



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 13, 2008

House Amendment 8100

PAG LIN

1 1 Amend Senate File 473, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 3, by inserting after line 12 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. Section 144B.1, Code 2007, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 1A. "Designee" means a person  
1 8 named in a declaration under chapter 144C that is  
1 9 contained in or attached to a durable power of  
1 10 attorney for health care.  
1 11 Sec. \_\_\_\_\_. Section 144B.5, Code 2007, is amended by  
1 12 adding the following new subsection:  
1 13 NEW SUBSECTION. 5. A durable power of attorney  
1 14 for health care may include a declaration under  
1 15 chapter 144C that names a designee and alternate  
1 16 designees who may be different persons than the  
1 17 attorney in fact or alternate attorneys in fact who  
1 18 are designated in the durable power of attorney for  
1 19 health care.>  
1 20 #2. Page 3, line 15, by striking the word  
1 21 <Directives>.  
1 22 #3. Page 3, line 32, by inserting after the word  
1 23 <instrument,> the following: <contained in or  
1 24 attached to a durable power of attorney for health  
1 25 care under chapter 144B, that is>.  
1 26 #4. Page 3, line 33, by inserting after the word  
1 27 <chapter,> the following: <and>.  
1 28 #5. Page 3, line 34, by striking the words <and  
1 29 may direct> and inserting the following: <who shall  
1 30 have the sole responsibility and discretion for making  
1 31 decisions concerning>.  
1 32 #6. Page 4, lines 3 and 4, by striking the words  
1 33 <to implement the declarant's wishes contained in the  
1 34 declaration> and inserting the following: <who shall  
1 35 have the sole responsibility and discretion for making  
1 36 decisions concerning the final disposition of the  
1 37 declarant's remains and the ceremonies planned after  
1 38 the declarant's death>.  
1 39 #7. Page 4, lines 21 and 22, by striking the words  
1 40 <, as applied to implementation of a declarant's  
1 41 directives in a declaration,>.  
1 42 #8. By striking page 4, line 32, through page 5,  
1 43 line 7, and inserting the following:  
1 44 <19. a. "Third party" means a person who is  
1 45 requested to dispose of remains by an adult with the  
1 46 right to dispose of a decedent's remains under section  
1 47 144C.5 or assist with arrangements for ceremonies  
1 48 planned after the declarant's death.>  
1 49 #9. Page 5, lines 12 and 13, by striking the words  
1 50 <FINAL DISPOSITION OF REMAINS> and inserting the



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House Amendment 8100 continued

2 1 following: <DESIGNEE>.  
2 2 #10. Page 5, by striking lines 14 through 19 and  
2 3 inserting the following:  
2 4 <\_\_\_\_. A declaration shall name a designee who  
2 5 shall have the sole responsibility and discretion for  
2 6 making decisions concerning the final disposition of  
2 7 the declarant's remains and the ceremonies planned  
2 8 after the declarant's death. A declaration may name  
2 9 one or more alternate designees and may include  
2 10 contact information for the designees and alternate  
2 11 designees.  
2 12 \_\_\_\_\_. A declaration shall not include directives  
2 13 for final disposition of the declarant's remains and  
2 14 shall not include arrangements for ceremonies planned  
2 15 after the declarant's death.>  
2 16 #11. Page 5, by striking lines 20 and 21 and  
2 17 inserting the following:  
2 18 <\_\_\_\_. A designee, an alternate designee, and a  
2 19 third party shall act in good faith and in a manner  
2 20 that is>.  
2 21 #12. Page 6, line 13, by striking the words  
2 22 <directives contained in the declaration> and  
2 23 inserting the following: <decisions made by the  
2 24 designee>.  
2 25 #13. Page 8, lines 18 and 19, by striking the  
2 26 words <FINAL DISPOSITION OF REMAINS> and inserting the  
2 27 following: <DESIGNEE>.  
2 28 #14. Page 8, lines 22 and 23, by striking the  
2 29 words <to implement my wishes relating to> and  
2 30 inserting the following: <. My designee shall have  
2 31 the sole responsibility for making decisions  
2 32 concerning>.  
2 33 #15. Page 8, by striking lines 25 through 27 and  
2 34 inserting the following: <This declaration hereby  
2 35 revokes all prior declarations. This>.  
2 36 #16. Page 8, lines 29 and 30, by striking the  
2 37 words <consistently with my directives as stated in  
2 38 this declaration,>.  
2 39 #17. By striking page 8, line 31, through page 9,  
2 40 line 2, and inserting the following: <under the  
2 41 circumstances.>  
2 42 #18. Page 9, line 15, by striking the word  
2 43 <contained>.  
2 44 #19. Page 9, line 15, by inserting after the word  
2 45 <completed,> the following: <is contained in or  
2 46 attached to a durable power of attorney for health  
2 47 care under chapter 144B,>.  
2 48 #20. By striking page 9, line 27, through page 10,  
2 49 line 9, and inserting the following:  
2 50 <3. A declaration may include the location of an



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House Amendment 8100 continued

3 1 agreement for prearranged funeral services or funeral  
3 2 merchandise as defined in and executed under chapter  
3 3 523A, cemetery lots owned by or reserved for the  
3 4 declarant, and special instructions regarding organ  
3 5 donation consistent with chapter 142C.>

3 6 #21. Page 10, lines 11 and 12, by striking the  
3 7 words <or any directive contained in a declaration".

3 8 #22. Page 11, line 15, by inserting after the word  
3 9 <by> the following: <the designee, an alternate  
3 10 designee, and>.

3 11 #23. Page 11, line 16, by striking the words <a  
3 12 directive of the declarant> and inserting the  
3 13 following: <the declaration>.

3 14 #24. Page 11, by striking lines 24 through 31 and  
3 15 inserting the following:

3 16 <2. The most recent declaration executed by a  
3 17 declarant shall control.

3 18 3. All declarations executed prior to the  
3 19 effective date of this Act which substantially comply  
3 20 with the requirements of this chapter shall be given  
3 21 full force and effect.>

3 22 #25. Page 11, by striking lines 32 through 34.

3 23 #26. Page 13, by inserting after line 6, the  
3 24 following:

3 25 <Sec. \_\_\_\_\_. Section 331.805, subsection 3,  
3 26 paragraph b, Code 2007, is amended to read as follows:

3 27 b. If the ~~next of kin, guardian, or other person~~  
3 28 authorized to act on behalf control the remains of a  
3 29 deceased person under section 144C.5 has requested  
3 30 that the body of the deceased person be cremated, a  
3 31 permit for cremation must be obtained from a medical  
3 32 examiner. Cremation permits by the medical examiner  
3 33 must be made on the most current forms prepared at the  
3 34 direction of and approved by the state medical  
3 35 examiner, with copies forwarded to the state medical  
3 36 examiner's office. Costs for the cremation permit  
3 37 issued by a medical examiner shall not exceed  
3 38 seventy-five dollars. The costs ~~shall be borne by the~~  
~~3 39 family, next of kin, guardian of the decedent, or~~  
~~3 40 other person~~ of the permit and other reasonable  
3 41 cremation expenses may be paid from the decedent's  
3 42 estate pursuant to section 633.425, subsection 3.>

3 43 #27. Page 13, by striking lines 11 through 14 and  
3 44 inserting the following:

3 45 <1. ~~Any available member of the following classes~~  
~~3 46 of persons, in the priority listed, A person~~  
3 47 authorized to control the deceased person's remains  
3 48 under section 144C.5 shall have the right to control  
3 49 the interment, relocation, or disinterment of a  
3 50 decedent's remains within or from a cemetery+.>



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House Amendment 8100 continued

4 1 #28. Page 15, line 3, by striking the figures <2-  
4 2 1.> and inserting the following: <2.>  
4 3 #29. Page 15, line 30, by striking the figure <2.>  
4 4 and inserting the following: <3.>  
4 5 #30. Page 16, line 5, by striking the figure <3.>  
4 6 and inserting the following: <4.>  
4 7 #31. Page 17, line 3, by striking the figure <4.>  
4 8 and inserting the following: <5.>  
4 9 #32. Page 17, line 12, by striking the figure <5.>  
4 10 and inserting the following: <6.>  
4 11 #33. Page 17, line 27, by striking the figure <6.>  
4 12 and inserting the following: <7.>  
4 13 #34. Title page, line 2, by striking the word  
4 14 <directing> and inserting the following: <designating  
4 15 a person to have sole responsibility and discretion  
4 16 concerning>.  
4 17 #35. Title page, line 2, by striking the word  
4 18 <person's> and inserting the following: <adult's>.  
4 19 #36. By renumbering as necessary.  
4 20  
4 21  
4 22  
4 23 COMMITTEE ON HUMAN RESOURCES  
4 24 SMITH of Marshall, Chairperson  
4 25 SF 473.302 82  
4 26 av/rj/9019



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House Amendment 8101

PAG LIN

1 1 Amend House File 2537 as follows:  
1 2 #1. Page 1, by striking lines 4 through 29 and  
1 3 inserting the following:  
1 4 <1. "Beverage" means a liquid drink intended  
1 5 primarily for human consumption and packaged in a  
1 6 beverage container for sale to consumers. Beverage  
1 7 includes but is not limited to water, mineral water,  
1 8 flavored water, soda water, carbonated soft drinks,  
1 9 noncarbonated soft drinks, fruit and other juice  
1 10 drinks, coffee and tea drinks, wine, distilled spirits  
1 11 or other liquors, and beer and other malt beverages.  
1 12 Beverage does not include:  
1 13 a. Farm-produced apple cider which has not been  
1 14 heated, pasteurized, or otherwise processed.  
1 15 b. Milk or other primarily dairy-based drinks  
1 16 including unflavored soymilk and unflavored rice-milk.  
1 17 2. "Beverage container" means a glass, plastic, or  
1 18 metal container, sealed by the manufacturer,  
1 19 containing any of the following:  
1 20 a. A beverage of at least five and one-half fluid  
1 21 ounces or one hundred sixty-two milliliters but not  
1 22 more than thirty-four fluid ounces or one liter in  
1 23 size.  
1 24 b. A carbonated beverage of at least five and  
1 25 one-half fluid ounces or one hundred sixty-two  
1 26 milliliters but not more than sixty-eight fluid ounces  
1 27 or two liters in size.>  
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1 31 WESSEL-KROESCHELL of Story  
1 32 HF 2537.202 82  
1 33 tw/rj/20642  
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# House Amendment 8102

PAG LIN

1 1 Amend House File 2605 as follows:  
1 2 #1. Page 21, line 11, by inserting after the word  
1 3 <prefix> the following: <"Dr." or>.  
1 4  
1 5  
1 6  
1 7 HUNTER of Polk  
1 8 HF 2605.501 82  
1 9 jr/rj/20640  
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## House Amendment 8103

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1 1 Amend House File 2588 as follows:  
 1 2 #1. Page 2, by inserting after line 11 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 483A.8B, unnumbered paragraph  
 1 5 1, Code 2007, is amended to read as follows:  
 1 6 A person who is a resident and who is ~~seventy~~  
 1 7 sixty-five years of age or older may be issued one  
 1 8 special senior statewide antlerless deer only crossbow  
 1 9 deer hunting license to hunt deer during bow season as  
 1 10 established by rule by the commission. A person who  
 1 11 obtains a license to hunt deer under this section is  
 1 12 not required to pay the wildlife habitat fee but shall  
 1 13 be otherwise qualified to hunt deer in this state and  
 1 14 shall have a resident hunting license.>  
 1 15 #2. Title page, line 1, by inserting after the  
 1 16 word <Act> the following: <relating to the issuance  
 1 17 of hunting licenses by>.  
 1 18 #3. Title page, line 2, by inserting after the  
 1 19 word <license> the following: <, allowing the  
 1 20 issuance of special senior crossbow deer hunting  
 1 21 licenses to residents who are sixty-five years of age  
 1 22 or older,>.  
 1 23 #4. By renumbering as necessary.  
 1 24  
 1 25  
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 1 27 ALONS of Sioux  
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 1 31 D. TAYLOR of Linn  
 1 32 HF 2588.501 82  
 1 33 av/nh/20655  
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House Amendment 8104

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1 1 Amend House File 2620 as follows:  
 1 2 #1. Page 41, by inserting after line 9 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 48A.7A, Code Supplement 2007,  
 1 5 is amended by adding the following new subsection:  
 1 6 NEW SUBSECTION. 3A. A person registering to vote  
 1 7 under this section shall cast a provisional ballot in  
 1 8 the manner prescribed by section 49.81.>  
 1 9 #2. Page 44, by inserting after line 27 the  
 1 10 following:  
 1 11 <Sec. \_\_\_\_\_. Section 49.77, subsection 4, paragraph  
 1 12 b, Code Supplement 2007, is amended to read as  
 1 13 follows:  
 1 14 b. If the voter informs the precinct election  
 1 15 official that the voter resides in the precinct and is  
 1 16 not registered to vote, the voter may register to vote  
 1 17 pursuant to section 48A.7A and cast a ballot. ~~If in~~  
 1 18 ~~the manner prescribed by section 49.81, including when~~  
 1 19 ~~such a voter is unable to establish identity and~~  
 1 20 ~~residency in the manner provided in section 48A.7A,~~  
 1 21 ~~subsection 1, paragraph "b" or "c", the voter shall be~~  
 1 22 ~~allowed to cast a ballot in the manner prescribed by~~  
 1 23 ~~section 49.81.>~~  
 1 24 #3. By renumbering as necessary.  
 1 25  
 1 26  
 1 27  
 1 28 TYMESON of Madison  
 1 29 HF 2620.701 82  
 1 30 sc/nh/11053  
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# House Amendment 8105

PAG LIN

1 1 Amend House File 2381 as follows:  
 1 2 #1. By striking everything after the enacting  
 1 3 clause and inserting the following:  
 1 4 <Section 1. Section 717D.4, subsection 2, Code  
 1 5 2007, is amended to read as follows:  
 1 6 2. A person who violates section 717D.2 by acting  
 1 7 as a spectator of a contest event conducted in this  
 1 8 state is guilty of ~~an aggravated misdemeanor~~ a class  
 1 9 "C" felony.

---

1 10 Sec. 2. Section 902.12, Code 2007, is amended by  
 1 11 adding the following new subsection:  
 1 12 NEW SUBSECTION. 7. Acting as a spectator of a  
 1 13 contest event conducted in this state in violation of  
 1 14 section 717D.2.>

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 1 18 R. OLSON of Polk  
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 1 22 TOMENGA of Polk  
 1 23 HF 2381.201 82  
 1 24 da/nh/20660

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House Amendment 8106

PAG LIN

1 1 Amend Senate File 2203 as follows:  
 1 2 #1. By striking everything after the enacting  
 1 3 clause and inserting the following:  
 1 4 <Section 1. Section 717D.4, subsection 2, Code  
 1 5 2007, is amended to read as follows:  
 1 6 2. A person who violates section 717D.2 by acting  
 1 7 as a spectator of a contest event conducted in this  
 1 8 state is guilty of ~~an aggravated misdemeanor~~ a class  
 1 9 "C" felony.

---

1 10 Sec. 2. Section 902.12, Code 2007, is amended by  
 1 11 adding the following new subsection:  
 1 12 NEW SUBSECTION. 7. Acting as a spectator of a  
 1 13 contest event conducted in this state in violation of  
 1 14 section 717D.2.>

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 1 18 R. OLSON of Polk  
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 1 22 TOMENGA of Polk  
 1 23 SF 2203.701 82  
 1 24 da/nh/11157

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# House Amendment 8107

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1 1 Amend House File 2612 as follows:  
1 2 #1. Page 3, by striking line 9, and inserting the  
1 3 following:  
1 4 <e. Is registered to vote in this state.>  
1 5 #2. By renumbering as necessary.  
1 6  
1 7  
1 8  
1 9 BAUDLER of Adair  
1 10 HF 2612.201 82  
1 11 da/sc/20648  
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# House Amendment 8108

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1 1 Amend House File 2613 as follows:  
1 2 #1. Page 7, line 3, by inserting after the word  
1 3 <has> the following: <eligibility and>.  
1 4 #2. Page 7, line 4, by inserting after the word  
1 5 <the> the following: <eligibility and>.  
1 6  
1 7  
1 8  
1 9 R. OLSON of Polk  
1 10 HF 2613.201 82  
1 11 rh/rj/11221  
1 12  
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**House Amendment 8109**

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1 1 Amend House File 2540 as follows:  
 1 2 #1. Page 1, by inserting after line 15, the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. NEW SECTION. 167.18A STATE REMOVAL OF  
 1 5 ANIMAL CARCASS FROM PUBLIC ROADWAY.  
 1 6 The state shall remove an animal carcass weighing  
 1 7 more than twenty pounds from a public road or highway,  
 1 8 including an adjacent right-of-way, under the  
 1 9 jurisdiction of the department of transportation,  
 1 10 within twenty-four hours after the animal's death  
 1 11 becomes known to the state. The department of public  
 1 12 safety shall cooperate with the department of  
 1 13 transportation in administering this section. The  
 1 14 department of transportation shall enter into chapter  
 1 15 28E agreements as necessary with political  
 1 16 subdivisions in order to administer this section.  
 1 17 Sec. \_\_\_\_\_. NEW SECTION. 167.18B COUNTY REMOVAL OF  
 1 18 ANIMAL CARCASS FROM PUBLIC ROADWAY.  
 1 19 A county shall remove an animal carcass weighing  
 1 20 more than twenty pounds from a public road or highway,  
 1 21 including an adjacent right-of-way, under the  
 1 22 jurisdiction of the county within twenty-four hours  
 1 23 after the animal's death becomes known to the county.  
 1 24 The county board of supervisors shall cooperate with  
 1 25 the department of transportation and the department of  
 1 26 public safety in administering this section. A county  
 1 27 shall enter into chapter 28E agreements as necessary  
 1 28 with other political subdivisions or a state agency,  
 1 29 including the department of transportation and the  
 1 30 department of public safety, in order to administer  
 1 31 this section.>  
 1 32 #2. Title page, lines 1 and 2, by striking the  
 1 33 words <in a water of this state>.  
 1 34 #3. By renumbering as necessary.  
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 1 38 PAULSEN of Linn  
 1 39 HF 2540.702 82  
 1 40 da/nh/11188  
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March 13, 2008

House File 2606 - Introduced

HOUSE FILE  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 699)

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

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

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

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

Approved

A BILL FOR

- 1 An Act relating to the regulation of transactions involving
- 2 grain, by providing for the regulation of grain dealers and
- 3 warehouse operators, and providing for the administration of
- 4 the grain indemnity fund.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 6074HV 82
- 7 da/nh/5



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House File 2606 - Introduced continued

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1 1 Section 1. Section 203.1, subsection 7, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 7. "Financial institution" means a any of the following:  
1 4 a. A bank or savings and loan association authorized by  
1 5 the laws of this state, any other state, of Iowa or by the  
1 6 ~~laws of the United States, which is a member of the federal~~  
1 7 ~~deposit insurance corporation or the federal savings and loan~~  
1 8 ~~insurance corporation, respectively; or the national.~~  
1 9 b. A bank for cooperatives established in the Agricultural  
1 10 Credit Act, Pub. L. No. 100-233 or association chartered by  
1 11 the farm credit system under the federal Farm Credit Act, as  
1 12 amended, 12 U.S.C. ch. 23.  
1 13 Sec. 2. Section 203.1, Code Supplement 2007, is amended by  
1 14 adding the following new subsection:  
1 15 NEW SUBSECTION. 14. "Warehouse operator" means the same  
1 16 as defined in section 203C.1.  
1 17 Sec. 3. Section 203.3, subsection 4, paragraph b,  
1 18 unnumbered paragraph 1, Code 2007, is amended to read as  
1 19 follows:  
1 20 The grain dealer shall submit, as required by the  
1 21 department, a financial statement that is accompanied by an  
1 22 unqualified opinion based upon an audit performed by a  
1 23 certified public accountant licensed in this state. However,  
1 24 the department may accept a qualification in an opinion that  
1 25 is unavoidable by any audit procedure that is permitted under  
1 26 generally accepted accounting principles. An opinion that is  
1 27 qualified because of a limited audit procedure or because the  
1 28 scope of an audit is limited shall not be accepted by the  
1 29 department. The department shall not require that a grain  
1 30 dealer submit more than one such unqualified opinion per year.  
1 31 The grain dealer, except as provided in section 203.15, may  
1 32 elect to submit a financial statement that is accompanied by  
1 33 the report of a certified public accountant licensed in this  
1 34 state that is based upon a review performed by the certified  
1 35 public accountant in lieu of the audited financial statement



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House File 2606 - Introduced continued

2 1 specified in this paragraph. However, at any time the  
2 2 department may require a financial statement that is  
2 3 accompanied by the report of a certified public accountant  
2 4 licensed in this state that is based upon a review performed  
2 5 by a certified public accountant if the department has good  
2 6 cause. A grain dealer shall submit financial statements to  
2 7 the department in addition to those required in this paragraph  
2 8 if the department determines that it is necessary to verify  
2 9 the grain dealer's financial status or compliance with this  
2 10 subsection.

2 11 Sec. 4. Section 203.3, subsection 5, paragraph b,  
2 12 unnumbered paragraph 1, Code 2007, is amended to read as  
2 13 follows:

2 14 The grain dealer shall submit, as required by the  
2 15 department, a financial statement that is accompanied by an  
2 16 unqualified opinion based upon an audit performed by a  
2 17 certified public accountant licensed in this state. However,  
2 18 the department may accept a qualification in an opinion that  
2 19 is unavoidable by any audit procedure that is permitted under  
2 20 generally accepted accounting principles. An opinion that is  
2 21 qualified because of a limited audit procedure or because the  
2 22 scope of an audit is limited shall not be accepted by the  
2 23 department. The department shall not require that a grain  
2 24 dealer submit more than one such unqualified opinion per year.  
2 25 The grain dealer may elect, however, to submit a financial  
2 26 statement that is accompanied by the report of a certified  
2 27 public accountant licensed in this state that is based upon a  
2 28 review performed by the certified public accountant in lieu of  
2 29 the audited financial statement specified in this paragraph.  
2 30 However, at any time the department may require a financial  
2 31 statement that is accompanied by the report of a certified  
2 32 public accountant licensed in this state that is based upon a  
2 33 review performed by a certified public accountant if the  
2 34 department has good cause. A grain dealer shall submit  
2 35 financial statements to the department in addition to those



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3 1 required in this paragraph if the department determines that  
3 2 it is necessary to verify the grain dealer's financial status  
3 3 or compliance with this section.

3 4 Sec. 5. Section 203.11B, subsection 4, paragraph d, Code  
3 5 2007, is amended to read as follows:

3 6 d. The findings and recommendations of the panel shall be  
3 7 included in a response delivered to the department and the  
3 8 person subject to the civil penalty. The response may include  
3 9 a recommendation that a proposed civil penalty be modified or  
3 10 suspended, that an alternative method of collection be  
3 11 instituted, or that conditions be placed upon the license of a  
3 12 grain dealer as provided in section 203.3 or the license of a  
3 13 warehouse operator as provided in section 203C.6.

3 14 Sec. 6. Section 203.15, subsection 4, paragraph b, Code  
3 15 2007, is amended to read as follows:

3 16 b. A grain dealer ~~holding a federal or state warehouse~~  
3 17 ~~license who is also a warehouse operator licensed by the~~  
3 18 ~~department under chapter 203C or the United States department~~  
3 19 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~  
3 20 ~~241 et seq., and~~ who does not have a sufficient quantity or  
3 21 quality of grain to satisfy the warehouse operator's  
3 22 obligations based on an examination by the department or the  
3 23 United States department of agriculture shall not purchase  
3 24 grain on credit-sale contract to correct the shortage of  
3 25 grain.

3 26 Sec. 7. Section 203.15, subsection 5, paragraphs a and b,  
3 27 Code 2007, are amended to read as follows:

3 28 a. The grain dealer ~~holding a federal or state warehouse~~  
3 29 ~~license who is also a warehouse operator licensed by the~~  
3 30 ~~department under chapter 203C or the United States department~~  
3 31 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~  
3 32 ~~241 et seq.,~~ does not have a sufficient quantity or quality of  
3 33 grain to satisfy the warehouse operator's obligations based on  
3 34 an examination by the department or the United States  
3 35 department of agriculture.



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4 1 b. The grain dealer ~~holding a state or federal warehouse~~  
4 2 ~~license who is also a warehouse operator licensed by the~~  
4 3 ~~department under chapter 203C or the United States department~~  
4 4 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~  
4 5 ~~241 et seq., issues back to the grain dealer a warehouse~~  
4 6 ~~receipt for purposes of providing collateral, if the grain~~  
4 7 ~~which is the subject of the warehouse receipt was purchased on~~  
4 8 ~~credit and is unpaid for by the grain dealer.~~

4 9 Sec. 8. Section 203.17, Code 2007, is amended to read as  
4 10 follows:

4 11 203.17 ~~STANDARDIZATION OF RECORDS AND DOCUMENTS AND~~  
4 12 ~~RECORDS.~~

4 13 1. The department may adopt rules specifying the form,  
4 14 content, ~~and~~ use, and maintenance of documents issued by a  
4 15 grain dealer under this chapter including but not limited to  
4 16 scale tickets, settlement sheets, daily position records, and  
4 17 credit-sale contracts. The department may adopt rules for  
4 18 both printed and electronic documents, including rules for the  
4 19 transmission, receipt, authentication, and archiving of  
4 20 electronically generated or stored documents.

4 21 2. All scale ticket forms in the possession of a grain  
4 22 dealer shall have been permanently and consecutively numbered  
4 23 at the time of printing. A grain dealer shall maintain an  
4 24 accurate record of all scale ticket numbers. The record shall  
4 25 include the disposition of each numbered form, whether issued,  
4 26 destroyed, or otherwise disposed of.

4 27 Sec. 9. Section 203C.1, subsection 9, Code 2007, is  
4 28 amended by striking the subsection and inserting in lieu  
4 29 thereof the following:

4 30 9. "Financial institution" means the same as defined in  
4 31 section 203.1.

4 32 Sec. 10. Section 203C.5, Code 2007, is amended to read as  
4 33 follows:

4 34 203C.5 RULES == DOCUMENTS AND FORMS.

4 35 1. The department shall adopt rules as it deems necessary



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5 1 for the efficient administration of this chapter, and may  
5 2 designate an employee or officer of the department to act for  
5 3 the department in any details connected with administration,  
5 4 including the issuance of licenses and approval of deficiency  
5 5 bonds or irrevocable letters of credit in the name of the  
5 6 department, but not including matters requiring a public  
5 7 hearing or suspension or revocation of licenses.

5 8 2. a. The department may adopt rules specifying the form,  
5 9 content, and use of documents issued by a warehouse operator  
5 10 under this chapter including but not limited to scale tickets,  
5 11 warehouse receipts, settlement sheets, and daily position  
5 12 records, ~~shipping ledgers, and other documents used by~~  
5 13 ~~licensed warehouses.~~ The department may adopt rules for both  
5 14 printed and electronic documents, including rules for the  
5 15 transmission, receipt, authentication, and archiving of  
5 16 electronically generated or stored documents.

5 17 b. All scale ticket forms and warehouse receipt forms in  
5 18 the possession of a warehouse operator shall have been  
5 19 permanently and consecutively numbered at the time of  
5 20 printing. A warehouse operator shall maintain an accurate  
5 21 record of the numbers of these documents. The record shall  
5 22 include the disposition of each form, whether issued,  
5 23 destroyed, or otherwise disposed of. The department may by  
5 24 rule require this use of prenumbered forms and recording for  
5 25 documents other than scale tickets and warehouse receipts.

5 26 Sec. 11. Section 203C.6, subsection 4, paragraph b, Code  
5 27 Supplement 2007, is amended to read as follows:

5 28 b. The warehouse operator shall submit, as required by the  
5 29 department, a financial statement that is accompanied by an  
5 30 unqualified opinion based upon an audit performed by a  
5 31 certified public accountant licensed in this state. However,  
5 32 the department may accept a qualification in an opinion that  
5 33 is unavoidable by any audit procedure that is permitted under  
5 34 generally accepted accounting principles. An opinion that is  
5 35 qualified because of a limited audit procedure or because the



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6 1 scope of an audit is limited shall not be accepted by the  
6 2 department. The department shall not require that a warehouse  
6 3 operator submit more than one such unqualified opinion per  
6 4 year. The warehouse operator may elect, however, to submit a  
6 5 financial statement that is accompanied by the report of a  
6 6 certified public accountant licensed in this state that is  
6 7 based upon a review performed by the certified public  
6 8 accountant in lieu of the audited financial statement  
6 9 specified in this paragraph. However, at any time the  
6 10 department may require a financial statement that is  
6 11 accompanied by the report of a certified public accountant  
6 12 licensed in this state that is based upon a review performed  
6 13 by a certified public accountant if the department has good  
6 14 cause. A warehouse operator shall submit financial statements  
6 15 to the department in addition to those required in this  
6 16 paragraph if the department determines that it is necessary to  
6 17 verify the warehouse operator's financial status or compliance  
6 18 with this subsection.

6 19 Sec. 12. Section 203C.6, subsection 5, paragraph b, Code  
6 20 Supplement 2007, is amended to read as follows:

6 21 b. The warehouse operator shall submit, as required by the  
6 22 department, a financial statement that is accompanied by an  
6 23 unqualified opinion based upon an audit performed by a  
6 24 certified public accountant licensed in this state. However,  
6 25 the department may accept a qualification in an opinion that  
6 26 is unavoidable by any audit procedure that is permitted under  
6 27 generally accepted accounting principles. An opinion that is  
6 28 qualified because of a limited audit procedure or because the  
6 29 scope of an audit is limited shall not be accepted by the  
6 30 department. The department shall not require that a warehouse  
6 31 operator submit more than one such unqualified opinion per  
6 32 year. The warehouse operator may elect, however, to submit a  
6 33 financial statement that is accompanied by the report of a  
6 34 certified public accountant licensed in this state that is  
6 35 based upon a review performed by the certified public



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7 1 accountant in lieu of the audited financial statement  
7 2 specified in this paragraph. However, at any time the  
7 3 department may require a financial statement that is  
7 4 accompanied by the report of a certified public accountant  
7 5 licensed in this state that is based upon a review performed  
7 6 by a certified public accountant if the department has good  
7 7 cause. A warehouse operator shall submit financial statements  
7 8 to the department in addition to those required in this  
7 9 paragraph if the department determines that it is necessary to  
7 10 verify the warehouse operator's financial status or compliance  
7 11 with this subsection.

7 12 Sec. 13. Section 203D.1, subsections 3 and 9, Code 2007,  
7 13 are amended to read as follows:

7 14 3. "Depositor" means a person who deposits grain in a  
7 15 state licensed warehouse for storage, handling, or shipment,  
7 16 or who is the owner or legal holder of an outstanding  
7 17 warehouse receipt issued by a state licensed warehouse, or who  
7 18 is lawfully entitled to possession of the grain.

7 19 9. "Seller" means a person who sells grain which the  
7 20 person has produced or caused to be produced to a licensed  
7 21 grain dealer, but excludes a person who executes a credit sale  
7 22 contract as a seller as provided in section 203.15. However,  
7 23 "seller" does not include a person licensed as a grain dealer  
7 24 in any jurisdiction who sells grain to a licensed grain  
7 25 dealer.

7 26 Sec. 14. Section 203D.1, Code 2007, is amended by adding  
7 27 the following new subsection:

7 28 NEW SUBSECTION. 6A. "Licensed warehouse" means the same  
7 29 as defined in section 203C.1.

7 30 Sec. 15. Section 203D.3, subsection 3, paragraph a,  
7 31 subparagraph (3), unnumbered paragraph 1, Code 2007, is  
7 32 amended to read as follows:

7 33 For licensed warehouse operators ~~or participating federally~~  
7 34 ~~licensed grain warehouses~~ the following:

7 35 Sec. 16. Section 203D.4, subsection 1, Code 2007, is



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8 1 amended to read as follows:

8 2 1. The Iowa grain indemnity fund board is established to  
8 3 advise the department on matters relating to the fund and to  
8 4 perform the duties provided it in this chapter. The board is  
8 5 composed of the secretary of agriculture or a designee who  
8 6 shall serve as president; the commissioner of insurance or a  
8 7 designee who shall serve as secretary; the state treasurer or  
8 8 a designee who shall serve as treasurer; and four  
8 9 representatives of the grain industry appointed by the  
8 10 governor, subject to confirmation by the senate, two of whom  
8 11 shall be representatives of producers and who shall be  
8 12 actively participating producers, and two of whom shall be  
8 13 representatives of licensed grain dealers and licensed  
8 14 warehouse operators and who shall be actively participating  
8 15 licensed grain dealers and licensed warehouse operators, each  
8 16 of whom shall be selected from a list of three nominations  
8 17 made by the secretary of agriculture. The term of membership  
8 18 of the grain industry representatives is three years, and the  
8 19 representatives are eligible for reappointment. However, only  
8 20 actively participating producers, and grain dealers and  
8 21 warehouse operators are eligible for reappointment. The grain  
8 22 industry representatives are entitled to a per diem as  
8 23 specified in section 7E.6 for each day spent in the  
8 24 performance of the duties of the board, plus actual expenses  
8 25 incurred in the performance of those duties. Four members of  
8 26 the board constitute a quorum, and the affirmative vote of  
8 27 four members is necessary for any action taken by the board,  
8 28 except that a lesser number may adjourn a meeting. A vacancy  
8 29 in the membership of the board does not impair the rights of a  
8 30 quorum to exercise all the rights and perform all the duties  
8 31 of the board.

8 32 Sec. 17. Section 203D.6, subsection 1, paragraph b, Code  
8 33 2007, is amended to read as follows:

8 34 b. The filing of a petition in bankruptcy by a licensed  
8 35 grain dealer or licensed warehouse operator.



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House File 2606 - Introduced continued

9 1 Sec. 18. Section 203D.6, subsection 3, paragraph d, Code  
9 2 2007, is amended to read as follows:  
9 3 d. That the claim derives from a covered transaction. For  
9 4 purposes of this paragraph, a claim derives from a covered  
9 5 transaction if the claimant is a seller who transferred title  
9 6 to the grain to ~~the~~ a licensed grain dealer other than by  
9 7 credit sale contract within six months of the incurrence date,  
9 8 or if the claimant is a depositor who delivered the grain to  
9 9 ~~the~~ a licensed warehouse operator.

9 10 Sec. 19. Section 203D.6, Code 2007, is amended by adding  
9 11 the following new subsection:  
9 12 NEW SUBSECTION. 9. TIME LIMITATION ON CLAIMS.  
9 13 a. A claim shall expire if five years after the board  
9 14 determines that the claim is eligible, the claimant has failed  
9 15 to do any of the following:  
9 16 (1) Provide for the fund's subrogation or has failed to  
9 17 render all necessary assistance to aid the department and the  
9 18 board in securing the department's rights of subrogation as  
9 19 required in this section.  
9 20 (2) Failed to provide necessary documentation or  
9 21 information required by the board in order to process the  
9 22 claim.

9 23 b. The fund shall not be liable for the payment of an  
9 24 expired claim.

9 25 Sec. 20. TIME LIMITATIONS ON CURRENT CLAIMS.  
9 26 1. Notwithstanding section 203D.6, subsection 9, as  
9 27 enacted in this Act, a claim that the Iowa grain indemnity  
9 28 fund board has determined is eligible on or before the  
9 29 effective date of this Act, as provided in section 203D.6,  
9 30 shall expire if five years after the effective date of this  
9 31 Act, the claimant has failed to do any of the following:  
9 32 a. Provide for the subrogation of the grain depositors and  
9 33 sellers indemnity fund created in section 203D.3, or has  
9 34 failed to render all necessary assistance to aid the  
9 35 department of agriculture and land stewardship and the Iowa



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10 1 grain indemnity fund board in securing the department's rights  
10 2 of subrogation as required in section 203D.6.  
10 3 b. Provide necessary documentation or information required  
10 4 by the Iowa grain indemnity fund board in order to process the  
10 5 claim.  
10 6 2. The grain depositors and sellers indemnity fund created  
10 7 in section 203D.3 shall not be liable for the payment of an  
10 8 expired claim.

10 9 EXPLANATION

10 10 This bill amends a number of Code chapters relating to  
10 11 grain transactions involving grain dealers and grain warehouse  
10 12 operators licensed by the department of agriculture and land  
10 13 stewardship. Code chapter 203 regulates grain dealers, Code  
10 14 chapter 203C regulates warehouse operators, and Code chapter  
10 15 203D provides for the grain indemnity fund and the payment of  
10 16 claims to sellers and depositors.

10 17 FINANCIAL INSTITUTIONS. The bill amends provisions in Code  
10 18 chapters 203 and 203C by modifying the definition of a  
10 19 financial institution to include in=state and out=of=state  
10 20 banks and savings and loan associations and replaces the  
10 21 specific reference to the national bank for cooperatives with  
10 22 any bank or association chartered by the federal farm credit  
10 23 system. The Code chapters refer to financial institutions  
10 24 when addressing requirements for issuing letters of credit and  
10 25 for payment by electronic transfer.

10 26 FINANCIAL STATEMENTS. The bill amends several Code  
10 27 sections providing for the licensure of grain dealers (class 1  
10 28 or class 2) and warehouse operators (class 1 or class 2). The  
10 29 bill authorizes the department to demand that a grain dealer  
10 30 or warehouse operator submit financial statements to the  
10 31 department as it determines necessary to verify the financial  
10 32 status of the grain dealer or warehouse operator or compliance  
10 33 with licensure requirements.

10 34 FEDERALLY LICENSED WAREHOUSES. The bill amends several  
10 35 provisions in Code chapter 203 regulating credit sale



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House File 2606 - Introduced continued

11 1 contracts which refer to federally licensed warehouses, by  
11 2 citing the relevant federal statute, the United States  
11 3 Warehouse Act. It also amends Code chapter 203D, by striking  
11 4 an extraneous reference to operators of federal warehouses who  
11 5 were allowed to participate in the fund.  
11 6 ELECTRONIC DOCUMENTS. The bill authorizes the department  
11 7 to adopt rules regarding electronic documents, including for  
11 8 their transmission, receipt, authentication, and archiving.  
11 9 For grain dealers, documents include scale tickets, settlement  
11 10 sheets, daily position records, and credit=sale contracts, and  
11 11 for warehouse operators documents include scale tickets,  
11 12 warehouse receipts, settlement sheets, and daily position  
11 13 records. The bill eliminates a reference to shipping ledgers.  
11 14 LICENSURE TERMINOLOGY. The bill amends provisions in Code  
11 15 chapter 203D to change the term "state warehouse" to "licensed  
11 16 warehouse" to be compatible with provisions in Code chapter  
11 17 203C regulating warehouses licensed by the department. Code  
11 18 section 203D.2 provides that persons participating in the fund  
11 19 are licensed grain dealers and licensed warehouse operators,  
11 20 and the bill makes a number of corresponding changes to  
11 21 provide that a grain dealer or warehouse operator means a  
11 22 person who is licensed under Code chapter 203 or 203C. The  
11 23 bill amends Code section 203D.4, establishing the Iowa grain  
11 24 indemnity fund board, to require that members representing  
11 25 grain dealers and warehouse operators be licensed.  
11 26 TIME LIMIT ON CLAIMS FOR INDEMNIFICATION. The bill  
11 27 provides for the expiration of claims for indemnification  
11 28 which would otherwise be eligible to be paid. It provides for  
11 29 a five=year limitation upon a claimant who fails to provide  
11 30 for the subrogation of an indemnity claim or to provide  
11 31 necessary documentation or information required to process the  
11 32 claim. The bill provides that for persons with eligible  
11 33 claims outstanding on the effective date of the bill, the  
11 34 five=year limitation period commences on the effective date of  
11 35 the bill.



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12 1 LSB 6074HV 82  
12 2 da/nh/5



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House File 2607 - Introduced

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 767)

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

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

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

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

Approved

A BILL FOR

- 1 An Act relating to mortgage foreclosures.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 6526HV 82
- 4 rh/nh/8



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House File 2607 - Introduced continued

PAG LIN

1 1 Section 1. Section 615.1, Code 2007, is amended to read as  
1 2 follows:  
1 3 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.  
1 4 1. After the expiration of a period of two years from  
1 5 the date of entry of judgment, exclusive of any time during  
1 6 which execution on the judgment was stayed pending a  
1 7 bankruptcy action, a judgment entered in an action for either  
1 8 of the following actions the foreclosure of a real estate  
1 9 mortgage, deed of trust, or real estate contract upon property  
1 10 which at the time of judgment is either used for an  
1 11 agricultural purpose as defined in section 535.13 or a  
1 12 one-family or two-family dwelling which is the residence of  
1 13 the mortgagor, or in any action on a claim for rent shall be  
1 14 null and void, all liens shall be extinguished, and no  
1 15 execution shall be issued for any purpose other than as a  
1 16 setoff or counterclaim after the expiration of a period of two  
1 17 years, exclusive of any time during which execution on the  
1 18 judgment was stayed pending a bankruptcy action, from the  
1 19 entry thereof.:

1 20 a. An action for the foreclosure of a real estate  
1 21 mortgage, deed of trust, or real estate contract upon property  
1 22 which at the time the foreclosure is commenced is either used  
1 23 for an agricultural purpose as defined in section 535.13 or as  
1 24 a one-family or two-family dwelling which is the residence of  
1 25 the mortgagor.

1 26 b. An action on a claim for rent.

1 27 2. As used in this section, "mortgagor" means a mortgagor  
1 28 or a borrower executing a deed of trust as provided in chapter  
1 29 654 or a vendee of a real estate contract.

1 30 Sec. 2. Section 615.3, Code 2007, is amended to read as  
1 31 follows:  
1 32 615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.  
1 33 A judgment hereafter rendered on a promissory obligation  
1 34 secured by a mortgage, deed of trust, or real estate contract  
1 35 upon property which at the time of either the judgment or the



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2 1 commencement of a foreclosure proceeding of a prior mortgage  
2 2 is either used for an agricultural purpose as defined in  
2 3 section 535.13 or a one-family or two-family dwelling which is  
2 4 the residence of the mortgagor, but without foreclosure  
2 5 against the security, shall not be subject to renewal by  
2 6 action thereon, and, after the lapse of two years from the  
2 7 date of rendition, shall be without force and effect for any  
2 8 purpose whatsoever except as a setoff or counterclaim. As  
2 9 used in this section, "mortgagor" means a mortgagor of a  
2 10 mortgage or a borrower executing a deed of trust as provided  
2 11 in chapter 654 or the vendee of a real estate contract.  
2 12 Sec. 3. Section 654.17, Code Supplement 2007, is amended  
2 13 to read as follows:  
2 14 654.17 RECISION OF FORECLOSURE.  
2 15 1. At any time prior to the recording of the sheriff's  
2 16 deed, and before the mortgagee's rights become unenforceable  
2 17 by operation of the statute of limitations, the judgment  
2 18 creditor, or the judgment creditor who is the successful  
2 19 bidder at the sheriff's sale, ~~with the written consent of the~~  
~~2 20 mortgagor~~ may rescind the foreclosure action by filing a  
2 21 notice of recision with the clerk of court in the county in  
2 22 which the property is located along with a filing fee of fifty  
2 23 dollars. In addition, if the original loan documents are  
2 24 contained in the court file, the mortgagee shall pay a fee of  
2 25 twenty-five dollars to the clerk of the district court. Upon  
2 26 the payment of the fee, the clerk shall make copies of the  
2 27 original loan documents for the court file, and return the  
2 28 original loan documents to the mortgagee.  
2 29 2. Upon the filing of the notice of recision, the mortgage  
2 30 loan shall be enforceable according to the original terms of  
2 31 the mortgage loan and the rights of all persons with an  
2 32 interest in the property may be enforced as if the foreclosure  
2 33 had not been filed. However, any findings of fact or law  
2 34 shall be preclusive for purposes of any future action unless  
2 35 the court, upon hearing, rules otherwise, and the mortgagee



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3 1 shall not be subject to a deficiency judgment if the judgment  
3 2 upon which the recision was based was subject to the  
3 3 provisions of section 615.1. The mortgagor shall be assessed  
3 4 costs, including reasonable attorney fees, of foreclosure and  
3 5 recision if provided by the mortgage agreement.

3 6 Sec. 4. Section 655A.9, Code 2007, is amended to read as  
3 7 follows:

3 8 655A.9 APPLICATION OF CHAPTER.

3 9 This chapter does not apply to real estate used for an  
3 10 agricultural purpose as defined in section 535.13, or to a one  
3 11 or two family dwelling which is, at the time of the initiation  
3 12 of the foreclosure, occupied by ~~an~~ a legal or equitable  
3 13 titleholder.

3 14 EXPLANATION

3 15 This bill relates to mortgage foreclosures.

3 16 The bill specifies that, in regard to mortgage foreclosure  
3 17 deficiency judgments, a judgment in an action for the  
3 18 foreclosure of a real estate mortgage, deed of trust, or real  
3 19 estate contract upon property which at the time the  
3 20 foreclosure is commenced is either used for an agricultural  
3 21 purpose or a one=family or two=family dwelling which is the  
3 22 residence of the mortgagor, or in any action on a claim for  
3 23 rent, shall be null and void, all liens shall be extinguished,  
3 24 and no execution shall be issued for any purpose other than as  
3 25 a setoff or counterclaim after the expiration of two years  
3 26 from the date of entry of judgment.

