



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 26, 2007

House Amendment 2023

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1 1 Amend the amendment, H=1954, to Senate File 588, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, line 11, by inserting after the word
1 5 <allegiance> the following: <and the black national
1 6 anthem>.
1 7 #2. Page 1, line 13, by inserting after the word
1 8 <allegiance> the following: <and the black national
1 9 anthem>.
1 10 #3. Page 1, line 17, by inserting after the word
1 11 <allegiance> the following: <or the black national
1 12 anthem>.
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1 16 BERRY of Black Hawk
1 17 SF 588.233 82
1 18 kh/es/9792
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House Amendment 2040

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1 1 Amend the House amendment, S=3436, to Senate File
1 2 551, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by inserting before line 3, the
1 5 following:
1 6 <#____. Page 3, by striking line 9, and inserting
1 7 the following: <maintenance, miscellaneous purposes,
1 8 and for not more than the following full-time
1 9 equivalent positions:>
1 10 #____. Page 3, by inserting after line 10, the
1 11 following:
1 12 <..... FTEs 1.00>
1 13 #____. Page 11, line 26, by striking the figure
1 14 <1,500,000> and inserting the following: <1,480,000>.
1 15 #____. Page 12, line 35, by striking the figure
1 16 <600,000> and inserting the following: <580,000>.
1 17 #____. Page 13, line 2, by striking the figure
1 18 <400,000> and inserting the following: <386,667>.
1 19 #____. Page 13, line 8, by striking the figure
1 20 <200,000> and inserting the following: <193,333>.
1 21 #____. Page 13, by inserting after line 17, the
1 22 following:
1 23 <____. For purposes of supporting a farm-to-school
1 24 program, as provided in chapter 190A, if enacted by
1 25 2007 Iowa Acts, Senate File 601, including salaries,
1 26 support, maintenance, and miscellaneous purposes:
1 27 ..... $ 80,000
1 28 _____. For purposes of supporting the office of
1 29 state apiarist, including the state apiarist who shall
1 30 be appointed by the secretary of agriculture pursuant
1 31 to section 160.1, and for carrying out the duties of
1 32 the state apiarist as provided in chapter 160:
1 33 ..... $ 40,000>
1 34 #____. Page 14, line 5, by striking the figure
1 35 <2,490,000> and inserting the following: <2,470,000>.
1 36 #____. Page 14, line 19, by striking the figure
1 37 <400,000> and inserting the following: <360,000>.
1 38 #____. Page 15, line 9, by striking the figure
1 39 <500,000> and inserting the following: <480,000>.>
1 40 #2. Page 2, by inserting after line 16 the
1 41 following:
1 42 <#____. Page 20, by inserting after line 27 the
1 43 following:
1 44 <DIVISION
1 45 E=85 GASOLINE
1 46 Sec. _____. Section 455G.31, Code 2007, is amended
1 47 to read as follows:
1 48 455G.31 E=85 GASOLINE STORAGE AND DISPENSING
1 49 INFRASTRUCTURE.
1 50 1. As used in this section, unless the context

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2 1 otherwise requires:

2 2 a. "E=85 gasoline", "ethanol blended gasoline",
2 3 and "retail dealer" mean the same as defined in
2 4 section 214A.1.

2 5 b. "Gasoline storage and dispensing
2 6 infrastructure" means any storage tank located below
2 7 ground or above ground and any associated equipment
2 8 including but not limited to a pipe, hose, connection,
2 9 fitting seal, or pump, which is used to store,
2 10 measure, and dispense gasoline by a retail dealer.

2 11 2. A retail dealer may use gasoline storage and
2 12 dispensing infrastructure to store and dispense E=85
2 13 gasoline if all of the following apply:

2 14 a. For gasoline storage and dispensing
2 15 infrastructure other than the dispenser, the
2 16 department of natural resources under this chapter or
2 17 the state fire marshal under chapter 101 must
2 18 determine that it is compatible with E=85 gasoline.
2 19 If the compatibility of the thread sealant or adhesive
2 20 is undetermined, the thread sealant or adhesive may
2 21 continue to be used if precision line testing is
2 22 conducted annually and if an analysis to determine
2 23 compatibility of the thread sealant or adhesive is
2 24 completed by July 1, 2011.

2 25 b. For a dispenser, ~~the manufacturer must state~~
2 26 all of the following shall apply:

2 27 (1) ~~That the dispenser is, in the opinion of the~~
~~2 28 manufacturer, not incompatible with E=85 gasoline.~~
2 29 The manufacturer must state that the dispenser is
2 30 listed by an independent testing laboratory as
2 31 compatible with ethanol blended gasoline.

2 32 (2) ~~The manufacturer has initiated the process of~~
~~2 33 applying to an independent testing laboratory for~~
~~2 34 listing of the equipment for use in dispensing E=85~~
~~2 35 gasoline.~~

2 36 ~~A manufacturer's statement must include a written~~
~~2 37 statement, with reference to a particular type and~~
~~2 38 model of equipment for use in dispensing E=85~~
~~2 39 gasoline, signed by a responsible official on behalf~~
~~2 40 of the manufacturer, provided either to the retail~~
~~2 41 dealer using the gasoline storage and dispensing~~
~~2 42 infrastructure or to the department of natural~~
~~2 43 resources or the state fire marshal. If the written~~
~~2 44 statement is provided to a retail dealer, the~~
~~2 45 statement shall be retained in the files on the~~
~~2 46 premises of the retail dealer and shall be available~~
~~2 47 to personnel of the department of natural resources or~~
~~2 48 the state fire marshal upon request. The owner or~~
2 49 operator or a person authorized by the owner or
2 50 operator must visually inspect the dispenser and the



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3 1 dispenser sump daily for leaks and equipment failure
3 2 and maintain a record of such inspection for at least
3 3 one year after the inspection. If a leak is detected,
3 4 the department of natural resources shall be notified
3 5 pursuant to section 455B.386.
3 6 If a commercially available dispenser is listed as
3 7 compatible for use with E=85 gasoline by an
3 8 independent testing laboratory, this paragraph "b"
3 9 shall not apply to new dispensers installed after the
3 10 commercial availability of such a certified dispenser.
3 11 ~~3. This section is repealed July 1, 2009.>>~~
3 12 #3. By renumbering, relettering, or redesignating
3 13 and correcting internal references as necessary.
3 14 SF 551.S
3 15 da/cc/26



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House Amendment 2041

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1 1 Amend House File 909, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 5, line 16, by striking the word <if> and
1 4 inserting the following: <as>.
1 5 #2. Page 6, by striking lines 10 through 12 and
1 6 inserting the following: <shall be used to administer
1 7 or implement the information and>.
1 8 #3. Page 7, line 13, by striking the figure
1 9 <1,690,000> and inserting the following: <2,215,000>.
1 10 #4. Page 7, by inserting after line 13 the
1 11 following:
1 12 <The amount appropriated in this subsection for
1 13 addictive disorders reflects an increase of \$525,000
1 14 from the funding remaining in the gambling treatment
1 15 fund from the carryforward of appropriations made for
1 16 addictive disorders in previous fiscal years. Of this
1 17 amount, \$50,000 shall be transferred to the department
1 18 of corrections to supplement funding for the adult
1 19 drug court program in the fifth judicial district,
1 20 \$25,000 shall be transferred to the department of
1 21 corrections to supplement funding for the adult drug
1 22 court program in the second judicial district,
1 23 \$150,000 shall be transferred to the department of
1 24 human rights to supplement funding for the family
1 25 development and self-sufficiency grant program, and
1 26 \$300,000 shall be transferred to the department of
1 27 human rights to be used in addition to any other
1 28 funding appropriated in this Act for the energy
1 29 utility assessment and resolution program established
1 30 pursuant to section 216A.104, as enacted by this Act.>
1 31 #5. Page 9, line 18, by inserting after the word
1 32 <FUND.> the following:
1 33 <1.>
1 34 #6. Page 9, by striking lines 27 through 30 and
1 35 inserting the following: <of the United States, in
1 36 accordance with section 35A.15, as enacted by 2007
1 37 Iowa Acts, Senate File 407:>
1 38 #7. Page 9, line 32, by striking the word
1 39 <section> and inserting the following: <subsection>.
1 40 #8. Page 10, line 1, by striking the word
1 41 <section> and inserting the following: <subsection>.
1 42 #9. Page 10, line 4, by striking the word
1 43 <section> and inserting the following: <subsection>.
1 44 #10. Page 10, line 15, by striking the word
1 45 <section> and inserting the following: <subsection>.
1 46 #11. Page 10, by inserting after line 17 the
1 47 following:
1 48 <2. If after the contingent appropriation is made
1 49 in subsection 1 the balance in the veterans trust fund
1 50 for the fiscal year beginning July 1, 2007, exceeds



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2 1 \$5,000,000, exclusive of any amount from interest or
 2 2 earnings on moneys in the trust fund or otherwise
 2 3 received from a source other than the general fund of
 2 4 the state or the rebuild Iowa infrastructure fund, the
 2 5 amount in excess of \$5,000,000 is appropriated to the
 2 6 department of veterans affairs for the fiscal year
 2 7 beginning July 1, 2007, and ending June 30, 2008, for
 2 8 transfer to the Iowa finance authority to be used as
 2 9 funding in addition to the appropriation in subsection
 2 10 1 for the home ownership assistance program.>
 2 11 #12. Page 10, line 26, by striking the word
 2 12 <commission> and inserting the following:
 2 13 <department>.
 2 14 #13. Page 10, lines 29 and 30, by striking the
 2 15 words <, which shall be done by> and inserting the
 2 16 following: <no later than>.
 2 17 #14. Page 11, by inserting after line 18 the
 2 18 following:
 2 19 <Notwithstanding section 8.33, not more than 5
 2 20 percent of the moneys designated in this subsection
 2 21 that are allocated by the department for contracted
 2 22 services other than family self-sufficiency grant
 2 23 services allocated under this subsection, that remain
 2 24 unencumbered or unobligated at the close of the fiscal
 2 25 year shall not revert but shall remain available for
 2 26 expenditure for the purposes designated until the
 2 27 close of the succeeding fiscal year. However, unless
 2 28 such moneys are encumbered or obligated on or before
 2 29 September 30, 2008, the moneys shall revert.>
 2 30 #15. Page 14, by inserting after line 22 the
 2 31 following:
 2 32 <0a. To be retained by the department of human
 2 33 services to be used for coordinating with the
 2 34 department of human rights to more effectively serve
 2 35 participants in the FIP program and other shared
 2 36 clients and to meet federal reporting requirements
 2 37 under the federal temporary assistance for needy
 2 38 family block grant:
 2 39 \$ 20,000>
 2 40 #16. Page 14, line 27, by striking the figure
 2 41 <5,583,042> and inserting the following: <5,563,042>.
 2 42 #17. Page 14, line 32, by inserting after the word
 2 43 <department> the following: <of human rights>.
 2 44 #18. By striking page 14, line 35, through page
 2 45 15, line 4, and inserting the following:
 2 46 <(3) The department of human rights is responsible
 2 47 for complying with all federal temporary assistance
 2 48 for needy family block grant requirements with respect
 2 49 to the funds allocated in this lettered paragraph and
 2 50 for any federal penalty that may result from a failure



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3 1 to meet the requirements. These responsibilities
3 2 include but are not limited to ensuring that all
3 3 expenditures of federal block grant and state
3 4 maintenance of effort funds are appropriate and
3 5 allowable in accordance with federal requirements and
3 6 meet federal work participation requirements with
3 7 respect to the population receiving benefits or
3 8 services under the family development and
3 9 self-sufficiency grant program that are subject to
3 10 work requirements.

3 11 (4) With the allocation of funding for the family
3 12 development and self-sufficiency grant program
3 13 directly to the department of human rights in lieu of
3 14 allocation through the department of human services,
3 15 the department of human rights shall assume all
3 16 responsibility for the grant program. The
3 17 responsibility includes identifying and addressing
3 18 implementation of any revisions in state law or
3 19 administrative rule needed to effect this change,
3 20 including but not limited to identifying any
3 21 amendments needed to section 217.12.

3 22 (5) The department of human rights, consistent
3 23 with the Accountable Government Act in chapter 8E,
3 24 shall adopt appropriate performance measures for the
3 25 grant program, including but not limited to measures
3 26 demonstrating how the program helps families achieve
3 27 self-sufficiency. The department of human rights
3 28 shall submit to the governor and general assembly on
3 29 or before August 31, 2008, a report detailing these
3 30 measures and the outcomes achieved for fiscal year
3 31 2007=2008.

3 32 (6) The department of human rights shall develop a
3 33 memorandum of agreement with the department of human
3 34 services to coordinate referrals and delivery of
3 35 services to participants in the FIP program and other
3 36 shared clients and shall provide the department of
3 37 human services with information necessary for
3 38 compliance with federal temporary assistance for needy
3 39 families block grant state plan and reporting
3 40 requirements, including but not limited to financial
3 41 and data reports.>

3 42 #19. By striking page 15, line 34, through page
3 43 16, line 8.

3 44 #20. Page 16, line 21, by inserting after the word
3 45 <funding.> the following: <If child support
3 46 collections assigned under FIP are greater than
3 47 estimated or are otherwise determined not to be
3 48 required for maintenance of effort, the state share of
3 49 either amount may be transferred to or retained in the
3 50 child support payment account.>



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4 1 #21. Page 16, line 35, by inserting after the word
 4 2 <designated> the following: <and for not more than
 4 3 the following full-time equivalent positions>.
 4 4 #22. Page 17, by inserting after line 4 the
 4 5 following:
 4 6 <..... FTEs 16.50>
 4 7 #23. Page 20, line 10, by striking the figure
 4 8 <618,926,820> and inserting the following:
 4 9 <618,826,820>.
 4 10 #24. Page 20, by inserting after line 28 the
 4 11 following:
 4 12 <1A. Medically necessary abortions do not include
 4 13 partial birth abortions as defined in section 707.8A.>
 4 14 #25. Page 23, line 2, by inserting after the
 4 15 figure <2008.> the following: <If a prescriber
 4 16 determines that all smoking cessation aids on the
 4 17 preferred drug list are not effective or medically
 4 18 appropriate for a patient, the prescriber may apply
 4 19 for an exception to policy for another product
 4 20 approved by the United States food and drug
 4 21 administration for smoking cessation pursuant to 441
 4 22 IAC 1.8(1).>
 4 23 #26. Page 24, line 9, by inserting after the word
 4 24 <purposes> the following: <and for not more than the
 4 25 following full-time equivalent positions>.
 4 26 #27. Page 24, by inserting after line 10 the
 4 27 following:
 4 28 <..... FTEs 21.00>
 4 29 #28. Page 24, line 17, by inserting after the word
 4 30 <purposes> the following: <and for not more than the
 4 31 following full-time equivalent positions>.
 4 32 #29. Page 24, by inserting after line 18, the
 4 33 following:
 4 34 <..... FTEs 6.00>
 4 35 #30. Page 25, line 22, by inserting after the word
 4 36 <PROGRAM.> the following:
 4 37 <1.>
 4 38 #31. Page 25, by inserting after line 33 the
 4 39 following:
 4 40 <2. If sufficient funding is available under this
 4 41 Act, and if federal reauthorization of the state
 4 42 children's health insurance program provides
 4 43 sufficient federal allocations to the state and
 4 44 authorization to cover the following populations as an
 4 45 option under the state children's health insurance
 4 46 program, the department may expand coverage under the
 4 47 state children's health insurance program as follows:
 4 48 a. By eliminating the categorical exclusion of
 4 49 state employees from receiving state children's health
 4 50 insurance program benefits.



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5 1 b. By providing coverage for legal immigrant
5 2 children and pregnant women not eligible under current
5 3 federal guidelines.
5 4 c. By covering children up to age twenty=one, or
5 5 up to age twenty=three if the child is attending
5 6 school.>
5 7 #32. Page 25, by inserting after line 33 the
5 8 following:
5 9 <3. If the United States congress does not
5 10 authorize additional federal funds necessary to
5 11 address the shortfall for the state children's health
5 12 insurance program for the federal fiscal year
5 13 beginning October 1, 2006, and ending September 30,
5 14 2007, the department may use 100 percent state funds
5 15 from the appropriation made in this section for the
5 16 period beginning July 1, 2007, and ending September
5 17 30, 2007, and may, after consultation with the
5 18 governor and the general assembly, utilize funding
5 19 from the appropriations made in this Act for medical
5 20 assistance to maintain the state children's health
5 21 insurance program. If deemed necessary, the
5 22 department shall request a supplemental appropriation
5 23 from the Eighty=second General Assembly, 2008 Session,
5 24 to address any remaining shortfall for the fiscal year
5 25 beginning July 1, 2007.>
5 26 #33. Page 33, line 31, by striking the words <and
5 27 related>.
5 28 #34. Page 37, line 25, by striking the figure
5 29 <5,273,361> and inserting the following: <5,367,652>.
5 30 #35. Page 37, line 31, by striking the figure
5 31 <6,409,501> and inserting the following: <6,540,101>.
5 32 #36. Page 38, line 2, by striking the figure
5 33 <9,358,177> and inserting the following: <9,606,542>.
5 34 #37. Page 38, line 8, by striking the figure
5 35 <1,339,216> and inserting the following: <1,522,598>.
5 36 #38. Page 43, line 29, by striking the figure
5 37 <15,901,927> and inserting the following:
5 38 <16,101,927>.
5 39 #39. Page 44, by inserting after line 3 the
5 40 following:
5 41 <3. Of the funds appropriated in this section,
5 42 \$100,000 is transferred to the department of human
5 43 rights to be used in addition to any other funding
5 44 appropriated in this Act for the energy utility
5 45 assessment and resolution program established pursuant
5 46 to section 216A.104, as enacted by this Act.>
5 47 #40. Page 51, by inserting after line 32 the
5 48 following:
5 49 <Sec. _____. Section 217.23, subsection 2, Code
5 50 2007, is amended to read as follows:



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6 1 2. The department ~~is hereby authorized to~~ may
6 2 expend moneys from the support allocation of the
6 3 department as reimbursement for replacement or repair
6 4 of personal items of the department's employees
6 5 damaged or destroyed by clients of the department
6 6 during the employee's tour of duty. However, the
6 7 reimbursement shall not exceed ~~one~~ three hundred fifty
6 8 dollars for each item. The department shall establish
6 9 rules in accordance with chapter 17A to carry out the
6 10 purpose of this section.>

6 11 #41. Page 51, by inserting after line 32 the
6 12 following:

6 13 <Sec. _____. Section 231.33, Code 2007, is amended
6 14 by adding the following new subsection:

6 15 NEW SUBSECTION. 21. Provide the opportunity for
6 16 elders residing in the planning and service area to
6 17 offer substantive suggestions regarding the employment
6 18 practices of the area agency on aging.>

6 19 #42. By striking page 72, line 35, through page
6 20 73, line 8.

6 21 #43. Page 74, by inserting before line 14 the
6 22 following:

6 23 <Sec. _____. Section 331.439, subsection 5, Code
6 24 2007, is amended to read as follows:

6 25 5. a. A county shall implement the county's
6 26 management plan in a manner so as to provide adequate
6 27 funding for the entire fiscal year by budgeting for
6 28 ninety-nine percent of the funding anticipated to be
6 29 available for the plan. A county may expend all of
6 30 the funding anticipated to be available for the plan.

6 31 b. If a county determines that the county cannot
6 32 provide services in accordance with the county's
6 33 management plan and remain in compliance with the
6 34 budgeting requirement of paragraph "a" for the fiscal
6 35 year, the county may implement a waiting list for the
6 36 services. The procedures for establishing and
6 37 applying a waiting list shall be specified in the
6 38 county's management plan. If a county implements a
6 39 waiting list for services, the county shall notify the
6 40 department of human services. The department shall
6 41 maintain on the department's internet website an
6 42 up-to-date listing of the counties that have
6 43 implemented a waiting list and the services affected
6 44 by each waiting list.

6 45 Sec. _____. Section 331.440, subsection 4, as
6 46 enacted by 2006 Iowa Acts, chapter 1115, section 17,
6 47 is amended to read as follows:

6 48 4. a. An application for services may be made
6 49 through the central point of coordination process of
6 50 an adult person's county of residence. Effective July



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7 1 1, 2007, if an adult person who is subject to a
7 2 central point of coordination process has legal
7 3 settlement in another county, the central point of
7 4 coordination process functions relating to the
7 5 application shall be performed by the central point of
7 6 coordination process of the person's county of
7 7 residence in accordance with the county of residence's
7 8 management plan approved under section 331.439 and the
7 9 person's county of legal settlement is responsible for
7 10 the cost of the services or other support authorized
7 11 at the rates reimbursed by the county of residence.

7 12 b. The county of residence shall determine whether
7 13 or not the person's county of legal settlement has
7 14 implemented a waiting list in accordance with section
7 15 331.439, subsection 5. If the person's county of
7 16 legal settlement has implemented a waiting list, the
7 17 services or other support for the person shall be
7 18 authorized by the county of residence in accordance
7 19 with the county of legal settlement's waiting list
7 20 provisions.

7 21 c. At the time services or other support are
7 22 authorized, the county of residence shall send the
7 23 county of legal settlement a copy of the authorization
7 24 notice.>

7 25 #44. Page 84, line 30, by inserting after the word
7 26 <pool.> the following: <The mental health, mental
7 27 retardation, developmental disabilities, and brain
7 28 injury commission shall adopt rules pursuant to
7 29 chapter 17A providing criteria for the purposes of
7 30 this lettered paragraph and as necessary to implement
7 31 the other provisions of this subsection.>

7 32 #45. Page 85, line 19, by striking the word <A>.

7 33 #46. Page 85, by striking lines 20 and 21 and
7 34 inserting the following: <Any unobligated>.

7 35 #47. Page 85, line 30, by inserting after the word
7 36 <individual.> the following: <A county may submit a
7 37 preapproval application beginning on July 1 for the
7 38 fiscal year of submission and the risk pool board
7 39 shall notify the county of the risk pool board's
7 40 decision concerning the application within forty=five
7 41 days of receiving the application.>

7 42 #48. Page 86, line 12, by striking the word <The>
7 43 and inserting the following: <The Subject to the
7 44 amount available and obligated from the risk pool for
7 45 a fiscal year, the>.

7 46 #49. Page 86, by inserting after line 27 the
7 47 following:

7 48 <1. If the board has made its decisions but has
7 49 determined that there are otherwise qualifying
7 50 requests for risk pool assistance that are beyond the



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8 1 amount available in the risk pool fund for a fiscal
8 2 year, the board shall compile a list of such requests
8 3 and the supporting information for the requests. The
8 4 list and information shall be submitted to the mental
8 5 health, mental retardation, developmental
8 6 disabilities, and brain injury commission, the
8 7 department of human services, and the general
8 8 assembly.>

8 9 #50. Page 94, line 18, by inserting after the
8 10 figure <331.424A.> the following: <A county
8 11 transferring moneys from other funds of the county to
8 12 the county's services fund pursuant to this section or
8 13 utilizing the nonreversion authority provided in the
8 14 division of this Act relating to decategorization
8 15 project funding, shall submit a report detailing the
8 16 transfers made and fund affected and explaining how
8 17 the moneys made available by the nonreversion
8 18 authority were expended. The county shall submit the
8 19 report along with the county expenditure and
8 20 information report submitted by December 1, 2007, in
8 21 accordance with section 331.439.>

8 22 #51. Page 94, line 31, by striking the figure
8 23 <9,332,254> and inserting the following: <8,993,754>.

8 24 #52. Page 95, line 14, by striking the figure
8 25 <8,200,254> and inserting the following: <7,861,754>.

8 26 #53. Page 95, line 24, by inserting after the word
8 27 <promotion.> the following: <Of the funds allocated
8 28 in this lettered paragraph, not more than \$500,000
8 29 shall be used for cessation media promotion. Of the
8 30 funds allocated in this lettered paragraph, \$255,000
8 31 may be utilized by the department for administrative
8 32 purposes.>

8 33 #54. Page 95, by striking lines 25 and 26.

8 34 #55. Page 95, line 30, by striking the figure
8 35 <439,000> and inserting the following: <687,500>.

8 36 #56. Page 96, line 8, by striking the figure <337>
8 37 and inserting the following: <910>.

8 38 #57. Page 96, line 12, by striking the figure
8 39 <517> and inserting the following: <906>.

8 40 #58. Page 96, by inserting after line 12 the
8 41 following:

8 42 <e. Of the funds appropriated in this subsection,
8 43 \$10,000 shall be used for public health education and
8 44 awareness of the children's vision initiatives,
8 45 including the InfantSee program and the student vision
8 46 program, administered through a statewide association
8 47 of optometric professionals for infants and preschool
8 48 children.

