of human rights, director of the Iowa state civil  
9 20 rights commission, executive director of the college student  
9 21 aid commission, director of the department for the blind,  
9 22 executive director of the ethics and campaign disclosure  
9 23 board, members of the public employment relations board, and  
9 24 chairperson, vice chairperson, and members of the board of  
9 25 parole.

9 26       6. The following are range 5 positions: administrator of  
9 27 the division of homeland security and emergency management of  
9 28 the department of public defense, state public defender, drug  
9 29 policy coordinator, labor commissioner, workers' compensation  
9 30 commissioner, director of the department of cultural affairs,  
9 31 director of the department of elder affairs, director of the  
9 32 law enforcement academy, and administrator of the historical  
9 33 division of the department of cultural affairs.

9 34       7. The following are range 6 positions: director of the  
9 35 Iowa energy independence office, superintendent of banking,



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10 1 superintendent of credit unions, administrator of the  
10 2 alcoholic beverages division of the department of commerce,  
10 3 director of the department of inspections and appeals,  
10 4 commandant of the Iowa veterans home, commissioner of public  
10 5 safety, commissioner of insurance, executive director of the  
10 6 Iowa finance authority, director of the department of natural  
10 7 resources, consumer advocate, and chairperson of the utilities  
10 8 board. The other members of the utilities board shall receive  
10 9 an annual salary within a range of not less than 90 percent  
10 10 but not more than 95 percent of the annual salary of the  
10 11 chairperson of the utilities board.

10 12 8. The following are range 7 positions: administrator of  
10 13 the public broadcasting division of the department of  
10 14 education, director of the department of corrections, director  
10 15 of the department of education, director of human services,  
10 16 director of the department of economic development, executive  
10 17 director of the Iowa telecommunications and technology  
10 18 commission, executive director of the state board of regents,  
10 19 director of transportation, director of the department of  
10 20 workforce development, director of revenue, director of public  
10 21 health, state court administrator, secretary of the Iowa state  
10 22 fair board, director of the department of management, and  
10 23 director of the department of administrative services.

10 24 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==  
10 25 GENERAL FUND. There is appropriated from the general fund of  
10 26 the state to the salary adjustment fund for distribution by  
10 27 the department of management to the various state departments,  
10 28 boards, commissions, councils, and agencies, including the  
10 29 state board of regents and the judicial branch, for the fiscal  
10 30 year beginning July 1, 2007, and ending June 30, 2008, the  
10 31 amount of \$108,598,094, or so much thereof as may be  
10 32 necessary, to fully fund annual pay adjustments, expense  
10 33 reimbursements, and related benefits implemented pursuant to  
10 34 the following:

10 35 1. The collective bargaining agreement negotiated pursuant



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11 1 to chapter 20 for employees in the blue collar bargaining  
11 2 unit.  
11 3 2. The collective bargaining agreement negotiated pursuant  
11 4 to chapter 20 for employees in the public safety bargaining  
11 5 unit.  
11 6 3. The collective bargaining agreement negotiated pursuant  
11 7 to chapter 20 for employees in the security bargaining unit.  
11 8 4. The collective bargaining agreement negotiated pursuant  
11 9 to chapter 20 for employees in the technical bargaining unit.  
11 10 5. The collective bargaining agreement negotiated pursuant  
11 11 to chapter 20 for employees in the professional fiscal and  
11 12 staff bargaining unit.  
11 13 6. The collective bargaining agreement negotiated pursuant  
11 14 to chapter 20 for employees in the clerical bargaining unit.  
11 15 7. The collective bargaining agreement negotiated pursuant  
11 16 to chapter 20 for employees in the professional social  
11 17 services bargaining unit.  
11 18 8. The collective bargaining agreement negotiated pursuant  
11 19 to chapter 20 for employees in the community-based corrections  
11 20 bargaining unit.  
11 21 9. The collective bargaining agreements negotiated  
11 22 pursuant to chapter 20 for employees in the judicial branch of  
11 23 government bargaining units.  
11 24 10. The collective bargaining agreement negotiated  
11 25 pursuant to chapter 20 for employees in the patient care  
11 26 bargaining unit.  
11 27 11. The collective bargaining agreement negotiated  
11 28 pursuant to chapter 20 for employees in the science bargaining  
11 29 unit.  
11 30 12. The collective bargaining agreement negotiated  
11 31 pursuant to chapter 20 for employees in the university of  
11 32 northern Iowa faculty bargaining unit.  
11 33 13. The collective bargaining agreement negotiated  
11 34 pursuant to chapter 20 for employees in the state university  
11 35 of Iowa graduate student bargaining unit.



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12 1       14. The collective bargaining agreement negotiated  
12 2 pursuant to chapter 20 for employees in the state university  
12 3 of Iowa hospital and clinics tertiary health care bargaining  
12 4 unit.  
12 5       15. The annual pay adjustments, related benefits, and  
12 6 expense reimbursements referred to in the sections of this  
12 7 division of this Act addressing noncontract state and board of  
12 8 regents employees who are not covered by a collective  
12 9 bargaining agreement.  
12 10       Of the amount appropriated in this section, \$8,171,248  
12 11 shall be allocated to the judicial branch for the purposes of  
12 12 funding annual pay adjustments, expense reimbursements, and  
12 13 related benefits implemented for judicial branch employees.  
12 14       Sec. 15. NONCONTRACT STATE EMPLOYEES == GENERAL.  
12 15       1. a. For the fiscal year beginning July 1, 2007, the  
12 16 maximum and minimum salary levels of all pay plans provided  
12 17 for in section 8A.413, subsection 2, as they exist for the  
12 18 fiscal year ending June 30, 2007, shall be increased by 3  
12 19 percent for the pay period beginning June 29, 2007, and any  
12 20 additional changes in the pay plans shall be approved by the  
12 21 governor.  
12 22       b. For the fiscal year beginning July 1, 2007, employees  
12 23 may receive a step increase or the equivalent of a step  
12 24 increase.  
12 25       c. Notwithstanding the increase in paragraph "a",  
12 26 noncontract judicial branch employees shall receive increases  
12 27 similar to those employees covered by collective bargaining  
12 28 agreements negotiated by the judicial branch.  
12 29       2. The pay plans for state employees who are exempt from  
12 30 chapter 8A, subchapter IV, and who are included in the  
12 31 department of administrative service's centralized payroll  
12 32 system shall be increased in the same manner as provided in  
12 33 subsection 1, and any additional changes in any executive  
12 34 branch pay plans shall be approved by the governor.  
12 35       3. This section does not apply to members of the general



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13 1 assembly, board members, commission members, salaries of  
13 2 persons set by the general assembly pursuant to this division  
13 3 of this Act or set by the governor, or other persons  
13 4 designated in the section of this division of this Act  
13 5 addressing appointed state officers, employees designated  
13 6 under section 8A.412, subsection 5, and employees covered by  
13 7 11 IAC 53.6(3).

13 8 4. The pay plans for the bargaining eligible employees of  
13 9 the state shall be increased in the same manner as provided in  
13 10 subsection 1, and any additional changes in such executive  
13 11 branch pay plans shall be approved by the governor. As used  
13 12 in this section, "bargaining eligible employee" means an  
13 13 employee who is eligible to organize under chapter 20, but has  
13 14 not done so.

13 15 5. The policies for implementation of this section shall  
13 16 be approved by the governor.

13 17 Sec. 16. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds  
13 18 from the appropriation made from the general fund of the state  
13 19 in the section of this division of this Act providing for  
13 20 funding of collective bargaining agreements shall be allocated  
13 21 to the state board of regents for the purposes of providing  
13 22 increases for state board of regents employees covered by such  
13 23 section of this division of this Act and for state board of  
13 24 regents employees not covered by a collective bargaining  
13 25 agreement as follows:

13 26 1. For regents merit system employees and merit  
13 27 supervisory employees to fund for the fiscal year increases  
13 28 comparable to those provided for similar contract-covered  
13 29 employees in this division of this Act.

13 30 2. For faculty members and professional and scientific  
13 31 employees to fund for the fiscal year percentage increases  
13 32 comparable to those provided for contract-covered employees in  
13 33 the university of northern Iowa faculty bargaining unit.

13 34 Sec. 17. APPROPRIATIONS FROM ROAD FUNDS.

13 35 1. There is appropriated from the road use tax fund to the



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14 1 salary adjustment fund for the fiscal year beginning July 1,  
14 2 2007, and ending June 30, 2008, the following amount, or so  
14 3 much thereof as may be necessary, to be used for the purpose  
14 4 designated:  
14 5 To supplement other funds appropriated by the general  
14 6 assembly:  
14 7 ..... \$ 2,294,814  
14 8 2. There is appropriated from the primary road fund to the  
14 9 salary adjustment fund, for the fiscal year beginning July 1,  
14 10 2007, and ending June 30, 2008, the following amount, or so  
14 11 much thereof as may be necessary, to be used for the purpose  
14 12 designated:  
14 13 To supplement other funds appropriated by the general  
14 14 assembly:  
14 15 ..... \$ 11,788,266  
14 16 3. Except as otherwise provided in this division of this  
14 17 Act, the amounts appropriated in subsections 1 and 2 shall be  
14 18 used to fund the annual pay adjustments, expense  
14 19 reimbursements, and related benefits for public employees as  
14 20 provided in this division of this Act.  
14 21 Sec. 18. SPECIAL FUNDS == AUTHORIZATION. To departmental  
14 22 revolving, trust, or special funds, except for the primary  
14 23 road fund or the road use tax fund, for which the general  
14 24 assembly has established an operating budget, a supplemental  
14 25 expenditure authorization is provided, unless otherwise  
14 26 provided, in an amount necessary to fund salary adjustments as  
14 27 otherwise provided in this division of this Act.  
14 28 Sec. 19. GENERAL FUND SALARY MONEYS. Funds appropriated  
14 29 from the general fund of the state for distribution from the  
14 30 salary adjustment fund in the section of this division of this  
14 31 Act providing for funding of collective bargaining agreements  
14 32 relate only to salaries supported from general fund  
14 33 appropriations of the state. Funds appropriated from the  
14 34 general fund of the state for employees of the state board of  
14 35 regents relate only to salaries supported from general fund



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15 1 appropriations of the state and shall exclude general  
15 2 university indirect costs and general university federal  
15 3 funds.

15 4     Sec. 20. FEDERAL FUNDS APPROPRIATED. All federal grants  
15 5 to and the federal receipts of the agencies affected by this  
15 6 division of this Act which are received and may be expended  
15 7 for purposes of this division of this Act are appropriated for  
15 8 those purposes and as set forth in the federal grants or  
15 9 receipts.

15 10    Sec. 21. STATE TROOPER MEAL ALLOWANCE. The sworn peace  
15 11 officers in the department of public safety who are not  
15 12 covered by a collective bargaining agreement negotiated  
15 13 pursuant to chapter 20 shall receive the same per diem meal  
15 14 allowance as the sworn peace officers in the department of  
15 15 public safety who are covered by a collective bargaining  
15 16 agreement negotiated pursuant to chapter 20.

15 17     Sec. 22. STATE POLICE OFFICER COUNCIL BARGAINING UNIT ==  
15 18 OVERTIME. Of the funds appropriated from the general fund of  
15 19 the state in the section of this division of this Act  
15 20 providing for funding of collective bargaining agreements, the  
15 21 following amount, or so much thereof as is necessary, shall be  
15 22 allocated to the department of public safety, division of  
15 23 state patrol, to be used for the purpose designated:

15 24     To provide for expenditures related to the payment of  
15 25 overtime for uniformed peace officers covered by a collective  
15 26 bargaining agreement:  
15 27 ..... \$     750,000

15 28     Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model  
15 29 administrator shall work in conjunction with the legislative  
15 30 services agency to maintain the state's salary model used for  
15 31 analyzing, comparing, and projecting state employee salary and  
15 32 benefit information, including information relating to  
15 33 employees of the state board of regents. The department of  
15 34 revenue, the department of administrative services, the five  
15 35 institutions under the jurisdiction of the state board of



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16 1 regents, the judicial district departments of correctional  
 16 2 services, and the state department of transportation shall  
 16 3 provide salary data to the department of management and the  
 16 4 legislative services agency to operate the state's salary  
 16 5 model. The format and frequency of provision of the salary  
 16 6 data shall be determined by the department of management and  
 16 7 the legislative services agency. The information shall be  
 16 8 used in collective bargaining processes under chapter 20 and  
 16 9 in calculating the funding needs contained within the annual  
 16 10 salary adjustment legislation. A state employee organization  
 16 11 as defined in section 20.3, subsection 4, may request  
 16 12 information produced by the model, but the information  
 16 13 provided shall not contain information attributable to  
 16 14 individual employees.

16 15 Sec. 24. 2007 Iowa Acts, Senate File 563, section 2,  
 16 16 subsection 1, unnumbered paragraph 2, if enacted, is amended  
 16 17 to read as follows:

16 18 Notwithstanding section 602.9104, for the state's  
 16 19 contribution to the judicial retirement fund in the amount of  
 16 20 ~~22.5~~ 20.86 percent of the basic salaries of the judges covered  
 16 21 under chapter 602, article 9:

16 22 .....	\$	3,450,963
16 23		<u>3,050,963</u>

16 24 Sec. 25. Section 20.5, subsection 3, Code 2007, is amended  
 16 25 to read as follows:

16 26 3. In selecting the members of the board, consideration  
 16 27 shall be given to their knowledge, ability, and experience in  
 16 28 the field of labor=management relations. The chairperson and  
 16 29 the remaining two members shall ~~each receive an annual salary~~  
 16 30 ~~as set by the general assembly~~ be compensated as provided in  
 16 31 section 7E.6, subsection 5.

16 32 Sec. 26. Section 99D.6, Code 2007, is amended to read as  
 16 33 follows:

16 34 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES == DUTIES  
 16 35 == BOND.



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17 1 The commission shall elect in July of each year one of its  
17 2 members as chairperson for the succeeding year. The  
17 3 commission shall appoint an administrator of the commission  
17 4 subject to confirmation by the senate. The administrator  
17 5 shall serve a four-year term. The term shall begin and end in  
17 6 the same manner as set forth in section 69.19. A vacancy  
17 7 shall be filled for the unexpired portion of the term in the  
17 8 same manner as a full-term appointment is made. The  
17 9 administrator may hire other assistants and employees as  
17 10 necessary to carry out the commission's duties. Employees in  
17 11 the positions of equine veterinarian, canine veterinarian, and  
17 12 equine steward shall be exempt from the merit system  
17 13 provisions of chapter 8A, subchapter IV, and shall not be  
17 14 covered by a collective bargaining agreement. Some or all of  
17 15 the information required of applicants in section 99D.8A,  
17 16 subsections 1 and 2, may also be required of employees of the  
17 17 commission if the commission deems it necessary. The  
17 18 administrator shall keep a record of the proceedings of the  
17 19 commission and preserve the books, records, and documents  
17 20 entrusted to the administrator's care. The administrator  
17 21 shall be covered by the blanket surety bond of the state  
17 22 purchased pursuant to section 8A.321, subsection 13. ~~Subject~~  
~~17 23 to the approval of the governor, the commission shall fix the~~  
~~17 24 compensation of the administrator within the salary range as~~  
~~17 25 set by the general assembly. The compensation and employment~~  
17 26 terms of the administrator shall be set by the governor,  
17 27 taking into consideration the level of knowledge and  
17 28 experience of the administrator. The commission shall have  
17 29 its headquarters in the city of Des Moines and shall meet in  
17 30 July of each year and at other times and places as it finds  
17 31 necessary for the discharge of its duties.  
17 32 Sec. 27. Section 421.1A, subsection 6, Code 2007, is  
17 33 amended to read as follows:  
17 34 6. The members of the property assessment appeal board  
17 35 shall receive compensation from the state commensurate with



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18 1 the salary of a district judge through December 31, 2013. The  
 18 2 members of the board shall be considered state employees for  
 18 3 purposes of salary and benefits. The members of the board and  
 18 4 any employees of the board, when required to travel in the  
 18 5 discharge of official duties, shall be paid their actual and  
 18 6 necessary expenses incurred in the performance of duties.

18 7 Sec. 28. Section 602.1301, subsection 2, paragraph b, Code  
 18 8 2007, is amended to read as follows:

18 9 b. Before December 1, the supreme court shall submit to  
 18 10 the director of management an estimate of the total  
 18 11 expenditure requirements of the judicial branch including a  
 18 12 detailed listing of requested increases in salaries of all  
 18 13 judges and magistrates for the succeeding fiscal year. The  
 18 14 director of management shall submit this estimate received  
 18 15 from the supreme court to the governor for inclusion without  
 18 16 change in the governor's proposed budget for the succeeding  
 18 17 fiscal year. The estimate shall also be submitted to the  
 18 18 chairpersons of the committees on appropriations.

18 19 DIVISION IV  
 18 20 OTHER APPROPRIATIONS  
 18 21 AND RELATED MATTERS

18 22 Sec. 29. CAPITOL COMPLEX SHUTTLE. There is appropriated  
 18 23 from the general fund of the state to the department of  
 18 24 administrative services for the fiscal year beginning July 1,  
 18 25 2007, and ending June 30, 2008, the following amount, or so  
 18 26 much thereof as is necessary, to be used for the purpose  
 18 27 designated:

18 28 For the state's share of support in conjunction with the  
 18 29 city of Des Moines and local area businesses to provide a free  
 18 30 shuttle service to the citizens of Iowa visiting the capitol  
 18 31 complex that includes transportation between the capitol  
 18 32 complex and the downtown Des Moines area:  
 18 33 ..... \$ 120,000  
 18 34 Details for the shuttle service, including the route to be  
 18 35 served, shall be determined pursuant to an agreement to be



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19 1 entered into by the department with the Des Moines area  
19 2 regional transit authority (DART) and any other participating  
19 3 entities.

19 4     Sec. 30. MID=AMERICA PORT COMMISSION. There is  
19 5 appropriated from the general fund of the state to the  
19 6 department of economic development for the fiscal year  
19 7 beginning July 1, 2007, and ending June 30, 2008, the  
19 8 following amount, or so much thereof as is necessary, to be  
19 9 used for the purpose designated:

19 10     For support for the mid=America port commission to defray  
19 11 administrative costs:  
19 12 ..... \$       40,000

19 13     Sec. 31. INTERPRETERS FOR THE DEAF. There is appropriated  
19 14 from the general fund of the state to the department of  
19 15 education for the fiscal year beginning July 1, 2007, and  
19 16 ending June 30, 2008, the following amount, or so much thereof  
19 17 as is necessary, to be used for the purpose designated:

19 18     For allocation to the Iowa western community college for  
19 19 salaries and support for interpreters for the deaf:  
19 20 ..... \$       200,000

19 21     Sec. 32. COMMUNITY COLLEGE SALARIES. There is  
19 22 appropriated from the general fund of the state to the  
19 23 department of education for the fiscal year beginning July 1,  
19 24 2007, and ending June 30, 2008, the following amount, or so  
19 25 much thereof as is necessary, to be used for the purpose  
19 26 designated:

19 27     For distribution to community colleges to supplement  
19 28 faculty salaries:  
19 29 ..... \$   2,000,000

19 30     1. Moneys appropriated in this section shall be  
19 31 distributed among each community college based on the  
19 32 proportional share of that community college's total salary  
19 33 expenditures in the instructional and instructional part=time  
19 34 categories in the education functions of liberal arts and  
19 35 sciences and vocational=technical bears to the total salary



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20 1 expenditures for all community colleges in the education  
20 2 functions of liberal arts and sciences and  
20 3 vocational=technical in the fiscal year prior to the base  
20 4 year, as determined by the department of education.