3 27 The bill provides that a judgment entered on a promissory  
3 28 obligation secured by a mortgage, deed of trust, or real  
3 29 estate contract upon property which at the time of either the  
3 30 judgment or the commencement of a foreclosure proceeding of a  
3 31 prior mortgage is either used for an agricultural purpose as  
3 32 defined in Code section 535.13 or a one=family or two=family  
3 33 dwelling which is the residence of the mortgagor, but without  
3 34 foreclosure against the security, shall not be subject to  
3 35 renewal by action thereon, and, after the lapse of two years



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4 1 from the date of rescision, shall be without force and effect  
4 2 for any purpose whatsoever except as a setoff or counterclaim.  
4 3 The bill eliminates the requirement that written consent of  
4 4 a mortgagor must be obtained prior to utilizing the rescision  
4 5 procedure in a foreclosure action pursuant to Code section  
4 6 654.17. The bill also provides that in a rescision of  
4 7 foreclosure proceeding, the mortgagee shall not be subject to  
4 8 a deficiency judgment if the judgment upon which the rescision  
4 9 was based was subject to the provisions of Code section 615.1.  
4 10 The bill specifies that the nonjudicial foreclosure process  
4 11 specified in Code chapter 655A does not apply to a situation  
4 12 where a one-family or two-family dwelling is occupied by  
4 13 either a legal or equitable titleholder.  
4 14 LSB 6526HV 82  
4 15 rh/nh/8



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House File 2608 - Introduced

HOUSE FILE  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 771)

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

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

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

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

Approved

A BILL FOR

- 1 An Act relating to the choice of doctor to treat an injured
- 2 employee under workers' compensation laws and providing an
- 3 applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6539HV 82
- 6 av/nh/5



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1 1 Section 1. Section 85.27, subsection 4, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 4. a. (1) For purposes of this section, the employer is  
1 4 obliged to furnish reasonable services and supplies to treat  
1 5 an injured employee, and has the right to choose the care  
1 6 unless the employee has predesignated a physician as provided  
1 7 in paragraph "b". If the employer chooses the care, the  
1 8 employer shall hold the employee harmless for the cost of care  
1 9 until the employer notifies the employee that the employer is  
1 10 no longer authorizing all or any part of the care and the  
1 11 reason for the change in authorization. An employer is not  
1 12 liable for the cost of care that the employer arranges in  
1 13 response to a sudden emergency if the employee's condition,  
1 14 for which care was arranged, is not related to the employment.  
1 15 The treatment must be offered promptly and be reasonably  
1 16 suited to treat the injury without undue inconvenience to the  
1 17 employee.  
1 18 (2) If the employee has reason to be dissatisfied with the  
1 19 care offered, the employee should communicate the basis of  
1 20 such dissatisfaction to the employer, in writing if requested,  
1 21 following which the employer and the employee may agree to  
1 22 alternate care reasonably suited to treat the injury. If the  
1 23 employer and employee cannot agree on such alternate care, the  
1 24 commissioner may, upon application and reasonable ~~proofs~~ proof  
1 25 of the necessity therefor, allow and order other care. In an  
1 26 emergency, the employee may choose the employee's care at the  
1 27 employer's expense, provided the employer or the employer's  
1 28 agent cannot be reached immediately.  
1 29 (3) An application made under this ~~subsection~~ paragraph  
1 30 "a" shall be considered an original proceeding for purposes of  
1 31 commencement and contested case proceedings under section  
1 32 85.26. The hearing shall be conducted pursuant to chapter  
1 33 17A. Before a hearing is scheduled, the parties may choose a  
1 34 telephone hearing, an audio=video conference hearing, or an  
1 35 in=person hearing. A request for an in=person hearing shall



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2 1 be approved unless the in-person hearing would be impractical  
2 2 because of the distance between the parties to the hearing.  
2 3 The workers' compensation commissioner shall issue a decision  
2 4 within ten working days of receipt of an application for  
2 5 alternate care made pursuant to a telephone hearing or  
2 6 audio=video conference hearing or within fourteen working days  
2 7 of receipt of an application for alternate care made pursuant  
2 8 to an in-person hearing. The employer shall notify an injured  
2 9 employee of the employee's ability to contest the employer's  
2 10 choice of care pursuant to this ~~subsection~~ paragraph "a".  
2 11 b. (1) An injured employee has the right to choose care,  
2 12 unless care needs to be provided at the job site in response  
2 13 to a life-threatening emergency, if the employee has  
2 14 predesignated a physician who is a primary care provider, who  
2 15 has previously provided medical treatment to the employee and  
2 16 has retained the employee's medical records, to provide  
2 17 treatment for the injury. Upon hire and periodically during  
2 18 employment, an employer shall provide written notice to all  
2 19 employees who have not yet predesignated a physician, of their  
2 20 rights under this paragraph "b" to predesignate such a  
2 21 physician for treatment of an injury, in a manner prescribed  
2 22 by the workers' compensation commissioner by rule. The  
2 23 employer or the employer's insurer shall not coerce or  
2 24 otherwise attempt to influence an injured employee's choice of  
2 25 a physician to provide care. An employee shall, as soon as  
2 26 practicable, notify the employer of an injury, and upon  
2 27 receiving such notice of an injury from an employee, the  
2 28 employer shall again provide written notice to that employee  
2 29 of the employee's rights under this paragraph "b" in a manner  
2 30 prescribed by the workers' compensation commissioner by rule.  
2 31 If an employer fails to notify employees of their right to  
2 32 choose a physician as provided in this paragraph "b", the  
2 33 employee has the right to choose any physician to provide  
2 34 treatment for the injury and the treatment shall be considered  
2 35 care authorized under this section.



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3 1       (2) For the purposes of this paragraph "b", "physician"  
3 2 includes an individual physician, a group of physicians, or a  
3 3 clinic. For the purposes of this paragraph "b", "primary care  
3 4 provider" means an employee's personal physician who is  
3 5 licensed to practice medicine and surgery, osteopathic  
3 6 medicine and surgery, or osteopathy in this state or in  
3 7 another state and provides primary care who is a family or  
3 8 general practitioner, a pediatrician, an internist, an  
3 9 obstetrician, or a gynecologist. A physician who practices in  
3 10 another state shall not be predesignated by an employee unless  
3 11 the physician's office is located within sixty miles of where  
3 12 the employee is employed or was injured unless the workers'  
3 13 compensation commissioner allows otherwise. A physician  
3 14 chosen by an injured employee to provide treatment is  
3 15 authorized to arrange for any consultation, surgical  
3 16 consultation, referral, emergency care, or other specialized  
3 17 medical services as the physician deems necessary to treat the  
3 18 injury. The employer shall pay for all such care, unless the  
3 19 workers' compensation commissioner determines otherwise.  
3 20       (3) If the employer has reason to be dissatisfied with the  
3 21 care chosen by the employee, the employer should communicate  
3 22 the basis of such dissatisfaction to the employee, in writing  
3 23 if requested, following which the employee and the employer  
3 24 may agree to alternate care reasonably suited to treat the  
3 25 injury. If the employee and employer cannot agree on such  
3 26 alternate care, the commissioner may, upon application and  
3 27 reasonable proof of the necessity therefor, allow and order  
3 28 other care.  
3 29       (4) An application made under this paragraph "b" shall be  
3 30 considered an original proceeding for purposes of commencement  
3 31 and contested case proceedings under section 85.26. The  
3 32 hearing shall be conducted pursuant to chapter 17A. Before a  
3 33 hearing is scheduled, the parties may choose a telephone  
3 34 hearing, an audio-video conference hearing, or an in-person  
3 35 hearing. A request for an in-person hearing shall be approved



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4 1 unless the in-person hearing would be impractical because of  
4 2 the distance between the parties to the hearing. The workers'  
4 3 compensation commissioner shall issue a decision within ten  
4 4 working days of receipt of an application for alternate care  
4 5 made pursuant to a telephone hearing or audio=video conference  
4 6 hearing or within fourteen working days of receipt of an  
4 7 application for alternate care made pursuant to an in-person  
4 8 hearing.

4 9 Sec. 2. Section 85.39, Code 2007, is amended to read as  
4 10 follows:

4 11 85.39 EXAMINATION OF INJURED EMPLOYEES.

4 12 1. a. After an injury, the employee, if requested by the  
4 13 employer, shall submit for examination at some reasonable time  
4 14 and place and as often as reasonably requested, to a physician  
4 15 or physicians authorized to practice under the laws of this  
4 16 state or another state, without cost to the employee; but if  
4 17 the employee requests, the employee, at the employee's own  
4 18 cost, is entitled to have a physician or physicians of the  
4 19 employee's own selection present to participate in the  
4 20 examination. If an employee is required to leave work for  
4 21 which the employee is being paid wages to attend the requested  
4 22 examination, the employee shall be compensated at the  
4 23 employee's regular rate for the time the employee is required  
4 24 to leave work, and the employee shall be furnished  
4 25 transportation to and from the place of examination, or the  
4 26 employer may elect to pay the employee the reasonable cost of  
4 27 the transportation. The refusal of the employee to submit to  
4 28 the examination shall suspend the employee's right to any  
4 29 compensation for the period of the refusal. Compensation  
4 30 shall not be payable for the period of suspension.

4 31 b. If an evaluation of permanent disability has been made  
4 32 by a physician retained by the employer and the employee  
4 33 believes this evaluation to be too low, the employee shall,  
4 34 upon application to the commissioner and upon delivery of a  
4 35 copy of the application to the employer and its insurance



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5 1 carrier, be reimbursed by the employer the reasonable fee for  
5 2 a subsequent examination by a physician of the employee's own  
5 3 choice, and reasonably necessary transportation expenses  
5 4 incurred for the examination. The physician chosen by the  
5 5 employee has the right to confer with and obtain from the  
5 6 employer=retained physician sufficient history of the injury  
5 7 to make a proper examination.  
5 8 2. If the employee has chosen a physician to provide care  
5 9 as provided in section 85.27, subsection 4, paragraph "b",  
5 10 when it is medically indicated that no significant improvement  
5 11 from an injury is anticipated, the employee may obtain a  
5 12 medical opinion from the employee's physician, at the  
5 13 employer's expense, regarding the extent of the employee's  
5 14 permanent disability. If the employee obtains such an  
5 15 evaluation and the employer believes this evaluation of  
5 16 permanent disability to be too high, the employer may arrange  
5 17 for a medical examination of the injured employee by a  
5 18 physician of the employer's choice for the purpose of  
5 19 obtaining a medical opinion regarding the extent of the  
5 20 employee's permanent disability. If an employee is required  
5 21 to leave work for which the employee is being paid wages to  
5 22 attend an examination under this subsection, the employee  
5 23 shall be compensated at the employee's regular rate for the  
5 24 time the employee is required to leave work, and the employee  
5 25 shall be furnished transportation to and from the place of  
5 26 examination, or the employer may elect to pay the employee the  
5 27 reasonable cost of transportation. The physician chosen by  
5 28 the employer to conduct the examination has the right to  
5 29 confer with and obtain from any physician who has treated the  
5 30 injured employee sufficient history of the injury to make a  
5 31 proper examination. The refusal by the employee to submit to  
5 32 the examination shall suspend the employee's right to any  
5 33 compensation for the period of the refusal. Compensation  
5 34 shall not be payable for the period of suspension.  
5 35 Sec. 3. APPLICABILITY DATE. This Act applies to injuries



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6 1 occurring on or after January 1, 2009.

6 2 EXPLANATION

6 3 This bill relates to the choice of a physician to treat an  
6 4 injured employee under the state's workers' compensation laws.  
6 5 The bill allows the employer to choose care unless the  
6 6 employee has predesignated a physician as provided in the  
6 7 bill.

6 8 The bill gives an employee the right to predesignate a  
6 9 physician who is a primary care provider, who has previously  
6 10 provided treatment to the employee and has retained the  
6 11 employee's medical records, to provide treatment for a  
6 12 work-related injury. The employer is required to provide  
6 13 written notice to employees of this right upon hire, and  
6 14 periodically during employment, and upon receiving notice of  
6 15 an injury from an employee who has not yet predesignated a  
6 16 physician of their right to do so, in a manner prescribed by  
6 17 the workers' compensation commissioner. An employer or an  
6 18 employer's insurer shall not coerce or otherwise attempt to  
6 19 influence an injured employee's choice of a physician.

6 20 If the employer fails to provide such notification, an  
6 21 injured employee has the right to choose any physician to  
6 22 provide treatment for the work-related injury and that  
6 23 treatment shall be considered authorized care.

6 24 If the employer or employee is dissatisfied with the care  
6 25 chosen by the other party, the dissatisfied party is required  
6 26 to communicate the basis of dissatisfaction to the other party  
6 27 in writing and the parties may agree to alternate care  
6 28 reasonably suited to treat the injury. If the parties cannot  
6 29 agree to such alternate care, the dissatisfied party may make  
6 30 an application for alternate care to the commissioner.

6 31 An application for alternate care is an original proceeding  
6 32 and is treated as a contested case. A party may request that  
6 33 the hearing be held in person, by telephone, or by audio-video  
6 34 conference. The commissioner is required to issue a decision  
6 35 within 10 working days of receipt of an application made



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7 1 pursuant to a telephone hearing or audio=video conference  
7 2 hearing and within 14 days of an in=person hearing.  
7 3 Code section 85.39 is amended to provide that if the  
7 4 employee has chosen care, when it is medically indicated that  
7 5 no significant improvement from an injury is anticipated, the  
7 6 employee may obtain a medical opinion regarding the extent of  
7 7 the employee's permanent disability. If the employer believes  
7 8 that the evaluation of permanent disability obtained by the  
7 9 employee is too high, the employer has the right to obtain  
7 10 another medical opinion from a physician of the employer's  
7 11 choosing.  
7 12 The bill applies to injuries occurring on or after January  
7 13 1, 2009.  
7 14 LSB 6539HV 82  
7 15 av/nh/5



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House File 2609 - Introduced

HOUSE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 711)

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

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

A BILL FOR

- 1 An Act relating to the public release of information relating to
- 2 elder group homes, assisted living facilities, and adult day
- 3 services programs and providing for an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6504HV 82
- 6 jr/nh/5



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1 1 Section 1. Section 231B.9, Code Supplement 2007, is  
1 2 amended to read as follows:

1 3 231B.9 PUBLIC DISCLOSURE OF FINDINGS.

1 4 Upon completion of a monitoring evaluation or complaint  
1 5 investigation of an elder group home by the department  
1 6 pursuant to this chapter, including the conclusion of ~~all~~

~~1 7 administrative appeals processes~~ informal review, the  
1 8 department's final findings with respect to compliance by the  
1 9 elder group home with requirements for certification shall be  
1 10 made available to the public in a readily available form and  
1 11 place. Other information relating to an elder group home that  
1 12 is obtained by the department which does not constitute the  
1 13 department's final findings from a monitoring evaluation or  
1 14 complaint investigation of the elder group home shall not be  
1 15 made available to the public except in proceedings involving  
1 16 the denial, suspension, or revocation of a certificate under  
1 17 this chapter.

1 18 Sec. 2. Section 231C.9, Code Supplement 2007, is amended  
1 19 to read as follows:

1 20 231C.9 PUBLIC DISCLOSURE OF FINDINGS.

1 21 Upon completion of a monitoring evaluation or complaint  
1 22 investigation of an assisted living program by the department  
1 23 pursuant to this chapter, including the conclusion of ~~all~~

~~1 24 administrative appeals processes~~ informal review, the  
1 25 department's final findings with respect to compliance by the  
1 26 assisted living program with requirements for certification  
1 27 shall be made available to the public in a readily available  
1 28 form and place. Other information relating to an assisted  
1 29 living program that is obtained by the department which does  
1 30 not constitute the department's final findings from a  
1 31 monitoring evaluation or complaint investigation of the  
1 32 assisted living program shall not be made available to the  
1 33 public except in proceedings involving the denial, suspension,  
1 34 or revocation of a certificate under this chapter.

1 35 Sec. 3. Section 231D.10, Code Supplement 2007, is amended



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2 1 to read as follows:

2 2 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

2 3 Upon completion of a monitoring evaluation or complaint  
2 4 investigation of an adult day services program by the  
2 5 department pursuant to this chapter, including the conclusion  
2 6 of ~~all administrative appeals processes~~ informal review, the  
2 7 department's final findings with respect to compliance by the  
2 8 adult day services program with requirements for certification  
2 9 shall be made available to the public in a readily available  
2 10 form and place. Other information relating to an adult day  
2 11 services program that is obtained by the department which does  
2 12 not constitute the department's final findings from a  
2 13 monitoring evaluation or complaint investigation of the adult  
2 14 day services program shall not be made available to the public  
2 15 except in proceedings involving the denial, suspension, or  
2 16 revocation of a certificate under this chapter.

2 17 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
2 18 immediate importance, takes effect upon enactment.

2 19 EXPLANATION

2 20 The department of inspections and appeals inspects elder  
2 21 group homes, assisted living facilities, and adult day  
2 22 services programs. Under current law, findings of fact in a  
2 23 monitoring evaluation or a complaint investigation are  
2 24 available to the public only after all administrative appeals  
2 25 procedures are complete. This bill makes those findings  
2 26 public after informal review by the department.

2 27 The bill takes effect upon enactment.

2 28 LSB 6504HV 82

2 29 jr/nh/5



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House File 2610 - Introduced

HOUSE FILE  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 717)

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

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

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

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

Approved

A BILL FOR

1 An Act relating to the employer=employee relationship by  
2 preventing identity theft in the procurement of employment,  
3 providing for the employment classification of individuals,  
4 and providing penalties and an effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 6463HV 82  
7 ak/rj/24



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1 1 DIVISION I  
1 2 IDENTITY THEFT  
1 3 ARTICLE IX  
1 4 IDENTITY THEFT DIVISION  
1 5 Section 1. NEW SECTION. 10A.901 DEFINITIONS.  
1 6 As used in this article:  
1 7 1. "Administrator" means the person coordinating the  
1 8 administration of the division.  
1 9 2. "Division" means the investigations division of the  
1 10 department of inspections and appeals.  
1 11 Sec. 2. NEW SECTION. 10A.902 IDENTITY THEFT PREVENTION  
1 12 == EMPLOYERS.  
1 13 1. a. An employer, as defined in section 91A.2, or the  
1 14 employer's designee shall certify under oath or affirmation by  
1 15 signing the form described in subsection 2, under penalty of  
1 16 perjury under subsection 3, that the employer or the  
1 17 employer's designee has examined, within ten business days of  
1 18 hiring a new employee, as defined in section 91A.2, to work in  
1 19 this state, the driver's license or nonoperator's  
1 20 identification card issued by the state of Iowa, Minnesota,  
1 21 South Dakota, Nebraska, Missouri, Illinois, or Wisconsin of  
1 22 the new employee for facial validity in order to verify the  
1 23 new employee's identity.  
1 24 b. The employer or the employer's designee shall make a  
1 25 photocopy of the new employee's driver's license or  
1 26 Iowa-issued nonoperator's identification card. The employer  
1 27 or employer's designee shall retain the photocopy of the new  
1 28 employee's driver's license or nonoperator's identification  
1 29 card and the certified form for the period of the employee's  
1 30 employment and for one year after the termination of the  
1 31 employee's employment.  
1 32 c. (1) An employer may delegate the examination,  
1 33 certification, and recordkeeping to a designee, but shall be  
1 34 obligated to review and shall remain responsible for the  
1 35 designee's actions in paragraphs "a" and "b" relating to



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2 1 examination, certification, recordkeeping, and hiring.  
2 2 (2) Failure to fulfill the requirements pursuant to  
2 3 paragraphs "a" and "b" shall subject an employer or an  
2 4 employer's designee to a civil penalty not to exceed one  
2 5 thousand two hundred fifty dollars for a first violation as  
2 6 determined by the administrator. An employer or employer's  
2 7 designee who commits a second violation within six years of  
2 8 the first violation shall be subject to a civil penalty not to  
2 9 exceed one thousand eight hundred seventy-five dollars as  
2 10 determined by the administrator. An employer or employer's  
2 11 designee who commits a third or subsequent violation within  
2 12 six years of the first violation shall be subject to a civil  
2 13 penalty not to exceed three thousand one hundred twenty-five  
2 14 dollars as determined by the administrator.  
2 15 (3) If the administrator determines an employer's designee  
2 16 is responsible for a violation of paragraph "a" or "b" and  
2 17 assigns a civil penalty to the designee, the administrator may  
2 18 assign a second civil penalty up to the same amount to the  
2 19 employer in accordance with the employer's responsibility  
2 20 under subparagraph (1).  
2 21 2. The division shall prescribe and provide a form that  
2 22 the employer or employer's designee shall sign for each new  
2 23 employee. The form shall include a statement that the  
2 24 employer or the employer's designee has personally certified  
2 25 under oath or affirmation that the employer or the employer's  
2 26 designee has examined the new employee's driver's license or  
2 27 Iowa-issued nonoperator's identification card and determined  
2 28 that the license or card was facially valid to the best of the  
2 29 employer's or employer's designee's knowledge, information,  
2 30 and belief, under penalty of perjury under subsection 3. The  
2 31 form shall include a place for the signee to identify whether  
2 32 the signee is the employer or the employer's designee. For  
2 33 informational purposes for the employer or the employer's  
2 34 designee, the form shall include color examples of the back  
2 35 and front of driver's licenses and nonoperator's



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3 1 identification cards issued by the states of Iowa, Minnesota,  
3 2 South Dakota, Nebraska, Missouri, Illinois, and Wisconsin.  
3 3 3. a. A person who certifies under oath or affirmation a  
3 4 false statement under subsection 1 commits a class "D" felony.  
3 5 b. A person who procures or offers any inducement to  
3 6 another to certify under oath or affirmation the requirements  
3 7 of subsection 1 with the intent that the other will conceal  
3 8 material facts commits a class "D" felony.  
3 9 4. This section shall not infringe upon the authority of  
3 10 the civil rights commission pursuant to chapter 216.  
3 11 Sec. 3. NEW SECTION. 10A.903 ENFORCEMENT.  
3 12 1. The administrator shall adopt rules pursuant to and  
3 13 consistent with chapter 17A regarding investigations to  
3 14 determine whether violations of this article or any rule  
3 15 adopted pursuant to this article have occurred.  
3 16 2. The administrator and inspectors of the division shall  
3 17 have jurisdiction for investigation and enforcement in cases  
3 18 where employers may be in violation of the requirements of  
3 19 this article or rules adopted pursuant to this article.  
3 20 3. If, upon investigation, the administrator or the  
3 21 administrator's authorized representative believes that an  
3 22 employer or an employer's designee has violated this article,  
3 23 the administrator shall with reasonable promptness issue a  
3 24 citation and civil penalty.  
3 25 4. Each citation shall be in writing and shall describe  
3 26 with particularity the nature of the violation, including a  
3 27 reference to the provision of the statute alleged to have been  
3 28 violated.  
3 29 5. If a citation is issued, the administrator shall,  
3 30 within seven days, notify the employer or employer's designee  
3 31 by service in the same manner as an original notice or by  
3 32 certified mail of the civil penalty, if any, proposed to be  
3 33 assessed.  
3 34 6. A determination by the administrator as to whether a  
3 35 violation of this chapter or rules adopted pursuant to this



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4 1 chapter has occurred shall be considered final agency action.  
4 2 7. Judicial review of any final agency action of the  
4 3 administrator taken pursuant to this chapter may be sought in  
4 4 accordance with the terms of chapter 17A. If a petition for  
4 5 judicial review is not filed within thirty days after service  
4 6 of the determination of the administrator, the administrator's  
4 7 determination shall be conclusive in connection with any  
4 8 petition for enforcement which is filed by the administrator  
4 9 after the expiration of the thirty-day period. In such case,  
4 10 the clerk of court, unless otherwise ordered by the court,  
4 11 shall forthwith enter a decree enforcing the order and shall  
4 12 transmit a copy of the decree to the administrator and the  
4 13 employer or employer's designee named in the petition.  
4 14 Sec. 4. NEW SECTION. 10A.904 INTERAGENCY COOPERATION.  
4 15 1. All state agencies shall cooperate under this article  
4 16 by sharing information concerning employee identity  
4 17 verification by employers or employers' designees pursuant to  
4 18 this article.  
4 19 2. Upon determining that an employer or an employer's  
4 20 designee violated section 10A.902, the administrator shall  
4 21 notify the appropriate state agencies, each of which shall  
4 22 investigate the compliance with other applicable law by the  
4 23 employer or employer's designee.  
4 24 3. Cooperation under this article shall be considered a  
4 25 duty of office for the heads of the state agencies or their  
4 26 designees. Failure to so cooperate constitutes a violation of  
4 27 section 721.2, subsection 6.  
4 28 Sec. 5. Section 321.190, subsection 1, paragraph b, Code  
4 29 2007, is amended to read as follows:  
4 30 b. The department shall not issue a card to a person  
4 31 holding a an Iowa driver's license. However, a card may be  
4 32 issued to a person holding a temporary permit under section  
4 33 321.181. A card may be issued to a nonresident as otherwise  
4 34 prescribed in this section for the purpose of identity  
4 35 verification for employment, pursuant to section 91F.1. The



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5 1 card shall be identical in form to a driver's license issued  
5 2 under section 321.189 except the word "nonoperator" shall  
5 3 appear prominently on the face of the card. A nonoperator's  
5 4 identification card issued to a person under eighteen years of  
5 5 age shall contain the same information as any other  
5 6 nonoperator's identification card except that the words "under  
5 7 eighteen" shall appear prominently on the face of the card. A  
5 8 nonoperator's identification card issued to a person eighteen  
5 9 years of age or older but under twenty-one years of age shall  
5 10 contain the same information as any other nonoperator's  
5 11 identification card except that the words "under twenty-one"  
5 12 shall appear prominently on the face of the card.

5 13 Sec. 6. Section 715A.8, subsections 2 and 3, Code 2007,  
5 14 are amended to read as follows:

5 15 2. A person commits the offense of identity theft if the  
5 16 person fraudulently uses or attempts to fraudulently use  
5 17 identification information of another person or fictitious  
5 18 person, with the intent to contract for or to obtain credit,  
5 19 property, services, employment, or other benefit.

5 20 3. If the value of the credit, property, ~~or~~ services,  
5 21 employment, or other benefits exceeds one thousand dollars,  
5 22 the person commits a class "D" felony. If the value of the  
5 23 credit, property, ~~or~~ services, employment, or other benefits  
5 24 does not exceed one thousand dollars or if a value cannot be  
5 25 determined, the person commits an aggravated misdemeanor.

5 26 Sec. 7. Section 715A.9, Code 2007, is amended to read as  
5 27 follows:

5 28 715A.9 VALUE FOR PURPOSES OF IDENTITY THEFT.

5 29 The value of property, ~~or~~ services, employment, or other  
5 30 benefits is ~~its~~ the highest value by any reasonable standard  
5 31 at the time the identity theft is committed. Any reasonable  
5 32 standard includes but is not limited to market value within  
5 33 the community, actual value, or replacement value.

5 34 If credit, property, ~~or~~ services, employment, or other  
5 35 benefits are obtained by two or more acts from the same person



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6 1 or location, or from different persons by two or more acts  
6 2 which occur in approximately the same location or time period  
6 3 so that the identity thefts are attributable to a single  
6 4 scheme, plan, or conspiracy, the acts may be considered as a  
6 5 single identity theft and the value may be the total value of  
6 6 all credit, property, ~~and~~ services, employment, or other  
6 7 benefits involved.

6 8

DIVISION II

6 9

EMPLOYEE CLASSIFICATION

6 10 Sec. 8. NEW SECTION. 91G.1 PURPOSE.

6 11 The purpose of this chapter is to address the practice of  
6 12 misclassifying employees as independent contractors.

6 13 Sec. 9. NEW SECTION. 91G.2 DEFINITIONS.

6 14 1. "Commissioner" means the labor commissioner appointed  
6 15 pursuant to section 91.2 or the labor commissioner's designee.

6 16 2. "Construction" means any constructing, altering,  
6 17 reconstructing, repairing, rehabilitating, refinishing,  
6 18 refurbishing, remodeling, remediating, renovating, custom  
6 19 fabricating, maintenance, landscaping, improving, wrecking,  
6 20 painting, decorating, demolishing, and adding to or  
6 21 subtracting from any building, structure, airport facility,  
6 22 highway, roadway, street, alley, bridge, sewer, drain, ditch,  
6 23 sewage disposal plant, water works, parking facility,  
6 24 railroad, excavation or other project, development, real  
6 25 property, or improvement, or to do any part thereof, whether  
6 26 or not the performance of the work described in this  
6 27 subsection involves an addition to, or fabrication into, any  
6 28 structure, project, development, real property, or improvement  
6 29 described in this subsection of any material or article of  
6 30 merchandise.

6 31 3. "Contractor" means any person, as defined in section  
6 32 4.1, engaged in construction. "Contractor" includes general  
6 33 contractors, subcontractors, and the state of Iowa and its  
6 34 officers, agencies, and political subdivisions.

6 35 4. "Division" means the division of labor services of the



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7 1 department of workforce development.  
7 2 5. "Interested party" means an individual performing  
7 3 services for a contractor who alleges a violation of this  
7 4 chapter or a person with an interest in compliance with this  
7 5 chapter.  
7 6 6. "Performing services" means any constructing, altering,  
7 7 reconstructing, repairing, rehabilitating, refinishing,  
7 8 refurbishing, remodeling, remediating, renovating, custom  
7 9 fabricating, maintenance, landscaping, improving, wrecking,  
7 10 painting, decorating, demolishing, and adding to or  
7 11 subtracting from any building, structure, airport facility,  
7 12 highway, roadway, street, alley, bridge, sewer, drain, ditch,  
7 13 sewage disposal plant, water works, parking facility,  
7 14 railroad, excavation or other project, development, real  
7 15 property, or improvement, or to do any part thereof, whether  
7 16 or not the performance of the work described in this  
7 17 subsection involves an addition to, or fabrication into, any  
7 18 structure, project, development, real property, or improvement  
7 19 described in this subsection of any material or article of  
7 20 merchandise.  
7 21 Sec. 10. NEW SECTION. 91G.3 STATUS OF INDIVIDUALS  
7 22 PERFORMING SERVICES.  
7 23 1. An individual performing services shall be classified  
7 24 as an employee unless all of the following conditions are  
7 25 present and are intended to create an independent contractor  
7 26 relationship between the individual and the contractor:  
7 27 a. The contractor does not control or direct the  
7 28 performance of services by the individual.  
7 29 b. The contractor is not responsible for the payment of  
7 30 the individual's wages.  
7 31 c. The contractor does not have the right to discharge or  
7 32 terminate the working relationship with the individual.  
7 33 d. The contractor is not the authority in charge of the  
7 34 work or for whose benefit the individual is providing  
7 35 services.



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8 1 2. An individual classified as an employee under this  
8 2 section shall also be classified as an employee pursuant to  
8 3 chapters 85, 85A, 85B, 88, 91A, and 96. A contractor commits  
8 4 a violation of this chapter by not treating the individual so  
8 5 classified under this chapter as an employee pursuant to  
8 6 chapters 85, 85A, 85B, 88, 91A, and 96.

8 7 3. An individual who is an owner-operator as described in  
8 8 section 85.61, subsection 11, and not deemed an employee under  
8 9 that subsection shall not be classified as an employee under  
8 10 this section.

8 11 Sec. 11. NEW SECTION. 91G.4 NOTICE OF LAW.

8 12 1. The commissioner shall create posters in both English  
8 13 and Spanish summarizing the requirements of this chapter. The  
8 14 English and Spanish versions of the poster shall be posted on  
8 15 the division's internet site and on bulletin boards in the  
8 16 workforce centers.

8 17 2. The commissioner shall provide the posters without  
8 18 charge to contractors upon request.

8 19 3. If a contractor violates section 91G.3 or 91G.8 or  
8 20 rules adopted pursuant to any of those sections, the  
8 21 contractor shall post the English and Spanish versions of the  
8 22 poster created by the commissioner. The posters shall be  
8 23 posted in conspicuous locations at the places where notices to  
8 24 employees are normally posted at each job site and office of  
8 25 the contractor.

8 26 Sec. 12. NEW SECTION. 91G.5 ENFORCEMENT.

8 27 1. An interested party may file a written complaint with  
8 28 the commissioner alleging a violation of section 91G.3, 91G.4,  
8 29 or 91G.8 or rules adopted pursuant to any of those sections.  
8 30 An interested party who makes a complaint when the interested  
8 31 party knows such representation to be false commits a simple  
8 32 misdemeanor.

8 33 2. The commissioner shall adopt rules pursuant to and  
8 34 consistent with chapter 17A regarding investigations to  
8 35 determine whether a contractor has violated any provisions of



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9 1 this chapter or any rules adopted pursuant to this chapter.  
9 2 3. The commissioner shall enforce the provisions of this  
9 3 chapter. The commissioner may conduct investigations in  
9 4 connection with the administration and enforcement of this  
9 5 chapter and may visit and inspect, at all reasonable times,  
9 6 any places where individuals are performing services for a  
9 7 contractor and may inspect, at all reasonable times, documents  
9 8 related to the determination of whether an individual is an  
9 9 employee under section 91G.3.  
9 10 4. The commissioner and an employee of the commissioner  
9 11 shall be indemnified for any damages and legal expenses  
9 12 incurred as a result of the good-faith performance of the  
9 13 employee's official duties under this chapter, in regard to  
9 14 any claim for civil damages not specifically covered by the  
9 15 Iowa tort claims Act, chapter 669.  
9 16 5. The commissioner may compel by subpoena the attendance  
9 17 and testimony of witnesses and the production of books,  
9 18 payrolls, records, papers, and other evidence in an  
9 19 investigation and may administer oaths to witnesses.  
9 20 6. Upon the failure or refusal of any person to obey a  
9 21 subpoena, the commissioner may petition a district court of  
9 22 competent jurisdiction, and upon proper showing, the court may  
9 23 enter an order compelling the witness to appear and testify or  
9 24 produce documentary evidence. Failure to obey the court order  
9 25 is punishable as contempt of court.  
9 26 7. A determination by the commissioner as to whether a  
9 27 violation of section 91G.3, 91G.4, or 91G.8 or rules adopted  
9 28 pursuant to any of those sections has occurred shall be  
9 29 considered final agency action under chapter 17A.  
9 30 8. If the commissioner determines upon investigation that  
9 31 a violation of section 91G.3, 91G.4, or 91G.8 or rules adopted  
9 32 pursuant to any of those sections has occurred, the  
9 33 commissioner may do any of the following:  
9 34 a. Issue and cause to be served on any party an order to  
9 35 cease and desist from any further violation.



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10 1       b. Take affirmative or other action as deemed reasonable  
10 2 to eliminate the effect of any violation.  
10 3       c. Collect the amount of any wages, salary, employment  
10 4 benefits, or other compensation denied or lost to an  
10 5 individual.  
10 6       d. Assess any civil penalty allowed by this chapter.  
10 7       e. Refer matters to the county attorney upon determining  
10 8 that a criminal violation may have occurred.  
10 9       9. Judicial review of any final agency action of the  
10 10 commissioner taken pursuant to this section may be sought in  
10 11 accordance with the terms of chapter 17A. If a petition for  
10 12 judicial review is not filed within thirty days after service  
10 13 of the determination of the commissioner, the commissioner's  
10 14 determination shall be conclusive in connection with any  
10 15 petition for enforcement filed by the commissioner and in such  
10 16 case, the clerk of court, unless otherwise ordered by the  
10 17 court, shall forthwith enter a decree enforcing the  
10 18 commissioner's determination and shall transmit a copy of the  
10 19 decree to the commissioner and the contractor named in the  
10 20 petition.  
10 21       10. A contractor shall not be liable under this chapter  
10 22 for any other contractor's failure to properly classify  
10 23 individuals.  
10 24       11. In any civil action to enforce the provisions of this  
10 25 chapter, the commissioner may be represented by an attorney  
10 26 employed by the division or, at the commissioner's request, by  
10 27 the attorney general.  
10 28       Sec. 13. NEW SECTION. 91G.6 PENALTIES.  
10 29       1. A contractor who violates section 91G.3, 91G.4, or  
10 30 91G.8 or rules adopted pursuant to one of those sections is  
10 31 subject to a civil penalty not to exceed one thousand two  
10 32 hundred fifty dollars for a first violation as determined by  
10 33 the commissioner. A contractor is subject to a civil penalty  
10 34 not to exceed one thousand eight hundred seventy-five dollars  
10 35 for a second violation occurring within six years of a first



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11 1 violation as determined by the commissioner. A contractor  
11 2 shall be subject to a civil penalty not to exceed three  
11 3 thousand one hundred twenty-five dollars for a third or  
11 4 successive violation occurring within six years of a first  
11 5 violation as determined by the commissioner.

11 6 2. A contractor who violates any provision of section  
11 7 91G.3, 91G.4, or 91G.8 or rules adopted pursuant to one of  
11 8 those sections commits a simple misdemeanor. A contractor who  
11 9 commits such a second violation within six years of a first  
11 10 violation commits a serious misdemeanor. A contractor who  
11 11 commits such a third or subsequent violation within six years  
11 12 of a first violation commits an aggravated misdemeanor.

11 13 3. A contractor who obstructs the commissioner, the  
11 14 employee of the commission, or another person authorized to  
11 15 inspect places where individuals are performing services for a  
11 16 contractor is subject to a civil penalty not to exceed one  
11 17 thousand eight hundred seventy-five dollars.

11 18 4. Each violation described in this section for each  
11 19 individual and for each day the violation continues  
11 20 constitutes a separate and distinct violation. In determining  
11 21 the amount of a civil penalty, the commissioner shall consider  
11 22 the appropriateness of the civil penalty to the contractor and  
11 23 the gravity of the violation.

11 24 Sec. 14. NEW SECTION. 91G.7 STATE CONTRACT PROHIBITION.

11 25 For a second or subsequent violation of section 91G.3 or  
11 26 91G.4 determined by the commissioner to have occurred within  
11 27 six years of an earlier violation or for a first or subsequent  
11 28 violation of section 91G.8, the commissioner shall add the  
11 29 contractor's name to a list to be posted on the division's  
11 30 internet site and notify the violating contractor of the  
11 31 posting. A state contract shall not be awarded to a  
11 32 contractor whose name appears on the list until three years  
11 33 have elapsed from the date of the determination of the last  
11 34 violation.

11 35 Sec. 15. NEW SECTION. 91G.8 RETALIATION.



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12 1 1. A contractor or contractor's agent shall not retaliate  
12 2 through discharge or in any other manner against an individual  
12 3 for any of the following:  
12 4 a. Making a good-faith complaint to the commissioner or to  
12 5 a state or federal agency regarding a violation of section  
12 6 91G.3 or 91G.4.  
12 7 b. Testifying or otherwise cooperating in an investigation  
12 8 or proceeding under this chapter.  
12 9 2. Such retaliation shall subject a contractor or  
12 10 contractor's agent to civil penalties and a prohibition on  
12 11 being awarded state contracts pursuant to this chapter and may  
12 12 give rise to a private right of action.  
12 13 Sec. 16. NEW SECTION. 91G.9 DISPOSITION OF PENALTIES.  
12 14 Any penalties assessed and collected by the commissioner  
12 15 pursuant to this chapter shall be deposited in the general  
12 16 fund of the state.  
12 17 Sec. 17. NEW SECTION. 91G.10 PRIVATE RIGHT OF ACTION.  
12 18 1. An individual, who has not received compensatory  
12 19 damages under section 91G.5, alleging a contractor's violation  
12 20 of this chapter or a rule adopted pursuant to this chapter and  
12 21 damages may file suit in district court against the  
12 22 contractor, in the county where the alleged violation  
12 23 occurred, or where any person who is party to the action  
12 24 resides, without regard to exhaustion of any alternative  
12 25 administrative remedies provided in this chapter. Actions may  
12 26 be brought by one or more aggrieved individuals for and on  
12 27 behalf of themselves and other individuals similarly situated.  
12 28 2. If it is established that an individual has been  
12 29 damaged through a proceeding under subsection 1 by a  
12 30 contractor who has willfully violated a provision of this  
12 31 chapter or a rule adopted pursuant to this chapter, the  
12 32 individual shall be entitled to collect the following:  
12 33 a. The amount of any wages, salary, employment benefits,  
12 34 or other compensation denied or lost to the individual due to  
12 35 the violation or a retaliatory action, and court costs and



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13 1 interest at the statutory rate from the date of filing.  
13 2 b. Punitive damages, not to exceed five times the amount  
13 3 awarded in paragraph "a".  
13 4 c. Reasonable attorney fees, if the contractor who has  
13 5 damaged the individual has committed a second or subsequent  
13 6 violation of section 91G.3, 91G.4, or 91G.8, or rules adopted  
13 7 pursuant to this chapter, occurring within six years of a  
13 8 first violation.  
13 9 3. The right of a damaged individual to bring an action  
13 10 under this section terminates five years from the date of the  
13 11 alleged violation by the contractor.  
13 12 Sec. 18. NEW SECTION. 91G.11 COOPERATION.  
13 13 1. All state agencies shall cooperate under this chapter  
13 14 by sharing information concerning possible misclassification  
13 15 by a contractor of one or more of the contractor's employees  
13 16 as independent contractors.  
13 17 2. Upon determining that a contractor misclassified one or  
13 18 more employees as independent contractors in violation of this  
13 19 chapter, the commissioner shall notify the division  
13 20 administering unemployment insurance services, the division of  
13 21 workers' compensation, and the department of revenue, each of  
13 22 which shall investigate the contractor's compliance with  
13 23 applicable laws.  
13 24 3. Cooperation under this chapter shall be considered a  
13 25 duty of office for the commissioner or the commissioner's  
13 26 designee and the heads of the state agencies named in  
13 27 subsection 1 or their designees. Failure to so cooperate  
13 28 constitutes a violation of section 721.2, subsection 6.  
13 29 Sec. 19. Section 85.61, subsection 11, paragraph b, Code  
13 30 Supplement 2007, is amended to read as follows:  
13 31 b. (1) "Worker" or "employee" includes an inmate as  
13 32 defined in section 85.59 and a person described in section  
13 33 85.60.  
13 34 (2) "Worker" or "employee" includes an individual who is  
13 35 classified as an employee pursuant to section 91G.3.



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14 1 Sec. 20. Section 86.45, subsection 2, Code 2007, is  
14 2 amended by adding the following new paragraph:  
14 3 NEW PARAGRAPH. j. To cooperate with the division of labor  
14 4 services, the division of the department of workforce  
14 5 development that administers unemployment insurance services,  
14 6 and the department of revenue pursuant to chapter 91G by  
14 7 sharing information concerning possible misclassification of  
14 8 one or more employees as independent contractors.

14 9 Sec. 21. Section 88.3, subsection 4, Code 2007, is amended  
14 10 to read as follows:

14 11 4. "Employee" means an employee of an employer who is  
14 12 employed in a business of the employer. "Employee" also means  
14 13 an inmate as defined in section 85.59, when the inmate works  
14 14 in connection with the maintenance of the institution, in an  
14 15 industry maintained in the institution, or while otherwise on  
14 16 detail to perform services for pay. "Employee" also means a  
14 17 volunteer involved in responses to hazardous waste incidences.  
14 18 The employer of a volunteer is that entity which provides or  
14 19 which is required to provide workers' compensation coverage  
14 20 for the volunteer. "Employee" includes an individual who is  
14 21 classified as an employee pursuant to section 91G.3.

14 22 Sec. 22. Section 91A.2, subsection 3, unnumbered paragraph  
14 23 1, Code 2007, is amended to read as follows:

14 24 "Employee" means a natural person who is employed in this  
14 25 state for wages by an employer. Employee also includes a  
14 26 commission salesperson who takes orders or performs services  
14 27 on behalf of a principal and who is paid on the basis of  
14 28 commissions but does not include persons who purchase for  
14 29 their own account for resale. "Employee" includes an  
14 30 individual who is classified as an employee pursuant to

14 31 section 91G.3. For the purposes of this chapter, the  
14 32 following persons engaged in agriculture are not employees:

14 33 Sec. 23. Section 96.11, Code Supplement 2007, is amended  
14 34 by adding the following new subsection:

14 35 NEW SUBSECTION. 17. INTERAGENCY COOPERATION.



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15 1 a. All state agencies shall cooperate with the director  
15 2 and the department pursuant to chapter 91G by sharing  
15 3 information concerning possible misclassification of employees  
15 4 as independent contractors.

15 5 b. Cooperation under this chapter shall be considered a  
15 6 duty of office for the heads of the state agencies named in  
15 7 subsection 1 or their designees. Failure to so cooperate  
15 8 constitutes a violation of section 721.2, subsection 6.

15 9 Sec. 24. Section 96.19, subsection 18, paragraph a,  
15 10 subparagraph (2), Code 2007, is amended to read as follows:

15 11 (2) Any individual who, under the usual common law rules  
15 12 applicable in determining the employer=employee relationship,  
15 13 has the status of an employee, or any individual who is  
15 14 classified as an employee pursuant to section 91G.3, or

15 15 DIVISION III

15 16 CORRESPONDING AMENDMENTS

15 17 Sec. 25. Section 84A.5, subsection 4, Code Supplement  
15 18 2007, is amended to read as follows:

15 19 4. The division of labor services is responsible for the  
15 20 administration of the laws of this state under chapters 88,  
15 21 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91G, 92,  
15 22 and 94A, and section 85.68. The executive head of the  
15 23 division is the labor commissioner, appointed pursuant to  
15 24 section 91.2.

15 25 Sec. 26. Section 91.4, subsection 5, Code Supplement 2007,  
15 26 is amended to read as follows:

15 27 5. The director of the department of workforce  
15 28 development, in consultation with the labor commissioner,  
15 29 shall, at the time provided by law, make an annual report to  
15 30 the governor setting forth in appropriate form the business  
15 31 and expense of the division of labor services for the  
15 32 preceding year, the number of disputes or violations processed  
15 33 by the division and the disposition of the disputes or  
15 34 violations, and other matters pertaining to the division which  
15 35 are of public interest, together with recommendations for



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16 1 change or amendment of the laws in this chapter and chapters  
16 2 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91G, 92,  
16 3 and 94A, and section 85.68, and the recommendations, if any,  
16 4 shall be transmitted by the governor to the first general  
16 5 assembly in session after the report is filed.