8 49 f. Of the funds appropriated in this subsection,
8 50 \$238,500 shall be used to provide audiological



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9 1 services and hearing aids for children. The
9 2 department may enter into a contract to administer
9 3 this paragraph.>
9 4 #59. Page 96, line 14, by striking the figure
9 5 <1,178,981> and inserting the following: <1,188,981>.
9 6 #60. Page 96, by striking lines 20 and 21 and
9 7 inserting the following: <shall be used for the
9 8 comprehensive cancer control program to reduce the
9 9 burden of cancer in Iowa through>.
9 10 #61. Page 96, by inserting after line 31 the
9 11 following:
9 12 <e. Of the funds appropriated in this subsection,
9 13 \$10,000 shall be allocated to the university of Iowa,
9 14 Carver college of medicine, department of
9 15 cardiothoracic surgery, to offer extracorporeal
9 16 support for donation after cardiac death.>
9 17 #62. Page 96, line 33, by striking the figure
9 18 <3,025,000> and inserting the following: <2,890,000>.
9 19 #63. Page 97, line 3, by striking the figure
9 20 <200,000> and inserting the following: <300,000>.
9 21 #64. Page 98, by striking lines 18 through 20.
9 22 #65. Page 98, by inserting after line 26 the
9 23 following:
9 24 <ff. Of the funds appropriated in this subsection,
9 25 \$75,000 shall be used for implementation of the
9 26 recommendations of the direct care worker task force
9 27 established pursuant to 2005 Iowa Acts, chapter 88,
9 28 based upon the report submitted to the governor and
9 29 the general assembly in December 2006.
9 30 fff. Of the funds appropriated in this subsection,
9 31 \$140,000 shall be used for allocation to an
9 32 independent statewide direct care worker association
9 33 for education, outreach, leadership development,
9 34 mentoring, and other initiatives intended to enhance
9 35 the recruitment and retention of direct care workers
9 36 in health and long-term care.>
9 37 #66. Page 99, line 8, by striking the figure
9 38 <97,103,096> and inserting the following:
9 39 <97,203,096>.
9 40 #67. Page 99, line 10, by striking the figure
9 41 <78,065,357> and inserting the following:
9 42 <78,165,357>.
9 43 #68. Page 100, by striking lines 28 through 32.
9 44 #69. Page 100, by inserting before line 33 the
9 45 following:
9 46 <Sec. _____. DEPARTMENT OF MANAGEMENT == COMMUNITY
9 47 EMPOWERMENT OFFICE. There is appropriated from the
9 48 health care trust fund created in section 453A.35A to
9 49 the department of management for the fiscal year
9 50 beginning July 1, 2007, and ending June 30, 2008, the



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10 1 following amount, or so much thereof as is necessary,
 10 2 for the purposes designated:
 10 3 For the community empowerment office to implement
 10 4 the families with a newborn child voluntary home
 10 5 visits program pursuant to section 28.11, as enacted
 10 6 by this Act, and for not more than the following
 10 7 full-time equivalent positions:
 10 8 \$ 190,000
 10 9 FTEs 1.00
 10 10 Sec. ____ . DEPARTMENT OF CORRECTIONS. There is
 10 11 appropriated from the health care trust fund created
 10 12 in section 453A.35A to the department of corrections
 10 13 for the fiscal year beginning July 1, 2007, and ending
 10 14 June 30, 2008, the following amount, or so much
 10 15 thereof as is necessary, for the purposes designated:
 10 16 For additional funding for the drug court program
 10 17 in the fourth judicial district:
 10 18 \$ 25,000
 10 19 Of the funds appropriated and allocated to the
 10 20 department of corrections in this Act and in 2007 Iowa
 10 21 Acts, House File 907, if enacted, for each drug court
 10 22 program in the first, second, third, fourth, sixth,
 10 23 seventh, and eighth judicial districts, \$50,000 shall
 10 24 be used for substance abuse treatment, and for the
 10 25 drug court program in the fifth judicial district
 10 26 \$100,000 shall be used for substance abuse treatment.>
 10 27 #70. Page 106, by striking lines 23 through 35 and
 10 28 inserting the following: <providers for provision to
 10 29 patients at the point of care, including the
 10 30 development of a centralized intake concept to
 10 31 determine the eligibility of safety net provider
 10 32 patients for the prescription drug donation repository
 10 33 program pursuant to chapter 135M, a drug discount
 10 34 card, and pharmaceutical manufacturer assistance
 10 35 programs.>
 10 36 #71. Page 107, by striking lines 5 through 7 and
 10 37 inserting the following:
 10 38 <3. Utilization of a pharmacy benefits manager to
 10 39 provide low cost patient access to drug therapies.>
 10 40 #72. Page 107, by striking lines 8 through 10.
 10 41 #73. Page 107, line 18, by striking the word
 10 42 <three> and inserting the following: <two>.
 10 43 #74. Page 117, by striking lines 24 through 29 and
 10 44 inserting the following:
 10 45 <Sec. ____ . FUNDING == CONTINGENCY.
 10 46 1. The provision in this division of this Act
 10 47 relating to eligibility for certain persons with
 10 48 disabilities under the medical assistance program
 10 49 shall only be implemented if the department of human
 10 50 services determines that funding is available in



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11 1 appropriations made in this Act, in combination with
11 2 federal allocations to the state, for the state
11 3 children's health insurance program, in excess of the
11 4 amount needed to cover the current and projected
11 5 enrollment under the state children's health insurance
11 6 program. If such a determination is made, the
11 7 department of human services shall transfer funding
11 8 from the appropriations made in this Act for the state
11 9 children's health insurance program, not otherwise
11 10 required for that program, to the appropriations made
11 11 in this Act for medical assistance, as necessary, to
11 12 implement such provision of this division of this Act.

11 13 2. The provision in this division of this Act
11 14 relating to the development and support of a
11 15 family-to-family health information center shall be
11 16 implemented only if discretionary funding is received
11 17 from the health resources and services administration
11 18 of the United States department of health and human
11 19 services for this purpose.>

11 20 #75. Page 124, by inserting after line 21 the

11 21 following:

11 22

<DIVISION

11 23

DEPENDENT ADULT ABUSE

11 24

Sec. ____ . Section 235B.3, subsection 1, Code 2007,

11 25

is amended to read as follows:

11 26

1. a. The department shall receive dependent

11 27

adult abuse reports and shall collect, maintain, and

11 28

disseminate the reports by establishing a central

11 29

registry for dependent adult abuse information. The

11 30

department shall evaluate the reports expeditiously.

11 31

However, the department of inspections and appeals is

11 32

solely responsible for the evaluation and disposition

11 33

of dependent adult abuse cases within health care

11 34

facilities and shall inform the department of human

11 35

services of such evaluations and dispositions.

11 36

b. Reports of dependent adult abuse which is the

11 37

result of the acts or omissions of the dependent adult

11 38

shall be collected and maintained in the files of the

11 39

dependent adult as assessments only and shall not be

11 40

included in the central registry.

11 41

c. A report of dependent adult abuse that meets

11 42

the definition of dependent adult abuse under section

11 43

235B.2, subsection 5, paragraph "a", subparagraph (1),

11 44

subparagraph subdivision (a) or (d), which the

11 45

department determines is minor, isolated, and unlikely

11 46

to reoccur shall be collected and maintained by the

11 47

department as an assessment only for a five-year

11 48

period and shall not be included in the central

11 49

registry and shall not be considered to be founded

11 50

dependent adult abuse. However, a subsequent report



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12 1 of dependent adult abuse that meets the definition of
12 2 dependent adult abuse under section 235B.2, subsection
12 3 5, paragraph "a", subparagraph (1), subparagraph
12 4 subdivision (a) or (d), that occurs within the
12 5 five-year period and that is committed by the
12 6 caretaker responsible for the act or omission which
12 7 was the subject of the previous report of dependent
12 8 adult abuse which the department determined was minor,
12 9 isolated, and unlikely to reoccur shall not be
12 10 considered minor, isolated, and unlikely to reoccur.

12 11 Sec. _____. Section 235B.9, Code 2007, is amended by
12 12 adding the following new subsection:

12 13 NEW SUBSECTION. 5. Dependent adult abuse
12 14 information which is determined to be minor, isolated,
12 15 and unlikely to reoccur shall be expunged five years
12 16 after the receipt of the initial report by the
12 17 department. If a subsequent report of dependent adult
12 18 abuse committed by the caretaker responsible for the
12 19 act or omission which was the subject of the previous
12 20 report of dependent adult abuse which the department
12 21 determined was minor, isolated, and unlikely to
12 22 reoccur is received by the department within the
12 23 five-year period, the information shall be sealed ten
12 24 years after receipt of the subsequent report unless
12 25 good cause can be shown why the information should
12 26 remain open to authorized access.

12 27 DIVISION
12 28 ENERGY UTILITY ASSESSMENT AND
12 29 RESOLUTION PROGRAM
12 30 Sec. _____. NEW SECTION. 216A.104 ENERGY UTILITY
12 31 ASSESSMENT AND RESOLUTION PROGRAM.

12 32 1. The general assembly finds that provision of
12 33 assistance to prevent utility disconnections will also
12 34 prevent the development of public health risks due to
12 35 such disconnections. The division shall establish an
12 36 energy utility assessment and resolution program
12 37 administered by each community action agency for
12 38 persons with low incomes who have or need a deferred
12 39 payment agreement or are in need of an emergency fuel
12 40 delivery to address home energy utility costs.

12 41 2. A person must meet all of the following
12 42 requirements to be eligible for the program:

- 12 43 a. The person is eligible for the federal
12 44 low-income home energy assistance program.
- 12 45 b. The person is a residential customer of an
12 46 energy utility approved for the program by the
12 47 division.
- 12 48 c. The person has or is in need of a deferred
12 49 payment agreement to address the person's home energy
12 50 utility costs.



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- 13 1 d. The person is able to maintain or regain
13 2 residential energy utility service in the person's own
13 3 name.
13 4 e. The person provides the information necessary
13 5 to determine the person's eligibility for the program.
13 6 f. The person complies with other eligibility
13 7 requirements adopted in rules by the division.
13 8 3. The program components shall include but are
13 9 not limited to all of the following:
13 10 a. Analysis of a program participant's current
13 11 financial situation.
13 12 b. Review of a program participant's resource and
13 13 money management options.
13 14 c. Skills development and assistance for a program
13 15 participant in negotiating a deferred payment
13 16 agreement with the participant's energy utility.
13 17 d. Development of a written household energy
13 18 affordability plan.
13 19 e. Provision of energy conservation training and
13 20 assistance.
13 21 f. A requirement that a program participant must
13 22 make uninterrupted, regular utility payments while
13 23 participating in the program.
13 24 4. The division shall implement accountability
13 25 measures for the program and require regular reporting
13 26 on the measures by the community action agencies.
13 27 5. The division shall implement the program
13 28 statewide, subject to the funding made available for
13 29 the program.

DIVISION

PASSPORT SANCTIONS

- 13 30
13 31
13 32 Sec. _____. Section 252B.5, subsection 11, paragraph
13 33 a, Code 2007, is amended to read as follows:
13 34 a. Comply with federal procedures to periodically
13 35 certify to the secretary of the United States
13 36 department of health and human services, a list of the
13 37 names of obligors determined by the unit to owe
13 38 delinquent support, under a support order as defined
13 39 in section 252J.1, in excess of ~~five~~ two thousand five
13 40 hundred dollars. The certification of the delinquent
13 41 amount owed may be based upon one or more support
13 42 orders being enforced by the unit if the delinquent
13 43 support owed exceeds ~~five~~ two thousand five hundred
13 44 dollars. The certification shall include any amounts
13 45 which are delinquent pursuant to the periodic payment
13 46 plan when a modified order has been retroactively
13 47 applied. The certification shall be in a format and
13 48 shall include any supporting documentation required by
13 49 the secretary.
13 50 Sec. _____. Section 252B.5, subsection 11, paragraph



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14 1 b, subparagraph (1), subparagraph subdivision (b),
14 2 Code 2007, is amended to read as follows:
14 3 (b) A statement providing information that if the
14 4 delinquency is in excess of ~~five~~ two thousand ~~five~~
14 5 hundred dollars, the United States secretary of state
14 6 may apply a passport sanction by revoking,
14 7 restricting, limiting, or refusing to issue a passport
14 8 as provided in 42 U.S.C. } 652(k).

14 9 Sec. _____. Section 252B.5, subsection 11, paragraph
14 10 b, subparagraph (2), subparagraph subdivision (a),
14 11 unnumbered paragraph 1, Code 2007, is amended to read
14 12 as follows:

14 13 A challenge shall be based upon mistake of fact.
14 14 For the purposes of this subsection, "mistake of fact"
14 15 means a mistake in the identity of the obligor or a
14 16 mistake in the amount of the delinquent child support
14 17 owed if the amount did not exceed ~~five~~ two thousand
14 18 five hundred dollars on the date of the unit's
14 19 decision on the challenge.

14 20 Sec. _____. Section 252B.5, subsection 11, paragraph
14 21 c, Code 2007, is amended to read as follows:

14 22 c. Following certification to the secretary, if
14 23 the unit determines that an obligor no longer owes
14 24 delinquent support in excess of ~~five~~ two thousand ~~five~~
14 25 hundred dollars, the unit shall provide information
14 26 and notice as the secretary requires to withdraw the
14 27 certification for passport sanction.

14 28 Sec. _____. EFFECTIVE DATE. This division of this
14 29 Act takes effect October 1, 2007.

14 30 DIVISION

14 31 MANDATORY REVIEW AND ADJUSTMENT
14 32 OF CHILD SUPPORT ORDERS

14 33 Sec. _____. Section 252B.26, Code 2007, is amended
14 34 to read as follows:

14 35 252B.26 SERVICE OF PROCESS.

14 36 Notwithstanding any provision of law to the
14 37 contrary, the unit may serve a petition, notice, or
14 38 rule to show cause under chapter 252A, 252C, 252F,
14 39 252H, 252K, 598, or 665 as specified in each chapter,
14 40 or as follows:

14 41 1. The unit may serve a petition, notice, or rule
14 42 to show cause by certified mail. Return

14 43 acknowledgment is required to prove service by
14 44 certified mail, rules of civil procedure 1.303(5) and
14 45 1.308(5) shall not apply, and the return
14 46 acknowledgment shall be filed with the clerk of court.

14 47 2. The unit may serve a notice of intent under
14 48 chapter 252H, or a notice of decision under section
14 49 252H.14A, upon any party or parent who is receiving
14 50 family investment program assistance for the parent or



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15 1 child by sending the notice by regular mail to the
15 2 address maintained by the department. Rules of civil
15 3 procedure 1.303(5) and 1.308(5) shall not apply and
15 4 the unit shall file proof of service as provided in
15 5 chapter 252H. If the notice is determined to be
15 6 undeliverable, the unit shall serve the notice as
15 7 otherwise provided in this section or by personal
15 8 service.

15 9 Sec. _____. Section 252H.7, subsection 2, unnumbered
15 10 paragraph 1, Code 2007, is amended to read as follows:

15 11 A parent may waive the postreview waiting period
15 12 provided for in section 252H.8, subsection 1A or 6,
15 13 for a court hearing or in section 252H.17 for
15 14 requesting of a second review.

15 15 Sec. _____. Section 252H.8, subsection 1, Code 2007,
15 16 is amended to read as follows:

15 17 1. For actions initiated under ~~subchapter II~~
15 18 section 252H.15, either parent or the unit may request
15 19 a court hearing within thirty days from the date of
15 20 issuance of the notice of decision under section
15 21 252H.16, or within ten days of the date of issuance of
15 22 the second notice of decision under section 252H.17,
15 23 whichever is later.

15 24 Sec. _____. Section 252H.8, Code 2007, is amended by
15 25 adding the following new subsection:

15 26 NEW SUBSECTION. 1A. For actions initiated under
15 27 section 252H.14A, either parent or the unit may
15 28 request a court hearing within ten days of the
15 29 issuance of the second notice of decision under
15 30 section 252H.17.

15 31 Sec. _____. Section 252H.8, subsection 4, paragraph
15 32 b, Code 2007, is amended to read as follows:

15 33 b. The return of service, proof of service,
15 34 acceptance of service, or signed statement by the
15 35 parent requesting review and adjustment or requesting
15 36 modification, waiving service of the notice.

15 37 Sec. _____. Section 252H.8, subsection 6, Code 2007,
15 38 is amended to read as follows:

15 39 6. For actions initiated under ~~subchapter II~~
15 40 section 252H.15, a hearing shall not be held for at
15 41 least thirty=one days following the date of issuance
15 42 of the notice of decision unless the parents have
15 43 jointly waived, in writing, the thirty=day postreview
15 44 period.

15 45 Sec. _____. Section 252H.9, subsection 1, Code 2007,
15 46 is amended to read as follows:

15 47 1. If timely request for a court hearing is not
15 48 made pursuant to section 252H.8, the unit shall
15 49 prepare and present an administrative order for
15 50 adjustment or modification, as applicable, for review



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16 1 and approval, ex parte, to the district court where
16 2 the order to be adjusted or modified is filed.
16 3 Notwithstanding any other law to the contrary, if more
16 4 than one support order exists involving children with
16 5 the same legally established parents, for the purposes
16 6 of this subsection, the district court reviewing and
16 7 approving the matter shall have jurisdiction over all
16 8 other support orders entered by a court of this state
16 9 and affected under this subsection.

16 10 Sec. _____. Section 252H.10, unnumbered paragraph 1,
16 11 Code 2007, is amended to read as follows:

16 12 Pursuant to section 598.21C, any administrative or
16 13 court order resulting from an action initiated under
16 14 this chapter may be made retroactive only ~~to~~ from
16 15 three months after the date that all parties were
16 16 successfully served the notice required under section
16 17 252H.14A, 252H.15, or section 252H.19, as applicable.

16 18 Sec. _____. Section 252H.11, subsection 2, Code
16 19 2007, is amended to read as follows:

16 20 2. If the modification action filed by the parent
16 21 is subsequently dismissed before being heard by the
16 22 court, the unit shall continue the action previously
16 23 initiated under subchapter II or III, or initiate a
16 24 new action as follows:

16 25 a. If the unit previously initiated an action
16 26 under subchapter II, and had not issued a notice of
16 27 decision as required under section 252H.14A or
16 28 252H.16, the unit shall proceed as follows:

16 29 (1) If notice of intent to review was served
16 30 ninety days or less prior to the date the modification
16 31 action filed by the parent is dismissed, the unit
16 32 shall complete the review and issue the notice of
16 33 decision.

16 34 (2) If the modification action filed by the parent
16 35 is dismissed more than ninety days after the original
16 36 notice of intent to review was served, the unit shall
16 37 serve or issue a new notice of intent to review and
16 38 conduct the review.

16 39 (3) If the unit initiated a review under section
16 40 252H.14A, the unit may issue the notice of decision.

16 41 b. If the unit previously initiated an action
16 42 under subchapter II and had issued the notice of
16 43 decision as required under section 252H.14A or
16 44 252H.16, the unit shall proceed as follows:

16 45 (1) If the notice of decision was issued ninety
16 46 days or less prior to the date the modification action
16 47 filed by the parent is dismissed, the unit shall
16 48 request, obtain, and verify any new or different
16 49 information concerning the financial circumstances of
16 50 the parents and issue a revised notice of decision to



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17 1 each parent, or if applicable, to the parent's
17 2 attorney.
17 3 (2) If the modification action filed by the parent
17 4 is dismissed more than ninety days after the date of
17 5 issuance of the notice of decision, the unit shall
17 6 serve or issue a new notice of intent to review
17 7 pursuant to section 252H.15 and conduct a review
17 8 pursuant to section 252H.16, or conduct a review and
17 9 serve a new notice of decision under section 252H.14A.
17 10 c. If the unit previously initiated an action
17 11 under subchapter III, the unit shall proceed as
17 12 follows:
17 13 (1) If the modification action filed by the parent
17 14 is dismissed more than ninety days after the original
17 15 notice of intent to modify was served, the unit shall
17 16 serve a new notice of intent to modify pursuant to
17 17 section 252H.19.
17 18 (2) If the modification action filed by the parent
17 19 is dismissed ninety days or less after the original
17 20 notice of intent to modify was served, the unit shall
17 21 complete the original modification action initiated by
17 22 the unit under this subchapter.
17 23 (3) Each parent shall be allowed at least twenty
17 24 days from the date the administrative modification
17 25 action is reinstated to request a court hearing as
17 26 provided for in section 252H.8.
17 27 Sec. ____ . NEW SECTION. 252H.14A REVIEWS
17 28 INITIATED BY THE CHILD SUPPORT RECOVERY UNIT ==
17 29 ABBREVIATED METHOD.
17 30 1. Notwithstanding section 252H.15, to assist the
17 31 unit in meeting the requirement for reviews and
17 32 adjustments under the federal Deficit Reduction Act of
17 33 2005, Pub. L. No. 109=171, the unit may use procedures
17 34 under this section to review a support order if all
17 35 the following apply:
17 36 a. The right to ongoing child support is assigned
17 37 to the state of Iowa due to the receipt of family
17 38 investment program assistance, and a review of the
17 39 support order is required under section 7302 of the
17 40 federal Deficit Reduction Act of 2005, Pub. L. No.
17 41 109=171.
17 42 b. The unit has access to information concerning
17 43 the financial circumstances of each parent and one of
17 44 the following applies:
17 45 (1) The parent is a recipient of family investment
17 46 program assistance, medical assistance, or food
17 47 assistance from the department.
17 48 (2) The parent's income is from supplemental
17 49 security income paid pursuant to 42 U.S.C. } 1381a.
17 50 (3) The parent is a recipient of disability



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18 1 benefits under the Act because of the parent's
18 2 disability.
18 3 (4) The parent is an inmate of an institution
18 4 under the control of the department of corrections.
18 5 2. If the conditions of subsection 1 are met, the
18 6 unit may conduct a review and determine whether an
18 7 adjustment is appropriate using information accessible
18 8 by the unit without issuing a notice under section
18 9 252H.15 or requesting additional information from the
18 10 parent.
18 11 3. Upon completion of the review, the unit shall
18 12 issue a notice of decision to each parent, or if
18 13 applicable, to each parent's attorney. The notice
18 14 shall be served in accordance with the rules of civil
18 15 procedure or as provided in section 252B.26.
18 16 4. All of the following shall be included in the
18 17 notice of decision:
18 18 a. The legal basis and purpose of the action,
18 19 including an explanation of the procedures for
18 20 determining child support, the criteria for
18 21 determining the appropriateness of an adjustment, and
18 22 a statement that the unit used the child support
18 23 guidelines established pursuant to section 598.21B and
18 24 the provisions for medical support pursuant to chapter
18 25 252E.
18 26 b. Information sufficient to identify the affected
18 27 parties and the support order or orders affected.
18 28 c. An explanation of the legal rights and
18 29 responsibilities of the affected parties, including
18 30 time frames in which the parties must act.
18 31 d. A statement indicating whether the unit finds
18 32 that an adjustment is appropriate and the basis for
18 33 the determination.
18 34 e. Procedures for contesting the action, including
18 35 that if a parent requests a second review both parents
18 36 will be requested to submit financial or income
18 37 information as necessary for application of the child
18 38 support guidelines established pursuant to section
18 39 598.21B.
18 40 f. Other information as appropriate.
18 41 5. Section 252H.16, subsection 5, regarding a
18 42 revised notice of decision shall apply to a notice of
18 43 decision issued under this section.
18 44 6. Each parent shall have the right to challenge
18 45 the notice of decision issued under this section by
18 46 requesting a second review by the unit as provided in
18 47 section 252H.17. If there is no new or different
18 48 information to consider for the second review, the
18 49 unit shall issue a second notice of decision based on
18 50 prior information. Each parent shall have the right



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19 1 to challenge the second notice of decision by
19 2 requesting a court hearing as provided in section
19 3 252H.8.

19 4 Sec. _____. Section 252H.15, subsection 1, Code
19 5 2007, is amended to read as follows:

19 6 1. ~~Prior~~ Unless an action is initiated under
19 7 section 252H.14A, prior to conducting a review of a
19 8 support order, the unit shall issue a notice of intent
19 9 to review and adjust to each parent, or if applicable,
19 10 to each parent's attorney. However, notice to a child
19 11 support agency or an agency entitled to receive child
19 12 or medical support payments as the result of an
19 13 assignment of support rights is not required.

19 14 Sec. _____. Section 252H.16, subsection 1, Code
19 15 2007, is amended to read as follows:

19 16 1. ~~The~~ For actions initiated under section
19 17 252H.15, the unit shall conduct the review and
19 18 determine whether an adjustment is appropriate. As
19 19 necessary, the unit shall make a determination of the
19 20 controlling order or the amount of delinquent support
19 21 due based upon the receipt of social security
19 22 disability payments as provided in sections 598.22 and
19 23 598.22C.

19 24 Sec. _____. Section 252H.17, subsections 1, 2, and
19 25 6, Code 2007, are amended to read as follows:

19 26 1. Each parent shall have the right to challenge
19 27 the notice of decision issued under section 252H.14A
19 28 or 252H.16, by requesting a second review by the unit.

19 29 2. A challenge shall be submitted, in writing, to
19 30 the local child support office that issued the notice
19 31 of decision, within thirty days of service of the
19 32 notice of decision under section 252H.14A or within
19 33 ten days of the issuance of the notice of decision
19 34 under section 252H.16.

19 35 6. The unit shall conduct a second review,
19 36 utilizing any new or additional information provided
19 37 or available since issuance of the notice of decision
19 38 under section 252H.14A or under section 252H.16, to
19 39 determine whether an adjustment is appropriate.

19 40 Sec. _____. RULES. Until the department of human
19 41 services amends rules pursuant to chapter 17A
19 42 necessary to conform with this Act, any existing rule
19 43 relating to review and adjustment of support orders
19 44 shall also apply to reviews initiated under section
19 45 252H.14A, as created in this Act, except that a
19 46 provision for a time limit, notice, or other procedure
19 47 which conflicts with a provision of this Act shall not
19 48 apply.

19 49 Sec. _____. EFFECTIVE DATE. This division of this
19 50 Act takes effect October 1, 2007.