20 5 2. Moneys distributed to each community college under this  
20 6 section shall then be rolled into that base funding allocation  
20 7 for all future years. The use of the funds shall remain as  
20 8 described in this section for all future years.

20 9 3. Moneys appropriated and distributed to community  
20 10 colleges under this section shall be used to supplement and  
20 11 not supplant any approved faculty salary increases or  
20 12 negotiated agreements, excluding the distribution of the funds  
20 13 in this section.

20 14 4. Moneys distributed to a community college under this  
20 15 section shall be allocated to all full=time, nonadministrative  
20 16 instructors and part=time instructors covered by a collective  
20 17 bargaining agreement. The moneys shall be allocated by  
20 18 negotiated agreements according to chapter 20. If no language  
20 19 exists, the moneys shall be allocated equally to all  
20 20 full=time, nonadministrative instructors with part=time  
20 21 instructors covered by a collective bargaining agreement  
20 22 receiving a prorated share of the fund.

20 23 Sec. 33. DEPARTMENT OF ELDER AFFAIRS.

20 24 1. There is appropriated from the general fund of the  
20 25 state to the department of elder affairs for the fiscal year  
20 26 beginning July 1, 2007, and ending June 30, 2008, the  
20 27 following amount, or so much thereof as is necessary, to be  
20 28 used for the purposes designated:

20 29 To join in a partnership with a county described in  
20 30 subsection 2 to be used to fund a livable community initiative  
20 31 and hire a full=time professional aging specialist for the  
20 32 initiative:

20 33 ..... \$ 75,000

20 34 2. The county eligible for the appropriation in subsection  
20 35 1 shall meet all of the following qualifications:



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21 1 a. Have a livable community initiative, supported by the  
21 2 county board of supervisors, the area agency on aging, the  
21 3 united way, the county public health department and others.

21 4 b. Have completed a market analysis on successful aging  
21 5 and issued reports containing future directions for housing,  
21 6 transportation, health and supportive services, and successful  
21 7 aging.

21 8 c. Have organized action teams who are developing action  
21 9 plans to implement the priorities established at a countywide  
21 10 planning session with national leadership.

21 11 3. The purpose of the professional aging specialist hired  
21 12 under this section is to help in the implementation of the  
21 13 action plans being developed and to work with the  
21 14 governmental, business, educational, health, religious,  
21 15 social, leisure, and service segments of the urban-rural  
21 16 county to create a replicable and portable model of a livable  
21 17 community where persons can age successfully.

21 18 Sec. 34. READY RESERVE == APPROPRIATION. There is  
21 19 appropriated from the general fund of the state to the  
21 20 department of public defense for the fiscal year beginning  
21 21 July 1, 2007, and ending June 30, 2008, the following amount,  
21 22 or so much thereof as is necessary, to be used for the  
21 23 purposes designated:

21 24 For initial implementation of the disaster behavioral  
21 25 health responder ready reserve by the homeland security and  
21 26 emergency management division in accordance with section  
21 27 29C.23, as enacted by this division of this Act:

21 28 ..... \$ 75,000

21 29 Sec. 35. STATE BOARD OF REGENTS == ARTICULATION WEBSITE ==  
21 30 APPROPRIATION. There is appropriated from the general fund of  
21 31 the state to the state board of regents for the fiscal year  
21 32 beginning July 1, 2007, and ending June 30, 2008, the  
21 33 following amount, or so much thereof as is necessary, to be  
21 34 used for the purposes designated:

21 35 For the development, maintenance, and promotion of a credit



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22 1 transfer and articulation internet website for use by students  
 22 2 who wish to transfer credits earned at a community college to  
 22 3 a state university governed by the board:  
 22 4 ..... \$ 250,000  
 22 5 The general assembly finds that as college costs increase,  
 22 6 Iowa's community college students need access to resources  
 22 7 that allow the students to make informed, cost-effective  
 22 8 decisions regarding their postsecondary education plans. It  
 22 9 is the intent of the general assembly to provide for a  
 22 10 seamless transition for students transferring from Iowa's  
 22 11 community colleges to Iowa's state universities. Therefore,  
 22 12 the state board of regents shall, in cooperation with the  
 22 13 department of education and the community colleges, develop,  
 22 14 maintain, and promote a user-friendly credit transfer and  
 22 15 articulation internet website that allows Iowans to know at  
 22 16 the time of enrollment in a community college course whether  
 22 17 the credit will be accepted by the state university of the  
 22 18 student's choice, the category in which the university will  
 22 19 apply the credit, and to which degree program or programs the  
 22 20 university will apply the credit. The board and the community  
 22 21 colleges shall continuously strive to improve upon the  
 22 22 coordinating efforts between the state universities and the  
 22 23 community colleges to map and articulate community college  
 22 24 courses for college credit with the degree programs offered at  
 22 25 the state universities. The website shall be operational not  
 22 26 later than July 1, 2008.  
 22 27 Sec. 36. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM. If 2007  
 22 28 Iowa Acts, Senate File 588, is enacted and provides for an  
 22 29 appropriation from the general fund of the state to the  
 22 30 college student aid commission for the fiscal year beginning  
 22 31 July 1, 2007, and ending June 30, 2008, for the all Iowa  
 22 32 opportunity assistance program, there is appropriated to  
 22 33 supplement that appropriation as follows:  
 22 34 For purposes of the all Iowa opportunity assistance  
 22 35 program, which includes the all Iowa opportunity foster care



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23 1 grant program established pursuant to section 261.6 and the  
23 2 all Iowa opportunity scholarship program established pursuant  
23 3 to section 261.88, if sections 261.6 and 261.88 are enacted by  
23 4 2007 Iowa Acts, Senate File 588:

23 5 ..... \$ 2,000,000

23 6 The moneys appropriated in this section shall be used for  
23 7 the all Iowa opportunity scholarship program established  
23 8 pursuant to section 261.88, if enacted.

23 9 Sec. 37. BEFORE AND AFTER SCHOOL GRANT PROGRAM. If 2007  
23 10 Iowa Acts, Senate File 588, is enacted and provides for an  
23 11 appropriation from the general fund of the state to the  
23 12 department of education for the fiscal year beginning July 1,  
23 13 2007, and ending June 30, 2008, for the before and after  
23 14 school grant program, there is appropriated to supplement that  
23 15 appropriation as follows:

23 16 For the before and after school grant program established  
23 17 pursuant to section 256.26, if enacted by 2007 Iowa Acts,  
23 18 Senate File 588:

23 19 ..... \$ 295,000

23 20 Sec. 38. FARM MEDIATION. If 2007 Iowa Acts, Senate File  
23 21 575, is enacted and provides for an appropriation from the  
23 22 general fund of the state to the department of justice for the  
23 23 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
23 24 for the purpose of funding farm mediation services, there is  
23 25 appropriated to supplement that appropriation as follows:

23 26 For the purpose of funding farm mediation services and  
23 27 other farm assistance program provisions in accordance with  
23 28 sections 13.13 through 13.24:

23 29 ..... \$ 150,000

23 30 Sec. 39. DEPARTMENT OF PUBLIC HEALTH == 211 PROGRAM.

23 31 There is appropriated from the general fund of the state to  
23 32 the department of public health for the fiscal year beginning  
23 33 July 1, 2007, and ending June 30, 2008, the following amount,  
23 34 or so much thereof as is necessary, to be used for the  
23 35 purposes designated:



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24 1 For a grant to be determined by the director of the  
 24 2 department for a nonprofit organization exempt from federal  
 24 3 income tax under section 501(c) of the federal Internal  
 24 4 Revenue Code that is operating 211 program call centers on a  
 24 5 statewide basis for community information and referral  
 24 6 services:  
 24 7 ..... \$ 500,000  
 24 8 The nonprofit organization shall cooperate with the  
 24 9 department and shall provide a report on its activities and  
 24 10 accomplishments to the general assembly by January 15, 2008.  
 24 11 Sec. 40. JUDICIAL BRANCH. There is appropriated from the  
 24 12 general fund of the state to the judicial branch for the  
 24 13 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
 24 14 the following amount, or so much thereof as is necessary, for  
 24 15 the purposes designated:  
 24 16 For salaries, support, and miscellaneous purposes:  
 24 17 ..... \$ 14,000,000  
 24 18 The amount appropriated in this section is a supplement to  
 24 19 the appropriations made for these purposes in 2007 Iowa Acts,  
 24 20 Senate File 563, if enacted.  
 24 21 Sec. 41. INDIGENT DEFENSE PROGRAM. There is appropriated  
 24 22 from the general fund of the state to the office of state  
 24 23 public defender of the department of inspections and appeals  
 24 24 for the fiscal year beginning July 1, 2007, and ending June  
 24 25 30, 2008, the following amount, or so much thereof as is  
 24 26 necessary, for the purposes designated:  
 24 27 For the indigent defense program:  
 24 28 ..... \$ 3,000,000  
 24 29 The amount appropriated in this section is a supplement to  
 24 30 the appropriations made for these purposes in 2007 Iowa Acts,  
 24 31 Senate File 575, if enacted.  
 24 32 Sec. 42. NEWTON CORRECTIONAL FACILITY. There is  
 24 33 appropriated from the general fund of the state to the  
 24 34 department of corrections for the fiscal year beginning July  
 24 35 1, 2007, and ending June 30, 2008, the following amount, or so



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25 1 much thereof as is necessary, for the purposes designated:  
 25 2 For the Newton correctional facility:  
 25 3 ..... \$ 560,000  
 25 4 The amount appropriated in this section is a supplement to  
 25 5 the appropriations made for these purposes in 2007 Iowa Acts,  
 25 6 Senate File 575, if enacted.  
 25 7 Sec. 43. LEGAL SERVICES POVERTY GRANTS. There is  
 25 8 appropriated from the general fund of the state to the office  
 25 9 of attorney general for the fiscal year beginning July 1,  
 25 10 2007, and ending June 30, 2008, the following amount, or so  
 25 11 much thereof as is necessary, for the purposes designated:  
 25 12 For legal services for persons in poverty grants as  
 25 13 provided in section 13.34:  
 25 14 ..... \$ 450,000  
 25 15 The amount appropriated in this section is a supplement to  
 25 16 the appropriations made for these purposes in 2007 Iowa Acts,  
 25 17 Senate File 575, if enacted.  
 25 18 Sec. 44. IOWA JUNIOR ANGUS ASSOCIATION. There is  
 25 19 appropriated from the general fund of the state to the  
 25 20 department of agriculture and land stewardship for the fiscal  
 25 21 year beginning July 1, 2007, and ending June 30, 2008, the  
 25 22 following amount, or so much thereof as is necessary, to be  
 25 23 used for the purpose designated:  
 25 24 For allocation to the Iowa junior angus association in  
 25 25 connection with the 2008 national junior angus show:  
 25 26 ..... \$ 10,000  
 25 27 Sec. 45. STATE EMPLOYEE TELECOMMUTING == POLICY. Any  
 25 28 director of a department or state agency who is subject to a  
 25 29 requirement to develop a telecommuter employment policy and  
 25 30 plans shall develop the policy and plans in consultation with  
 25 31 representatives of the collective bargaining units of the  
 25 32 employees affected by the policy and plans.  
 25 33 Sec. 46. 2006 Iowa Acts, chapter 1177, section 16,  
 25 34 subsection 4, is amended by adding the following new  
 25 35 unnumbered paragraph:





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27	1	..... FTEs	305.00
27	2		<u>306.00</u>
27	3	Sec. 51. <u>NEW SECTION.</u> 15.391 WORLD FOOD PRIZE AWARD AND	
27	4	SUPPORT.	
27	5	1. Commencing with the fiscal year beginning July 1, 2008,	
27	6	there is annually appropriated from the general fund of the	
27	7	state to the department one million dollars for the support of	
27	8	the world food prize award.	
27	9	2. The Iowa state capitol is designated as the primary	
27	10	location for the annual ceremony to award the world food	
27	11	prize.	
27	12	Sec. 52. <u>NEW SECTION.</u> 15.392 WORLD FOOD PRIZE YOUTH	
27	13	INSTITUTE.	
27	14	1. As a condition of receiving state funding, the entity	
27	15	awarding the world food prize shall establish a world food	
27	16	prize youth institute program in honor of Nobel peace prize	
27	17	laureate Dr. Norman E. Borlaug. The purpose of the program	
27	18	shall be to provide an educational opportunity and forum for	
27	19	high school students in this state who have an interest in	
27	20	food, agriculture, or natural resources disciplines.	
27	21	2. State funding for the world food prize youth institute	
27	22	for a fiscal year shall be allocated from the appropriation	
27	23	made for the support of the world food prize award.	
27	24	3. A world food prize youth institute advisory committee	
27	25	is established to advise and support the institute. The	
27	26	advisory committee shall receive regular updates concerning	
27	27	the status of the institute. The membership of the advisory	
27	28	committee shall include two members of the senate, one each	
27	29	appointed by the majority and minority party leaders, and two	
27	30	members of the house of representatives appointed by the	
27	31	speaker and minority leader of the house of representatives.	
27	32	In addition, the governor shall appoint two members. The	
27	33	terms of the legislative and executive branch appointments	
27	34	shall coincide with each legislative biennium. A vacancy in a	
27	35	legislative or executive branch appointment shall be filled	



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28 1 for the balance of the unexpired term by the original  
28 2 appointing authority.

28 3 4. Staff support for the advisory committee shall be  
28 4 provided by the department of economic development.

28 5 Sec. 53. NEW SECTION. 29C.23 DISASTER BEHAVIORAL HEALTH  
28 6 RESPONDER READY RESERVE.

28 7 1. The administrator of the homeland security and  
28 8 emergency management division shall provide for the ongoing  
28 9 existence of a disaster behavioral health responder ready  
28 10 reserve in accordance with this section. The purpose of the  
28 11 reserve is to maintain a group of trained individuals to work  
28 12 with state and local officials and others in providing crisis  
28 13 counseling assistance in response to crises, disasters, and  
28 14 public disorder emergencies.

28 15 2. The ready reserve shall be considered to be a homeland  
28 16 security and emergency response team for purposes of section  
28 17 29C.8, and the members of the ready reserve shall be subject  
28 18 to section 29C.8 when the ready reserve is acting as a  
28 19 homeland security and emergency response team upon the  
28 20 directive of the administrator or pursuant to a governor's  
28 21 disaster emergency proclamation as provided in section 29C.6.

28 22 3. The membership of the ready reserve may include but is  
28 23 not limited to nurses, social workers, teachers, farmers,  
28 24 mental health professionals, college students, and other  
28 25 persons trained to serve as a disaster behavioral health  
28 26 responder.

28 27 4. Functions associated with maintaining the existence of  
28 28 the ready reserve shall include administration, project  
28 29 activities, provision of information through the internet,  
28 30 initial and ongoing training of ready reserve members, and  
28 31 other related activities. The administrator may contract for  
28 32 the performance of all or a part of the functions described in  
28 33 this subsection.

28 34 5. Implementation of the ready reserve is subject to the  
28 35 funding appropriated or made available for purposes of the



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29 1 ready reserve.

29 2 Sec. 54. Section 256D.5, subsection 4, Code 2007, is  
29 3 amended to read as follows:

29 4 4. For each fiscal year of the fiscal period beginning  
29 5 July 1, 2004, and ending June 30, ~~2007~~ 2012, the sum of  
29 6 twenty-nine million two hundred fifty thousand dollars.

29 7 Sec. 55. Section 256D.9, Code 2007, is amended to read as  
29 8 follows:

29 9 256D.9 FUTURE REPEAL.

29 10 This chapter is repealed effective July 1, ~~2007~~ 2012.

29 11 Sec. 56. Section 279.51, subsection 1, Code 2007, is  
29 12 amended to read as follows:

29 13 1. There is appropriated from the general fund of the  
29 14 state to the department of education for the fiscal year  
29 15 beginning July 1, ~~2000~~ 2007, and each succeeding fiscal year,  
29 16 the sum of twelve million ~~five~~ six hundred ~~sixty~~ six thousand  
29 17 one hundred ninety=six dollars.

29 18 The moneys shall be allocated as follows:

29 19 a. Two hundred seventy=five thousand eight hundred  
29 20 sixty=four dollars of the funds appropriated shall be

29 21 allocated to the area education agencies to assist school  
29 22 districts in developing program plans and budgets under this  
29 23 section and to assist school districts in meeting other  
29 24 responsibilities in early childhood education.

29 25 b. For the fiscal year beginning July 1, ~~1998~~ 2007, and  
29 26 for each succeeding fiscal year, eight million five hundred  
29 27 ~~ten~~ thirty=six thousand seven hundred forty dollars of the  
29 28 funds appropriated shall be allocated to the child development  
29 29 coordinating council established in chapter 256A for the  
29 30 purposes set out in subsection 2 of this section and section  
29 31 256A.3.

29 32 c. For the fiscal year beginning July 1, ~~1996~~ 2007, and  
29 33 for each fiscal year thereafter, three million five hundred  
29 34 ten thousand nine hundred ninety=two dollars of the funds  
29 35 appropriated shall be allocated as grants to school districts



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30 1 that have elementary schools that demonstrate the greatest  
30 2 need for programs for at-risk students with preference given  
30 3 to innovative programs for the early elementary school years.  
30 4 School districts receiving grants under this paragraph shall  
30 5 at a minimum provide activities and materials designed to  
30 6 encourage children's self-esteem, provide role modeling and  
30 7 mentoring techniques in social competence and social skills,  
30 8 and discourage inappropriate drug use. The grant allocations  
30 9 made in this paragraph may be renewed for additional periods  
30 10 of time. Of the amount allocated under this paragraph for  
30 11 each fiscal year, seventy-five thousand dollars shall be  
30 12 allocated to school districts which have an actual student  
30 13 population of ten thousand or less and have an actual  
30 14 non-English speaking student population which represents  
30 15 greater than five percent of the total actual student  
30 16 population for grants to elementary schools in those  
30 17 districts.