16 6

DIVISION IV

16 7

SEVERABILITY AND EFFECTIVE DATE

16 8 Sec. 27. SEVERABILITY. The provisions of this Act are  
16 9 severable in the manner provided by section 4.12.

16 10 Sec. 28. EFFECTIVE DATE. This Act takes effect January 1,  
16 11 2009.

16 12

EXPLANATION

16 13 DIVISION I. This division of this bill creates article 9,  
16 14 an identity theft division within the department of  
16 15 inspections and appeals that relates to the investigation and  
16 16 enforcement of identity theft protections relating to the  
16 17 benefit of gaining employment in this state.

16 18 Code section 10A.901 provides definitions.

16 19 Code section 10A.902 requires employers to verify the  
16 20 identity of each new employee hired to work in the state by  
16 21 examining a driver's license or nonoperator's identification  
16 22 card from Iowa, Minnesota, South Dakota, Nebraska, Missouri,  
16 23 Illinois, or Wisconsin, for facial validity within 10 business  
16 24 days after hiring. The employer or employer's designee must  
16 25 certify under oath or affirmation by signing a form under  
16 26 penalty of perjury that the license or card was examined. The  
16 27 employer or employer's designee is required to photocopy the  
16 28 license or card and retain the photocopy and the executed form  
16 29 for the duration of the employee's employment and one year  
16 30 after the end of the employee's employment. An employer may  
16 31 give someone else the authority to hire new employees, examine  
16 32 the license or card, and handle recordkeeping duties but the  
16 33 employer shall remain responsible for the designee's actions.

16 34 The employer or employer's designee faces civil penalties  
16 35 that are detailed in the bill for violations of Code section



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17 1 10A.902. If the department of inspections and appeals  
17 2 administrator determines that the employer's designee is  
17 3 responsible for the violation, the employer may face a  
17 4 corresponding civil penalty.  
17 5 Code section 10A.902 requires the department of inspections  
17 6 and appeals to create a form that the employer or employer's  
17 7 designee must sign for each new employee. The form will  
17 8 include a statement that the employer or employer's designee  
17 9 has personally certified under oath or affirmation under  
17 10 penalty of perjury that the employer or employer's designee  
17 11 examined an authorized driver's license or nonoperator's  
17 12 identification card and determined that the license or card  
17 13 was facially valid to the best of the employer's or designee's  
17 14 knowledge, information, and belief. The form must indicate if  
17 15 the signee is the employer or the employer's designee. The  
17 16 form shall include color examples of the front and back of all  
17 17 authorized driver's licenses and nonoperator's identification  
17 18 cards.  
17 19 Code section 10A.902 states that a person who commits  
17 20 perjury under Code section 10A.902 commits a class "D" felony.  
17 21 Additionally, a person who suborns perjury also commits a  
17 22 class "D" felony. A class "D" felony is punishable by  
17 23 confinement for no more than five years and a fine of at least  
17 24 \$750 but not more than \$7,500. The bill states that the Iowa  
17 25 civil rights commission retains full investigative authority  
17 26 pursuant to Code chapter 216.  
17 27 Code section 10A.903 sets out the enforcement provisions.  
17 28 The department of inspections and appeals' administrator will  
17 29 investigate and enforce cases where an employer or employer's  
17 30 designee violates the requirements of or rules adopted  
17 31 pursuant to Code section 10A.902.  
17 32 If upon investigation, the department of inspections and  
17 33 appeals' administrator believes that an employer or employer's  
17 34 designee has violated article 9, the department of inspections  
17 35 and appeals' administrator will issue a citation and civil



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18 1 penalty. The citation will be in writing and describe the  
18 2 nature of the violation. A determination by the department of  
18 3 inspections and appeals' administrator as to whether a  
18 4 violation of Code section 10A.902 or rules adopted pursuant to  
18 5 the Code section has occurred is considered final agency  
18 6 action.

18 7 Judicial review of a final agency action by the department  
18 8 of inspections and appeals' administrator may be taken within  
18 9 30 days according to the terms of Code chapter 17A. If no  
18 10 petition for judicial review is filed within 30 days, the  
18 11 determination of the department of inspections and appeals'  
18 12 administrator is considered conclusive for any petition for  
18 13 enforcement that the administrator may file. Upon petition by  
18 14 the department of inspections and appeals' administrator, the  
18 15 clerk of court, unless otherwise ordered by the court, shall  
18 16 enter a decree enforcing the order.

18 17 Code section 10A.904 requires all state agencies to share  
18 18 information about employee identity verification. Failure to  
18 19 do so is a violation of Code section 721.2(6), which is a  
18 20 serious misdemeanor, which could result in confinement for no  
18 21 more than one year or a fine of at least \$315 but not more  
18 22 than \$1,875.

18 23 Currently an Iowa operator's identification card cannot be  
18 24 issued to anyone who has a driver's license from any other  
18 25 state. Code section 321.190(1)(b) is amended to continue to  
18 26 prohibit only a person with an Iowa driver's license from  
18 27 receiving a nonoperator's identification card. The amendment  
18 28 allows a card to be issued to a resident with a temporary  
18 29 permit or to a nonresident, with or without a non-Iowa  
18 30 driver's license, for the purpose of identity verification for  
18 31 employment.

18 32 Code section 715A.8(2), which creates the crime of identity  
18 33 theft, is amended to include the elements of attempting to  
18 34 fraudulently use the identification information of a  
18 35 fictitious person to contract for various benefits, including



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19 1 to obtain employment. Code section 715A.8(3) is amended to  
19 2 include employment and other benefits as value derived from  
19 3 committing identity theft and to provide that if identity  
19 4 theft is committed but no value can be determined, the person  
19 5 commits an aggravated misdemeanor, which is punishable by  
19 6 confinement for no more than two years and a fine of at least  
19 7 \$625 but not more than \$6,250.  
19 8 Code section 715A.9 is amended to include employment and  
19 9 other benefits for determining the value derived from  
19 10 committing identity theft.  
19 11 DIVISION II. This division of the bill creates Code  
19 12 chapter 91G and relates to the classification of individuals  
19 13 as employees or independent contractors.  
19 14 Code section 91G.1 addresses the purpose of the chapter.  
19 15 Code section 91G.2 includes definitions pertinent to the  
19 16 chapter.  
19 17 Code section 91G.3 classifies the status of individuals  
19 18 performing services. Code section 91G.3(1) provides the  
19 19 criteria for determining the status of an individual as an  
19 20 employee. Code section 91G.3(2) provides that an individual  
19 21 classified as an employee under this Code section also  
19 22 qualifies as an employee for the purposes of Code chapters 85,  
19 23 85A, and 85B (workers' compensation), 88 (occupational safety  
19 24 and health), 91A (wage payment collection), and 96  
19 25 (unemployment compensation). It is a violation of Code  
19 26 chapter 91G to fail to properly classify an individual as an  
19 27 employee under these Code chapters. Code section 91G.3(3)  
19 28 provides that an individual who is an owner-operator as  
19 29 described in Code section 85.61(11) shall not be classified as  
19 30 an employee under Code section 91G.3.  
19 31 Code section 91G.4 requires the commissioner to create  
19 32 posters in both English and Spanish that summarize the Code  
19 33 chapter requirements. If a contractor is found to have  
19 34 violated Code sections 91G.3 or 91G.8, the contractor must  
19 35 post the posters in both languages in conspicuous places at



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20 1 all job sites and offices.  
20 2 Code section 91G.5 provides enforcement provisions. In  
20 3 Code section 91G.5(1), an interested party may file a written  
20 4 complaint alleging a violation of this Code chapter. However,  
20 5 a party who knowingly makes a false complaint commits a simple  
20 6 misdemeanor, which is punishable by confinement for no more  
20 7 than 30 days or a fine of at least \$65 but not more than \$625  
20 8 or by both. Under Code section 91G.5(2), the commissioner is  
20 9 charged with establishing rules consistent with Code chapter  
20 10 17A. In Code section 91G.5(3), the commissioner is charged  
20 11 with investigating complaints and conducting investigations.  
20 12 Under Code section 91G.5(4), the commissioner and employees  
20 13 are indemnified for damages and legal expenses incurred as a  
20 14 result of the good-faith performance of their job duties  
20 15 against any claims not covered by Code chapter 669, the Iowa  
20 16 tort claims Act. Under Code section 91G.5(5), the  
20 17 commissioner may administer oaths and issue subpoenas to  
20 18 access witnesses and documents, payroll records, and other  
20 19 evidence in order to advance an investigation. Code section  
20 20 91G.5(6) allows the commissioner or the commissioner's  
20 21 investigators to commence a contempt action in court  
20 22 commanding a person to obey the order of the commissioner  
20 23 issued under Code chapter 91G or be adjudged guilty of  
20 24 contempt of court.  
20 25 Under Code section 91G.5(7), a determination by the  
20 26 commissioner about whether a violation has occurred is final  
20 27 agency action. Under Code section 91G.5(8), when the  
20 28 commissioner determines there has been a violation, the  
20 29 commissioner may take specific actions, including cease and  
20 30 desist, individual compensatory, and civil penalty remedies.  
20 31 Under Code section 91G.5(9), judicial review of a final  
20 32 agency action by the commissioner may be instituted within 30  
20 33 days according to the terms of Code chapter 17A. If no  
20 34 petition of review is filed within 30 days, the commissioner's  
20 35 findings are considered conclusive for any petition for



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21 1 enforcement that the commissioner may file. Upon petition by  
21 2 the commissioner, the clerk of the court, unless otherwise  
21 3 ordered by the court, shall enter a decree enforcing the  
21 4 order.

21 5 In Code section 91G.5(10), a contractor is not responsible  
21 6 for any other contractor's failure to properly classify  
21 7 individuals who perform services for the contractor. In Code  
21 8 section 91G.5(11), in a civil action, the commissioner may  
21 9 choose to be represented by a departmental attorney or the  
21 10 attorney general.

21 11 Code section 91G.6 deals with the penalties. In Code  
21 12 section 91G.6(1), a contractor who violates this Code chapter  
21 13 or any rule adopted pursuant to this Code chapter shall be  
21 14 subject to a civil penalty not to exceed \$1,250 for the first  
21 15 violation, up to \$1,875 for a second violation within six  
21 16 years of the first, and up to \$3,125 for a third or successive  
21 17 violation within six years of the first violation.

21 18 Under Code section 91G.6(2), a contractor who violates any  
21 19 provision of this Code chapter or any rule adopted pursuant to  
21 20 this Code chapter commits a simple misdemeanor, which is  
21 21 punishable by confinement for no more than 30 days or a fine  
21 22 of at least \$65 but not more than \$625 or by both. A  
21 23 contractor who commits a second violation within a six-year  
21 24 period commits a serious misdemeanor, which is punishable by  
21 25 confinement for no more than one year and a fine of at least  
21 26 \$315 but not more than \$1,875. A contractor who commits a  
21 27 third or subsequent violation within a six-year period commits  
21 28 an aggravated misdemeanor, which is punishable by confinement  
21 29 for no more than two years and a fine of at least \$625 but not  
21 30 more than \$6,250. Under Code section 91G.6(3), any contractor  
21 31 who obstructs the commissioner's inspection of places of  
21 32 employment shall be liable for a civil penalty of up to  
21 33 \$1,875. Under Code section 91G.6(4), each violation for each  
21 34 individual and for each day the violation continues  
21 35 constitutes a separate and distinct violation. In determining



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22 1 the amount of a penalty, the commissioner shall consider the  
22 2 appropriateness of the penalty to the contractor and the  
22 3 gravity of the violation.

22 4 Code section 91G.7 provides that if a contractor is found  
22 5 to have violated a provision of Code section 91G.3 or 91G.4 a  
22 6 second or subsequent time within six years of an earlier  
22 7 violation or is found to have violated, for a first or  
22 8 subsequent time, Code section 91G.8, the contractor's name  
22 9 shall be posted on the division's internet site. A state  
22 10 contract shall not be awarded to a contractor whose name  
22 11 appears on the posting until three years have passed from the  
22 12 date of the last violation determination.

22 13 Code section 91G.8 makes it a violation of the Code chapter  
22 14 for a contractor or a contractor's agent to retaliate in any  
22 15 way against an individual for making a good-faith complaint or  
22 16 cooperating in an investigation. Retaliation subjects the  
22 17 contractor to civil penalties, to being banned from state  
22 18 contracts, and a possible private right of action.

22 19 Under Code section 91G.9, any civil penalties collected by  
22 20 the commissioner shall be deposited in the general fund of the  
22 21 state.

22 22 In Code section 91G.10, if an individual has not received  
22 23 compensatory damages under Code section 91G.5, then the  
22 24 individual who is damaged by an alleged Code chapter 91G  
22 25 violation may file suit in district court in the county where  
22 26 the alleged violation occurred or where any person who is  
22 27 party to the violation resides and may do so without  
22 28 exhausting any alternative administrative remedies in Code  
22 29 chapter 91G. If it is established that an individual has been  
22 30 willfully damaged through a proceeding under Code section  
22 31 91G.10, remedies include compensatory damages, court costs and  
22 32 interest, and punitive damages up to five times the amount of  
22 33 the compensatory damages and court costs. If the contractor  
22 34 who has damaged the individual has committed a second or  
22 35 subsequent violation of this Code chapter, reasonable attorney



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23 1 fees may be awarded. The right to bring a private action  
23 2 terminates five years after the date of the alleged violation.  
23 3 Code section 91G.11(1) requires all state agencies to  
23 4 cooperate by sharing information about possible  
23 5 misclassifications by contractors. Under Code section  
23 6 91G.11(2), the commissioner shall notify the other agencies  
23 7 when a misclassification violation is determined, and the  
23 8 other agencies shall investigate. Code section 91G.11(3)  
23 9 makes cooperation and investigation among the heads of the  
23 10 state agencies a duty of office; failing to cooperate,  
23 11 pursuant to Code section 721.2(6), results in a serious  
23 12 misdemeanor, which is punishable by confinement for no more  
23 13 than one year or a fine of at least \$315 but not more than  
23 14 \$1,875.

23 15 The definition of "employee" in new Code section 91G.3 is  
23 16 essentially incorporated as part of the definitions of  
23 17 "employee" in the following amended Code sections: 85.61,  
23 18 86.45, 88.3, 91A.2, and 96.19.

23 19 Code section 96.11 is amended by adding a new subsection  
23 20 for interagency cooperation. The subsection requires all  
23 21 state agencies to cooperate by sharing information about  
23 22 possible misclassifications of employees by contractors.  
23 23 Cooperation and investigation among the heads of the state  
23 24 agencies is considered a duty of office; failing to cooperate,  
23 25 pursuant to Code section 721.2(6), results in a serious  
23 26 misdemeanor, which is punishable by confinement for no more  
23 27 than one year or a fine of at least \$315 but not more than  
23 28 \$1,875.

23 29 DIVISION III. In Code sections 84A.5 and 91.4 the division  
23 30 of labor of the department of workforce development is given  
23 31 responsibility for administration for new Code chapter 91G and  
23 32 filing of annual reports about matters pertaining to these  
23 33 Code chapters, respectively.

23 34 DIVISION IV. The provisions of the bill are severable as  
23 35 provided by Code section 4.12.



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24 1 The bill takes effect January 1, 2009.  
24 2 LSB 6463HV 82  
24 3 ak/rj/24



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**House File 2611 - Introduced**

HOUSE FILE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2238)

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

**A BILL FOR**

- 1 An Act allowing the continuation of group health insurance for
- 2 spouses of certain retired public employees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5118HV 82
- 5 av/nh/8



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House File 2611 - Introduced continued

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1 1 Section 1. Section 509A.13, Code 2007, is amended to read  
1 2 as follows:

1 3 509A.13 CONTINUATION OF GROUP INSURANCE.

1 4 1. a. If a governing body, a county board of supervisors,  
1 5 or a city council has procured for its employees accident,  
1 6 health, or hospitalization insurance, or a medical service  
1 7 plan, or has contracted with a health maintenance organization  
1 8 authorized to do business in this state, the governing body,  
1 9 county board of supervisors, or city council shall allow its  
1 10 employees who retired before attaining sixty-five years of age  
1 11 to continue participation in the group plan or under the group  
1 12 contract at the employee's own expense until the employee  
1 13 attains sixty-five years of age.

1 14 b. This ~~section~~ subsection applies to employees who  
1 15 retired on or after January 1, 1981.

1 16 2. If an employee who retired before attaining sixty-five  
1 17 years of age continues to participate in the group plan or  
1 18 under the group contract until the employee attains sixty-five  
1 19 years of age as provided in subsection 1, the governing body,  
1 20 county board of supervisors, or city council may allow the  
1 21 spouse of that employee to elect to continue participation as  
1 22 a member in the group plan or under the group contract at the  
1 23 spouse's own expense until the spouse attains sixty-five years  
1 24 of age. A spouse who makes such an election shall pay the  
1 25 total premium for the group plan or contract and shall have  
1 26 the same rights to change programs or coverage as the retired  
1 27 employee.

1 28 EXPLANATION

1 29 This bill relates to the continuation of group health  
1 30 insurance benefits for spouses of certain retired public  
1 31 employees.

1 32 The bill provides that if a state, county, or city employee  
1 33 who retired before age 65 continues to participate in the  
1 34 group health plan or contract until that person reaches age  
1 35 65, the state, county, or city may allow the spouse of the



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- 2 1 retired employee to elect to continue to participate as a
- 2 2 member of the group health plan or contract at the spouse's
- 2 3 expense until the spouse also reaches age 65.
- 2 4 LSB 5118HV 82
- 2 5 av/nh/8



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House File 2612 - Introduced

HOUSE FILE  
 BY COMMITTEE ON NATURAL  
 RESOURCES

(SUCCESSOR TO HSB 764)

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

A BILL FOR

1 An Act relating to natural resources, including by providing for  
 2 the powers and duties of the department's director and natural  
 3 resource commission, and the regulation of public lands and  
 4 outdoor recreation, providing for penalties and making  
 5 penalties applicable.  
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 7 TLSB 6563HV 82  
 8 da/sc/14



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1 1 DIVISION I

1 2 COUNTY RESOURCE ENHANCEMENT COMMITTEE

1 3 Section 1. Section 455A.20, subsection 1, paragraphs a and

1 4 b, Code 2007, are amended to read as follows:

1 5 a. The chairpersons of the board of supervisors, county

1 6 conservation board, commissioners of the soil and water

1 7 district, and board of directors of each school district in

1 8 the county. A chairperson may appoint a ~~member of the~~

~~1 9 chairperson's board or commission as the chairperson's~~

1 10 designee to serve on the committee. The chairperson or

1 11 designee of a school district shall be a member of the county

1 12 committee of the county in which a majority or the largest

1 13 plurality of the district's students reside.

1 14 b. The mayor or the mayor's designee of each city in a

1 15 county. ~~The mayor's designee shall be a member of the city~~

~~1 16 council.~~ If a city is located in more than one county, the

1 17 membership shall be on the county committee of the county in

1 18 which the largest population of the city resides.

1 19 DIVISION II

1 20 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES

1 21 Sec. 2. Section 321G.1, Code Supplement 2007, is amended

1 22 by adding the following new subsections:

1 23 NEW SUBSECTION. 11A. "Nonresident" means the same as

1 24 defined in section 483A.1A.

1 25 NEW SUBSECTION. 17A. "Resident" means the same as defined

1 26 in section 483A.1A.

1 27 Sec. 3. Section 321I.1, subsection 14, Code Supplement

1 28 2007, is amended to read as follows:

1 29 14. "Nonresident" means ~~a person who is not a resident of~~

~~1 30 this state~~ the same as defined in section 483A.1A.

1 31 Sec. 4. Section 321I.1, subsection 23, Code Supplement

1 32 2007, is amended to read as follows:

1 33 23. "Resident" means ~~a person who meets the requirements~~

~~1 34 for residency described~~ the same as defined in section 321.1A

1 35 483A.1A.



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2 1 Sec. 5. Section 483A.1A, Code 2007, is amended by adding  
2 2 the following new subsection:

2 3 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
2 4 not a resident.

2 5 Sec. 6. Section 483A.1A, subsection 7, Code 2007, is  
2 6 amended to read as follows:

2 7 7. "Resident" means a natural person who meets any of the  
2 8 following criteria for each calendar year in which the person  
2 9 claims status as a resident:

2 10 a. Has physically resided in this state at least thirty  
2 11 and has claimed the person's principal and primary home or  
2 12 domicile in this state for a period of not less than thirty  
2 13 consecutive days immediately before applying for or purchasing  
2 14 a resident license, tag, or permit under this chapter and has  
2 15 been issued an Iowa driver's license or an Iowa nonoperator's  
2 16 identification card. For the purposes of this paragraph,  
2 17 "principal and primary home or domicile" means the one and  
2 18 only residence where a person has a true, fixed, and permanent  
2 19 home, and to where, whenever the person is briefly and  
2 20 temporarily absent, the person intends to return, according to  
2 21 factors provided in section 483A.1B. A person is not  
2 22 considered a resident for purposes of this paragraph if the  
2 23 person is residing in the state only for a special or  
2 24 temporary purpose, including but not limited to hunting,  
2 25 fishing, or trapping.

2 26 b. (1) Is a full-time student at ~~an~~ any of the following:

2 27 (a) An educational institution located in this state ~~and~~  
2 28 ~~resides if residing~~ in this state while attending the  
2 29 educational institution.

2 30 (b) An accredited educational institution located outside  
2 31 this state, if the person is under the age of twenty-five and  
2 32 has at least one parent or legal guardian who maintains that  
2 33 person's principal and primary home or domicile in this state.

2 34 (2) A student qualifies as a resident pursuant to this  
2 35 paragraph "b" only for the purpose of purchasing any resident



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3 1 license specified in section 483A.1 or 484A.2.  
3 2 c. Is a nonresident under eighteen years of age whose  
3 3 parent is a resident of this state.  
3 4 d. Is a member of the armed forces of the United States  
3 5 who is serving on active duty, claims residency in this state,  
3 6 and has filed a state individual income tax return as a  
3 7 resident pursuant to chapter 422, division II, for the  
3 8 preceding tax year, or is stationed in this state.  
3 9 ~~e. Is registered to vote in this state.~~  
3 10 Sec. 7. NEW SECTION. 483A.1B FACTORS USED TO DETERMINE A  
3 11 PERSON'S PRINCIPAL AND PRIMARY HOME OR DOMICILE.  
3 12 1. The department shall determine whether a person  
3 13 maintains a principal and primary home or domicile in this  
3 14 state based on factors determined relevant by the department,  
3 15 including but not limited to all of the following:  
3 16 a. The person's place of employment.  
3 17 b. The person's mailing address.  
3 18 c. Whether the person's name is listed on utility records  
3 19 for the claimed principal and primary home or domicile.  
3 20 d. Whether the person's name appears on the title to land  
3 21 in this state including the claimed principal and primary home  
3 22 or domicile.  
3 23 e. The address listed on the person's individual state and  
3 24 federal income tax returns.  
3 25 2. A person claiming to maintain a principal and primary  
3 26 home or domicile in this state shall submit all documentation  
3 27 required to establish that fact to the department or a person  
3 28 designated by the department. The department or a person  
3 29 designated by the department shall keep information contained  
3 30 in the document confidential to the same extent that it would  
3 31 otherwise be confidential under state or federal law.  
3 32 DIVISION III  
3 33 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES  
3 34 Sec. 8. Section 321I.2, Code 2007, is amended by adding  
3 35 the following new subsection:





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5 1 1. a. A person, ~~association, or corporation~~ shall not  
5 2 ~~build or erect any~~ construct a structure including but not  
5 3 limited to a pier, wharf, sluice, piling, wall, fence,  
5 4 obstruction, erection, or building, or erection of any kind  
5 5 upon or over any state-owned or state-managed land or water  
5 6 under the jurisdiction of the commission, without first  
5 7 obtaining from the commission a written permit. A permit, in  
5 8 matters relating to or in any manner affecting flood control,  
5 9 shall not be issued without approval of the environmental  
5 10 protection commission of the department. A person shall not  
5 11 construct or maintain or erect any a structure beyond the line  
5 12 of private ownership along or upon the shores of state-owned  
5 13 or state-managed waters in a manner to obstruct the passage of  
5 14 pedestrians along the shore between the ordinary high-water  
5 15 mark and the water's edge, except by permission of the  
5 16 commission.  
5 17 b. It shall be the duty of the The commission ~~to shall~~  
5 18 adopt and enforce rules governing and regulating the building  
~~5 19 or erection construction of any such pier, wharf, sluice,~~  
~~5 20 piling, wall, fence, obstruction, building or erection of any~~  
~~5 21 kind, and said a structure as provided in this subsection.~~  
5 22 The commission may prohibit, or restrict its construction, or  
5 23 order the removal thereof owner to remove the structure, when  
5 24 in the judgment of said commission determines that it will be  
~~5 25 for is in the best interest of the public. The commission~~  
5 26 shall comply with the provisions of chapter 17A when issuing  
5 27 an order under this section.  
5 28 ~~Any person, firm, association, or corporation violating any~~  
~~5 29 of the provisions of this section or any rule adopted by the~~  
~~5 30 commission under the authority of this section shall be guilty~~  
~~5 31 of a simple misdemeanor.~~  
5 32 2. A person, ~~association, or corporation~~ shall not operate  
5 33 a commercial concession in a park, forest, fish and wildlife  
5 34 area, or recreation area under the jurisdiction of the  
5 35 department without first entering into a written contract with



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6 1 the department. The contract shall state the consideration  
6 2 and other terms under which the concession may be operated.  
6 3 The department may cancel or, in an emergency, suspend a  
6 4 concession contract for the protection of the public health,  
6 5 safety, morals, or welfare.

6 6 Sec. 11. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 7 If it appears to the department that a person is violating  
6 8 or about to violate a provision of section 461A.4 or refuses  
6 9 to comply with an order issued by the commission pursuant to  
6 10 section 461A.4, the department may refer the matter to the  
6 11 attorney general, who may bring an action in the district  
6 12 court in any county of the state for an injunction to restrain  
6 13 the person from committing the violation. Upon a proper  
6 14 showing, the court may order a permanent or temporary  
6 15 injunction. The state shall not be required to post a bond.

6 16 Sec. 12. NEW SECTION. 461A.5B PENALTIES.

6 17 1. Except as provided in subsection 2, a person who  
6 18 violates a provision of section 461A.4 or of a departmental  
6 19 rule or refuses to comply with an order issued by the  
6 20 commission pursuant to section 461A.4 is guilty of a simple  
6 21 misdemeanor.

6 22 2. The state may proceed against a person who violates a  
6 23 provision of section 461A.4 or refuses to comply with an order  
6 24 issued by the commission pursuant to section 461A.4 by  
6 25 initiating an alternative civil enforcement action in lieu of  
6 26 a criminal prosecution. The amount of the civil penalty shall  
6 27 not exceed five thousand dollars. Each day of a violation  
6 28 shall be considered a separate offense. The alternative civil  
6 29 enforcement action may be brought against the person as a  
6 30 contested case proceeding by the department under chapter 17A  
6 31 if the amount of the civil penalty is not more than ten  
6 32 thousand dollars or as a civil judicial proceeding by the  
6 33 attorney general upon referral by the department. In a  
6 34 contested case proceeding, the department may impose, assess,  
6 35 and collect the civil penalty.





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8 1 persons shall not operate automobiles, motorcycles, ~~and~~ trucks  
 8 2 ~~when used~~, all-terrain vehicles, off-road motorcycles, or  
 8 3 off-road utility vehicles on the ice of waters under the  
 8 4 jurisdiction of the commission ~~shall not exceed fifteen miles~~  
 8 5 ~~per hour and shall be operated in a~~ at a rate of speed greater  
 8 6 than is reasonable ~~and prudent manner~~ or proper under all  
 8 7 existing circumstances.

8 8 4. A permit issued by the commission pursuant to this  
 8 9 section may be suspended or revoked by the commission if a  
 8 10 craft or vehicle is operated in a careless manner which  
 8 11 endangers others.

DIVISION VI

REPORTING HUNTING INCIDENTS

8 14 Sec. 16. Section 481A.18, Code 2007, is amended to read as  
 8 15 follows:

8 16 481A.18 HUNTING ~~ACCIDENTS~~ INCIDENTS == MANDATORY  
 8 17 REPORTING.

8 18 A This section applies to a person who is involved in a  
 8 19 hunting ~~accident~~ incident with a firearm ~~and the accident~~ or a  
 8 20 fall from a device that allows or assists a person to hunt  
 8 21 from an elevated location, if the hunting incident results in  
 8 22 an injury to a person, or property damage exceeding one  
 8 23 hundred dollars. The person shall report the ~~accident~~  
 8 24 hunting incident to the sheriff's office in the county where  
 8 25 the ~~accident~~ hunting incident occurred or to the department  
 8 26 within twelve hours after the ~~accident~~ hunting incident  
 8 27 occurred. ~~If~~ However, if an injury ~~is~~ caused by the ~~accident~~  
 8 28 hunting incident prevents timely reporting, the person shall  
 8 29 make the report ~~shall be made~~ as soon as practicable. ~~Failure~~  
 8 30 A person who fails to report the hunting incident as required  
 8 31 in this section is guilty of a simple misdemeanor.

DIVISION VII

RECIPROCITY

8 34 Sec. 17. Section 481A.19, Code 2007, is amended to read as  
 8 35 follows:



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9 1 481A.19 RECIPROCITY OF STATES.

9 2 1. a. Any person licensed by the ~~authorities~~ authority of  
9 3 Illinois, Minnesota, Missouri, Wisconsin, Nebraska, ~~and~~ or  
9 4 South Dakota to take fish, game, mussels, or fur-bearing  
9 5 animals from or in the waters forming the boundary between  
9 6 such ~~states~~ state and Iowa, may take ~~them~~ such fish, game,  
9 7 mussels, or fur-bearing animals from that portion of said  
9 8 waters lying within the territorial jurisdiction of this  
9 9 state, without having procured a license ~~therefor~~ for it from  
9 10 the director of this state, in the same manner that persons  
9 11 holding Iowa licenses may do, if the laws of Illinois,  
9 12 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,  
9 13 respectively, extend a similar privilege to persons so  
9 14 licensed under the laws of Iowa.

9 15 b. Any person licensed by the authority of Illinois,  
9 16 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to  
9 17 take fish, game, mussels, or fur-bearing animals from or in  
9 18 lands under the jurisdiction of any of those states may take  
9 19 such fish, game, mussels, or fur-bearing animals from or in  
9 20 lands under the jurisdiction of the commission when such land  
9 21 is wholly surrounded by that respective state, without having  
9 22 procured a license from the director of this state, in the  
9 23 same manner that persons holding Iowa licenses may do, if the  
9 24 laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or  
9 25 South Dakota, respectively, extend a similar privilege to  
9 26 persons so licensed under the laws of Iowa.

9 27 2. Any privileges conferred by this section shall be  
9 28 subject to a reciprocal agreement as negotiated by the  
9 29 commission and the authority of a state provided in subsection  
9 30 1 which confers upon a licensee of this state reciprocal  
9 31 rights, privileges, and immunities as provided in section  
9 32 483A.31.

9 33 Sec. 18. Section 483A.31, Code 2007, is amended to read as  
9 34 follows:

9 35 483A.31 RECIPROCAL ~~FISHING~~ PRIVILEGES AUTHORIZED.



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10 1 1. Reciprocal fishing, hunting, or trapping privileges are  
10 2 contingent upon a grant of similar privileges by another state  
10 3 to residents of this state.

10 4 2. The commission may negotiate fishing, hunting, or  
10 5 trapping reciprocity agreements with other states.

10 6 3. When another state confers upon fishing, hunting, or  
10 7 trapping licensees of this state reciprocal rights,  
10 8 privileges, and immunities, a fishing, hunting, or trapping  
10 9 license issued by that state entitles the licensee to all  
10 10 rights, privileges, and immunities in the public waters or  
10 11 public lands of this state enjoyed by the holders of  
10 12 equivalent licenses issued by this state, subject to duties,  
10 13 responsibilities, and liabilities imposed on its own licensees  
10 14 by the laws of this state.

DIVISION VIII

SPECIAL HUNTING AND FISHING LICENSES

10 17 Sec. 19. Section 483A.24, subsection 13, Code Supplement  
10 18 2007, is amended to read as follows:

10 19 13. Upon payment of the fee of five dollars for a lifetime  
10 20 fishing license or lifetime hunting and fishing combined  
10 21 license, the department shall issue a lifetime fishing license  
10 22 or lifetime hunting and fishing combined license to a resident  
10 23 of Iowa who ~~is a veteran, as defined in section 35.1, or has~~  
10 24 ~~served in the armed forces of the United States for a minimum~~  
10 25 ~~aggregate of ninety days of~~ on active federal service and who  
10 26 was disabled or was a prisoner of war during that veteran's  
10 27 military service. The department shall prepare an application  
10 28 to be used by a person requesting a lifetime fishing license  
10 29 or lifetime hunting and fishing combined license under this  
10 30 subsection. The department of veterans affairs shall assist  
10 31 the department in verifying the status or claims of applicants  
10 32 under this subsection. As used in this subsection, "disabled"  
10 33 means entitled to ~~compensation~~ a service connected rating  
10 34 under the United States Code, Title 38, ch. 11.

DIVISION IX



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11 1 HUNTER EDUCATION TRAINING  
11 2 Sec. 20. Section 483A.27, subsections 1, 3, 6, and 11,  
11 3 Code Supplement 2007, are amended to read as follows:  
11 4 1. A person born after January 1, 1972, shall not obtain a  
11 5 hunting license unless the person has satisfactorily completed  
11 6 a hunter safety and ethics education course approved by the  
11 7 commission. A person who is eleven years of age or more may  
11 8 enroll in an approved hunter safety and ethics education  
11 9 course, but a person who is eleven years of age and who has  
11 10 successfully completed the course shall be issued a  
11 11 certificate of completion which becomes valid on the person's  
11 12 twelfth birthday. A certificate of completion from an  
11 13 approved hunter safety and ethics education course issued in  
11 14 this state ~~since 1960~~, or a certificate issued by another  
11 15 state, ~~or by a foreign nation, country, or province that meets~~  
11 16 the standards adopted by the international hunter education  
11 17 association is valid for the requirements of this section.  
11 18 3. The department shall provide a manual ~~on~~ regarding  
11 19 hunter safety and ethics education which shall be used by all  
11 20 instructors and persons receiving hunter safety and ethics  
11 21 education training in this state. The department may produce  
11 22 the manual in a print or electronic format accessible from a  
11 23 computer, including from a data storage device or the  
11 24 department's internet site.  
11 25 6. A public or private school accredited pursuant to  
11 26 section 256.11 or an organization approved by the department  
11 27 may ~~co-operate~~ cooperate with the department in providing a  
11 28 course in hunter safety and ethics education ~~or shooting~~  
11 29 sports activities as provided in this section.  
11 30 11. ~~A hunter safety and ethics~~ An instructor certified by  
11 31 the department shall be allowed to conduct ~~an~~ departmental  
11 32 approved hunter safety and ethics education course ~~or shooting~~  
11 33 sports activities course on public school property with the  
11 34 approval of a majority of the board of directors of the school  
11 35 district. ~~The conduct of~~ Conducting an approved hunter safety



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12 1 and ethics education course or shooting sports activities  
12 2 course is not a violation of any public policy, rule,  
12 3 regulation, resolution, or ordinance which prohibits the  
12 4 possession, display, or use of a firearm, bow and arrow, or  
12 5 other hunting weapon on public school property or other public  
12 6 property in this state.

12 7

DIVISION X

12 8

USE OF LASER SIGHTS BY BLIND HUNTERS

12 9 Sec. 21. Section 481A.93, subsection 2, Code 2007, is  
12 10 amended to read as follows:

12 11 2. This section does not apply to ~~deer~~ any of the  
12 12 following:

12 13 a. Deer being taken by or under the control of a local  
12 14 governmental body within its corporate limits pursuant to an  
12 15 approved special deer population control plan.

12 16 b. A person who is totally blind using a laser sight on a  
12 17 bow or gun while hunting, if all of the following apply:

12 18 (1) The person's total blindness is supported by medical  
12 19 evidence produced by an eye care professional who is an  
12 20 ophthalmologist, optometrist, or medical doctor. The eye care  
12 21 professional must certify that the person has no vision or  
12 22 light perception in either eye. The certification must be  
12 23 carried on the person of the totally blind person and made  
12 24 available for inspection by the department.

12 25 (2) The totally blind person is accompanied and aided by a  
12 26 person who is at least eighteen years of age and whose vision  
12 27 is not seriously impaired. The accompanying person must have  
12 28 a hunting license and pay the wildlife habitat fee as provided  
12 29 in section 483A.1 if applicable. During the hunt, the  
12 30 accompanying adult must be within arm's reach of the totally  
12 31 blind person, and must be able to identify the target and the  
12 32 location of the laser sight beam on the target. A person  
12 33 other than the totally blind person shall not shoot the laser  
12 34 sight-equipped gun or bow.

12 35

DIVISION XI



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13 1 TRESPASSING WHILE HUNTING

13 2 Sec. 22. Section 716.8, subsection 5, Code Supplement  
13 3 2007, is amended to read as follows:

13 4 5. A person who commits a trespass ~~as defined in section~~  
~~13 5 716.7, subsection 2, paragraph "a", and takes a while hunting~~  
13 6 deer, other than a farm deer as defined in section 170.1 or  
13 7 preserve whitetail as defined in section 484C.1, commits a  
13 8 simple misdemeanor. The person shall also be subject to civil  
13 9 penalties as provided in sections 481A.130 and 481A.131. A  
13 10 deer taken by a person while committing such a trespass shall  
13 11 be subject to seizure as provided in section 481A.12.

13 12 DIVISION XII

13 13 CITATION IN LIEU OF ARREST

13 14 Sec. 23. Section 805.8B, subsection 5, Code Supplement  
13 15 2007, is amended to read as follows:

13 16 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of  
13 17 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five  
13 18 hundred dollars.

13 19 EXPLANATION

13 20 This bill amends a number of provisions relating to natural  
13 21 resources regulated by the department of natural resources,  
13 22 and specifically provisions under the jurisdiction of the  
13 23 natural resource commission, which provide for public land and  
13 24 outdoor recreation.

13 25 DIVISION I == COUNTY RESOURCE ENHANCEMENT COMMITTEE. The  
13 26 bill amends provisions in Code section 455A.20 which provides  
13 27 for persons serving on a county resource enhancement  
13 28 committee, including the chairpersons of the board of  
13 29 supervisors, county conservation board, commissioners of the  
13 30 soil and water district, and board of directors of each school  
13 31 district in the county. The bill eliminates a requirement  
13 32 that a designee appointed by a chairperson must be a member of  
13 33 their respective board or commission. The bill also amends a  
13 34 provision that provides that a mayor of a city in the county  
13 35 or a mayor's designee must serve on the committee, by



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14 1 eliminating a requirement that the designee must be a member  
14 2 of the city council.  
14 3       DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND  
14 4 LICENSES. The bill provides a common method for determining  
14 5 residency requirements for registering snowmobiles (Code  
14 6 chapter 321G), all-terrain vehicles (Code chapter 321I), and  
14 7 licensing including hunting and fishing licenses (Code chapter  
14 8 483A). The bill provides that a person who claims status as a  
14 9 resident must meet one of the specified criteria for each year  
14 10 that residency is claimed. The bill does not change the  
14 11 requirement that a full-time student who attends an  
14 12 educational institution in this state is a resident, but  
14 13 provides that the educational institution must be accredited.  
14 14 The bill also extends the provision to a student attending an  
14 15 educational institution outside this state so long as the  
14 16 student is under 25 years old and the student's parent or  
14 17 legal guardian maintains the person's principal and primary  
14 18 home or domicile in the state. The bill eliminates a  
14 19 requirement that provides that voter registration is proof of  
14 20 residency. One of the criteria for residency is modified to  
14 21 require a person to physically reside in the state as the  
14 22 person's principal and primary home or domicile for a period  
14 23 of not less than 30 consecutive days immediately prior to  
14 24 applying for or purchasing a resident license, tag, or permit  
14 25 and have an Iowa driver's license or Iowa nonoperator's  
14 26 identification card.  
14 27       The bill defines what constitutes a "principal and primary  
14 28 home or domicile" for purposes of the bill. The bill requires  
14 29 the department to determine whether a person maintains a  
14 30 primary home or domicile in this state based on a number of  
14 31 factors which may include the person's place of employment or  
14 32 domicile address on records. The department may require the  
14 33 person to provide evidence of the person's permanent  
14 34 residence.  
14 35       DIVISION III == ALL-TERRAIN VEHICLES. The bill amends Code



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15 1 section 321I.2 by providing that the department may adopt  
15 2 rules regarding the operation or maintenance of designated  
15 3 riding trails.

15 4     The bill provides that a person is subject to civil  
15 5 remedies for criminal prohibitions involving operating an  
15 6 all-terrain vehicle in a manner that damages growing stock at  
15 7 a tree nursery, on public land in violation of official signs,  
15 8 or in a park, wildlife area, preserve, refuge, game management  
15 9 area, or stream beds. The bill provides that on conviction  
15 10 for such a violation a court shall assess the defendant a  
15 11 civil penalty of \$250 to be deposited in the special  
15 12 all-terrain vehicle fund established in Code section 321I.8,  
15 13 and that the court may order the defendant to pay restitution  
15 14 to the titleholder of land for damages caused by the  
15 15 defendant's violation, including to the state or other  
15 16 government entity.

15 17     DIVISION IV == CONSTRUCTION ON STATE-OWNED OR STATE-MANAGED  
15 18 LAND OR WATERS. The bill amends Code section 461A.4  
15 19 authorizing the department to regulate the construction of  
15 20 structures (piers, wharfs, sluices, pilings, walls, fences, or  
15 21 buildings) upon or over any state-owned land. The bill makes  
15 22 stylistic changes to the provisions, provides that the  
15 23 department's authority extends to state-managed land or  
15 24 waters, and provides for the issuance of orders to persons who  
15 25 are in violation of the law.

15 26     The bill creates new Code sections 461A.5A and 461A.5B  
15 27 providing the department with enforcement authority. It  
15 28 authorizes the department to obtain injunctive relief against  
15 29 a person who is in violation of Code section 461A.4 or refuses  
15 30 to comply with an order issued by the department. The bill  
15 31 rewrites but does not alter the criminal penalty for  
15 32 committing a violation of the Code section, which is a simple  
15 33 misdemeanor, and provides that the penalty applies to a person  
15 34 who fails to comply with an order issued by the department  
15 35 under that Code section. A simple misdemeanor is punishable



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16 1 by confinement for no more than 30 days or a fine of at least  
16 2 \$65 but not more than \$625 or by both. The bill provides that  
16 3 the state may also proceed against the person by initiating an  
16 4 alternative civil enforcement action in lieu of a criminal  
16 5 prosecution. The amount of the civil penalty cannot exceed  
16 6 \$5,000, and the bill provides for enforcement by the  
16 7 department or the attorney general upon referral by the  
16 8 department.

16 9 The bill eliminates Code section 461A.5 relating to the  
16 10 removal of obstructions because it includes redundant  
16 11 provisions and amends Code section 461A.6 referring to the  
16 12 department's authority to enforce a lien against a structure  
16 13 in a manner consistent with the other bill's provisions.

16 14 DIVISION V == DRIVING OVER ICE. The bill amends Code  
16 15 section 462A.33 which requires that certain crafts or vehicles  
16 16 cannot operate on ice over certain state waters without  
16 17 obtaining a permit from the department. The bill expands the  
16 18 types of vehicles not requiring a permit to include  
16 19 all-terrain vehicles, off-road motorcycles, and off-road  
16 20 utility vehicles. The bill amends a provision that prohibits  
16 21 vehicles from exceeding 15 miles per hour when traveling over  
16 22 ice on the waters of the state without a special permit. The  
16 23 bill replaces the speed limit with a requirement that the  
16 24 vehicle cannot exceed a rate of speed that is reasonable and  
16 25 proper.

16 26 DIVISION VI == REPORTING HUNTING INCIDENTS. The bill  
16 27 amends Code section 481A.18 which requires persons who are  
16 28 involved in an accident using a firearm while hunting to  
16 29 report the accident to the county sheriff or the department,  
16 30 if the accident caused injury or property damage of more than  
16 31 \$100. The bill provides that a report is required for any  
16 32 hunting incident involving a firearm or a device (such as  
16 33 so-called tree stand) that allows or assists a person to hunt  
16 34 from an elevated location. A person who fails to make such a  
16 35 report is guilty of a simple misdemeanor. A simple



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17 1 misdemeanor is punishable by confinement for no more than 30  
17 2 days or a fine of at least \$65 but not more than \$625 or by  
17 3 both.

17 4 DIVISION VII == RECIPROCITY. The bill amends Code section  
17 5 481A.19 which provides for reciprocal agreements with  
17 6 neighboring states to allow an Iowa resident to take fish,  
17 7 game, mussels, or fur-bearing animals in boundary waters. The  
17 8 bill provides a similar arrangement for a resident of a border  
17 9 state to take fish, game, mussels, or fur-bearing animals on  
17 10 land beyond the boundary of a boundary river, but which is  
17 11 still subject to Iowa sovereignty (e.g., land which is on the  
17 12 Nebraska side of the Missouri river but still considered Iowa  
17 13 territory under the Iowa=Nebraska Boundary Compromise). The  
17 14 bill amends provisions in 483A.31 which provides authority to  
17 15 the commission to negotiate such agreements involving hunting  
17 16 or trapping in addition to fishing.