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20 1 DIVISION
20 2 MEDICAL SUPPORT
20 3 Sec. _____. Section 252B.5, subsection 2, Code 2007,
20 4 is amended to read as follows:
20 5 2. Aid in establishing paternity and securing a
20 6 court or administrative order for support pursuant to
20 7 chapter 252A, 252C, 252F, or 600B, or any other
20 8 chapter providing for the establishment of paternity
20 9 or support. In an action to establish support, the
20 10 resident parent may be a proper party defendant for
20 11 purposes of determining medical support as provided in
20 12 section 252E.1A. The unit's independent cause of
20 13 action shall not bar a party from seeking support in a
20 14 subsequent proceeding.
20 15 Sec. _____. Section 252C.1, subsection 6, Code 2007,
20 16 is amended to read as follows:
20 17 6. "Medical support" means either the provision of
20 18 coverage under a health benefit plan, including a
20 19 group or employment-related or an individual health
20 20 benefit plan, or a health benefit plan provided
20 21 pursuant to chapter 514E, to meet the medical needs of
20 22 a dependent and the cost of any premium required by a
20 23 health benefit plan, or the payment to the obligee of
20 24 a monetary amount in lieu of providing coverage under
20 25 a health benefit plan, either of which is an
20 26 obligation separate from any monetary amount of child
20 27 support ordered to be paid. "Medical support" which
20 28 consists of payment of a monetary amount in lieu of a
20 29 health benefit plan is also an obligation separate
20 30 from any monetary amount a parent is ordered to pay
20 31 for uncovered medical expenses pursuant to the
20 32 guidelines established pursuant to section 598.21B.
20 33 Sec. _____. Section 252C.3, subsection 1, unnumbered
20 34 paragraph 1, Code 2007, is amended to read as follows:
20 35 The administrator may issue a notice stating the
20 36 intent to secure an order for either ~~payment of~~
20 37 ~~medical support established as defined~~ provided in
20 38 chapter 252E or payment of an accrued or accruing
20 39 support debt due and owed to the department or an
20 40 individual under section 252C.2, or both. The notice
20 41 shall be served upon the responsible person in
20 42 accordance with the rules of civil procedure. The
20 43 notice shall include all of the following:
20 44 Sec. _____. Section 252C.3, subsection 1, paragraph
20 45 c, subparagraph (1), Code 2007, is amended to read as
20 46 follows:
20 47 (1) A statement that if the responsible person
20 48 desires to discuss the amount of support that ~~the a~~
20 49 responsible person should be required to pay, the
20 50 responsible person may, within ten days after being



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21 1 served, contact the office of the child support
21 2 recovery unit which sent the notice and request a
21 3 negotiation conference.
21 4 Sec. _____. Section 252C.12, subsection 2, Code
21 5 2007, is amended to read as follows:
21 6 2. Upon receipt of a signed statement from ~~the~~
21 7 each responsible person waiving the time limitations
21 8 established in section 252C.3, the administrator may
21 9 proceed to enter an order for support and the court
21 10 may approve the order, whether or not the time
21 11 limitations have expired.
21 12 Sec. _____. Section 252D.18A, Code 2007, is amended
21 13 to read as follows:
21 14 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS ==
21 15 ORDERS FOR HEALTH BENEFIT PLANS == AMOUNTS WITHHELD BY
21 16 PAYOR.
21 17 When the obligor ~~is responsible for paying~~ has more
21 18 than one support obligation ~~and~~ or the payor of income
21 19 has received more than one ~~income withholding~~ order or
21 20 notice ~~of an order~~ for the obligor for income
21 21 withholding or for coverage under a health benefit
21 22 plan pursuant to chapter 252E, the payor shall
21 23 withhold amounts in accordance with all of the
21 24 following:
21 25 1. The total of all amounts withheld shall not
21 26 exceed the amounts specified in 15 U.S.C. } 1673(b).
21 27 For orders or notices issued by the child support
21 28 recovery unit, the limit for the amount to be withheld
21 29 shall be specified in the order or notice.
21 30 2. As reimbursement for the payor's processing
21 31 costs, the payor may deduct a fee of no more than two
21 32 dollars for each payment withheld in addition to the
21 33 amount withheld for support.
21 34 3. Priority shall be given to the withholding of
21 35 current support ~~rather than delinquent support~~. The
21 36 payor shall not allocate amounts withheld in a manner
21 37 which results in the failure to withhold an amount for
21 38 one or more of the current child or spousal support
21 39 obligations. If the limits specified in subsection 1
21 40 prevent withholding the full amount specified in the
21 41 order or notice, the payor shall withhold amounts in
21 42 the following priority:
21 43 a. Withhold the amount specified for current child
21 44 and spousal support. To arrive at the amount to be
21 45 withheld for each obligee, the payor shall total the
21 46 amounts due for current child and spousal support
21 47 under the income withholding orders and the notices of
21 48 orders and determine the proportionate share for each
21 49 obligee. The proportionate share shall be determined
21 50 by dividing the amount due for current child and



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22 1 spousal support for each order or notice of order by
22 2 the total due for current child and spousal support
22 3 for all orders and notices of orders. The results are
22 4 the percentages of the obligor's net income which
22 5 shall be withheld for each obligee.
22 6 b. If, after completing the calculation in
22 7 paragraph "a", the withholding limit specified under
22 8 subsection 1 has not been attained, the payor shall
22 9 withhold the amount necessary to comply with an order
22 10 or notice of order for a current premium for coverage
22 11 of a child under a health benefit plan as provided in
22 12 section 252D.30 or section 252E.1A, subsection 2, or
22 13 for a current monetary amount for the child for
22 14 medical support. If there is more than one medical
22 15 support order or notice of order for a current
22 16 monetary amount for a child, the payor shall total the
22 17 amounts due for current monetary amounts for all
22 18 children for medical support and determine the
22 19 proportionate share for each obligee. The
22 20 proportionate amounts shall be established utilizing
22 21 the procedures established in paragraph "a" for
22 22 current child and spousal support obligations.
22 23 ~~b.~~ c. If, after completing the calculation
22 24 calculations in paragraph paragraphs "a" and "b", the
22 25 withholding limit specified under subsection 1 has not
22 26 been attained, the payor shall total the amounts due
22 27 for arrearages and determine the proportionate share
22 28 for each obligee. The proportionate share amounts
22 29 shall be established utilizing the procedures
22 30 established in paragraph "a" for current child and
22 31 spousal support obligations.
22 32 d. If after completing the calculations in
22 33 paragraphs "a", "b", and "c", the withholding limit
22 34 specified in subsection 1 has not been attained, the
22 35 payor shall withhold the amount necessary for other
22 36 child support obligations, unless the order or notice
22 37 directs otherwise as provided by Title IV, part D, of
22 38 the federal Social Security Act.
22 39 4. The payor shall identify and report payments by
22 40 the obligor's name, account number, amount, and date
22 41 withheld pursuant to section 252D.17. ~~Until October~~
~~22 42 1, 1999, if payments for multiple obligees are~~
~~22 43 combined, the portion of the payment attributable to~~
~~22 44 each obligee shall be specifically identified.~~
~~22 45 Beginning October 1, 1999, if If payments for multiple~~
22 46 obligees are combined, the portion of the payment
22 47 attributable to each obligee shall be specifically
22 48 identified only if the payor is directed to do so by
22 49 the child support recovery unit.
22 50 Sec. ____. Section 252E.1, subsection 9, Code 2007,



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23 1 is amended to read as follows:

23 2 9. "Medical support" means either the provision of
23 3 a health benefit plan, including a group or
23 4 employment-related or an individual health benefit
23 5 plan, or a health benefit plan provided pursuant to
23 6 chapter 514E, to meet the medical needs of a dependent
23 7 and the cost of any premium required by a health
23 8 benefit plan, or the payment to the obligee of a
23 9 monetary amount in lieu of a health benefit plan,
23 10 either of which is an obligation separate from any
23 11 monetary amount of child support ordered to be paid.
23 12 Medical support is not alimony. "Medical support"
23 13 which consists of payment of a monetary amount in lieu
23 14 of a health benefit plan is also an obligation
23 15 separate from any monetary amount a parent is ordered
23 16 to pay for uncovered medical expenses pursuant to the
23 17 guidelines established pursuant to section 598.21B.

23 18 Sec. ____ . NEW SECTION. 252E.1A ESTABLISHING AND
23 19 MODIFYING ORDERS FOR MEDICAL SUPPORT.

23 20 This section shall apply to all initial or modified
23 21 orders for support entered under chapter 234, 252A,
23 22 252C, 252F, 252H, 598, 600B, or any other applicable
23 23 chapter.

23 24 1. An order or judgment that provides for
23 25 temporary or permanent support for a child shall
23 26 include a provision for medical support for the child
23 27 as provided in this section.

23 28 2. The court shall order as medical support for
23 29 the child a health benefit plan if available to either
23 30 parent at the time the order is entered or modified.
23 31 A plan is available if the plan is accessible and the
23 32 cost of the plan is reasonable.

23 33 a. The cost of a health benefit plan is considered
23 34 reasonable, and such amount shall be stated in the
23 35 order, if one of the following applies:

23 36 (1) The premium cost for a child to the parent
23 37 ordered to provide the plan does not exceed five
23 38 percent of that parent's gross income.

23 39 (2) The premium cost for a child exceeds five
23 40 percent of the gross income of the parent ordered to
23 41 provide the plan and that parent consents or does not
23 42 object to entry of that order.

23 43 b. For purposes of this section, "gross income"
23 44 has the same meaning as gross income for calculation
23 45 of support under the guidelines established under
23 46 section 598.21B.

23 47 c. For purposes of this section, the premium cost
23 48 for a child to the parent ordered to provide the plan
23 49 means the amount of the premium cost for family
23 50 coverage to the parent which is in excess of the



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24 1 premium cost for single coverage, regardless of the
24 2 number of individuals covered under the plan.
24 3 However, this paragraph shall not be interpreted to
24 4 reduce the amount of the health insurance premium
24 5 deduction a parent may be entitled to when calculating
24 6 the amount of a child support obligation under Iowa
24 7 court rule 9.5 of the child support guidelines.
24 8 3. If a health benefit plan is not available at
24 9 the time of the entry of the order, the court shall
24 10 order a reasonable monetary amount in lieu of a health
24 11 benefit plan, which amount shall be stated in the
24 12 order. For purposes of this subsection, a reasonable
24 13 amount means five percent of the gross income of the
24 14 parent ordered to provide the monetary amount for
24 15 medical support. This subsection shall not apply in
24 16 any of the following circumstances:
24 17 a. If the parent's monthly support obligation
24 18 established pursuant to the child support guidelines
24 19 prescribed by the supreme court pursuant to section
24 20 598.21B is the minimum obligation amount.
24 21 b. If subsection 7, paragraph "e" applies.
24 22 4. If the court orders the custodial parent to
24 23 provide a health benefit plan under subsection 2, the
24 24 court may also order the noncustodial parent to
24 25 provide a reasonable monetary amount in lieu of a
24 26 health benefit plan. For purposes of this subsection,
24 27 a reasonable monetary amount means an amount not to
24 28 exceed the lesser of a reasonable amount as described
24 29 in subsection 3, or the premium cost of coverage for
24 30 the child to the custodial parent as described in
24 31 subsection 2, paragraph "c".
24 32 5. Notwithstanding the requirements of this
24 33 section, the court may order provisions in the
24 34 alternative to those provided in this section to
24 35 address the health care needs of the child if the
24 36 court determines that extreme circumstances so require
24 37 and documents the court's written findings in the
24 38 order.
24 39 6. An order, decree, or judgment entered before
24 40 March 1, 2008, that provides for the support of a
24 41 child may be modified in accordance with this section.
24 42 7. If the child support recovery unit is providing
24 43 services under chapter 252B and initiating an action
24 44 to establish or modify support, all the following
24 45 shall also apply:
24 46 a. If a health benefit plan is available as
24 47 described in subsection 2 to the noncustodial parent,
24 48 the unit shall seek an order for the noncustodial
24 49 parent to provide the plan.
24 50 b. If a health benefit plan is available as



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25 1 described in subsection 2 to the custodial parent and
25 2 not to the noncustodial parent, the unit shall seek an
25 3 order for the custodial parent to provide the plan.
25 4 c. If a health benefit plan is available as
25 5 described in subsection 2 to each parent, and if there
25 6 is an order for joint physical care, the unit shall
25 7 seek an order for the parent currently ordered to
25 8 provide a health benefit plan to provide the plan. If
25 9 there is no current order for a health benefit plan
25 10 for the child, the unit shall seek an order for the
25 11 parent who is currently providing a health benefit
25 12 plan to provide the plan.
25 13 d. If a health benefit plan is not available, and
25 14 the noncustodial parent does not have income which may
25 15 be subject to income withholding for collection of a
25 16 reasonable monetary amount in lieu of a health benefit
25 17 plan at the time of the entry of the order, the unit
25 18 shall seek an order that the noncustodial parent
25 19 provide a health benefit plan when a plan becomes
25 20 available at reasonable cost, and the order shall
25 21 specify the amount of reasonable cost as defined in
25 22 subsection 2.
25 23 e. This section shall not apply to chapter 252H,
25 24 subchapter IV.
25 25 Sec. ____ . NEW SECTION. 252E.2A SATISFACTION OF
25 26 MEDICAL SUPPORT ORDER.
25 27 This section shall apply if the child support
25 28 recovery unit is providing services under chapter
25 29 252B.
25 30 1. Notwithstanding any law to the contrary and
25 31 without a court order, a medical support order for a
25 32 child shall be deemed satisfied with regard to the
25 33 department, the child, the obligor, and the obligee
25 34 for the period during which all the following
25 35 conditions are met:
25 36 a. The order is issued under any applicable
25 37 chapter of the Code.
25 38 b. The unit is notified that the conditions of
25 39 paragraph "c" are met and there is a pending action to
25 40 establish or modify support initiated by the unit, or
25 41 the parent ordered to provide medical support submits
25 42 a written statement to the unit that the requirements
25 43 of paragraph "c" are met.
25 44 c. The parent ordered to provide medical support
25 45 or the parent from whom the unit is seeking to
25 46 establish or modify medical support meets at least one
25 47 of the following conditions:
25 48 (1) The parent is an inmate of an institution
25 49 under the control of the department of corrections or
25 50 a comparable institution in another state.



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26 1 (2) The parent's monthly child support obligation
26 2 under the guidelines established pursuant to section
26 3 598.21B is the minimum obligation amount.
26 4 (3) The parent is a recipient of assistance under
26 5 chapter 239B or 249A, or under comparable laws of
26 6 another state.
26 7 (4) The parent is residing with any child for whom
26 8 the parent is legally responsible and that child is a
26 9 recipient of assistance under chapter 239B, 249A, or
26 10 514I, or under comparable laws of another state. For
26 11 purposes of this subparagraph, "legally responsible"
26 12 means the parent has a legal obligation to the child
26 13 as specified in Iowa court rule 9.7 of the child
26 14 support guidelines.
26 15 d. The unit files a notice of satisfaction with
26 16 the clerk of the district court. The effective date
26 17 of the satisfaction shall be stated in the notice and
26 18 the effective date shall be no later than forty=five
26 19 days after the unit issues the notice of satisfaction.
26 20 2. If a medical support order is satisfied under
26 21 subsection 1, the satisfaction shall continue until
26 22 all of the following apply:
26 23 a. The unit is notified that none of the
26 24 conditions specified in subsection 1, paragraph "c",
26 25 still applies.
26 26 b. The unit files a satisfaction termination
26 27 notice that the requirements for a satisfaction under
26 28 this section no longer apply. The effective date
26 29 shall be stated in the satisfaction termination notice
26 30 and the effective date shall be no later than
26 31 forty=five days after the unit issues the satisfaction
26 32 termination notice.
26 33 3. The unit shall mail a copy of the notice of
26 34 satisfaction and the satisfaction termination notice
26 35 to the last known address of the obligor and obligee.
26 36 4. The department of human services may match data
26 37 for enrollees of the hawk=i program created pursuant
26 38 to chapter 514I with data of the unit to assist the
26 39 unit in implementing this section.
26 40 5. An order, decree, or judgment entered or
26 41 pending on or before March 1, 2008, that provides for
26 42 the support of a child may be satisfied as provided in
26 43 this section.
26 44 Sec. _____. Section 252E.4, subsection 1, Code 2007,
26 45 is amended to read as follows:
26 46 1. When a support order requires an obligor to
26 47 provide coverage under a health benefit plan, the
26 48 district court or the department may enter an ex parte
26 49 order directing an employer to take all actions
26 50 necessary to enroll an obligor's dependent for



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27 1 coverage under a health benefit plan or may include
27 2 the provisions in an ex parte income withholding order
27 3 or notice of income withholding pursuant to chapter
27 4 252D. The child support recovery unit, where
27 5 appropriate, shall issue a national medical support
27 6 notice to an employer within two business days after
27 7 the date information regarding a newly hired employee
27 8 is entered into the centralized employee registry and
27 9 matched with a noncustodial parent in the case being
27 10 enforced by the unit, or upon receipt of other
27 11 employment information for such parent. The
27 12 department may amend the information in the ex parte
27 13 order or may amend or terminate the national medical
27 14 support notice regarding health insurance provisions
27 15 if necessary to comply with health insurance
27 16 requirements including but not limited to the
27 17 provisions of section 252E.2, subsection 2, or to
27 18 correct a mistake of fact.

27 19 Sec. _____. Section 252E.5, subsection 3, Code 2007,
27 20 is amended to read as follows:

27 21 3. The employer shall withhold from the employee's
27 22 compensation, the employee's share, if any, of
27 23 premiums for the health benefit plan in an amount that
27 24 does not exceed the amount specified in the national
27 25 medical support notice or order or the amount
27 26 specified in 15 U.S.C. } 1673(b) and which is
27 27 consistent with federal law. The employer shall
27 28 forward the amount withheld to the insurer. If the
27 29 employee has more than one obligation and if there is
27 30 insufficient compensation available to meet the
27 31 employee's share necessary for coverage of the child
27 32 under a health benefit plan as required under this
27 33 section or section 252D.30, and to comply with an
27 34 order to withhold or notice under section 252D.17, the
27 35 employer shall allocate the funds available in
27 36 accordance with section 252D.18A.

27 37 Sec. _____. Section 252F.1, Code 2007, is amended by
27 38 adding the following new subsection:

27 39 NEW SUBSECTION. 3A. "Party" means a putative
27 40 father or a mother.

27 41 Sec. _____. Section 252F.3, subsection 1, unnumbered
27 42 paragraph 1, Code 2007, is amended to read as follows:

27 43 The unit may prepare a notice of alleged paternity
27 44 and support debt to be served on ~~the putative father a~~
27 45 party if the mother of the child provides a written
27 46 statement to the unit certifying in accordance with
27 47 section 622.1 that the putative father is or may be
27 48 the biological father of the child or children
27 49 involved. The notice shall be accompanied by a copy
27 50 of the statement and served on the putative father in



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28 1 accordance with rule of civil procedure 1.305.
28 2 Service upon the mother shall not constitute valid
28 3 service upon the putative father. The notice shall
28 4 include or be accompanied by all of the following:
28 5 Sec. _____. Section 252F.3, subsection 1, paragraphs
28 6 d, f, g, h, j, k, and m, Code 2007, are amended to
28 7 read as follows:
28 8 d. A statement that if paternity is established,
28 9 ~~the putative father a party~~ has a duty to provide
28 10 accrued and accruing medical support to the child or
28 11 children in accordance with chapter 252E.
28 12 f. (1) The right of ~~the putative father a party~~
28 13 to request a conference with the unit to discuss
28 14 paternity establishment and the amount of support that
28 15 ~~the putative father a party~~ may be required to ~~pay~~
28 16 provide, within ten days of the date of service of the
28 17 original notice or, if paternity is contested and
28 18 paternity testing is conducted, within ten days of the
28 19 date the paternity test results are issued or mailed
28 20 to ~~the putative father a party~~ by the unit.
28 21 (2) A statement that if a conference is requested,
28 22 ~~the putative father a party~~ shall have one of the
28 23 following time frames, whichever is the latest, to
28 24 send a written request for a court hearing on the
28 25 issue of support to the unit:
28 26 (a) Ten days from the date set for the conference.
28 27 (b) Twenty days from the date of service of the
28 28 original notice.
28 29 (c) If paternity was contested and paternity
28 30 testing was conducted, and ~~the putative father a party~~
28 31 does not deny paternity after the testing or challenge
28 32 the paternity test results, twenty days from the date
28 33 paternity test results are issued or mailed by the
28 34 unit to the ~~putative father party~~.
28 35 (3) A statement that after the holding of the
28 36 conference, the unit shall issue a new notice of
28 37 alleged paternity and finding of financial
28 38 responsibility for child support or medical support,
28 39 or both, to be provided in person to ~~the putative~~
28 40 ~~father each party~~ or sent to ~~the putative father each~~
28 41 ~~party~~ by regular mail addressed to the ~~putative~~
28 42 ~~father's party's~~ last known address or, if applicable,
28 43 to the last known address of the ~~putative father's~~
28 44 ~~party's~~ attorney.
28 45 (4) A statement that if the unit issues a new
28 46 notice of alleged paternity and finding of financial
28 47 responsibility for child support or medical support,
28 48 or both, ~~the putative father a party~~ shall have one of
28 49 the following time frames, whichever is the latest, to
28 50 send a written request for a court hearing on the



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29 1 issue of support to the unit:

29 2 (a) Ten days from the date of issuance of the new
29 3 notice.

29 4 (b) Twenty days from the date of service of the
29 5 original notice.

29 6 (c) If paternity was contested and paternity
29 7 testing conducted, and ~~the putative father a party~~
29 8 does not deny paternity after the testing or challenge
29 9 the paternity test results, twenty days from the date
29 10 the paternity test results are issued or mailed to the
29 11 ~~putative father party~~ by the unit.

29 12 g. A statement that if a conference is not
29 13 requested, and ~~the putative father a party~~ does not
29 14 deny paternity or challenge the results of any
29 15 paternity testing conducted but objects to the finding
29 16 of financial responsibility or the amount of child
29 17 support or medical support, or both, the ~~putative~~
29 18 ~~father party~~ shall send a written request for a court
29 19 hearing on the issue of support to the unit within
29 20 twenty days of the date of service of the original
29 21 notice, or, if paternity was contested and paternity
29 22 testing conducted, and ~~the putative father a party~~
29 23 does not deny paternity after the testing or challenge
29 24 the paternity test results, within twenty days from
29 25 the date the paternity test results are issued or
29 26 mailed to the ~~putative father party~~ by the unit,
29 27 whichever is later.

29 28 h. A statement that if a timely written request
29 29 for a hearing on the issue of support is received by
29 30 the unit, the ~~putative father party~~ shall have the
29 31 right to a hearing to be held in district court and
29 32 that if no timely written request is received and
29 33 paternity is not contested, the administrator shall
29 34 enter an order establishing the putative father as the
29 35 father of the child or children and establishing child
29 36 support or medical support, or both, in accordance
29 37 with the notice of alleged paternity and support debt.

29 38 j. A written explanation of ~~the putative father's~~
29 39 ~~a party's~~ right to deny paternity, the procedures for
29 40 denying paternity, and the consequences of the denial.

29 41 k. A statement that if ~~the putative father a party~~
29 42 contests paternity, the ~~putative father party~~ shall
29 43 have twenty days from the date of service of the
29 44 original notice to submit a written denial of
29 45 paternity to the unit.

29 46 m. A statement that if paternity tests are
29 47 conducted, the unit shall provide a copy of the test
29 48 results to ~~the putative father~~ each party in person or
29 49 send a copy to ~~the putative father~~ each party by
29 50 regular mail, addressed to the ~~putative father's~~



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30 1 party's last known address, or, if applicable, to the
30 2 last known address of the ~~putative father's~~ party's
30 3 attorney.
30 4 Sec. _____. Section 252F.3, subsection 3, unnumbered
30 5 paragraph 1, Code 2007, is amended to read as follows:
30 6 If notice is served on ~~the putative father~~ a party,
30 7 the unit shall file a true copy of the notice and the
30 8 original return of service with the appropriate clerk
30 9 of the district court as follows:
30 10 Sec. _____. Section 252F.3, subsection 4, unnumbered
30 11 paragraph 1, Code 2007, is amended to read as follows:
30 12 A ~~putative father~~ party or the child support
30 13 recovery unit may request a court hearing regarding
30 14 establishment of paternity or a determination of
30 15 support, or both.
30 16 Sec. _____. Section 252F.3, subsection 4, paragraph
30 17 c, Code 2007, is amended to read as follows:
30 18 c. Any objection to the results of paternity tests
30 19 shall be filed no later than twenty days after the
30 20 date paternity test results are issued or mailed to
30 21 ~~the putative father~~ each party by the unit. Any
30 22 objection to paternity test results filed by a party
30 23 more than twenty days after the date paternity tests
30 24 are issued or mailed to the ~~putative father~~ party by
30 25 the unit shall not be accepted or considered by the
30 26 court.
30 27 Sec. _____. Section 252F.3, subsection 5, Code 2007,
30 28 is amended to read as follows:
30 29 5. If a timely written response and request for a
30 30 court hearing is not received by the unit and ~~the~~
30 31 ~~putative father~~ a party does not deny paternity, the
30 32 administrator shall enter an order in accordance with
30 33 section 252F.4.
30 34 Sec. _____. Section 252F.3, subsection 6, paragraphs
30 35 a, f, and m, Code 2007, are amended to read as
30 36 follows:
30 37 a. If a party contests the establishment of
30 38 paternity, the party shall submit, within twenty days
30 39 of service of the notice on the ~~putative father~~ party
30 40 under subsection 1, a written statement contesting
30 41 paternity establishment to the unit. Upon receipt of
30 42 a written challenge of paternity establishment, or
30 43 upon initiation by the unit, the administrator shall
30 44 enter ex parte administrative orders requiring the
30 45 mother, child or children involved, and the putative
30 46 father to submit to paternity testing. Either the
30 47 mother or putative father may contest paternity under
30 48 this chapter.
30 49 f. An original copy of the test results shall be
30 50 filed with the clerk of the district court in the



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31 1 county where the notice was filed. The child support
31 2 recovery unit shall issue a copy of the filed test
31 3 results to ~~the putative father and mother of the child~~
31 4 or children each party in person, or by regular mail
31 5 to the last known address of each, or if applicable,
31 6 to the last known address of the attorney for each.
31 7 However, if the action is the result of a request from
31 8 a foreign jurisdiction, the unit shall issue a copy of
31 9 the results to the initiating agency in that foreign
31 10 jurisdiction.