30 18 d. Notwithstanding section 256A.3, subsection 6, of the  
30 19 amount appropriated in this subsection for the fiscal year  
30 20 beginning July 1, ~~1996~~ 2007, and for each succeeding fiscal  
30 21 year, ~~two and one-fourth percent up to two hundred eighty-two~~  
30 22 ~~thousand six hundred dollars~~ may be used for administrative  
30 23 costs. ~~Any reduction of an allocation under this subsection~~  
~~30 24 as necessary to fund the provisions of this paragraph shall be~~  
~~30 25 made from the allocation in paragraph "b".~~

30 26 Sec. 57. Section 602.1304, subsection 2, paragraph b, Code  
30 27 2007, is amended to read as follows:

30 28 b. For each fiscal year, a judicial collection estimate  
30 29 for that fiscal year shall be equally and proportionally  
30 30 divided into a quarterly amount. The judicial collection  
30 31 estimate shall be calculated by using the state revenue  
30 32 estimating conference estimate made by December 15 pursuant to  
30 33 section 8.22A, subsection 3, of the total amount of fines,  
30 34 fees, civil penalties, costs, surcharges, and other revenues  
30 35 collected by judicial officers and court employees for deposit



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31 1 into the general fund of the state. The revenue estimating  
31 2 conference estimate shall be reduced by the maximum amounts  
31 3 allocated to the Iowa prison infrastructure fund pursuant to  
31 4 section 602.8108A, the court technology and modernization fund  
31 5 pursuant to section 602.8108, subsection 7, ~~the judicial~~  
~~31 6 branch pursuant to section 602.8108, subsection 8, the~~  
~~31 7 department of inspections and appeals pursuant to section~~  
~~31 8 602.8108, subsection 9, the office of attorney general~~  
~~31 9 pursuant to section 602.8108, subsection 10, the department of~~  
~~31 10 corrections pursuant to section 602.8108, subsection 11, and~~  
31 11 the road use tax fund pursuant to section 602.8108, subsection  
31 12 12, and the remainder shall be the judicial collection  
31 13 estimate. In each quarter of a fiscal year, after revenues  
31 14 collected by judicial officers and court employees equal to  
31 15 that quarterly amount are deposited into the general fund of  
31 16 the state, after the required amount is deposited during the  
31 17 quarter into the Iowa prison infrastructure fund pursuant to  
31 18 section 602.8108A, into the court technology and modernization  
31 19 fund pursuant to section 602.8108, subsection 7, and into the  
31 20 road use tax fund pursuant to section 602.8108, subsection 12,  
31 21 ~~after the required amount is allocated to the judicial branch~~  
~~31 22 pursuant to section 602.8108, subsection 8, and after the~~  
~~31 23 required amount is allocated to the department of inspections~~  
~~31 24 and appeals pursuant to section 602.8108, subsection 9, the~~  
~~31 25 office of attorney general pursuant to section 602.8108,~~  
~~31 26 subsection 10, and the department of corrections pursuant to~~  
~~31 27 section 602.8108, subsection 11, the director of the~~  
31 28 department of administrative services shall deposit the  
31 29 remaining revenues for that quarter into the enhanced court  
31 30 collections fund in lieu of the general fund. However, after  
31 31 total deposits into the collections fund for the fiscal year  
31 32 are equal to the maximum deposit amount established for the  
31 33 collections fund, remaining revenues for that fiscal year  
31 34 shall be deposited into the general fund. If the revenue  
31 35 estimating conference agrees to a different estimate at a



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32 1 later meeting which projects a lesser amount of revenue than  
32 2 the initial estimate amount used to calculate the judicial  
32 3 collection estimate, the director of the department of  
32 4 administrative services shall recalculate the judicial  
32 5 collection estimate accordingly. If the revenue estimating  
32 6 conference agrees to a different estimate at a later meeting  
32 7 which projects a greater amount of revenue than the initial  
32 8 estimate amount used to calculate the judicial collection  
32 9 estimate, the director of the department of administrative  
32 10 services shall recalculate the judicial collection estimate  
32 11 accordingly but only to the extent that the greater amount is  
32 12 due to an increase in the fines, fees, civil penalties, costs,  
32 13 surcharges, or other revenues allowed by law to be collected  
32 14 by judicial officers and court employees.

32 15 Sec. 58. Section 602.8108, subsections 8, 9, 10, and 11,  
32 16 Code 2007, are amended by striking the subsections.

32 17 Sec. 59. EFFECTIVE DATE. The section of this division of  
32 18 this Act amending section 256D.9, being deemed of immediate  
32 19 importance, takes effect upon enactment.

32 20 Sec. 60. EFFECTIVE DATE. The section of this division of  
32 21 this Act amending 2006 Iowa Acts, chapter 1177, being deemed  
32 22 of immediate importance, takes effect upon enactment.

32 23 Sec. 61. EFFECTIVE DATE. The section of this division of  
32 24 this Act amending 2006 Iowa Acts, chapter 1180, section 5,  
32 25 being deemed of immediate importance, takes effect upon  
32 26 enactment.

32 27 DIVISION V

32 28 MISCELLANEOUS STATUTORY CHANGES

32 29 Sec. 62. Section 8A.363, subsection 1, Code 2007, is  
32 30 amended to read as follows:

32 31 1. A state officer or employee shall not use a state-owned  
32 32 motor vehicle for personal private use. A state officer or  
32 33 employee shall not be compensated for driving a privately  
32 34 owned motor vehicle unless it is done on state business with  
32 35 the approval of the director. In that case the state officer



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33 1 or employee shall receive an amount to be determined by the  
33 2 director. The amount shall ~~not exceed~~ be not less than ninety  
33 3 percent of the maximum or not more than one hundred ten  
33 4 percent of the maximum allowable under the federal internal  
33 5 revenue service rules per mile, notwithstanding established  
33 6 mileage requirements or depreciation allowances. However, the  
33 7 director may authorize private motor vehicle rates in excess  
33 8 of one hundred ten percent of the rate allowed under the  
33 9 federal internal revenue service rules for state business use  
33 10 of substantially modified or specially equipped privately  
33 11 owned vehicles required by persons with disabilities. A  
33 12 statutory provision establishing reimbursement for necessary  
33 13 mileage, travel, or actual expenses to a state officer falls  
33 14 under the private motor vehicle mileage rate limitation  
33 15 provided in this section unless specifically provided  
33 16 otherwise. Any peace officer employed by the state as defined  
33 17 in section 801.4 who is required to use a private motor  
33 18 vehicle in the performance of official duties shall receive  
33 19 the private vehicle mileage rate at the rate provided in this  
33 20 section. However, the director may delegate authority to  
33 21 officials of the state, and department heads, for the use of  
33 22 private vehicles on state business up to a yearly mileage  
33 23 figure established by the director. If a state motor vehicle  
33 24 has been assigned to a state officer or employee, the officer  
33 25 or employee shall not collect mileage for the use of a  
33 26 privately owned motor vehicle unless the state motor vehicle  
33 27 assigned is not useable.

33 28 Sec. 63. Section 15I.3, subsection 4, Code 2007, is  
33 29 amended to read as follows:

33 30 4. The total amount of tax credit certificates that may be  
33 31 issued for a fiscal year under this chapter shall not exceed  
33 32 ten million dollars for the fiscal years beginning before July  
33 33 1, 2007, and shall not exceed four million dollars for fiscal  
33 34 years beginning on or after July 1, 2007. The department  
33 35 shall establish by rule the procedures for the application,



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34 1 review, selection, awarding of certificates, and the method to  
34 2 be used to determine for which fiscal year the tax credits are  
34 3 available. If the approved tax credits exceed the maximum  
34 4 amount for a fiscal year, tax credit certificates shall be  
34 5 issued on an earliest date applied basis.

34 6 Sec. 64. Section 28D.3, subsection 4, Code 2007, is  
34 7 amended to read as follows:

34 8 4. Persons employed by the department of natural  
34 9 resources, department of administrative services, and the Iowa  
34 10 communications network under this chapter are not subject to  
34 11 the twenty-four-month time limitation specified in subsection  
34 12 2.

34 13 Sec. 65. Section 85.66, Code 2007, is amended to read as  
34 14 follows:

34 15 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

34 16 The "Second Injury Fund" is hereby established under the  
34 17 custody of the treasurer of state and shall consist of  
34 18 payments to the fund as provided by this division and any  
34 19 accumulated interest and earnings on moneys in the second  
34 20 injury fund. The treasurer of state is charged with the  
34 21 conservation of the assets of the second injury fund. Moneys  
34 22 collected in the "Second Injury Fund" shall be disbursed only  
34 23 for the purposes stated in this division, and shall not at any  
34 24 time be appropriated or diverted to any other use or purpose.  
34 25 The treasurer of state shall invest any surplus moneys of the  
34 26 fund in securities which constitute legal investments for  
34 27 state funds under the laws of this state, and may sell any of  
34 28 the securities in which the fund is invested, if necessary,  
34 29 for the proper administration or in the best interests of the  
34 30 fund. Disbursements from the fund shall be paid by the  
34 31 treasurer of state only upon the written order of the workers'  
34 32 compensation commissioner. The attorney general shall be  
34 33 reimbursed up to one hundred fifty thousand dollars annually  
34 34 from the fund for services provided related to the fund. The  
34 35 treasurer of state shall quarterly prepare a statement of the



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35 1 fund, setting forth the balance of moneys in the fund, the  
35 2 income of the fund, specifying the source of all income, the  
35 3 payments out of the fund, specifying the various items of  
35 4 payments, and setting forth the balance of the fund remaining  
35 5 to its credit. The statement shall be open to public  
35 6 inspection in the office of the treasurer of state.

35 7 Sec. 66. Section 85.67, Code 2007, is amended to read as  
35 8 follows:

35 9 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT  
35 10 OF AWARD.

35 11 The attorney general shall appoint a staff member to  
35 12 represent the treasurer of state and the fund in all  
35 13 proceedings and matters arising under this division. The  
35 14 attorney general shall be reimbursed up to one hundred fifty  
35 15 thousand dollars annually from the fund for services provided  
35 16 related to the fund. The commissioner of insurance shall  
35 17 consider the reimbursement to the attorney general as an  
35 18 outstanding liability when making a determination of funding  
35 19 availability under section 85.65A, subsection 2. In making an  
35 20 award under this division, the workers' compensation  
35 21 commissioner shall specifically find the amount the injured  
35 22 employee shall be paid weekly, the number of weeks of  
35 23 compensation which shall be paid by the employer, the date  
35 24 upon which payments out of the fund shall begin, and, if  
35 25 possible, the length of time the payments shall continue.

35 26 Sec. 67. NEW SECTION. 190A.1 FARM=TO=SCHOOL PROGRAM.

35 27 A farm=to=school program is established to encourage and  
35 28 promote the purchase of locally and regionally produced or  
35 29 processed food in order to improve child nutrition and  
35 30 strengthen local and regional farm economies.

35 31 Sec. 68. NEW SECTION. 190A.2 FARM=TO=SCHOOL COUNCIL.

35 32 1. A farm=to=school council is established and made up of  
35 33 seven members representing the following associations or state  
35 34 departments:

35 35 a. One member representing the Iowa school nutrition



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36 1 association.  
36 2     b. One member representing the Iowa association for  
36 3 health, physical education, recreation and dance with  
36 4 expertise in health.  
36 5     c. One Iowa fruit or vegetable producer.  
36 6     d. One Iowa organic meat producer.  
36 7     e. The director of the Leopold center or the director's  
36 8 designee.  
36 9     f. The director of the department of agriculture and land  
36 10 stewardship or the director's designee.  
36 11     g. The director of the department of education or the  
36 12 director's designee.  
36 13     2. The members listed under subsection 1, paragraphs "a"  
36 14 through "d", shall be selected by the governor without senate  
36 15 confirmation and shall serve at the pleasure of the governor.  
36 16     Sec. 69. NEW SECTION. 190A.3 GOALS AND STRATEGIES.  
36 17     1. The program seeks to link elementary and secondary  
36 18 public and nonpublic schools in this state with Iowa farms to  
36 19 provide schools with fresh and minimally processed food for  
36 20 inclusion in school meals and snacks, encourages children to  
36 21 develop healthy eating habits, and provide Iowa farmers access  
36 22 to consumer markets.  
36 23     2. The farm=to=school program may include activities that  
36 24 provide students with hands=on learning opportunities, such as  
36 25 farm visits, cooking demonstrations, and school gardening and  
36 26 composting programs.  
36 27     3. The farm=to=school council shall seek to establish  
36 28 partnerships with public agencies and nonprofit organizations  
36 29 to implement a structure to facilitate communication between  
36 30 farmers and schools.  
36 31     4. The farm=to=school council shall actively seek  
36 32 financial or in=kind contributions from organizations or  
36 33 persons to support the program.  
36 34     Sec. 70. NEW SECTION. 190A.4 AGENCY COOPERATION.  
36 35     The department of agriculture and land stewardship and the



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37 1 department of education shall provide information regarding  
37 2 the Iowa farm-to-school program in an electronic format on the  
37 3 department's internet website.

37 4 Sec. 71. NEW SECTION. 214A.2B LABORATORY FOR MOTOR FUEL  
37 5 AND BIOFUELS.

37 6 A laboratory for motor fuel and biofuels is established at  
37 7 a merged area school which is engaged in biofuels testing on  
37 8 July 1, 2007, and which testing includes but is not limited to  
37 9 B20 biodiesel testing for motor trucks and the ability of  
37 10 biofuels to meet A.S.T.M. international standards. The  
37 11 laboratory shall conduct testing of motor fuel sold in this  
37 12 state and biofuel which is blended in motor fuel in this state  
37 13 to ensure that the motor fuel or biofuels meet the  
37 14 requirements in section 214A.2.

37 15 Sec. 72. Section 216A.121, subsection 3, if enacted by  
37 16 2007 Iowa Acts, House File 826, section 1, is amended to read  
37 17 as follows:

37 18 3. MEMBERSHIP.

37 19 a. The commission shall consist of ~~twenty-one~~ twenty-two  
37 20 members, including ~~seventeen~~ eighteen voting members and four  
37 21 nonvoting members.

37 22 (1) The voting members shall be as follows:

37 23 (a) The governor or the governor's designee.

37 24 (b) One member, appointed by the governor, who is an Iowa  
37 25 designated representative to the federal Abraham Lincoln  
37 26 bicentennial commission governors' council.

37 27 (c) One member appointed by the president of Humanities  
37 28 Iowa.

37 29 (d) One member appointed by the director of the department  
37 30 of economic development.

37 31 (e) One member appointed by the administrator of the state  
37 32 historical society of Iowa.

37 33 (f) One member appointed by the executive director of the  
37 34 Iowa arts council.

37 35 (g) One member appointed by the executive director of the



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38 1 Iowa museum society.

38 2 (h) One member appointed by the president of the league of  
38 3 Iowa human rights agencies.

38 4 (i) One member appointed by the president of the Iowa  
38 5 league of cities.

38 6 (ii) One member appointed by the executive director of the  
38 7 Iowa state association of counties.

38 8 (j) One member appointed by the director of the department  
38 9 of education.

38 10 (k) One member appointed by the chairperson of the state  
38 11 board of regents.

38 12 (l) One member appointed by the president of the Iowa  
38 13 library board.

38 14 (m) One member appointed by the chairperson of the Iowa  
38 15 state chapter of the national association for the advancement  
38 16 of colored people.

38 17 (n) Four public members, appointed by the governor, with a  
38 18 demonstrated interest in history and substantial knowledge and  
38 19 appreciation of Abraham Lincoln.

38 20 (2) The nonvoting members shall be two state  
38 21 representatives, one appointed by the speaker of the house of  
38 22 representatives and one by the minority leader of the house,  
38 23 and two state senators, one appointed by the majority leader  
38 24 of the senate and one by the minority leader of the senate.

38 25 b. ~~Nine~~ Ten voting members of the board shall constitute a  
38 26 quorum. Persons making appointments shall consult with one  
38 27 another to ensure that the commission is balanced by gender,  
38 28 political affiliation, and geographic location, and to ensure  
38 29 selection of members representing diverse interest groups.  
38 30 The provisions of chapters 21 and 22 shall apply to meetings  
38 31 and records of the commission.

38 32 c. The commission shall elect a chairperson and vice  
38 33 chairperson from the members of the commission. Commission  
38 34 members shall serve without compensation, but shall be  
38 35 reimbursed for actual and necessary expenses.



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39 1 Sec. 73. Section 237A.13, Code 2007, is amended by adding  
39 2 the following new subsection:

39 3 NEW SUBSECTION. 3A. The department's billing and payment  
39 4 provisions for the program shall allow providers to elect  
39 5 either biweekly or monthly billing and payment for child care  
39 6 provided under the program. The department shall remit  
39 7 payment to a provider within ten business days of receiving a  
39 8 bill or claim for services provided. However, if the  
39 9 department determines that a bill has an error or omission,  
39 10 the department shall notify the provider of the error or  
39 11 omission and identify any correction needed before issuance of  
39 12 payment to the provider. The department shall provide the  
39 13 notice within five business days of receiving the billing from  
39 14 the provider and shall remit payment to the provider within  
39 15 ten business days of receiving the corrected billing.

39 16 Sec. 74. Section 272.27, Code 2007, is amended to read as  
39 17 follows:

39 18 272.27 ~~STUDENT TEACHING~~ EDUCATOR LICENSURE EXPERIENCES.

39 19 If the rules adopted by the board of educational examiners  
39 20 for issuance of any type or class of license require an  
39 21 applicant to complete work in student teaching, prestudent  
39 22 teaching experiences, field experiences, practicums, clinics,  
39 23 or internships, an accredited college or university located  
39 24 within the state of Iowa and states conterminous with Iowa may  
39 25 offer a program or programs of teacher education approved by  
39 26 the director of the department of education or the appropriate  
39 27 authority in states conterminous with Iowa by entering into a  
39 28 written contract with any ~~accredited~~ school district ~~or~~  
~~39 29 private school,~~ or any accredited or licensed private school  
39 30 or education agency under terms and conditions as agreed upon  
39 31 by the contracting parties. Students actually ~~teaching~~  
39 32 engaged in preservice licensure activities in a school  
39 33 district under the terms of such a contract are entitled to  
39 34 the same protection, under section 670.8, as is afforded by  
39 35 that section to officers and employees of the school district,



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40 1 during the time they are so assigned.

40 2 Sec. 75. Section 303.1, Code 2007, is amended by adding  
40 3 the following new subsection:

40 4 NEW SUBSECTION. 7. The department may develop and  
40 5 implement fee-based educational programming opportunities,  
40 6 including preschool programs, related to arts, history, and  
40 7 other cultural matters for Iowans of all ages.

40 8 Sec. 76. Section 321.20B, subsection 2, paragraph b, Code  
40 9 2007, is amended to read as follows:

40 10 b. The ~~insurance division and the department, as~~  
~~40 11 appropriate,~~ shall adopt rules regarding the contents of a  
40 12 financial liability coverage card to be issued pursuant to  
40 13 this section.