17 17 DIVISION VIII == SPECIAL HUNTING AND FISHING LICENSES. The  
17 18 bill amends Code section 483.24 which provides for the  
17 19 issuance of a lifetime fishing license or lifetime combined  
17 20 hunting and fishing license to a resident of Iowa who is a  
17 21 veteran and who was disabled or a prisoner of war. The bill  
17 22 eliminates the reference to veteran status, a requirement that  
17 23 the person must have served a minimum aggregate 90 days in  
17 24 active service, or that the person must have been entitled to  
17 25 compensation under federal law.

17 26 DIVISION IX == HUNTER TRAINING. The bill amends Code  
17 27 section 483A.27 which requires that a person complete a hunter  
17 28 safety and ethics education course before being issued a  
17 29 hunting license. The bill provides that the certificate may  
17 30 be issued by another state, or a country, or province that  
17 31 meets the standards adopted by the international hunter  
17 32 education association. The bill also amends the Code section  
17 33 to provide that the department may produce hunter safety and  
17 34 ethics education courses in an electronic format.

17 35 DIVISION X == USE OF LASER SIGHTS BY BLIND HUNTERS. The



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18 1 bill provides that a person who is totally blind may hunt  
18 2 using a gun or bow equipped with a laser sight so long as the  
18 3 person is accompanied by a sighted person. The person's  
18 4 blindness must be certified by medical evidence.  
18 5       DIVISION XI == TRESPASSING WHILE HUNTING. The bill amends  
18 6 Code chapter 716 which prohibits trespass to property as  
18 7 defined in Code section 716.7, presumably governing how that  
18 8 term is used throughout the Code chapter. The bill amends  
18 9 Code section 716.8 which provides that a person who commits  
18 10 trespass and takes a deer owned by the state is subject to a  
18 11 civil penalty. The bill eliminates the express reference to  
18 12 the definition of trespass provided in Code section 716.7,  
18 13 subsection 2, (entering upon or in property without the  
18 14 express permission of the owner, entering or remaining upon or  
18 15 in property without justification after being notified or  
18 16 requested to leave, entering on property to commit an unlawful  
18 17 use, or entering on railway property without lawful  
18 18 authority). The bill provides that a person who commits  
18 19 trespass while hunting commits a simple misdemeanor regardless  
18 20 of whether a deer is taken. A simple misdemeanor is  
18 21 punishable by confinement for no more than 30 days or a fine  
18 22 of at least \$65 but not more than \$625 or by both.  
18 23       DIVISION XII == CITATION IN LIEU OF ARREST. The bill  
18 24 amends Code section 805.8B which authorizes the department to  
18 25 issue a citation for certain violations of law including for  
18 26 the spreading of an aquatic invasive species (Eurasian water  
18 27 milfoil), by increasing the scheduled fine from \$100 to \$500.  
18 28 LSB 6563HV 82  
18 29 da/sc/14



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**House File 2613 - Introduced**

HOUSE FILE  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2092)

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

**A BILL FOR**

- 1 An Act relating to the issuance of permits to carry weapons and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5285HV 82
- 5 rh/rj/5



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PAG LIN

1 1 Section 1. Section 229.24, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. ~~All~~ Except as otherwise provided in this section, all  
1 4 papers and records pertaining to any involuntary  
1 5 hospitalization or application for involuntary hospitalization  
1 6 of any person under this chapter, whether part of the  
1 7 permanent record of the court or of a file in the department  
1 8 of human services, are subject to inspection only upon an  
1 9 order of the court for good cause shown. ~~Nothing in this~~ This  
1 10 section shall not prohibit a hospital from complying with the  
1 11 requirements of this chapter and of chapter 230 relative to  
1 12 financial responsibility for the cost of care and treatment  
1 13 provided a patient in that hospital, ~~not~~ or from properly  
1 14 billing any responsible relative or third-party payer for such  
1 15 care and treatment.

1 16 Sec. 2. Section 229.24, Code 2007, is amended by adding  
1 17 the following new subsection:

1 18 NEW SUBSECTION. 4. The clerk of the district court shall  
1 19 provide to the department of public safety notice of all  
1 20 adjudications of persons involuntarily committed to a mental  
1 21 institution for inpatient or outpatient or other appropriate  
1 22 treatment by reason of serious mental impairment under this  
1 23 chapter. Such notice shall only be used by the department to  
1 24 submit information to the national instant criminal background  
1 25 system maintained by the federal bureau of investigation and  
1 26 shall otherwise remain confidential.

1 27 Sec. 3. Section 724.7, Code 2007, is amended to read as  
1 28 follows:

1 29 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 30 ~~Any~~ A person ~~who can reasonably justify going armed may~~  
1 31 shall be issued a nonprofessional permit to carry weapons.  
1 32 Such permits shall be on a form prescribed and published by  
1 33 the commissioner of public safety, which shall be readily  
1 34 distinguishable from the professional permit, and shall  
1 35 identify the holder thereof, and state the reason for the



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2 1 issuance of the permit, and the limits of the authority  
2 2 granted by such permit. All permits so issued shall be for a  
2 3 definite period as established by the issuing officer, but in  
2 4 no event shall exceed a period of twelve months.

2 5 Sec. 4. Section 724.8, Code 2007, is amended to read as  
2 6 follows:

2 7 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.

2 8 ~~No~~ A person shall not be issued a professional or  
2 9 nonprofessional permit to carry weapons unless:

2 10 1. The person is eighteen years of age or older for a  
2 11 professional permit or twenty-one years or older for a  
2 12 nonprofessional permit.

2 13 2. The person has never been convicted of a felony.

2 14 3. The person is not addicted to the use of alcohol or any  
2 15 controlled substance.

2 16 4. The person has no history of repeated acts of violence.

2 17 5. The issuing officer reasonably determines that the  
2 18 applicant does not constitute a danger to any person.

2 19 6. The person has never been convicted of any crime  
2 20 defined in chapter 708, except "assault" as defined in section  
2 21 708.1 and "harassment" as defined in section 708.7.

2 22 7. The person has not been committed to a mental  
2 23 institution for purposes of 18 U.S.C. } 922 (g)(4).

2 24 8. The person is not subject to a protective order  
2 25 pursuant to 18 U.S.C. } 922(g)(8) and has not been convicted  
2 26 of a misdemeanor crime of domestic violence pursuant to 18  
2 27 U.S.C. } 922(g)(9). It is the intent of the general assembly  
2 28 that violations of these federal laws be strictly enforced in  
2 29 the courts of this state.

2 30 Sec. 5. Section 724.9, Code 2007, is amended to read as  
2 31 follows:

2 32 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

2 33 A training program to qualify persons in the safe use of  
2 34 firearms shall be provided by the issuing officer of permits,  
2 35 as provided in section 724.11.



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3 1 1. The commissioner of public safety shall establish  
3 2 minimum standards for a training program designed to qualify  
3 3 persons in the safe use of firearms and shall include a course  
3 4 of instruction designed to qualify a person on a firing range.  
3 5 The course of instruction shall be limited to a maximum of six  
3 6 hours in length. The course of instruction shall include all  
3 7 of the following:  
3 8 a. Firearms safety in the classroom, at home, on the  
3 9 firing range, and while carrying the firearm.  
3 10 b. A physical demonstration performed by the applicant  
3 11 that demonstrates the applicant's ability to safely load and  
3 12 unload a revolver or a semiautomatic pistol and the  
3 13 applicant's marksmanship.  
3 14 c. The basic principles of marksmanship.  
3 15 d. The law relating to firearms pursuant to this chapter.  
3 16 e. The law relating to the justifiable use of force  
3 17 pursuant to chapter 704.  
3 18 f. A live fire shooting test administered to an applicant  
3 19 pursuant to section 724.9A.  
3 20 2. The commissioner of public safety shall approve the  
3 21 training program, and the county sheriff or the commissioner  
3 22 of public safety conducting the training program within their  
3 23 respective jurisdictions may contract with a private  
3 24 organization or use the services of other agencies, or may use  
3 25 a combination of the two, to provide ~~such~~ a training program  
3 26 that meets the standards specified in subsection 1. Any  
3 27 person eligible to be issued a permit to carry weapons may  
3 28 enroll in such course. A fee sufficient to cover the cost of  
3 29 the program may be charged to each person attending.  
3 30 Certificates of completion, on a form prescribed and published  
3 31 by the commissioner of public safety, shall be issued by a  
3 32 qualified firearms safety instructor subject to the  
3 33 restrictions of section 724.9B to each person who successfully  
3 34 completes the program. ~~No~~ A person shall not be issued either  
3 35 a professional or nonprofessional permit unless the person has



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4 1 received a certificate of completion or is a certified peace  
4 2 officer. ~~Ne~~ A peace officer or correctional officer, except a  
4 3 certified peace officer, shall not go armed with a pistol or  
4 4 revolver unless the officer has received a certificate of  
4 5 completion, provided that this requirement shall not apply ~~to~~  
~~4 6 persons who are employed in this state as peace officers on~~  
~~4 7 January 1, 1978 until July 1, 1978, or to peace officers of~~  
4 8 other jurisdictions exercising their legal duties within this  
4 9 state.

4 10 Sec. 6. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.

4 11 1. A live fire shooting test shall be administered in the  
4 12 presence of a firearms safety instructor qualified under  
4 13 section 724.9C to an applicant for a nonprofessional permit to  
4 14 carry weapons. The live fire shooting test shall consist of  
4 15 thirty rounds fired from a standing position or its equivalent  
4 16 at a distance from a B=27 silhouette target or an FBI "Q"  
4 17 target, ten rounds fired from a distance of five yards, ten  
4 18 rounds fired from a distance of seven yards, and ten rounds  
4 19 fired from a distance of ten yards. Two sets of five rounds  
4 20 shall be fired consecutively at each designated distance and  
4 21 each five-round string shall be fired within thirty seconds.  
4 22 Twenty-one of the rounds fired must strike either the  
4 23 eight-ring on the B=27 target or the smallest FBI "Q" target  
4 24 to pass the live fire shooting test.

4 25 2. An applicant for a nonprofessional permit to carry  
4 26 weapons may attempt to pass the live fire shooting test  
4 27 administered pursuant to subsection 1 up to three times in one  
4 28 day but must pass the shooting test within two weeks of  
4 29 completing a firearms training program pursuant to section  
4 30 724.9. An applicant who fails the live fire shooting test  
4 31 within the requisite two-week period shall be required to  
4 32 retake the firearms training program prior to again attempting  
4 33 to pass the live fire shooting test.

4 34 3. The provisions of this section shall be implemented  
4 35 uniformly throughout the state and shall constitute the



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5 1 statewide standard for the course of instruction qualifying a  
5 2 person to shoot on a firing range pursuant to section 724.9.  
5 3 Sec. 7. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.  
5 4 A qualified firearms safety instructor shall not issue a  
5 5 certificate of completion to an applicant for a permit to  
5 6 carry weapons who does any of the following:  
5 7 1. Fails to demonstrate the requisite knowledge and  
5 8 technique regarding the proper handling of a firearm.  
5 9 2. Handles a firearm in a manner that, in the judgment of  
5 10 the qualified firearms safety instructor, poses a danger to  
5 11 the applicant or others.  
5 12 3. Fails the live fire shooting test pursuant to the  
5 13 requirements specified in section 724.9A.  
5 14 Sec. 8. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY  
5 15 INSTRUCTOR.  
5 16 A firearms safety instructor shall be considered to be a  
5 17 qualified firearms safety instructor if the instructor has any  
5 18 of the following qualifications:  
5 19 1. Is a valid firearms safety instructor certified by the  
5 20 national rifle association holding a rating as a personal  
5 21 protection instructor or pistol marksmanship instructor.  
5 22 2. Submits a photocopy of a certificate of completion of a  
5 23 firearms safety instructor course offered by a local, state,  
5 24 or federal governmental agency and approved by the department  
5 25 of public safety.  
5 26 3. Submits a photocopy of a certificate of completion of a  
5 27 firearms safety instructor course approved by the department  
5 28 of public safety.  
5 29 4. Has successfully completed a firearms safety instructor  
5 30 course given by or under the supervision of any state, county,  
5 31 municipal, or federal enforcement agency.  
5 32 5. Is a certified police officer firearms safety  
5 33 instructor.  
5 34 6. Is a certified law enforcement academy firearms safety  
5 35 instructor.



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6 1 Sec. 9. Section 724.11, Code 2007, is amended to read as  
6 2 follows:  
6 3 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.  
6 4 1. Applications for permits to carry weapons shall be made  
6 5 to the sheriff of the county in which the applicant resides.  
6 6 Applications from persons who are nonresidents of the state,  
6 7 or whose need to go armed arises out of employment by the  
6 8 state, shall be made to the commissioner of public safety. In  
6 9 either case, the issuance of the permit shall be by and at the  
6 10 discretion of the sheriff or commissioner, who shall, before  
6 11 issuing the permit, determine that the requirements of  
6 12 sections 724.6 to 724.10 have been satisfied. However, the  
6 13 training program requirements in section 724.9 ~~may~~ shall be  
6 14 waived for renewal permits. If the sheriff or the  
6 15 commissioner restricts or denies an application for a permit  
6 16 under this section, the sheriff or commissioner shall provide  
6 17 a written statement of the reasons for the restriction or the  
6 18 denial to the applicant by certified mail within fifteen  
6 19 working days of the filing of the application.  
6 20 2. The issuing officer shall collect a fee of ten dollars,  
6 21 except from a duly appointed peace officer or correctional  
6 22 officer, for each permit issued. Renewal permits or duplicate  
6 23 permits shall be issued for a fee of five dollars. The  
6 24 issuing officer shall notify the commissioner of public safety  
6 25 of the issuance of any permit at least monthly and forward to  
6 26 the commissioner an amount equal to two dollars for each  
6 27 permit issued and one dollar for each renewal or duplicate  
6 28 permit issued. All such fees received by the commissioner  
6 29 shall be paid to the treasurer of state and deposited in the  
6 30 operating account of the department of public safety to offset  
6 31 the cost of administering this chapter. Any unspent balance  
6 32 as of June 30 of each year shall revert to the general fund as  
6 33 provided by section 8.33.  
6 34 Sec. 10. NEW SECTION. 724.11A RECIPROCITY.  
6 35 A person possessing a valid permit issued by another state



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7 1 to carry a weapon shall be entitled to the privileges and  
7 2 subject to the restrictions prescribed in this chapter  
7 3 provided the state that issued the license has training  
7 4 requirements that are equal to or greater than the training  
7 5 requirements prescribed by this chapter. The department of  
7 6 public safety shall determine which states qualify as  
7 7 reciprocal states, shall maintain an up-to-date list of such  
7 8 states, and shall post such information on the department's  
7 9 internet site.

7 10 Sec. 11. NEW SECTION. 724.14 IMMUNITY.

7 11 The sheriff or the commissioner of public safety shall not  
7 12 be liable for damages in any civil action arising from the  
7 13 alleged wrongful issuance, renewal, or failure to revoke a  
7 14 permit to carry weapons provided that the sheriff or the  
7 15 commissioner acted reasonably and in good faith and in  
7 16 accordance with the provisions of this chapter in carrying out  
7 17 the sheriff's or the commissioner's official duties.

7 18 Sec. 12. EFFECTIVE DATE. The sections of this Act  
7 19 amending section 229.24 take effect January 1, 2009.

7 20 EXPLANATION

7 21 This bill relates to the issuance of weapons permits.

7 22 The bill provides that a person who is at least 21 and who  
7 23 meets additional requirements specified in Code section 724.8  
7 24 shall be issued a nonprofessional permit to carry weapons.

7 25 The bill provides that persons who have been committed to a  
7 26 mental institution under federal law or persons who are  
7 27 subject to protective orders or who have been convicted of a  
7 28 misdemeanor crime of domestic violence under federal law are  
7 29 all ineligible for a permit to carry weapons.

7 30 The bill amends current law relating to a firearms training  
7 31 program. The bill requires the commissioner of public safety  
7 32 to establish minimum firearms safety standards. The bill  
7 33 specifies that the commissioner shall establish certain  
7 34 training standards relating to the qualifications of persons  
7 35 in the safe use of firearms. The bill further provides a



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8 1 statewide standard designed to qualify an applicant for a  
8 2 nonprofessional permit to carry weapons to shoot on a firing  
8 3 range.  
8 4 The bill provides that a qualified firearms safety  
8 5 instructor shall issue a certificate of completion to a person  
8 6 who successfully completes the training program, including the  
8 7 completion of the requirements relating to live fire  
8 8 ammunition testing on a firing range. The bill specifically  
8 9 provides that a person who does not follow the orders of the  
8 10 qualified firearms safety instructor, handles a firearm in a  
8 11 manner that poses a danger to the applicant or others, or who  
8 12 fails to pass the live fire testing portion of the training  
8 13 program shall not be issued a certificate of completion. An  
8 14 applicant for a permit to carry weapons shall not be issued a  
8 15 permit to carry weapons unless the applicant has received a  
8 16 certificate of completion or is a certified peace officer.  
8 17 The bill defines a qualified firearms safety instructor as  
8 18 a person who meets any of the following qualifications:  
8 19 1. Is a valid firearms safety instructor certified by the  
8 20 national rifle association holding a rating as a personal  
8 21 protection instructor or pistol marksmanship instructor.  
8 22 2. Submits a photocopy of a certificate of completion of a  
8 23 firearms safety instructor course offered by a local, state,  
8 24 or federal governmental agency and approved by the department  
8 25 of public safety.  
8 26 3. Submits a photocopy of a certificate of completion of a  
8 27 firearms safety instructor course approved by the department  
8 28 of public safety.  
8 29 4. Has successfully completed a firearms safety instructor  
8 30 course given by or under the supervision of any state, county,  
8 31 municipal, or federal enforcement agency.  
8 32 5. Is a certified police officer firearms safety  
8 33 instructor.  
8 34 6. Is a certified law enforcement academy firearms safety  
8 35 instructor.



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9 1 The bill provides that if the sheriff or commissioner  
9 2 restricts or denies an application for a concealed weapons  
9 3 permit, the sheriff or commissioner shall provide a written  
9 4 statement of the reasons for the restriction or denial. The  
9 5 bill increases the portion of the fee the issuing officer  
9 6 sends to the commissioner of public safety from \$2 to \$5 for  
9 7 each permit issued and from \$1 to \$2 for each renewal or  
9 8 duplicate permit issued.

9 9 The bill provides that a person possessing a valid  
9 10 out-of-state permit to carry a weapon shall be entitled to the  
9 11 privileges and subject to the restrictions prescribed provided  
9 12 the state that issued the license has training requirements  
9 13 that are equal to or greater than the training requirements  
9 14 prescribed by Code chapter 724. The department of public  
9 15 safety is required to determine which states qualify as  
9 16 reciprocal states, maintain an up-to-date list of such states,  
9 17 and post such information on the department's internet site.

9 18 The bill provides that the sheriff or the commissioner of  
9 19 public safety shall not be liable for damages in any civil  
9 20 action arising from the alleged wrongful issuance, renewal, or  
9 21 failure to revoke a permit to carry weapons provided that the  
9 22 sheriff or the commissioner acted reasonably and in good faith  
9 23 and in accordance with provisions of Code chapter 724 in  
9 24 carrying out the sheriff's or the commissioner's official  
9 25 duties.

9 26 The bill requires the clerk of the district court to  
9 27 provide to the department of public safety notice of all  
9 28 adjudications of persons involuntarily committed to a mental  
9 29 institution for inpatient or outpatient or other appropriate  
9 30 treatment by reasons of serious mental impairment under Code  
9 31 chapter 229. This notice shall only be used by the department  
9 32 of public safety to submit information to the national instant  
9 33 criminal background system maintained by the federal bureau of  
9 34 investigation and shall otherwise remain confidential. This  
9 35 provision of the bill takes effect January 1, 2009.



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10 1 LSB 5285HV 82  
10 2 rh/rj/5



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**House File 2614 - Introduced**

HOUSE FILE  
 BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2448)

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

**A BILL FOR**

1 An Act requiring consumer notification of product manufacture  
 2 information relating to the sale or distribution of child-  
 3 oriented products and providing civil penalties.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 5 TL5B 5621HV 82  
 6 rn/nh/14



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House File 2614 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 552B.1 LEGISLATIVE INTENT AND  
1 2 FINDINGS.  
1 3 It is the intent of the general assembly to promote the  
1 4 health, welfare, and safety of the children of this state, and  
1 5 assist parents and caregivers in making informed and educated  
1 6 choices regarding the purchase of products intended for their  
1 7 use. The general assembly finds that these objectives will be  
1 8 facilitated through the point-of-sale conveyance of  
1 9 information relating to the manufacturing of such products to  
1 10 consumers by distributors offering the products for sale at  
1 11 retail.  
1 12 Sec. 2. NEW SECTION. 552B.2 DEFINITIONS.  
1 13 1. "Child" means a person twelve years of age or younger.  
1 14 2. "Child-oriented product" means a toy, item of clothing,  
1 15 or other consumer good or protective device designed and  
1 16 intended for use by, and purchase by or for the benefit of, a  
1 17 child.  
1 18 3. "Distributor" means a person who takes possession of or  
1 19 title to one or more child-oriented products purchased for  
1 20 promotional purposes or resale. A person involved solely in  
1 21 delivering or storing child-oriented products on behalf of a  
1 22 third party is not a distributor.  
1 23 Sec. 3. NEW SECTION. 552B.3 CHILD-ORIENTED PRODUCTS ==  
1 24 CONSUMER INFORMATION REQUIREMENTS.  
1 25 A distributor offering for sale or for promotional purposes  
1 26 a child-oriented product in this state shall prominently  
1 27 display or make available at the retail or promotional  
1 28 distribution location consumer information relating to safety  
1 29 standards applicable to the manufacture of the product, as  
1 30 follows:  
1 31 1. If the product is labeled with a logo, trademark, or  
1 32 other representation signifying approval or certification from  
1 33 a nationally recognized regulatory authority or consumer  
1 34 advocacy organization concerned with child welfare or product  
1 35 safety, no additional consumer information shall be required.



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House File 2614 - Introduced continued

2 1       2. If the product is manufactured within the United States  
2 2 and is not labeled with a logo, trademark, or other  
2 3 representation signifying approval or certification from a  
2 4 nationally recognized regulatory authority or consumer  
2 5 advocacy organization concerned with child welfare or product  
2 6 safety, a statement or letter from the manufacturer warranting  
2 7 the safety of the product and containing contact information  
2 8 for the manufacturer shall be made available to consumers on  
2 9 the product shelf or at a location in close proximity to an  
2 10 unshelved product.

2 11       3. If the product is not manufactured within the United  
2 12 States and is not labeled with a logo, trademark, or other  
2 13 representation signifying approval or certification from a  
2 14 nationally recognized regulatory authority or consumer  
2 15 advocacy organization concerned with child welfare or product  
2 16 safety, the distributor shall clearly display on the product  
2 17 shelf or at a location in close proximity to an unshelved  
2 18 product a statement that the product is untested and that its  
2 19 safety has not been documented.

2 20       Sec. 4. NEW SECTION. 552B.4 RULES.

2 21       The attorney general shall adopt rules according to chapter  
2 22 17A as necessary or appropriate to implement the provisions of  
2 23 this chapter. The rules shall include procedures for  
2 24 notifying child-oriented product manufacturers of the statement  
2 25 or letter requirements of section 552B.3, subsection 2, and  
2 26 the penalty provisions for failure to comply with those  
2 27 requirements.

2 28       Sec. 5. NEW SECTION. 552B.5 VIOLATIONS.

2 29       A violation of this chapter is a violation of the Iowa  
2 30 consumer fraud Act, section 714.16, except that the civil  
2 31 penalty to which a manufacturer who fails to provide the  
2 32 information required in section 552B.3, subsection 2, may be  
2 33 subject shall not exceed one thousand dollars for each day of  
2 34 such violation, and the civil penalty to which a distributor  
2 35 violating section 552B.3, may be subject shall not exceed ten



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3 1 thousand dollars for each day of such violation.

3 2 EXPLANATION

3 3 This bill requires that consumers purchasing or receiving  
3 4 child-oriented products receive product manufacture  
3 5 information relating to product safety under specified  
3 6 circumstances.

3 7 The bill defines a "child" as a person 12 years of age or  
3 8 younger, and defines a "child-oriented product" as a toy, item  
3 9 of clothing, or other consumer good or protective device  
3 10 designed and intended for use by, and purchase by or for the  
3 11 benefit of, a child. Additionally, a "distributor" is a  
3 12 person who takes possession or title to one or more  
3 13 child-oriented products purchased for promotional purposes or  
3 14 resale. The bill excepts from this definition a person  
3 15 involved solely in delivering or storing child-oriented  
3 16 products on behalf of a third party.

3 17 The bill provides that a distributor offering  
3 18 child-oriented products for sale or promotion must display or  
3 19 make available information relating to safety standards  
3 20 applicable to the manufacture of the product. The nature of  
3 21 the information varies depending upon the classification of  
3 22 the manufacturer of the products. The bill provides that if a  
3 23 product is labeled with a logo, trademark, or other  
3 24 representation signifying approval or certification from a  
3 25 nationally recognized regulatory authority or consumer  
3 26 advocacy organization concerned with child welfare or product  
3 27 safety, the distributor will not be required to provide any  
3 28 additional consumer information relating to the product. If  
3 29 the product is manufactured within the United States and is  
3 30 not labeled with such a logo, trademark, or other  
3 31 representation, the bill requires a statement or letter from  
3 32 the manufacturer warranting the safety of the product and  
3 33 containing contact information to be made available by the  
3 34 distributor to consumers on the product shelf or at a location  
3 35 in close proximity to an unshelved product. In the event that



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4 1 a product is not manufactured within the United States and is  
4 2 not labeled with the logo, trademark, or other representation,  
4 3 the bill requires a distributor to clearly display on the  
4 4 product shelf or at a location in close proximity to an  
4 5 unshelved product a statement that the product is untested and  
4 6 that its safety has not been documented.  
4 7     The bill provides that the attorney general shall adopt  
4 8 rules to implement the provisions of the bill, and provides  
4 9 that a violation of the bill's requirements by either a  
4 10 manufacturer or distributor constitutes consumer fraud  
4 11 pursuant to Code section 714.16. As such, violations would be  
4 12 subject to broad investigative and injunctive authority by the  
4 13 attorney general, but a civil penalty is limited under the  
4 14 bill to a maximum of \$10,000 for each day of a violation for  
4 15 distributors, and \$1,000 for each day of a violation for  
4 16 manufacturers. Civil penalties otherwise applicable under  
4 17 Code section 714.16, subsection 7, are subject to a \$40,000  
4 18 maximum.  
4 19 LSB 5621HV 82  
4 20 rn/nh/14



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House File 2615 - Introduced

HOUSE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 2181)

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

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

A BILL FOR

- 1 An Act providing for the development of educational programs
- 2 relating to infection control in correctional facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5905HV 82
- 5 jr/nh/5



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House File 2615 - Introduced continued

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1 1 Section 1. Section 135.11, Code Supplement 2007, is  
1 2 amended by adding the following new subsection:  
1 3 NEW SUBSECTION. 32. In consultation with the department  
1 4 of corrections, the antibiotic resistance task force, and the  
1 5 American federation of state, county and municipal employees,  
1 6 develop educational programs to increase awareness and  
1 7 utilization of infection control practices in institutions  
1 8 listed in section 904.102.

1 9 EXPLANATION

1 10 This bill requires the department of public health to  
1 11 develop educational programs related to infection control in  
1 12 correctional facilities.

1 13 LSB 5905HV 82

1 14 jr/nh/5



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House File 2616 - Introduced

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 2347)

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

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

A BILL FOR

- 1 An Act modifying certain filing, request, and notification
- 2 deadline times for elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6192HV 82
- 5 sc/nh/24



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PAG LIN

1 1 Section 1. Section 43.11, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. For an elective county office, in the office of the  
1 4 county commissioner not earlier than ninety=two days nor later  
1 5 than ~~five o'clock p.m.~~ four=thirty p.m. on the sixty=ninth day  
1 6 before the day fixed for holding the primary election.  
1 7 Sec. 2. Section 43.23, subsection 2, Code 2007, is amended  
1 8 to read as follows:  
1 9 2. If a person who has filed nomination papers with the  
1 10 commissioner as a candidate in a primary election dies or  
1 11 withdraws up to the sixty=seventh day before the primary  
1 12 election, the appropriate convention or central committee of  
1 13 that person's political party may designate one additional  
1 14 primary election candidate for the nomination that person was  
1 15 seeking, if the designation is submitted to the commissioner  
1 16 in writing by ~~five o'clock p.m.~~ four=thirty p.m. on the  
1 17 sixty=third day before the primary election. The name of any  
1 18 candidate so submitted shall be placed on the appropriate  
1 19 ballot or ballots by the commissioner.  
1 20 Sec. 3. Section 43.54, Code 2007, is amended to read as  
1 21 follows:  
1 22 43.54 RIGHT TO PLACE ON BALLOT.  
1 23 Each candidate nominated pursuant to section 43.53 is  
1 24 entitled to have the candidate's name printed on the official  
1 25 ballot to be voted for at the general election if the  
1 26 candidate files an affidavit in the form required by section  
1 27 43.67 not later than ~~five o'clock p.m.~~ four=thirty p.m. on the  
1 28 seventh day following the completion of the canvass.  
1 29 Sec. 4. Section 43.67, unnumbered paragraph 1, Code 2007,  
1 30 is amended to read as follows:  
1 31 Each candidate nominated pursuant to section 43.52 or 43.65  
1 32 is entitled to have the candidate's name printed on the  
1 33 official ballot to be voted at the general election without  
1 34 other certificate unless the candidate was nominated by  
1 35 write=in votes. Immediately after the completion of the



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2 1 canvass held under section 43.49, the ~~county auditor~~  
2 2 commissioner shall notify each person who was nominated by  
2 3 write-in votes for a county office that the person is required  
2 4 to file an affidavit of candidacy if the person wishes to be a  
2 5 candidate for that office at the general election. If the  
2 6 affidavit is not filed with the commissioner by four-thirty  
2 7 p.m. on the seventh day after the completion of the canvass,  
2 8 that person's name shall not be placed upon the official  
2 9 general election ballot. Immediately after the completion of  
2 10 the canvass held under section 43.63, the secretary of state  
2 11 shall notify each person who was nominated by write-in votes  
2 12 for a state or federal office that the person is required to  
2 13 file an affidavit of candidacy if the person wishes to be a  
2 14 candidate for that office at the general election. If the  
2 15 affidavit is not filed by five p.m. on the seventh day after  
2 16 the completion of the canvass, that person's name shall not be  
2 17 placed upon the official general election ballot. The  
2 18 affidavit shall be signed by the candidate, notarized, and  
2 19 filed with the ~~county auditor~~ commissioner or the secretary of  
2 20 state, whichever is applicable.

2 21 Sec. 5. Section 43.78, subsection 3, Code 2007, is amended  
2 22 to read as follows:

2 23 3. The name of any candidate designated to fill a vacancy  
2 24 on the general election ballot in accordance with subsection  
2 25 1, paragraph "d", "e", or "f" shall be submitted in writing to  
2 26 the commissioner not later than ~~five o'clock p.m.~~ four-thirty  
2 27 p.m. on the sixty-ninth day before the date of the general  
2 28 election.

2 29 Sec. 6. Section 44.4, unnumbered paragraphs 1 and 3, Code  
2 30 2007, are amended to read as follows:

2 31 Nominations made pursuant to this chapter and chapter 45  
2 32 which are required to be filed in the office of the state  
2 33 commissioner shall be filed in that office not more than  
2 34 ninety-nine days nor later than five p.m. on the eighty-first  
2 35 day before the date of the general election to be held in



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3 1 November. Nominations made for a special election called  
3 2 pursuant to section 69.14 shall be filed by five p.m. not less  
3 3 than twenty=five days before the date of an election called  
3 4 upon at least forty days' notice and not less than fourteen  
3 5 days before the date of an election called upon at least  
3 6 eighteen days' notice. Nominations made for a special  
3 7 election called pursuant to section 69.14A shall be filed by  
3 8 ~~five p.m.~~ four=thirty p.m. not less than twenty=five days  
3 9 before the date of the election. Nominations made pursuant to  
3 10 this chapter and chapter 45 which are required to be filed in  
3 11 the office of the commissioner shall be filed in that office  
3 12 not more than ninety=two days nor later than ~~five p.m.~~  
3 13 four=thirty p.m. on the sixty=ninth day before the date of the  
3 14 general election. Nominations made pursuant to this chapter  
3 15 or chapter 45 for city office shall be filed not more than  
3 16 seventy=two days nor later than five p.m. on the forty=seventh  
3 17 day before the city election with the city clerk, who shall  
3 18 process them as provided by law.

3 19 Objections required to be filed with the state commissioner  
3 20 or the city clerk shall be filed no later than five p.m. on  
3 21 the final date for filing. Objections required to be filed  
3 22 with the commissioner shall be filed no later than four=thirty  
3 23 p.m. on the final date for filing.

3 24 Sec. 7. Section 47.6, subsection 1, unnumbered paragraph  
3 25 2, Code 2007, is amended to read as follows:

3 26 If the proposed date of the special election coincides with  
3 27 the date of a regularly scheduled election or previously  
3 28 scheduled special election, the notice shall be given no later  
3 29 than ~~five p.m.~~ four=thirty p.m. on the last day on which  
3 30 nomination papers may be filed with the commissioner for the  
3 31 regularly scheduled election or previously scheduled special  
3 32 election, but in no case shall notice be less than thirty=two  
3 33 days before the election. Otherwise, the notice shall be  
3 34 given at least thirty=two days in advance of the date of the  
3 35 proposed special election. Upon receiving the notice, the



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4 1 commissioner shall promptly give written approval of the  
4 2 proposed date unless it appears that the special election, if  
4 3 held on that date, would conflict with a regular election or  
4 4 with another special election previously scheduled for that  
4 5 date.

4 6 Sec. 8. Section 48A.9, Code Supplement 2007, is amended to  
4 7 read as follows:

4 8 48A.9 VOTER REGISTRATION DEADLINES.

4 9 1. Registration closes at ~~five p.m.~~ four-thirty p.m.  
4 10 eleven days before each election except primary and general  
4 11 elections. For primary and general elections, registration  
4 12 closes at ~~five p.m.~~ four-thirty p.m. ten days before the  
4 13 election. An eligible elector may register during the time  
4 14 registration is closed in the elector's precinct but the  
4 15 registration shall not become effective until registration  
4 16 opens again in the elector's precinct, except as otherwise  
4 17 provided in section 48A.7A.

4 18 2. The commissioner's office shall be open from eight a.m.  
4 19 until at least ~~five p.m.~~ four-thirty p.m. on the day  
4 20 registration closes before each regularly scheduled election.  
4 21 However, if the last day to register to vote for a regularly  
4 22 scheduled election falls on the day after Thanksgiving, the  
4 23 deadline shall be four-thirty p.m. the following Monday.

4 24 3. A registration form submitted by mail shall be  
4 25 considered on time if it is postmarked no later than the  
4 26 fifteenth day before the election, even if it is received by  
4 27 the commissioner after the deadline, or if the registration  
4 28 form is received by the commissioner no later than ~~five p.m.~~  
4 29 four-thirty p.m. on the last day to register to vote for an  
4 30 election, even if it is postmarked after the fifteenth day  
4 31 before the election.

4 32 4. Registration forms submitted to voter registration  
4 33 agencies, to motor vehicle driver's license stations, and to  
4 34 county treasurer's offices participating in county issuance of  
4 35 driver's licenses under chapter 321M shall be considered on



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5 1 time if they are received no later than five p.m. on the day  
5 2 registration closes for that election. Offices or agencies  
5 3 ~~other than the county commissioner's office~~ are not required  
5 4 to be open for voter registration purposes at times other than  
5 5 their usual office hours. Offices or agencies other than the  
5 6 county commissioner's office are not required to be open for  
5 7 voter registration purposes on days other than their usual  
5 8 days of business.

5 9 Sec. 9. Section 49.41, subsection 1, paragraph b, Code  
5 10 Supplement 2007, is amended to read as follows:

5 11 b. If the nomination papers for all offices for which the  
5 12 candidate has been nominated are required to be filed with the  
5 13 ~~same~~ state commissioner of elections, the candidate shall file  
5 14 a written notice with ~~that~~ the state commissioner no later  
5 15 than five p.m. on the final date upon which nomination papers  
5 16 may be filed for the election. If the nomination papers for  
5 17 all offices for which the candidate has been nominated are  
5 18 required to be filed with the county commissioner of  
5 19 elections, the candidate shall file a written notice with the  
5 20 county commissioner no later than four-thirty p.m. on the  
5 21 final date upon which nomination papers may be filed for the  
5 22 election. The notice shall state the office for which the  
5 23 person wishes to appear on the ballot. If the required notice  
5 24 is not filed, the candidate's name shall not be certified by  
5 25 the state commissioner for any office for which nomination  
5 26 papers are filed with the state commissioner and the county  
5 27 commissioner of elections shall not include the candidate's  
5 28 name on the ballot for any office in any county.

5 29 Sec. 10. Section 49.58, unnumbered paragraph 2, Code 2007,  
5 30 is amended to read as follows:

5 31 Each candidate for that office whose name appeared on the  
5 32 general election ballot shall also be a candidate for the  
5 33 office in the special election, except that the deceased  
5 34 candidate's political party may designate another candidate in  
5 35 substantially the manner provided by section 43.78 for filling



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6 1 vacancies on the general election ballot. However, a  
6 2 political party which did not have a candidate on the general  
6 3 election ballot for the office in question may similarly  
6 4 designate a candidate for that office in the special election.  
6 5 The name of any replacement or additional candidate so  
6 6 designated shall be submitted in writing to the state  
6 7 commissioner, ~~or the commissioner in the case of a candidate~~  
~~6 8 for county supervisor,~~ not later than five o'clock p.m. on the  
6 9 first Tuesday after the date of the general election or, in  
6 10 the case of a candidate for county supervisor, to the  
6 11 commissioner not later than four-thirty p.m. on the first  
6 12 Tuesday after the date of the general election. No other  
6 13 candidate whose name did not appear on the general election  
6 14 ballot as a candidate for the office in question shall be  
6 15 placed on the ballot for the special election, in any manner.  
6 16 The special election shall be held and canvassed in the manner  
6 17 prescribed by law for the general election.

6 18 Sec. 11. Section 50.48, subsection 1, unnumbered paragraph  
6 19 1, Code Supplement 2007, is amended to read as follows:  
6 20 The county board of canvassers shall order a recount of the  
6 21 votes cast for a particular office or nomination in one or  
6 22 more specified election precincts in that county if a written  
6 23 request ~~therefor~~ for a recount is made not later than ~~five~~  
~~6 24 o'clock p.m.~~ four-thirty p.m. on the third day following the  
6 25 county board's canvass of the election in question. The  
6 26 request shall be filed with the commissioner of that county,  
6 27 or with the commissioner responsible for conducting the  
6 28 election if section 47.2, subsection 2 is applicable, and  
6 29 shall be signed by either of the following:

6 30 Sec. 12. Section 53.2, subsection 1, paragraph b, Code  
6 31 Supplement 2007, is amended to read as follows:  
6 32 b. A registered voter may make written application to the  
6 33 commissioner for an absentee ballot. A written application  
6 34 for an absentee ballot must be received by the commissioner no  
6 35 later than ~~five p.m.~~ four-thirty p.m. on the Friday before the



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7 1 election. A written application for an absentee ballot  
7 2 delivered to the commissioner and received by the commissioner  
7 3 more than seventy days prior to the date of the election shall  
7 4 be retained by the commissioner and processed in the same  
7 5 manner as a written application received not more than seventy  
7 6 days before the date of the election.

7 7 Sec. 13. Section 53.2, subsection 8, Code Supplement 2007,  
7 8 is amended to read as follows:

7 9 8. An application for an absentee ballot that is returned  
7 10 to the commissioner by a person acting as an actual or implied  
7 11 agent for a political party, candidate, or committee, all as  
7 12 defined by chapter 68A, shall be returned to the commissioner  
7 13 within seventy-two hours of the time the completed application  
7 14 was received from the applicant or no later than ~~five p.m.~~  
7 15 four-thirty p.m. on the Friday before the election, whichever  
7 16 is earlier.

7 17 Sec. 14. Section 53.3, subsection 6, Code 2007, is amended  
7 18 to read as follows:

7 19 6. A statement that the application will be delivered to  
7 20 the appropriate commissioner within seventy-two hours of the  
7 21 date and time the completed application was received from the  
7 22 applicant or no later than ~~five p.m.~~ four-thirty p.m. on the  
7 23 Friday before the election, whichever is earlier.

7 24 Sec. 15. Section 53.11, subsection 2, Code Supplement  
7 25 2007, is amended to read as follows:

7 26 2. A petition requesting a satellite absentee voting  
7 27 station must be filed by the following deadlines:

7 28 a. For a primary or general election, no later than ~~five~~  
7 29 ~~p.m.~~ four-thirty p.m. on the forty-seventh day before the  
7 30 election.

7 31 b. For the regular city election or a city primary  
7 32 election, no later than ~~five p.m.~~ four-thirty p.m. on the  
7 33 thirtieth day before the election.

7 34 c. For a city runoff election, no later than ~~five p.m.~~  
7 35 four-thirty p.m. on the twenty-first day before the election.



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8 1 d. For the regular school election, no later than ~~five~~  
~~8 2 p.m.~~ four=thirty p.m. on the thirtieth day before the  
8 3 election.  
8 4 e. For a special election, no later than ~~thirty=two days~~  
8 5 four=thirty p.m. on the ~~thirty=second day~~ before the special  
8 6 election.  
8 7 Sec. 16. Section 53.18, subsection 2, Code Supplement  
8 8 2007, is amended to read as follows:  
8 9 2. If the commissioner receives the return carrier  
8 10 envelope containing the completed absentee ballot by ~~five p.m.~~  
8 11 four=thirty p.m. on the Saturday before the election for  
8 12 general and primary elections and by ~~five p.m.~~ four=thirty  
8 13 p.m. on the Friday before the election for all other  
8 14 elections, the commissioner shall open the envelope to review  
8 15 the affidavit for any deficiencies. If the affidavit contains  
8 16 a deficiency that would cause the ballot to be rejected, the  
8 17 commissioner shall, within twenty=four hours of the time the  
8 18 envelope was received, notify the voter of that fact and that  
8 19 the voter may correct the deficiency by ~~five p.m.~~ four=thirty  
8 20 p.m. on the day before the election.  
8 21 Sec. 17. Section 53.31, subsection 1, Code Supplement  
8 22 2007, is amended to read as follows:  
8 23 1. Any person qualified to vote at the election in  
8 24 progress may challenge the qualifications of a person casting  
8 25 an absentee ballot by submitting a written challenge to the  
8 26 commissioner no later than ~~five p.m.~~ four=thirty p.m. on the  
8 27 Friday before the election. It is the duty of the special  
8 28 precinct officials to challenge the absentee ballot of any  
8 29 person whom the official knows or suspects is not duly  
8 30 qualified. Challenges by members of the special precinct  
8 31 election board or observers present pursuant to section 53.23  
8 32 may be made at any time before the close of the polls on  
8 33 election day. The challenge shall state the reasons for which  
8 34 the challenge is being submitted and shall be signed by the  
8 35 challenger. When a challenge is received the absentee ballot



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9 1 shall be set aside for consideration by the special precinct  
9 2 election board when it meets as required by section 50.22.  
9 3 Sec. 18. Section 69.12, subsection 1, paragraph b,  
9 4 unnumbered paragraph 1, Code 2007, is amended to read as  
9 5 follows:  
9 6 Nomination papers on behalf of candidates for a vacant  
9 7 office to be filled pursuant to paragraph "a" of this  
9 8 subsection shall be filed, in the form and manner prescribed  
9 9 by applicable law, by ~~five p.m.~~ four-thirty p.m. on:  
9 10 Sec. 19. Section 161A.5, subsection 3, unnumbered  
9 11 paragraph 2, Code 2007, is amended to read as follows:  
9 12 The signed petitions shall be filed with the county  
9 13 commissioner of elections not later than ~~five p.m.~~  
9 14 four-thirty p.m. on the sixty-ninth day before the general  
9 15 election. The votes for the office of district commissioner  
9 16 shall be canvassed in the same manner as the votes for county  
9 17 officers, and the returns shall be certified to the  
9 18 commissioners of the district. A plurality is sufficient to  
9 19 elect commissioners, and a primary election for the office  
9 20 shall not be held. If the canvass shows that the two  
9 21 candidates receiving the highest and the second highest number  
9 22 of votes for the office of district commissioner are both  
9 23 residents of the same township, the board shall certify as  
9 24 elected the candidate who received the highest number of votes  
9 25 for the office and the candidate receiving the next highest  
9 26 number of votes for the office who is not a resident of the  
9 27 same township as the candidate receiving the highest number of  
9 28 votes.  
9 29 Sec. 20. Section 260C.15, subsection 3, Code 2007, is  
9 30 amended to read as follows:  
9 31 3. Nomination papers in behalf of candidates for member of  
9 32 the board of directors of a merged area shall be filed with  
9 33 the secretary of the board not earlier than sixty-five days  
9 34 nor later than five o'clock p.m. on the fortieth day prior to  
9 35 the election at which members of the board are to be elected.



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10 1 The secretary shall deliver all nomination petitions so filed,  
10 2 together with the text of any public measure being submitted  
10 3 by the board of directors to the electorate, to the county  
10 4 commissioner of elections who is responsible under section  
10 5 47.2 for conducting elections held for the merged area, not  
10 6 later than ~~five o'clock p.m.~~ four-thirty p.m. on the day  
10 7 following the last day on which nomination petitions can be  
10 8 filed. That commissioner shall certify the names of  
10 9 candidates, and the text and summary of any public measure  
10 10 being submitted to the electorate, to all county commissioners  
10 11 of elections in the merged area by the thirty-fifth day prior  
10 12 to the election.