31 11 m. If the paternity test results exclude the
31 12 putative father as a potential biological father of
31 13 the child or children, and additional tests are not
31 14 requested by either party or conducted on the unit's
31 15 initiative, or if additional tests exclude the
31 16 putative father as a potential biological father, the
31 17 unit shall withdraw its action against the putative
31 18 father and shall file a notice of the withdrawal with
31 19 the clerk of the district court, and shall provide a
31 20 copy of the notice to ~~the putative father~~ each party
31 21 in person, or by regular mail sent to ~~the putative~~
31 22 father's each party's last known address, or if
31 23 applicable, the last known address of the ~~putative~~
31 24 father's party's attorney.

31 25 Sec. ____ . Section 252F.4, Code 2007, is amended to
31 26 read as follows:

31 27 252F.4 ENTRY OF ORDER.

31 28 1. If ~~the putative father fails~~ both parties fail
31 29 to respond to the initial notice within twenty days
31 30 after the date of service of the notice or ~~fails fail~~
31 31 to appear at a conference pursuant to section 252F.3
31 32 on the scheduled date of the conference, and paternity
31 33 has not been contested and ~~the putative father fails~~
31 34 both parties fail to timely request a court hearing on
31 35 the issue of support, the administrator shall enter an
31 36 order against the ~~putative father parties~~, declaring
31 37 the putative father to be the legal father of the
31 38 child or children involved and assessing any accrued
31 39 and accruing child support obligation pursuant to the
31 40 guidelines established under section 598.21B, and
31 41 medical support pursuant to chapter 252E, ~~against the~~
31 42 father.

31 43 2. If paternity is contested pursuant to section
31 44 252F.3, subsection 6, and the party contesting
31 45 paternity fails to appear for a paternity test and
31 46 fails to request a rescheduling pursuant to section
31 47 252F.3, or fails to appear for both the initial and
31 48 the rescheduled paternity tests and ~~the putative~~
31 49 father fails both parties fail to timely request a
31 50 court hearing on the issue of support, the



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32 1 administrator shall enter an order against the
32 2 ~~putative father~~ parties declaring the putative father
32 3 to be the legal father of the child or children
32 4 involved and assessing any accrued and accruing child
32 5 support obligation pursuant to the guidelines
32 6 established under section 598.21B, and medical support
32 7 pursuant to chapter 252E, ~~against the father.~~

32 8 3. If ~~the putative father appears at~~ a conference
32 9 pursuant to section 252F.3 is held, and paternity is
32 10 not contested, and ~~the putative father fails both~~
32 11 parties fail to timely request a court hearing on the

32 12 issue of support, the administrator shall enter an
32 13 order against the ~~putative father~~ parties after the
32 14 second notice has been sent declaring the putative
32 15 father to be the legal father of the child or children
32 16 involved and assessing any accrued and accruing child
32 17 support obligation pursuant to the guidelines
32 18 established under section 598.21B, and medical support
32 19 pursuant to chapter 252E, ~~against the father.~~

32 20 4. If paternity was contested and paternity
32 21 testing was performed and the putative father was not
32 22 excluded, if the test results indicate that the
32 23 probability of the putative father's paternity is
32 24 ninety-five percent or greater, if the test results
32 25 are not timely challenged, and if ~~the putative father~~
32 26 fails both parties fail to timely request a court
32 27 hearing on the issue of support, the administrator
32 28 shall enter an order against the ~~putative father~~
32 29 parties declaring the putative father to be the legal
32 30 father of the child or children involved and assessing
32 31 any accrued and accruing child support obligation
32 32 pursuant to the guidelines established under section
32 33 598.21B, and medical support pursuant to chapter 252E,
32 34 ~~against the father.~~

32 35 5. The administrator shall establish a support
32 36 obligation under this section based upon the best
32 37 information available to the unit and pursuant to
32 38 section 252B.7A.

32 39 6. The order shall contain all of the following:

- 32 40 a. A declaration of paternity.
- 32 41 b. The amount of monthly support to be paid, with
32 42 direction as to the manner of payment.
- 32 43 c. The amount of accrued support.
- 32 44 d. The name of the custodial parent or caretaker.
- 32 45 e. The name and birth date of the child or
32 46 children to whom the order applies.
- 32 47 f. A statement that property of ~~the father~~ a party
32 48 ordered to provide support is subject to income
32 49 withholding, liens, garnishment, tax offset, and other
32 50 collection actions.



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33 1 g. The medical support required pursuant to
33 2 chapter 598 and chapter 252E.
33 3 h. A statement that ~~the father~~ a party who is
33 4 ordered to provide support is required to inform the
33 5 child support recovery unit, on a continuing basis, of
33 6 the name and address of the ~~father's~~ party's current
33 7 employer, whether the ~~father~~ party has access to
33 8 health insurance coverage ~~through employment or at~~
~~33 9 reasonable cost through other sources as required in~~
33 10 the order, and if so, the health insurance policy
33 11 information.
33 12 i. If paternity was contested by the putative
33 13 father, the amount of any judgment assessed to the
33 14 father for costs of paternity tests conducted pursuant
33 15 to this chapter.
33 16 j. Statements as required pursuant to section
33 17 598.22B.
33 18 7. If paternity is not contested but ~~the putative~~
~~33 19 father~~ a party does wish to challenge the issues of
33 20 child or medical support, the administrator shall
33 21 enter an order establishing paternity and reserving
33 22 the issues of child or medical support for
33 23 determination by the district court.
33 24 Sec. _____. Section 252F.5, subsection 2, Code 2007,
33 25 is amended to read as follows:
33 26 2. An action under this chapter may be certified
33 27 to the district court if a party timely contests
33 28 paternity establishment or paternity test results, or
33 29 if ~~the putative father~~ a party requests a court
33 30 hearing on the issues of child or medical support, or
33 31 both, or upon the initiation of the unit as provided
33 32 in this chapter. Review by the district court shall
33 33 be an original hearing before the court.
33 34 Sec. _____. Section 252F.5, subsection 3, paragraph
33 35 c, Code 2007, is amended to read as follows:
33 36 c. A timely written objection to paternity
33 37 establishment or paternity test results has been
33 38 received from a party, or a timely written request for
33 39 a court hearing on the issue of support has been
33 40 received from ~~the putative father~~ a party by the unit,
33 41 or the unit has requested a court hearing on the
33 42 unit's own initiative.
33 43 Sec. _____. Section 252H.2, subsection 2, paragraph
33 44 b, Code 2007, is amended to read as follows:
33 45 b. An addition of or change to provisions for
33 46 medical support as ~~defined~~ provided in ~~section 252E.1~~
33 47 chapter 252E.
33 48 Sec. _____. Section 252H.2, subsection 13, Code
33 49 2007, is amended to read as follows:
33 50 13. "Support order" means a ~~"court order"~~ as



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~~34 1 defined in section 252C.1 or an order establishing~~
~~34 2 support entered pursuant to an administrative or~~
~~34 3 quasi-judicial process if authorized by law an order~~
~~34 4 for support issued pursuant to chapter 232, 234, 252A,~~
~~34 5 252C, 252E, 252F, 252H, 598, 600B, or any other~~
~~34 6 applicable chapter, or under a comparable statute of a~~
~~34 7 foreign jurisdiction as registered with the clerk of~~
~~34 8 court or certified to the child support recovery unit.~~
34 9 Sec. ____ . NEW SECTION. 252H.3A ADDING A PARTY.
34 10 A mother or father may be added as a proper party
34 11 defendant to a support order upon service of a notice
34 12 as provided in this chapter and without a court order
34 13 as provided in the rules of civil procedure.
34 14 Sec. ____ . Section 252H.14, subsection 1, paragraph
34 15 b, Code 2007, is amended to read as follows:
34 16 b. ~~The right to any ongoing medical support~~
~~34 17 obligation is currently assigned to the state due to~~
~~34 18 the receipt of public assistance unless:~~
34 19 (1) b. The support order does not already
34 20 include provisions requiring the parent
~~34 21 ordered to pay child support to also provide for~~
34 22 medical support.
34 23 (2) ~~The parent entitled to receive support has~~
~~34 24 satisfactory health insurance coverage for the~~
~~34 25 children, excluding coverage resulting from the~~
~~34 26 receipt of public assistance benefits.~~
34 27 Sec. ____ . Section 252H.14, subsection 2, Code
34 28 2007, is amended to read as follows:
34 29 2. The unit may periodically initiate a request to
34 30 a child support agency of another state to conduct a
34 31 review of a support order entered in that state when
34 32 the right to any ongoing child or medical support
34 33 obligation due under the order is currently assigned
34 34 to the state of Iowa or if the order does not include
34 35 provisions for medical support.
34 36 Sec. ____ . Section 598.21B, subsection 3, Code
34 37 2007, is amended to read as follows:
34 38 3. MEDICAL SUPPORT. The court shall order ~~as~~
34 39 ~~child medical support a health benefit plan as defined~~
~~34 40 in chapter 252E if available to either parent at a~~
~~34 41 reasonable cost. A health benefit plan is considered~~
~~34 42 reasonable in cost if it is employment-related or~~
~~34 43 other group health insurance, regardless of the~~
~~34 44 service delivery mechanism as provided in section~~
34 45 252E.1A. The premium cost of the a health benefit
34 46 plan may be considered by the court as a reason for
34 47 varying from the child support guidelines. If a
~~34 48 health benefit plan is not available at a reasonable~~
~~34 49 cost, the court may order any other provisions for~~
~~34 50 medical support as defined in chapter 252E.~~



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35 1 Sec. _____. Section 598.21C, subsection 2, paragraph
35 2 a, Code 2007, is amended to read as follows:

35 3 a. Subject to 28 U.S.C. } 1738B, but
35 4 notwithstanding subsection 1, a substantial change of
35 5 circumstances exists when the court order for child
35 6 support varies by ten percent or more from the amount
35 7 which would be due pursuant to the most current child
35 8 support guidelines established pursuant to section
35 9 598.21B or ~~the obligor~~ a parent has ~~access to~~ a health
35 10 benefit plan, available as provided in section 252E.1A
35 11 and the current order for support does not contain
35 12 provisions for medical support, and the dependents are
~~35 13 not covered by a health benefit plan provided by the~~
~~35 14 obligee, excluding coverage pursuant to chapter 249A~~
~~35 15 or a comparable statute of a foreign jurisdiction.~~

35 16 Sec. _____. AMENDING AND NULLIFICATION OF
35 17 ADMINISTRATIVE RULES.

35 18 1. Until the department of human services amends
35 19 rules pursuant to chapter 17A necessary to conform
35 20 with this Act, all of the following shall apply:

35 21 a. The child support recovery unit may initiate
35 22 proceedings to establish or modify orders for medical
35 23 support for a child in accordance with section 252E.1A
35 24 as created in this Act, regardless of whether support
35 25 is assigned to the state.

35 26 b. The term "child support account" in existing
35 27 rules shall also mean a specified monetary amount for
35 28 medical support, unless the context otherwise
35 29 requires.

35 30 c. A reference to a health benefit plan at
35 31 reasonable cost shall mean reasonable cost as defined
35 32 in section 252E.1A, as enacted in this Act.

35 33 d. A requirement for including a provision for an
35 34 employment-related or other group health benefit plan,
35 35 or for determining medical support, shall be limited
35 36 and applied in accordance with section 252E.1A, as
35 37 created in this Act.

35 38 2. 441 Iowa administrative Code, rule 98.3,
35 39 relating to the establishment of medical support is
35 40 nullified.

35 41 Sec. _____. EFFECTIVE DATE. This division of this
35 42 Act takes effect March 1, 2008.

35 43 DIVISION
35 44 PHYSICIAN ASSISTANTS

35 45 Sec. _____. Section 147.14, subsection 12, Code
35 46 2007, is amended to read as follows:

35 47 12. For the board of physician assistant
35 48 examiners, ~~three~~ five members licensed to practice as
35 49 physician assistants, at least two of whom practice in
35 50 counties with a population of less than fifty



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36 1 thousand, one member licensed to practice medicine and
36 2 surgery who supervises a physician assistant, one
36 3 member licensed to practice osteopathic medicine and
36 4 surgery who supervises a physician assistant, and two
36 5 members who are not licensed to practice either
36 6 medicine and surgery or osteopathic medicine and
36 7 surgery or licensed as a physician assistant and who
36 8 shall represent the general public. At least one of
36 9 the physician members shall be in practice in a county
36 10 with a population of less than fifty thousand. A
36 11 majority of members of the board constitutes a quorum.
36 12 Sec. _____. NEW SECTION. 148C.12 ANNUAL REPORT.
36 13 By January 31 of each year the board and the board
36 14 of medical examiners shall provide to the general
36 15 assembly and the governor a joint report detailing the
36 16 boards' collaborative efforts and team building
36 17 practices.

DIVISION

NEWBORN HOME VISITS

36 18
36 19
36 20 Sec. _____. NEW SECTION. 28.11 HOUSEHOLDS WITH A
36 21 NEWBORN CHILD == VOLUNTARY HOME VISITS.
36 22 1. a. The Iowa empowerment board shall develop a
36 23 program with the goal of offering all households in
36 24 the state with a newborn child a voluntary home visit.
36 25 The components of the home visit shall include but are
36 26 not limited to assessing the child's home environment,
36 27 identifying the family and child needs and the
36 28 services that could appropriately meet those needs,
36 29 and assisting the family in accessing appropriate
36 30 services.
36 31 b. The Iowa board shall coordinate with existing
36 32 programs that provide home-based instruction or
36 33 support to households with a newborn child as
36 34 necessary to make the best use of resources while
36 35 expanding the availability of home visits.
36 36 2. All of the following requirements shall apply
36 37 to services provided under the program:
36 38 a. Home visits shall be made by qualified and
36 39 trained staff.
36 40 b. Staff shall demonstrate a capacity to
36 41 competently complete home visits, including the
36 42 ability to identify family and child needs and
36 43 facilitate referrals to and interventions by other
36 44 resources available in the community, based upon needs
36 45 identified during a home visit.
36 46 c. The program shall have a plan for implementing
36 47 a cooperative arrangement with local hospitals and
36 48 birthing centers for the hospitals and centers to
36 49 provide referral information for contacting families
36 50 with a newborn child.



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37 1 d. The program shall incorporate performance
37 2 measures and provide for reporting of outcome measures
37 3 on a regular basis, both as identified by the Iowa
37 4 board.

37 5 3. The Iowa board shall implement the provisions
37 6 of this section subject to the funding provided for
37 7 purposes of this section.

37 8 DIVISION
37 9 TELECOMMUTING

37 10 Sec. ____ . STATE EMPLOYEE TELECOMMUTING == POLICY
37 11 DEVELOPMENT == IMPLEMENTATION.

37 12 1. The director of a department or state agency to
37 13 which appropriations are made pursuant to the
37 14 provisions of this Act shall assess the extent to
37 15 which job classifications or individual employment
37 16 positions with the department or agency might be
37 17 effectively performed from an employee's residence or
37 18 other remote location through telecommuting, thereby
37 19 increasing office space within the department or
37 20 agency and reducing administrative costs. The
37 21 assessment shall include an estimate of the number of
37 22 department or agency employees whose job
37 23 responsibilities could be effectively performed on a
37 24 telecommuting basis, projected costs of establishing
37 25 and maintaining work stations at an employee's
37 26 residence or other remote location and providing
37 27 telecommuter support, anticipated savings to the
37 28 department or agency through a reduction in the
37 29 office-based workforce, and anticipated time and cost
37 30 savings to telecommuting employees. A report
37 31 summarizing the assessment shall be submitted to the
37 32 director of the department of administrative services,
37 33 and the members of the general assembly, by November
37 34 1, 2007.

37 35 2. Based on the assessment conducted pursuant to
37 36 subsection 1, the director shall develop a
37 37 telecommuter employment policy for the department or
37 38 agency and a timeline for initial policy
37 39 implementation and plans for expanding the number of
37 40 telecommuting employees. Specific office-based
37 41 workforce reduction percentages shall be left to the
37 42 discretion of the director, but the director shall
37 43 implement a policy transferring some number of
37 44 office-based employees to telecommuter status by
37 45 January 1, 2008. The director shall report to the
37 46 director of the department of administrative services
37 47 and the members of the general assembly on an annual
37 48 basis beginning January 1, 2009, the number of
37 49 telecommuting employees, cost savings achieved by the
37 50 department or agency, and plans for continued transfer



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38 1 of office-based employees to telecommuter status.

38 2 DIVISION

38 3 DENTAL BOARD

38 4 Sec. _____. Section 10A.402, subsection 1, Code
38 5 2007, as amended by 2007 Iowa Acts, Senate File 74,
38 6 section 6, is amended to read as follows:

38 7 1. Investigations relative to the practice of
38 8 regulated professions and occupations, except those
38 9 within the jurisdiction of the board of medicine, the
38 10 board of pharmacy, the dental board ~~of dentistry~~, and
38 11 the board of nursing.

38 12 Sec. _____. Section 135.11A, unnumbered paragraph 1,
38 13 Code 2007, as amended by 2007 Iowa Acts, Senate File
38 14 74, section 19, is amended to read as follows:

38 15 There shall be a professional licensure division
38 16 within the department of public health. Each board
38 17 under chapter 147 or under the administrative
38 18 authority of the department, except the board of
38 19 nursing, board of medicine, dental board ~~of dentistry~~,
38 20 and board of pharmacy, shall receive administrative
38 21 and clerical support from the division and may not
38 22 employ its own support staff for administrative and
38 23 clerical duties.

38 24 Sec. _____. Section 135.24, subsection 2, paragraph
38 25 a, Code 2007, as amended by 2007 Iowa Acts, Senate
38 26 File 74, section 20, is amended to read as follows:

38 27 a. Procedures for registration of health care
38 28 providers deemed qualified by the board of medicine,
38 29 the board of physician assistants, the dental board ~~of~~
38 30 ~~dentistry~~, the board of nursing, the board of
38 31 chiropractic, the board of psychology, the board of
38 32 social work, the board of behavioral science, the
38 33 board of pharmacy, the board of optometry, the board
38 34 of podiatry, the board of physical and occupational
38 35 therapy, the board for respiratory care, and the Iowa
38 36 department of public health, as applicable.

38 37 Sec. _____. Section 135.31, Code 2007, as amended by
38 38 2007 Iowa Acts, Senate File 74, section 21, is amended
38 39 to read as follows:

38 40 135.31 LOCATION OF BOARDS == RULEMAKING.

38 41 The offices for the board of medicine, the board of
38 42 pharmacy, the board of nursing, and the dental board
38 43 ~~of dentistry~~ shall be located within the department of
38 44 public health. The individual boards shall have
38 45 policymaking and rulemaking authority.

38 46 Sec. _____. Section 136C.3, subsection 2, unnumbered
38 47 paragraph 1, Code 2007, as amended by 2007 Iowa Acts,
38 48 Senate File 74, section 23, is amended to read as
38 49 follows:

38 50 Establish minimum training standards including



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39 1 continuing education requirements, and administer
39 2 examinations and disciplinary procedures for operators
39 3 of radiation machines and users of radioactive
39 4 materials. A state of Iowa license to practice
39 5 medicine, osteopathy, chiropractic, podiatry,
39 6 dentistry, dental hygiene, or veterinary medicine, or
39 7 licensure as a physician assistant pursuant to chapter
39 8 148C, or certification by the dental board ~~of~~
~~39 9 dentistry~~ in dental radiography, or by the board of
39 10 podiatry in podiatric radiography, or enrollment in a
39 11 program or course of study approved by the Iowa
39 12 department of public health which includes the
39 13 application of radiation to humans satisfies the
39 14 minimum training standards for operation of radiation
39 15 machines only.

39 16 Sec. _____. Section 139A.22, subsection 6, Code
39 17 2007, as amended by 2007 Iowa Acts, Senate File 74,
39 18 section 25, is amended to read as follows:

39 19 6. The board of medicine, the board of physician
39 20 assistants, the board of podiatry, the board of
39 21 nursing, the dental board ~~of dentistry~~, and the board
39 22 of optometry shall require that licensees comply with
39 23 the recommendations issued by the centers for disease
39 24 control and prevention of the United States department
39 25 of health and human services for preventing
39 26 transmission of human immunodeficiency virus and
39 27 hepatitis B virus to patients during exposure-prone
39 28 invasive procedures, with the recommendations of the
39 29 expert review panel established pursuant to subsection
39 30 3, with hospital protocols established pursuant to
39 31 subsection 1, and with health care facility procedures
39 32 established pursuant to subsection 2, as applicable.

39 33 Sec. _____. Section 147.13, subsection 8, Code 2007,
39 34 as amended by 2007 Iowa Acts, Senate File 74, section
39 35 32, is amended to read as follows:

39 36 8. For dentistry, dental hygiene, and dental
39 37 assisting, the dental board ~~of dentistry~~.

39 38 Sec. _____. Section 147.40, Code 2007, as amended by
39 39 2007 Iowa Acts, Senate File 74, section 50, is amended
39 40 to read as follows:

39 41 147.40 CERTIFICATION OF APPLICANTS.

39 42 Every examination shall be passed upon in
39 43 accordance with the established rules of the board and
39 44 shall be satisfactory to at least a majority of the
39 45 professional members of the board. In the case of the
39 46 dental board ~~of dentistry~~, only licensed dentist
39 47 members of the board shall determine whether an
39 48 applicant has passed the examination to practice as a
39 49 licensed dentist. After each examination, the board
39 50 shall certify the names of the successful applicants



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40 1 to the department in the manner prescribed by it. The
40 2 department shall then issue the proper license.

40 3 Sec. _____. Section 147.80, subsections 1 and 11,
40 4 Code 2007, as amended by 2007 Iowa Acts, Senate File
40 5 74, section 63, are amended to read as follows:

40 6 1. License to practice dentistry issued upon the
40 7 basis of an examination given by the dental board ~~of~~
~~40 8 dentistry~~, license to practice dentistry issued under
40 9 a reciprocal agreement, resident dentist's license,
40 10 renewal of a license to practice dentistry.

40 11 11. License to practice dental hygiene issued upon
40 12 the basis of an examination given by the dental board
40 13 ~~of dentistry~~, license to practice dental hygiene
40 14 issued under a reciprocal agreement, renewal of a
40 15 license to practice dental hygiene.

40 16 Sec. _____. Section 147.80, unnumbered paragraph 3,
40 17 Code 2007, as amended by 2007 Iowa Acts, Senate File
40 18 74, section 63, is amended to read as follows:

40 19 The board of medicine, the board of pharmacy, the
40 20 dental board ~~of dentistry~~, and the board of nursing
40 21 shall retain individual executive officers, but shall
40 22 make every effort to share administrative, clerical,
40 23 and investigative staffs to the greatest extent
40 24 possible. The department shall annually submit a
40 25 status report to the general assembly in December
40 26 regarding the sharing of staff during the previous
40 27 fiscal year.

40 28 Sec. _____. Section 147.88, Code 2007, as amended by
40 29 2007 Iowa Acts, Senate File 74, section 65, is amended
40 30 to read as follows:

40 31 147.88 INSPECTIONS.

40 32 The department of inspections and appeals may
40 33 perform inspections as required by this subtitle,
40 34 except for the board of medicine, board of pharmacy,
40 35 board of nursing, and the dental board ~~of dentistry~~.
40 36 The department of inspections and appeals shall employ
40 37 personnel related to the inspection functions.