40 14 (1) Notwithstanding the provisions of this section, a  
40 15 fleet owner who is issued a certificate of self-insurance  
40 16 pursuant to section 321A.34, subsection 1, is not required to  
40 17 maintain in each vehicle a financial liability coverage card  
40 18 with the individual registration number or the vehicle  
40 19 identification number of the vehicle included on the card.  
40 20 Such fleet owner shall be required to maintain a financial  
40 21 liability coverage card in each vehicle in the fleet including  
40 22 information deemed appropriate by the ~~commissioner of~~  
~~40 23 insurance or the director, as applicable.~~

40 24 (2) An association of individual members that is issued a  
40 25 certificate of self-insurance pursuant to section 321A.34,  
40 26 subsection 2, is required to maintain in each vehicle of an  
40 27 individual member a financial liability coverage card that  
40 28 complies with the provisions of this section and in addition  
40 29 contains information relating to the association and the  
40 30 association's certificate of self-insurance as is deemed  
40 31 appropriate by the director.

40 32 Sec. 77. Section 321A.34, subsections 1 and 2, Code 2007,  
40 33 are amended to read as follows:

40 34 1. a. Any person in whose name more than twenty-five  
40 35 motor vehicles are registered may qualify as a self-insurer by



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41 1 obtaining a certificate of self=insurance issued by the  
41 2 department as provided in ~~subsection 2 of this section~~  
41 3 paragraph "b".

41 4 ~~2.~~ b. The department may, upon the application of such a  
41 5 person, issue a certificate of self=insurance if the  
41 6 department is satisfied that the person has and will continue  
41 7 to have the ability to pay judgments obtained against the  
41 8 person for damages arising out of the ownership, maintenance,  
41 9 or use of any vehicle owned by the person. A person issued a  
41 10 certificate of self=insurance pursuant to this ~~section~~  
41 11 subsection shall maintain a financial liability coverage card  
41 12 as provided in section 321.20B, subsection 2, paragraph "b",  
41 13 subparagraph (1).

41 14 2. a. Any association of individual members that is a  
41 15 legal entity with the power to sue and be sued in its own name  
41 16 and which is composed of individual members in whose names a  
41 17 total of more than twenty=five motor vehicles are registered,  
41 18 may qualify as a self=insurer by obtaining a certificate of  
41 19 insurance issued by the department as provided in paragraph  
41 20 "b".

41 21 b. The department may, upon the application of such an  
41 22 association, issue a certificate of self=insurance if the  
41 23 department is satisfied that the association has and will  
41 24 continue to have the ability to pay judgments obtained against  
41 25 the association or against an individual member of the  
41 26 association for damages arising out of the ownership,  
41 27 maintenance, or use of any vehicle owned by an individual  
41 28 member of the association. An association issued a  
41 29 certificate of self=insurance pursuant to this paragraph shall  
41 30 maintain a financial liability coverage card as provided in  
41 31 section 321.20B, subsection 2, paragraph "b", subparagraph  
41 32 (2).

41 33 Sec. 78. Section 388.2, unnumbered paragraph 2, Code 2007,  
41 34 is amended to read as follows:

41 35 ~~The~~ Upon the council's own motion, the proposal may be



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42 1 submitted to the voters at ~~any~~ the general election, the  
42 2 regular city election by the council on its own motion, or at  
42 3 a special election called for that purpose. Upon receipt of a  
42 4 valid petition as defined in section 362.4, requesting that a  
42 5 proposal be submitted to the voters, the council shall submit  
42 6 the proposal at the next regular city election.

42 7 Sec. 79. Section 388.2, Code 2007, is amended by adding  
42 8 the following new unnumbered paragraph after unnumbered  
42 9 paragraph 2:

42 10 NEW UNNUMBERED PARAGRAPH. If the special election is to  
42 11 establish a gas or electric utility pursuant to this section,  
42 12 or if such a proposal is to be included on the ballot at the  
42 13 regular city or general election, the mayor or council shall  
42 14 give notice as required by section 376.1 to the county  
42 15 commissioner of elections and to any utility whose property  
42 16 would be affected by such election not less than sixty days  
42 17 before the proposed date of the special, regular city, or  
42 18 general election.

42 19 Sec. 80. Section 404A.4, subsection 4, Code 2007, is  
42 20 amended to read as follows:

42 21 4. The total amount of tax credits that may be approved  
42 22 for a fiscal year under this chapter shall not exceed ~~two six~~  
42 23 million ~~four hundred thousand~~ dollars. For the fiscal period  
42 24 beginning July 1, 2005, and ending June 30, 2015, an  
42 25 additional four million dollars of tax credits may be approved  
42 26 each fiscal year for purposes of projects located in cultural  
42 27 and entertainment districts certified pursuant to section  
42 28 303.3B. Any of the additional tax credits allocated for  
42 29 projects located in certified cultural and entertainment  
42 30 districts that are not approved during a fiscal year shall be  
42 31 applied to reserved tax credits issued in accordance with  
42 32 section 404A.3 in order of original reservation. The  
42 33 department of cultural affairs shall establish by rule the  
42 34 procedures for the application, review, selection, and  
42 35 awarding of certifications of completion. The departments of



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43 1 economic development, cultural affairs, and revenue shall each  
43 2 adopt rules to jointly administer this subsection and shall  
43 3 provide by rule for the method to be used to determine for  
43 4 which fiscal year the tax credits are available. With the  
43 5 exception of tax credits issued pursuant to contracts entered  
43 6 into prior to July 1, 2005, tax credits shall not be reserved  
43 7 for more than five years.

43 8 Sec. 81. Section 463C.17, Code 2007, is amended to read as  
43 9 follows:

43 10 463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.

43 11 The authority, the department, and their agents and  
43 12 contracts entered into by the authority, the department, and  
43 13 their agents, in carrying out its public and essential  
43 14 governmental functions are exempt from the laws of the state  
43 15 which provide for competitive bids, term=length, and hearings  
43 16 in connection with contracts, except as provided in section  
43 17 12.30. However, the exemption from competitive bid laws in  
43 18 this section shall not be construed to apply to contracts for  
43 19 ~~the development of the park or~~ the development or construction  
43 20 of facilities in the park, including, but not limited to,  
43 21 lodges, campgrounds, cabins, and golf courses.

43 22 Sec. 82. Section 717F.1, subsection 3, paragraph b, if  
43 23 enacted by 2007 Iowa Acts, Senate File 564, section 1, is  
43 24 amended to read as follows:

43 25 b. "Circus" does not include a person, regardless of  
43 26 whether the person is a holder of a class "C" license as  
43 27 provided in paragraph "a", who ~~does any of the following:~~

~~43 28 (1) Keeps a dangerous wild animal which is a member of the~~  
~~43 29 order carnivora within the family felidae or the family~~  
~~43 30 ursidae, as described in this section.~~

~~43 31 (2) Uses the uses a dangerous wild animal for any of the~~  
43 32 following purposes:

43 33 ~~(a)~~ (1) A presentation to children at a public or  
43 34 nonpublic school as defined in section 280.2.

43 35 ~~(b)~~ (2) Entertainment that involves an activity in which



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44 1 a member of the public is in close proximity to the dangerous  
44 2 wild animal, including but not limited to a contest or a  
44 3 photographic opportunity.

44 4 Sec. 83. Section 717F.7, subsection 3, if enacted by 2007  
44 5 Iowa Acts, Senate File 564, section 7, is amended by striking  
44 6 the subsection.

44 7 Sec. 84. 2007 Iowa Acts, Senate File 403, section 5, if  
44 8 enacted, is repealed.

44 9 Sec. 85. EFFECTIVE DATE. The section of this division of  
44 10 this Act amending section 28D.3, subsection 4, being deemed of  
44 11 immediate importance, takes effect upon enactment.

44 12 DIVISION VI

44 13 ELDER SERVICES

44 14 Sec. 86. Section 231B.1, subsection 1, Code 2007, is  
44 15 amended to read as follows:

44 16 1. "Department" means the department of ~~elder affairs~~  
44 17 inspections and appeals or the department's designee.

44 18 Sec. 87. Section 231B.1A, subsection 3, Code 2007, is  
44 19 amended by striking the subsection.

44 20 Sec. 88. Section 231B.2, subsection 1, unnumbered  
44 21 paragraph 1, Code 2007, is amended to read as follows:

44 22 The department shall establish by rule, in accordance with  
44 23 chapter 17A, minimum standards for certification and  
44 24 monitoring of elder group homes. The department may adopt by  
44 25 reference, with or without amendment, nationally recognized  
44 26 standards and rules for elder group homes. The standards and  
44 27 rules shall be formulated in consultation with ~~the department~~  
44 28 ~~of inspections and appeals~~ affected state agencies and

44 29 affected industry, professional, and consumer groups; shall  
44 30 be designed to accomplish the purposes of this chapter; and  
44 31 shall include but not be limited to rules relating to all of  
44 32 the following:

44 33 Sec. 89. Section 231B.2, subsection 1, paragraph b, Code  
44 34 2007, is amended to read as follows:

44 35 b. Requirements that elder group homes furnish the



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45 1 ~~department of elder affairs and the department of inspections~~  
45 2 ~~and appeals~~ with specified information necessary to administer  
45 3 this chapter. All information related to the provider  
45 4 application for an elder group home presented to ~~either the~~  
45 5 ~~department of inspections and appeals or the department of~~  
45 6 ~~elder affairs~~ shall be considered a public record pursuant to  
45 7 chapter 22.

45 8 Sec. 90. Section 231B.2, subsection 2, Code 2007, is  
45 9 amended to read as follows:

45 10 2. Each elder group home operating in this state shall be  
45 11 certified by the department ~~of inspections and appeals~~.

45 12 Sec. 91. Section 231B.2, subsection 5, unnumbered  
45 13 paragraph 1, Code 2007, is amended to read as follows:

45 14 The department ~~of inspections and appeals~~ may enter into  
45 15 contracts to provide certification and monitoring of elder  
45 16 group homes. The department ~~of inspections and appeals~~ shall:

45 17 Sec. 92. Section 231B.2, subsection 6, 7, 9, and 10, Code  
45 18 2007, are amended to read as follows:

45 19 6. A department, agency, or officer of this state or of  
45 20 any governmental unit shall not pay or approve for payment  
45 21 from public funds any amount to an elder group home for an  
45 22 actual or prospective tenant, unless the program holds a  
45 23 current certificate issued by the department ~~of inspections~~  
45 24 ~~and appeals~~ and meets all current requirements for  
45 25 certification.

45 26 7. The department shall adopt rules regarding the  
45 27 conducting or operating of another business or activity in the  
45 28 distinct part of the physical structure in which the elder  
45 29 group home is operated, if the business or activity serves  
45 30 persons who are not tenants. The rules shall be developed in  
45 31 consultation with ~~the department of inspections and appeals~~  
45 32 affected state agencies and affected industry, professional,  
45 33 and consumer groups.

45 34 9. The department ~~of elder affairs and the department of~~  
45 35 ~~inspections and appeals~~ shall conduct ~~joint~~ training sessions



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46 1 for personnel responsible for conducting monitoring  
46 2 evaluations and complaint investigations of elder group homes.

46 3 10. Certification shall be for two years unless revoked  
46 4 for good cause by the department ~~of inspections and appeals~~.

46 5 Sec. 93. Section 231B.3, subsection 2, Code 2007, is  
46 6 amended to read as follows:

46 7 2. A person who has knowledge that an elder group home is  
46 8 operating without certification shall report the name and  
46 9 address of the home to the department ~~of inspections and~~  
~~46 10 appeals~~. The department ~~of inspections and appeals~~ shall

46 11 investigate a report made pursuant to this section.

46 12 Sec. 94. Section 231B.4, Code 2007, is amended to read as  
46 13 follows:

46 14 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

46 15 An elder group home shall be located in an area zoned for  
46 16 single=family or multiple=family housing or in an  
46 17 unincorporated area and shall be constructed in compliance  
46 18 with applicable local housing codes and the rules adopted for  
46 19 the special classification by the state fire marshal. In the  
46 20 absence of local building codes, the facility shall comply  
46 21 with the state plumbing code established pursuant to section  
46 22 135.11 and the state building code established pursuant to  
46 23 section 103A.7 and the rules adopted for the special  
46 24 classification by the state fire marshal. The rules adopted  
46 25 for the special classification by the state fire marshal  
46 26 regarding second floor occupancy shall be adopted in  
46 27 consultation with the department ~~of elder affairs~~ and shall  
46 28 take into consideration the mobility of the tenants.

46 29 Sec. 95. Section 231B.5, subsection 3, Code 2007, is  
46 30 amended to read as follows:

46 31 3. Occupancy agreements and related documents executed by  
46 32 each tenant or tenant's legal representative shall be  
46 33 maintained by the elder group home from the date of execution  
46 34 until three years from the date the occupancy agreement is  
46 35 terminated. A copy of the most current occupancy agreement



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47 1 shall be provided to members of the general public, upon  
47 2 request. Occupancy agreements and related documents shall be  
47 3 made available for on-site inspection to the department of  
~~47 4 inspections and appeals~~ upon request and at reasonable times.

47 5 Sec. 96. Section 231B.6, subsection 1, unnumbered  
47 6 paragraph 1, Code 2007, is amended to read as follows:

47 7 If an elder group home initiates the involuntary transfer  
47 8 of a tenant and the action is not a result of a monitoring  
47 9 evaluation or complaint investigation by the department of  
~~47 10 inspections and appeals~~, and if the tenant or tenant's legal  
47 11 representative contests the transfer, the following procedure  
47 12 shall apply:

47 13 Sec. 97. Section 231B.6, subsection 2, Code 2007, is  
47 14 amended to read as follows:

47 15 2. The department, in consultation with ~~the department of~~  
~~47 16 inspections and appeals~~ affected state agencies and affected  
47 17 industry, professional, and consumer groups, shall establish  
47 18 by rule, in accordance with chapter 17A, procedures to be  
47 19 followed, including the opportunity for hearing, when the  
47 20 transfer of a tenant results from a monitoring evaluation or  
47 21 complaint investigation conducted by the department of  
~~47 22 inspections and appeals~~.

47 23 Sec. 98. Section 231B.7, Code 2007, is amended to read as  
47 24 follows:

47 25 231B.7 COMPLAINTS.

47 26 1. Any person with concerns regarding the operations or  
47 27 service delivery of an elder group home may file a complaint  
47 28 with the department of ~~inspections and appeals~~. The name of  
47 29 the person who files a complaint with the department of  
~~47 30 inspections and appeals~~ and any personal identifying  
47 31 information of the person or any tenant identified in the  
47 32 complaint shall be kept confidential and shall not be subject  
47 33 to discovery, subpoena, or other means of legal compulsion for  
47 34 its release to a person other than department of ~~inspections~~  
~~47 35 and appeals~~ employees involved with the complaint.



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48 1 2. The department, ~~in cooperation with the department of~~  
~~48 2 inspections and appeals~~, shall establish procedures for the  
48 3 disposition of complaints received in accordance with this  
48 4 section.

48 5 Sec. 99. Section 231B.8, Code 2007, is amended to read as  
48 6 follows:

48 7 231B.8 INFORMAL REVIEW.

48 8 1. If an elder group home contests the findings of  
48 9 regulatory insufficiencies of a monitoring evaluation or  
48 10 complaint investigation, the program shall submit written  
48 11 information, demonstrating that the program was in compliance  
48 12 with the applicable requirement at the time of the monitoring  
48 13 evaluation or complaint investigation of the regulatory  
48 14 insufficiencies, to the department ~~of inspections and appeals~~  
48 15 for review.

48 16 2. The department ~~of inspections and appeals~~ shall review  
48 17 the written information submitted within ten working days of  
48 18 the receipt of the information. At the conclusion of the  
48 19 review, the department ~~of inspections and appeals~~ may affirm,  
48 20 modify, or dismiss the regulatory insufficiencies. The  
48 21 department ~~of inspections and appeals~~ shall notify the program  
48 22 in writing of the decision to affirm, modify, or dismiss the  
48 23 regulatory insufficiencies, and the reasons for the decision.

48 24 3. In the case of a complaint investigation, the  
48 25 department ~~of inspections and appeals~~ shall also notify the  
48 26 complainant, if known, of the decision and the reasons for the  
48 27 decision.

48 28 Sec. 100. Section 231B.9, Code 2007, is amended to read as  
48 29 follows:

48 30 231B.9 PUBLIC DISCLOSURE OF FINDINGS.

48 31 Upon completion of a monitoring evaluation or complaint  
48 32 investigation of an elder group home by the department ~~of~~  
~~48 33 inspections and appeals~~ pursuant to this chapter, including  
48 34 the conclusion of all administrative appeals processes, the  
48 35 ~~department of inspections and appeals'~~ department's final



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49 1 findings with respect to compliance by the elder group home  
49 2 with requirements for certification shall be made available to  
49 3 the public in a readily available form and place. Other  
49 4 information relating to an elder group home that is obtained  
49 5 by the department of ~~inspections and appeals~~ which does not  
49 6 constitute the ~~department of inspections and appeals'~~  
49 7 department's final findings from a monitoring evaluation or  
49 8 complaint investigation of the elder group home shall ~~be made~~  
~~49 9 available to the department of elder affairs upon request to~~  
~~49 10 facilitate policy decisions, but shall not be made available~~  
49 11 to the public except in proceedings involving the denial,  
49 12 suspension, or revocation of a certificate under this chapter.  
49 13 Sec. 101. Section 231B.10, subsection 1, unnumbered  
49 14 paragraph 1, Code 2007, is amended to read as follows:  
49 15 The department of ~~inspections and appeals~~ may deny,  
49 16 suspend, or revoke a certificate in any case where the  
49 17 department of ~~inspections and appeals~~ finds that there has  
49 18 been a substantial or repeated failure on the part of the  
49 19 elder group home to comply with this chapter or minimum  
49 20 standards adopted under this chapter or for any of the  
49 21 following reasons:  
49 22 Sec. 102. Section 231B.10, subsection 2, Code 2007, is  
49 23 amended to read as follows:  
49 24 2. The department of ~~inspections and appeals~~ may as an  
49 25 alternative to denial, suspension, or revocation conditionally  
49 26 issue or continue a certificate dependent upon the performance  
49 27 by the elder group home of reasonable conditions within a  
49 28 reasonable period of time as set by the department of ~~of~~  
~~49 29 inspections and appeals~~ so as to permit the program to  
49 30 commence or continue the operation of the elder group home  
49 31 pending full compliance with this chapter or the rules adopted  
49 32 pursuant to this chapter. If the elder group home does not  
49 33 make diligent efforts to comply with the conditions  
49 34 prescribed, the department of ~~inspections and appeals~~ may,  
49 35 under the proceedings prescribed by this chapter, deny,



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50 1 suspend, or revoke the certificate. An elder group home shall  
50 2 not be operated on a conditional certificate for more than one  
50 3 year.