10 13 Sec. 21. Section 275.25, subsection 1, unnumbered  
10 14 paragraph 1, Code 2007, is amended to read as follows:

10 15 If the proposition to establish a new school district  
10 16 carries under the method provided in this chapter, the area  
10 17 education agency administrator with whom the petition was  
10 18 filed shall give written notice of a proposed date for a  
10 19 special election for directors of the newly formed school  
10 20 district to the commissioner of elections of the county in the  
10 21 district involved in the reorganization which has the greatest  
10 22 taxable base. The proposed date shall be as soon as possible  
10 23 pursuant to section 39.2, subsections 1 and 2, and section  
10 24 47.6, subsections 1 and 2, but not later than the third  
10 25 Tuesday in January of the calendar year in which the  
10 26 reorganization takes effect. The election shall be conducted  
10 27 as provided in section 277.3, and nomination petitions shall  
10 28 be filed pursuant to section 277.4, except as otherwise  
10 29 provided in this subsection. Nomination petitions shall be  
10 30 filed with the secretary of the board of the existing school  
10 31 district in which the candidate resides not less than  
10 32 twenty-eight days before the date set for the special school  
10 33 election. The secretary of the board, or the secretary's  
10 34 designee, shall be present in the secretary's office until  
10 35 five p.m. on the final day to file the nomination papers. The



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11 1 nomination papers shall be delivered to the commissioner no  
11 2 later than ~~five p.m.~~ four=thirty p.m. on the twenty=seventh  
11 3 day before the election.  
11 4 Sec. 22. Section 277.4, unnumbered paragraph 4, Code 2007,  
11 5 is amended to read as follows:  
11 6 The secretary of the school board shall accept the petition  
11 7 for filing if on its face it appears to have the requisite  
11 8 number of signatures and if it is timely filed. The secretary  
11 9 of the school board shall note upon each petition and  
11 10 affidavit accepted for filing the date and time that the  
11 11 petition was filed. The secretary of the school board shall  
11 12 deliver all nomination petitions, together with the complete  
11 13 text of any public measure being submitted by the board to the  
11 14 electorate, to the county commissioner of elections not later  
11 15 than ~~five o'clock p.m.~~ four=thirty p.m. on the day following  
11 16 the last day on which nomination petitions can be filed.  
11 17 Sec. 23. Section 376.4, unnumbered paragraph 7, Code 2007,  
11 18 is amended to read as follows:  
11 19 The city clerk shall deliver all nomination petitions  
11 20 together with the text of any public measure being submitted  
11 21 by the city council to the electorate to the county  
11 22 commissioner of elections not later than ~~five o'clock p.m.~~  
11 23 four=thirty p.m. on the day following the last day on which  
11 24 nomination petitions can be filed.  
11 25 Sec. 24. Section 376.11, subsections 3, 4, and 5, Code  
11 26 Supplement 2007, is amended to read as follows:  
11 27 3. In city primary elections any person who receives  
11 28 write=in votes shall execute an affidavit in substantially the  
11 29 form required by section 45.37, and file it with the county  
11 30 commissioner of elections not later than four=thirty p.m., or  
11 31 with the city clerk not later than five o'clock p.m., on the  
11 32 day after the canvass of the primary election. If any person  
11 33 who received write=in votes fails to file the affidavit at the  
11 34 time required, the county commissioner shall disregard the  
11 35 write=in votes cast for that person. A notation shall be made



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12 1 on the abstract of votes showing which persons who received  
12 2 write-in votes filed affidavits. The total number of votes  
12 3 cast for each office on the ballot shall be amended by  
12 4 subtracting the write-in votes of those candidates who failed  
12 5 to file the affidavit. It is not necessary for a candidate  
12 6 whose name was printed upon the ballot to file an affidavit.  
12 7 Of the remaining candidates, those who receive the highest  
12 8 number of votes to the extent of twice the number of unfilled  
12 9 positions shall be placed on the ballot for the regular city  
12 10 election as candidates for that office.

12 11 4. In cities in which the city council has chosen a runoff  
12 12 election in lieu of a primary, if a person who was elected by  
12 13 write-in votes chooses not to accept the office by filing a  
12 14 resignation notice with the ~~city clerk or~~ commissioner of  
12 15 elections not later than four-thirty p.m., or with the city  
12 16 clerk not later than five ~~o'clock~~ p.m., on the day following  
12 17 the canvass, all remaining persons who received write-in votes  
12 18 and who wish to be considered candidates for the runoff  
12 19 election shall execute an affidavit in substantially the form  
12 20 required by section 45.3 and file it with the county  
12 21 commissioner not later than four-thirty p.m., or with the city  
12 22 clerk not later than five ~~o'clock~~ p.m., of the fourth day  
12 23 following the canvass. If a person receiving write-in votes  
12 24 fails to file the affidavit at the time required, the county  
12 25 commissioner of elections shall disregard the write-in votes  
12 26 cast for that person. The abstract of votes shall be amended  
12 27 to show that the person who was declared elected declined the  
12 28 office and a notation shall be made next to the names of those  
12 29 persons who did not file the affidavit. A runoff election  
12 30 shall be held with the remaining candidates who have the  
12 31 highest number of votes to the extent of twice the number of  
12 32 unfilled positions.

12 33 5. In a city in which the council has chosen a runoff  
12 34 election, if no person was declared elected for an office all  
12 35 persons who received write-in votes shall execute an affidavit



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13 1 in substantially the form required by section 45.3 and file it  
13 2 with the county commissioner of elections not later than  
13 3 four-thirty p.m., or with the city clerk not later than five  
13 4 ~~o'clock~~ p.m., on the day following the canvass of votes. If  
13 5 any person who received write-in votes fails to file the  
13 6 affidavit the county commissioner of elections shall disregard  
13 7 the write-in votes cast for that person. The abstract of  
13 8 votes shall be amended to note which of the write-in  
13 9 candidates failed to file the affidavit. A runoff election  
13 10 shall be held with the remaining candidates who have the  
13 11 highest number of votes to the extent of twice the number of  
13 12 unfilled positions.

13 13 EXPLANATION

13 14 This bill modifies filing, request, and notification  
13 15 deadline times for certain candidates and for certain other  
13 16 matters relating to elections by changing the deadline for  
13 17 filing with the county commissioner of elections from 5:00  
13 18 p.m. to 4:30 p.m. The bill affects the filing of nomination  
13 19 petitions and affidavits of candidacy, designation of  
13 20 candidates to fill ballot vacancies, objections to candidacy,  
13 21 notices of special elections and the text of special election  
13 22 questions, voter registration deadlines, requests for a  
13 23 recount, request and return of absentee ballot applications,  
13 24 requests for satellite absentee voting stations, matters  
13 25 relating to notification of and correction of deficiencies on  
13 26 affidavit envelopes containing completed absentee ballots, and  
13 27 challenges to voter qualifications.

13 28 The bill does not change the filing deadline times of  
13 29 election documents that are required to be filed with the  
13 30 state commissioner of elections, the city clerk, or the  
13 31 secretary of a school district board or merged area board.

13 32 LSB 6192HV 82

13 33 sc/nh/24



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House File 2617 - Introduced

HOUSE FILE  
BY COMMITTEE ON STATE GOVERNMENT  
  
(SUCCESSOR TO HSB 765)

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

A BILL FOR

1 An Act relating to the reporting of certain compensation  
2 information regarding the chief executive officer, the chief  
3 financial officer, and other executive-level administrators of  
4 a nonprofit corporation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 6553HV 82  
7 rh/rj/24



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House File 2617 - Introduced continued

PAG LIN

1 1 Section 1. Section 504.141, Code 2007, is amended by  
1 2 adding the following new subsections:  
1 3 NEW SUBSECTION. 4A. "Chief executive officer" means the  
1 4 person designated by the board of directors to be responsible  
1 5 for the implementation of and adherence to board policies and  
1 6 resolutions by all officers and employees of the corporation.  
1 7 NEW SUBSECTION. 4B. "Chief financial officer" means the  
1 8 principal person designated by the board of directors or  
1 9 otherwise employed by the corporation to be responsible for  
1 10 managing the financial records and financial operations of the  
1 11 corporation.

1 12 Sec. 2. Section 504.1613, subsection 1, Code 2007, is  
1 13 amended by adding the following new paragraph:  
1 14 NEW PARAGRAPH. f. The amount of the compensation paid to  
1 15 the corporation's chief executive officer, chief financial  
1 16 officer, and other executive-level administrators. For  
1 17 purposes of this paragraph, "compensation" means payment of,  
1 18 or agreement to pay, any money, thing of value, or financial  
1 19 benefit conferred in return for labor or services rendered by  
1 20 the corporation's chief executive officer, chief financial  
1 21 officer, or other executive-level administrators plus the  
1 22 value of benefits including but not limited to casualty,  
1 23 disability, life, or health insurance, other health or  
1 24 wellness benefits, vacations, holidays, and sick leave,  
1 25 severance payments, retirement benefits, and deferred  
1 26 compensation.

1 27 EXPLANATION

1 28 This bill relates to the reporting of certain compensation  
1 29 information regarding the chief executive officer, the chief  
1 30 financial officer, and other executive-level administrators of  
1 31 a nonprofit corporation.

1 32 Current law requires a nonprofit corporation including a  
1 33 foreign corporation authorized to transact business in Iowa to  
1 34 file a biennial report with the secretary of state on a form  
1 35 prescribed by the secretary of state that includes the name of



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2 1 the corporation and the state or country under whose law it is  
2 2 incorporated, the address of the corporation's registered  
2 3 office and the name of the corporation's registered agent at  
2 4 that office in this state, together with the consent of any  
2 5 new registered agent, the address of the corporation's  
2 6 principal office, the names and addresses of the president,  
2 7 secretary, treasurer, and one member of the board of  
2 8 directors, and whether or not the corporation has members.  
2 9 The bill requires the corporation to include the amount of the  
2 10 compensation paid to the corporation's chief executive  
2 11 officer, chief financial officer, and other executive-level  
2 12 administrators in the biennial report. For purposes of the  
2 13 bill, "compensation" means payment of, or agreement to pay,  
2 14 any money, thing of value, or financial benefit conferred in  
2 15 return for labor or services rendered by the corporation's  
2 16 chief executive officer, chief financial officer, and other  
2 17 executive-level administrators plus the value of benefits  
2 18 including but not limited to casualty, disability, life, or  
2 19 health insurance, other health or wellness benefits,  
2 20 vacations, holidays, and sick leave, severance payments,  
2 21 retirement benefits, and deferred compensation.  
2 22 The biennial report required by current law is a public  
2 23 record open to public inspection.  
2 24 LSB 6553HV 82  
2 25 rh/rj/24



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House File 2618 - Introduced

HOUSE FILE  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 701)

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

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

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

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

Approved

A BILL FOR

- 1 An Act relating to equipment used in egg production operations by
- 2 providing an exemption from sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5412HV 82
- 5 da/sc/8



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House File 2618 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 93. Fluorescent or incandescent light  
1 4 bulbs that are used in poultry operations housing layer=type  
1 5 chickens to produce eggs.

1 6 EXPLANATION

1 7 This bill amends Code section 423.3 which exempts a number  
1 8 of items from the tax imposed upon the sales price of sales of  
1 9 tangible personal property sold at retail in this state to  
1 10 consumers. The bill exempts fluorescent or incandescent light  
1 11 bulbs that are used in poultry operations housing layer=type  
1 12 chickens to produce eggs.

1 13 LSB 5412HV 82

1 14 da/sc/8



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**House File 2619 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 687)

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

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

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

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

**A BILL FOR**

- 1 An Act relating to deferred judgment criminal records.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5972HV 82
- 4 jm/nh/5



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House File 2619 - Introduced continued

PAG LIN

1 1 Section 1. Section 907.1, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. "Expunged" means the court's criminal  
1 4 record with reference to a deferred judgment has been  
1 5 segregated in an area or database which is secured from public  
1 6 access.

1 7 Sec. 2. Section 907.4, Code 2007, is amended to read as  
1 8 follows:

1 9 907.4 DEFERRED JUDGMENT DOCKET.

1 10 1. A deferment of judgment under section 907.3 shall be  
1 11 entered promptly by the clerk of the district court, or the  
1 12 clerk's designee, into the deferred judgment database of the  
1 13 state, which shall serve as the deferred judgment docket. The  
1 14 deferred judgment docket shall be maintained by the state  
1 15 court administrator and shall not be destroyed. The docket  
1 16 shall contain a permanent record of the deferred judgment  
1 17 including the name and date of birth of the defendant, the  
1 18 district court docket number, the nature of the offense, and  
1 19 the date of the deferred judgment. Before granting deferred  
1 20 judgment in any case, the court shall search the deferred  
1 21 judgment docket and shall consider any prior record of a  
1 22 deferred judgment against the defendant.

1 23 2. The permanent record provided for in ~~this section~~  
1 24 subsection 1 is a confidential record exempted from public  
1 25 access under section 22.7 and shall be available only to  
1 26 justices of the supreme court, judges of the court of appeals,  
1 27 district judges, district associate judges, judicial  
1 28 magistrates, clerks of the district court, judicial district  
1 29 departments of correctional services, county attorneys, and  
1 30 the department of corrections requesting information pursuant  
1 31 to this section, or the designee of a justice, judge,  
1 32 magistrate, clerk, judicial district department of  
1 33 correctional services, or county attorney, or department.

1 34 Sec. 3. Section 907.9, subsection 4, Code 2007, is amended  
1 35 to read as follows:



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2 1 4. At the expiration of the period of probation and if the  
2 2 fees imposed under sections 815.9 and 905.14 have been paid or  
2 3 on condition that unpaid supervision fees be paid, the court  
2 4 shall order the discharge of the person from probation, and  
2 5 the court shall forward to the governor a recommendation for  
2 6 or against restoration of citizenship rights to that person.  
2 7 A person who has been discharged from probation shall no  
2 8 longer be held to answer for the person's offense.

2 9 4A. Upon discharge from probation, if judgment has been  
2 10 deferred under section 907.3, the court's criminal record with  
2 11 reference to the deferred judgment shall be expunged. ~~The~~  
~~2 12 record maintained by the state court administrator as required~~  
~~2 13 by section 907.4 shall not be expunged.~~ The expunged record  
2 14 is a confidential record exempt from public access under  
2 15 section 22.7 but shall be made available by the clerk of the  
2 16 district court, upon request and without court order, to an  
2 17 agency or person granted access to the deferred docket under  
2 18 section 907.4. The court's record shall not be expunged in  
2 19 any other circumstances unless otherwise authorized by law.

2 20 EXPLANATION

2 21 This bill relates to deferred judgment criminal records.  
2 22 The bill defines "expunged" to mean the court's criminal  
2 23 record with reference to a deferred judgment has been  
2 24 segregated into a separate area or database which is secured  
2 25 from public access. The expunged record is a confidential  
2 26 record exempt from public access under Code section 22.7, but  
2 27 shall be made available by the clerk of the district court,  
2 28 upon request and without court order, to the agencies or  
2 29 persons granted access to the deferred judgment docket under  
2 30 Code section 907.4.

2 31 Currently, the court's criminal record relating to a  
2 32 deferred judgment is expunged, but a record of the deferred  
2 33 judgment is made permanent in the deferred judgment docket.  
2 34 The permanent record in the deferred judgment docket under  
2 35 current law includes the name and date of birth of the



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3 1 defendant, the district court docket number, the nature of the  
3 2 offense, and the date of the deferred judgment.

3 3       The bill also strikes a provision in Code section 907.9  
3 4 requiring the state court administrator to maintain deferred  
3 5 judgment records and moves the provision to Code section  
3 6 907.4.

3 7       The bill also provides that the court's record shall not be  
3 8 expunged unless otherwise authorized by law. Current law  
3 9 authorizes criminal records to be expunged under Code sections  
3 10 123.46, 321.211A, and 321.385A.

3 11 LSB 5972HV 82

3 12 jm/nh/5



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House File 2620 - Introduced

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 627)

(COMPANION TO SF 2312 BY  
COMMITTEE ON STATE GOVERNMENT)

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

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

**A BILL FOR**

- 1 An Act relating to the conduct of elections and voter
- 2 registration, making penalties applicable, and including
- 3 effective date, applicability date, and transition provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5403HV 82
- 6 sc/nh/8



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PAG LIN

1 1 DIVISION I  
1 2 ELECTION OF SCHOOL CORPORATION BOARDS OF DIRECTORS  
1 3 Section 1. Section 39.24, Code 2007, is amended to read as  
1 4 follows:  
1 5 39.24 SCHOOL OFFICERS.  
1 6 Members of boards of directors of community and independent  
1 7 school districts, and boards of directors of merged areas  
1 8 shall be elected at the school election. Their terms of  
1 9 office shall be ~~three~~ four years, except as otherwise provided  
1 10 by section 260C.11 ~~or~~, 260C.13, 275.23A, 275.37, or 275.37A.  
1 11 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code  
1 12 2007, is amended to read as follows:  
1 13 The governing board of a merged area is a board of  
1 14 directors composed of one member elected from each director  
1 15 district in the area by the electors of the respective  
1 16 district. Members of the board shall be residents of the  
1 17 district from which elected. Successors shall be chosen at  
1 18 the ~~annual~~ regular school elections for members whose terms  
1 19 expire. The term of a member of the board of directors is  
1 20 ~~three~~ four years and commences at the organization meeting.  
1 21 Vacancies on the board shall be filled at the next regular  
1 22 meeting of the board by appointment by the remaining members  
1 23 of the board. A member so chosen shall be a resident of the  
1 24 district in which the vacancy occurred and shall serve until a  
1 25 member is elected pursuant to section 69.12 to fill the  
1 26 vacancy for the balance of the unexpired term. A vacancy is  
1 27 defined in section 277.29. A member shall not serve on the  
1 28 board of directors who is a member of a board of directors of  
1 29 a local school district or a member of an area education  
1 30 agency board.  
1 31 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code  
1 32 2007, is amended to read as follows:  
1 33 The board of directors of the merged area shall organize at  
1 34 the first regular meeting in October ~~of each year~~ following  
1 35 the regular school election. Organization of the board shall



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2 1 be effected by the election of a president and other officers  
2 2 from the board membership as board members determine. The  
2 3 board of directors shall appoint a secretary and a treasurer  
2 4 who shall each give bond as prescribed in section 291.2 and  
2 5 who shall each receive the salary determined by the board.  
2 6 The secretary and treasurer shall perform duties under chapter  
2 7 291 and additional duties the board of directors deems  
2 8 necessary. However, the board may appoint one person to serve  
2 9 as the secretary and treasurer. If one person serves as the  
2 10 secretary and treasurer, only one bond is necessary for that  
2 11 person. The frequency of meetings other than organizational  
2 12 meetings shall be as determined by the board of directors but  
2 13 the president or a majority of the members may call a special  
2 14 meeting at any time.

2 15 Sec. 4. Section 260C.13, subsection 1, Code 2007, is  
2 16 amended to read as follows:

2 17 1. The board of a merged area may change the number of  
2 18 directors on the board and shall make corresponding changes in  
2 19 the boundaries of director districts. Changes shall be  
2 20 completed not later than June 1 ~~for the regular school~~  
~~2 21 election to be held the next following September of the year~~  
2 22 of the regular school election. As soon as possible after  
2 23 adoption of the boundary changes, notice of changes in the  
2 24 director district boundaries shall be submitted by the merged  
2 25 area to the county commissioner of elections in all counties  
2 26 included in whole or in part in the merged area.

2 27 Sec. 5. Section 260C.15, subsection 1, Code 2007, is  
2 28 amended to read as follows:

2 29 1. Regular elections held ~~annually~~ by the merged area for  
2 30 the election of members of the board of directors as required  
2 31 by section 260C.11, for the renewal of the twenty and  
2 32 one-fourth cents per thousand dollars of assessed valuation  
2 33 levy authorized in section 260C.22, or for any other matter  
2 34 authorized by law and designated for election by the board of  
2 35 directors of the merged area, shall be held on the date of the



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3 1 school election as fixed by section 277.1. The election  
3 2 notice shall be made a part of the local school election  
3 3 notice published as provided in section 49.53 in each local  
3 4 school district where voting is to occur in the merged area  
3 5 election and the election shall be conducted by the county  
3 6 commissioner of elections pursuant to chapters 39 ~~to~~ through  
3 7 53 and section 277.20.  
3 8 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code  
3 9 2007, is amended to read as follows:  
3 10 a. In addition to the tax authorized under section  
3 11 260C.17, the voters in ~~any a~~ merged area may at the ~~annual~~  
3 12 regular school election vote a tax not exceeding twenty and  
3 13 one-fourth cents per thousand dollars of assessed value in any  
3 14 one year for a period not to exceed ten years for the purchase  
3 15 of grounds, construction of buildings, payment of debts  
3 16 contracted for the construction of buildings, purchase of  
3 17 buildings and equipment for buildings, and the acquisition of  
3 18 libraries, for the purpose of paying costs of utilities, and  
3 19 for the purpose of maintaining, remodeling, improving, or  
3 20 expanding the community college of the merged area. If the  
3 21 tax levy is approved under this section, the costs of  
3 22 utilities shall be paid from the proceeds of the levy. The  
3 23 tax shall be collected by the county treasurers and remitted  
3 24 to the treasurer of the merged area as provided in section  
3 25 331.552, subsection 29. The proceeds of the tax shall be  
3 26 deposited in a separate and distinct fund to be known as the  
3 27 voted tax fund, to be paid out upon warrants drawn by the  
3 28 president and secretary of the board of directors of the  
3 29 merged area district for the payment of costs incurred in  
3 30 providing the school facilities for which the tax was voted.  
3 31 Sec. 7. Section 273.8, subsections 1 and 7, Code 2007, are  
3 32 amended to read as follows:  
3 33 1. BOARD OF DIRECTORS. The board of directors of an area  
3 34 education agency shall consist of not less than five nor more  
3 35 than nine members, each a resident of and elected in the



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4 1 manner provided in this section from a director district that  
4 2 is approximately equal in population to the other director  
4 3 districts in the area education agency. Each director shall  
4 4 serve a ~~three-year~~ four-year term which commences at the  
4 5 organization meeting.

4 6 7. BOUNDARY LINE CHANGES. To the extent possible the  
4 7 board shall provide that changes in the boundary lines of  
4 8 director districts of area education agencies shall not  
4 9 lengthen or diminish the term of office of a director of an  
4 10 area education agency board. Initial terms of office shall be  
4 11 set by the board so that as nearly as possible the terms of  
4 12 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

4 13 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,  
4 14 Code 2007, are amended to read as follows:

4 15 a. Notice of the election shall be published by the area  
4 16 education agency administrator not later than July 15 of the  
4 17 odd-numbered year in at least one newspaper of general  
4 18 circulation in the director district. The cost of publication  
4 19 shall be paid by the area education agency.

4 20 b. A candidate for election to the area education agency  
4 21 board shall file a statement of candidacy with the area  
4 22 education agency secretary not later than August 15 of the  
4 23 odd-numbered year, on forms prescribed by the department of  
4 24 education. The statement of candidacy shall include the  
4 25 candidate's name, address, and school district. The list of  
4 26 candidates shall be sent by the secretary of the area  
4 27 education agency in ballot form by certified mail to the  
4 28 presidents of the boards of directors of all school districts  
4 29 within the director district not later than September 1. In  
4 30 order for the ballot to be counted, the ballot must be  
4 31 received in the secretary's office by the end of the normal  
4 32 business day on September 30 or be clearly postmarked by an  
4 33 officially authorized postal service not later than September  
4 34 29 and received by the secretary not later than noon on the  
4 35 first Monday following September 30.



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5 1 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph  
5 2 1, Code 2007, is amended to read as follows:

5 3 The board of directors of each area education agency shall  
5 4 meet and organize at the first regular meeting in October ~~of~~  
~~5 5 each year~~ following the regular school election at a suitable  
5 6 place designated by the president. Directors whose terms  
5 7 commence at the organization meeting shall qualify by taking  
5 8 the oath of office required by section 277.28 at or before the  
5 9 organization meeting.

5 10 Sec. 10. Section 274.7, Code 2007, is amended to read as  
5 11 follows:

5 12 274.7 DIRECTORS.

5 13 The affairs of each school corporation shall be conducted  
5 14 by a board of directors, the members of which in all community  
5 15 or independent school districts shall be chosen for a term of  
5 16 ~~three~~ four years.

5 17 Sec. 11. Section 275.1, subsections 2 and 5, Code 2007,  
5 18 are amended to read as follows:

5 19 2. "Initial board" means the board of a newly reorganized  
5 20 district that is selected pursuant to section 275.25 or 275.41  
5 21 and functions until the organizational meeting following the  
5 22 ~~fourth~~ third regular school election held after the effective  
5 23 date of the reorganization.

5 24 5. "Regular board" means the board of a reorganized  
5 25 district that begins to function at the organizational meeting  
5 26 following the ~~fourth~~ third regular school election held after  
5 27 the effective date of the school reorganization, and is  
5 28 comprised of members who were elected to the current terms or  
5 29 were appointed to replace members who were elected.

5 30 Sec. 12. Section 275.12, subsection 2, Code 2007, is  
5 31 amended to read as follows:

5 32 2. The petition filed under subsection 1 shall also state  
5 33 the name of the proposed school district and the number of  
5 34 directors which may be either five or seven and the method of  
5 35 election of the school directors of the proposed district.



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6 1 The method of election of the directors shall be one of the  
6 2 following optional plans:  
6 3 a. Election at large from the entire district by the  
6 4 electors of the entire district.  
6 5 b. Division of the entire school district into designated  
6 6 geographical single director or multi=director subdistricts on  
6 7 the basis of population for each director, to be known as  
6 8 director districts, each of which ~~director districts~~ shall be  
6 9 represented on the school board by one or more directors who  
6 10 shall be residents of the director district but who shall be  
6 11 elected by the vote of the electors of the entire school  
6 12 district. The boundaries of the director districts and the  
6 13 area and population included within each district shall be  
6 14 such as justice, equity, and the interests of the people may  
6 15 require. Changes in the boundaries of director districts  
6 16 shall not be made during a period commencing sixty days prior  
6 17 to the date of the ~~annual~~ regular school election. ~~Insofar As~~  
6 18 ~~far as may be~~ practicable, the boundaries of the districts  
6 19 shall follow established political or natural geographical  
6 20 divisions.  
6 21 c. Election of not more than one=half of the total number  
6 22 of school directors at large from the entire district and the  
6 23 remaining directors from and as residents of designated  
6 24 single=member or multimember director districts into which the  
6 25 entire school district shall be divided on the basis of  
6 26 population for each director. In such case, all directors  
6 27 shall be elected by the electors of the entire school  
6 28 district. Changes in the boundaries of director districts  
6 29 shall not be made during a period commencing sixty days prior  
6 30 to the date of the ~~annual~~ regular school election.  
6 31 d. Division of the entire school district into designated  
6 32 geographical single director or multi=director subdistricts on  
6 33 the basis of population for each director, to be known as  
6 34 director districts, each of which ~~director districts~~ shall be  
6 35 represented on the school board by one or more directors who



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7 1 shall be residents of the director district and who shall be  
7 2 elected by the voters of the director district. Place of  
7 3 voting in the director districts shall be designated by the  
7 4 commissioner of elections. Changes in the boundaries of  
7 5 director districts shall not be made during a period  
7 6 commencing sixty days prior to the date of the ~~annual~~ regular  
7 7 school election.

7 8 e. In districts having seven directors, election of three  
7 9 directors at large by the electors of the entire district, ~~one~~  
7 10 no more than two at each ~~annual~~ regular school election, and  
7 11 election of the remaining directors as residents of and by the  
7 12 electors of individual geographic subdistricts established on  
7 13 the basis of population and identified as director districts,  
7 14 no more than two at each regular school election. Boundaries  
7 15 of the subdistricts shall follow precinct boundaries, insofar  
7 16 as far as practicable, and shall not be changed less than  
7 17 sixty days prior to the ~~annual~~ regular school election.

7 18 Sec. 13. Section 275.25, subsection 3, Code 2007, is  
7 19 amended to read as follows:

7 20 3. The directors who are elected and qualify to serve  
7 21 shall serve until their successors are elected and qualify.  
7 22 At the special election, the three newly elected ~~director~~  
7 23 directors receiving the most votes shall be elected to serve  
7 24 until the director's successor qualifies their successors  
7 25 qualify after the ~~fourth~~ third regular school election date  
7 26 occurring after the effective date of the reorganization; and  
7 27 the two newly elected directors receiving the next largest  
7 28 number of votes shall be elected to serve until the directors'  
7 29 successors qualify after the ~~third~~ second regular school  
7 30 election date occurring after the effective date of the  
7 31 reorganization; and the two newly elected directors receiving  
~~7 32 the next largest number of votes shall be elected to serve~~  
~~7 33 until the directors' successors qualify after the second~~  
~~7 34 regular school election date occurring after the effective~~  
~~7 35 date of the reorganization. However, in districts that~~



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8 1 include all or a part of a city of fifteen thousand or more  
8 2 population and in districts in which the proposition to  
8 3 establish a new corporation provides for the election of seven  
8 4 directors, the ~~three newly elected directors receiving the~~  
~~8 5 most votes shall be elected to serve until the directors'~~  
~~8 6 successors qualify after the fourth regular school election~~  
~~8 7 date occurring after the effective date of the reorganization~~  
8 8 timelines specified in this subsection for the terms of office  
8 9 apply to the four newly elected directors receiving the most  
8 10 votes and then to the three newly elected directors receiving  
8 11 the next largest number of votes.

8 12 Sec. 14. Section 275.37, Code 2007, is amended to read as  
8 13 follows:

8 14 275.37 INCREASE IN NUMBER OF DIRECTORS.

8 15 At the next succeeding ~~annual~~ regular school election in a  
8 16 district where the number of directors has been increased from  
8 17 five to seven, and directors are elected at large, there shall  
8 18 be elected a director to succeed each incumbent director whose  
8 19 term is expiring in that year, and two additional directors.

8 20 Upon organizing as required by section 279.1, either one or  
8 21 two of the newly elected ~~director~~ directors who received the  
8 22 fewest votes in the election shall be assigned a term of  
8 23 ~~either one year or two years if~~ as necessary in order that as  
8 24 nearly as possible ~~one-third~~ one-half of the members of the  
8 25 board shall be elected ~~each year~~ biennially. If some or all  
8 26 directors are elected from director districts, the board shall  
8 27 assign terms appropriate for the method of election used by  
8 28 the district.

8 29 Sec. 15. Section 275.37A, Code 2007, is amended to read as  
8 30 follows:

8 31 275.37A DECREASE IN NUMBER OF DIRECTORS.

8 32 1. A change from seven to five directors shall be effected  
8 33 in a district at the first regular school election after  
8 34 authorization by the voters in the following manner:

8 35 a. If at the first election in the district there are



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9 1 ~~three~~ four terms expiring, ~~one director~~ three directors shall  
9 2 be elected. At the second election in that district, if ~~two~~  
9 3 three terms are expiring, two directors shall be elected. ~~At~~  
9 4 ~~the third election in that district, if there are two terms~~  
9 5 ~~expiring, two directors shall be elected.~~

9 6 b. If at the first election there are ~~two~~ three terms  
9 7 expiring, ~~no~~ two directors shall be elected. At the second  
9 8 election in that district, if ~~two~~ four terms are expiring, ~~two~~  
9 9 three directors shall be elected. ~~At the third election in~~  
9 10 ~~that district, if there are three terms expiring, three~~  
9 11 ~~directors shall be elected, two for three years and one for~~  
9 12 ~~one year. The newly elected director who received the fewest~~  
9 13 ~~votes in the election shall be assigned a term of one year.~~

9 14 c. If at the first election there are two terms expiring,  
9 15 ~~no directors shall be elected. At the second election in that~~  
9 16 ~~district, if three terms are expiring, three directors shall~~  
9 17 ~~be elected, two for three years and one for two years. The~~  
9 18 ~~newly elected director who received the fewest votes in the~~  
9 19 ~~election shall be assigned a term of two years. At the third~~  
9 20 ~~election in that district, if there are two terms expiring,~~  
9 21 ~~two directors shall be elected.~~

9 22 2. If some or all of the directors are elected from  
9 23 director districts, the board shall devise a plan to reduce  
9 24 the number of members so that as nearly as possible ~~one-third~~  
9 25 one-half of the members of the board shall be elected ~~each~~  
9 26 year biennially and so that each district will be continuously  
9 27 represented.

9 28 Sec. 16. Section 275.38, Code 2007, is amended to read as  
9 29 follows:

9 30 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.  
9 31 If change in the method of election of school directors is  
9 32 approved at a regular or special school election, the  
9 33 directors who were serving unexpired terms or were elected  
9 34 concurrently with approval of the change of method shall serve  
9 35 out the terms for which they were elected. If the plan



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10 1 adopted is that described in section 275.12, subsection 2,  
10 2 paragraph "~~b, "c, "d, or e,~~" "b, "c", "d", or "e"," the  
10 3 board shall at the earliest practicable time designate the  
10 4 districts from which residents are to be elected as school  
10 5 directors at each of the next ~~three~~ two succeeding ~~annual~~  
10 6 regular school elections, arranging so far as possible for  
10 7 elections of directors as residents of the respective  
10 8 districts to coincide with the expiration of terms of  
10 9 incumbent members residing in those districts. If an increase  
10 10 in the size of the board from five to seven members is  
10 11 approved concurrently with the change in method of election of  
10 12 directors, the board shall make the necessary adjustment in  
10 13 the manner prescribed in section 275.37, as well as providing  
10 14 for implementation of the districting plan under this section.

10 15 Sec. 17. Section 275.41, subsection 3, Code 2007, is  
10 16 amended to read as follows:

10 17 3. Prior to the effective date of the reorganization, the  
10 18 initial board shall approve a plan that commences at the  
10 19 ~~second~~ first regular school election held after the effective  
10 20 date of the merger and is completed at the ~~fourth~~ third  
10 21 regular school election held after the effective date of the  
10 22 merger, to replace the initial board with the regular board.  
10 23 If the petition specifies a number of directors on the regular  
10 24 board to be different from the number of directors on the  
10 25 initial board, the plan shall provide that the number  
10 26 specified in the petition for the regular board is in place by  
10 27 the time the regular board is formed. The plan shall provide  
10 28 that as nearly as possible ~~one-third~~ one-half of the members  
10 29 of the board shall be elected ~~each year~~ biennially, and if a  
10 30 special election was held to elect a member to create an odd  
10 31 number of members on the board, the term of that member shall  
10 32 end at the organizational meeting following the ~~fourth~~ third  
10 33 regular school election held after the effective date.

10 34 Sec. 18. Section 277.1, Code 2007, is amended to read as  
10 35 follows:



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11 1 277.1 REGULAR ELECTION.

11 2 The regular election shall be held ~~annually~~ biennially on  
11 3 the second Tuesday in September of each odd-numbered year in  
11 4 each school district for the election of officers of the  
11 5 district and merged area and for the purpose of submitting to  
11 6 the voters any matter authorized by law.

11 7 Sec. 19. Section 277.25, Code 2007, is amended to read as  
11 8 follows:

11 9 277.25 DIRECTORS IN NEW DISTRICTS.

11 10 At the first election in newly organized districts the  
11 11 directors shall be elected as follows:

11 12 1. In districts having three directors, ~~one director~~ two  
11 13 directors shall be elected for ~~one year, one for~~ two years,  
11 14 and one for ~~three~~ four years.

11 15 2. In districts having five directors, ~~two~~ three shall be  
11 16 elected for ~~one year, two for~~ two years, and ~~one~~ two for ~~three~~  
11 17 four years.

11 18 3. In districts having seven directors, ~~two~~ four shall be  
11 19 elected for ~~one year, two for~~ two years, and three for ~~three~~  
11 20 four years.

11 21 Sec. 20. Section 278.2, unnumbered paragraph 2, Code 2007,  
11 22 is amended to read as follows:

11 23 Petitions filed under this section shall be filed with the  
11 24 secretary of the school board at least seventy-five days  
11 25 before the date of the ~~annual~~ regular school election, if the  
11 26 question is to be included on the ballot at that election.  
11 27 The petition shall include the signatures of the petitioners,  
11 28 a statement of their place of residence, and the date on which  
11 29 they signed the petition.

11 30 Sec. 21. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

11 31 This division of this Act, being deemed of immediate  
11 32 importance, takes effect upon enactment, for purposes of the  
11 33 transition from election of directors of community and  
11 34 independent school districts, merged areas, and area education  
11 35 agencies annually for terms of three years each to the



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12 1 staggered election of such directors biennially for terms of  
12 2 four years each. This Act shall be applied so that the first  
12 3 election at which directors, due to the expiration of  
12 4 predecessor director terms, shall be elected to serve regular  
12 5 four-year terms is the regular school election held in  
12 6 September 2009 or the director district conventions held in  
12 7 September 2009.

12 8 The board of directors of each affected school district and  
12 9 each merged area and area education agency shall review the  
12 10 expiration dates of the terms of office of its directors and  
12 11 shall adopt by resolution a plan for shortening or lengthening  
12 12 terms of members for the annual school election or director  
12 13 district convention held in September 2007 and September 2008  
12 14 so that all members whose terms expire at the regular school  
12 15 election or director district convention held in September  
12 16 2009 will be elected to four-year terms with the remaining  
12 17 members of the board having their terms expire at the regular  
12 18 school election or director district convention held in  
12 19 September 2011. The board shall submit a copy of the  
12 20 resolution adopting its plan to the office of the state  
12 21 commissioner of elections no later than August 1, 2008. In  
12 22 developing the plan, the board of directors shall take into  
12 23 consideration the terms for which the members were elected and  
12 24 the number of votes the members received in relation to the  
12 25 number of votes other candidates received at the applicable  
12 26 election or director district convention.

12 27

DIVISION II

12 28

VOTING CENTERS FOR CERTAIN ELECTIONS

12 29

Sec. 22. Section 49.9, Code 2007, is amended to read as  
12 30 follows:

12 31

49.9 PROPER PLACE OF VOTING.

12 32

~~No~~ Except as provided in section 49.11, subsection 1A, a  
12 33 person shall not vote in any precinct but that of the person's  
12 34 residence.

12 35

Sec. 23. Section 49.11, Code 2007, is amended by adding



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13 1 the following new subsection:  
13 2 NEW SUBSECTION. 1A. a. Establish voting centers for the  
13 3 regular city election, city primary election, city runoff  
13 4 election, regular school election, and special elections. Any  
13 5 registered voter who is eligible to vote in the regular city  
13 6 election may vote at any voting center in the city. Any  
13 7 registered voter who is eligible to vote at the regular school  
13 8 election may vote at any voting center in the school district.  
13 9 Any registered voter who is eligible to vote in a special  
13 10 election may vote at any voting center established for that  
13 11 special election. For purposes of section 48A.7A, a voting  
13 12 center shall be considered the polling place for the precinct  
13 13 in which a person resides.  
13 14 b. The county commissioner of elections shall designate  
13 15 the location of each voting center to be used in the election.  
13 16 c. A voting center designated under this subsection is  
13 17 subject to the requirements of section 49.21 relating to  
13 18 accessibility to persons who are elderly and persons with  
13 19 disabilities and relating to the posting of signs. The  
13 20 location of each voting center shall be published by the  
13 21 county commissioner of elections in the same manner as the  
13 22 location of polling places is required to be published.  
13 23 d. Pursuant to section 39A.2, subsection 1, paragraph "b",  
13 24 subparagraph (3), a person commits the crime of election  
13 25 misconduct in the first degree if the person knowingly votes  
13 26 or attempts to vote at more than one voting center for the  
13 27 same election.

13 28 DIVISION III

13 29 DATES OF SPECIAL ELECTIONS

13 30 Sec. 24. Section 39.2, Code 2007, is amended by adding the  
13 31 following new subsection:  
13 32 NEW SUBSECTION. 4. Unless otherwise provided by law,  
13 33 special elections on public measures are limited to the  
13 34 following dates:  
13 35 a. For a county, on the day of the general election, on



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14 1 the day of the regular city election, on the date of a special  
14 2 election held to fill a vacancy in the same county, or on the  
14 3 first Tuesday in March, the first Tuesday in May, or the first  
14 4 Tuesday in August of each year.

14 5 b. For a city, on the day of the general election, on the  
14 6 day of the regular city election, on the date of a special  
14 7 election held to fill a vacancy in the same city, or on the  
14 8 first Tuesday in March, the first Tuesday in May, or the first  
14 9 Tuesday in August of each year.

14 10 c. For a school district or merged area, in the  
14 11 odd-numbered year, the first Tuesday in February, the first  
14 12 Tuesday in April, the last Tuesday in June, or the second  
14 13 Tuesday in September. For a school district or merged area,  
14 14 in the even-numbered year, the first Tuesday in February, the  
14 15 first Tuesday in April, the second Tuesday in September, or  
14 16 the first Tuesday in December.

14 17 Sec. 25. Section 47.6, subsection 1, unnumbered paragraph  
14 18 1, Code 2007, is amended to read as follows:

14 19 The governing body of ~~any~~ a political subdivision which has  
14 20 authorized a special election to which section 39.2 ~~is,~~  
14 21 subsections 1, 2, and 3, are applicable shall by written  
14 22 notice inform the commissioner who will be responsible for  
14 23 conducting the election of the proposed date of the special  
14 24 election. If a public measure will appear on the ballot at  
14 25 the special election the governing body shall submit the  
14 26 complete text of the public measure to the commissioner with  
14 27 the notice of the proposed date of the special election.

14 28 Sec. 26. Section 47.6, Code 2007, is amended by adding the  
14 29 following new subsection:

14 30 NEW SUBSECTION. 3. a. A city council or a county board  
14 31 of supervisors that has authorized a public measure to be  
14 32 submitted to the voters at a special election held pursuant to  
14 33 section 39.2, subsection 4, shall file the full text of the  
14 34 public measure with the commissioner no later than five p.m.  
14 35 on the forty=sixth day before the election.



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15 1 b. If there are vacancies in county offices to be filled  
15 2 at the special election, candidates shall file their  
15 3 nomination papers with the commissioner not later than five  
15 4 p.m. on the forty=sixth day before the election.

15 5 c. If there are vacancies in city offices to be filled at  
15 6 the special election, candidates shall file their nomination  
15 7 papers with the city clerk not later than five p.m. on the  
15 8 forty=seventh day before the election. The city clerk shall  
15 9 deliver the nomination papers to the commissioner not later  
15 10 than five p.m. on the forty=sixth day before the election.

15 11 Candidates for city offices in cities in which a primary  
15 12 election may be necessary shall file their nomination papers  
15 13 with the city clerk not later than five p.m. on the  
15 14 fifty=fourth day before the election. The city clerk shall  
15 15 deliver the nomination papers to the commissioner not later  
15 16 than five p.m. on the fifty=third day before the election.

15 17 Sec. 27. Section 69.12, subsection 1, paragraph a, Code  
15 18 2007, is amended to read as follows:

15 19 a. A vacancy shall be filled at the next pending election  
15 20 if it occurs:

15 21 (1) Seventy=four or more days before the election, if it  
15 22 is a general election.

15 23 (2) Fifty=two or more days before the election, if it is a  
15 24 regularly scheduled or special city election. However, for  
15 25 those cities which may be required to hold a primary election,  
15 26 the vacancy shall be filled at the next pending election if it  
15 27 occurs seventy=three or more days before a regularly scheduled  
15 28 city election or fifty-nine or more days before a special city  
15 29 election.

15 30 (3) Forty=five or more days before the election, if it is  
15 31 a regularly scheduled school election.

15 32 (4) ~~Forty~~ Sixty or more days before the election, if it is  
15 33 a special election.

15 34 Sec. 28. Section 69.12, subsection 1, paragraph b,  
15 35 subparagraph (2), Code 2007, is amended to read as follows:



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16 1 (2) The candidate filing deadline specified in section  
16 2 376.4 for ~~a regularly scheduled~~ the regular city election or  
16 3 the filing deadline specified in section 372.13, subsection 2,  
16 4 for a special city election.

16 5 Sec. 29. Section 75.1, unnumbered paragraph 3, Code 2007,  
16 6 is amended to read as follows:

16 7 When a proposition to authorize an issuance of bonds has  
16 8 been submitted to the electors under this section and the  
16 9 proposal fails to gain approval by the required percentage of  
16 10 votes, such proposal, or any proposal which incorporates any  
16 11 portion of the defeated proposal, shall not be submitted to  
16 12 the electors for a period of six months from the date of such  
16 13 regular or special election and may only be submitted on a  
16 14 date specified in section 39.2, subsection 4, paragraph "a",  
16 15 "b", or "c", as applicable.

16 16 Sec. 30. Section 99F.7, subsection 11, paragraphs a and c,  
16 17 Code Supplement 2007, are amended to read as follows:

16 18 a. A license to conduct gambling games on an excursion  
16 19 gambling boat in a county shall be issued only if the county  
16 20 electorate approves the conduct of the gambling games as  
16 21 provided in this subsection. The board of supervisors, upon  
16 22 receipt of a valid petition meeting the requirements of  
16 23 section 331.306, shall direct the commissioner of elections to  
16 24 submit to the registered voters of the county a proposition to  
16 25 approve or disapprove the conduct of gambling games on an  
16 26 excursion gambling boat in the county. The proposition shall  
16 27 be submitted ~~at a general election or at a special~~ an election  
16 28 called for that purpose held on a date specified in section  
16 29 39.2, subsection 4, paragraph "a". To be submitted at a  
16 30 general election, the petition must be received by the board  
16 31 of supervisors at least five working days before the last day  
16 32 for candidates for county offices to file nomination papers  
16 33 for the general election pursuant to section 44.4. If a  
16 34 majority of the county voters voting on the proposition favor  
16 35 the conduct of gambling games, the commission may issue one or



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17 1 more licenses as provided in this chapter. If a majority of  
17 2 the county voters voting on the proposition do not favor the  
17 3 conduct of gambling games, a license to conduct gambling games  
17 4 in the county shall not be issued.