40 38 Sec. _____. Section 147.107, subsection 2,
40 39 unnumbered paragraph 1, Code 2007, as amended by 2007
40 40 Iowa Acts, Senate File 74, section 78, is amended to
40 41 read as follows:

40 42 A pharmacist, physician, dentist, or podiatric
40 43 physician who dispenses prescription drugs, including
40 44 but not limited to controlled substances, for human
40 45 use, may delegate nonjudgmental dispensing functions
40 46 to staff assistants only when verification of the
40 47 accuracy and completeness of the prescription is
40 48 determined by the pharmacist or practitioner in the
40 49 pharmacist's or practitioner's physical presence.
40 50 However, the physical presence requirement does not



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41 1 apply when a pharmacist or practitioner is utilizing
 41 2 an automated dispensing system. When using an
 41 3 automated dispensing system the pharmacist or
 41 4 practitioner shall utilize an internal quality control
 41 5 assurance plan that ensures accuracy for dispensing.
 41 6 Verification of automated dispensing accuracy and
 41 7 completeness remains the responsibility of the
 41 8 pharmacist or practitioner and shall be determined in
 41 9 accordance with rules adopted by the board of
 41 10 pharmacy, the board of medicine, the dental board of
~~41 11 dentistry~~, and the board of podiatry for their
 41 12 respective licensees.
 41 13 Sec. _____. Section 147.114, Code 2007, as amended
 41 14 by 2007 Iowa Acts, Senate File 74, section 81, is
 41 15 amended to read as follows:
 41 16 147.114 INSPECTOR.
 41 17 An inspector may be appointed by the dental board
 41 18 ~~of dentistry~~ pursuant to the provisions of chapter 8A,
 41 19 subchapter IV.
 41 20 Sec. _____. Section 153.12, as enacted by 2007 Iowa
 41 21 Acts, Senate File 74, section 132, is amended to read
 41 22 as follows:
 41 23 153.12 BOARD DEFINED.
 41 24 As used in this chapter, "board" means the dental
 41 25 ~~board of dentistry~~, created under chapter 147.
 41 26 Sec. _____. Section 272C.1, subsection 6, paragraph
 41 27 j, Code 2007, as amended by 2007 Iowa Acts, Senate
 41 28 File 74, section 171, is amended to read as follows:
 41 29 j. The dental board of ~~dentistry~~, created pursuant
 41 30 to chapter 147.>
 41 31 #76. Page 124, by inserting after line 21 the
 41 32 following:
 41 33 <DIVISION
 41 34 BODY PIERCING AND MODIFICATION
 41 35 Sec. _____. Section 135.37, Code 2007, is amended to
 41 36 read as follows:
 41 37 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION
 41 38 == PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
 41 39 1. A person shall not own, control and lease, act
 41 40 as an agent for, conduct, manage, or operate an
 41 41 establishment to practice the art of tattooing, body
 41 42 piercing, or body modification, or engage in the
 41 43 practice of tattooing, body piercing, or body
 41 44 modification, without first applying for and receiving
 41 45 a permit from the Iowa department of public health.
 41 46 2. A minor shall not obtain a tattoo, or undergo a
 41 47 body piercing or body modification, and a person shall
 41 48 not provide a tattoo, body piercing, or body
 41 49 modification to a minor. ~~For the purposes of this~~
~~41 50 section, "minor" means an unmarried person who is~~



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43 1 Sec. _____. NEW SECTION. 217.41B PROVIDER APPEALS
43 2 == FINAL DECISION.
43 3 1. a. Notwithstanding any conflicting provision
43 4 of chapter 17A, when an administrative law judge,
43 5 assigned by the division of administrative hearings in
43 6 accordance with the provisions of section 10A.801, is
43 7 the presiding officer at a provider appeal hearing as
43 8 described in subsection 2, the administrative law
43 9 judge shall make a proposed decision that shall
43 10 include findings of fact and conclusions of law,
43 11 separately stated.
43 12 b. When the presiding officer makes a proposed
43 13 decision, that decision then becomes the final
43 14 decision of the department, and shall meet the
43 15 requirements of a final decision pursuant to section
43 16 17A.16, without further proceedings, unless there is
43 17 an appeal to, or review on motion of, the department
43 18 within the time provided by rule.
43 19 c. On appeal or review of the proposed decision,
43 20 the department may only reject or modify the presiding
43 21 officer's findings of fact and conclusions of law if
43 22 the department states, with particularity, the
43 23 department's reasons for rejecting or modifying each
43 24 finding of fact and conclusion of law.
43 25 (1) The department may only reject or modify
43 26 findings of fact if the department first determines
43 27 from a review of the entire record, and states with
43 28 particularity in the order, that the findings of fact
43 29 were clearly erroneous in view of the reliable,
43 30 probative, and substantial evidence on the record as a
43 31 whole, or that the proceedings on which the findings
43 32 were based did not comply with the essential
43 33 requirements of law.
43 34 (2) The department may only reject or modify the
43 35 conclusions of law if the department first determines
43 36 from a review of the entire record, and states with
43 37 particularity in the order, that the conclusions of
43 38 law were clearly erroneous in view of the reliable,
43 39 probative, and substantial evidence on the record as a
43 40 whole.
43 41 (3) Rejection or modification of conclusions of
43 42 law shall not form the basis for rejection or
43 43 modification of findings of fact.
43 44 d. A party to a provider appeal hearing as
43 45 described in subsection 2 may file a request for
43 46 rehearing pursuant to section 17A.16.
43 47 e. A party who is aggrieved or adversely affected
43 48 by a final decision under this section is entitled to
43 49 judicial review as provided in section 17A.19.
43 50 2. A provider appeal hearing shall be available to



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44 1 a provider, if any of the following conditions, which
44 2 constitutes a contested case, is met:
44 3 a. The provider's license, certification,
44 4 registration, approval, or accreditation has been
44 5 denied or revoked or has not been acted upon in a
44 6 timely manner.
44 7 b. The provider's claim for payment or request for
44 8 prior authorization for payment has been denied.
44 9 c. The provider's contract as a medical assistance
44 10 patient manager has been terminated.
44 11 d. The provider has been notified that an
44 12 overpayment has been established and repayment is
44 13 requested.
44 14 e. The provider has been notified that the
44 15 reconsideration process has been exhausted and the
44 16 provider is not satisfied with the result.
44 17 f. The provider's claim for payment was not made
44 18 according to department policy.
44 19 g. The provider's application for a child care
44 20 quality rating has not been acted upon in a timely
44 21 manner, the provider disagrees with the department's
44 22 quality rating decision, or the provider's certificate
44 23 of quality rating has been revoked.
44 24 3. For purposes of this subsection, "provider"
44 25 means provider as defined in section 249A.2 or a
44 26 provider of child care as defined in section 237A.1.>
44 27 #78. Page 124, by inserting after line 21 the
44 28 following:
44 29 <DIVISION
44 30 GRANDPARENT AND GREAT=GRANDPARENT VISITATION
44 31 Sec. ____ . NEW SECTION. 600C.1 GRANDPARENT AND
44 32 GREAT=GRANDPARENT VISITATION.
44 33 1. The grandparent or great=grandparent of a minor
44 34 child may petition the court for grandchild or
44 35 great=grandchild visitation.
44 36 2. The court shall consider a fit parent's
44 37 objections to granting visitation under this section.
44 38 A rebuttable presumption arises that a fit parent's
44 39 decision to deny visitation to a grandparent or
44 40 great=grandparent is in the best interest of a minor
44 41 child.
44 42 3. The court may grant visitation to the
44 43 grandparent or great=grandparent if the court finds
44 44 all of the following by clear and convincing evidence:
44 45 a. The grandparent or great=grandparent has
44 46 established a substantial relationship with the child
44 47 prior to the filing of the petition.
44 48 b. The parent who is being asked to temporarily
44 49 relinquish care, custody, and control of the child to
44 50 provide visitation is unfit to make the decision



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45 1 regarding visitation.
45 2 c. It is in the best interest of the child to
45 3 grant such visitation.
45 4 4. For the purposes of this section, "court" means
45 5 the district court or the juvenile court if that court
45 6 currently has jurisdiction over the child in a pending
45 7 action. If an action is not pending, the district
45 8 court has jurisdiction.
45 9 5. Notwithstanding any provision of this chapter
45 10 to the contrary, venue for any action to establish,
45 11 enforce, or modify visitation under this section shall
45 12 be in the county where either parent resides if no
45 13 final custody order determination relating to the
45 14 grandchild or great-grandchild has been entered by any
45 15 other court. If a final custody order has been
45 16 entered by any other court, venue shall be located
45 17 exclusively in the county where the most recent final
45 18 custody order was entered. If any other custodial
45 19 proceeding is pending when an action to establish,
45 20 enforce, or modify visitation under this section is
45 21 filed, venue shall be located exclusively in the
45 22 county where the pending custodial proceeding was
45 23 filed.
45 24 6. Notice of any proceeding to establish, enforce,
45 25 or modify visitation under this section shall be
45 26 personally served upon all parents of a child whose
45 27 interests are affected by a proceeding brought
45 28 pursuant to this section and all grandparents or
45 29 great-grandparents who have previously obtained a
45 30 final order or commenced a proceeding under this
45 31 section.
45 32 7. The court shall not enter any temporary order
45 33 to establish, enforce, or modify visitation under this
45 34 section.
45 35 8. An action brought under this section is subject
45 36 to chapter 598B, and in an action brought to
45 37 establish, enforce, or modify visitation under this
45 38 section, each party shall submit in its first pleading
45 39 or in an attached affidavit all information required
45 40 by section 598B.209.
45 41 9. In any action brought to establish, enforce, or
45 42 modify visitation under this section, the court may
45 43 award attorney fees to the prevailing party in an
45 44 amount deemed reasonable by the court.
45 45 10. If a proceeding to establish or enforce
45 46 visitation under this section is commenced when a
45 47 dissolution of marriage proceeding is pending
45 48 concerning the parents of the affected minor child,
45 49 the record and evidence of the dissolution action
45 50 shall remain impounded pursuant to section 598.26.



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46 1 The impounded information shall not be released or
46 2 otherwise made available to any person who is not the
46 3 petitioner or respondent or an attorney of record in
46 4 the dissolution of marriage proceeding.
46 5 Sec. _____. Section 600.11, subsection 2, paragraph
46 6 e, Code 2007, is amended to read as follows:
46 7 e. A person who has been granted visitation rights
46 8 with the child to be adopted pursuant to section
46 9 ~~598.35~~ 600C.1.
46 10 Sec. _____. Section 598.35, Code 2007, is repealed.>
46 11 #79. By renumbering, relettering, or redesignating
46 12 and correcting internal references as necessary.
46 13 HF 909.S
46 14 pf/cc/26



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House Amendment 2047

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 55, by inserting after line 22 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 657.11A ANIMAL FEEDING
1 6 OPERATIONS == DEFENSE TO NUISANCE ACTIONS.
1 7 This section applies to a claim as part of any
1 8 cause of action involving real estate where an animal
1 9 feeding operation, as defined in section 459.101, is
1 10 constructed.
1 11 1. The claim must allege that the defendant is
1 12 liable for damages based on an activity originating on
1 13 the real estate in which the defendant holds a legal
1 14 or equitable interest and which if proven would be any
1 15 of the following:
1 16 a. A public or private nuisance under statute
1 17 including this chapter or principles of common law.
1 18 b. Trespass or interfere with the comfortable use
1 19 and enjoyment of life or property under statute
1 20 including this chapter or principles of common law.
1 21 c. An injury to health or damages to property
1 22 caused by airborne emissions of odor or particulate or
1 23 nonparticulate matter under statute or principles of
1 24 common law.
1 25 2. a. If an activity originating on real estate
1 26 in which the defendant holds a legal or equitable
1 27 interest occurred earlier than the consenting action
1 28 imputed to the plaintiff, the defendant shall have an
1 29 absolute defense to the claim as provided in this
1 30 section. A consenting action imputed to the plaintiff
1 31 means any of the following:
1 32 (1) The plaintiff's purchasing of real estate
1 33 where the damages would have otherwise accrued.
1 34 (2) The plaintiff's construction of a structure
1 35 which is part of a residence, business, agricultural
1 36 operation, religious institution, or public use area
1 37 on real estate where the damages would have otherwise
1 38 accrued.
1 39 b. If a defendant cannot prove that a consenting
1 40 action is imputed to the plaintiff, this section shall
1 41 not provide a defendant a defense to the claim as
1 42 provided in this section. The defendant shall have
1 43 the burden of proving that the claim cannot be brought
1 44 or by proving a defense supported by clear and
1 45 convincing evidence.>
1 46 #2. By renumbering as necessary.
1 47
1 48
1 49
1 50 WHITAKER of Van Buren



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House Amendment 2047 continued

2 1 SF 601.519 82
2 2 da/je/10169



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House Amendment 2048

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 55, by striking lines 23 through 30.
 1 4 #2. Page 56, by striking lines 13 through 19.
 1 5 #3. By striking page 56, line 26, through page 57,
 1 6 line 6.
 1 7 #4. Page 59, by inserting after line 10 the
 1 8 following:

<DIVISION

REGULATION OF ESTRAY AND GAME SWINE

1 10 Sec. _____. Section 163.2, Code 2007, is amended by
 1 11 adding the following new subsections:

1 12 NEW SUBSECTION. 2A. "Custody or control" means to
 1 13 keep an animal in an enclosed or confined location, in
 1 14 a manner that prevents the release or escape of the
 1 15 animal from the location including but not limited to
 1 16 keeping the animal for breeding, growing, movement, or
 1 17 harvesting.

1 18 NEW SUBSECTION. 3A. "Estray" means not to be in
 1 19 the custody or control of a person.

1 20 NEW SUBSECTION. 3B. "Game swine" means the same
 1 21 as defined in section 171.1.

1 22 Sec. _____. Section 163.30, subsection 5, unnumbered
 1 23 paragraph 1, Code 2007, is amended to read as follows:

1 24 All swine moved shall be accompanied by a
 1 25 certificate of veterinary inspection issued by the
 1 26 state of origin and prepared and signed by a
 1 27 veterinarian. The certificate shall show the point of
 1 28 origin, the point of destination, individual
 1 29 identification, immunization status, and, when
 1 30 required, any movement permit number assigned to the
 1 31 shipment by the department. The certificate of
 1 32 veterinary inspection shall state whether the swine
 1 33 are game swine, and shall provide any registration
 1 34 information as required by section 171.4. All ~~such~~
 1 35 movement of swine shall be completed within
 1 36 seventy-two hours unless an extension of time for
 1 37 movement is granted by the department.

1 38 Sec. _____. NEW SECTION. 163.32 ESTRAY SWINE.

1 39 1. Estray swine are declared to be a public
 1 40 nuisance and are subject to a policy of eradication as
 1 41 administered by the department which is the principal
 1 42 enforcement agency charged with carrying out the
 1 43 policy.

1 44 a. The department of natural resources shall
 1 45 cooperate with the department of agriculture and land
 1 46 stewardship in carrying out the policy. The
 1 47 departments shall periodically consult about how to
 1 48 most effectively contribute resources and their
 1 49 respective expertise, and divide jurisdictional



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2 1 responsibility, including the assignment of
2 2 investigative personnel where appropriate. However,
2 3 the department of natural resources shall regulate
2 4 hunting preserves under chapter 484B, and the
2 5 regulation of persons taking animals under Title XI,
2 6 subtitle 6.
2 7 b. The department of agriculture and land
2 8 stewardship shall cooperate with the animal and plant
2 9 health inspection service of the United States
2 10 department of agriculture, and may enter into
2 11 cooperative agreements with the animal and plant
2 12 health inspection service in order to carry out the
2 13 eradication policy.
2 14 2. A person who captures swine which is estray in
2 15 another state shall not move that swine into this
2 16 state.
2 17 Sec. _____. NEW SECTION. 163.61A PENALTY AND
2 18 DISCIPLINARY ACTION FOR TAKING ESTRAY SWINE.
2 19 1. A person who violates section 163.32 is guilty
2 20 of an aggravated misdemeanor. A person is guilty of a
2 21 separate offense for each swine which is the subject
2 22 of the violation.
2 23 2. Upon a person's conviction for violating
2 24 section 163.32, the sentencing court may, as part of
2 25 the judgment, revoke or suspend a license issued
2 26 pursuant to chapter 481A or 483A for a definite period
2 27 of time.
2 28 Sec. _____. NEW SECTION. 171.1 DEFINITIONS.
2 29 As used in this chapter, unless the context
2 30 otherwise requires:
2 31 1. "Custody or control" means the same as defined
2 32 in section 163.2.
2 33 2. "Department" means the department of
2 34 agriculture and land stewardship.
2 35 3. "Game swine" means the same as defined in
2 36 section 484B.1.
2 37 4. "Swine" means an animal belonging to the order
2 38 artiodactyla, and classified as part of the family
2 39 suidae.
2 40 Sec. _____. NEW SECTION. 171.2 RULES.
2 41 The department may adopt rules pursuant to chapter
2 42 17A as necessary to administer this chapter.
2 43 Sec. _____. NEW SECTION. 171.3 IDENTIFICATION.
2 44 A person who has custody or control of game swine
2 45 shall identify the game swine as required by the
2 46 department. Game swine shall at least be identified
2 47 with a numbered metal ear tag affixed to the game
2 48 swine or other method such as installing an electronic
2 49 device onto or beneath the hide of the game swine as
2 50 prescribed by the department. The game swine must be



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3 1 identified within ten days following the person's
3 2 acquisition of the game swine, including acquisition
3 3 by transfer or birth.
3 4 Sec. _____. NEW SECTION. 171.4 GAME SWINE
3 5 REGISTRATION SYSTEM.
3 6 The department of agriculture and land stewardship
3 7 shall establish a game swine registration system, in
3 8 cooperation with the department of natural resources.
3 9 1. A person who has custody or control of a game
3 10 swine shall register the game swine within ten days
3 11 following the person's acquisition of the game swine,
3 12 including acquisition by transfer or birth.
3 13 2. The person required to register game swine as
3 14 provided in this section shall provide information
3 15 required by the department which shall at least
3 16 include all of the following:
3 17 a. The number, age, and description of the game
3 18 swine, including its identification number as provided
3 19 in section 171.3.
3 20 b. The location where the person maintains custody
3 21 or control of the game swine.
3 22 c. The purpose of the person in maintaining
3 23 custody or control of the game swine.
3 24 d. Whether the person has been issued a hunting
3 25 preserve operator's license as required in chapter
3 26 484B.
3 27 3. The department shall to every extent feasible
3 28 provide for registration using the internet, including
3 29 programming, necessary to ensure the convenience,
3 30 completeness, and accuracy of the registrations.
3 31 Sec. _____. NEW SECTION. 171.5 GAME SWINE
3 32 REGISTRATION FEE.
3 33 A person required to register game swine as
3 34 provided in section 171.4 shall remit a registration
3 35 fee to the department. The amount of the registration
3 36 fee shall not exceed five dollars per head of swine.
3 37 The moneys collected by the department under this
3 38 section shall be retained as repayment receipts by the
3 39 department exclusively to offset the costs of
3 40 providing for registrations pursuant to section 171.4.
3 41 Sec. _____. NEW SECTION. 171.6 HEALTH
3 42 REQUIREMENTS.
3 43 Game swine shall be free of an infectious or
3 44 contagious disease as defined in section 163.2. The
3 45 department shall regulate game swine as any other
3 46 swine for purposes of preventing, suppressing, and
3 47 eradicating an infectious or contagious disease
3 48 afflicting swine within the state.
3 49 Sec. _____. NEW SECTION. 171.7 PENALTY.
3 50 A person who violates section 171.3 or 171.4 is



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4 1 subject to a civil penalty of not more than one
4 2 hundred dollars. Penalty moneys shall be deposited
4 3 into the general fund of the state.
4 4 Sec. _____. Section 484B.1, Code 2007, is amended by
4 5 adding the following new subsections:
4 6 NEW SUBSECTION. 3A. "Estray" means not to be in
4 7 the custody or control of a person.
4 8 NEW SUBSECTION. 4A. "Game swine" means swine that
4 9 are classified as part of the species sus scrofa
4 10 linnaeus which may be commonly known as Russian boar
4 11 or European boar of either sex.
4 12 Sec. _____. Section 484B.1, subsection 6, Code 2007,
4 13 is amended to read as follows:
4 14 6. "Livestock" means ~~the same~~ livestock as defined
4 15 in section 717.1 other than game swine.
4 16 Sec. _____. Section 484B.3, Code 2007, is amended by
4 17 adding the following new subsection:
4 18 NEW SUBSECTION. 3. The department shall regulate
4 19 game swine in cooperation with the department of
4 20 agriculture and land stewardship as provided in
4 21 chapter 171.
4 22 Sec. _____. Section 484B.4, subsection 2, Code 2007,
4 23 is amended by adding the following new paragraph:
4 24 NEW PARAGRAPH. f. The person has registered any
4 25 game swine to be kept at the hunting preserve with the
4 26 department of agriculture and land stewardship as
4 27 provided in section 171.4.
4 28 Sec. _____. Section 484B.5, Code 2007, is amended to
4 29 read as follows:
4 30 484B.5 BOUNDARIES SIGNED == FENCED.
4 31 1. Upon receipt of a hunting preserve license, the
4 32 licensee shall promptly sign the licensed property
4 33 with signs prescribed by the department.
4 34 2. a. A licensee holding and releasing ungulates
4 35 shall construct and maintain boundary fences
4 36 prescribed by the department so as to enclose and
4 37 contain all released ungulates and exclude all
4 38 ungulates which are property of the state from
4 39 becoming a part of the hunting preserve enterprise.
4 40 b. A person who begins to keep game swine on or
4 41 after the effective date of this Act shall construct
4 42 and maintain a fence in compliance with this
4 43 paragraph. The fence shall be constructed of twelve
4 44 gauge woven wire at least five feet high and topped
4 45 with one strand of electrified wire. An additional
4 46 two feet of such fencing shall be buried and angled
4 47 underground toward the enclosed interior. However,
4 48 upon application, the department may waive this
4 49 requirement if the department determines that a fence
4 50 is to be designed and constructed which provides



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5 1 equivalent or greater security from escape by game

5 2 swine.

5 3 Sec. _____. NEW SECTION. 484B.6A ESTRAY GAME

5 4 SWINE.

5 5 A person required to be licensed pursuant to
5 6 section 484B.4 shall not allow the game swine to
5 7 become estray.

5 8 Sec. _____. Section 484B.7, subsection 1, Code 2007,
5 9 is amended to read as follows:

5 10 1. Each hunting preserve licensee shall keep the
5 11 records and make the reports required on forms
5 12 prepared and provided by the department. All records
5 13 shall be open for inspection at any reasonable time by
5 14 the department or its authorized agents. The
5 15 department of agriculture and land stewardship may
5 16 inspect records relating to game swine in order to
5 17 ensure compliance with chapter 171.

5 18 Sec. _____. Section 484B.9, Code 2007, is amended to
5 19 read as follows:

5 20 484B.9 UNGULATE TRANSPORTATION TAGS == MARKINGS.

5 21 The department shall prepare transportation tags
5 22 suitable for use upon the carcass of ungulates
5 23 described in this chapter. The tags shall be used to
5 24 designate all ungulates taken by hunters upon a
5 25 licensed hunting preserve. The department shall
5 26 provide licensees with the tags. All ungulates taken
5 27 on a licensed hunting preserve shall be tagged with a
5 28 numbered tag prior to being removed from the hunting
5 29 preserve. The For game swine, the department shall
5 30 provide for tags in cooperation with the department of
5 31 agriculture and land stewardship as provided in
5 32 chapter 171. A hunter shall tag the ungulate taken in
5 33 accordance with the rules as determined by the
5 34 department. The tag shall remain attached to the
5 35 carcass of the dead ungulate until processed for
5 36 consumption. The hunter shall be provided with a bill
5 37 of sale by the licensee. The bill of sale shall
5 38 remain in the possession of the hunter. Ungulate tags
5 39 issued to a hunting preserve are not transferable.

5 40 Sec. _____. Section 484B.12, Code 2007, is amended
5 41 to read as follows:

5 42 484B.12 HEALTH REQUIREMENTS == UNGULATES.

5 43 All ungulates which are purchased, propagated,
5 44 confined, released, or sold by a licensed hunting
5 45 preserve shall be free of diseases considered
5 46 significant for wildlife, poultry, or livestock. The
5 47 department of agriculture and land stewardship shall
5 48 provide for the regulation of farm deer as provided in
5 49 chapter 170, and for the regulation of game swine as
5 50 provided in chapter 171.