50 4 Sec. 103. Section 231B.11, Code 2007, is amended to read  
50 5 as follows:

50 6 231B.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

50 7 1. The denial, suspension, or revocation of a certificate  
50 8 shall be effected by delivering to the applicant or  
50 9 certificate holder by restricted certified mail or by personal  
50 10 service a notice setting forth the particular reasons for such  
50 11 action. Such denial, suspension, or revocation shall become  
50 12 effective thirty days after the mailing or service of the  
50 13 notice, unless the applicant or certificate holder, within  
50 14 such thirty-day period, requests a hearing, in writing, of the  
50 15 department ~~of inspections and appeals~~, in which case the  
50 16 notice shall be deemed to be suspended.

50 17 2. The denial, suspension, or revocation of a certificate  
50 18 may be appealed in accordance with rules adopted by the  
50 19 department ~~of inspections and appeals~~ in accordance with  
50 20 chapter 17A.

50 21 3. When the department ~~of inspections and appeals~~ finds  
50 22 that an imminent danger to the health or safety of a tenant of  
50 23 an elder group home exists which requires action on an  
50 24 emergency basis, the department ~~of inspections and appeals~~ may  
50 25 direct removal of all tenants of the elder group home and  
50 26 suspend the certificate prior to a hearing.

50 27 Sec. 104. Section 231B.12, Code 2007, is amended to read  
50 28 as follows:

50 29 231B.12 DEPARTMENT NOTIFIED OF CASUALTIES.

50 30 The department ~~of inspections and appeals~~ shall be notified  
50 31 within twenty-four hours, by the most expeditious means  
50 32 available, of any accident causing substantial injury or death  
50 33 to a tenant, and any substantial fire or natural or other  
50 34 disaster occurring at or near an elder group home.

50 35 Sec. 105. Section 231B.13, Code 2007, is amended to read



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51 1 as follows:

51 2 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

51 3 An elder group home shall not discriminate or retaliate in  
51 4 any way against a tenant, a tenant's family, or an employee of  
51 5 the elder group home who has initiated or participated in any  
51 6 proceeding authorized by this chapter. An elder group home  
51 7 that violates this section is subject to a penalty as  
51 8 established by administrative rule in accordance with chapter  
51 9 17A, to be assessed and collected by the department ~~of~~  
~~51 10 inspections and appeals~~, paid into the state treasury, and  
51 11 credited to the general fund of the state.

51 12 Sec. 106. Section 231B.14, subsection 2, Code 2007, is  
51 13 amended to read as follows:

51 14 2. Following receipt of notice from the department ~~of~~  
~~51 15 inspections and appeals~~, continued failure or refusal to  
51 16 comply within a prescribed time frame with regulatory  
51 17 requirements that have a direct relationship to the health,  
51 18 safety, or security of elder group home tenants.

51 19 Sec. 107. Section 231B.14, subsection 3, unnumbered  
51 20 paragraph 1, Code 2007, is amended to read as follows:

51 21 Preventing or interfering with or attempting to impede in  
51 22 any way any duly authorized representative of the department  
51 23 ~~of inspections and appeals~~ in the lawful enforcement of this  
51 24 chapter or of the rules adopted pursuant to this chapter. As  
51 25 used in this subsection, "lawful enforcement" includes but is  
51 26 not limited to:

51 27 Sec. 108. Section 231B.15, Code 2007, is amended to read  
51 28 as follows:

51 29 231B.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

51 30 A person establishing, conducting, managing, or operating  
51 31 an elder group home without a certificate is guilty of a  
51 32 serious misdemeanor. Each day of continuing violation after  
51 33 conviction or notice from the department ~~of inspections and~~  
~~51 34 appeals~~ by certified mail of a violation shall be considered a  
51 35 separate offense. A person establishing, conducting,



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52 1 managing, or operating an elder group home without a  
52 2 certificate may be temporarily or permanently restrained by a  
52 3 court of competent jurisdiction from such activity in an  
52 4 action brought by the state.

52 5 Sec. 109. Section 231B.17, subsection 1, Code 2007, is  
52 6 amended to read as follows:

52 7 1. The department ~~of inspections and appeals~~ shall collect  
52 8 elder group home certification and related fees. Fees  
52 9 collected and retained pursuant to this section shall be  
52 10 deposited in the general fund of the state.

52 11 Sec. 110. Section 231B.20, Code 2007, is amended to read  
52 12 as follows:

52 13 231B.20 NURSING ASSISTANT AND MEDICATION AIDE ==  
52 14 CERTIFICATION.

52 15 The department ~~of inspections and appeals~~, in cooperation  
52 16 with other appropriate agencies, shall establish a procedure  
52 17 to allow nursing assistants or medication aides to claim work  
52 18 within an elder group home as credit toward sustaining the  
52 19 nursing assistant's or medication aide's certification.

52 20 Sec. 111. Section 231C.1, subsection 3, Code 2007, is  
52 21 amended by striking the subsection and inserting in lieu  
52 22 thereof the following:

52 23 3. It is the intent of the general assembly that the  
52 24 department promote a social model for assisted living programs  
52 25 and a consultative process to assist with compliance by  
52 26 assisted living programs.

52 27 Sec. 112. Section 231C.2, subsection 3, Code 2007, is  
52 28 amended to read as follows:

52 29 3. "Department" means the department of ~~elder affairs~~  
~~52 30 created in chapter 231 inspections and appeals~~ or the  
52 31 department's designee.

52 32 Sec. 113. Section 231C.3, subsection 1, unnumbered  
52 33 paragraph 1, Code 2007, is amended to read as follows:

52 34 The department shall establish by rule in accordance with  
52 35 chapter 17A minimum standards for certification and monitoring



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53 1 of assisted living programs. The department may adopt by  
53 2 reference with or without amendment, nationally recognized  
53 3 standards and rules for assisted living programs. The rules  
53 4 shall include specification of recognized accrediting entities  
53 5 and provisions related to dementia-specific programs. The  
53 6 standards and rules shall be formulated in consultation with  
53 7 ~~the department of inspections and appeals~~ affected state  
53 8 agencies and affected industry, professional, and consumer  
53 9 groups; shall be designed to accomplish the purposes of this  
53 10 chapter; and shall include but are not limited to rules  
53 11 relating to all of the following:

53 12 Sec. 114. Section 231C.3, subsection 1, paragraph b, Code  
53 13 2007, is amended to read as follows:

53 14 b. Requirements that assisted living programs furnish the  
53 15 department of elder affairs and the department of inspections  
53 16 and appeals with specified information necessary to administer  
53 17 this chapter. All information related to a provider  
53 18 application for an assisted living program submitted to either  
53 19 the department of elder affairs or the department of  
53 20 inspections and appeals shall be considered a public record  
53 21 pursuant to chapter 22.

53 22 Sec. 115. Section 231C.3, subsection 2, Code 2007, is  
53 23 amended to read as follows:

53 24 2. Each assisted living program operating in this state  
53 25 shall be certified by the department of inspections and  
53 26 appeals. If an assisted living program is voluntarily  
53 27 accredited by a recognized accrediting entity, the department  
53 28 of inspections and appeals shall certify the assisted living  
53 29 program on the basis of the voluntary accreditation. An  
53 30 assisted living program that is certified by the department of  
53 31 inspections and appeals on the basis of voluntary  
53 32 accreditation shall not be subject to payment of the  
53 33 certification fee prescribed in section 231C.18, but shall be  
53 34 subject to an administrative fee as prescribed by rule. An  
53 35 assisted living program certified under this section is exempt



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54 1 from the requirements of section 135.63 relating to  
54 2 certificate of need requirements.

54 3 Sec. 116. Section 231C.3, subsection 5, unnumbered  
54 4 paragraph 1, Code 2007, is amended to read as follows:

54 5 ~~The department of inspections and appeals~~ may enter into  
54 6 contracts to provide certification and monitoring of assisted  
54 7 living programs. ~~The department of inspections and appeals~~  
54 8 shall:

54 9 Sec. 117. Section 231C.3, subsections 6, 7, 8, 10, and 11,  
54 10 Code 2007, are amended to read as follows:

54 11 6. The department may also establish by rule in accordance  
54 12 with chapter 17A minimum standards for subsidized and  
54 13 dementia-specific assisted living programs. The rules shall  
54 14 be formulated in consultation with ~~the department of~~  
~~54 15 inspections and appeals~~ affected state agencies and affected  
54 16 industry, professional, and consumer groups.

54 17 7. A department, agency, or officer of this state or of  
54 18 any governmental unit shall not pay or approve for payment  
54 19 from public funds any amount to an assisted living program for  
54 20 an actual or prospective tenant, unless the program holds a  
54 21 current certificate issued by the department ~~of inspections~~  
~~54 22 and appeals~~ and meets all current requirements for  
54 23 certification.

54 24 8. The department shall adopt rules regarding the  
54 25 conducting or operating of another business or activity in the  
54 26 distinct part of the physical structure in which the assisted  
54 27 living program is provided, if the business or activity serves  
54 28 nontenants. The rules shall be developed in consultation with  
54 29 ~~the department of inspections and appeals~~ affected state  
54 30 agencies and affected industry, professional, and consumer  
54 31 groups.

54 32 10. The department ~~of elder affairs and the department of~~  
~~54 33 inspections and appeals~~ shall conduct ~~joint~~ training sessions  
54 34 for personnel responsible for conducting monitoring  
54 35 evaluations and complaint investigations of assisted living



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55 1 programs.

55 2 11. Certification of an assisted living program shall be  
55 3 for two years unless certification is revoked for good cause  
55 4 by the department of ~~inspections and appeals~~.

55 5 Sec. 118. Section 231C.4, Code 2007, is amended to read as  
55 6 follows:

55 7 231C.4 FIRE AND SAFETY STANDARDS.

55 8 The state fire marshal shall adopt rules, in coordination  
55 9 with the department of ~~elder affairs and the department of~~  
55 10 ~~inspections and appeals~~, relating to the certification and  
55 11 monitoring of the fire and safety standards of certified  
55 12 assisted living programs.

55 13 Sec. 119. Section 231C.5, subsection 3, Code 2007, is  
55 14 amended to read as follows:

55 15 3. Occupancy agreements and related documents executed by  
55 16 each tenant or the tenant's legal representative shall be  
55 17 maintained by the assisted living program in program files  
55 18 from the date of execution until three years from the date the  
55 19 occupancy agreement is terminated. A copy of the most current  
55 20 occupancy agreement shall be provided to members of the  
55 21 general public, upon request. Occupancy agreements and  
55 22 related documents shall be made available for on-site  
55 23 inspection to the department of ~~inspections and appeals~~ upon  
55 24 request and at reasonable times.

55 25 Sec. 120. Section 231C.6, subsection 1, unnumbered  
55 26 paragraph 1, Code 2007, is amended to read as follows:

55 27 If an assisted living program initiates the involuntary  
55 28 transfer of a tenant and the action is not a result of a  
55 29 monitoring evaluation or complaint investigation by the  
55 30 department of ~~inspections and appeals~~, and if the tenant or  
55 31 the tenant's legal representative contests the transfer, the  
55 32 following procedure shall apply:

55 33 Sec. 121. Section 231C.6, subsection 2, Code 2007, is  
55 34 amended to read as follows:

55 35 2. The department, in consultation with ~~the department of~~



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~~56 1 inspections and appeals affected state agencies and affected  
56 2 industry, professional, and consumer groups, shall establish,  
56 3 by rule in accordance with chapter 17A, procedures to be  
56 4 followed, including the opportunity for hearing, when the  
56 5 transfer of a tenant results from a monitoring evaluation or  
56 6 complaint investigation conducted by the department of  
56 7 inspections and appeals.~~

56 8 Sec. 122. Section 231C.7, Code 2007, is amended to read as  
56 9 follows:

56 10 231C.7 COMPLAINTS.

56 11 1. Any person with concerns regarding the operations or  
56 12 service delivery of an assisted living program may file a  
56 13 complaint with the department ~~of inspections and appeals~~. The  
56 14 name of the person who files a complaint with the department  
56 15 ~~of inspections and appeals~~ and any personal identifying  
56 16 information of the person or any tenant identified in the  
56 17 complaint shall be kept confidential and shall not be subject  
56 18 to discovery, subpoena, or other means of legal compulsion for  
56 19 its release to a person other than department ~~of inspections  
56 20 and appeals'~~ employees involved with the complaint.

56 21 2. The department, ~~in cooperation with the department of  
56 22 inspections and appeals~~, shall establish procedures for the  
56 23 disposition of complaints received in accordance with this  
56 24 section.

56 25 Sec. 123. Section 231C.8, Code 2007, is amended to read as  
56 26 follows:

56 27 231C.8 INFORMAL REVIEW.

56 28 1. If an assisted living program contests the regulatory  
56 29 insufficiencies of a monitoring evaluation or complaint  
56 30 investigation, the program shall submit written information,  
56 31 demonstrating that the program was in compliance with the  
56 32 applicable requirement at the time of the monitoring  
56 33 evaluation or complaint investigation, in support of the  
56 34 contesting of the regulatory insufficiencies, to the  
56 35 department ~~of inspections and appeals~~ for review.



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57 1 2. The department ~~of inspections and appeals~~ shall review  
57 2 the written information submitted within ten working days of  
57 3 the receipt of the information. At the conclusion of the  
57 4 review, the department ~~of inspections and appeals~~ may affirm,  
57 5 modify, or dismiss the regulatory insufficiencies. The  
57 6 department ~~of inspections and appeals~~ shall notify the program  
57 7 in writing of the decision to affirm, modify, or dismiss the  
57 8 regulatory insufficiencies, and the reasons for the decision.

57 9 3. In the case of a complaint investigation, the  
57 10 department ~~of inspections and appeals~~ shall also notify the  
57 11 complainant, if known, of the decision and the reasons for the  
57 12 decision.

57 13 Sec. 124. Section 231C.9, Code 2007, is amended to read as  
57 14 follows:

57 15 231C.9 PUBLIC DISCLOSURE OF FINDINGS.

57 16 Upon completion of a monitoring evaluation or complaint  
57 17 investigation of an assisted living program by the department  
57 18 ~~of inspections and appeals~~ pursuant to this chapter, including  
57 19 the conclusion of all administrative appeals processes, the  
57 20 ~~department of inspections and appeals'~~ department's final  
57 21 findings with respect to compliance by the assisted living  
57 22 program with requirements for certification shall be made  
57 23 available to the public in a readily available form and place.  
57 24 Other information relating to an assisted living program that  
57 25 is obtained by the department ~~of inspections and appeals~~ which  
57 26 does not constitute the ~~department of inspections and appeals'~~  
57 27 department's final findings from a monitoring evaluation or  
57 28 complaint investigation of the assisted living program shall  
57 29 ~~be made available to the department of elder affairs upon~~  
57 30 ~~request in order to facilitate policy decisions, but shall not~~  
57 31 be made available to the public except in proceedings  
57 32 involving the denial, suspension, or revocation of a  
57 33 certificate under this chapter.

57 34 Sec. 125. Section 231C.10, subsection 1, unnumbered  
57 35 paragraph 1, Code 2007, is amended to read as follows:



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58 1 The department ~~of inspections and appeals~~ may deny,  
58 2 suspend, or revoke a certificate in any case where the  
58 3 department ~~of inspections and appeals~~ finds that there has  
58 4 been a substantial or repeated failure on the part of the  
58 5 assisted living program to comply with this chapter or the  
58 6 rules, or minimum standards adopted under this chapter, or for  
58 7 any of the following reasons:

58 8 Sec. 126. Section 231C.10, subsection 2, Code 2007, is  
58 9 amended to read as follows:

58 10 2. The department ~~of inspections and appeals~~ may as an  
58 11 alternative to denial, suspension, or revocation conditionally  
58 12 issue or continue a certificate dependent upon the performance  
58 13 by the assisted living program of reasonable conditions within  
58 14 a reasonable period of time as set by the department ~~of~~  
~~58 15 inspections and appeals~~ so as to permit the program to  
58 16 commence or continue the operation of the program pending full  
58 17 compliance with this chapter or the rules adopted pursuant to  
58 18 this chapter. If the assisted living program does not make  
58 19 diligent efforts to comply with the conditions prescribed, the  
58 20 department ~~of inspections and appeals~~ may, under the  
58 21 proceedings prescribed by this chapter, suspend, or revoke the  
58 22 certificate. An assisted living program shall not be operated  
58 23 on a conditional certificate for more than one year.

58 24 Sec. 127. Section 231C.11, Code 2007, is amended to read  
58 25 as follows:

58 26 231C.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

58 27 1. The denial, suspension, or revocation of a certificate  
58 28 shall be effected by delivering to the applicant or  
58 29 certificate holder by restricted certified mail or by personal  
58 30 service a notice setting forth the particular reasons for such  
58 31 action. Such denial, suspension, or revocation shall become  
58 32 effective thirty days after the mailing or service of the  
58 33 notice, unless the applicant or certificate holder, within  
58 34 such thirty-day period, requests a hearing, in writing, of the  
58 35 department ~~of inspections and appeals~~, in which case the



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59 1 notice shall be deemed to be suspended.

59 2 2. The denial, suspension, or revocation of a certificate  
59 3 may be appealed in accordance with rules adopted by the  
59 4 department of ~~inspections and appeals~~ in accordance with  
59 5 chapter 17A.

59 6 3. When the department of ~~inspections and appeals~~ finds  
59 7 that an imminent danger to the health or safety of tenants of  
59 8 an assisted living program exists which requires action on an  
59 9 emergency basis, the department of ~~inspections and appeals~~ may  
59 10 direct removal of all tenants of an assisted living program  
59 11 and suspend the certificate prior to a hearing.

59 12 Sec. 128. Section 231C.12, Code 2007, is amended to read  
59 13 as follows:

59 14 231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.

59 15 The department of ~~inspections and appeals~~ shall be notified  
59 16 within twenty-four hours, by the most expeditious means  
59 17 available, of any accident causing substantial injury or  
59 18 death, and any substantial fire or natural or other disaster  
59 19 occurring at or near an assisted living program.

59 20 Sec. 129. Section 231C.13, Code 2007, is amended to read  
59 21 as follows:

59 22 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

59 23 An assisted living program shall not discriminate or  
59 24 retaliate in any way against a tenant, tenant's family, or an  
59 25 employee of the program who has initiated or participated in  
59 26 any proceeding authorized by this chapter. An assisted living  
59 27 program that violates this section is subject to a penalty as  
59 28 established by administrative rule in accordance with chapter  
59 29 17A, to be assessed and collected by the department of  
59 30 ~~inspections and appeals~~, paid into the state treasury, and  
59 31 credited to the general fund of the state.

59 32 Sec. 130. Section 231C.14, subsection 2, Code 2007, is  
59 33 amended to read as follows:

59 34 2. Following receipt of notice from the department of  
59 35 ~~inspections and appeals~~, continued failure or refusal to



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60 1 comply within a prescribed time frame with regulatory  
60 2 requirements that have a direct relationship to the health,  
60 3 safety, or security of program tenants.