17 5 c. If a licensee of a pari-mutuel racetrack who held a  
17 6 valid license issued under chapter 99D as of January 1, 1994,  
17 7 requests a license to operate gambling games as provided in  
17 8 this chapter, the board of supervisors of a county in which  
17 9 the licensee of a pari-mutuel racetrack requests a license to  
17 10 operate gambling games shall submit to the county electorate a  
17 11 proposition to approve or disapprove the operation of gambling  
17 12 games at pari-mutuel racetracks at ~~a special an~~ an election at  
~~17 13 the earliest practicable time held on a date specified in~~  
17 14 section 39.2, subsection 4, paragraph "a". If the operation  
17 15 of gambling games at the pari-mutuel racetrack is not approved  
17 16 by a majority of the county electorate voting on the  
17 17 proposition at the election, the commission shall not issue a  
17 18 license to operate gambling games at the racetrack.

17 19 Sec. 31. Section 145A.7, Code 2007, is amended to read as  
17 20 follows:

17 21 145A.7 SPECIAL ELECTION.

17 22 When a protesting petition is received, the officials  
17 23 receiving the petition shall call a special election of all  
17 24 registered voters of that political subdivision ~~for the~~  
~~17 25 purpose upon the question~~ of approving or rejecting the order  
17 26 setting out the proposed merger plan. The election shall be  
17 27 held on a date specified in section 39.2, subsection 4,  
17 28 paragraph "a" or "b", as applicable. The vote will be taken  
17 29 by ballot in the form provided by sections 49.43 to 49.47, and  
17 30 the election shall be initiated and held as provided in  
17 31 chapter 49. A majority vote of those registered voters voting  
17 32 at ~~said~~ the special election shall be sufficient to approve  
17 33 the order and thus include the political subdivision within  
17 34 the merged area.

17 35 Sec. 32. Section 257.18, subsection 1, Code 2007, is



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18 1 amended to read as follows:

18 2 1. An instructional support program that provides  
18 3 additional funding for school districts is established. A  
18 4 board of directors that wishes to consider participating in  
18 5 the instructional support program shall hold a public hearing  
18 6 on the question of participation. The board shall set forth  
18 7 its proposal, including the method that will be used to fund  
18 8 the program, in a resolution and shall publish the notice of  
18 9 the time and place of a public hearing on the resolution.  
18 10 Notice of the time and place of the public hearing shall be  
18 11 published not less than ten nor more than twenty days before  
18 12 the public hearing in a newspaper which is a newspaper of  
18 13 general circulation in the school district. At the hearing,  
18 14 or no later than thirty days after the date of the hearing,  
18 15 the board shall take action to adopt a resolution to  
18 16 participate in the instructional support program for a period  
18 17 not exceeding five years or to direct the county commissioner  
18 18 of elections to submit the question of participation in the  
18 19 program for a period not exceeding ten years to the registered  
18 20 voters of the school district at ~~the next regular school~~  
~~18 21 election or at a special~~ an election held on a date specified  
18 22 in section 39.2, subsection 4, paragraph "c". If the board

18 23 submits the question at an election and a majority of those  
18 24 voting on the question favors participation in the program,  
18 25 the board shall adopt a resolution to participate and certify  
18 26 the results of the election to the department of management.

18 27 Sec. 33. Section 257.18, subsection 2, unnumbered  
18 28 paragraph 1, Code 2007, is amended to read as follows:

18 29 If the board does not provide for an election and adopts a  
18 30 resolution to participate in the instructional support  
18 31 program, the district shall participate in the instructional  
18 32 support program unless within twenty-eight days following the  
18 33 action of the board, the secretary of the board receives a  
18 34 petition containing the required number of signatures, asking  
18 35 that ~~an election be called~~ the question to approve or



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19 1 disapprove the action of the board in adopting the  
19 2 instructional support program be submitted to the voters of  
19 3 the school district. The petition must be signed by eligible  
19 4 electors equal in number to not less than one hundred or  
19 5 thirty percent of the number of voters at the last preceding  
19 6 regular school election, whichever is greater. The board  
19 7 shall either rescind its action or direct the county  
19 8 commissioner of elections to submit the question to the  
19 9 registered voters of the school district at ~~the next following~~  
~~19 10 regular school election or a special~~ an election held on a  
19 11 date specified in section 39.2, subsection 4, paragraph "c".  
19 12 If a majority of those voting on the question at the election  
19 13 favors disapproval of the action of the board, the district  
19 14 shall not participate in the instructional support program.  
19 15 If a majority of those voting on the question favors approval  
19 16 of the action, the board shall certify the results of the  
19 17 election to the department of management and the district  
19 18 shall participate in the program.  
19 19 Sec. 34. Section 257.29, unnumbered paragraph 1, Code  
19 20 2007, is amended to read as follows:  
19 21 An educational improvement program is established to  
19 22 provide additional funding for school districts in which the  
19 23 regular program district cost per pupil for a budget year is  
19 24 one hundred ten percent of the regular program state cost per  
19 25 pupil for the budget year and which have approved the use of  
19 26 the instructional support program established in section  
19 27 257.18. A board of directors that wishes to consider  
19 28 participating in the educational improvement program shall  
19 29 hold a hearing on the question of participation and the  
19 30 maximum percent of the regular program district cost of the  
19 31 district that will be used. The hearing shall be held in the  
19 32 manner provided in section 257.18 for the instructional  
19 33 support program. Following the hearing, the board may direct  
19 34 the county commissioner of elections to submit the question to  
19 35 the registered voters of the school district at ~~the next~~



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~~20 1 following regular school election or a special an election~~  
~~20 2 held not later than the following February 1 on a date~~  
~~20 3 specified in section 39.2, subsection 4, paragraph "c". If a~~  
~~20 4 majority of those voting on the question favors participation~~  
~~20 5 in the program, the board shall adopt a resolution to~~  
~~20 6 participate and shall certify the results of the election to~~  
~~20 7 the department of management and the district shall~~  
~~20 8 participate in the program. If a majority of those voting on~~  
~~20 9 the question does not favor participation, the district shall~~  
~~20 10 not participate in the program.~~  
~~20 11 Sec. 35. Section 257.29, unnumbered paragraph 5, Code~~  
~~20 12 2007, is amended to read as follows:~~  
~~20 13 Once approved at an election, the authority of the board to~~  
~~20 14 use the educational improvement program shall continue until~~  
~~20 15 the board votes to rescind the educational improvement program~~  
~~20 16 or the voters of the school district by majority vote order~~  
~~20 17 the discontinuance of the program. The board shall call~~  
~~20 18 submit at an election to vote on held on a date specified in~~  
~~20 19 section 39.2, subsection 4, paragraph "c", the proposition~~  
~~20 20 whether to discontinue the program upon the receipt of a~~  
~~20 21 petition signed by not less than one hundred eligible electors~~  
~~20 22 or thirty percent of the number of electors voting at the last~~  
~~20 23 preceding school election, whichever is greater.~~  
~~20 24 Sec. 36. Section 260C.28, subsection 3, Code 2007, is~~  
~~20 25 amended to read as follows:~~  
~~20 26 3. If the board of directors wishes to certify for a levy~~  
~~20 27 under subsection 2, the board shall direct the county~~  
~~20 28 commissioner of elections to call an election to submit the~~  
~~20 29 question of such authorization for the board at a regular or~~  
~~20 30 special an election held on a date specified in section 39.2,~~  
~~20 31 subsection 4, paragraph "c". If a majority of those voting on~~  
~~20 32 the question at the election favors authorization of the board~~  
~~20 33 to make such a levy, the board may certify for a levy as~~  
~~20 34 provided under subsection 2 during each of the ten years~~  
~~20 35 following the election. If a majority of those voting on the~~



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21 1 question at the election does not favor authorization of the  
21 2 board to make a levy under subsection 2, the board ~~shall not~~  
21 3 may submit the question to the voters again ~~until three~~  
~~21 4 hundred fifty-five days have elapsed from the at an election~~  
21 5 held on a date specified in section 39.2, subsection 4,  
21 6 paragraph "c".

21 7 Sec. 37. Section 260C.39, unnumbered paragraph 1, Code  
21 8 2007, is amended to read as follows:  
21 9 Any merged area may combine with any adjacent merged area  
21 10 after a favorable vote by the electors of each of the areas  
21 11 involved. If the boards of directors of two or more merged  
21 12 areas agree to a combination, the question shall be submitted  
21 13 to the electors of each area at a ~~special~~ an election ~~to be~~  
21 14 held on a date specified in section 39.2, subsection 4,  
21 15 paragraph "c" and held on the same day in each area. The  
~~21 16 special election shall not be held within thirty days of any~~  
~~21 17 general election.~~ Prior to the ~~special~~ election, the board of  
21 18 each merged area shall notify the county commissioner of  
21 19 elections of the county in which the greatest proportion of  
21 20 the merged area's taxable base is located who shall publish  
21 21 notice of the election according to section 49.53. The two  
21 22 respective county commissioners of elections shall conduct the  
21 23 election pursuant to the provisions of chapters 39 to 53. The  
21 24 votes cast in the election shall be canvassed by the county  
21 25 board of supervisors and the county ~~commissioners~~ commissioner  
21 26 of elections who conducted the election of each county in the  
21 27 merged areas shall certify the results to the board of  
21 28 directors of each merged area.

21 29 Sec. 38. Section 275.18, unnumbered paragraph 1, Code  
21 30 2007, is amended to read as follows:  
21 31 When the boundaries of the territory to be included in a  
21 32 proposed school corporation and the number and method of the  
21 33 election of the school directors of the proposed school  
21 34 corporation have been determined as provided in this chapter,  
21 35 the area education agency administrator with whom the petition



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22 1 is filed shall give written notice of the ~~proposed date of the~~  
22 2 election to the county commissioner of elections of the county  
22 3 in the proposed school corporation which has the greatest  
22 4 taxable base. The ~~proposed date shall be as soon as possible~~  
~~22 5 pursuant to section 39.2, subsections 1 and 2, and section~~  
~~22 6 47.6, subsections 1 and 2, but not later than November 30 of~~  
22 7 question shall be submitted to the voters at an election held  
22 8 on a date specified in section 39.2, subsection 4, paragraph  
~~22 9 "c" in the calendar year prior to the calendar year in which~~  
22 10 the reorganization will take effect.  
22 11 Sec. 39. Section 275.23A, subsection 2, Code 2007, is  
22 12 amended to read as follows:  
22 13 2. Following each federal decennial census the school  
22 14 board shall determine whether the existing director district  
22 15 boundaries meet the standards in subsection 1 according to the  
22 16 most recent federal decennial census. In addition to the  
22 17 authority granted to voters to change the number of directors  
22 18 or method of election as provided in sections 275.35, 275.36,  
22 19 and 278.1, the board of directors of a school district may,  
22 20 following a federal decennial census, by resolution and in  
22 21 accordance with this section, authorize a change in the method  
22 22 of election as set forth in section 275.12, subsection 2, or a  
22 23 change to either five or seven directors after the board  
22 24 conducts a hearing on the resolution. If the board proposes  
22 25 to change the number of directors from seven to five  
22 26 directors, the resolution shall include a plan for reducing  
22 27 the number of directors. If the board proposes to increase  
22 28 the number of directors to seven directors, two directors  
22 29 shall be added according to the procedure described in section  
22 30 277.23, subsection 2. If necessary, the board of directors  
22 31 shall redraw the director district boundaries. The director  
22 32 district boundaries shall be described in the resolution  
22 33 adopted by the school board. The resolution shall be adopted  
22 34 no earlier than November 15 of the year immediately following  
22 35 the year in which the federal decennial census is taken nor



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23 1 later than May 15 of the second year immediately following the  
23 2 year in which the federal decennial census is taken. A copy  
23 3 of the plan shall be filed with the area education agency  
23 4 administrator of the area education agency in which the  
23 5 school's electors reside. If the board does not provide for  
23 6 an election as provided in sections 275.35, 275.36, and 278.1  
23 7 and adopts a resolution to change the number of directors or  
23 8 method of election in accordance with this subsection, the  
23 9 district shall change the number of directors or method of  
23 10 election as provided unless, within twenty-eight days  
23 11 following the action of the board, the secretary of the board  
23 12 receives a petition containing the required number of  
23 13 signatures, asking that an election be called to approve or  
23 14 disapprove the action of the board in adopting the resolution.  
23 15 The petition must be signed by eligible electors equal in  
23 16 number to not less than one hundred or thirty percent of the  
23 17 number of voters at the last preceding regular school  
23 18 election, whichever is greater. The board shall either  
23 19 rescind its action or direct the county commissioner of  
23 20 elections to submit the question to the registered voters of  
23 21 the school district at ~~the next following regular school~~  
~~23 22 election or a special an election held on a date specified in~~  
23 23 section 39.2, subsection 4, paragraph "c". If a majority of  
23 24 those voting on the question at the election favors  
23 25 disapproval of the action of the board, the district shall not  
23 26 change the number of directors or method of election. If a  
23 27 majority of those voting on the question does not favor  
23 28 disapproval of the action, the board shall certify the results  
23 29 of the election to the department of management and the  
23 30 district shall change the number of directors or method of  
23 31 election as provided in this subsection. At the expiration of  
23 32 the twenty-eight-day period, if no petition is filed, the  
23 33 board shall certify its action to the department of management  
23 34 and the district shall change the number of directors or  
23 35 method of election as provided in this subsection.



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24 1 Sec. 40. Section 275.24, Code 2007, is amended to read as  
24 2 follows:

24 3 275.24 EFFECTIVE DATE OF CHANGE.

24 4 When a school district is enlarged, reorganized, or changes  
24 5 its boundary pursuant to sections 275.12 to 275.22, the change  
24 6 shall take effect on July 1 following the date of the  
24 7 reorganization election held pursuant to section 275.18 ~~if the~~  
~~24 8 election was held by the prior November 30. Otherwise the~~  
~~24 9 change shall take effect on July 1 one year later.~~

24 10 Sec. 41. Section 275.35, unnumbered paragraph 1, Code  
24 11 2007, is amended to read as follows:

24 12 ~~Any existing or hereafter created or enlarged~~ A school  
24 13 district may change the number of directors to either five or  
24 14 seven and may also change its method of election of school  
24 15 directors to any method authorized by section 275.12 by  
24 16 submission of a proposal, stating the proposed new method of  
24 17 election, by the school board of such district to the electors  
24 18 ~~at any regular or special school~~ an election held on a date  
24 19 specified in section 39.2, subsection 4, paragraph "c". The  
24 20 school board shall notify the county commissioner of elections  
24 21 who shall publish notice of the election in the manner  
24 22 provided in section 49.53. The election shall be conducted  
24 23 pursuant to chapters 39 ~~to~~ through 53 by the county  
24 24 commissioner of elections. Such proposal shall be adopted if  
24 25 it is approved by a majority of the votes cast on the  
24 26 proposition.

24 27 Sec. 42. Section 275.36, unnumbered paragraph 1, Code  
24 28 2007, is amended to read as follows:

24 29 If a petition for a change in the number of directors or in  
24 30 the method of election of school directors is filed with the  
24 31 school board of a school district pursuant to the requirements  
24 32 of section 278.2, the school board shall submit such  
24 33 proposition to the voters at ~~the regular school~~ an election or  
~~24 34 a special election held not later than February 1 held on a~~  
24 35 date specified in section 39.2, subsection 4, paragraph "c".



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25 1 The petition shall be accompanied by an affidavit as required  
25 2 by section 275.13. If a proposition for a change in the  
25 3 number of directors or in the method of election of school  
25 4 directors submitted to the voters under this section is  
25 5 rejected, it shall not be resubmitted to the voters of the  
25 6 district in substantially the same form within the next three  
25 7 years; if it is approved, no other proposal may be submitted  
25 8 to the voters of the district under this section within the  
25 9 next six years.

25 10 Sec. 43. Section 275.38, Code 2007, is amended to read as  
25 11 follows:

25 12 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

25 13 If change in the method of election of school directors is  
25 14 approved at a ~~regular or special school~~ an election, the  
25 15 directors who were serving unexpired terms or were elected  
25 16 concurrently with approval of the change of method shall serve  
25 17 out the terms for which they were elected. If the plan  
25 18 adopted is that described in section 275.12, subsection 2,  
25 19 paragraph ~~"b," "c," "d," or "e,"~~ "b", "c", "d", or "e", the  
25 20 board shall at the earliest practicable time designate the  
25 21 districts from which residents are to be elected as school  
25 22 directors at each of the next three succeeding annual school  
25 23 elections, arranging so far as possible for elections of  
25 24 directors as residents of the respective districts to coincide  
25 25 with the expiration of terms of incumbent members residing in  
25 26 those districts. If an increase in the size of the board from  
25 27 five to seven members is approved concurrently with the change  
25 28 in method of election of directors, the board shall make the  
25 29 necessary adjustment in the manner prescribed in section  
25 30 275.37, as well as providing for implementation of the  
25 31 districting plan under this section.

25 32 Sec. 44. Section 275.55, unnumbered paragraphs 1 and 2,  
25 33 Code 2007, are amended to read as follows:

25 34 ~~The~~ After the final hearing on the dissolution proposal,  
25 35 the board of the school district shall call a special election



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~~26 1 to be held not later than forty days following the date of the~~  
~~26 2 final hearing on the dissolution proposal submit the~~  
~~26 3 proposition to the voters at an election held on a date~~  
~~26 4 specified in section 39.2, subsection 4, paragraph "c". The~~  
~~26 5 special election may be held at the same time as the regular~~  
~~26 6 school election. The proposition submitted to the voters~~  
~~26 7 residing in the school district ~~at the special election~~ shall~~  
~~26 8 describe each separate area to be attached to a contiguous~~  
~~26 9 school district and shall name the school district to which it~~  
~~26 10 will be attached. In addition to the description, a map may~~  
~~26 11 be included in the summary of the question on the ballot.~~  
~~26 12 The board shall give written notice of the proposed date of~~  
~~26 13 the election to the county commissioner of elections. ~~The~~~~  
~~26 14 ~~proposed date shall be pursuant to section 39.2, subsections 1~~~~  
~~26 15 ~~and 2 and section 47.6, subsections 1 and 2.~~ The county~~  
~~26 16 commissioner of elections shall give notice of the election by~~  
~~26 17 one publication in the same newspaper in which the previous~~  
~~26 18 notice was published about the hearing, which publication~~  
~~26 19 shall not be less than four nor more than twenty days prior to~~  
~~26 20 the election.~~  
~~26 21 Sec. 45. Section 277.2, Code 2007, is amended by striking~~  
~~26 22 the section and inserting in lieu thereof the following:~~  
~~26 23 277.2 ELECTIONS ON PUBLIC MEASURES.~~  
~~26 24 Unless otherwise stated, the date of an election on a~~  
~~26 25 public measure authorized to be held by a school district is~~  
~~26 26 limited to the dates specified in section 39.2, subsection 4,~~  
~~26 27 paragraph "c".~~  
~~26 28 Sec. 46. Section 278.1, unnumbered paragraph 2, Code 2007,~~  
~~26 29 is amended to read as follows:~~  
~~26 30 The board may, with approval of sixty percent of the~~  
~~26 31 voters, ~~voting in a regular or special~~ an election in the~~  
~~26 32 school district, make extended time contracts not to exceed~~  
~~26 33 twenty years in duration for rental of buildings to supplement~~  
~~26 34 existing schoolhouse facilities; and where it is deemed~~  
~~26 35 advisable for buildings to be constructed or placed on real~~



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27 1 estate owned by the school district, these contracts may  
27 2 include lease=purchase option agreements, the amounts to be  
27 3 paid out of the physical plant and equipment levy fund. The  
27 4 election shall be held on a date specified in section 39.2,  
27 5 subsection 4, paragraph "c".

27 6 Sec. 47. Section 279.39, Code 2007, is amended to read as  
27 7 follows:

27 8 279.39 SCHOOL BUILDINGS.

27 9 The board of any school corporation shall establish  
27 10 attendance centers and provide suitable buildings for each  
27 11 school in the district and may at the regular or a special  
27 12 meeting ~~call a special election~~ resolve to submit to the  
27 13 registered voters of the district at an election held on a  
27 14 date specified in section 39.2, subsection 4, paragraph "c",  
27 15 the question of voting a tax or authorizing the board to issue  
27 16 bonds, or both.

27 17 Sec. 48. Section 297.11, Code 2007, is amended to read as  
27 18 follows:

27 19 297.11 USE FORBIDDEN.

27 20 If ~~at any time~~ the voters of such district at a regular  
27 21 election forbid such use of any such schoolhouse or grounds,  
27 22 the board shall not ~~thereafter~~ permit such use until the ~~said~~  
27 23 ~~action of such voters shall have been~~ is rescinded by the  
27 24 voters at a ~~regular~~ an election, ~~or at a special election~~  
27 25 ~~called for that purpose held on a date specified in section~~  
27 26 39.2, subsection 4, paragraph "c".

27 27 Sec. 49. Section 298.9, Code 2007, is amended to read as  
27 28 follows:

27 29 298.9 SPECIAL LEVIES.

27 30 If the voter=approved physical plant and equipment levy,  
27 31 consisting solely of a physical plant and equipment property  
27 32 tax levy, is ~~voted at a special~~ approved by the voters at the  
27 33 regular school election and certified to the board of  
27 34 supervisors after the regular levy is made, the board shall at  
27 35 its next regular meeting levy the tax and cause it to be



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28 1 entered upon the tax list to be collected as other school  
28 2 taxes. If the certification is filed prior to May 1, the  
28 3 annual levy shall begin with the tax levy of the year of  
28 4 filing. If the certification is filed after May 1 in a year,  
28 5 the levy shall begin with the levy of the fiscal year  
28 6 succeeding the year of the filing of the certification.  
28 7 Sec. 50. Section 298.18, unnumbered paragraphs 4 and 6,  
28 8 Code 2007, are amended to read as follows:  
28 9 The amount estimated and certified to apply on principal  
28 10 and interest for any one year may exceed two dollars and  
28 11 seventy cents per thousand dollars of assessed value by the  
28 12 amount approved by the voters of the school corporation, but  
28 13 not exceeding four dollars and five cents per thousand of the  
28 14 assessed value of the taxable property within any school  
28 15 corporation, provided that the registered voters of such  
28 16 school corporation have first approved such increased amount  
28 17 at a special election, which may be held at the same time as  
~~28 18 the regular school~~ an election held on a date specified in  
28 19 section 39.2, subsection 4, paragraph "c". The proposition  
28 20 submitted to the voters at such ~~special~~ election shall be in  
28 21 substantially the following form:  
28 22 Notice of the election shall be given by the county  
28 23 commissioner of elections according to section 49.53. ~~The~~  
~~28 24 election shall be held on a date not less than four nor more~~  
~~28 25 than twenty days after the last publication of the notice. At~~  
~~28 26 such election the ballot used for the submission of said~~  
~~28 27 proposition shall be in substantially the form for submitting~~  
~~28 28 special questions at general elections.~~ The county  
28 29 commissioner of elections shall conduct the election pursuant  
28 30 to the provisions of chapters 39 ~~to~~ through 53 and certify the  
28 31 results to the board of directors. ~~Such~~ The proposition shall  
28 32 not be deemed carried or adopted unless the vote in favor of  
28 33 such proposition is equal to at least sixty percent of the  
28 34 total vote cast for and against ~~said~~ the proposition at ~~said~~  
28 35 the election. Whenever such a proposition has been approved



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29 1 by the voters of a school corporation as hereinbefore  
29 2 provided, no further approval of the voters of such school  
29 3 corporation shall be required as a result of any subsequent  
29 4 change in the boundaries of such school corporation.

29 5 Sec. 51. Section 298.18A, subsection 2, Code 2007, is  
29 6 amended to read as follows:

29 7 2. The adjustment shall not result in a total amount  
29 8 levied in excess of the two dollar and seventy cent per  
29 9 thousand dollars of assessed valuation limit provided in  
29 10 section 298.18. An adjustment in excess of the two dollar and  
29 11 seventy cent per thousand dollars of assessed valuation limit  
29 12 shall be subject to the ~~special~~ election provisions for  
29 13 increases of up to four dollars and five cents per thousand  
29 14 dollars of assessed valuation provisions of section 298.18.

29 15 Sec. 52. Section 298.21, unnumbered paragraph 1, Code  
29 16 2007, is amended to read as follows:

29 17 The board of directors of any school corporation when  
29 18 authorized by the voters at ~~the regular~~ an election ~~or at a~~  
~~29 19 special election called for that purpose held on a date~~  
29 20 specified in section 39.2, subsection 4, paragraph "c", may  
29 21 issue the negotiable, interest-bearing school bonds of ~~said~~  
29 22 the corporation for borrowing money for any or all of the  
29 23 following purposes:

29 24 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2007,  
29 25 is amended to read as follows:

29 26 The board of directors of a school district may, and upon  
29 27 receipt of a petition signed by eligible electors equal in  
29 28 number to at least twenty-five percent of the number of voters  
29 29 at the last preceding school election, shall, direct the  
29 30 county commissioner of elections to submit to the registered  
29 31 voters of the school district the question of whether to levy  
29 32 a tax of not to exceed thirteen and one-half cents per  
29 33 thousand dollars of assessed valuation for public educational  
29 34 and recreational activities authorized under this chapter. ~~If~~  
~~29 35 at the time of filing the petition, it is more than three~~



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~~30 1 months until the next regular school election, the board of  
30 2 directors shall submit the question at a special election  
30 3 within sixty days. Otherwise, the The question shall be  
30 4 submitted at the next regular school an election held on a  
30 5 date specified in section 39.2, subsection 4, paragraph "c".~~

30 6 Sec. 54. Section 330.17, unnumbered paragraph 1, Code  
30 7 2007, is amended to read as follows:

30 8 The council of any city or county which owns or acquires an  
30 9 airport may, and upon the council's receipt of a valid  
30 10 petition as provided in section 362.4, or receipt of a  
30 11 petition by the board of supervisors as provided in section  
30 12 331.306 shall, ~~at a regular city election or a general~~  
~~30 13 election if one is to be held within seventy-four days from~~  
~~30 14 the filing of the petition, or otherwise at a special an~~  
30 15 election called for that purpose held on a date specified in  
30 16 section 39.2, subsection 4, paragraph "a" or "b", as  
30 17 applicable, submit to the voters the question as to whether  
30 18 the management and control of the airport shall be placed in  
30 19 an airport commission. If a majority of the voters favors  
30 20 placing the management and control of the airport in an  
30 21 airport commission, the commission shall be established as  
30 22 provided in this chapter.

30 23 Sec. 55. NEW SECTION. 331.309 ELECTIONS ON PUBLIC  
30 24 MEASURES.

30 25 Unless otherwise stated, the dates of elections on public  
30 26 measures authorized in this chapter are limited to those  
30 27 specified for counties in section 39.2.

30 28 Sec. 56. Section 346.27, subsection 10, unnumbered  
30 29 paragraph 1, Code 2007, is amended to read as follows:

30 30 After the incorporation of an authority, and before the  
30 31 sale of any issue of revenue bonds, except refunding bonds,  
30 32 the authority shall ~~call an election to decide~~ submit to the  
30 33 voters the question of whether the authority shall issue and  
30 34 sell revenue bonds. The ballot shall state the amount of the  
30 35 bonds and the purposes for which the authority is



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31 1 incorporated. All registered voters of the county shall be  
31 2 entitled to vote on the question. The question may be  
31 3 submitted at a ~~general election or at a special~~ an election  
31 4 held on a date specified in section 39.2, subsection 4,  
31 5 paragraph "a" or "b", as applicable. An affirmative vote of a  
31 6 majority of the votes cast on the question is required to  
31 7 authorize the issuance and sale of revenue bonds.

31 8 Sec. 57. Section 347.13, subsection 12, unnumbered  
31 9 paragraph 1, Code 2007, is amended to read as follows:

31 10 Submit to the voters at ~~any regular or special~~ an election  
31 11 held on a date specified in section 39.2, subsection 4,  
31 12 paragraph "a", a proposition to sell or lease any sites and  
31 13 buildings, excepting those described in subsection 11 ~~hereof~~,  
31 14 and upon such proposition being carried by a majority of the  
31 15 total number of votes cast at such election, may proceed to  
31 16 sell such property at either public or private sale, and apply  
31 17 the proceeds only for:

31 18 Sec. 58. Section 347.14, subsection 15, unnumbered  
31 19 paragraph 1, Code 2007, is amended to read as follows:

31 20 Submit to the voters at a ~~regular or special~~ an election  
31 21 held on a date specified in section 39.2, subsection 4,  
31 22 paragraph "a", a proposition to sell or lease a county public  
31 23 hospital for use as a private hospital or as a merged area  
31 24 hospital under chapter 145A or to sell or lease a county  
31 25 hospital in conjunction with the establishment of a merged  
31 26 area hospital. The authorization of the board of hospital  
31 27 trustees submitting the proposition may, but is not required  
31 28 to, contain conditions which provide for maintaining hospital  
31 29 care within the county, for the retention of county public  
31 30 hospital employees and staff, and for the continuation of the  
31 31 board of trustees for the purpose of carrying out provisions  
31 32 of contracts. The property listed in section 347.13,  
31 33 subsection 11, may be included in the proposition, but the  
31 34 proceeds from the property shall be used for the purposes  
31 35 listed in section 347.13, subsection 12, or for the purpose of



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32 1 providing health care for residents of the county. Proceeds  
32 2 from the sale or lease of the county hospital or other assets  
32 3 of the board of trustees shall not be used for the prepayment  
32 4 of health care services for residents of the county with the  
32 5 purchaser or lessee of the county hospital or to underwrite  
32 6 the sale or lease of the county hospital. The proposition  
32 7 submitted to the voters of the county shall not be set forth  
32 8 at length, but it shall be in substantially the following  
32 9 form:

32 10 Sec. 59. Section 347.23, unnumbered paragraph 1, Code  
32 11 2007, is amended to read as follows:

32 12 Any hospital organized and existing as a city hospital may  
32 13 become a county hospital organized and managed as provided for  
32 14 in this chapter, upon a proposition for such purpose being  
32 15 submitted to and approved by a majority of the electors of  
32 16 both the city in which such hospital is located and of the  
32 17 county under whose management it is proposed that such  
32 18 hospital be placed, ~~at any general or special election called~~  
~~32 19 for such purpose.~~ The proposition shall be placed upon the  
32 20 ballot by the board of supervisors when requested by a  
32 21 petition signed by eligible electors of the county equal in  
32 22 number to five percent of the votes cast for president of the  
32 23 United States or governor, as the case may be, at the last  
32 24 general election. The proposition ~~may~~ shall be submitted at  
32 25 ~~the next general election or at a special~~ an election called  
~~32 26 for that purpose held on a date specified in section 39.2,~~  
32 27 subsection 4, paragraph "a". Upon the approval of the  
32 28 proposition the hospital, its assets and liabilities, will  
32 29 become the property of the county and this chapter will govern  
32 30 its future management. The question shall be submitted in  
32 31 substantially the following form: "Shall the municipal  
32 32 hospital of ....., Iowa, be transferred to and become the  
32 33 property of, and be managed by the county of ....., Iowa?"

32 34 Sec. 60. Section 347.23A, subsection 1, Code 2007, is  
32 35 amended to read as follows:



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33 1 1. A hospital established as a memorial hospital under  
33 2 chapter 37 or a county hospital supported by revenue bonds and  
33 3 organized under chapter 347A may become, in accordance with  
33 4 the provisions of this section, a county hospital organized  
33 5 and managed as provided for in this chapter. If the hospital  
33 6 is established by a city as a memorial hospital, the city must  
33 7 be located in the county which will own and manage the  
33 8 hospital. A proposition for the change must be submitted to  
33 9 and approved by a majority of the electors of the county which  
33 10 will own and manage the hospital as provided for in this  
33 11 chapter. In addition, if the hospital is a memorial hospital  
33 12 organized by a city under chapter 37, the proposition must  
33 13 also be approved by a majority of the electors of that city.  
33 14 The proposition ~~may~~ shall be submitted to the electors at ~~any~~  
~~33 15 general or special~~ an election called by the county board of  
33 16 supervisors ~~for this purpose~~ and held on a date specified in  
33 17 section 39.2, subsection 4, paragraph "a".

33 18 Sec. 61. NEW SECTION. 362.11 ELECTIONS ON PUBLIC  
33 19 MEASURES.

33 20 Unless otherwise stated, the dates of elections on public  
33 21 measures authorized in the city code are limited to those  
33 22 specified for cities in section 39.2.

33 23 Sec. 62. Section 368.19, unnumbered paragraph 1, Code  
33 24 2007, is amended to read as follows:

33 25 The committee shall approve or disapprove the petition or  
33 26 plan as amended, within ninety days of the final hearing, and  
33 27 shall file its decision for record and promptly notify the  
33 28 parties to the proceeding of its decision. If a petition or  
33 29 plan is approved, the board shall ~~set a date not less than~~  
~~33 30 thirty days nor more than ninety days after approval for a~~  
~~33 31 special~~ submit the proposal at an election on the proposal  
33 32 held on a date specified in section 39.2, subsection 4,  
33 33 paragraph "a" or "b", whichever is applicable, and the county  
33 34 commissioner of elections shall conduct the election. In a  
33 35 case of incorporation or discontinuance, registered voters of



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34 1 the territory or city may vote, and the proposal is authorized  
34 2 if a majority of those voting approves it. In a case of  
34 3 annexation or severance, registered voters of the territory  
34 4 and of the city may vote, and the proposal is authorized if a  
34 5 majority of the total number of persons voting approves it.  
34 6 In a case of consolidation, registered voters of each city to  
34 7 be consolidated may vote, and the proposal is authorized only  
34 8 if it receives a favorable majority vote in each city. The  
34 9 county commissioner of elections shall publish notice of the  
34 10 election as provided in section 49.53 and shall conduct the  
34 11 election in the same manner as other special ~~city~~ elections.

34 12 Sec. 63. Section 372.2, subsection 2, unnumbered paragraph  
34 13 1, Code 2007, is amended to read as follows:

34 14 Within fifteen days after receiving a valid petition, the  
34 15 council shall publish notice of the date that a special ~~city~~  
34 16 election will be held to determine whether the city shall  
34 17 change to a different form of government. The election date  
34 18 shall be ~~not more than sixty days after the publication as~~  
34 19 specified in section 39.2, subsection 4, paragraph "b". If  
34 20 the next election date specified in that paragraph is more  
34 21 than sixty days after the publication, the council shall  
34 22 publish another notice fifteen days before the election. The  
34 23 notice shall include a statement that the filing of a petition  
34 24 for appointment of a home rule charter commission will delay  
34 25 the election until after the home rule charter commission has  
34 26 filed a proposed charter. Petition requirements and filing  
34 27 deadlines shall also be included in the notice.

34 28 Sec. 64. Section 372.3, Code 2007, is amended to read as  
34 29 follows:

34 30 372.3 HOME RULE CHARTER.

34 31 If a petition for appointment of a home rule charter  
34 32 commission is filed with the city clerk not more than ten days  
34 33 after the council has published the first notice announcing  
34 34 the date of the special election on adoption of another form  
34 35 of government, the special election shall not be held until



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35 1 the charter proposed by the home rule charter commission is  
35 2 filed. Both forms must be published as provided in section  
35 3 372.9 and submitted to the voters at the special election.  
35 4 Sec. 65. Section 372.9, subsection 3, Code 2007, is  
35 5 amended to read as follows:  
35 6 3. The proposed home rule charter must be submitted at a  
35 7 special ~~city~~ election on a date ~~selected by the mayor and~~  
~~35 8 council specified in section 39.2, subsection 4, paragraph~~  
35 9 "b", and in accordance with section 47.6. However, the date  
35 10 of the ~~election~~ last publication must be not less than thirty  
35 11 nor more than sixty days ~~after~~ before the ~~last publication of~~  
~~35 12 the proposed home rule charter election.~~  
35 13 Sec. 66. Section 372.13, subsection 11, unnumbered  
35 14 paragraph 1, Code Supplement 2007, is amended to read as  
35 15 follows:  
35 16 Council members shall be elected according to the council  
35 17 representation plans under sections 372.4 and 372.5. However,  
35 18 the council representation plan may be changed, by petition  
35 19 and election, to one of those described in this subsection.  
35 20 Upon receipt of a valid petition, as defined in section 362.4,  
35 21 requesting a change to a council representation plan, the  
35 22 council shall submit the question at a special ~~city~~ election  
35 23 ~~to be held within sixty days.~~ If a majority of the persons  
35 24 voting at the special election approves the changed plan, it  
35 25 becomes effective at the beginning of the term following the  
35 26 next regular city election. If a majority does not approve  
35 27 the changed plan, the council shall not submit another  
35 28 proposal to change a plan to the voters within the next two  
35 29 years.  
35 30 Sec. 67. Section 376.2, unnumbered paragraph 2, Code 2007,  
35 31 is amended to read as follows:  
35 32 Except as otherwise provided by state law or the city  
35 33 charter, terms for elective offices are two years. However,  
35 34 the term of an elective office may be changed to two or four  
35 35 years by petition and election. Upon receipt of a valid



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36 1 petition as defined in section 362.4, requesting that the term  
36 2 of an elective office be changed, the council shall submit the  
36 3 question at a special ~~city~~ election ~~to be held within sixty~~  
~~36 4 days after the petition is received. The special election~~  
~~36 5 shall be held more than ninety days before the regular city~~  
~~36 6 election if the change shall go into effect at the next~~  
~~36 7 regular city election.~~ If a majority of the persons voting at  
36 8 the special election approves the changed term, it becomes  
36 9 effective at the beginning of the term following the next  
36 10 regular city election. If a majority does not approve the  
36 11 changed term, the council shall not submit the same proposal  
36 12 to the voters within the next four years.

36 13 Sec. 68. Section 423B.1, subsection 5, Code Supplement  
36 14 2007, is amended to read as follows:

36 15 5. The county commissioner of elections shall submit the  
36 16 question of imposition of a local option tax at ~~a state~~  
~~36 17 general election or at a special an election held at any time~~  
~~36 18 other than the time of a city regular election on a date~~  
36 19 specified in section 39.2, subsection 4, paragraph "a". The  
36 20 election shall not be held sooner than sixty days after  
36 21 publication of notice of the ballot proposition. The ballot  
36 22 proposition shall specify the type and rate of tax and in the  
36 23 case of a vehicle tax the classes that will be exempt and in  
36 24 the case of a local sales and services tax the date it will be  
36 25 imposed which date shall not be earlier than ninety days  
36 26 following the election. The ballot proposition shall also  
36 27 specify the approximate amount of local option tax revenues  
36 28 that will be used for property tax relief and shall contain a  
36 29 statement as to the specific purpose or purposes for which the  
36 30 revenues shall otherwise be expended. If the county board of  
36 31 supervisors decides under subsection 6 to specify a date on  
36 32 which the local option sales and services tax shall  
36 33 automatically be repealed, the date of the repeal shall also  
36 34 be specified on the ballot. The rate of the vehicle tax shall  
36 35 be in increments of one dollar per vehicle as set by the



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37 1 petition seeking to impose the tax. The rate of a local sales  
37 2 and services tax shall not be more than one percent as set by  
37 3 the governing body. The state commissioner of elections shall  
37 4 establish by rule the form for the ballot proposition which  
37 5 form shall be uniform throughout the state.

37 6 Sec. 69. Section 423E.2, subsection 2, paragraph a, Code  
37 7 Supplement 2007, is amended to read as follows:

37 8 a. Upon receipt by a county board of supervisors of a  
37 9 petition requesting imposition of a local sales and services  
37 10 tax for infrastructure purposes, signed by eligible electors  
37 11 of the whole county equal in number to five percent of the  
37 12 persons in the whole county who voted at the last preceding  
37 13 state general election, the board shall within thirty days  
37 14 direct the county commissioner of elections to submit the  
37 15 question of imposition of the tax to the registered voters of  
37 16 the whole county at an election held on a date specified in  
37 17 section 39.2, subsection 4, paragraph "a".

37 18 Sec. 70. Section 423E.2, subsection 3, Code Supplement  
37 19 2007, is amended to read as follows:

37 20 3. The county commissioner of elections shall submit the  
37 21 question of imposition of a local sales and services tax for  
37 22 school infrastructure purposes at a ~~state general election or~~  
~~37 23 at a special~~ an election held at any time other than the time  
~~37 24 of a city regular election~~ on a date specified in section  
37 25 39.2, subsection 4, paragraph "a". The election shall not be  
37 26 held sooner than sixty days after publication of notice of the  
37 27 ballot proposition. The ballot proposition shall specify the  
37 28 rate of tax, the date the tax will be imposed and repealed,  
37 29 and shall contain a statement as to the specific purpose or  
37 30 purposes for which the revenues shall be expended. The  
37 31 content of the ballot proposition shall be substantially  
37 32 similar to the petition of the board of supervisors or motions  
37 33 of a school district or school districts requesting the  
37 34 election as provided in subsection 2, as applicable, including  
37 35 the rate of tax, imposition and repeal ~~date~~ dates, and the



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38 1 specific purpose or purposes for which the revenues will be  
38 2 expended. The dates for the imposition and repeal of the tax  
38 3 shall be as provided in subsection 1. The rate of tax shall  
38 4 not be more than one percent. The state commissioner of  
38 5 elections shall establish by rule the form for the ballot  
38 6 proposition which form shall be uniform throughout the state.  
38 7 Sec. 71. APPLICABILITY DATE. This division of this Act  
38 8 applies to elections held on or after January 1, 2009.

38 9 DIVISION IV  
38 10 VOTER REGISTRATION

38 11 Sec. 72. NEW SECTION. 44.18 AFFILIATION ON VOTER  
38 12 REGISTRATION FORM.

38 13 1. A nonparty political organization that nominated a  
38 14 candidate whose name appeared on the general election ballot  
38 15 for a federal office, for governor, or for any other statewide  
38 16 elective office in any of the preceding ten years may request  
38 17 registration of voters showing their affiliation with the  
38 18 nonparty political organization pursuant to this section.

38 19 2. The organization shall file the following documents  
38 20 with the state registrar of voters on or before December 1 of  
38 21 an even-numbered year:

38 22 a. A petition in the form prescribed by the registrar and  
38 23 signed by no fewer than eight hundred fifty eligible electors  
38 24 residing in at least five counties in the state. The petition  
38 25 shall include the official name of the organization; the  
38 26 organization's name as the organization requests it to appear  
38 27 on the voter registration form if different from the  
38 28 organization's official name; and the name, address, and  
38 29 telephone number of the contact person for the organization.  
38 30 Each person who signs the petition shall include the person's  
38 31 signature, printed name, residence address with house number,  
38 32 street name, city, and county, and the date the person signed  
38 33 the petition.

38 34 b. A copy of the nonparty political organization's  
38 35 articles of incorporation, bylaws, constitution, or other



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39 1 document relating to establishment of the organization. Such  
39 2 copy shall be certified as a true copy of the original by the  
39 3 custodian of the original document.

39 4 c. An application form prescribed by the state registrar  
39 5 of voters. The form shall include all of the following:

39 6 (1) The official name of the nonparty political  
39 7 organization.

39 8 (2) The name, address, and telephone number of the contact  
39 9 person for the organization who is responsible for the  
39 10 application.

39 11 (3) The signature of the chief executive officer of the  
39 12 organization approving the application.

39 13 (4) The organization's name as the organization requests  
39 14 it to appear on the voter registration form if different from  
39 15 the organization's official name.

39 16 3. The nonparty political organization's name and its name  
39 17 as listed on the voter registration form shall conform to the  
39 18 requirements of section 43.121. The registrar shall not  
39 19 invalidate the application solely because the registrar finds  
39 20 the official name of the organization or the name to be  
39 21 included on the voter registration form to be unacceptable.

39 22 If the registrar finds the name to be unacceptable, the  
39 23 registrar shall contact the organization and provide  
39 24 assistance in identifying an appropriate official name for the  
39 25 organization and for identifying the organization on the voter  
39 26 registration form. A determination by the registrar that the  
39 27 official name or voter registration form name requested is  
39 28 acceptable for use within the voter registration system is  
39 29 final.

39 30 4. The registrar and the voter registration commission may  
39 31 require biennial filings to update contact information.

39 32 5. Beginning in January 2011, and each odd-numbered year  
39 33 thereafter, the registrar and the voter registration  
39 34 commission may review the number of voters registered as  
39 35 affiliated with a nonparty political organization. If the



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40 1 number of registrants, including both active and inactive  
40 2 voters, is fewer than 150, the commission shall declare the  
40 3 organization to be dormant for purposes of voter registration  
40 4 and may revise the voter registration form and instructions  
40 5 and electronic voter registration system to remove the  
40 6 organization from the list of nonparty political organizations  
40 7 with which a voter may register as affiliated. However, a  
40 8 change shall not be made to the record of political  
40 9 affiliation of individual registrants unless the registrant  
40 10 requests the change.

40 11 6. If a political party, as defined in section 43.2, fails  
40 12 to receive a sufficient number of votes in a general election  
40 13 to retain status as a political party and the former political  
40 14 party organizes as a nonparty political organization, the  
40 15 organization may request registration of voters showing their  
40 16 affiliation with the organization. A change shall not be made  
40 17 to the record of political party affiliation of individual  
40 18 registrants unless the registrant requests the change.