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6 1 Sec. _____. NEW SECTION. 484B.12A HEALTH AND
6 2 MOVEMENT REQUIREMENTS == GAME SWINE.
6 3 1. All game swine which are purchased, propagated,
6 4 confined, released, or sold by a hunting preserve
6 5 required to be licensed under this chapter shall be
6 6 free of diseases considered significant for wildlife,
6 7 poultry, or livestock. The department of agriculture
6 8 and land stewardship shall provide for the regulation
6 9 of game swine as any other swine for purposes of
6 10 preventing, suppressing, and eradicating an infectious
6 11 or contagious disease afflicting swine within the
6 12 state.
6 13 2. Game swine that are purchased, propagated,
6 14 confined, or sold by a hunting preserve shall only be
6 15 moved in accordance with rules adopted or orders
6 16 issued by the department of agriculture and land
6 17 stewardship.
6 18 Sec. _____. NEW SECTION. 484B.15 CIVIL PENALTIES.
6 19 A person who violates section 484B.6A is subject to
6 20 a civil penalty of one thousand dollars. Each day
6 21 that a violation continues shall be considered a
6 22 separate offense. All civil penalties shall be
6 23 deposited in the general fund of the state.
6 24 Sec. _____. NEW SECTION. 484B.16 RESTITUTION.
6 25 1. A person required to be licensed pursuant to
6 26 section 484B.4 and who keeps game swine shall pay
6 27 restitution to the department of natural resources for
6 28 damages to the environment and wildlife caused by the
6 29 game swine which become estray. The amount of the
6 30 restitution shall also include the department's
6 31 administrative costs for investigating the incident.
6 32 2. The department shall adopt rules providing for
6 33 procedures for investigations and the administrative
6 34 assessment of restitution amounts. The rules shall
6 35 establish an opportunity to appeal a departmental
6 36 action including by a contested case proceeding under
6 37 chapter 17A. A final administrative decision
6 38 assessing an amount of restitution may be enforced by
6 39 the attorney general at the request of the department.
6 40 3. Moneys collected by the department in
6 41 restitution shall be deposited into the state fish and
6 42 game protection fund. The moneys shall be used
6 43 exclusively to support restoration or improvement of
6 44 the environment and repopulation of wildlife.
6 45 However, moneys collected from restitution paid for
6 46 investigative costs shall be used as determined by the
6 47 department.
6 48 Sec. _____. IDENTIFICATION AND REGISTRATION ==
6 49 COMPLIANCE PERIOD. Notwithstanding sections 171.3 and
6 50 171.4, a person required to identify game swine and



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7 1 register game swine shall have until September 1,
7 2 2007, to comply with those sections.
7 3 Sec. ____ . EFFECTIVE DATE. This division of this
7 4 Act, being deemed of immediate importance, takes
7 5 effect upon enactment.>
7 6 #5. By renumbering as necessary.
7 7
7 8
7 9
7 10 WHITAKER of Van Buren
7 11 SF 601.716 82
7 12 da/gg/10166



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House Amendment 2049

PAG LIN

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1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 26, by inserting after line 2 the
1 4 following:
1 5 <Sec. ____ . HIGHWAY 20 SEGMENT == CONSTRUCTION.
1 6 There is appropriated from the general fund of the
1 7 state to the department of transportation for the
1 8 fiscal year beginning July 1, 2007, and ending June
1 9 30, 2008, the following amount, or so much thereof as
1 10 is necessary, to be used for the purposes designated:
1 11 For costs to complete construction of the segment
1 12 of U.S. highway 20 between the city of Mooreland and
1 13 Iowa highway 4 as a four-lane highway:
1 14 ..... $ 11,000,000>
1 15 #2. By renumbering as necessary.
1 16
1 17
1 18
1 19 WORTHAN of Buena Vista
1 20 SF 601.714 82
1 21 dea/gg/8963
1 22
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House Amendment 2050

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 55, by inserting after line 8 the
 1 4 following:
 1 5 <Sec. _____. NEW SECTION. 455C.18 BEVERAGE
 1 6 CONTAINER TASK FORCE.
 1 7 1. The department shall convene a task force with
 1 8 one representative from each of the following:
 1 9 a. The Iowa grocery industry association.
 1 10 b. Redemption centers of Iowa.
 1 11 c. Iowa wholesale beer distributors association.
 1 12 d. The Iowa society of solid waste operations.
 1 13 e. Iowa soft drink association.
 1 14 f. The Iowa recycling association.
 1 15 g. The Iowa environmental council.
 1 16 h. The petroleum marketers and convenience stores
 1 17 of Iowa.
 1 18 i. The Iowa chapter of the sierra club.
 1 19 2. The chairperson and ranking member of the
 1 20 standing committee on environmental protection in the
 1 21 house of representatives and the chairperson and
 1 22 ranking member of the standing committee on natural
 1 23 resources and environment in the senate shall serve as
 1 24 ex officio, nonvoting members of the task force.
 1 25 3. The task force shall study and consider all of
 1 26 the following:
 1 27 a. Methods to increase the beverage container
 1 28 redemption rate.
 1 29 b. Methods to increase the profitability of
 1 30 redemption centers.
 1 31 c. The efficiency and costs associated with
 1 32 mandated, statewide, curbside recycling of empty
 1 33 beverage containers.
 1 34 d. Methods to provide greater efficiencies in the
 1 35 current beverage container redemption system.
 1 36 4. By January 1, 2010, the department shall submit
 1 37 to the governor and the general assembly a final
 1 38 report of the task force which shall include
 1 39 recommendations of the task force. The department
 1 40 shall also make the final report publicly available on
 1 41 the internet.
 1 42 5. This section is repealed June 30, 2010.>
 1 43 #2. By renumbering as necessary.
 1 44
 1 45
 1 46
 1 47 WESSEL-KROESCHELL of Story
 1 48 SF 601.523 82
 1 49 tm/je/9644
 1 50



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House Amendment 2051

PAG LIN

1 1 Amend the amendment, H=1635, to Senate File 514, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 3, by striking lines 14 and 15 and
1 5 inserting the following:
1 6 <a. Coverage for audiological services that are
1 7 performed by an audiologist licensed pursuant to
1 8 chapter 147 for>.
1 9
1 10
1 11
1 12 MASCHER of Johnson
1 13 SF 514.703 82
1 14 av/gg/9491
1 15
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House Amendment 2052

PAG LIN

1 1 Amend Senate File 344 as follows:
1 2 #1. Page 1, line 34, by striking the word <thirty>
1 3 and inserting the following: <sixty>.
1 4 #2. Page 1, line 35, by inserting after the word
1 5 <department> the following: <by certified mail>.
1 6
1 7
1 8
1 9 D. OLSON of Boone
1 10 SF 344.202 82
1 11 tm/es/9643
1 12
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House Amendment 2053

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 46, by inserting after line 7 the
1 4 following:
1 5 <Sec. _____. Section 279.13, subsection 1, paragraph
1 6 b, if enacted by 2007 Iowa Acts, Senate File 277,
1 7 section 11, is amended to read as follows:
1 8 b. (1) Prior to entering into an initial contract
1 9 with a teacher who holds a license other than an
1 10 initial license issued by the board of educational
1 11 examiners under chapter 272, the school district shall
1 12 either request the division of criminal investigation
1 13 of the department of public safety to conduct a
1 14 background investigation of the applicant or request a
1 15 qualified background screening company accredited by
1 16 the national association of professional background
1 17 check screeners to conduct a background check on the
1 18 applicant. The
1 19 (2) If the school district submits a request to
1 20 the division of public safety pursuant to subparagraph
1 21 (1), the school district shall require the teacher to
1 22 submit a completed fingerprint packet, which shall be
1 23 used to facilitate a national criminal history check.
1 24 The school district shall submit the packet to the
1 25 division of criminal investigation of the department
1 26 of public safety which shall conduct a thorough
1 27 background investigation of the teacher. The
1 28 superintendent of a school district or the
1 29 superintendent's designee shall have access to and
1 30 shall review the sex offender registry information
1 31 under section 692A.13, the central registry for child
1 32 abuse information established under section 235A.14,
1 33 and the central registry for dependent adult abuse
1 34 information established under section 235B.5 for
1 35 information regarding applicants for employment as a
1 36 teacher.
1 37 (3) If the school district submits a request to a
1 38 qualified background screening company pursuant to
1 39 subparagraph (1), the background check shall include a
1 40 national criminal history check, a review of the sex
1 41 offender registry information under section 692A.13,
1 42 the central registry for child abuse information
1 43 established under section 235A.14 as the
1 44 superintendent's designee under section 235A.15, and
1 45 the central registry for dependent adult abuse
1 46 information established under section 235B.5 as the
1 47 superintendent's designee under section 235B.6 for
1 48 information regarding applicants for employment as a
1 49 teacher.
1 50 (4) The school district may charge the teacher a



**Iowa General Assembly
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House Amendment 2053 continued

2 1 fee for the background investigation, which shall not
2 2 exceed the fee charged by the division of criminal
2 3 investigation for conducting the background
2 4 investigation.>
2 5
2 6
2 7
2 8 WINCKLER of Scott
2 9 SF 601.227 82
2 10 mg/es/9802



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House Amendment 2054

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 39, by inserting after line 17 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 601.314 82
1 22 av/cf/9704
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Iowa General Assembly
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House Amendment 2055

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 47, by inserting after line 12 the
1 4 following:
1 5 <Sec. _____. Section 298.3, subsection 9, Code 2007,
1 6 is amended to read as follows:
1 7 9. Purchase of transportation equipment for
1 8 transporting students, including transportation
1 9 replacement parts and renovations exceeding five
1 10 hundred dollars. Expenditures for the purchase of
1 11 transportation replacement parts are allowed under
1 12 this subsection only if a school district has
1 13 submitted a plan to be in compliance with the fire
1 14 safety standards in response to an inspection
1 15 performed by the state fire marshal or the local fire
1 16 department pursuant to section 100.31.>
1 17
1 18
1 19
1 20 HEDDENS of Story
1 21
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1 23
1 24 FREVERT of Palo Alto
1 25 SF 601.722 82
1 26 mg/gg/10030
1 27
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Iowa General Assembly
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House Amendment 2056

PAG LIN

1 1 Amend Senate File 580 as follows:
1 2 #1. Page 2, by inserting after line 16 the
1 3 following:
1 4 <____. In promoting and marketing the tax amnesty
1 5 program, the director and the Iowa lottery shall
1 6 collaborate in the use of television, print, and radio
1 7 advertising.>
1 8
1 9
1 10
1 11 RAECKER of Polk
1 12
1 13
1 14
1 15 VAN FOSSEN of Scott
1 16 SF 580.203 82
1 17 mg/es/10033
1 18
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**Iowa General Assembly
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House Amendment 2057

PAG LIN

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1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 18, line 22, through page 19,
1 4 line 3, and inserting the following:
1 5 <Sec. _____. ESL CLASSES. There is appropriated
1 6 from the general fund of the state to the department
1 7 of education for the fiscal year beginning July 1,
1 8 2007, and ending June 30, 2008, the following amount,
1 9 or so much thereof as is necessary, to be used for the
1 10 purpose designated:
1 11 For providing grants to faith-based organizations
1 12 to assist the organization in offering and teaching
1 13 English as a second language classes to non-English
1 14 speaking persons:
1 15 ..... $ 120,000
1 16 The grants pursuant to this section may be awarded
1 17 to organizations already offering and teaching such
1 18 classes and to organizations that would like to offer
1 19 these classes.>
1 20
1 21
1 22
1 23 ALONS of Sioux
1 24 SF 601.524 82
1 25 mg/je/10034
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Iowa General Assembly
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House Amendment 2058

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 53, by inserting after line 6 the
1 4 following:
1 5 <Sec. _____. Section 422.12, Code 2007, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 2A. a. A volunteer fire fighter
1 8 and volunteer emergency medical services personnel
1 9 credit equal to the amount specified in paragraph "b"
1 10 to compensate the taxpayer for the voluntary services.
1 11 b. The amount of the credit is equal to two
1 12 hundred fifty dollars.
1 13 However, if the taxpayer is not a volunteer fire
1 14 fighter or volunteer emergency medical services
1 15 personnel for the entire tax year, the amount of the
1 16 dollar credit shall be prorated and the amount of
1 17 credit shall equal the maximum amount of credit for
1 18 the tax year, divided by twelve, multiplied by the
1 19 number of months in the tax year the taxpayer was a
1 20 volunteer. The credit shall be rounded to the nearest
1 21 five dollars. If the taxpayer is a volunteer during
1 22 any part of a month, the taxpayer shall be considered
1 23 a volunteer for the entire month. If the taxpayer is
1 24 a volunteer fire fighter and a volunteer emergency
1 25 medical services personnel during the same month, a
1 26 credit may be claimed for only one volunteer position
1 27 for that month.
1 28 c. The taxpayer is required to have a written
1 29 statement from the fire chief or other appropriate
1 30 supervisor verifying that the taxpayer was a volunteer
1 31 fire fighter who has met the minimum training
1 32 standards or volunteer emergency medical services
1 33 personnel for the months for which the credit under
1 34 this subsection is claimed.
1 35 d. For purposes of this subsection:
1 36 (1) "Emergency medical services personnel" means
1 37 an emergency medical care provider, as defined in
1 38 section 147A.1, who is certified as a first responder
1 39 pursuant to chapter 147A and who has served for at
1 40 least one year.
1 41 (2) "Volunteer fire fighter" means a volunteer
1 42 fire fighter as defined in section 85.61, who is
1 43 certified as a first responder pursuant to chapter
1 44 147A, who has served for at least one year, and who
1 45 has met the minimum training standards established by
1 46 the fire service training bureau pursuant to chapter
1 47 100B.>
1 48 #2. Page 59, by inserting after line 4 the
1 49 following:
1 50 <Sec. _____. EFFECTIVE AND APPLICABILITY DATES. The



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 2058 continued

2 1 section of this division of this Act enacting section
2 2 422.12, subsection 2A, being deemed of immediate
2 3 importance, takes effect upon enactment and applies
2 4 retroactively to January 1, 2007, for tax years
2 5 beginning on or after that date.>
2 6
2 7
2 8
2 9 LUKAN of Dubuque
2 10 SF 601.721 82
2 11 mg/gg/10024



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House Amendment 2059

PAG LIN

1 1 Amend the amendment, H=2025, to Senate File 601, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 11, by inserting after line 50 the
1 5 following:
1 6 <Sec. ____ . NEW SECTION. 137F.11A POSTING OF
1 7 INSPECTION REPORTS.
1 8 An establishment inspected under this chapter shall
1 9 post the most recent routine inspection report, along
1 10 with any current complaint or reinspection reports, in
1 11 a location at the establishment that is readily
1 12 visible to the public.>
1 13
1 14
1 15
1 16 FORD of Polk
1 17 SF 601.723 82
1 18 mg/gg/10032
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House Amendment 2060

PAG LIN

1 1 Amend the amendment, H=2050, to Senate File 601, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:

1 4 #1. Page 1, by striking line 5 and inserting the
1 5 following:

1 6 <<Sec. _____. Section 455C.2, subsection 2, Code
1 7 2007, is amended to read as follows:

1 8 2. In addition to the refund value provided in
1 9 subsection 1 of this section, a dealer, or person
1 10 operating a an unapproved redemption center who
1 11 redeems empty beverage containers or a dealer agent
1 12 shall be reimbursed by the distributor required to
1 13 accept the empty beverage containers an amount which
1 14 is one cent per container. A person operating an
1 15 approved redemption center who redeems empty beverage
1 16 containers shall be reimbursed by the distributor
1 17 required to accept the empty beverage containers an
1 18 amount which is one and one-half cents per container.

1 19 A dealer, dealer agent, or person operating a
1 20 redemption center may compact empty metal beverage
1 21 containers with the approval of the distributor
1 22 required to accept the containers.

1 23 Sec. _____. Section 455C.6, subsection 3, Code 2007,
1 24 is amended to read as follows:

1 25 3. The department shall approve a redemption
1 26 center if it finds that the redemption center will
1 27 provide a convenient, safe, and accessible service to
1 28 consumers for the return of empty beverage containers
1 29 and if the redemption center provides a safe working
1 30 environment for employees. The order of the
1 31 department approving a redemption center shall state
1 32 the dealers to be served by the redemption center and
1 33 the kind and brand names of empty beverage containers
1 34 which the redemption center must accept. The order
1 35 may contain such other provisions to insure that the
1 36 redemption center will provide a convenient service to
1 37 the public as the director may determine.

1 38 Sec. _____. NEW SECTION. 455C.18 BEVERAGE>.

1 39 #2. By renumbering as necessary.

1 40

1 41

1 42

1 43 THOMAS of Clayton

1 44 SF 601.319 82

1 45 tm/cf/9645

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Iowa General Assembly
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House Amendment 2061

PAG LIN

1 1 Amend House File 931 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 441.21, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 5A. a. For valuations
1 7 established as of January 1, 2008, the percentage of
1 8 actual value as equalized by the director of revenue
1 9 pursuant to section 441.49 at which commercial and
1 10 industrial property shall be assessed is ninety-eight
1 11 percent.
1 12 b. For valuations established as of January 1,
1 13 2009, the percentage of actual value as equalized by
1 14 the director of revenue pursuant to section 441.49 at
1 15 which commercial and industrial property shall be
1 16 assessed is ninety-five percent.
1 17 c. For valuations established as of January 1,
1 18 2010, the percentage of actual value as equalized by
1 19 the director of revenue pursuant to section 441.49 at
1 20 which commercial and industrial property shall be
1 21 assessed is ninety percent.
1 22 d. For valuations established as of January 1,
1 23 2011, and each year thereafter, the percentage of
1 24 actual value as equalized by the director of revenue
1 25 pursuant to section 441.49 at which commercial and
1 26 industrial property shall be assessed is eighty-five
1 27 percent.
1 28 e. Local governments shall be reimbursed by the
1 29 state for a period of ten years beginning with the
1 30 fiscal year beginning July 1, 2009, in an amount
1 31 corresponding to the reduction in property tax
1 32 revenues as a result of the operation of this
1 33 subsection, and in no case shall a reimbursement be
1 34 provided as a result of a reduction in property tax
1 35 revenues due to operation of subsection 5. However,
1 36 beginning with the fiscal year beginning July 1, 2011,
1 37 the reimbursement to be paid by the state to each
1 38 taxing jurisdiction shall be reduced by an amount
1 39 equal to fifty percent of the property tax revenues
1 40 collected in that taxing jurisdiction due to new
1 41 construction of commercial and industrial property.>
1 42 #2. Title page, by striking lines 2 through 6 and
1 43 inserting the following: <reducing assessments on
1 44 commercial and industrial property and providing state
1 45 reimbursement.>
1 46 #3. By renumbering as necessary.
1 47
1 48
1 49
1 50 ALONS of Sioux



**Iowa General Assembly
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House Amendment 2061 continued

2 1 HF 931.201 82
2 2 sc/es/10222



Iowa General Assembly
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House Amendment 2062

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 26, by inserting after line 2 the
 1 4 following:
 1 5 <Sec. _____. DEPARTMENT OF PUBLIC SAFETY == ILLEGAL
 1 6 IMMIGRATION TASK FORCE. There is appropriated from
 1 7 the general fund of the state to the department of
 1 8 public safety for the fiscal year beginning July 1,
 1 9 2007, and ending June 30, 2008, the following amount,
 1 10 or so much thereof as is necessary, to be used for the
 1 11 purposes designated:
 1 12 For establishing an illegal immigration task force,
 1 13 including salaries, support, maintenance,
 1 14 miscellaneous purposes, and for not more than the
 1 15 following full-time equivalent positions:
 1 16 \$ 565,000
 1 17 FTEs 12.00
 1 18 Of the moneys appropriated in this section, the
 1 19 department shall hire twelve state troopers for
 1 20 purposes of the task force.>
 1 21 #2. Page 27, by inserting after line 25 the
 1 22 following:
 1 23 <Sec. _____. 2007 Iowa Acts, House File 874, section
 1 24 9, subsection 2, if enacted, is amended to read as
 1 25 follows:
 1 26 2. TERRACE HILL QUARTERS
 1 27 For salaries, support, maintenance, and
 1 28 miscellaneous purposes for the governor's quarters at
 1 29 Terrace Hill, and for not more than the following
 1 30 full-time equivalent positions:
 1 31 \$ 466,310
 1 32 401,310
 1 33 FTEs 10.00
 1 34 8.00
 1 35 Sec. _____. 2007 Iowa Acts, House File 874, section
 1 36 17, unnumbered paragraph 2, if enacted, is amended to
 1 37 read as follows:
 1 38 For salaries, support, maintenance, and
 1 39 miscellaneous purposes, and for not more than the
 1 40 following full-time equivalent positions:
 1 41 \$ ~~25,301,646~~
 1 42 24,801,646
 1 43 FTEs ~~385.03~~
 1 44 375.03>
 1 45 #3. By renumbering as necessary.
 1 46
 1 47
 1 48
 1 49 GRASSLEY of Butler
 1 50 SF 601.233 82



**Iowa General Assembly
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House Amendment 2062 continued

2 1 ec/es/9747



**Iowa General Assembly
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House Amendment 2063

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 47, by inserting after line 12 the
 1 4 following:
 1 5 <Sec. _____. Section 296.7, subsection 3, Code 2007,
 1 6 is amended to read as follows:
 1 7 3. A Except as provided in section 298.4, a school
 1 8 district, providing an insurance program as described
 1 9 in subsection 2, shall not contract indebtedness and
 1 10 issue general obligation bonds or enter into insurance
 1 11 agreements obligating the school district to make
 1 12 payments beyond its current budget year for that
 1 13 employee benefit plan. A school district may,
 1 14 however, apply to the school budget review committee
 1 15 for relief if necessitated by the expenses in the
 1 16 school district's insurance program as described in
 1 17 subsection 2.
 1 18 Sec. _____. Section 298.4, Code 2007, is amended by
 1 19 adding the following new subsection:
 1 20 NEW SUBSECTION. 6. To pay the cost of employee
 1 21 health benefits. For the purposes of this subsection,
 1 22 employee health benefits means costs for hospital and
 1 23 surgical, medical expense, major medical, dental, or
 1 24 prescription drug benefits. In authorizing a levy
 1 25 pursuant to this subsection, the board may, and upon
 1 26 the written request of not less than one hundred
 1 27 eligible electors or thirty percent of the number of
 1 28 eligible electors voting at the last regular school
 1 29 election, whichever is greater, shall direct the
 1 30 county commissioner of elections to provide for
 1 31 submitting the proposition of utilizing the management
 1 32 levy for employee health benefits in the notice of the
 1 33 regular school election. The proposition is adopted
 1 34 if a majority of those voting on the proposition at
 1 35 the election approves it. The district management
 1 36 levy may, in the board's discretion, be utilized to
 1 37 fund all, or a portion, of the district's employee
 1 38 health benefit costs. Authorization to levy pursuant
 1 39 to this subsection shall be in the board's discretion
 1 40 and shall not be subject to or imposed by arbitrator
 1 41 decision.>
 1 42
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 1 44
 1 45 FREVERT of Palo Alto
 1 46 SF 601.230 82
 1 47 mg/es/10028
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Iowa General Assembly
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House Amendment 2064

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 53, by inserting after line 6 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 422.11T BIODIESEL
1 6 BLENDED FUEL TAX CREDIT FOR CONSUMERS.
1 7 1. As used in this section, unless the context
1 8 otherwise requires:
1 9 a. "Biodiesel blended fuel" and "retail dealer"
1 10 mean the same as defined in section 214A.1.
1 11 b. "Purchase" means to purchase on a retail basis.
1 12 c. "Tax credit" means a biodiesel blended fuel tax
1 13 credit for consumers as provided in this section.
1 14 2. The taxes imposed under this division, less the
1 15 credits allowed under sections 422.12 and 422.12B,
1 16 shall be reduced by the amount of the biodiesel
1 17 blended fuel tax credit for consumers for each tax
1 18 year that the taxpayer is eligible to claim a tax
1 19 credit under this subsection.
1 20 a. In order to be eligible, all of the following
1 21 must apply:
1 22 (1) The taxpayer is a consumer who purchases
1 23 biodiesel blended fuel from a retail dealer in the tax
1 24 year in which the tax credit is claimed.
1 25 (2) The consumer does not resell the biodiesel
1 26 blended fuel.
1 27 (3) The consumer complies with requirements of the
1 28 department established to administer this section.
1 29 b. The tax credit shall apply to biodiesel blended
1 30 fuel formulated with a minimum percentage of two
1 31 percent by volume of biodiesel, if the formulation
1 32 meets the standards provided in section 214A.2.
1 33 3. The amount of the tax credit is seven cents
1 34 multiplied by the total number of gallons of biodiesel
1 35 blended fuel purchased by the consumer during the
1 36 consumer's tax year.
1 37 4. Any credit in excess of the consumer's tax
1 38 liability shall be refunded. In lieu of claiming a
1 39 refund, the consumer may elect to have the overpayment
1 40 shown on the consumer's final, completed return
1 41 credited to the tax liability for the following tax
1 42 year.
1 43 5. An individual may claim the tax credit allowed
1 44 a partnership, limited liability company, S
1 45 corporation, estate, or trust electing to have the
1 46 income taxed directly to the individual. The amount
1 47 claimed by the individual shall be based upon the pro
1 48 rata share of the individual's earnings of the
1 49 partnership, limited liability company, S corporation,
1 50 estate, or trust.



Iowa General Assembly
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House Amendment 2064 continued

2 1 Sec. _____. Section 422.33, Code 2007, is amended by
2 2 adding the following new subsection:
2 3 NEW SUBSECTION. 11D. The taxes imposed under this
2 4 division shall be reduced by a biodiesel blended fuel
2 5 tax credit for consumers for each tax year that the
2 6 taxpayer is eligible to claim the tax credit under
2 7 this subsection.
2 8 a. The taxpayer may claim the biodiesel blended
2 9 fuel tax for consumers credit according to the same
2 10 requirements, for the same amount, and calculated in
2 11 the same manner, as provided for the biodiesel blended
2 12 fuel tax credit for consumers pursuant to section
2 13 422.11T.
2 14 b. Any biodiesel blended fuel tax credit for
2 15 consumers which is in excess of the taxpayer's tax
2 16 liability shall be refunded or may be shown on the
2 17 taxpayer's final, completed return credited to the tax
2 18 liability for the following tax year in the same
2 19 manner as provided in section 422.11T.>
2 20 #2. Page 59, by inserting after line 4 the
2 21 following:
2 22 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. The
2 23 sections of this division of this Act enacting section
2 24 422.11T and section 422.33, subsection 11D, take
2 25 effect January 1, 2008, and apply to tax years
2 26 beginning on or after that date.>
2 27
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2 30 ALONS of Sioux
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2 34 WORTHAN of Buena Vista
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2 38 KAUFMANN of Cedar
2 39
2 40
2 41
2 42 DEYOE of Story
2 43 SF 601.221 82
2 44 mg/es/10011



Iowa General Assembly
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House Amendment 2065

PAG LIN

1 1 Amend House File 922 as follows:

1 2 #1. Page 1, by striking lines 25 through 27 and

1 3 inserting the following:

1 4 <(1) An individual providing child care in a

1 5 private residence to children who reside in the

1 6 private residence.>

1 7 #2. Page 1, by striking lines 28 and 29 and

1 8 inserting the following:

1 9 <(2) A relative providing care to children who are

1 10 all related to the relative.>

1 11

1 12

1 13

1 14 ROBERTS of Carroll

1 15 HF 922.204 82

1 16 jp/es/10548

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House Amendment 2066

PAG LIN

1 1 Amend House File 933 as follows:
1 2 #1. By striking page 1, line 1, through page 2,
1 3 line 25.
1 4 #2. Title page, by striking lines 1 through 3 and
1 5 inserting the following: <An Act expanding the powers
1 6 of>.
1 7 #3. By renumbering as necessary.
1 8
1 9
1 10
1 11 LENSING of Johnson
1 12 HF 933.501 82
1 13 av/je/9705
1 14
1 15
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Iowa General Assembly
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House Study Bill 322

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON LENSING)

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

A BILL FOR

1 An Act relating to student loans, including the protection of
2 students and parents from certain lenders and institutions of
3 higher education with conflicts of interest, and establishing
4 penalties and a student lending education fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2939YC 82
7 kh/gg/14



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House Study Bill 322 continued

PAG LIN

1 1 Section 1. NEW SECTION. 261E.1 DEFINITIONS.
1 2 As used in this chapter, unless otherwise specified:
1 3 1. "Administrator" means either the attorney general or
1 4 the attorney general's designee. The attorney general may
1 5 charge the college student aid commission or the
1 6 superintendent of banking, credit unions, or savings and loans
1 7 with enforcing this chapter against the person under
1 8 investigation.
1 9 2. "Borrower" means a student attending a covered
1 10 institution in this state, or a parent or person in parental
1 11 relation to such student, who also obtains an educational loan
1 12 from a lending institution to pay for or finance higher
1 13 education expenses.
1 14 3. "Covered institution" means any educational institution
1 15 that offers a postsecondary educational degree, certificate,
1 16 or program of study and receives state funding or assistance.
1 17 "Covered institution" includes an agent of the educational
1 18 institution, including an alumni association, booster club, or
1 19 other organization directly or indirectly associated with the
1 20 institution.
1 21 4. "Covered institution employee" means any employee,
1 22 agent, contractor, director, officer, or trustee of a covered
1 23 institution.
1 24 5. "Educational loan" means any loan that is made,
1 25 insured, or guaranteed under title IV of the federal Higher
1 26 Education Act of 1965, as amended, any high risk loan, or any
1 27 private loan issued by a lending institution for the purposes
1 28 of paying for or financing higher education expenses.
1 29 6. "Gift" means any discount, favor, gratuity, inducement,
1 30 loan, stock, thing of value, or other item having a monetary
1 31 value of more than ten dollars.
1 32 a. The term "gift" includes but is not limited to:
1 33 (1) Any money, service, loan, entertainment, honoraria,
1 34 hospitality, lodging costs, meals, registration fees, travel
1 35 expenses, discount, forbearance, or promise.