60 4 Sec. 131. Section 231C.14, subsection 3, unnumbered  
60 5 paragraph 1, Code 2007, is amended to read as follows:

60 6 Preventing or interfering with or attempting to impede in  
60 7 any way any duly authorized representative of the department  
60 8 ~~of inspections and appeals~~ in the lawful enforcement of this  
60 9 chapter or of the rules adopted pursuant to this chapter. As  
60 10 used in this subsection, "lawful enforcement" includes but is  
60 11 not limited to:

60 12 Sec. 132. Section 231C.15, Code 2007, is amended to read  
60 13 as follows:

60 14 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

60 15 A person establishing, conducting, managing, or operating  
60 16 any assisted living program without a certificate is guilty of  
60 17 a serious misdemeanor. Each day of continuing violation after  
60 18 conviction or notice from the department ~~of inspections and~~  
~~60 19 appeals~~ by certified mail of a violation shall be considered a  
60 20 separate offense or chargeable offense. A person  
60 21 establishing, conducting, managing, or operating an assisted  
60 22 living program without a certificate may be temporarily or  
60 23 permanently restrained by a court of competent jurisdiction  
60 24 from such activity in an action brought by the state.

60 25 Sec. 133. Section 231C.16, Code 2007, is amended to read  
60 26 as follows:

60 27 231C.16 NURSING ASSISTANT AND MEDICATION AIDE ==  
60 28 CERTIFICATION.

60 29 The department ~~of inspections and appeals~~, in cooperation  
60 30 with other appropriate agencies, shall establish a procedure  
60 31 to allow nursing assistants or medication aides to claim work  
60 32 within an assisted living program as credit toward sustaining  
60 33 the nursing assistant's or medication aide's certification.

60 34 Sec. 134. Section 231C.18, subsection 1, Code 2007, is  
60 35 amended to read as follows:



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61 1 1. The department ~~of inspections and appeals~~ shall collect  
61 2 assisted living program certification and related fees. An  
61 3 assisted living program that is certified by the department ~~of~~  
~~61 4 inspections and appeals~~ on the basis of voluntary  
61 5 accreditation by a recognized accrediting entity shall not be  
61 6 subject to payment of the certification fee, but shall be  
61 7 subject to an administrative fee as prescribed by rule. Fees  
61 8 collected and retained pursuant to this section shall be  
61 9 deposited in the general fund of the state.  
61 10 Sec. 135. Section 231D.1, subsection 3, Code 2007, is  
61 11 amended to read as follows:  
61 12 3. "Department" means the department of ~~elder affairs~~  
~~61 13 created in chapter 231~~ inspections and appeals.  
61 14 Sec. 136. Section 231D.2, subsection 2, Code 2007, is  
61 15 amended by striking the subsection.  
61 16 Sec. 137. Section 231D.2, subsections 3 and 4, Code 2007,  
61 17 are amended to read as follows:  
61 18 3. The department shall establish, by rule in accordance  
61 19 with chapter 17A, a program for certification and monitoring  
61 20 of and complaint investigations related to adult day services  
61 21 programs. The department, in establishing minimum standards  
61 22 for adult day services programs, may adopt by rule in  
61 23 accordance with chapter 17A, nationally recognized standards  
61 24 for adult day services programs. The rules shall include  
61 25 specification of recognized accrediting entities. The rules  
61 26 shall include a requirement that sufficient staffing be  
61 27 available at all times to fully meet a participant's  
61 28 identified needs. The rules shall include a requirement that  
61 29 no fewer than two staff persons who monitor participants as  
61 30 indicated in each participant's service plan shall be awake  
61 31 and on duty during the hours of operation when two or more  
61 32 participants are present. The rules and minimum standards  
61 33 adopted shall be formulated in consultation with ~~the~~  
~~61 34 department of inspections and appeals~~ affected state agencies  
61 35 and affected industry, professional, and consumer groups and



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62 1 shall be designed to accomplish the purpose of this chapter.

62 2 4. The department may establish by administrative rule, in  
62 3 accordance with chapter 17A, specific rules related to minimum  
62 4 standards for dementia-specific adult day services programs.

62 5 The rules shall be formulated in consultation with ~~the~~

~~62 6 department of inspections and appeals affected state agencies~~  
62 7 and affected industry, professional, and consumer groups.

62 8 Sec. 138. Section 231D.3, subsections 1, 3, 4, 5, 6, and  
62 9 7, Code 2007, are amended to read as follows:

62 10 1. A person or governmental unit acting severally or  
62 11 jointly with any other person or governmental unit shall not  
62 12 establish or operate an adult day services program and shall  
62 13 not represent an adult day services program to the public as  
62 14 certified unless and until the program is certified pursuant  
62 15 to this chapter. If an adult day services program is  
62 16 voluntarily accredited by a recognized accrediting entity with  
62 17 specific adult day services standards, the department ~~of~~  
~~62 18 inspections and appeals~~ shall accept voluntary accreditation  
62 19 as the basis for certification by the department. The owner  
62 20 or manager of a certified adult day services program shall  
62 21 comply with the rules adopted by the department for an adult  
62 22 day services program.

62 23 3. An adult day services program that has been certified  
62 24 by the department ~~of inspections and appeals~~ shall not alter  
62 25 the program, operation, or adult day services for which the  
62 26 program is certified in a manner that affects continuing  
62 27 certification without prior approval of the department ~~of~~  
~~62 28 inspections and appeals~~. The department ~~of inspections and~~  
~~62 29 appeals~~ shall specify, by rule, alterations that are subject  
62 30 to prior approval.

62 31 4. A department, agency, or officer of this state or of  
62 32 any governmental unit shall not pay or approve for payment  
62 33 from public funds any amount to an adult day services program  
62 34 for an actual or prospective participant, unless the program  
62 35 holds a current certificate issued by the department ~~of~~



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~~63 1 inspections and appeals~~ and meets all current requirements for  
63 2 certification.

63 3 5. The department shall adopt rules regarding the  
63 4 conducting or operating of another business or activity in the  
63 5 distinct part of the physical structure in which the adult day  
63 6 services program is provided, if the business or activity  
63 7 serves persons who are not participants. The rules shall be  
63 8 developed in consultation with ~~the department of inspections~~  
~~63 9 and appeals~~ affected state agencies and affected industry,  
63 10 professional, and consumer groups.

63 11 6. ~~The department of elder affairs and the department of~~  
~~63 12 inspections and appeals~~ shall conduct joint training sessions  
63 13 for personnel responsible for conducting monitoring  
63 14 evaluations and complaint investigations of adult day services  
63 15 programs.

63 16 7. Certification of an adult day services program shall be  
63 17 for two years unless revoked for good cause by the department  
63 18 ~~of inspections and appeals~~.

63 19 Sec. 139. Section 231D.4, subsection 1, Code 2007, is  
63 20 amended to read as follows:

63 21 1. Certificates for adult day services programs shall be  
63 22 obtained from the department ~~of inspections and appeals~~.  
63 23 Applications shall be upon such forms and shall include such  
63 24 information as the department ~~of inspections and appeals~~ may  
63 25 reasonably require, which may include affirmative evidence of  
63 26 compliance with applicable statutes and local ordinances.  
63 27 Each application for certification shall be accompanied by the  
63 28 appropriate fee.

63 29 Sec. 140. Section 231D.4, subsection 2, paragraph a, Code  
63 30 2007, is amended to read as follows:

63 31 a. The department ~~of inspections and appeals~~ shall collect  
63 32 adult day services certification fees. The fees shall be  
63 33 deposited in the general fund of the state.

63 34 Sec. 141. Section 231D.5, subsection 1, unnumbered  
63 35 paragraph 1, Code 2007, is amended to read as follows:



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64 1 The department ~~of inspections and appeals~~ may deny,  
64 2 suspend, or revoke certification if the department ~~of~~  
~~64 3 inspections and appeals~~ finds that there has been a  
64 4 substantial or repeated failure on the part of the adult day  
64 5 services program to comply with this chapter or the rules or  
64 6 minimum standards adopted pursuant to this chapter, or for any  
64 7 of the following reasons:  
64 8 Sec. 142. Section 231D.5, subsection 3, Code 2007, is  
64 9 amended to read as follows:  
64 10 3. In the case of a certificate applicant or existing  
64 11 certificate holder which is an entity other than an  
64 12 individual, the department ~~of inspections and appeals~~ may  
64 13 deny, suspend, or revoke a certificate if any individual who  
64 14 is in a position of control or is an officer of the entity  
64 15 engages in any act or omission proscribed by this section.  
64 16 Sec. 143. Section 231D.6, Code 2007, is amended to read as  
64 17 follows:  
64 18 231D.6 NOTICE == APPEAL == EMERGENCY PROVISIONS.  
64 19 1. The denial, suspension, or revocation of a certificate  
64 20 shall be effected by delivering to the applicant or  
64 21 certificate holder by restricted certified mail or by personal  
64 22 service a notice setting forth the particular reasons for the  
64 23 action. The denial, suspension, or revocation shall become  
64 24 effective thirty days after the mailing or service of the  
64 25 notice, unless the applicant or certificate holder, within the  
64 26 thirty-day period, requests a hearing, in writing, of the  
64 27 department ~~of inspections and appeals~~, in which case the  
64 28 notice shall be deemed to be suspended.  
64 29 2. The denial, suspension, or revocation of a certificate  
64 30 may be appealed in accordance with rules adopted by the  
64 31 department ~~of inspections and appeals~~ in accordance with  
64 32 chapter 17A.  
64 33 3. When the department ~~of inspections and appeals~~ finds  
64 34 that an immediate danger to the health or safety of  
64 35 participants in an adult day services program exists which



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65 1 requires action on an emergency basis, the department of  
~~65 2 inspections and appeals~~ may direct the removal of all  
65 3 participants in the adult day services program and suspend the  
65 4 certificate prior to a hearing.

65 5 Sec. 144. Section 231D.7, Code 2007, is amended to read as  
65 6 follows:

65 7 231D.7 CONDITIONAL OPERATION.

65 8 The department of ~~inspections and appeals~~ may, as an  
65 9 alternative to denial, suspension, or revocation of  
65 10 certification under section 231D.5, conditionally issue or  
65 11 continue certification dependent upon the performance by the  
65 12 adult day services program of reasonable conditions within a  
65 13 reasonable period of time as prescribed by the department of  
~~65 14 inspections and appeals~~ so as to permit the program to  
65 15 commence or continue the operation of the program pending full  
65 16 compliance with this chapter or the rules adopted pursuant to  
65 17 this chapter. If the adult day services program does not make  
65 18 diligent efforts to comply with the conditions prescribed, the  
65 19 department of ~~inspections and appeals~~ may, under the  
65 20 proceedings prescribed by this chapter, suspend or revoke the  
65 21 certificate. An adult day services program shall not be  
65 22 operated under conditional certification for more than one  
65 23 year.

65 24 Sec. 145. Section 231D.8, Code 2007, is amended to read as  
65 25 follows:

65 26 231D.8 DEPARTMENT NOTIFIED OF CASUALTIES.

65 27 The department of ~~inspections and appeals~~ shall be notified  
65 28 within twenty-four hours, by the most expeditious means  
65 29 available, of any accident causing substantial injury or  
65 30 death, and any substantial fire or natural or other disaster  
65 31 occurring at or near an adult day services program.

65 32 Sec. 146. Section 231D.9, Code 2007, is amended to read as  
65 33 follows:

65 34 231D.9 COMPLAINTS AND CONFIDENTIALITY.

65 35 1. A person with concerns regarding the operations or



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66 1 service delivery of an adult day services program may file a  
66 2 complaint with the department ~~of inspections and appeals~~. The  
66 3 name of the person who files a complaint with the department  
66 4 ~~of inspections and appeals~~ and any personal identifying  
66 5 information of the person or any participant identified in the  
66 6 complaint shall be kept confidential and shall not be subject  
66 7 to discovery, subpoena, or other means of legal compulsion for  
66 8 its release to a person other than employees of the department  
66 9 ~~of inspections and appeals~~ involved in the investigation of  
66 10 the complaint.

66 11 2. The department, ~~in cooperation with the department of~~  
~~66 12 inspections and appeals~~, shall establish procedures for the  
66 13 disposition of complaints received in accordance with this  
66 14 section.

66 15 Sec. 147. Section 231D.9A, Code 2007, is amended to read  
66 16 as follows:

66 17 231D.9A INFORMAL REVIEW.

66 18 1. If an adult day services program contests the findings  
66 19 of regulatory insufficiencies of a monitoring evaluation or  
66 20 complaint investigation, the program shall submit written  
66 21 information, demonstrating that the program was in compliance  
66 22 with the applicable requirement at the time of the monitoring  
66 23 evaluation or complaint investigation, to the department ~~of~~  
~~66 24 inspections and appeals~~ for review.

66 25 2. The department ~~of inspections and appeals~~ shall review  
66 26 the written information submitted within ten working days of  
66 27 the receipt of the information. At the conclusion of the  
66 28 review, the department ~~of inspections and appeals~~ may affirm,  
66 29 modify, or dismiss the regulatory insufficiencies. The  
66 30 department ~~of inspections and appeals~~ shall notify the program  
66 31 in writing of the decision to affirm, modify, or dismiss the  
66 32 regulatory insufficiencies, and the reasons for the decision.

66 33 3. In the case of a complaint investigation, the  
66 34 department ~~of inspections and appeals~~ shall also notify the  
66 35 complainant, if known, of the decision and the reasons for the



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67 1 decision.

67 2 Sec. 148. Section 231D.10, Code 2007, is amended to read  
67 3 as follows:

67 4 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

67 5 Upon completion of a monitoring evaluation or complaint  
67 6 investigation of an adult day services program by the  
67 7 department ~~of inspections and appeals~~ pursuant to this  
67 8 chapter, including the conclusion of all administrative  
67 9 appeals processes, the department's final findings with  
67 10 respect to compliance by the adult day services program with  
67 11 requirements for certification shall be made available to the  
67 12 public in a readily available form and place. Other  
67 13 information relating to an adult day services program that is  
67 14 obtained by the department ~~of inspections and appeals~~ which  
67 15 does not constitute the department's final findings from a  
67 16 monitoring evaluation or complaint investigation of the adult  
67 17 day services program shall ~~be made available to the department~~  
~~67 18 upon request to facilitate policy decisions, but shall not be~~  
67 19 made available to the public except in proceedings involving  
67 20 the denial, suspension, or revocation of a certificate under  
67 21 this chapter.

67 22 Sec. 149. Section 231D.11, subsection 1, Code 2007, is  
67 23 amended to read as follows:

67 24 1. A person establishing, conducting, managing, or  
67 25 operating an adult day services program without a certificate  
67 26 is guilty of a serious misdemeanor. Each day of continuing  
67 27 violation after conviction or notice from the department ~~of~~  
~~67 28 inspections and appeals~~ by certified mail of a violation shall  
67 29 be considered a separate offense or chargeable offense. A  
67 30 person establishing, conducting, managing, or operating an  
67 31 adult day services program without a certificate may be  
67 32 temporarily or permanently restrained by a court of competent  
67 33 jurisdiction from such activity in an action brought by the  
67 34 state.

67 35 Sec. 150. Section 231D.11, subsection 2, paragraph c,



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68 1 unnumbered paragraph 1, Code 2007, is amended to read as  
68 2 follows:

68 3 Preventing or interfering with or attempting to impede in  
68 4 any way any duly authorized representative of the department  
68 5 ~~of inspections and appeals~~ in the lawful enforcement of this  
68 6 chapter or of the rules adopted pursuant to this chapter. As  
68 7 used in this paragraph, "lawful enforcement" includes but is  
68 8 not limited to:

68 9 Sec. 151. Section 231D.12, Code 2007, is amended to read  
68 10 as follows:

68 11 231D.12 RETALIATION BY ADULT DAY SERVICES PROGRAM  
68 12 PROHIBITED.

68 13 1. An adult day services program shall not discriminate or  
68 14 retaliate in any way against a participant, participant's  
68 15 family, or an employee of the program who has initiated or  
68 16 participated in any proceeding authorized by this chapter. An  
68 17 adult day services program that violates this section is  
68 18 subject to a penalty as established by administrative rule, to  
68 19 be assessed and collected by the department ~~of inspections and~~  
~~68 20 appeals~~, paid into the state treasury, and credited to the  
68 21 general fund of the state.

68 22 2. Any attempt to discharge a participant from an adult  
68 23 day services program by whom or upon whose behalf a complaint  
68 24 has been submitted to the department ~~of inspections and~~  
~~68 25 appeals~~ under section 231D.9, within ninety days after the  
68 26 filing of the complaint or the conclusion of any proceeding  
68 27 resulting from the complaint, shall raise a rebuttable  
68 28 presumption that the action was taken by the program in  
68 29 retaliation for the filing of the complaint, except in  
68 30 situations in which the participant is discharged due to  
68 31 changes in health status which exceed the level of care  
68 32 offered by the adult day services program or in other  
68 33 situations as specified by rule.

68 34 Sec. 152. Section 231D.13, Code 2007, is amended to read  
68 35 as follows:



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69 1 231D.13 NURSING ASSISTANT AND MEDICATION AIDE ==

69 2 CERTIFICATION.

69 3 The department ~~of inspections and appeals~~, in cooperation  
69 4 with other appropriate agencies, shall establish a procedure  
69 5 to allow nursing assistants or medication aides to claim work  
69 6 within adult day services programs as credit toward sustaining  
69 7 the nursing assistant's or medication aide's certification.

69 8 Sec. 153. Section 231D.15, Code 2007, is amended to read  
69 9 as follows:

69 10 231D.15 FIRE AND SAFETY STANDARDS.

69 11 The state fire marshal shall adopt rules, in coordination  
69 12 with the department ~~of elder affairs and the department of~~  
~~69 13 inspections and appeals~~, relating to the certification and  
69 14 monitoring of the fire and safety standards of adult day  
69 15 services programs.

69 16 Sec. 154. Section 231D.17, subsection 3, Code 2007, is  
69 17 amended to read as follows:

69 18 3. Written contractual agreements and related documents  
69 19 executed by each participant or participant's legal  
69 20 representative shall be maintained by the adult day services  
69 21 program in program files from the date of execution until  
69 22 three years from the date the written contractual agreement is  
69 23 terminated. A copy of the most current written contractual  
69 24 agreement shall be provided to members of the general public,  
69 25 upon request. Written contractual agreements and related  
69 26 documents shall be made available for on-site inspection to  
69 27 the department ~~of inspections and appeals~~ upon request and at  
69 28 reasonable times.