40 19 Sec. 73. Section 48A.7A, subsection 1, paragraph b,  
40 20 subparagraph (2), unnumbered paragraph 1, Code Supplement  
40 21 2007, is amended to read as follows:

40 22 If the photographic identification presented does not  
40 23 contain the person's current address in the precinct, the  
40 24 person shall also present one of the following documents that  
40 25 shows the person's name and current address in the precinct:

40 26 Sec. 74. Section 48A.7A, subsection 3, Code Supplement  
40 27 2007, is amended to read as follows:

40 28 3. At any time before election day, and after the deadline  
40 29 for registration in section 48A.9, a person who appears in  
40 30 person at the commissioner's office or at a satellite absentee  
40 31 voting station after the deadline for registration in section  
~~40 32 48A.9, or whose ballot is delivered to a health care facility~~  
40 33 pursuant to section 53.22 may register to vote and vote an  
40 34 absentee ballot by following the procedure in this section for  
40 35 registering to vote on election day. A person who wishes to



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41 1 vote in person at the polling place on election day and who  
 41 2 has not registered to vote before the deadline for registering  
 41 3 in section 48A.9, is required to register to vote at the  
 41 4 polling place on election day following the procedure in this  
 41 5 section. However, the person may complete the voter  
 41 6 registration application at the commissioner's office and,  
 41 7 after the commissioner has reviewed the completed application,  
 41 8 may present the application to the appropriate precinct  
 41 9 election official along with proof of identity and residency.

41 10 Sec. 75. Section 48A.7A, subsection 4, paragraph b, Code  
 41 11 Supplement 2007, is amended to read as follows:

41 12 b. The form of the written oath required of a person  
 41 13 attesting to the identity and residency of the registrant  
 41 14 shall read as follows:

41 15 I, ..... (name of registered voter), do solemnly swear or  
 41 16 affirm all of the following:

41 17 I am a preregistered voter in this precinct or I registered  
 41 18 to vote in this precinct today, and a registered voter did not  
 41 19 sign an oath on my behalf. I have not signed an oath  
 41 20 attesting to the identity and residence of any other person in  
 41 21 this election.

41 22 I am a resident of the ... precinct, ... ward or township,  
 41 23 city of ....., county of ....., Iowa.

41 24 I reside at ..... (street address) in ..... (city or  
 41 25 township).

41 26 I personally know ..... (name of registrant), and I  
 41 27 personally know that ..... (name of registrant) is a resident  
 41 28 of the ... precinct, ..... ward or township, city of .....,  
 41 29 county of ....., Iowa.

41 30 I understand that any false statement in this oath is a  
 41 31 class "D" felony punishable by no more than five years in  
 41 32 confinement and a fine of at least seven hundred fifty dollars  
 41 33 but not more than seven thousand five hundred dollars.

41 34 .....  
 41 35 Signature of Registered Voter



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42 1       Subscribed and sworn before me on ..... (date).  
 42 2 .....  
 42 3 Signature of Precinct Election Official  
 42 4       Sec. 76. Section 48A.11, subsection 1, paragraph i, Code  
 42 5 Supplement 2007, is amended to read as follows:  
 42 6       i. Political party ~~registration~~ affiliation as defined in  
 42 7 section 43.2 or nonparty political organization affiliation if  
 42 8 approved for inclusion on the form pursuant to section 44.18.  
 42 9       Sec. 77. Section 48A.11, subsection 1, paragraph k, Code  
 42 10 Supplement 2007, is amended by striking the paragraph.  
 42 11       Sec. 78. Section 48A.12, unnumbered paragraph 1, Code  
 42 12 2007, is amended to read as follows:  
 42 13       The mail voter registration form prescribed by the federal  
 42 14 election assistance commission shall be accepted for voter  
 42 15 registration in Iowa if all required information is provided,  
 42 16 if it is signed by the registrant, and if the form is timely  
 42 17 received.  
 42 18       Sec. 79. Section 48A.26, subsection 4, Code 2007, is  
 42 19 amended to read as follows:  
 42 20       4. If the registrant applied by mail to register to vote  
 42 21 and did not answer either "yes" or "no" to the question in  
 42 22 section 48A.11, subsection 3, paragraph "a", the application  
 42 23 shall be processed, ~~but the registration shall be designated~~  
 42 24 ~~as valid only for elections that do not include candidates for~~  
 42 25 ~~federal offices on the ballot. The acknowledgment shall~~  
 42 26 ~~advise the applicant that the status of the registration is~~  
 42 27 ~~local and the reason for the registration being assigned local~~  
 42 28 ~~status. The commissioner shall enclose a new registration by~~  
 42 29 ~~mail form for the applicant to use. If the original~~  
 42 30 ~~application is received during the twelve days before the~~  
 42 31 ~~close of registration for an election that includes candidates~~  
 42 32 ~~for federal offices on the ballot, the commissioner shall~~  
 42 33 ~~provide the registrant with an opportunity to complete the~~  
 42 34 ~~form before the close of registration. If the application is~~  
 42 35 complete and proper in all other respects and information on



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43 1 the application is verified, as required by section 48A.25A,  
43 2 the applicant shall be registered to vote and sent an  
43 3 acknowledgment.  
43 4 Sec. 80. Section 48A.27, subsection 2, paragraph b, Code  
43 5 2007, is amended to read as follows:  
43 6 b. If a registered voter submits a change of name,  
43 7 telephone number, or address is submitted under this  
43 8 subsection, the commissioner shall not change the political  
43 9 party or nonparty political organization affiliation in the  
43 10 elector's registered voter's prior registration other than  
43 11 that indicated by the elector registered voter.  
43 12 Sec. 81. Section 48A.37, subsection 2, Code Supplement  
43 13 2007, is amended to read as follows:  
43 14 2. Electronic records shall include a status code  
43 15 designating whether the records are active, inactive, ~~local,~~  
43 16 ~~or pending, or canceled.~~ Inactive records are records of  
43 17 registered voters to whom notices have been sent pursuant to  
43 18 section 48A.28, subsection 3, and who have not returned the  
43 19 card or otherwise responded to the notice, and those records  
43 20 have been designated inactive pursuant to section 48A.29.  
43 21 Inactive records are also records of registered voters to whom  
43 22 notices have been sent pursuant to section 48A.26A and who  
43 23 have not responded to the notice. ~~Local records are records~~  
43 24 ~~of applicants who did not answer either "yes" or "no" to the~~  
43 25 ~~question in section 48A.11, subsection 3, paragraph "a".~~  
43 26 Pending records are records of applicants whose applications  
43 27 have not been verified pursuant to section 48A.25A. Canceled  
43 28 records are records that have been canceled pursuant to  
43 29 section 48A.30. All other records are active records. An  
43 30 inactive record shall be made active when the registered voter  
43 31 votes at an election, registers again, or reports a change of  
43 32 name, address, telephone number, or political party or  
43 33 organization affiliation. A pending record shall be made  
43 34 active upon verification. ~~A local record shall be valid for~~  
43 35 ~~any election for which no candidates for federal office appear~~



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~~44 1 on the ballot. A registrant with only a local record shall  
44 2 not vote in a federal election unless the registrant submits a  
44 3 new voter registration application before election day  
44 4 indicating that the applicant is a citizen of the United  
44 5 States.~~

44 6 Sec. 82. Section 49.74, Code 2007, is amended to read as  
44 7 follows:

44 8 49.74 ~~REGISTERED~~ VOTERS ENTITLED TO VOTE AFTER CLOSING  
44 9 TIME.

44 10 Every ~~registered~~ voter who is on the premises of the  
44 11 voter's precinct polling place at the time the polling place  
44 12 is to be closed for any election shall be permitted to vote in  
44 13 that election. Wherever possible, when there are persons on  
44 14 the premises of a polling place awaiting an opportunity to  
44 15 claim their vote at the time the polling place is to be  
44 16 closed, the election board shall cause those persons to move  
44 17 inside the structure in which the polling place is located and  
44 18 shall then shut the doors of the structure and shall not admit  
44 19 any additional persons to the polling place for the purpose of  
44 20 voting. If it is not feasible to cause persons on the  
44 21 premises of a polling place awaiting an opportunity to claim  
44 22 their vote at the time the polling place is to be closed to  
44 23 move inside the structure in which the polling place is  
44 24 located, the election board shall cause those persons to be  
44 25 designated in some reasonable manner and shall not receive  
44 26 votes after that time from any persons except those ~~registered~~  
44 27 voters so designated.

44 28 DIVISION V  
44 29 CHALLENGES AND PROVISIONAL VOTING

44 30 Sec. 83. Section 39A.3, subsection 1, paragraph a, Code  
44 31 2007, is amended by adding the following new subparagraph:

44 32 NEW SUBPARAGRAPH. (4) Files a challenge containing false  
44 33 information under section 48A.14 or 49.79.

44 34 Sec. 84. Section 39A.5, subsection 1, paragraph b,  
44 35 subparagraph (3), Code Supplement 2007, is amended by striking



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45 1 the subparagraph.

45 2 Sec. 85. Section 48A.14, subsections 3 and 4, Code 2007,  
45 3 are amended to read as follows:

45 4 3. A challenge shall contain a statement signed by the  
45 5 challenger in substantially the following form: "I am a  
45 6 registered voter in (name of county) County, Iowa. I swear or  
45 7 affirm that information contained on this challenge is true.  
45 8 I understand that knowingly filing a challenge containing  
45 9 false information is an aggravated misdemeanor."

45 10 4. A challenge may be filed at any time. A challenge  
45 11 filed less than seventy days before a regularly scheduled  
45 12 election shall not be processed until after the pending  
45 13 election unless the challenge is filed within twenty days of  
45 14 the commissioner's receipt of the challenged registrant's  
45 15 registration form or notice of change to an existing  
45 16 registration. A challenge filed against a person registering  
45 17 to vote pursuant to section 48A.7A is considered a challenge  
45 18 to a person offering to vote and must be filed under section  
45 19 49.79.

45 20 Sec. 86. Section 49.79, subsection 2, paragraph c, Code  
45 21 Supplement 2007, is amended to read as follows:

45 22 c. The challenged person is not a resident at the address  
45 23 where the person is registered. However, a person who is  
45 24 reporting a change of address at the polls on election day  
45 25 pursuant to section 48A.27, subsection 2, paragraph "a",  
45 26 subparagraph (3), or who is registering to vote pursuant to  
45 27 section 48A.7A, shall not be challenged for this reason.

45 28 Sec. 87. Section 49.79, Code Supplement 2007, is amended  
45 29 by adding the following new subsections:

45 30 NEW SUBSECTION. 3. a. The state commissioner of  
45 31 elections shall prescribe a form to be used for challenging a  
45 32 prospective voter at the polls. The form shall include a  
45 33 space for the challenger to provide the challenger's printed  
45 34 name, signature, address, and telephone number. The form  
45 35 shall also contain the following statement signed by the



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46 1 challenger: "I am a registered voter in (name of county)  
46 2 County, Iowa. I swear or affirm that information contained in  
46 3 this challenge is true. I understand that knowingly filing a  
46 4 challenge containing false information is an aggravated  
46 5 misdemeanor."

46 6 b. The special precinct board shall reject a challenge  
46 7 that lacks the name, address, telephone number, and signature  
46 8 of the challenger.

46 9 NEW SUBSECTION. 4. A separate written challenge shall be  
46 10 made against each prospective voter challenged.

46 11 NEW SUBSECTION. 5. A challenger may withdraw a challenge  
46 12 at the polling place on election day or at any time before the  
46 13 meeting of the special precinct counting board by notifying  
46 14 the commissioner in writing of the withdrawal.

46 15 Sec. 88. Section 49.81, Code 2007, is amended to read as  
46 16 follows:

46 17 49.81 PROCEDURE FOR ~~CHALLENGED~~ VOTER TO CAST PROVISIONAL  
46 18 BALLOT.

46 19 1. A prospective voter who is prohibited under section  
46 20 48A.8, subsection 4, section 49.77, subsection 4, or section  
46 21 49.80 from voting except under this section shall be notified  
46 22 by the appropriate precinct election official that the voter  
46 23 may cast a provisional ballot. If a booth meeting the  
46 24 requirement of section 49.25 is not available at that polling  
46 25 place, the precinct election officials shall make alternative  
46 26 arrangements to insure the ~~challenged~~ voter the opportunity to  
46 27 vote in secret. The marked ballot, folded voter shall mark  
46 28 the ballot, fold it or insert it in a secrecy envelope as  
46 29 required by section 49.84, shall be delivered to a precinct  
~~46 30 election official who shall and immediately seal it in an~~  
46 31 envelope of the type prescribed by subsection 4. The voter  
46 32 shall deliver the sealed envelope to a precinct election  
46 33 official who shall be deposited deposit it in an envelope  
46 34 marked "provisional ballots" and. The ballot shall be  
46 35 considered as having been cast in the special precinct



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47 1 established by section 53.20 for purposes of the postelection  
47 2 canvass.  
47 3 2. Each person who casts a provisional ballot under this  
47 4 section shall receive a printed statement in ~~substantially the~~  
~~47 5 following form:~~  
47 6 ~~Your qualifications as a registered voter have been~~  
~~47 7 challenged for the following reasons:~~  
47 8 ~~I.....~~  
47 9 ~~II.....~~  
47 10 ~~III.....~~  
47 11 ~~You must show identification before your ballot can be~~  
~~47 12 counted. Please bring or mail a copy of a current and valid~~  
~~47 13 photo identification card to the county commissioner's office~~  
~~47 14 or bring or mail a copy of one of the following current~~  
~~47 15 documents that show your name and address:~~  
47 16 ~~a. Utility bill.~~  
47 17 ~~b. Bank statement.~~  
47 18 ~~c. Paycheck.~~  
47 19 ~~d. Government check.~~  
47 20 ~~e. Other government document.~~  
47 21 ~~Your right to vote will be reviewed by the special precinct~~  
~~47 22 counting board on ..... You have the right and~~  
~~47 23 are encouraged to make a written statement and submit~~  
~~47 24 additional written evidence to this board supporting your~~  
~~47 25 qualifications as a registered voter. This written statement~~  
~~47 26 and evidence may be given to an election official of this~~  
~~47 27 precinct on election day or mailed or delivered to the county~~  
~~47 28 commissioner of elections, but must be received before ....~~  
~~47 29 ..... a.m./p.m. on ..... at .....~~  
~~47 30 .... If your ballot is not counted you will receive, by~~  
~~47 31 mail, notification of this fact and the reason that the ballot~~  
~~47 32 was not counted~~ a form prescribed by the state commissioner by  
47 33 rule adopted in accordance with chapter 17A. The statement  
47 34 shall contain, at a minimum, the following information:  
47 35 a. The reason the person is casting a provisional ballot.





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49 1 election official:  
 49 2 Reason for ~~challenge~~ casting provisional ballot:  
 49 3 .....  
 49 4 .....  
 49 5 ~~Did not present required identification form.~~  
 49 6 .....  
 49 7 (signature of precinct  
 49 8 election official)  
 49 9 The precinct election official shall attach a completed  
 49 10 voter registration form from each provisional voter unless the  
 49 11 person's registration status is listed in the election  
 49 12 register as active or pending. If a voter is casting a  
 49 13 provisional ballot because the voter's qualifications as a  
 49 14 registered voter have been challenged, the precinct election  
 49 15 official shall attach the signed challenge to the provisional  
 49 16 ballot envelope.

DIVISION VI

GENERAL CHANGES TO ELECTIONS PROVISIONS

49 17 Sec. 89. Section 39A.2, subsection 1, paragraph c, Code  
 49 18 Supplement 2007, is amended to read as follows:  
 49 19 c. DURESS. Intimidates, threatens, or coerces, or  
 49 20 attempts to intimidate, threaten, or coerce, a person to do or  
 49 21 to refrain from doing any of the following:  
 49 22 (1) To register to vote, to vote, or to attempt to  
 49 23 register to vote.  
 49 24 (2) To urge or aid a person to register to vote, to vote,  
 49 25 or to attempt to register to vote.  
 49 26 (2A) To sign a petition nominating a candidate for public  
 49 27 office or a petition requesting an election for which a  
 49 28 petition may legally be submitted.  
 49 29 (3) To exercise a right under chapters 39 through 53.  
 49 30 Sec. 90. Section 39A.2, subsection 1, Code Supplement  
 49 31 2007, is amended by adding the following new paragraph:  
 49 32 NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.  
 49 33 Intentionally altering or damaging any computer software or  
 49 34  
 49 35



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50 1 any physical part of a voting machine, automatic tabulating  
50 2 equipment, or any other part of a voting system.  
50 3 Sec. 91. Section 49.20, Code 2007, is amended to read as  
50 4 follows:  
50 5 49.20 COMPENSATION OF MEMBERS.  
50 6 The members of election boards shall be deemed temporary  
50 7 state employees who are compensated by the county in which  
50 8 they serve, and shall receive compensation at a rate  
50 9 established by the board of supervisors, which shall be not  
50 10 less than ~~three dollars and fifty cents per hour~~ the minimum  
50 11 wage established in section 91D.1, subsection 1, paragraph  
50 12 "b", while engaged in the discharge of their duties and shall  
50 13 be reimbursed for actual and necessary travel expense at a  
50 14 rate determined by the board of supervisors, except that  
50 15 persons who have advised the commissioner prior to their  
50 16 appointment to the election board that they are willing to  
50 17 serve without pay at elections conducted for any school  
50 18 district or a city of three thousand five hundred or less  
50 19 population, shall receive no compensation for service at those  
50 20 elections. Compensation shall be paid to members of election  
50 21 boards only after the vote has been canvassed and it has been  
50 22 determined in the course of the canvass that the election  
50 23 record certificate has been properly executed by the election  
50 24 board.  
50 25 Sec. 92. Section 49.21, Code 2007, is amended to read as  
50 26 follows:  
50 27 49.21 POLLING PLACES == ACCESSIBILITY == SIGNS.  
50 28 1. It is the responsibility of the commissioner to  
50 29 designate a polling place for each precinct in the county.  
50 30 Each polling place designated shall be accessible to persons  
50 31 with disabilities. However, if the commissioner is unable to  
50 32 provide an accessible polling place for a precinct, the  
50 33 commissioner shall apply for a temporary waiver of the  
50 34 accessibility requirement. The state commissioner shall adopt  
50 35 rules in accordance with chapter 17A prescribing standards for



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51 1 determining whether a polling place is accessible and the  
51 2 process for applying for a temporary waiver of accessibility.

51 3 2. a. Upon the application of the commissioner, the  
51 4 authority which has control of any buildings or grounds  
51 5 supported by taxation under the laws of this state shall make  
51 6 available the necessary space therein for the purpose of  
51 7 holding elections, without charge for the use thereof.

51 8 b. Except as otherwise provided by law, the polling place  
51 9 in each precinct in the state shall be located in a central  
51 10 location if a building is available. However, first  
51 11 consideration shall be given to the use of public buildings  
51 12 supported by taxation.

51 13 ~~In the selection of polling places, preference shall also~~  
51 14 ~~be given to the use of buildings accessible to persons who are~~  
51 15 ~~elderly and persons with disabilities.~~

51 16 3. a. On the day of an election, the commissioner shall  
51 17 post a sign stating "vote here" at the entrance to each  
51 18 driveway leading to the building where a polling place is  
51 19 located. The sign must be visible from the street or highway  
51 20 fronting the driveway, but shall not encroach upon the  
51 21 right-of-way of such street or highway.

51 22 b. The commissioner shall post a sign at the entrance to  
51 23 the polling place indicating the election precinct number or  
51 24 name, and displaying a street map showing the boundaries of  
51 25 the precinct.

51 26 Sec. 93. Section 49.25, subsection 1, Code Supplement  
51 27 2007, is amended to read as follows:

51 28 1. In any county or portion of a county for which voting  
51 29 machines have been acquired under section 52.2 the  
51 30 commissioner shall determine pursuant to section 49.26, in  
51 31 advance of each election conducted for a city of three  
51 32 thousand five hundred or less population, or any school  
51 33 district, and individually for each precinct, whether voting  
51 34 in that election shall be by machine or by paper ballot. In  
51 35 counties in which conventional paper ballots are not used, the



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52 1 commissioner shall furnish voting equipment for use by voters  
52 2 with disabilities.

52 3 Sec. 94. Section 49.68, Code 2007, is amended to read as  
52 4 follows:

52 5 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

52 6 1. The state commissioner with the approval of the  
52 7 attorney general shall prepare, and from time to time revise,  
52 8 written instructions to the voters relative to ~~voting the~~  
52 9 rights of voters, and shall furnish each commissioner with  
52 10 copies of the instructions. Such instructions shall cover the  
52 11 following matters:

52 12 a. The procedure for registering to vote after the  
52 13 registration deadline has passed.

52 14 b. Instructions for voters who are required by law to show  
52 15 identification before voting.

52 16 c. General information on voting rights under applicable  
52 17 federal and state laws, including the following:

52 18 (1) Information on the right of an individual to cast a  
52 19 provisional ballot and the procedure for casting a provisional  
52 20 ballot.

52 21 (2) Federal and state laws regarding prohibitions on acts  
52 22 of fraud, misrepresentation, coercion, or duress.

52 23 d. Instructions on how to contact the appropriate  
52 24 officials if a voter believes the voter's rights have been  
52 25 violated.

52 26 2. The state commissioner shall prepare instructions  
52 27 relative to voting for each voting system in use in the state  
52 28 and shall furnish the county commissioner with copies of the  
52 29 instructions. Such instructions shall cover the following  
52 30 matters:

52 31 ~~1.~~ a. The manner of obtaining ballots.

52 32 ~~2.~~ b. The manner of marking ballots.

52 33 ~~3.~~ c. That unmarked or improperly marked ballots will not  
52 34 be counted.

52 35 ~~4.~~ d. The method of gaining assistance in marking ballots.



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53 1 ~~5. e.~~ That any erasures or identification marks, or  
53 2 otherwise spoiling or defacing a ballot, will render it  
53 3 invalid.  
53 4 ~~6. f.~~ Not to vote a spoiled or defaced ballot.  
53 5 ~~7. g.~~ How to obtain a new ballot in place of a spoiled or  
53 6 defaced one.  
53 7 ~~8. h.~~ Any other matters thought necessary.  
53 8 Sec. 95. Section 49.70, Code 2007, is amended to read as  
53 9 follows:  
53 10 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.  
53 11 The commissioner shall cause copies of ~~the foregoing~~ each  
53 12 set of instructions to be printed in large, clear type, under  
53 13 the heading of "Rights of Voters" and "Instructions for  
53 14 ~~Voters~~ Voting", as applicable, and shall furnish the precinct  
53 15 election officials with a sufficient number of ~~such~~ each set  
53 16 of instructions as will enable them to comply with section  
53 17 49.71.  
53 18 Sec. 96. Section 49.71, Code Supplement 2007, is amended  
53 19 to read as follows:  
53 20 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.  
53 21 The precinct election officials, before the opening of the  
53 22 polls, shall cause ~~the~~ each set of instructions ~~for voters~~  
53 23 required pursuant to section 49.70 to be securely posted as  
53 24 follows:  
53 25 1. ~~One~~ At least one copy of the instructions for voting  
53 26 prescribed in section 49.68, subsection 2, in each voting  
53 27 booth.  
53 28 2. ~~Not less than four copies,~~ At least one copy of the  
53 29 instructions for voting prescribed in section 49.68,  
53 30 subsection 2, with an equal number of sample ballots, in and  
53 31 about the polling place.  
53 32 3. At least one copy of the instructions relating to  
53 33 rights of voters, as prescribed in section 49.68, subsection  
53 34 1, in and about the polling place.  
53 35 Sec. 97. Section 49.73, subsection 1, unnumbered paragraph



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54 1 1, Code Supplement 2007, is amended to read as follows:

54 2 At all elections, except as otherwise permitted by this  
54 3 section, the polls shall be opened at seven ~~o'clock~~ a.m., ~~or~~  
~~54 4 as soon thereafter as vacancies on the precinct election board~~  
~~54 5 have been filled if at least one official from each of the~~  
54 6 political parties referred to in section 49.13 is present. On  
54 7 the basis of voter turnout for recent similar elections and  
54 8 factors considered likely to so affect voter turnout for the  
54 9 forthcoming election as to justify shortened voting hours for  
54 10 that election, the commissioner may direct that the polls be  
54 11 opened at twelve ~~o'clock~~ noon for:

54 12 Sec. 98. Section 49.77, subsection 2, Code Supplement  
54 13 2007, is amended to read as follows:

54 14 2. ~~One of the precinct election officials shall announce~~  
~~54 15 the voter's name aloud for the benefit of any persons present~~  
~~54 16 pursuant to section 49.104, subsection 2, 3, or 5. If the~~  
54 17 declaration of eligibility is not printed on each page of the  
54 18 election register, any of those persons present pursuant to  
54 19 section 49.104, subsection 2, 3, or 5, may upon request view  
54 20 the signed declarations of eligibility and may review the  
54 21 signed declarations on file so long as the person does not  
54 22 interfere with the functions of the precinct election  
54 23 officials. If the declaration of eligibility is printed on  
54 24 the election register, voters shall also sign a voter roster  
54 25 which the precinct election official shall make available for  
~~54 26 viewing a listing of those voters who have signed declarations~~  
~~54 27 of eligibility.~~ Any of those persons present pursuant to  
54 28 section 49.104, subsection 2, 3, or 5, may upon request view  
54 29 the listing roster of those voters who have signed  
54 30 declarations of eligibility, so long as the person does not  
54 31 interfere with the functions of the precinct election  
54 32 officials.

54 33 Sec. 99. Section 49.88, Code 2007, is amended to read as  
54 34 follows:

54 35 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.



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55 1 1. No more than one person shall be allowed to occupy any  
55 2 voting booth at any time. ~~No person shall occupy such booth~~  
~~55 3 for more than three minutes to cast a vote. Nothing in this~~  
~~55 4 section shall prohibit assistance to voters under section~~  
~~55 5 49.90. The use of cameras, cellular telephones, pagers, or~~  
55 6 other electronic communications devices in the voting booth is  
55 7 prohibited.

55 8 2. a. Nothing in this section shall prohibit assistance  
55 9 to voters under section 49.90.

55 10 b. This section does not prohibit a voter from taking  
55 11 minor children into the voting booth with the voter.

55 12 Sec. 100. Section 49.104, Code 2007, is amended by adding  
55 13 the following new subsection:

55 14 NEW SUBSECTION. 8. Reporters, photographers, and other  
55 15 staff representing the news media. However, representatives  
55 16 of the news media, while present at or in the immediate  
55 17 vicinity of the polling places, shall not interfere with the  
55 18 election process in any way.

55 19 Sec. 101. Section 50.9, Code 2007, is amended to read as  
55 20 follows:

55 21 50.9 RETURN OF BALLOTS NOT VOTED.

55 22 Ballots not voted, or spoiled by voters while attempting to  
55 23 vote, shall be returned by the precinct election officials to  
55 24 the commissioner, and a receipt taken for the ballots. The  
55 25 spoiled ballots shall be preserved for twenty-two months  
55 26 following elections for federal offices and for six months  
55 27 following elections for all other offices. The commissioner  
55 28 shall record the number of ballots sent to the polling places  
55 29 but not voted. The ballots not voted shall be destroyed after  
55 30 the end of the period for contesting the election. However,  
55 31 if a contest is requested, the ballots not voted shall be  
55 32 preserved until the election contest is concluded.

55 33 Sec. 102. NEW SECTION. 50.15A UNOFFICIAL RESULTS OF  
55 34 VOTING == GENERAL ELECTION ONLY.

55 35 1. In order to provide the public with an early source of



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56 1 election results before the official canvass of votes, the  
56 2 state commissioner of elections, in cooperation with the  
56 3 commissioners of elections, shall conduct an unofficial  
56 4 canvass of election results following the closing of the polls  
56 5 on the day of a general election. The unofficial canvass  
56 6 shall report election results for national offices, statewide  
56 7 offices, the office of state representative, the office of  
56 8 state senator, and other offices or public measures at the  
56 9 discretion of the state commissioner of elections.

56 10 2. After the polls close on election day, the commissioner  
56 11 of elections shall periodically provide election results to  
56 12 the state commissioner of elections as the precincts in the  
56 13 county report election results to the commissioner pursuant to  
56 14 section 50.11. If the commissioner determines that all  
56 15 precincts will not report election results before the office  
56 16 is closed, the commissioner shall report the most complete  
56 17 results available prior to leaving the office at the time the  
56 18 office is closed as provided in section 50.11. The  
56 19 commissioner shall specify the number of precincts included in  
56 20 the report to the state commissioner of elections.

56 21 The state commissioner of elections shall tabulate  
56 22 unofficial election results as the results are received from  
56 23 the commissioners of elections and shall periodically make the  
56 24 reports of the results available to the public.

56 25 3. Before the day of the general election, the state  
56 26 commissioner of elections shall provide a form and  
56 27 instructions for reporting unofficial election results  
56 28 pursuant to this section.

56 29 Sec. 103. Section 50.49, unnumbered paragraph 4, Code  
56 30 2007, is amended to read as follows:

56 31 The petitioners requesting the recount shall post a bond as  
56 32 required by section 50.48, subsection 2. The amount of the  
56 33 bond shall be one thousand dollars for a public measure  
56 34 appearing on the ballot statewide or one hundred dollars for  
56 35 any other public measure. If the difference between the



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57 1 affirmative and negative votes cast on the public measure is  
57 2 less than the greater of fifty votes or one percent of the  
57 3 total number of votes cast for and against the question, a  
57 4 bond is not required. If approval by sixty percent of the  
57 5 votes cast is required for adoption of the public measure, no  
57 6 bond is required if the difference between sixty percent of  
57 7 the total votes cast for and against the question and the  
57 8 number of affirmative votes cast ~~for the losing side~~ is less  
57 9 than the greater of fifty votes or one percent of the total  
57 10 number of votes cast.

57 11 Sec. 104. Section 53.23, subsection 3, paragraph b, Code  
57 12 Supplement 2007, is amended to read as follows:

57 13 b. If the board finds any ballot not enclosed in a secrecy  
57 14 envelope and the ballot is folded in such a way that any of  
57 15 the votes cast on the ballot are visible, the two special  
57 16 precinct election officials, one from each of the two  
57 17 political parties referred to in section 49.13, subsection 2,  
57 18 shall place the ballot in a secrecy envelope. No one shall  
57 19 examine the ballot. ~~Each of the special precinct election~~  
~~57 20 officials shall sign the secrecy envelope.~~

57 21 Sec. 105. Section 423A.4, subsection 4, Code Supplement  
57 22 2007, is amended to read as follows:

57 23 4. a. A city or county shall impose or repeal a hotel and  
57 24 motel tax or increase or reduce the tax rate only after an  
57 25 election at which a majority of those voting on the question  
57 26 favors imposition, repeal, or change in rate. However, a  
57 27 hotel and motel tax shall not be repealed or reduced in rate  
57 28 if obligations are outstanding which are payable as provided  
57 29 in section 423A.7, unless funds sufficient to pay the  
57 30 principal, interest, and premium, if any, on the outstanding  
57 31 obligations at and prior to maturity have been properly set  
57 32 aside and pledged for that purpose. ~~The election shall be~~  
~~57 33 held at the time of the regular city election or the county's~~  
~~57 34 general election or at the time of a special election.~~

57 35 b. If the tax applies only within the corporate boundaries



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58 1 of a city, only the registered voters of the city shall be  
58 2 permitted to vote. The election shall be held at the time of  
58 3 the regular city election or at a special election called for  
58 4 that purpose. If the tax applies only in the unincorporated  
58 5 areas of a county, only the registered voters of the  
58 6 unincorporated areas of the county shall be permitted to vote.  
58 7 The election shall be held at the time of the general election  
58 8 or at a special election called for that purpose.

58 9 DIVISION VII  
58 10 LOCAL REDISTRICTING

58 11 Sec. 106. Section 68B.32A, Code Supplement 2007, is  
58 12 amended by adding the following new subsection:

58 13 NEW SUBSECTION. 15. Establish an expedited procedure for  
58 14 reviewing complaints forwarded by the state commissioner of  
58 15 elections to the board for a determination as to whether a  
58 16 supervisor district plan adopted pursuant to section 331.210A  
58 17 was drawn for improper political reasons as described in  
58 18 section 42.4, subsection 5. The expedited procedure shall be  
58 19 substantially similar to the process used for other complaints  
58 20 filed with the board except that the provisions of section  
58 21 68B.32D shall not apply.

58 22 Sec. 107. Section 331.210A, subsection 2, paragraph e,  
58 23 Code 2007, is amended to read as follows:

58 24 e. The plan approved by the board of supervisors shall be  
58 25 submitted to the state commissioner of elections for approval.  
58 26 If the state commissioner or the ethics and campaign  
58 27 disclosure board finds that the plan does not meet the  
58 28 standards of section 42.4, the state commissioner shall reject  
58 29 the plan, and the board of supervisors shall direct the  
58 30 commission to prepare and adopt an acceptable plan.

58 31 For purposes of determining whether the standards of  
58 32 section 42.4 have been met, an eligible elector may file a  
58 33 complaint with the state commissioner of elections within  
58 34 fourteen days after a plan is approved by the board of  
58 35 supervisors of the county in which the eligible elector



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59 1 resides, on a form prescribed by the commissioner, alleging  
59 2 that the plan was drawn for improper political reasons as  
59 3 described in section 42.4, subsection 5. If a complaint is  
59 4 filed with the state commissioner of elections, the state  
59 5 commissioner shall forward the complaint to the ethics and  
59 6 campaign disclosure board established in section 68B.32 for  
59 7 resolution.

59 8 If, after the initial proposed supervisor district plan or  
59 9 precinct plan has been submitted to the state commissioner for  
59 10 approval, it is necessary for the temporary county  
59 11 redistricting commission to make subsequent attempts at  
59 12 adopting an acceptable plan, the subsequent plans do not  
59 13 require public hearings.

59 14 EXPLANATION

59 15 This bill makes various changes to the Code relating to the  
59 16 conduct of elections, voting, and voter registration.

59 17 Division I of the bill provides for the election of the  
59 18 directors of local school districts and merged areas in  
59 19 September in odd-numbered years. Area education agencies are  
59 20 required by law to hold their director district conventions  
59 21 within two weeks of the regular school election. Area  
59 22 education agency board directors are elected at those  
59 23 conventions. In order to accomplish these purposes, the  
59 24 division changes the terms of all of these directors from  
59 25 three to four years and provides for a transition period.

59 26 Division II of the bill allows a county commissioner of  
59 27 elections to establish voting centers for regular city  
59 28 elections, city primary or runoff elections, regular school  
59 29 elections, and special elections and provides that a  
59 30 registered voter at any of these elections may vote at a  
59 31 voting center. The bill specifies that voting or attempting  
59 32 to vote at more than one voting center for the same election  
59 33 is election misconduct in the first degree.

59 34 Division III of the bill makes changes relating to the  
59 35 dates that certain local government special elections on



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60 1 public measures can be held.

60 2     The division provides that special elections of a county  
60 3 shall be held on the day of the general election, on the day  
60 4 of the regular city election, on the date of a special  
60 5 election held to fill a vacancy in the same county, or on the  
60 6 first Tuesday in March, the first Tuesday in May, or the first  
60 7 Tuesday in August of each year. Special elections of a city  
60 8 shall be held on the day of the general election, on the day  
60 9 of the regular city election, on the date of a special  
60 10 election held to fill a vacancy in the same city, or on the  
60 11 first Tuesday in March, the first Tuesday in May, or the first  
60 12 Tuesday in August of each year. Special elections of a school  
60 13 district or merged area shall be held, in the odd-numbered  
60 14 year, on the first Tuesday in February, the first Tuesday in  
60 15 April, the last Tuesday in June, or the second Tuesday in  
60 16 September. For a school district or merged area, in the  
60 17 even-numbered year, special elections shall be held on the  
60 18 first Tuesday in February, the first Tuesday in April, the  
60 19 second Tuesday in September, or the first Tuesday in December.

60 20     The division amends Code section 47.6 to conform filing  
60 21 deadlines to the special election dates, including filing  
60 22 deadlines for vacancies in city or county offices. The  
60 23 division amends Code section 69.12 to change certain time  
60 24 periods in determining the next pending election at which a  
60 25 vacancy in office may be filled.

60 26     The division applies to elections held on or after January  
60 27 1, 2009.

60 28     Division IV makes changes relating to voter registration.

60 29     The division creates new Code section 44.18 to provide a  
60 30 procedure by which a nonparty political organization may be  
60 31 listed on a voter registration form. The division applies to  
60 32 a nonparty political organization that nominated a candidate  
60 33 whose name appeared on the general election ballot for a  
60 34 federal office, for governor, or for any other statewide  
60 35 elective office in any of the preceding 10 years. To request



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61 1 that it be listed on the voter registration form, a nonparty  
61 2 political organization must file a petition with the state  
61 3 registrar of voters containing the signatures of no fewer than  
61 4 850 eligible electors residing in at least five counties in  
61 5 the state, along with specified documents relating to  
61 6 establishment of the organization. Beginning in January 2011,  
61 7 and each odd-numbered year thereafter, the state registrar of  
61 8 voters and the voter registration commission shall review the  
61 9 number of voters registered as affiliated with a nonparty  
61 10 political organization. If the number of voters affiliated  
61 11 falls below 150, the commission shall declare the organization  
61 12 to be dormant and shall remove its name from the voter  
61 13 registration form. Corresponding amendments are made to Code  
61 14 sections 48A.11 and 48A.27.

61 15 The division makes corrective changes to Code sections  
61 16 48A.7A and 49.74 relating to registering to vote and voting  
61 17 after the statutory deadline for registration has passed.

61 18 Code section 48A.11 is amended to strike the requirement  
61 19 that the voter registration form include space for a rural  
61 20 resident to provide township and section number and other  
61 21 information describing where the person resides.

61 22 Code section 48A.12, relating to federal mail voter  
61 23 registration forms, is amended to refer to the election  
61 24 assistance commission created by the Help America Vote Act,  
61 25 rather than to the federal election commission.

61 26 Code section 48A.26 is amended to provide that the  
61 27 application of a registrant who did not answer the question on  
61 28 the voter registration application relating to citizenship  
61 29 shall be processed, and if the application is complete in all  
61 30 other respects and information on the application is verified,  
61 31 the applicant shall be registered to vote and sent an  
61 32 acknowledgment. Current law provides that until a new  
61 33 application is completed, the registration shall be entered as  
61 34 a local registration, and the registrant may only vote in  
61 35 elections that do not have a federal office on the ballot.



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62 1 Code section 48A.37, relating to status codes used on  
62 2 electronic registration records, is amended to delete the  
62 3 reference to local registrations. The Code section is also  
62 4 amended to add canceled registrations to the types of  
62 5 registration status.  
62 6 Division V of the bill makes changes relating to challenges  
62 7 to a person's qualifications when registering to vote and when  
62 8 voting.  
62 9 Code sections 39A.3 and 39A.5 are amended to specify that  
62 10 filing a challenge containing false information is an  
62 11 aggravated misdemeanor.  
62 12 Code section 48A.14 is amended to provide that a challenge  
62 13 filed against a person who is registering to vote and voting  
62 14 after the statutory deadline is considered a challenge to a  
62 15 person offering to vote rather than a challenge of a voter  
62 16 registration. Challenges to voter registrations are required  
62 17 to be filed by a certain time to be considered for the next  
62 18 pending election.  
62 19 Code section 49.79 is amended to prescribe a form to be  
62 20 used for challenging a prospective voter at the polls and  
62 21 provides that a challenge that lacks the name, address,  
62 22 telephone number, and signature of the challenger shall be  
62 23 rejected. The Code section is also amended to conform its  
62 24 provisions with those in Code section 48A.14, relating to  
62 25 challenges of voter registrations.  
62 26 Code section 49.81, relating to the procedure for a voter  
62 27 to cast a provisional ballot, is rewritten to require the  
62 28 state commissioner of elections to adopt, by rule, a statement  
62 29 to be given to a person casting a provisional ballot. The  
62 30 statement is to give the reason the voter is casting a  
62 31 provisional ballot and other information about related  
62 32 procedures. The Code section is also amended to require that  
62 33 a signed challenge to a prospective voter be attached to that  
62 34 voter's provisional ballot envelope.  
62 35 Division VI of the bill makes general changes to election



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63 1 law provisions.

63 2 Code section 39A.2 is amended to make it a class "D" felony  
63 3 to intimidate, threaten, or coerce a person to sign or refrain  
63 4 from signing a petition nominating a candidate for public  
63 5 office or a petition requesting an election that is authorized  
63 6 by law to be petitioned for. Code section 39A.2 is also  
63 7 amended to make it a class "D" felony to tamper with voting  
63 8 equipment.

63 9 Code section 49.20 is amended to provide that members of  
63 10 election boards shall be compensated at the rate of the  
63 11 federal or state minimum wage, whichever is higher.

63 12 Code section 49.21 is amended to require that each polling  
63 13 place designated be accessible to persons with disabilities  
63 14 and removes the requirement that preference be given to  
63 15 buildings that are accessible to the elderly. The Code  
63 16 section is also amended to allow the county commissioner of  
63 17 elections to receive a temporary waiver of the accessibility  
63 18 requirement.

63 19 Code section 49.25 is amended to require the county  
63 20 commissioner of elections to furnish voting equipment for use  
63 21 by voters with disabilities in counties in which conventional  
63 22 paper ballots are not used.

63 23 Code section 49.68 is amended to provide that two separate  
63 24 sets of instructions shall be prepared for voters. The first  
63 25 set shall cover matters relating to the rights of voters and  
63 26 the second set shall contain instructions relative to voting.  
63 27 Corresponding amendments are made to Code sections 49.70 and  
63 28 49.71.

63 29 Code section 49.73 is amended to provide that the polls  
63 30 shall open at 7 a.m. if at least one precinct election  
63 31 official from each of the political parties is present.

63 32 Code section 49.77 is amended to strike the requirement  
63 33 that the precinct election official announce a voter's name  
63 34 aloud for the benefit of any observers at the polling place.  
63 35 The Code section is also amended to specify that if the



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64 1 declaration of eligibility is printed on the election  
64 2 register, voters must also sign a voter roster which is to be  
64 3 made available to observers at the polling place.  
64 4 Code section 49.88 is amended to remove the requirement  
64 5 that a voter take no more than three minutes to cast a vote.  
64 6 The Code section is also amended to prohibit the use of  
64 7 cameras, cellular telephones, pagers, and other electronic  
64 8 communications devices in the voting booth.  
64 9 Code section 49.104, relating to persons permitted at the  
64 10 polling place, is amended to add reporters, photographers, and  
64 11 other staff representing the news media and provides that such  
64 12 persons shall not interfere with the election process.  
64 13 Code section 50.9 is amended to provide that the number of  
64 14 ballots not voted at an election shall be recorded by the  
64 15 county commissioner of elections and retained until after the  
64 16 end of the period for contesting an election or, if an  
64 17 election contest is requested, until the election contest is  
64 18 concluded.  
64 19 New Code section 50.15A authorizes the state commissioner  
64 20 of elections to report unofficial election results after the  
64 21 closing of the polls on the day of a general election. This  
64 22 codifies current administrative rules.  
64 23 Code section 50.49, relating to a request for a recount of  
64 24 the vote on a public measure, changes the equation for  
64 25 determining whether a bond is required to be paid.  
64 26 Code section 53.23 is amended to strike the requirement  
64 27 that each special precinct election official sign the secrecy  
64 28 envelope when the officials place an absentee ballot into a  
64 29 secrecy envelope.  
64 30 Code section 423A.4 is amended to clarify what voters are  
64 31 eligible to vote at an election to impose, repeal, or change  
64 32 the percentage rate of a hotel and motel tax. The division  
64 33 provides that if the tax is imposed only within a city, the  
64 34 registered voters of the city shall be permitted to vote. If  
64 35 the tax applies only in the unincorporated areas of a county,



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65 1 only the registered voters of the unincorporated areas shall  
65 2 be permitted to vote.  
65 3     Division VII provides that the ethics and campaign  
65 4 disclosure board shall establish an expedited procedure for  
65 5 reviewing a county supervisor redistricting plan to determine  
65 6 if the plan was drawn for improper political reasons in  
65 7 violation of Code section 42.4, subsection 5. The procedure  
65 8 shall be substantially similar to the process used for other  
65 9 complaints considered by the board. The division provides  
65 10 that an eligible elector in the county for which the plan was  
65 11 adopted has 14 days following adoption of the plan to file a  
65 12 complaint with the state commissioner of elections alleging a  
65 13 violation. The division provides that the state commissioner  
65 14 shall forward the complaint to the ethics board and if the  
65 15 board does find a violation, the state commissioner is  
65 16 required to reject the plan.  
65 17 LSB 5403HV 82  
65 18 sc/nh/8



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House Study Bill 784

SENATE/HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY JOINT  
APPROPRIATIONS SUBCOMMITTEE  
ON AGRICULTURE AND NATURAL  
RESOURCES)

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

**A BILL FOR**

- 1 An Act relating to and making appropriations involving state
- 2 government, by providing for agriculture, natural resources,
- 3 and environmental protection.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5004JB 82
- 6 da/jp/8



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House Study Bill 784 continued

PAG LIN

1 1 DIVISION I

1 2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

1 3 GENERAL APPROPRIATIONS

1 4 Section 1. GENERAL FUND == DEPARTMENT. There is

1 5 appropriated from the general fund of the state to the

1 6 department of agriculture and land stewardship for the fiscal

1 7 year beginning July 1, 2008, and ending June 30, 2009, the

1 8 following amount, or so much thereof as is necessary, to be

1 9 used for the purposes designated:

1 10 For purposes of supporting the department, including its

1 11 divisions, for administration, regulation, and programs; for

1 12 salaries, support, maintenance, and miscellaneous purposes;

1 13 and for not more than the following full-time equivalent

1 14 positions:

1 15 .....	\$ 19,099,509
1 16 .....	FTEs 445.00

1 17 DESIGNATED APPROPRIATIONS == ANIMAL HUSBANDRY

1 18 Sec. 2. GENERAL FUND == CHRONIC WASTING DISEASE CONTROL

1 19 PROGRAM. There is appropriated from the general fund of the

1 20 state to the department of agriculture and land stewardship

1 21 for the fiscal year beginning July 1, 2008, and ending June

1 22 30, 2009, the following amount, or so much thereof as is

1 23 necessary, to be used for the purposes designated:

1 24 For purposes of administering a chronic wasting disease

1 25 control program for the control of chronic wasting disease

1 26 which threatens farm deer as provided in chapter 170,

1 27 including for salaries, support, maintenance, and

1 28 miscellaneous purposes:

1 29 .....	\$ 80,000
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1 30 The program may include procedures for the inspection and

1 31 testing of farm deer, responses to reported cases of chronic

1 32 wasting disease, and methods to ensure that owners of farm

1 33 deer may engage in the movement and sale of farm deer.