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- 2 1 (2) Gifts provided in kind, by purchase of a ticket,
2 2 payment in advance, or reimbursement after expenses have been
2 3 incurred.
- 2 4 (3) Any computer hardware for which the recipient pays
2 5 below-market prices.
- 2 6 (4) Any printing costs or services.
- 2 7 b. The term "gift" does not include any of the following:
- 2 8 (1) A lending institution's own brochure or promotional
2 9 literature.
- 2 10 (2) Food, refreshments, training, or informational
2 11 material furnished to a covered institution employee as an
2 12 integral part of a training session, if such training
2 13 contributes to the professional development of the covered
2 14 institution employee.
- 2 15 7. "High risk loans" means any agreement between a lending
2 16 institution and a covered institution that provides for the
2 17 lending institution to provide loans to students with a poor
2 18 or no credit history, who would otherwise not be eligible for
2 19 educational loans.
- 2 20 8. "Higher education expenses" includes all of the
2 21 following:
- 2 22 a. Tuition and fees.
- 2 23 b. Costs incurred for books, supplies, transportation, and
2 24 miscellaneous personal expenses.
- 2 25 c. Room and board costs.
- 2 26 9. "Lending institution" means any of the following:
- 2 27 a. Any entity that itself or through an affiliate makes
2 28 educational loans to pay for or finance higher education
2 29 expenses or that securitizes such loans.
- 2 30 b. Any entity, or association of entities, that guarantees
2 31 educational loans.
- 2 32 c. Any industry, trade, or professional association or
2 33 other entity that receives money from any entity described in
2 34 paragraph "a" or "b".
- 2 35 10. "Preferred lender list" means a list of one or more



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3 1 recommended or suggested lending institutions that a covered
3 2 institution makes available for use, in print or any other
3 3 medium or form, by borrowers, prospective borrowers, or
3 4 others.

3 5 11. "Revenue sharing" means any arrangement whereby a
3 6 lending institution pays a covered institution or an
3 7 affiliated entity or organization of such covered institution
3 8 a percentage of the principal of each loan directed towards
3 9 the lending institution from a borrower at the covered
3 10 institution.

3 11 Sec. 2. NEW SECTION. 261E.2 PROHIBITION OF GIFTS BY
3 12 LENDING INSTITUTIONS TO COVERED INSTITUTIONS AND EMPLOYEES.

3 13 1. A lending institution shall not, directly or
3 14 indirectly, offer or provide any gift to a covered institution
3 15 or a covered institution employee in exchange for any
3 16 advantage or consideration provided to such lending
3 17 institution related to its educational loan activities.

3 18 2. A lending institution shall not engage in revenue
3 19 sharing with a covered institution.

3 20 Sec. 3. NEW SECTION. 261E.3 PROHIBITION OF RECEIPT OF
3 21 GIFTS BY COVERED INSTITUTIONS.

3 22 1. A covered institution shall not, directly or
3 23 indirectly, solicit, accept, or receive any gift from or on
3 24 behalf of a lending institution in exchange for any advantage
3 25 or consideration provided to such lending institution related
3 26 to its educational loan activities.

3 27 2. A covered institution shall not engage in revenue
3 28 sharing with a lending institution.

3 29 Sec. 4. NEW SECTION. 261E.4 PROHIBITION OF RECEIPT OF
3 30 GIFTS BY COVERED INSTITUTION EMPLOYEES.

3 31 1. A covered institution shall prohibit a covered
3 32 institution employee, on the employee's behalf or on behalf of
3 33 another, directly or indirectly, from soliciting, accepting,
3 34 or receiving any gift from or on behalf of a lending
3 35 institution. Nothing in this subsection shall be construed as



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4 1 prohibiting a covered institution employee from conducting
4 2 business with a lending institution, provided that such
4 3 business is unrelated in any manner whatsoever to a covered
4 4 institution.

4 5 2. A covered institution employee, on the employee's
4 6 behalf or on behalf of another, shall not directly or
4 7 indirectly solicit, accept, or receive any gift from or on
4 8 behalf of a lending institution. Nothing in this subsection
4 9 shall be construed as prohibiting a covered institution
4 10 employee from conducting business with any lending
4 11 institution, provided that such business is unrelated in any
4 12 manner whatsoever with the covered institution.

4 13 3. A covered institution employee shall report to the
4 14 administrator any instance of a lending institution attempting
4 15 to give a gift to the covered institution employee.

4 16 Sec. 5. NEW SECTION. 261E.5 COVERED INSTITUTION EMPLOYEE
4 17 PROHIBITIONS AND REPORTING REQUIREMENTS.

4 18 1. A lending institution shall not provide any
4 19 remuneration or expense reimbursement to a covered institution
4 20 employee for serving as a member of or participant on an
4 21 advisory board of a lending institution.

4 22 2. A covered institution shall prohibit a covered
4 23 institution employee from receiving any remuneration for
4 24 serving as a member of or participant on an advisory board of
4 25 a lending institution or receiving any reimbursement of
4 26 expenses for so serving, notwithstanding section 261.4.

4 27 3. Nothing in this section shall be construed as
4 28 prohibiting any of the following:

4 29 a. A covered institution employee's participation on an
4 30 advisory board of a lending institution that is unrelated in
4 31 any manner whatsoever to educational loans.

4 32 b. A covered institution employee, who does not have a
4 33 direct interest in or does not benefit from the functions of
4 34 the covered institution's financial aid office, from serving
4 35 on a board of directors of a publicly traded or privately held



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5 1 company.

5 2 4. A covered institution employee who is directly involved
5 3 with or benefits from the functions of the covered
5 4 institution's financial aid office shall report to the
5 5 administrator, in a form and manner prescribed by the
5 6 administrator, all participation or financial interests
5 7 related to any lending institution.

5 8 Sec. 6. NEW SECTION. 261E.6 MISLEADING IDENTIFICATION OF
5 9 LENDING INSTITUTIONS' EMPLOYEES.

5 10 1. A lending institution shall prohibit an employee or
5 11 agent of the lending institution from being identified to
5 12 borrowers or prospective borrowers of a covered institution as
5 13 an employee, representative, or agent of the covered
5 14 institution.

5 15 2. A covered institution shall prohibit an employee or
5 16 agent of a lending institution from being identified as an
5 17 employee, representative, or agent of the covered institution.

5 18 3. An employee, representative, or agent of a lending
5 19 institution shall not staff a covered institution's financial
5 20 aid offices.

5 21 Sec. 7. NEW SECTION. 261E.7 LOAN DISCLOSURE AND
5 22 PROHIBITION OF QUID PRO QUO HIGH RISK LOANS.

5 23 1. A covered institution shall inform the borrower or
5 24 prospective borrower of all available state education
5 25 financing options, and financing options under title IV of the
5 26 federal Higher Education Act of 1965, as amended, including
5 27 information on any terms and conditions of available loans
5 28 under such title that are more favorable to the borrower,
5 29 before a lending institution may provide a private educational
5 30 loan to a borrower attending a covered institution with which
5 31 a lending institution has an educational loan arrangement.

5 32 2. Neither a lending institution nor a covered institution
5 33 shall enter into an agreement or otherwise provide any high
5 34 risk loans in exchange for the covered institution providing
5 35 concessions or promises to the lending institution that may



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6 1 prejudice other borrowers or prospective borrowers.
6 2 Sec. 8. NEW SECTION. 261E.8 STANDARDS FOR PREFERRED
6 3 LENDER LISTS.
6 4 A covered institution that provides or makes available a
6 5 preferred lender list shall comply with all of the following
6 6 standards:
6 7 1. A preferred lender list shall disclose the process by
6 8 which the covered institution selected lending institutions
6 9 for such preferred lender list, including, but not limited to,
6 10 the method and criteria used to choose the lending
6 11 institutions and the relative importance of those criteria.
6 12 2. A preferred lender list shall state in the same font
6 13 size and same manner as the predominant text on the document
6 14 that borrowers have the right and ability to select the
6 15 education loan provider of their choice, are not required to
6 16 use any of the lenders on such preferred lender list, and will
6 17 suffer no penalty for choosing a lender that is not on such
6 18 preferred lender list.
6 19 3. The covered institution's decision to include a lending
6 20 institution on any preferred lender list and the covered
6 21 institution's decision as to where on the preferred lender
6 22 list the lending institution's name appears shall be
6 23 determined solely by consideration of the best interests of
6 24 the borrowers who may use such preferred lender list without
6 25 regard to the pecuniary interests of the covered institution.
6 26 4. The contents of any preferred lender list shall be
6 27 reviewed and updated at least annually.
6 28 5. A lending institution shall not be placed on a
6 29 preferred lender list unless the lending institution provides
6 30 assurance to the covered institution and to borrowers who take
6 31 out loans from the lending institution that the advertised
6 32 benefits upon repayment will continue to inure to the benefit
6 33 of borrowers regardless of whether the lending institution's
6 34 loans are sold.
6 35 6. A lending institution that, to the covered



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7 1 institution's knowledge after reasonable inquiry, has an
7 2 agreement to sell its loans to another unaffiliated lending
7 3 institution shall not be included on a preferred lender list
7 4 unless such agreement is disclosed therein in the same font
7 5 size and same manner as the predominant text on the document
7 6 in which the preferred lender list appears.

7 7 7. A lending institution shall not be placed on a covered
7 8 institution's preferred lender lists or in favored placement
7 9 on a covered institution's preferred lender lists for a
7 10 particular type of loan, in exchange for benefits provided to
7 11 the covered institution or to the covered institution's
7 12 students in connection with a different type of loan.

7 13 Sec. 9. NEW SECTION. 261E.9 PROPER EXECUTION OF MASTER
7 14 PROMISSORY NOTES.

7 15 A covered institution shall not direct potential borrowers
7 16 to any electronic master promissory notes or other loan
7 17 agreements that do not allow the borrower to enter the lender
7 18 code or name for any lending institution offering the relevant
7 19 loan.

7 20 Sec. 10. NEW SECTION. 261E.10 DISCLOSURES AT REQUEST OF
7 21 COVERED INSTITUTIONS.

7 22 Except for educational loans made, insured, or guaranteed
7 23 by the federal government, upon the request of any covered
7 24 institution, a lending institution shall disclose to such
7 25 covered institution, in reasonable detail and form, the
7 26 historic default rates of the borrowers from such covered
7 27 institution, and the rates of interest charged to borrowers
7 28 from such covered institution in the year preceding the
7 29 disclosures and the number of borrowers obtaining each rate of
7 30 interest.

7 31 Sec. 11. NEW SECTION. 261E.11 PENALTIES.

7 32 1. If after providing notice and an opportunity for a
7 33 hearing the administrator determines that a covered
7 34 institution or lending institution has violated a provision of
7 35 this chapter, the covered institution or lending institution



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8 1 may be liable for a civil penalty of up to fifty thousand
8 2 dollars. In taking action against a covered institution or
8 3 lending institution, consideration shall be given to the
8 4 nature and severity of a violation of this chapter.
8 5 2. If after providing notice and an opportunity for a
8 6 hearing the administrator determines that a covered
8 7 institution employee has violated a provision of this chapter,
8 8 the covered institution employee may be liable for a civil
8 9 penalty of up to seven thousand five hundred dollars. In
8 10 taking action against a covered institution employee,
8 11 consideration shall be given to the nature and severity of a
8 12 violation of this chapter.
8 13 3. If after providing notice and an opportunity for a
8 14 hearing the administrator determines that a lending
8 15 institution has violated a provision of this chapter, such
8 16 lending institution shall not be placed or remain on any
8 17 covered institution's preferred lender list unless notice of
8 18 such violation is provided to all potential borrowers of the
8 19 covered institution.
8 20 4. Nothing in this section shall prohibit the
8 21 administrator from reaching a settlement agreement with a
8 22 covered institution, covered institution employee, or lending
8 23 institution in order to effectuate the purposes of this
8 24 section. Provided, however, if such settlement agreement is
8 25 reached with a covered institution or lending institution, the
8 26 administrator shall provide notice of such action to the
8 27 borrowers in a form and manner prescribed by the
8 28 administrator.
8 29 5. The administrator shall deposit the funds generated
8 30 pursuant to this section into the student lending education
8 31 fund, created in section 261E.13. Such funds shall be given
8 32 to covered institutions upon application to the attorney
8 33 general for the purposes provided pursuant to section 261E.13.
8 34 Sec. 12. NEW SECTION. 261E.12 RULES AND REGULATIONS.
8 35 The attorney general and any official or agency charged by



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9 1 the attorney general with enforcing this chapter against a
9 2 person under investigation shall promulgate rules and
9 3 regulations necessary for the implementation of this chapter.
9 4 Sec. 13. NEW SECTION. 261E.13 STUDENT LENDING EDUCATION
9 5 FUND.

9 6 1. There is established in the state treasury a student
9 7 lending education fund.

9 8 2. The fund shall consist of all revenues generated
9 9 pursuant to section 261E.11 and all other moneys credited or
9 10 transferred to the fund from any other fund or source pursuant
9 11 to law.

9 12 3. Moneys in the fund shall be made available to the
9 13 attorney general for the purposes of:

9 14 a. Supporting programs that educate students, prospective
9 15 students, and parents of such students on the loan process
9 16 including but not limited to available loan options and
9 17 understanding rates and terms of student loans.

9 18 b. Reimbursing students from inflated loan prices caused
9 19 by revenue sharing agreements between such covered institution
9 20 and a lending institution.

9 21 EXPLANATION

9 22 This bill relates to protection of students and parents
9 23 from certain lenders and institutions of higher education with
9 24 conflicts of interest, and establishes penalties and a student
9 25 lending education fund under the control of the attorney
9 26 general.

9 27 DEFINITIONS. The bill defines "covered institution" as any
9 28 educational institution that offers a postsecondary
9 29 educational degree, certificate, or program of study and
9 30 receives state funding or assistance. The term includes an
9 31 agent of the educational institution, including an alumni
9 32 association, booster club, or other organization directly or
9 33 indirectly associated with the institution. "Gift" means
9 34 anything having a monetary value of more than \$10 except a
9 35 lending institution's own brochure or promotional literature



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10 1 and food, refreshments, training, or informational material
10 2 furnished to a covered institution employee as an integral
10 3 part of a training session, if such training contributes to
10 4 the professional development of the covered institution
10 5 employee.

10 6 GIFTS AND REMUNERATION PROHIBITED. The bill prohibits a
10 7 lending institution from providing a covered institution with
10 8 a gift in exchange for any advantage or consideration relating
10 9 to the lending institution's educational loan activities.
10 10 Likewise, the bill prohibits a covered institution and its
10 11 employees from accepting or soliciting a gift from a lending
10 12 institution for any advantage or consideration relating to the
10 13 lending institution's educational loan activities and from
10 14 revenue sharing with the lending institution. However,
10 15 nothing in the bill prohibits a covered institution employee
10 16 from conducting business with a lending institution unrelated
10 17 to a covered institution.

10 18 GIFT REPORTING. Covered institution employees are required
10 19 to report to the administrator any instance of a lending
10 20 institution attempting to give a gift to such covered
10 21 institution employees.

10 22 ADMINISTRATOR. The administrator of the chapter is the
10 23 attorney general or the attorney general's designee. However,
10 24 the bill authorizes the attorney general to charge the college
10 25 student aid commission or the superintendent of banking,
10 26 credit unions, or savings and loans with enforcing the
10 27 chapter, and those entities are permitted to adopt rules to
10 28 implement the chapter.

10 29 REMUNERATION PROHIBITED. An employee of a covered
10 30 institution is prohibited from receiving remuneration or
10 31 expense reimbursement for serving as a member or participant
10 32 of an advisory board of a lending institution. Lending
10 33 institutions are prohibited from providing remuneration or
10 34 expense reimbursement to a covered institution employee for
10 35 serving as a member or participant of an advisory board of a



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11 1 lending institution.

11 2 EMPLOYEE DISCLOSURE OF BENEFIT. Covered institution
11 3 employees who are directly involved with or benefit from the
11 4 functions of the covered institution's financial aid office
11 5 are required to report to the administrator all participation
11 6 or financial interests related to any lending institution.

11 7 EMPLOYEE AND AGENT MISREPRESENTATION PROHIBITED. A lending
11 8 institution is prohibited from representing its employees or
11 9 agents to borrowers or prospective borrowers of a covered
11 10 institution as employees, representatives, or agents of a
11 11 covered institution. Employees or agents of a covered
11 12 institution are also prohibited from identifying themselves as
11 13 employees or agents of a lending institution to borrowers or
11 14 prospective borrowers of the covered institution.

11 15 FINANCIAL AID STAFFING PROHIBITION. An employee,
11 16 representative, or agent of a lending institution is
11 17 prohibited from staffing a covered institution's financial aid
11 18 offices.

11 19 DISCLOSURE OF FAVORABLE LOAN OPTIONS. A covered
11 20 institution must inform the borrower or prospective borrower
11 21 of all available federal financing options that are more
11 22 favorable to the borrower before a lending institution may
11 23 provide a private educational loan to a borrower attending a
11 24 covered institution with which a lending institution has an
11 25 educational loan arrangement.

11 26 HIGH RISK LOAN PROHIBITION. Lending institutions and
11 27 covered institutions are prohibited from entering into an
11 28 agreement, or otherwise providing any high risk loans, in
11 29 exchange for the covered institution providing concessions or
11 30 promises to the lending institution that may prejudice other
11 31 borrowers or prospective borrowers.

11 32 PREFERRED LENDER LIST STANDARDS. The bill establishes a
11 33 number of standards with which a covered institution that
11 34 provides or makes available a preferred lender list must
11 35 comply. A lending institution that violates a provision of



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12 1 the bill shall not be placed or remain on any covered
12 2 institution's preferred lender list unless notice of the
12 3 violation is provided to all potential borrowers.
12 4 ELECTRONIC MASTER PROMISSORY NOTE PROHIBITION. A covered
12 5 institution is prohibited from directing potential borrowers
12 6 to any electronic master promissory notes or other loan
12 7 agreements that do not allow the borrower to enter the lender
12 8 code or name for any lending institution offering the relevant
12 9 loan.
12 10 DEFAULT RATE DISCLOSURE. Lending institutions must
12 11 disclose to covered institutions the historic default rates of
12 12 the borrowers and the rates of interest charged to borrowers
12 13 from such covered institution in the year preceding the
12 14 disclosures and the number of borrowers obtaining each rate of
12 15 interest.
12 16 CIVIL PENALTY. An institution that violates a provision of
12 17 the bill may be liable for a civil penalty of up to \$50,000.
12 18 A covered institution employee who violates a provision of the
12 19 bill may be liable for a civil penalty of up to \$7,500.
12 20 FUND USE. Funds collected which result from the imposition
12 21 of penalties are to be deposited in the student lending
12 22 education account, which is established in the state treasury
12 23 and is available to the attorney general. Moneys in the fund
12 24 may be given to covered institutions to educate borrowers and
12 25 prospective borrowers on the loan process and to reimburse
12 26 borrowers from inflated loan prices caused by revenue sharing
12 27 agreements between covered institutions and lending
12 28 institutions.
12 29 LSB 2939YC 82
12 30 kh:nh/gg/14



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Senate Amendment 3496

PAG LIN

1 1 Amend Senate File 512 as follows:
1 2 #1. Page 4, by striking line 13 and inserting the
1 3 following: <dealing in performance of the pharmacy
1 4 benefits manager's contractual obligations toward the
1 5 covered entity.>
1 6 #2. Page 4, by striking lines 27 and 28 and
1 7 inserting the following:
1 8 <a. The aggregate amount of all rebates>.
1 9 #3. Page 4, line 29, by striking the word <by> and
1 10 inserting the following: <from>.
1 11 #4. By striking page 5, line 33, through page 6,
1 12 line 6, and inserting the following:
1 13 <2. Information disclosed to a covered entity
1 14 pursuant to section 155B.4 shall be deemed a trade
1 15 secret for the purposes of chapter 550. Any
1 16 disclosure of such information beyond that authorized
1 17 by section 155B.4 and this section shall be deemed a
1 18 misappropriation as defined in section 550.2 and is a
1 19 violation of chapter 550 for which the remedies
1 20 provided in chapter 550 shall be applicable.
1 21 3. This section does not prohibit a covered entity
1 22 from disclosing information made confidential and
1 23 proprietary under this section to the commissioner
1 24 pursuant to a written request initiated by the
1 25 commissioner. Information disclosed to the
1 26 commissioner pursuant to this subsection shall be held
1 27 by the commissioner as confidential and proprietary
1 28 information not subject to public inspection or
1 29 disclosure or to further dissemination.>
1 30 #5. Page 6, line 22, by striking the word <may>
1 31 and inserting the following: <and the pharmacy
1 32 benefits manager shall mutually>.
1 33 #6. Page 7, by striking lines 23 through 32 and
1 34 inserting the following: <entity the cost of both
1 35 drugs and any benefit or payment directly or
1 36 indirectly accruing to the pharmacy benefits manager
1 37 as a result of the substitution. A pharmacy benefits
1 38 manager is not required to disclose the information
1 39 required in this subsection to the covered entity
1 40 under any of the following circumstances:
1 41 a. The drug substitution is initiated for patient
1 42 safety reasons.
1 43 b. The currently prescribed drug is no longer
1 44 available in the market.>
1 45 #7. Page 8, line 24, by striking the word
1 46 <twenty-four> and inserting the following: <a
1 47 reasonable period of time, not to exceed seventy=two>.
1 48
1 49
1 50



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Senate Amendment 3496 continued

2 1 JEFF DANIELSON
2 2 SF 512.301 82
2 3 pf/cf/10551



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Senate Amendment 3497

PAG LIN

1 1 Amend Senate File 559, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by striking lines 1 through 11 and
1 4 inserting the following: <payments made under the
1 5 purchase agreement, except that ~~the seller~~ a limited
1 6 liability corporation that was formed in 2002 for the
1 7 purpose of purchasing a cemetery from a foreign entity
1 8 reorganizing under bankruptcy and such corporation is
1 9 comprised of six establishments all located within the
1 10 same county may withdraw so much of the interest or
1 11 income as represents the difference between the amount
1 12 needed to adjust the trust funds for inflation as set
1 13 by the commissioner based on the consumer price index
1 14 and the interest or income earned during the preceding
1 15 year not to exceed fifty percent of the total interest
1 16 or income on a calendar-year basis. The early
1 17 withdrawal of interest or income under this provision
1 18 does not affect the purchaser's right to a credit of
1 19 such interest or income in the event of a
1 20 nonguaranteed price agreement, cancellation, or
1 21 nonperformance by ~~the seller~~ such limited liability
1 22 corporation.>

1 23 #2. Page 10, by striking lines 19 through 26 and
1 24 inserting the following:
1 25 <7. ~~An initial permit is valid for two years from~~
1 26 ~~the date the application is filed. A permit may~~
1 27 preneed seller's license shall be renewed for two
1 28 every four years by filing the form prescribed by the
1 29 commissioner under subsection 2, accompanied by a ten
1 30 dollar renewal fee in an amount set by the
1 31 commissioner by rule. Submission of purchase
1 32 agreements is not required for renewals unless the
1 33 purchase agreements have been modified since the last
1 34 filing.>

1 35 #3. Page 13, by striking lines 11 through 16 and
1 36 inserting the following:
1 37 <5. ~~An initial permit expires one year from the~~
1 38 ~~date the application is filed. The permit may sales~~
1 39 license shall be renewed for every four years by
1 40 filing the form prescribed by the commissioner under
1 41 subsection 3, accompanied by a twenty dollar filing
1 42 renewal fee in an amount set by the commissioner by
1 43 rule.>

1 44 #4. Page 14, line 16, by striking the words <,
1 45 including a copy of> and inserting the following:
1 46 <describing>.

1 47 #5. Page 17, lines 28 and 29, by striking the
1 48 words <the end of the calendar month that we received>
1 49 and inserting the following: <receipt of>.

1 50 #6. Page 18, by striking lines 5 through 8, and



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Senate Amendment 3497 continued

2 1 inserting the following:

2 2 <"An>.

2 3 #7. Page 18, line 15, by inserting after the word
2 4 <confirmation.> the following: <For your protection,
2 5 you have the right to confirm that the insurance
2 6 policy or annuity is issued as required by law.>

2 7 #8. Page 18, by striking lines 26 through 29, and
2 8 inserting the following:

2 9 <"Coverage under a surety bond in>.

2 10 #9. Page 19, line 4, by inserting after the word
2 11 <agreement.> the following: <For your protection, you
2 12 have the right to confirm that the surety bond is
2 13 issued as required by law.>

2 14 #10. Page 20, by striking lines 8 through 18, and
2 15 inserting the following:

2 16 <Sec. _____. Section 523A.703, Code 2007, is amended
2 17 to read as follows:

2 18 523A.703 FRAUDULENT PRACTICES.

2 19 A Except as otherwise provided in section 523A.704,
2 20 a person who willfully commits any of the following

2 21 acts commits a fraudulent practice and is punishable
2 22 as provided in chapter 714:

2 23 1. ~~Knowingly fails~~ Fails to comply with any
2 24 requirement of this chapter, or any rule adopted or
2 25 order issued under this chapter.