69 29 Sec. 155. Section 231D.18, subsection 1, unnumbered  
69 30 paragraph 1, Code 2007, is amended to read as follows:

69 31 If an adult day services program initiates the involuntary  
69 32 transfer of a participant and the action is not a result of a  
69 33 monitoring evaluation or complaint investigation by the  
69 34 department ~~of inspections and appeals~~, and if the participant  
69 35 or participant's legal representative contests the transfer,



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70 1 the following procedure shall apply:

70 2 Sec. 156. Section 231D.18, subsection 2, Code 2007, is  
70 3 amended to read as follows:

70 4 2. The department, in consultation with ~~the department of~~  
~~70 5 inspections and appeals~~ affected state agencies and affected  
70 6 industry, professional, and consumer groups, shall establish  
70 7 by rule, in accordance with chapter 17A, procedures to be  
70 8 followed, including the opportunity for hearing, when the  
70 9 transfer of a participant results from a monitoring evaluation  
70 10 or complaint investigation conducted by the department ~~of~~  
~~70 11 inspections and appeals.~~

70 12 Sec. 157. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

70 13 1. Any rule, regulation, form, order, or directive  
70 14 promulgated by the department of elder affairs and in effect  
70 15 on the effective date of this Act shall continue in full force  
70 16 and effect until amended, repealed, or supplemented by  
70 17 affirmative action of the department of inspections and  
70 18 appeals under the duties and powers of the department of  
70 19 inspections and appeals as established in this Act and under  
70 20 the procedure established in subsection 2.

70 21 Any license, certification, or permit issued by the  
70 22 department of elder affairs and in effect on the effective  
70 23 date of this Act shall continue in full force and effect until  
70 24 expiration or renewal.

70 25 2. In regard to updating references and format in the Iowa  
70 26 administrative code in order to correspond to the  
70 27 restructuring of state government as established in this Act,  
70 28 the administrative rules coordinator and the administrative  
70 29 rules review committee, in consultation with the  
70 30 administrative code editor, shall jointly develop a schedule  
70 31 for the necessary updating of the Iowa administrative code.

DIVISION VII

CORRECTIVE PROVISIONS

70 34 Sec. 158. Section 35A.15, subsection 2, if enacted by 2007  
70 35 Iowa Acts, Senate File 407, section 1, is amended to read as



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71 1 follows:

71 2 2. The home ownership assistance program is established to  
71 3 continue the program implemented pursuant to ~~2003 Iowa Acts,~~  
~~71 4 chapter 179, section 21, subsection 5, as amended by 2005 Iowa~~  
71 5 Acts, chapter 161, section 1, ~~and~~ as amended by 2005 Iowa  
71 6 Acts, chapter 115, section 37, and continued in accordance  
71 7 with 2006 Iowa Acts, chapter 1167, sections 3 and 4, and other  
71 8 appropriations.

71 9 Sec. 159. Section 48A.7A, subsection 4, paragraph b, as  
71 10 enacted by 2007 Iowa Acts, House File 653, section 2, is  
71 11 amended to read as follows:

71 12 b. The form of the written oath required of a person  
71 13 attesting to the identity and residency of the registrant  
71 14 shall read as follows:

71 15 I, ..... (name of registered voter), do solemnly  
71 16 swear or affirm all of the following:

71 17 I am a preregistered voter in this precinct or I registered  
71 18 to vote in this precinct today, and a registered voter did not  
71 19 sign an oath on my behalf.

71 20 I am a resident of the ..... precinct, ..... ward  
71 21 or township, city of ....., county of ....., Iowa.

71 22 I reside at ..... (street address) in

71 23 ~~(street address)~~

71 24 ..... (city or township)

71 25 ~~(city or township)~~

71 26 I personally know ..... (name of registrant),

71 27 ~~(name of registrant)~~

71 28 and I personally know that ..... (name of

71 29 ~~(name of registrant)~~

71 30 registrant) is a resident of the ..... precinct,

71 31 ..... ward or township, city of ....., county of

71 32 ....., Iowa.

71 33 I understand that any false statement in this oath is a

71 34 class "D" felony punishable by no more than five years in

71 35 confinement and a fine of at least seven hundred fifty dollars



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72 1 but not more than seven thousand five hundred dollars.  
 72 2 .....  
 72 3 Signature of Registered Voter  
 72 4 Subscribed and sworn before me on (date).  
 72 5 .....  
 72 6 Signature of Precinct Election Official  
 72 7 Sec. 160. Section 53.37, subsection 5, Code 2007, as  
 72 8 amended by 2007 Iowa Acts, House File 848, section 31, to be  
 72 9 subsection 3, paragraph e, is amended to read as follows:  
 72 10 e. Citizens of the United States who do not fall under any  
 72 11 of the categories described in ~~subsections 1 to 4~~ paragraphs  
 72 12 "a" through "d", but who are entitled to register and vote  
 72 13 pursuant to section 48A.5, subsection 4.  
 72 14 Sec. 161. Section 68A.406, subsection 2, unnumbered  
 72 15 paragraph 2, Code 2007, as amended by 2007 Iowa Acts, Senate  
 72 16 File 39, section 7, is amended to read as follows:  
 72 17 ~~Subparagraphs~~ Paragraphs "d", "e", and "f" shall not apply  
 72 18 to the posting of signs on private property not a polling  
 72 19 place, except that the placement of a sign on a motor vehicle,  
 72 20 trailer, or semitrailer, or any attachment to a motor vehicle,  
 72 21 trailer, or semitrailer parked on public property within three  
 72 22 hundred feet of a polling place, which sign is more than  
 72 23 ninety square inches in size, is prohibited.  
 72 24 Sec. 162. Section 96.5, subsection 5, paragraph c, Code  
 72 25 2007, as amended by 2007 Iowa Acts, Senate File 272, section  
 72 26 27, to be subsection 5, paragraph a, subparagraph (3), is  
 72 27 amended to read as follows:  
 72 28 (3) A governmental or other pension, retirement or retired  
 72 29 pay, annuity, or any other similar periodic payment made under  
 72 30 a plan maintained or contributed to by a base period or  
 72 31 chargeable employer where, except for benefits under the  
 72 32 federal Social Security Act or the federal Railroad Retirement  
 72 33 Act of 1974 or the corresponding provisions of prior law, the  
 72 34 plan's eligibility requirements or benefit payments are  
 72 35 affected by the base period employment or the remuneration for



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73 1 the base period employment. However, if an individual's  
73 2 benefits are reduced due to the receipt of a payment under  
73 3 this ~~paragraph~~ subparagraph, the reduction shall be decreased  
73 4 by the same percentage as the percentage contribution of the  
73 5 individual to the plan under which the payment is made.

73 6 Sec. 163. Section 147.74, subsection 22, Code 2007, as  
73 7 amended by 2007 Iowa Acts, Senate File 74, section 61, is  
73 8 amended to read as follows:

73 9 22. A sign language interpreter or transliterator licensed  
73 10 under chapter 154E and this chapter may use the title  
73 11 "licensed sign language interpreter" or the letters "L. I."  
73 12 after the person's name.

73 13 Sec. 164. Section 147.98, Code 2007, as amended by 2007  
73 14 Iowa Acts, Senate File 74, section 71, is amended to read as  
73 15 follows:

73 16 147.98 EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.

73 17 The board of pharmacy may employ a full-time executive  
73 18 director, who shall not be a member of the ~~examining~~ board, at  
73 19 such compensation as may be fixed pursuant to chapter 8A,  
73 20 subchapter IV, but the provisions of section 147.22 providing  
73 21 for a secretary for each ~~examining~~ board shall not apply to  
73 22 the board of pharmacy.

73 23 Sec. 165. Section 148.10, unnumbered paragraph 1, Code  
73 24 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
73 25 95, is amended to read as follows:

73 26 The board may, in ~~their~~ its discretion, issue a temporary  
73 27 certificate authorizing the licensee to practice medicine and  
73 28 surgery or osteopathic medicine and surgery in a specific  
73 29 location or locations and for a specified period of time if,  
73 30 in the opinion of the board, a need exists and the person  
73 31 possesses the qualifications prescribed by the board for the  
73 32 license, which shall be substantially equivalent to those  
73 33 required for licensure under this chapter or chapter 150A, as  
73 34 the case may be. The board shall determine in each instance  
73 35 those eligible for this license, whether or not examinations



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74 1 shall be given, and the type of examinations. No requirements  
74 2 of the law pertaining to regular permanent licensure are  
74 3 mandatory for this temporary license except as specifically  
74 4 designated by the board. The granting of a temporary license  
74 5 does not in any way indicate that the person so licensed is  
74 6 necessarily eligible for regular licensure or that the board  
74 7 in any way is obligated to so license the person.

74 8 Sec. 166. Section 150A.3, subsection 1, paragraph c, Code  
74 9 2007, as that section is amended by 2007 Iowa Acts, Senate  
74 10 File 74, section 115, is amended to read as follows:

74 11 c. Present to the Iowa department of public health  
74 12 satisfactory evidence that the applicant has completed one  
74 13 year of internship or resident training in a hospital approved  
74 14 for such training by the ~~medical examiners~~ board.

74 15 Sec. 167. Section 151.12, unnumbered paragraph 1, Code  
74 16 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
74 17 125, is amended to read as follows:

74 18 The board may, in its discretion, issue a temporary  
74 19 certificate authorizing the licensee to practice chiropractic  
74 20 if, in the opinion of the ~~chiropractic examiners~~ board, a need  
74 21 exists and the person possesses the qualifications prescribed  
74 22 by the board for the license, which shall be substantially  
74 23 equivalent to those required for licensure under this chapter.  
74 24 The board shall determine in each instance those eligible for  
74 25 this license, whether or not examinations shall be given, the  
74 26 type of examinations, and the duration of the license. No  
74 27 requirements of the law pertaining to regular permanent  
74 28 licensure are mandatory for this temporary license except as  
74 29 specifically designated by the board. The granting of a  
74 30 temporary license does not in any way indicate that the person  
74 31 so licensed is eligible for regular licensure or that the  
74 32 board is obligated to so license the person.

74 33 Sec. 168. Section 154.1, unnumbered paragraph 3, Code  
74 34 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
74 35 142, to be subsection 4, is amended to read as follows:



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75 1 4. Therapeutically certified optometrists may employ all  
75 2 diagnostic and therapeutic pharmaceutical agents for the  
75 3 purpose of diagnosis and treatment of conditions of the human  
75 4 eye and adnexa pursuant to this ~~paragraph~~ subsection,  
75 5 excluding the use of injections other than to counteract an  
75 6 anaphylactic reaction, and notwithstanding section 147.107,  
75 7 may without charge supply any of the above pharmaceuticals to  
75 8 commence a course of therapy. Therapeutically certified  
75 9 optometrists may prescribe oral steroids for a period not to  
75 10 exceed fourteen days without consultation with a primary care  
75 11 physician. Therapeutically certified optometrists shall not  
75 12 prescribe oral Imuran or oral Methotrexate. Therapeutically  
75 13 certified optometrists may be authorized, where reasonable and  
75 14 appropriate, by rule of the board, to employ new diagnostic  
75 15 and therapeutic pharmaceutical agents approved by the United  
75 16 States food and drug administration on or after July 1, 2002,  
75 17 for the diagnosis and treatment of the human eye and adnexa.  
75 18 The board shall not be required to adopt rules relating to  
75 19 topical pharmaceutical agents, oral antimicrobial agents, oral  
75 20 antihistamines, oral antiglaucoma agents, and oral analgesic  
75 21 agents. Superficial foreign bodies may be removed from the  
75 22 human eye and adnexa. The therapeutic efforts of a  
75 23 therapeutically certified optometrist are intended for the  
75 24 purpose of examination, diagnosis, and treatment of visual  
75 25 defects, abnormal conditions, and diseases of the human eye  
75 26 and adnexa, for proper optometric practice or referral for  
75 27 consultation or treatment to persons licensed under chapter  
75 28 148 or 150A. A therapeutically certified optometrist is an  
75 29 optometrist who is licensed to practice optometry in this  
75 30 state and who is certified by the board to use the agents and  
75 31 procedures authorized pursuant to this ~~paragraph~~ subsection.  
75 32 A therapeutically certified optometrist shall be provided with  
75 33 a distinctive certificate by the board which shall be  
75 34 displayed for viewing by the patients of the optometrist.  
75 35 Sec. 169. Section 154.3, subsection 5, Code 2007, as



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76 1 amended by 2007 Iowa Acts, Senate File 74, section 143, is  
76 2 amended to read as follows:  
76 3 5. A person applying to be licensed as an optometrist  
76 4 after January 1, 1986, shall also apply to be a  
76 5 therapeutically certified optometrist and shall, in addition  
76 6 to satisfactorily completing all requirements for a license to  
76 7 practice optometry, satisfactorily complete a course as  
76 8 defined by rule of the board with particular emphasis on the  
76 9 examination, diagnosis, and treatment of conditions of the  
76 10 human eye and adnexa provided by an institution accredited by  
76 11 a regional or professional accreditation organization which is  
76 12 recognized or approved by the council on postsecondary  
76 13 accreditation of the United States office of education, and  
76 14 approved by the board. The rules of the board shall require a  
76 15 course including a minimum of forty hours of didactic  
76 16 education and sixty hours of approved supervised clinical  
76 17 training in the examination, diagnosis, and treatment of  
76 18 conditions of the human eye and adnexa. The board may also,  
76 19 by rule, provide a procedure by which an applicant who has  
76 20 received didactic education meeting the requirements of rules  
76 21 adopted pursuant to this subsection at an approved school of  
76 22 optometry may apply to the board for a waiver of the didactic  
76 23 education requirements of this subsection.

76 24 Sec. 170. Section 284.8, subsection 4, if enacted by 2007  
76 25 Iowa Acts, Senate File 277, section 32, is amended to read as  
76 26 follows:

76 27 4. A teacher who is not meeting the applicable standards  
76 28 and criteria based on a determination made pursuant to  
76 29 subsection ~~3~~ 2 shall participate in an intensive assistance  
76 30 program.

76 31 Sec. 171. Section 499.47, subsection 3, Code 2007, as  
76 32 amended by 2007 Iowa Acts, Senate File 319, section 5, is  
76 33 amended to read as follows:

76 34 3. Upon the expiration or voluntary dissolution of an  
76 35 association, the members shall designate three of their number



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77 1 as trustees to replace the officers and directors and wind up  
77 2 its affairs. The trustees shall have all the powers of the  
77 3 board, including the power to sell and convey real or personal  
77 4 property and execute conveyances. Within the time fixed in  
77 5 their designation, or any extension of that time, the trustees  
77 6 shall liquidate the association's assets, pay its debts and  
77 7 expenses, and distribute remaining funds among the members.  
77 8 Upon distribution of remaining assets the association shall  
77 9 stand dissolved and cease to exist. The trustees shall make  
77 10 and sign a ~~duplicate~~ report of the dissolution. ~~One copy of~~  
~~77 11 the~~ The report shall be filed with the secretary of state.

77 12 Sec. 172. Section 715.6, Code 2007, as amended by 2007  
77 13 Iowa Acts, Senate File 333, if enacted, is amended to read as  
77 14 follows:

77 15 715.6 EXCEPTIONS.

77 16 Sections 715.4 and 715.5 shall not apply to the monitoring  
77 17 of, or interaction with, an owner's or an operator's internet  
77 18 or other network connection, service, or computer, by a  
77 19 telecommunications carrier, cable operator, computer hardware  
77 20 or software provider, or provider of information service or  
77 21 interactive computer service for network or computer security  
77 22 purposes, diagnostics, technical support, maintenance, repair,  
77 23 authorized updates of computer software or system firmware,  
77 24 authorized remote system management, or detection, criminal  
77 25 investigation, or prevention of the use of or fraudulent or  
77 26 other illegal activities prohibited in this chapter in  
77 27 connection with a network, service, or computer software,  
77 28 including scanning for and removing computer software  
77 29 prescribed under this chapter. Nothing in this chapter shall  
77 30 limit the rights of providers of wire and electronic  
77 31 communications under 18 U.S.C. } 2511.

77 32 Sec. 173. 2006 Iowa Acts, chapter 1106, section 1,  
77 33 subsection 5, paragraph c, as amended by 2007 Iowa Acts,  
77 34 Senate File 272, section 112, is amended to read as follows:

77 35 c. Grants for veterans injured after September 11, 2001,



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78 1 but prior to the effective date of this section of this Act  
78 2 shall be payable, upon a showing that the veteran would have  
78 3 been eligible for payment had the injury occurred on or after  
78 4 the effective date of this section of this Act.

78 5 Sec. 174. 2007 Iowa Acts, House File 579, section 3, the  
78 6 bill section amending clause, is amended to read as follows:

78 7 SEC. 3. Section 805.6, subsection 1, paragraph a,  
78 8 unnumbered paragraph 3, Code 2007, is amended to read as  
78 9 follows:

78 10 Sec. 175. 2007 Iowa Acts, Senate File 74, section 43, is  
78 11 repealed.

78 12 Sec. 176. 2007 Iowa Acts, Senate File 403, section 29, if  
78 13 enacted, is amended to read as follows:

78 14 SEC. 29. EFFECTIVE DATE. The sections of this division of  
78 15 this Act enacting section 268.6 and amending section ~~534B.54~~  
78 16 543B.54 take effect July 1, 2007.

78 17 Sec. 177. 2007 Iowa Acts, Senate File 535, section 44,  
78 18 subsection 1, unnumbered paragraph 1, is amended to read as  
78 19 follows:

78 20 If 2007 Iowa Acts, House File 716 is enacted,  
78 21 notwithstanding section ~~4.1~~ 4.8, all of the following apply:

78 22 EXPLANATION

78 23 This bill makes, reduces, and transfers appropriations,  
78 24 provides for salaries and compensation of state employees, and  
78 25 covers other properly related matters. The bill is organized  
78 26 into divisions.

78 27 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY  
78 28 2008=2009. This division appropriates funding for the FY  
78 29 2008=2009 MH/MR/DD/BI services allowed growth funding payments  
78 30 to counties and for the brain injury services program in the  
78 31 department of public health.

78 32 STANDING APPROPRIATIONS AND RELATED MATTERS. This division  
78 33 limits the standing unlimited appropriations for FY 2007=2008  
78 34 made for the following purposes: instructional support state  
78 35 aid, payment of nonpublic school transportation, the



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79 1 educational excellence program to improve teacher salaries,  
79 2 and state share of peace officers' retirement benefits.

79 3 In addition, for FY 2007=2008, the following property tax  
79 4 credits are funded from the property tax credit fund created  
79 5 in the division instead of the general fund of the state:  
79 6 homestead, agricultural land and family farm, military  
79 7 service, and elderly and disabled tax credit and  
79 8 reimbursement.

79 9 For the budget process applicable to FY 2008=2009, state  
79 10 agencies are required to submit estimates and other  
79 11 expenditure information as called for by the director of the  
79 12 department of management after consultation with the director  
79 13 of management instead of the information required under Code  
79 14 section 8.23.