2 26 2. ~~Knowingly makes~~ Makes, causes to be made, or
2 27 subscribes to a false statement or representation in a
2 28 report or other document required under this chapter,
2 29 implementing rules, or orders, or renders such a
2 30 report or document misleading through the deliberate
2 31 omission of information properly belonging in the
2 32 report or document.

2 33 3. ~~Conspires to defraud in~~ In connection with the
2 34 sale of cemetery merchandise, funeral merchandise,
2 35 funeral services, or a combination thereof ~~under this~~
2 36 ~~chapter,~~ directly or indirectly makes an untrue
2 37 statement of a material fact or omits to state a
2 38 material fact that is necessary to make the statements
2 39 made, in light of the circumstances under which they
2 40 were made, not misleading.

2 41 4. ~~Fails to deposit funds under sections 523A.201~~
2 42 ~~and 523A.202 or withdraws any funds in a manner~~
2 43 ~~inconsistent with this chapter.~~ Unless the purchase
2 44 agreement expressly provides otherwise, excludes in
2 45 the sale of cemetery merchandise, funeral merchandise,
2 46 or a combination thereof, funeral services that are
2 47 necessary for the delivery, use, or installation of
2 48 the cemetery merchandise or funeral merchandise at the
2 49 time of the burial or funeral.

2 50 5. ~~Knowingly sells or offers cemetery merchandise,~~



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~~Senate Amendment 3497 continued~~

~~3 1 funeral merchandise, funeral services, or a
3 2 combination thereof without an establishment permit.
3 3 6. Deliberately misrepresents or omits a material
3 4 fact relative to the sale of cemetery merchandise,
3 5 funeral merchandise, funeral services, or a
3 6 combination thereof under this chapter. When selling
3 7 cemetery merchandise or funeral merchandise, a seller
3 8 shall not exclude the funeral services necessary for
3 9 the delivery, use, or installation of the cemetery
3 10 merchandise or funeral merchandise at the time of the
3 11 funeral or burial unless the purchase agreement
3 12 expressly provides otherwise.~~

3 13 Sec. ____ . NEW SECTION. 523A.704 VIOLATIONS.

3 14 A person who willfully violates section 523A.501,
3 15 subsection 1, or section 523A.502, subsection 1, is
3 16 guilty of a class "D" felony.>

3 17 #11. Page 20, by inserting after line 34 the
3 18 following:

3 19 <Sec. ____ . Section 523A.801, Code 2007, is amended
3 20 by adding the following new subsection:

3 21 NEW SUBSECTION. 3. The commissioner shall submit
3 22 an annual report to the legislative oversight
3 23 committee by October 1 of each year reporting on the
3 24 administration of this chapter. The report shall set
3 25 forth any recommendations for changes in the law that
3 26 the commissioner deems necessary or desirable to
3 27 prevent abuses or evasions of this chapter or rules
3 28 implementing this chapter or to rectify undesirable
3 29 conditions in connection with the administration of
3 30 this chapter or rules implementing this chapter.>

3 31 #12. Page 24, by inserting after line 27 the
3 32 following:

3 33 <Sec. ____ . Section 523I.201, Code 2007, is amended
3 34 by adding the following new subsection:

3 35 NEW SUBSECTION. 3. The commissioner shall submit
3 36 an annual report to the legislative oversight
3 37 committee by October 1 of each year reporting on the
3 38 administration of this chapter. The report shall set
3 39 forth any recommendations for changes in the law that
3 40 the commissioner deems necessary or desirable to
3 41 prevent abuses or evasions of this chapter or rules
3 42 implementing this chapter or to rectify undesirable
3 43 conditions in connection with the administration of
3 44 this chapter or rules implementing this chapter.>

3 45 #13. Page 26, line 26, by striking the word <five>
3 46 and inserting the following: <three>.

3 47 #14. Page 26, line 29, by inserting after the word
3 48 <requirement> the following: <or the seller has
3 49 previously provided to the commissioner a certified
3 50 copy of an audit conducted by an independent certified



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 3497 continued

4 1 public accountant verifying compliance with this
4 2 chapter for each year in question and the examination
4 3 conducted by the commissioner does not disclose that
4 4 the seller has not complied with this chapter for the
4 5 years in question>.
4 6 #15. Page 27, by inserting after line 32 the
4 7 following:
4 8 <Sec. _____. Section 523I.304, Code 2007, is amended
4 9 by adding the following new subsection:
4 10 NEW SUBSECTION. 7. A cemetery owned and
4 11 controlled by a governmental subdivision shall adopt
4 12 and enforce a rule allowing any veteran who is a
4 13 landowner or who lives within the governmental
4 14 subdivision to purchase an interment space and to be
4 15 interred within the cemetery. For the purposes of
4 16 this section, "veteran" means the same as defined in
4 17 section 35.1 or a resident of this state who served in
4 18 the armed forces of the United States, completed a
4 19 minimum aggregate of ninety days of active federal
4 20 service, and was discharged under honorable
4 21 conditions.>
4 22 #16. By renumbering, relettering, or redesignating
4 23 and correcting internal references as necessary.
4 24 SF 559.H
4 25 ab/jg/25



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 26, 2007**

Senate Amendment 3499

PAG LIN

1 1 Amend Senate File 421, as passed by the Senate, as
 1 2 follows:
 1 3 #1. Page 2, line 17, by inserting after the word
 1 4 <reasonable.> the following: <This section does not
 1 5 affect the responsibility of an insurance carrier or
 1 6 an employer to pay amounts not in dispute or a health
 1 7 service provider's right to receive payment from an
 1 8 employee's nonoccupational plan as provided in section
 1 9 85.38, subsection 2.>
 1 10 #2. Page 2, by inserting after line 35 the
 1 11 following:
 1 12 <Sec. ____ . Section 537.5301, subsection 4, Code
 1 13 2007, is amended to read as follows:
 1 14 4. A person who willfully and knowingly violates
 1 15 the provisions of section 537.7103 is guilty of a
 1 16 serious misdemeanor. However, this subsection is not
 1 17 applicable to a violation of section 537.7103,
 1 18 subsection 7.>
 1 19 #3. By renumbering as necessary.
 1 20 SF 421.H
 1 21 av/jg/25
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 26, 2007

Senate Amendment 3500

PAG LIN

1 1 Amend Senate File 606 as follows:

1 2 #1. Page 3, by inserting after line 1 the
1 3 following:

1 4 <Sec. _____. Section 312.2, subsections 12 and 13,
1 5 Code 2007, are amended to read as follows:

1 6 12. The treasurer of state, before making the
1 7 allotments provided for in this section, shall credit
1 8 monthly from the road use tax fund to the revitalize
1 9 Iowa's sound economy fund, created under section
1 10 315.2, the revenue accruing to the road use tax fund
1 11 in the amount equal to the revenues collected under
1 12 each of the following:

1 13 a. From the excise tax on motor fuel and special
1 14 fuel imposed under the tax rate of section 452A.3
1 15 except aviation gasoline, the amount of excise tax
1 16 collected from one and ~~eleven-twentieths~~ three-fourths
1 17 cents per gallon.

1 18 b. From the excise tax on special fuel for diesel
1 19 engines, the amount of excise tax collected from one
1 20 and ~~eleven-twentieths~~ three-fourths cents per gallon.

1 21 13. The treasurer of state, before making the
1 22 allotments provided for in this section, shall credit
1 23 monthly from the road use tax fund to the secondary
1 24 road fund the revenue accruing to the road use tax
1 25 fund in the amount equal to the revenues collected
1 26 under each of the following:

1 27 a. From the excise tax on motor fuel and special
1 28 fuel imposed under the tax rate of section 452A.3,
1 29 except aviation gasoline, the amount of excise tax
1 30 collected from ~~nine-twentieths~~ one-fourth cent per
1 31 gallon.

1 32 b. From the excise tax on special fuel for diesel
1 33 engines, the amount of excise tax collected from
1 34 ~~nine-twentieths~~ one-fourth cent per gallon.

1 35 Sec. _____. Section 315.4, Code 2007, is amended to
1 36 read as follows:

1 37 315.4 ALLOCATION OF FUND.

1 38 Moneys credited to the RISE fund shall be allocated
1 39 as follows:

1 40 1. ~~Twenty thirty-firsts~~ Four-sevenths for deposit
1 41 in the primary road fund for the use of the department
1 42 on primary road projects ~~exclusively for highways~~
~~which are identified under section 307A.2 as being~~
1 44 ~~part of the network of commercial and industrial~~
1 45 ~~highways.~~ as follows:

1 46 a. Fifty percent for highways that support the
1 47 production or transport of renewable fuels, including
1 48 primary highways that connect biofuel facilities to
1 49 highways in the commercial and industrial highway
1 50 network.



Iowa General Assembly
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April 26, 2007

Senate Amendment 3500 continued

2 1 b. Fifty percent for highways that have been
2 2 designated by the state transportation commission as
2 3 access Iowa highways pursuant to 2005 Iowa Acts,
2 4 chapter 178, section 41.

2 5 2. ~~One thirty-first~~ One-seventh for the use of
2 6 counties on secondary road projects, including
2 7 secondary roads that connect biofuel facilities to
2 8 highways in the commercial and industrial highway
2 9 network.

2 10 3. ~~Ten thirty-firsts~~ Two-sevenths for the use of
2 11 cities on city street projects.

2 12 Commencing June 30, 1990, all uncommitted moneys in
2 13 the RISE fund on June 30 of each year which are
2 14 allocated under this section for the use of counties
2 15 on secondary road projects shall be credited to the
2 16 secondary road fund.>

2 17 #2. Title page, by striking lines 2 through 4 and
2 18 inserting the following: <of roads.>

2 19 #3. By renumbering as necessary.

2 20

2 21

2 22

2 23 STEVE WARNSTADT

2 24 STEVE KETTERING

2 25 SF 606.502 82

2 26 dea/je/8967



Iowa General Assembly
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April 26, 2007

Senate Amendment 3501

PAG LIN

1 1 Amend Senate File 606 as follows:
1 2 #1. Page 3, line 21, by striking the figure <1,>
1 3 and inserting the following: <15,>.
1 4
1 5
1 6
1 7 MATT McCOY
1 8 SF 606.501 82
1 9 dea/je/8968
1 10
1 11
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Iowa General Assembly
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Senate Amendment 3502

PAG LIN

1 1 Amend the amendment, S=3488, to Senate File 455, as
1 2 follows:
1 3 #1. Page 4, by inserting after line 50 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 692A.2B PRESENCE ON THE
1 6 REAL PROPERTY WHERE CHILDREN ARE PRESENT ==
1 7 RESTRICTION.
1 8 1. DEFINITIONS. As used in this section, "school"
1 9 means a public or nonpublic elementary or secondary
1 10 school.
1 11 2. RESTRICTION. A person required to register
1 12 under this chapter who has been convicted of a
1 13 criminal offense against a minor, or an offense
1 14 involving a minor that is an aggravated offense,
1 15 sexually violent offense, or other relevant offense,
1 16 shall not be knowingly present on the real property
1 17 comprising a school, child care facility, public park,
1 18 athletic field, library, zoo, public swimming pool,
1 19 video arcade, or profit or nonprofit athletic or
1 20 activity club unless subsection 3 or 4 applies or any
1 21 of the following apply after the person has provided
1 22 timely written notification with respect to paragraphs
1 23 "a" through "d" to the administrative offices of the
1 24 school or child care facility of the date and times of
1 25 the person's presence:
1 26 a. The person is transporting a minor who is a
1 27 child of the person to or from the school or child
1 28 care facility.
1 29 b. The person is attending a parent=teacher
1 30 conference regarding a minor who is a child of the
1 31 person.
1 32 c. The person has been summoned to discuss the
1 33 academic or social progress of a minor who is a child
1 34 of the person.
1 35 d. The person is voting at the school or child
1 36 care facility during the hours designated to vote.
1 37 3. SCHOOL OR CHILD CARE FACILITY EXCEPTION. If
1 38 the person intends to be present at a school or child
1 39 care facility for any other reason not enumerated in
1 40 subsection 2, paragraphs "a" through "d", the person
1 41 shall first notify the administrative offices of the
1 42 school or child care facility that the person intends
1 43 to be present on the real property comprising the
1 44 school or child care facility, and the person shall
1 45 receive written permission from the school or child
1 46 care facility prior to entering onto the real property
1 47 comprising the school or child care facility.
1 48 4. PUBLIC PARK, ATHLETIC FIELD, LIBRARY, ZOO,
1 49 PUBLIC SWIMMING POOL, VIDEO ARCADE, OR PROFIT OR
1 50 NONPROFIT ATHLETIC OR ACTIVITY CLUB EXCEPTION. If the



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Senate Amendment 3502 continued

2 1 person intends to be present at a public park,
2 2 athletic field, library, zoo, public swimming pool,
2 3 video arcade, or profit or nonprofit athletic or
2 4 activity club, the person shall first notify the
2 5 administrative offices of the public park, athletic
2 6 field, library, zoo, public swimming pool, video
2 7 arcade, or profit or nonprofit athletic or activity
2 8 club that the person intends to be present on the real
2 9 property comprising the public park, athletic field,
2 10 library, zoo, public swimming pool, video arcade, or
2 11 profit or nonprofit athletic or activity club, and the
2 12 person shall receive written permission from the
2 13 administrative offices of the public park, athletic
2 14 field, library, zoo, public swimming pool, video
2 15 arcade, or profit or nonprofit athletic or activity
2 16 club prior to entering onto the real property
2 17 comprising the public park, athletic field, library,
2 18 zoo, public swimming pool, video arcade, or profit or
2 19 nonprofit athletic or activity club. Written
2 20 permission received pursuant to this subsection
2 21 permits entry onto the real property until such time
2 22 as the administrative office revokes the written
2 23 permission.

2 24 5. PENALTY. A person who commits a violation of
2 25 this section commits a class "D" felony.>

2 26 #2. Page 6, line 30, by inserting after the word
2 27 <residency> the following: <and safety zone>.

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2 30

2 31 LARRY MCKIBBEN

2 32 JERRY BEHN

2 33 E. THURMAN GASKILL

2 34 JAMES A. SEYMOUR

2 35 LARRY NOBLE

2 36 PAUL MCKINLEY

2 37 BRAD ZAUN

2 38 DAVE MULDER

2 39 DAVID JOHNSON

2 40 PAT WARD

2 41 DAVID L. HARTSUCH

2 42 MARK ZIEMAN

2 43 NANCY J. BOETTGER

2 44 JOHN PUTNEY

2 45 MARY A. LUNDBY

2 46 RON WIECK

2 47 STEVE KETTERING

2 48 JAMES F. HAHN

2 49 SF 455.305 82

2 50 jm/cf/10213



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Senate Amendment 3503

PAG LIN

1 1 Amend the amendment, S=3488, to Senate File 455 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 11 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 692A.7A DUTY TO INFORM
1 6 LAW ENFORCEMENT == PENALTY.
1 7 A person commits a class "D" felony if the person
1 8 knows that another person is required to register
1 9 under this chapter and that the other person is not in
1 10 compliance with this chapter or is eluding a law
1 11 enforcement agency that is seeking to find the other
1 12 person, and the person does any of the following acts:
1 13 1. Withholds information from or fails to notify a
1 14 law enforcement agency about the whereabouts of the
1 15 other person.
1 16 2. Provides materially false information to a
1 17 peace officer about the other person.
1 18 3. Harbors the other person.
1 19 4. Conceals the other person.>
1 20 #2. Page 2, by inserting after line 3 the
1 21 following:
1 22 <Sec. _____. Section 902.9, unnumbered paragraph 1,
1 23 Code 2007, is amended to read as follows:
1 24 The maximum sentence for any person convicted of a
1 25 felony shall be that prescribed by statute or, if not
1 26 prescribed by statute, if other than a class "A" or
1 27 class "B1" felony shall be determined as follows:
1 28 Sec. _____. NEW SECTION. 902.9A CLASS "B1" FELONS.
1 29 A person convicted of a class "B1" felony shall be
1 30 confined for a term of years as ordered by the court
1 31 at the time of sentencing. The minimum term of
1 32 confinement shall be twenty=five years and the maximum
1 33 term of confinement may be for the rest of the
1 34 defendant's life.
1 35 Sec. _____. NEW SECTION. 902.15 SEXUAL ABUSE,
1 36 LASCIVIOUS ACTS, OR SEXUAL EXPLOITATION ==
1 37 ENHANCEMENT.
1 38 Notwithstanding the penalty for a violation of
1 39 section 709.3, 709.8, or 728.12, if a person eighteen
1 40 years of age or older commits an offense against a
1 41 child twelve years of age or younger in violation of
1 42 section 709.3, 709.8, or 728.12, subsection 1, the
1 43 person commits a class "B1" felony and shall be denied
1 44 parole or work release until the term of the sentence
1 45 ordered pursuant to section 902.9A has been served.
1 46 Sec. _____. Section 903A.2, subsection 1, unnumbered
1 47 paragraph 1, Code 2007, is amended to read as follows:
1 48 Each inmate committed to the custody of the
1 49 director of the department of corrections is eligible
1 50 to earn a reduction of sentence, except as provided in



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Senate Amendment 3503 continued

2 1 paragraph "c", in the manner provided in this section.
2 2 For purposes of calculating the amount of time by
2 3 which an inmate's sentence may be reduced, inmates
2 4 shall be grouped into the following ~~two~~ three
2 5 sentencing categories:
2 6 Sec. _____. Section 903A.2, subsection 1, Code 2007,
2 7 is amended by adding the following new paragraph:
2 8 NEW PARAGRAPH. c. Category "C" sentences are
2 9 those sentences which are classified as class "B1"
2 10 felonies under section 902.15. An inmate of an
2 11 institution under the control of the department of
2 12 corrections who is serving a category "C" sentence is
2 13 not eligible for a reduction of sentence.
2 14 Sec. _____. Section 903A.7, Code 2007, is amended to
2 15 read as follows:
2 16 903A.7 SEPARATE SENTENCES.
2 17 Consecutive multiple sentences that are within the
2 18 same category under section 903A.2 shall be construed
2 19 as one continuous sentence for purposes of calculating
2 20 reductions of sentence for earned time. If a person
2 21 is sentenced to serve sentences of ~~both~~ multiple
2 22 categories, category "C" sentences shall be served
2 23 before category "B" or "A" sentences are served,
2 24 category "B" sentences shall be served before category
2 25 "A" sentences are served, and earned time accrued
2 26 against category "C" sentences shall not be used to
2 27 reduce category "B" or "A" sentences, and earned time
2 28 accrued against the category "B" sentences shall not
2 29 be used to reduce the category "A" sentences. If an
2 30 inmate serving a category "A" sentence is sentenced to
2 31 serve either a category "C" or "B" sentence, the
2 32 category "A" sentence shall be interrupted, and no
2 33 further earned time shall accrue against that sentence
2 34 until the category "C" or "B" sentence is completed.
2 35 Sec. _____. Section 903B.1, Code 2007, is amended to
2 36 read as follows:
2 37 903B.1 SPECIAL SENTENCE == CLASS "B1", CLASS "B",
2 38 OR CLASS "C" FELONIES.
2 39 A person convicted of a class "C" felony or greater
2 40 offense under chapter 709, ~~or~~ a class "C" felony under
2 41 section 728.12, or a class "B1" felony under section
2 42 902.15, shall also be sentenced, in addition to any
2 43 other punishment provided by law, to a special
2 44 sentence committing the person into the custody of the
2 45 director of the Iowa department of corrections for the
2 46 rest of the person's life, with eligibility for parole
2 47 as provided in chapter 906. The special sentence
2 48 imposed under this section shall commence upon
2 49 completion of the sentence imposed under any
2 50 applicable criminal sentencing provisions for the



Iowa General Assembly
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Senate Amendment 3503 continued

3 1 underlying criminal offense and the person shall begin
3 2 the sentence under supervision as if on parole. The
3 3 person shall be placed on the corrections continuum in
3 4 chapter 901B, and the terms and conditions of the
3 5 special sentence, including violations, shall be
3 6 subject to the same set of procedures set out in
3 7 chapters 901B, 905, 906, and ~~chapter~~ 908, and rules
3 8 adopted under those chapters for persons on parole.
3 9 The revocation of release shall not be for a period
3 10 greater than two years upon any first revocation, and
3 11 five years upon any second or subsequent revocation.
3 12 A special sentence shall be considered a category "A"
3 13 sentence for purposes of calculating earned time under
3 14 section 903A.2.

3 15 Sec. _____. Section 907.3, subsection 1, paragraph
3 16 a, Code 2007, is amended to read as follows:

3 17 a. The offense is a violation of section 709.8 or
3 18 728.12, subsection 1, and the child is twelve years of
3 19 age or under.>

3 20 #3. Page 6, line 28, by striking the word <acts>
3 21 and inserting the following: <offenses>.

3 22 #4. By renumbering as necessary.

3 23

3 24

3 25

3 26 LARRY McKIBBEN

3 27 JERRY BEHN

3 28 E. THURMAN GASKILL

3 29 JAMES A. SEYMOUR

3 30 LARRY NOBLE

3 31 PAUL McKINLEY

3 32 BRAD ZAUN

3 33 DAVE MULDER

3 34 DAVID JOHNSON

3 35 PAT WARD

3 36 DAVID L. HARTSUCH

3 37 MARK ZIEMAN

3 38 NANCY J. BOETTGER

3 39 JOHN PUTNEY

3 40 MARY A. LUNDBY

3 41 RON WIECK

3 42 STEVE KETTERING

3 43 JAMES F. HAHN

3 44 SF 455.306 82

3 45 jm/cf/10214



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Senate Amendment 3504

PAG LIN

1 1 Amend the amendment, S=3488, to Senate File 455 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 22 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 709.23 FORCED SEX ACT
1 6 INVOLVING MINORS.
1 7 1. A person eighteen years of age or older who,
1 8 for the purpose of arousing or satisfying the person's
1 9 sexual desires, forces, coerces, solicits, or uses a
1 10 position of authority to persuade two or more minors
1 11 to engage in a sex act, where at least one of the
1 12 participants is under the age of twelve, is guilty of
1 13 a class "B" felony.
1 14 2. A person eighteen years of age or older who,
1 15 for the purpose of arousing or satisfying the person's
1 16 sexual desires, forces, coerces, solicits, or uses a
1 17 position of authority to persuade two or more minors
1 18 to engage in a sex act, where at least one of the
1 19 participants is twelve or thirteen years of age, is
1 20 guilty of a class "C" felony.
1 21 3. A person eighteen years of age or older who,
1 22 for the purpose of arousing or satisfying the person's
1 23 sexual desires, forces, coerces, solicits, or uses a
1 24 position of authority to persuade a minor under
1 25 fourteen years of age to use an artificial sexual
1 26 organ or substitute therefor to contact the minor's
1 27 own genitalia or anus, is guilty of a class "D"
1 28 felony.
1 29 4. The act of forcing, coercing, soliciting, or
1 30 persuading each minor to engage in a sex act under
1 31 subsection 1 or 2 constitutes a separate offense.>
1 32 #2. By renumbering as necessary.
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1 34
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1 36 LARRY McKIBBEN
1 37 JERRY BEHN
1 38 E. THURMAN GASKILL
1 39 JAMES A. SEYMOUR
1 40 LARRY NOBLE
1 41 PAUL McKINLEY
1 42 BRAD ZAUN
1 43 DAVE MULDER
1 44 RON WIECK
1 45 DAVID JOHNSON
1 46 PAT WARD
1 47 DAVID L. HARTSUCH
1 48 MARK ZIEMAN
1 49 NANCY J. BOETTGER
1 50 JOHN PUTNEY



**Iowa General Assembly
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Senate Amendment 3504 continued

2 1 MARY A. LUNDBY
2 2 STEVE KETTERING
2 3 JAMES F. HAHN
2 4 SF 455.204 82
2 5 jm/es/10212



**Iowa General Assembly
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Senate Resolution 52 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
 1 2 BY KREIMAN
 1 3 A Resolution honoring the Davis County Little League
 1 4 All-Star Team for winning the 2006 Iowa Little League
 1 5 State Championship.
 1 6 WHEREAS, on July 27, 2006, the Davis County Little
 1 7 League All-Star Team made history when, for the first
 1 8 time, it won the Iowa Little League State
 1 9 Championship; and
 1 10 WHEREAS, that victory was clinched with a
 1 11 well-played 5=2 win over Davenport, avenging a loss
 1 12 early in the tournament; and
 1 13 WHEREAS, that win propelled the All-Stars to the
 1 14 Midwest Regional Little League Tournament in
 1 15 Indianapolis, Indiana; and
 1 16 WHEREAS, to finance this trip the team turned from
 1 17 athletes to fund=raisers, with a whirlwind of
 1 18 activities raising over \$5,000; and
 1 19 WHEREAS, at the Midwest Regional Little League
 1 20 Tournament, competing against eight other state
 1 21 champions, the All-Stars continued their winning ways,
 1 22 advancing through the semifinals to the championship
 1 23 game; and
 1 24 WHEREAS, with a hard=fought loss to Missouri's
 1 25 Daniel Boone National Little League team, the
 1 26 All-Stars finished the tournament in second place; NOW
 1 27 THEREFORE,
 1 28 BE IT RESOLVED BY THE SENATE, That the Senate
 1 29 congratulates Clint Foster, Hunter McClure, Brandt
 1 30 Robinson, Damen Dixon, Jacob Davidson, Calvin Utt,



**Iowa General Assembly
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Senate Resolution 52 - Introduced continued

2 1 Logan Cutler, Josey Garmon, Josh Martsching, Calvin
2 2 Mathews, Kody McSparen, Austin Roberts, Manager Ron
2 3 Martsching, and Coach Doug Mathews, for their
2 4 remarkable 2006 season.
2 5 LSB 2036SS 82
2 6 jr:nh/gg/14