79 15 Of the appropriations made for expenses of the general  
79 16 assembly under Code section 2.12, \$775,000 is to be used for  
79 17 security at the capitol and judicial buildings.

79 18 Code section 8.57A is amended to increase the standing  
79 19 appropriation from the rebuild Iowa infrastructure fund to the  
79 20 environment first fund from \$35 million to \$40 million.

79 21 Code section 257.35, relating to state aid to schools  
79 22 provided for area education agencies, is amended to continue a  
79 23 reduction in that funding for FY 2007=2008. The amount of the  
79 24 reduction is limited to \$5.25 million in place of the \$8  
79 25 million reduction applied for the previous fiscal year and the  
79 26 reduction for each area education agency will be prorated  
79 27 based upon the reduction in the state aid that the agency  
79 28 received in FY 2003=2004. Intent language is included that  
79 29 would eliminate this reduction by FY 2009=2010.

79 30 The contingent appropriation under Code section 8.57,  
79 31 subsection 1, of up to 1 percent of the adjusted revenue  
79 32 estimate for FY 2007=2008 from the state general fund to the  
79 33 cash reserve fund in the event the FY 2006=2007 ending balance  
79 34 distribution was insufficient to bring the fund to the  
79 35 designated level shall not be made for FY 2007=2008.



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80 1 SALARIES, COMPENSATION, AND RELATED MATTERS. This division  
80 2 relates to the funding for the fiscal year beginning July 1,  
80 3 2007, of salary increases for state appointed nonelected  
80 4 officers, justices, judges, magistrates, employees subject to  
80 5 collective bargaining agreements, certain noncontract  
80 6 employees, and board of regents employees.

80 7 The annual salaries of the justices, judges, and judicial  
80 8 magistrates are increased by approximately 8 to 10 percent.

80 9 The division increases the maximum and minimum salary  
80 10 levels of all pay plans of noncontract state employees by 3  
80 11 percent and authorizes a step increase or the equivalent of a  
80 12 step increase. The pay levels of noncontract judicial branch  
80 13 employees are required to be similar to the employees covered  
80 14 by collective bargaining agreements negotiated by the judicial  
80 15 branch.

80 16 The division provides supplemental authorization to fund  
80 17 salaries from trust, revolving, and special funds for which  
80 18 the general assembly has established a budget.

80 19 The division provides for the salary model administrator to  
80 20 work in conjunction with the department of management and the  
80 21 legislative services agency to analyze, compare, and project  
80 22 state salary and benefit information.

80 23 The division provides for the payment of overtime for  
80 24 uniformed peace officers in the division of state patrol who  
80 25 are covered by a collective bargaining agreement.

80 26 The division makes an amendment to Code section 20.5  
80 27 relating to compensation of members of the public employment  
80 28 relations board to provide that they are to be compensated as  
80 29 provided by law in lieu of being set by the general assembly.

80 30 The division amends Code section 421.1A relating to the  
80 31 compensation of members of the property assessment appeal  
80 32 board to provide that they shall be compensated similar to the  
80 33 salary of a district judge until December 31, 2013.

80 34 The division specifies that when the supreme court submits  
80 35 the estimate of the total expenditure requirements of the



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81 1 judicial branch, that estimate include a detailed listing of  
81 2 requested judicial salary increases for the following fiscal  
81 3 year.

81 4       The division also provides that the administrator of the  
81 5 state racing and gaming commission will be paid compensation  
81 6 as set by the governor rather than within the salary range set  
81 7 by the general assembly.

81 8       OTHER APPROPRIATIONS AND RELATED MATTERS. This division  
81 9 makes numerous appropriations or reductions in appropriations  
81 10 for FY 2007=2008 and involves related matters as follows:

81 11       To the department of administrative services, \$120,000 is  
81 12 appropriated to provide for free shuttle service to the  
81 13 capitol complex by the Des Moines area regional transit  
81 14 authority.

81 15       To the department of economic development, \$40,000 is  
81 16 appropriated to support the mid-America port commission.

81 17       To the department of education, \$200,000 is appropriated  
81 18 for allocation to the Iowa western community college for  
81 19 interpreters for the deaf.

81 20       To the department of education, \$2 million is appropriated  
81 21 for payment of instructors' salaries at community colleges.

81 22       To the department of elder affairs, \$75,000 is appropriated  
81 23 to assist a qualifying county to fund a livable community  
81 24 initiative for the elderly and to hire a full-time  
81 25 professional aging specialist.

81 26       To the department of public defense, \$75,000 is  
81 27 appropriated to implement the disaster behavioral health  
81 28 responder ready reserve established in this division.

81 29       To the state board of regents, \$250,000 is appropriated for  
81 30 the development, maintenance, and promotion of a credit  
81 31 transfer and articulation internet website for use by students  
81 32 who wish to transfer credits earned at a community college to  
81 33 a board of regents institution.

81 34       To the department of education, a supplemental  
81 35 appropriation of \$2 million is made for the all Iowa



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82 1 opportunity assistance program if the program is established  
82 2 in 2007 Iowa Acts, Senate File 588. The moneys are to be used  
82 3 for the all Iowa opportunity scholarship program of the all  
82 4 Iowa opportunity assistance program.

82 5 To the department of education, a supplemental  
82 6 appropriation of \$295,000 is made for the before and after  
82 7 school program if established in 2007 Iowa Acts, Senate File  
82 8 588.

82 9 To the department of justice, a supplemental appropriation  
82 10 of \$150,000 is made for farm mediation services if an  
82 11 appropriation is made for farm mediation services in 2007 Iowa  
82 12 Acts, Senate File 575.

82 13 To the department of public health, \$500,000 is  
82 14 appropriated for a grant to a tax exempt nonprofit  
82 15 organization that is operating 211 program call centers on a  
82 16 statewide basis for community information and referral  
82 17 services.

82 18 To the judicial branch, \$14 million is appropriated for  
82 19 salaries, support, and miscellaneous purposes to supplement  
82 20 the appropriation in 2007 Iowa Acts, Senate File 563, if  
82 21 enacted.

82 22 To the department of inspections and appeals, \$3 million is  
82 23 appropriated to the office of state public defender for the  
82 24 indigent defense program to supplement the appropriation in  
82 25 2007 Iowa Acts, Senate File 575, if enacted.

82 26 To the department of agriculture and land stewardship,  
82 27 \$10,000 is appropriated for allocation to the Iowa junior  
82 28 angus association in connection with the 2008 national junior  
82 29 angus show.

82 30 To the department of corrections, \$560,000 is appropriated  
82 31 for the Newton correctional facility to supplement the  
82 32 appropriation in 2007 Iowa Acts, Senate File 575, if enacted.

82 33 To the office of attorney general, \$450,000 is appropriated  
82 34 for legal services for persons in poverty grants to supplement  
82 35 the appropriation in 2007 Iowa Acts, Senate File 575, if



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83 1 enacted.

83 2       The division amends 2007 Iowa Acts, House File 752, if  
83 3 enacted, to increase the amounts of the appropriations for  
83 4 department of transportation operations from the road use tax  
83 5 fund and the primary road fund by \$16,800 and \$103,200,  
83 6 respectively, and increases the FTE's for the operations by  
83 7 1.00.

83 8       The division amends 2006 Iowa Acts, chapter 1180, section  
83 9 5, and 2007 Iowa Acts, Senate File 562, to provide for the  
83 10 nonreversion of moneys appropriated for the great places  
83 11 program.

83 12       The division enacts new Code sections 15.391 and 15.392 and  
83 13 appropriates \$1 million annually beginning with FY 2008=2009  
83 14 for the support of the world food prize and for the support of  
83 15 a world food prize youth institute that is established with a  
83 16 program to provide an educational opportunity and forum for  
83 17 high school students in the state who have an interest in  
83 18 food, agriculture, or natural resources disciplines.

83 19       The division enacts new Code section 29C.23 to require the  
83 20 department of public defense's homeland security and emergency  
83 21 management division administrator to provide for the ongoing  
83 22 existence of the ready reserve. The purpose of the reserve is  
83 23 to maintain a group of trained individuals to work with state  
83 24 and local officials and others in providing crisis counseling  
83 25 assistance in response to crises, disasters, and public  
83 26 disorder emergencies.

83 27       The ready reserve is considered to be a homeland security  
83 28 and emergency response team for purposes of Code section 29C.8  
83 29 and as such the members are considered to be state employees  
83 30 and are afforded tort liability protection as a state employee  
83 31 as well as disability, workers' compensation, and death  
83 32 benefits.

83 33       The division provides an appropriation from the general  
83 34 fund of the state of \$75,000 for initial implementation of the  
83 35 ready reserve costs for FY 2007=2008.



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84 1       The division provides that directors of departments and  
84 2 agencies that are subject to a requirement to develop a  
84 3 telecommuter employment policy and plans are required to  
84 4 develop the policy and plans in consultation with  
84 5 representatives of the collective bargaining units of the  
84 6 employees affected by the policy and plans.  
84 7       The division amends Code section 256D.5 to extend the  
84 8 standing, limited appropriation of \$29.25 million for the Iowa  
84 9 early intervention block grant program to the fiscal year  
84 10 ending June 30, 2012, and extends repeal of the program to  
84 11 July 1, 2012.  
84 12       Code section 279.51 is amended to increase the amount of  
84 13 the standing appropriation to the department of education for  
84 14 at-risk children programs from \$12,560,000 to \$12,606,196.  
84 15       Code section 602.8108 is amended to strike subsections 8,  
84 16 9, 10, and 11 that provide that a set amount of the fines and  
84 17 fees collected by the state court administrator be allocated  
84 18 to the judicial branch, state public defender, office of  
84 19 attorney general, or department of corrections. Instead these  
84 20 amounts will be deposited into the general fund of the state.  
84 21       MISCELLANEOUS STATUTORY CHANGES. Code section 8A.363,  
84 22 subsection 1, is amended to provide that the director of the  
84 23 department of administrative services shall set the private  
84 24 motor vehicle reimbursement rate at between 90 percent and 110  
84 25 percent of the maximum allowable rate under federal internal  
84 26 revenue service rules.  
84 27       Code section 15I.3, subsection 4, is amended to reduce from  
84 28 \$10 million to \$4 million the amount of wage-benefits tax  
84 29 credit certificates that may be issued in a fiscal year  
84 30 beginning on or after July 1, 2007.  
84 31       Code section 28D.3 is amended to allow the department of  
84 32 administrative services and the Iowa communications network to  
84 33 interchange employees with other governmental entities for  
84 34 longer than two years. This provision takes effect upon  
84 35 enactment.



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85 1 Code sections 85.66 and 85.67 are amended to increase from  
85 2 \$50,000 to \$150,000 the amount the attorney general's office  
85 3 is reimbursed for expenses from the second injury fund.

85 4 New Code chapter 190A is enacted to establish a  
85 5 farm-to-school program headed by a seven-member council to  
85 6 provide school children with healthy foods and opportunities  
85 7 to partake in farm activities.

85 8 New Code section 214A.2B is enacted to allow a community  
85 9 college to establish a testing laboratory for motor fuel and  
85 10 biodiesel fuels.

85 11 New Code section 216A.121, enacted by 2007 Iowa Acts, House  
85 12 File 826, is amended to include a representative of the Iowa  
85 13 state association of counties on the Abraham Lincoln  
85 14 bicentennial commission.

85 15 Code section 237A.13 is amended by adding a new subsection  
85 16 that establishes billing and payment standards for child care  
85 17 provided through the state child care assistance program. The  
85 18 billing or payments may be made biweekly or monthly.

85 19 Code section 272.27 is amended to provide that those  
85 20 educators completing required practicum, field experience,  
85 21 clinical experience, or internship before licensure shall be  
85 22 covered by the same liability protections provided student  
85 23 teachers.

85 24 Code section 303.1 is amended to allow the department of  
85 25 cultural affairs to develop and implement fee-based  
85 26 educational programming opportunities including preschool  
85 27 programs.

85 28 Code sections 321.20B and 321A.34 are amended to allow  
85 29 certain sized associations to be self-insured in lieu of  
85 30 having regular motor vehicle insurance.

85 31 Code section 388.2 specifies that a proposal to establish,  
85 32 acquire, lease, dispose of, or undertake or discontinue  
85 33 operation of a city utility or to establish or dissolve a  
85 34 combined utility system or to establish or discontinue a  
85 35 utility board, which proposal is submitted to the voters by



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86 1 the city council's own motion, and not by petition, may be  
86 2 submitted at the general election, regular city election or at  
86 3 a special election. Code section 388.2 is amended to require  
86 4 notice be given to any utility whose property would be  
86 5 affected by a city establishing a gas or electric utility.

86 6 Code section 404A.4, subsection 4, is amended to increase  
86 7 from \$2.4 million to \$6 million the amount of historic  
86 8 preservation and cultural and entertainment district tax  
86 9 credits that may be approved in a fiscal year.

86 10 Code section 463C.17 is amended to provide that in addition  
86 11 to the Honey creek premier destination park authority, the  
86 12 department of natural resources and their agents are exempt  
86 13 from competitive bid laws, term=length, and hearing when  
86 14 entering into contracts in carrying out its public and  
86 15 essential government functions.

86 16 New Code section 717F.1, if enacted by 2007 Iowa Acts,  
86 17 Senate File 564, is amended to exclude from the definition of  
86 18 circus for purposes of the dangerous wild animal law a person  
86 19 who keeps certain carnivores as pets. Also changed in the law  
86 20 is the authority to keep a falcon.

86 21 The division repeals the section in 2007 Iowa Acts, Senate  
86 22 File 403, if enacted, that makes a \$250,000 appropriation for  
86 23 the initial implementation of an Iowa energy independence  
86 24 office.

86 25 ELDER SERVICES. This division provides the department of  
86 26 inspections and appeals with regulatory control of elder group  
86 27 homes, assisted living programs, and adult day services for  
86 28 licensing and monitoring purposes. The division eliminates  
86 29 regulatory control over such programs and facilities by the  
86 30 department of elder affairs. The division also provides  
86 31 transitional provisions for administrative rules.

86 32 CORRECTIVE PROVISIONS. Code section 35A.15, if enacted in  
86 33 2007 Iowa Acts, Senate File 407, is amended to correct a  
86 34 reference to the Iowa Act initially enacting the home  
86 35 ownership assistance program for eligible members of the armed



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87 1 forces of the United States who are residents of Iowa.  
87 2 Code section 48A.7A, as enacted by 2007 Iowa Acts, House  
87 3 File 653, is corrected to include "name of registrant" rather  
87 4 than "name or registrant" and to reposition parenthetical  
87 5 phrases on the same line where blanks are to be filled in  
87 6 rather than on the lines below.  
87 7 Code section 53.37, as amended by 2007 Iowa Acts, House  
87 8 File 848, is amended to correct an internal reference due to  
87 9 redesignation of subunits within the Code section.  
87 10 Code section 68A.406, as amended by 2007 Iowa Acts, Senate  
87 11 File 39, is amended to correct an internal reference to  
87 12 paragraphs rather than to subparagraphs.  
87 13 Code section 96.5, subsection 5, as amended by 2007 Iowa  
87 14 Acts, Senate File 272, is amended to correct an internal  
87 15 reference to this "paragraph" due to the internal  
87 16 redesignation of subunits within the subsection.  
87 17 Code section 147.74, subsection 22, as amended by 2007 Iowa  
87 18 Acts, Senate File 74, is amended to correct a reference to a  
87 19 sign language interpreter or transliterator.  
87 20 Code section 147.98, as amended by 2007 Iowa Acts, Senate  
87 21 File 74, is amended to correct two references to board or the  
87 22 board of pharmacy rather than to examining board or pharmacy  
87 23 examiners.  
87 24 Code section 148.10, as amended by 2007 Iowa Acts, Senate  
87 25 File 74, is amended to correct a grammatical phrase using the  
87 26 word "its" rather than the word "their".  
87 27 Code section 150A.3, as amended by 2007 Iowa Acts, Senate  
87 28 File 74, is amended to correct a reference to the board of  
87 29 medicine rather than to the medical examiners.  
87 30 Code section 151.12, as amended by 2007 Iowa Acts, Senate  
87 31 File 74, is amended to correct a reference to the board of  
87 32 chiropractic rather than to the chiropractic examiners.  
87 33 Code section 154.1, as amended by 2007 Iowa Acts, Senate  
87 34 File 74, section 142, is amended to correct two internal  
87 35 references to the newly designated subsection 4 rather than to



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88 1 the paragraph.  
88 2 Code section 154.3, subsection 5, as amended by 2007 Iowa  
88 3 Acts, Senate File 74, is amended to correct the punctuation in  
88 4 a series to match added punctuation in two identical series in  
88 5 the same bill section.  
88 6 Code section 284.8, subsection 4, if enacted by 2007 Iowa  
88 7 Acts, Senate File 277, is amended to correct an improper  
88 8 reference.  
88 9 Code section 499.47, as amended by 2007 Iowa Acts, Senate  
88 10 File 319, is amended to provide that a duplicate copy of the  
88 11 report of the dissolution of an agricultural association need  
88 12 no longer be made and signed since the Code section was  
88 13 amended by Senate File 319 to require that just one copy be  
88 14 made and signed and filed with the secretary of state.  
88 15 Code section 715.6, as amended in 2007 Iowa Acts, Senate  
88 16 File 333, the substantive Code editor's bill, is amended to  
88 17 specify that the prohibitions in Code chapter 715, relating to  
88 18 computer spyware and malware protections, allow monitoring or  
88 19 interaction with an internet or computer network involved in a  
88 20 criminal investigation of activities illegal under Code  
88 21 chapter 715.  
88 22 2006 Iowa Acts, chapter 1106, as amended by 2007 Iowa Acts,  
88 23 Senate File 272, is amended to correct a reference to an  
88 24 effective date provision in the 2006 Iowa Acts. The 2006 Iowa  
88 25 Act had more than one effective and retroactive applicability  
88 26 date provision.  
88 27 2007 Iowa Acts, House File 579, section 3, is amended to  
88 28 correct the bill section amending clause by adding that the  
88 29 portion of the Code section being amended is part of paragraph  
88 30 "a".  
88 31 2007 Iowa Acts, Senate File 74, section 43, is repealed due  
88 32 to the fact that the Code section which it amends is itself  
88 33 repealed July 1, 2007.  
88 34 2007 Iowa Acts, Senate File 403, is amended to correct a  
88 35 reference to Code section 543B.54 in an effective date section



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89 1 of the bill.  
89 2 2007 Iowa Acts, Senate File 535, is amended to correct a  
89 3 reference to Code section 4.8 in a bill provision determining  
89 4 which conflicting provisions of two bills should prevail. The  
89 5 reference should be to the Code section relating to the  
89 6 statutory rule which provides that the bill of latest  
89 7 enactment prevails rather than a reference to statutory  
89 8 definitions.  
89 9 LSB 2904SV 82  
89 10 mg:jp/cf/24.1