1 34 Sec. 3. HORSE AND DOG RACING. There is appropriated from

1 35 the moneys available under section 99D.13 to the department of





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3 1       Sec. 6. GENERAL FUND == APIARY LAW. There is appropriated  
3 2 from the general fund of the state to the department of  
3 3 agriculture and land stewardship for the fiscal year beginning  
3 4 July 1, 2008, and ending June 30, 2009, the following amount,  
3 5 or so much thereof as is necessary, to be used for the  
3 6 purposes designated:

3 7       For purposes of administering and enforcing apiary law as  
3 8 provided in chapter 160, including for salaries, support,  
3 9 maintenance, and miscellaneous purposes:  
3 10 ..... \$       75,000

3 11       Sec. 7. GYPSY MOTH CONTROL. There is appropriated from  
3 12 the general fund of the state to the department of agriculture  
3 13 and land stewardship for the fiscal year beginning July 1,  
3 14 2008, and ending June 30, 2009, the following amount, or so  
3 15 much thereof as is necessary, to be used for the purposes  
3 16 designated:

3 17       For the control of the pest commonly referred to as the  
3 18 gypsy moth, including but not limited to the detection,  
3 19 surveillance, and eradication of the gypsy moth:  
3 20 ..... \$       50,000

3 21       Sec. 8. EMERALD ASH BORER PUBLIC AWARENESS PROJECT. There  
3 22 is appropriated from the general fund of the state to the  
3 23 department of agriculture and land stewardship for the fiscal  
3 24 year beginning July 1, 2008, and ending June 30, 2009, the  
3 25 following amount, or so much thereof as is necessary, to be  
3 26 used for the purposes designated:

3 27       For the support of a public awareness project to inform  
3 28 persons regarding the presence and danger of the pest commonly  
3 29 known as the emerald ash borer:  
3 30 ..... \$       50,000

3 31       Sec. 9. GENERAL FUND == SOIL AND WATER CONSERVATION  
3 32 DISTRICTS. There is appropriated from the general fund of the  
3 33 state to the department of agriculture and land stewardship  
3 34 for the fiscal year beginning July 1, 2008, and ending June  
3 35 30, 2009, the following amount, or so much thereof as is



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4 1 necessary, to be used for the purposes designated:  
 4 2 For purposes of reimbursing commissioners of soil and water  
 4 3 conservation districts for administrative expenses including  
 4 4 but not limited to travel expenses, technical training, and  
 4 5 professional dues:  
 4 6 ..... \$ 400,000  
 4 7 A soil and water conservation district receiving moneys  
 4 8 from an allocation provided pursuant to this section shall  
 4 9 submit a report to the soil conservation division of the  
 4 10 department of agriculture and land stewardship by July 1,  
 4 11 2009, accounting for moneys which have been expended or  
 4 12 unexpended or which have been obligated or encumbered. The  
 4 13 report shall state how the moneys were used.  
 4 14 DESIGNATED APPROPRIATIONS == FOOD MARKETING AND SECURITY  
 4 15 Sec. 10. GENERAL FUND == SENIOR FARMERS' MARKET NUTRITION  
 4 16 PROGRAM. There is appropriated from the general fund of the  
 4 17 state to the department of agriculture and land stewardship  
 4 18 for the fiscal year beginning July 1, 2008, and ending June  
 4 19 30, 2009, the following amount, or so much thereof as is  
 4 20 necessary, to be used for the purposes designated:  
 4 21 For purposes of administering a senior farmers' market  
 4 22 nutrition program, including salaries, support, maintenance,  
 4 23 and miscellaneous purposes:  
 4 24 ..... \$ 75,000  
 4 25 Sec. 11. EMERGENCY VETERINARIAN RAPID RESPONSE SERVICES  
 4 26 PROGRAM. There is appropriated from the general fund of the  
 4 27 state to the department of agriculture and land stewardship  
 4 28 for the fiscal year beginning July 1, 2008, and ending June  
 4 29 30, 2009, the following amount, or so much thereof as is  
 4 30 necessary, to be used for the purposes designated:  
 4 31 For purposes of supporting veterinary emergency  
 4 32 preparedness and response services necessary to prevent or  
 4 33 control a serious threat to the public health, public safety,  
 4 34 or the state's economy caused by the transmission of disease  
 4 35 among livestock or agricultural animals, including as provided



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5 1 in section 163.3A:  
5 2 ..... \$ 100,000  
5 3     Sec. 12. ORGANIC AGRICULTURAL PRODUCTS. There is  
5 4 appropriated from the general fund of the state to the  
5 5 department of agriculture and land stewardship for the fiscal  
5 6 year beginning July 1, 2008, and ending June 30, 2009, the  
5 7 following amount, or so much thereof as is necessary, to be  
5 8 used for the purposes designated:  
5 9     For purposes of supporting the department's regulation and  
5 10 promotion of organic agricultural products as provided in  
5 11 chapter 190C, including salaries, support, maintenance,  
5 12 miscellaneous purposes:  
5 13 ..... \$ 50,000  
5 14     Sec. 13. FARM=TO=SCHOOL PROGRAM. There is appropriated  
5 15 from the general fund of the state to the department of  
5 16 agriculture and land stewardship for the fiscal year beginning  
5 17 July 1, 2008, and ending June 30, 2009, the following amount,  
5 18 or so much thereof as is necessary, to be used for the  
5 19 purposes designated:  
5 20     For purposes of supporting the farm=to=school program  
5 21 created in chapter 190A to encourage and promote the purchase  
5 22 of locally and regionally produced or processed food in order  
5 23 to improve child nutrition and strengthen local and regional  
5 24 farm economies:  
5 25 ..... \$ 80,000  
5 26     Sec. 14. GRAPE AND WINE DEVELOPMENT FUND. There is  
5 27 appropriated from the general fund of the state to the grape  
5 28 and wine development fund created in section 175A.5 for the  
5 29 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
5 30 the following amount, or so much thereof as is necessary, to  
5 31 be used for the purposes designated:  
5 32     For carrying out the purposes of the fund:  
5 33 ..... \$ 280,000  
5 34             DESIGNATED APPROPRIATIONS == MOTOR FUEL  
5 35     Sec. 15. MOTOR FUEL INSPECTION. There is appropriated



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6 1 from the renewable fuel infrastructure fund created in section  
6 2 15G.205 to the department of agriculture and land stewardship  
6 3 for the fiscal year beginning July 1, 2008, and ending June  
6 4 30, 2009, the following amount, or so much thereof as is  
6 5 necessary, to be used for the purposes designated:

6 6     For purposes of the inspection of motor fuel, including  
6 7 salaries, support, maintenance, and miscellaneous purposes:  
6 8 ..... \$     300,000

6 9     The department shall establish and administer programs for  
6 10 the auditing of motor fuel including biofuel processing and  
6 11 production plants, for screening and testing motor fuel,  
6 12 including renewable fuel, and for the inspection of motor fuel  
6 13 sold by dealers including retail dealers who sell and dispense  
6 14 motor fuel from motor fuel pumps.

6 15                     DIVISION II  
6 16                     DEPARTMENT OF NATURAL RESOURCES  
6 17                     GENERAL APPROPRIATIONS

6 18     Sec. 16. GENERAL FUND == DEPARTMENT. There is  
6 19 appropriated from the general fund of the state to the  
6 20 department of natural resources for the fiscal year beginning  
6 21 July 1, 2008, and ending June 30, 2009, the following amount,  
6 22 or so much thereof as is necessary, to be used for the  
6 23 purposes designated:

6 24     For purposes of supporting the department, including its  
6 25 divisions, for administration, regulation, and programs; for  
6 26 salaries, support, maintenance, and miscellaneous purposes;  
6 27 and for not more than the following full-time equivalent  
6 28 positions:

6 29 ..... \$ 19,994,822  
6 30 ..... FTEs    1,169.95

6 31     Sec. 17. STATE FISH AND GAME PROTECTION FUND == DIVISION  
6 32 OF FISH AND WILDLIFE.

6 33     1. a. There is appropriated from the state fish and game  
6 34 protection fund to the department of natural resources for the  
6 35 fiscal year beginning July 1, 2008, and ending June 30, 2009,



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7 1 the following amount, or so much thereof as is necessary, to  
 7 2 be used for the purposes designated:  
 7 3     For purposes of supporting the division of fish and  
 7 4 wildlife, including for administration, regulation, and  
 7 5 programs; and for salaries, support, maintenance, equipment,  
 7 6 and miscellaneous purposes:  
 7 7 ..... \$ 37,626,733  
 7 8     b. Notwithstanding section 455A.10, the department may use  
 7 9 the unappropriated balance remaining in the state fish and  
 7 10 game protection fund to provide for the funding of health and  
 7 11 life insurance premium payments from unused sick leave  
 7 12 balances of conservation peace officers employed in a  
 7 13 protection occupation who retire, pursuant to section 97B.49B.  
 7 14     2. The department shall not expend more moneys from the  
 7 15 state fish and game protection fund than provided in this  
 7 16 section, unless the expenditure derives from contributions  
 7 17 made by a private entity, or a grant or moneys received from  
 7 18 the federal government, and is approved by the natural  
 7 19 resource commission. The department of natural resources  
 7 20 shall promptly notify the legislative services agency and the  
 7 21 chairpersons and ranking members of the joint appropriations  
 7 22 subcommittee on agriculture and natural resources concerning  
 7 23 the commission's approval.  
 7 24     Sec. 18. GROUNDWATER PROTECTION FUND == WATER QUALITY.  
 7 25 There is appropriated from the groundwater protection fund  
 7 26 created in section 455E.11 to the department of natural  
 7 27 resources for the fiscal year beginning July 1, 2008, and  
 7 28 ending June 30, 2009, from those moneys which are not  
 7 29 allocated pursuant to that section, the following amount, or  
 7 30 so much thereof as is necessary, to be used for the purposes  
 7 31 designated:  
 7 32     For purposes of supporting the department's protection of  
 7 33 the state's groundwater, including for administration,  
 7 34 regulation, and programs, and for salaries, support,  
 7 35 maintenance, equipment, and miscellaneous purposes:



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8 1 ..... \$ 3,455,832  
 8 2     Sec. 19. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
 8 3 PERMIT FUND. There is appropriated from the national  
 8 4 pollutant discharge elimination system permit fund created in  
 8 5 section 455B.196 to the department of natural resources for  
 8 6 the fiscal year beginning July 1, 2008, and ending June 30,  
 8 7 2009, the following amount, or so much thereof as is  
 8 8 necessary, to be used for the purposes designated:  
 8 9     For purposes of expediting the department's processing of  
 8 10 national pollutant discharge elimination system applications  
 8 11 and the issuance of permits, including salaries, support,  
 8 12 maintenance, and miscellaneous purposes:  
 8 13 ..... \$ 700,000  
 8 14             DESIGNATED APPROPRIATIONS == MISCELLANEOUS  
 8 15     Sec. 20. SPECIAL SNOWMOBILE FUND == SNOWMOBILE PROGRAM.  
 8 16 There is transferred on July 1, 2008, from the fees required  
 8 17 to be deposited in the special snowmobile fund under section  
 8 18 321G.7 to the fish and game protection fund and appropriated  
 8 19 to the department of natural resources for the fiscal year  
 8 20 beginning July 1, 2008, and ending June 30, 2009, the  
 8 21 following amount, or so much thereof as is necessary, to be  
 8 22 used for the purpose designated:  
 8 23     For purposes of administering and enforcing the state  
 8 24 snowmobile program:  
 8 25 ..... \$ 100,000  
 8 26     Sec. 21. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE  
 8 27 TANK SECTION EXPENSES. There is appropriated from the  
 8 28 unassigned revenue fund administered by the Iowa comprehensive  
 8 29 underground storage tank fund board to the department of  
 8 30 natural resources for the fiscal year beginning July 1, 2008,  
 8 31 and ending June 30, 2009, the following amount, or so much  
 8 32 thereof as is necessary, to be used for the purpose  
 8 33 designated:  
 8 34     For purposes of paying for administration expenses of the  
 8 35 department's underground storage tank section:



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9 1 ..... \$ 200,000  
 9 2 Sec. 22. STORM WATER DISCHARGE PERMIT FEES == SUPPORT FOR  
 9 3 SPECIAL PURPOSES. Notwithstanding any contrary provision of  
 9 4 state law, for the fiscal year beginning July 1, 2008, and  
 9 5 ending June 30, 2009, the department of natural resources may  
 9 6 use additional moneys available to the department collected  
 9 7 from storm water discharge permit fees as provided in section  
 9 8 455B.103A or 455B.197 for the staffing of the following  
 9 9 additional full-time equivalent positions for the purposes  
 9 10 designated:  
 9 11 1. For purposes of reducing the department's floodplain  
 9 12 permit backlog:  
 9 13 ..... FTEs 2.00  
 9 14 2. For purposes of implementing the federal total maximum  
 9 15 daily load program:  
 9 16 ..... FTEs 2.00  
 9 17 DIVISION III  
 9 18 IOWA STATE UNIVERSITY  
 9 19 Sec. 23. AGRICULTURAL REMEDIATION FUND == OPEN FEEDLOT  
 9 20 WATER QUALITY RESEARCH PROJECT. There is appropriated from  
 9 21 the agrichemical remediation fund created in section 161.7 to  
 9 22 Iowa state university of science and technology for the fiscal  
 9 23 year beginning July 1, 2008, and ending June 30, 2009, the  
 9 24 following amount, or so much thereof as is necessary, to be  
 9 25 used for the purposes designated:  
 9 26 For purposes of supporting a water quality research project  
 9 27 which studies the effectiveness of alternative technologies  
 9 28 used to reduce risks to water quality from effluent  
 9 29 originating from open feedlots which house beef cattle:  
 9 30 ..... \$ 50,000  
 9 31 In conducting the project, Iowa state university of science  
 9 32 and technology shall cooperate with the Iowa cattlemen's  
 9 33 association, the department of natural resources, the  
 9 34 department of agriculture and land stewardship, and the United  
 9 35 States department of agriculture natural resource conservation





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11 1     Sec. 26. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.  
 11 2 There is appropriated from the environment first fund created  
 11 3 in section 8.57A to the department of agriculture and land  
 11 4 stewardship for the fiscal year beginning July 1, 2008, and  
 11 5 ending June 30, 2009, the following amounts, or so much  
 11 6 thereof as is necessary, to be used for the purposes  
 11 7 designated:  
 11 8     1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)  
 11 9     a. For the conservation reserve enhancement program to  
 11 10 restore and construct wetlands for the purposes of  
 11 11 intercepting tile line runoff, reducing nutrient loss,  
 11 12 improving water quality, and enhancing agricultural production  
 11 13 practices:  
 11 14 ..... \$ 1,500,000  
 11 15     b. Not more than 7 percent of the moneys appropriated in  
 11 16 paragraph "a" may be used for costs of administration and  
 11 17 implementation of soil and water conservation practices.  
 11 18     2. WATERSHED PROTECTION  
 11 19     a. For continuation of a program that provides  
 11 20 multiobjective resource protections for flood control, water  
 11 21 quality, erosion control, and natural resource conservation:  
 11 22 ..... \$ 2,550,000  
 11 23     b. Not more than 7 percent of the moneys appropriated in  
 11 24 paragraph "a" may be used for costs of administration and  
 11 25 implementation of soil and water conservation practices.  
 11 26     3. FARM MANAGEMENT DEMONSTRATION PROGRAM  
 11 27     a. For continuation of a statewide voluntary farm  
 11 28 management demonstration program to demonstrate the  
 11 29 effectiveness and adaptability of emerging practices in  
 11 30 agronomy that protect water resources and provide other  
 11 31 environmental benefits:  
 11 32 ..... \$ 850,000  
 11 33     b. Not more than 7 percent of the moneys appropriated in  
 11 34 paragraph "a" may be used for costs of administration and  
 11 35 implementation of soil and water conservation practices.



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House Study Bill 784 continued

12 1     c. Of the amount appropriated in paragraph "a", \$400,000  
 12 2 shall be allocated to the Iowa soybean association's  
 12 3 agriculture and environment performance program.  
 12 4     4. AGRICULTURE DRAINAGE WELL WATER QUALITY ASSISTANCE FUND  
 12 5     a. For deposit in the agricultural drainage well water  
 12 6 quality assistance fund created in section 460.303 to be used  
 12 7 for purposes of supporting the agricultural drainage well  
 12 8 water quality assistance program as provided in section  
 12 9 460.304:  
 12 10 ..... \$ 1,500,000  
 12 11     b. Not more than 7 percent of the moneys appropriated in  
 12 12 paragraph "a" may be used for costs of administration and  
 12 13 implementation of soil and water conservation practices.  
 12 14     5. SOIL AND WATER CONSERVATION PRACTICES  
 12 15     a. For use by the soil conservation division, to provide  
 12 16 financial assistance for the establishment of permanent soil  
 12 17 and water conservation practices:  
 12 18 ..... \$ 7,000,000  
 12 19     b. Not more than 5 percent of the moneys appropriated in  
 12 20 paragraph "a" may be allocated for cost sharing to abate  
 12 21 complaints filed under section 161A.47.  
 12 22     c. Of the moneys appropriated in paragraph "a", 5 percent  
 12 23 shall be allocated for financial incentives to establish  
 12 24 practices to protect watersheds above publicly owned lakes of  
 12 25 the state from soil erosion and sediment as provided in  
 12 26 section 161A.73.  
 12 27     d. Not more than 30 percent of a soil and water  
 12 28 conservation district's allocation of moneys as financial  
 12 29 incentives may be provided for the purpose of establishing  
 12 30 management practices to control soil erosion on land that is  
 12 31 row cropped, including but not limited to no-till planting,  
 12 32 ridge-till planting, contouring, and contour strip-cropping as  
 12 33 provided in section 161A.73.  
 12 34     e. The state soil conservation committee created in  
 12 35 section 161A.4 may allocate moneys appropriated in paragraph



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House Study Bill 784 continued

13 1 "a" to conduct research and demonstration projects to promote  
 13 2 conservation tillage and nonpoint source pollution control  
 13 3 practices.  
 13 4 f. The allocation of moneys as financial incentives as  
 13 5 provided in section 161A.73 may be used in combination with  
 13 6 moneys allocated by the department of natural resources.  
 13 7 g. Not more than 10 percent of the moneys appropriated in  
 13 8 paragraph "a" may be used for costs of administration and  
 13 9 implementation of soil and water conservation practices.  
 13 10 6. CONSERVATION RESERVE PROGRAM (CRP)  
 13 11 a. To encourage and assist farmers in enrolling in and the  
 13 12 implementation of the federal conservation program and to work  
 13 13 with them to enhance their revegetation efforts to improve  
 13 14 water quality and habitat:  
 13 15 ..... \$ 1,500,000  
 13 16 b. Not more than 7 percent of the moneys appropriated in  
 13 17 paragraph "a" may be used for costs of administration and  
 13 18 implementation of soil and water conservation practices.  
 13 19 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND  
 13 20 a. For deposit in the loess hills development and  
 13 21 conservation fund created in section 161D.2:  
 13 22 ..... \$ 600,000  
 13 23 b. (1) Of the amount appropriated in paragraph "a",  
 13 24 \$400,000 shall be allocated to the fund's hungry canyons  
 13 25 account.  
 13 26 (2) Not more than 10 percent of the moneys allocated to  
 13 27 the hungry canyons account as provided in subparagraph (1) may  
 13 28 be used for administrative costs.  
 13 29 c. (1) Of the amount appropriated in paragraph "a",  
 13 30 \$200,000 shall be allocated to the fund's loess hills alliance  
 13 31 account.  
 13 32 (2) Not more than 10 percent of the moneys allocated to  
 13 33 the loess hills alliance account as provided in subparagraph  
 13 34 (1) may be used for administrative costs.  
 13 35 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND



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House Study Bill 784 continued

14 1     a. For deposit in the southern Iowa development and  
 14 2 conservation fund created in section 161D.12:  
 14 3 ..... \$     300,000  
 14 4     b. Not more than 5 percent of the moneys appropriated in  
 14 5 paragraph "a" may be used for administrative costs.  
 14 6     Sec. 27. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is  
 14 7 appropriated from the environment first fund created in  
 14 8 section 8.57A to the department of economic development for  
 14 9 the fiscal year beginning July 1, 2008, and ending June 30,  
 14 10 2009, the following amount, or so much thereof as is  
 14 11 necessary, to be used for the purposes designated:  
 14 12     For deposit in the brownfield redevelopment fund created in  
 14 13 section 15.293 to provide financial and technical assistance  
 14 14 under the brownfield redevelopment program as provided in  
 14 15 section 15.292:  
 14 16 ..... \$     500,000  
 14 17     Sec. 28. DEPARTMENT OF NATURAL RESOURCES. There is  
 14 18 appropriated from the environment first fund created in  
 14 19 section 8.57A to the department of natural resources for the  
 14 20 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
 14 21 the following amounts, or so much thereof as is necessary, to  
 14 22 be used for the purposes designated:  
 14 23     1. KEEPERS OF THE LAND  
 14 24     For statewide coordination of volunteer efforts under the  
 14 25 water quality and keepers of the land programs:  
 14 26 ..... \$     100,000  
 14 27     2. STATE PARKS MAINTENANCE AND OPERATIONS  
 14 28     For regular maintenance of state parks and staff time  
 14 29 associated with these activities:  
 14 30 ..... \$   2,470,000  
 14 31     3. GEOGRAPHIC INFORMATION SYSTEM (GIS)  
 14 32     To provide local watershed managers with geographic  
 14 33 information system data for their use in developing,  
 14 34 monitoring, and displaying results of their watershed work:  
 14 35 ..... \$     195,000



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House Study Bill 784 continued

15 1     4. WATER QUALITY MONITORING  
 15 2       For continuing the establishment and operation of water  
 15 3 quality monitoring stations:  
 15 4 ..... \$ 2,955,000  
 15 5     5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT  
 15 6       For deposit in the public water supply system account of  
 15 7 the water quality protection fund created in section  
 15 8 455B.183A:  
 15 9 ..... \$ 500,000  
 15 10    6. REGULATION OF ANIMAL FEEDING OPERATIONS  
 15 11       For the regulation of animal feeding operations, including  
 15 12 as provided for in chapters 459 and 459A:  
 15 13 ..... \$ 360,000  
 15 14    7. AMBIENT AIR QUALITY  
 15 15       For the abatement, control, and prevention of ambient air  
 15 16 pollution in this state, including measures as necessary to  
 15 17 assure attainment and maintenance of ambient air quality  
 15 18 standards from particulate matter:  
 15 19 ..... \$ 325,000  
 15 20    8. WATER QUANTITY REGULATION  
 15 21       For regulating water quantity from surface and subsurface  
 15 22 sources by providing for the allocation and use of water  
 15 23 resources, the protection and management of water resources,  
 15 24 and the preclusion of conflicts among users of water  
 15 25 resources, including as provided in chapter 455B, division  
 15 26 III, part 4:  
 15 27 ..... \$ 495,000  
 15 28    9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)  
 15 29      a. For resource conservation and development associated  
 15 30 with the development of projects relating to natural  
 15 31 resource-based business opportunities:  
 15 32 ..... \$ 250,000  
 15 33      b. Local resource conservation and development groups  
 15 34 sponsored by county governments or sponsored by soil and water  
 15 35 conservation districts shall be eligible to receive moneys



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16 1 appropriated in paragraph "a" on the condition that such  
 16 2 groups receive the moneys on a dollar-for-dollar matching  
 16 3 basis.  
 16 4 10. IOWA CLIMATE CHANGE ADVISORY COUNCIL  
 16 5 For support of the Iowa climate change advisory council  
 16 6 established in section 455B.851:  
 16 7 ..... \$ 50,000  
 16 8 Sec. 29. REVERSION.  
 16 9 1. Except as provided in subsection 2, and notwithstanding  
 16 10 section 8.33, moneys appropriated for the fiscal year  
 16 11 beginning July 1, 2008, in this division of this Act that  
 16 12 remain unencumbered or unobligated at the close of the fiscal  
 16 13 year shall not revert but shall remain available for the  
 16 14 purposes designated until the close of the fiscal year  
 16 15 beginning July 1, 2009, or until the project for which the  
 16 16 appropriation was made is completed, whichever is earlier.  
 16 17 2. Notwithstanding section 8.33, moneys appropriated in  
 16 18 this division of this Act to the department of agriculture and  
 16 19 land stewardship to provide financial assistance for the  
 16 20 establishment of permanent soil and water conservation  
 16 21 practices that remain unencumbered or unobligated at the close  
 16 22 of the fiscal year shall not revert but shall remain available  
 16 23 for expenditure for the purposes designated until the close of  
 16 24 the fiscal year beginning July 1, 2011.  
 16 25 DIVISION V  
 16 26 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT AND PROTECTION  
 16 27 Sec. 30. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.  
 16 28 Notwithstanding the amount of the standing appropriation from  
 16 29 the general fund of the state to the Iowa resources  
 16 30 enhancement and protection fund as provided in section  
 16 31 455A.18, there is appropriated from the environment first fund  
 16 32 created in section 8.57A to the Iowa resources enhancement and  
 16 33 protection fund, in lieu of the appropriation made in section  
 16 34 455A.18, for the fiscal year beginning July 1, 2008, and  
 16 35 ending June 30, 2009, the following amount, to be allocated as



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17 1 provided in section 455A.19:  
17 2 ..... \$ 16,000,000

17 3 EXPLANATION

17 4 GENERAL. This bill relates to agriculture and natural  
17 5 resources by making appropriations for the 2008=2009 fiscal  
17 6 year to support related entities, including the department of  
17 7 agriculture and land stewardship, the department of natural  
17 8 resources, the department of economic development, and Iowa  
17 9 state university.

17 10 The bill appropriates moneys to the department of  
17 11 agriculture and land stewardship and the department of natural  
17 12 resources. The appropriations are made to support those  
17 13 departments for administration, regulation, and programs. The  
17 14 bill also provides moneys to support specific programs or  
17 15 projects administered by those departments. The bill  
17 16 appropriates moneys from a number of sources, including the  
17 17 general fund of the state, the state fish and game protection  
17 18 fund, and the groundwater protection fund.

17 19 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the  
17 20 department of agriculture and land stewardship, moneys are  
17 21 appropriated in order to support its divisions.

17 22 The bill appropriates moneys from the general fund to  
17 23 support animal husbandry including for the administration of  
17 24 the chronic wasting disease program, horse and dog racing,  
17 25 dairy products control, and avian influenza control. The bill  
17 26 supports programs for plant protection and crop production,  
17 27 including apiary law, and the control of pests. The bill also  
17 28 appropriates moneys to reimburse commissioners of soil and  
17 29 water conservation districts for expenses. The bill provides  
17 30 for food marketing and security. It provides for emergency  
17 31 veterinarian rapid response services. It provides for a  
17 32 senior farmers' market nutrition program, the regulation of  
17 33 organic agricultural products, and a farm-to-school program.  
17 34 It also provides for motor fuel inspection.

17 35 DEPARTMENT OF NATURAL RESOURCES. For the department of



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18 1 natural resources, moneys are appropriated from the general  
18 2 fund in order to support its divisions.  
18 3     The bill makes appropriations from other funds. The bill  
18 4 appropriates moneys to the department of natural resources  
18 5 from the state fish and game protection fund to support  
18 6 programs related to fish and wildlife. The bill appropriates  
18 7 moneys from the groundwater protection fund to support  
18 8 groundwater quality. The bill appropriates moneys from the  
18 9 national pollutant discharge elimination system permit fund to  
18 10 the department of natural resources for processing permit  
18 11 applications.  
18 12     The bill includes miscellaneous provisions. The bill  
18 13 transfers moneys from the snowmobile fund to the fish and game  
18 14 protection fund for snowmobile programs. An appropriation is  
18 15 made from the unassigned revenue fund administered by the Iowa  
18 16 comprehensive underground storage tank fund board to the  
18 17 department of natural resources for administration and  
18 18 expenses of the underground storage tank section.  
18 19     The bill provides that the department of natural resources  
18 20 may use additional funds for staffing to reduce the  
18 21 department's floodplain permit backlog and implementing the  
18 22 federal maximum daily load program.  
18 23     IOWA STATE UNIVERSITY. The bill appropriates moneys to  
18 24 Iowa state university from the agricultural remediation fund  
18 25 to continue a project to perform water quality research to  
18 26 determine methods to reduce risks to water quality associated  
18 27 with open feedlot runoff and from the general fund of the  
18 28 state for the operation of the veterinary diagnostic  
18 29 laboratory. It includes provisions expressing legislative  
18 30 intent for a future appropriation for the diagnostic  
18 31 laboratory.  
18 32     ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS. The bill  
18 33 appropriates funding from the environment first fund to the  
18 34 departments of agriculture and land stewardship, economic  
18 35 development, and natural resources to support a number of



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19 1 programs and projects.  
19 2 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT AND  
19 3 PROTECTION. The bill appropriates moneys from the environment  
19 4 first fund to the resources enhancement and protection fund in  
19 5 lieu of the \$20 million appropriated by statute from the  
19 6 general fund of the state.  
19 7 LSB 5004JB 82  
19 8 da/jp/8



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# Senate Amendment 5102

PAG LIN

1 1 Amend Senate File 2334 as follows:  
1 2 #1. Page 4, line 17, by inserting after the words  
1 3 <the department> the following: <or as agreed upon by  
1 4 the department and the entity>.  
1 5  
1 6  
1 7  
1 8 FRANK B. WOOD  
1 9 SF 2334.301 82  
1 10 pf/rj/10977  
1 11  
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# Senate Amendment 5103

PAG LIN

1 1 Amend Senate File 2351 as follows:  
1 2 #1. Page 3, by striking lines 22 through 24 and  
1 3 inserting the following: <occupancy begins. A change  
~~1 4 in tenant shall require a new written notice to be~~  
~~1 5 given to the city utility or enterprise within ten~~  
~~1 6 business days of the change in tenant. When>.~~  
1 7  
1 8  
1 9  
1 10 RICH OLIVE  
1 11 SF 2351.701 82  
1 12 sc/rj/20644  
1 13  
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Senate Amendment 5104

PAG LIN

1 1 Amend Senate File 2252 as follows:  
1 2 #1. Page 1, line 2, by inserting after the word  
1 3 <THERAPISTS> the following: <AND LICENSED MASTER  
1 4 SOCIAL WORKERS>.  
1 5 #2. Page 1, line 3, by striking the word <The> and  
1 6 inserting the following:  
1 7 <1. The>.  
1 8 #3. Page 1, by inserting after line 8 the  
1 9 following:  
1 10 <2. The department shall adopt rules pursuant to  
1 11 chapter 17A entitling master social workers who hold a  
1 12 master's degree approved by the board of social work,  
1 13 are licensed as a master social worker pursuant to  
1 14 section 154C.3, subsection 1, paragraph "b", and  
1 15 provide treatment services under the supervision of an  
1 16 independent social worker licensed pursuant to section  
1 17 154C.3, subsection 1, paragraph "c", to payment for  
1 18 behavioral health services provided to recipients of  
1 19 medical assistance, subject to limitations and  
1 20 exclusions the department finds necessary on the basis  
1 21 of federal laws and regulations.>  
1 22 #4. Page 1, line 10, by striking the word  
1 23 <THERAPISTS.> and inserting the following:  
1 24 <THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.  
1 25 1.>  
1 26 #5. Page 1, by inserting after line 14 the  
1 27 following:  
1 28 <2. The department of human services shall amend  
1 29 the medical assistance state plan to allow master  
1 30 social workers who hold a master's degree approved by  
1 31 the board of social work, are licensed as a master  
1 32 social worker pursuant to section 154C.3, subsection  
1 33 1, paragraph "b", and provide treatment services under  
1 34 the supervision of an independent social worker  
1 35 licensed pursuant to section 154C.3, subsection 1,  
1 36 paragraph "c", to be participating behavioral health  
1 37 services providers under the medical assistance  
1 38 program.>  
1 39 #6. Title page, line 2, by inserting after the  
1 40 word <therapists> the following: <and licensed master  
1 41 social workers>.  
1 42 #7. By renumbering as necessary.  
1 43  
1 44  
1 45  
1 46 BECKY SCHMITZ  
1 47 SF 2252.201 82  
1 48 pf/rj/10976  
1 49  
1 50



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Senate Amendment 5105

PAG LIN

1 1 Amend Senate File 2308 as follows:  
1 2 #1. Page 1, line 5, by striking the words  
1 3 <computerized data> and inserting the following:  
1 4 <personal information>.  
1 5 #2. Page 1, lines 6 and 7, by striking the words  
1 6 <personal information maintained by the person> and  
1 7 inserting the following: <the personal information>.  
1 8 #3. Page 1, line 13, by inserting after the word  
1 9 <information.> the following: <Transmittal or  
1 10 reception of personal information on a radio  
1 11 broadcasting system operated pursuant to section 80.9,  
1 12 subsection 2, paragraph "e", or any similar radio  
1 13 broadcasting system utilized by a federal, state, or  
1 14 local law enforcement agency, by an officer or  
1 15 employee of a federal, state, or local law enforcement  
1 16 agency in the performance of official duties is not a  
1 17 breach of security.>  
1 18 #4. Page 2, by striking line 5 and inserting the  
1 19 following: <individual if any of the data elements  
1 20 are not>.  
1 21 #5. Page 2, line 18, by inserting after the word  
1 22 <password> the following: <that would permit access  
1 23 to an individual's financial account>.  
1 24 #6. Page 2, by striking line 19 and inserting the  
1 25 following:  
1 26 <e. Unique biometric data, such as a fingerprint,  
1 27 voice print or recording, retina or iris image, or  
1 28 other unique physical representation or digital  
1 29 representation of biometric data. Information that is  
1 30 lawfully obtained from publicly available sources, or  
1 31 from federal, state, or local government records  
1 32 lawfully made available to the general public, is not  
1 33 unique biometric data.>  
1 34 #7. Title page, lines 2 and 3, by striking the  
1 35 words <computerized data that includes>.  
1 36  
1 37  
1 38  
1 39 STEVE WARNSTADT  
1 40 SF 2308.701 82  
1 41 rn/nh/20645  
1 42  
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## Senate Amendment 5106

PAG LIN

1 1 Amend Senate File 2132 as follows:

1 2 #1. Page 1, by striking lines 1 through 25 and  
1 3 inserting the following:

1 4 <Section 1. Section 809.5, subsection 1, Code  
1 5 Supplement 2007, is amended to read as follows:

1 6 1. Seized property which is no longer required as  
1 7 evidence or for use in an investigation shall be  
1 8 returned to the owner, provided that the person's  
1 9 possession of the property is not prohibited by law  
1 10 and there is no forfeiture claim filed on behalf of  
1 11 the state.

1 12 a. The If the value of the property is greater  
1 13 than five hundred dollars, the seizing agency shall  
1 14 send serve notice by personal service or by sending  
1 15 the notice by restricted certified mail, return  
1 16 receipt requested, to the last known address of any  
1 17 person having an ownership or possessory right in the  
1 18 property stating that the property must be claimed  
1 19 within thirty days from the date of receipt of the  
1 20 notice. Refusal of restricted certified mail, return  
1 21 receipt requested, shall be construed as receipt of  
1 22 the notice. Such notice shall state that if no  
1 23 written claim for the property is filed with the  
1 24 seizing agency within thirty days from the date of  
1 25 receipt of the notice, the property shall be deemed  
1 26 abandoned and disposed of accordingly.

1 27 b. If the value of the property is equal to or  
1 28 less than five hundred dollars, the seizing agency  
1 29 shall serve notice by personal service or by sending  
1 30 the notice by regular mail to the last known address  
1 31 of any person having an ownership or possessory right  
1 32 in the property.

1 33 c. A person having an ownership or possessory  
1 34 right in the property must file a written claim for  
1 35 the property with the seizing agency within thirty  
1 36 days from the date of receipt of the notice and must  
1 37 take possession of the property within thirty days of  
1 38 the expiration of the period of time for filing a  
1 39 written claim. If no written claim is filed within  
1 40 thirty days from the date of receipt of the notice or  
1 41 if a written claim is filed but the claimant does not  
1 42 take possession of the property within thirty days of  
1 43 the expiration of the period of time for filing the  
1 44 written claim, the property shall be deemed abandoned  
1 45 and shall be disposed of accordingly.

1 46 d. The notice served or sent pursuant to this  
1 47 subsection shall inform the recipient of the filing  
1 48 and possession requirements of paragraph "c".

1 49 ~~b.~~ e. The seizing agency shall not release the  
1 50 property to any party until the expiration of the date



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Senate Amendment 5106 continued

2 1 for filing claims. In the event that there is more  
 2 2 than one claim filed for the return of property under  
 2 3 this section, at the expiration of the period for  
 2 4 filing claims the seizing agency shall file a copy of  
 2 5 all such claims with the clerk of court and the clerk  
 2 6 shall proceed as if such claims were filed by the  
 2 7 parties under section 809.3. ~~In the event that no~~  
~~2 8 owner can be located or no claim is filed under this~~  
~~2 9 section for property having a value of less than five~~  
~~2 10 hundred dollars, the property shall be deemed~~  
~~2 11 abandoned and the seizing agency shall become the~~  
~~2 12 owner of such property and may dispose of it in any~~  
~~2 13 reasonable manner.~~  
 2 14 e. f. ~~For unclaimed property having a~~ In the  
 2 15 event that the owner is unable to be located or the  
 2 16 property is deemed abandoned the following shall  
 2 17 apply:  
 2 18 (1) If the value equal to or of the property is  
 2 19 greater than five hundred dollars, forfeiture  
 2 20 proceedings shall be initiated pursuant to the  
 2 21 provisions of chapter 809A. If the court does not  
 2 22 order the property forfeited to the state in the  
 2 23 forfeiture proceedings pursuant to chapter 809A, the  
 2 24 seizing agency shall become the owner of the property  
 2 25 and may dispose of it in any reasonable manner.  
 2 26 ~~Unclaimed firearms~~  
 2 27 (2) If the value of the property is equal to or  
 2 28 less than five hundred dollars, the seizing agency  
 2 29 shall become the owner of the property and may dispose  
 2 30 of it in any reasonable manner.  
 2 31 (3) ~~Firearms and ammunition, if not forfeited~~  
~~2 32 pursuant to chapter 809A,~~ shall be disposed of by the  
 2 33 department of public safety or the department of  
 2 34 natural resources pursuant to section 809.21, if not  
 2 35 forfeited pursuant to chapter 809A.>

2 36  
 2 37  
 2 38  
 2 39 KEITH A. KREIMAN  
 2 40 WALLY E. HORN  
 2 41 THOMAS RIELLY  
 2 42 SF 2132.703 82  
 2 43 jm/rj/11356



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Senate Amendment 5107

PAG LIN

1 1 Amend Senate File 2312 as follows:  
 1 2 #1. Page 1, line 34, by striking the words  
 1 3 <October of each year> and inserting the following:  
 1 4 <~~October of each year~~ December>.  
 1 5 #2. Page 4, line 16, by striking the word <July>  
 1 6 and inserting the following: <~~July~~ September>.  
 1 7 #3. Page 4, line 22, by striking the word <August>  
 1 8 and inserting the following: <~~August~~ October>.  
 1 9 #4. Page 4, line 29, by striking the word  
 1 10 <September> and inserting the following: <~~September~~  
 1 11 November>.  
 1 12 #5. Page 4, line 32, by striking the word  
 1 13 <September> and inserting the following: <~~September~~  
 1 14 November>.  
 1 15 #6. Page 4, line 33, by striking the word  
 1 16 <September> and inserting the following: <~~September~~  
 1 17 November>.  
 1 18 #7. Page 4, line 35, by striking the word  
 1 19 <September> and inserting the following: <~~September~~  
 1 20 November>.  
 1 21 #8. Page 5, lines 4 and 5, by striking the words  
 1 22 <October of each year> and inserting the following:  
 1 23 <~~October of each year~~ December>.  
 1 24 #9. Page 11, by striking line 3 and inserting the  
 1 25 following: <the ~~second~~ first Tuesday after the first  
 1 26 Monday in ~~September~~ November of each odd-numbered year  
 1 27 in>.  
 1 28 #10. Page 12, line 6, by striking the word  
 1 29 <September> and inserting the following: <November>.  
 1 30 #11. Page 12, line 7, by striking the word  
 1 31 <September> and inserting the following: <November>.  
 1 32 #12. Page 12, line 15, by striking the word  
 1 33 <September> and inserting the following: <November>.  
 1 34 #13. Page 12, line 19, by striking the word  
 1 35 <September> and inserting the following: <November>.  
 1 36 #14. By renumbering as necessary.  
 1 37  
 1 38  
 1 39  
 1 40 THOMAS G. COURTNEY  
 1 41 SF 2312.702 82  
 1 42 sc/nh/20658  
 1 43  
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Senate Amendment 5108

PAG LIN

1 1 Amend the amendment, S=5082, to Senate File 2349,  
 1 2 as follows:  
 1 3 #1. Page 1, by striking lines 2 through 7 and  
 1 4 inserting the following:  
 1 5 <#\_\_\_\_. By striking page 1, line 23, through page  
 1 6 3, line 28, and inserting the following:>.  
 1 7 #2. Page 1, by striking lines 12 through 15 and  
 1 8 inserting the following: <shall provide a report to  
 1 9 each purchaser within sixty days from the date of  
 1 10 purchase confirming that a deposit has been made  
 1 11 establishing a trust fund for the purchaser's payments  
 1 12 made under the purchase agreement.>>  
 1 13 #3. Page 2, by striking lines 26 through 30 and  
 1 14 inserting the following: <a report within sixty days  
 1 15 from the date of purchase from the financial  
 1 16 institution directly to confirm that the deposit of  
 1 17 these funds ~~occurred~~ has been made establishing a  
 1 18 trust fund as required by law. If you>.  
 1 19 #4. Page 2, line 32, by striking the words <each  
 1 20 year>.  
 1 21 #5. Page 2, line 35, by inserting after the words  
 1 22 <(zip code)> the following: <, or you may contact the  
 1 23 financial institution by calling the financial  
 1 24 institution at (telephone number) or by mail at the  
 1 25 address indicated above>.  
 1 26  
 1 27  
 1 28  
 1 29 JEFF DANIELSON  
 1 30 SF 2349.301 82  
 1 31 av/sc/20663  
 1 32  
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**Senate Amendment 5109**

PAG LIN

1 1 Amend Senate File 2312 as follows:  
 1 2 #1. Page 44, by inserting before line 27 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 49.77, subsection 4, paragraph  
 1 5 b, Code Supplement 2007, is amended to read as  
 1 6 follows:  
 1 7 b. If the voter informs the precinct election  
 1 8 official that the voter resides in the precinct and is  
 1 9 not registered to vote, the voter may register to vote  
 1 10 pursuant to section 48A.7A and cast a ballot. ~~If such~~  
~~1 11 a voter is unable to establish identity and residency~~  
~~1 12 in the manner provided in section 48A.7A, subsection~~  
~~1 13 1, paragraph "b" or "c", the voter shall be allowed to~~  
~~1 14 cast a provisional ballot in the manner prescribed by~~  
 1 15 section 49.81.>  
 1 16 #2. By renumbering as necessary.  
 1 17  
 1 18  
 1 19  
 1 20 JAMES F. HAHN  
 1 21 SF 2312.701 82  
 1 22 sc/nh/11052  
 1 23  
 1 24  
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## Senate Amendment 5110

PAG LIN

1 1 Amend Senate File 2387 as follows:

1 2 #1. Page 1, by striking lines 27 through 34.

1 3 #2. Page 2, lines 30 and 31, by striking the words

1 4 <and that person's sales tax permit suspended> and

1 5 inserting the following: ~~<and that person's sales tax~~

~~1 6 permit suspended>.~~

1 7 #3. Page 3, lines 13 and 14, by striking the words

1 8 <and the establishment's sales tax permit> and

1 9 inserting the following: ~~<and the establishment's~~

~~1 10 sales tax permit>.~~

1 11 #4. Page 3, by inserting after line 23 the

1 12 following:

1 13 <Sec. \_\_\_\_ . Section 99B.10C, subsection 2, Code

1 14 Supplement 2007, is amended to read as follows:

1 15 2. A person ~~owning or leasing an electrical and~~

~~1 16 mechanical amusement device, or an employee of a~~

~~1 17 person owning or leasing an electrical and mechanical~~

~~1 18 amusement device, who knowingly allows a person under~~

1 19 the age of twenty-one years to participate in the

1 20 operation of an electrical and mechanical amusement

1 21 device, or a person who knowingly participates in the

1 22 operation of an electrical and mechanical amusement

1 23 device with a person under the age of twenty-one

1 24 years, is guilty of a simple misdemeanor.

1 25 Sec. \_\_\_\_ . Section 99B.14, subsection 1, Code 2007,

1 26 is amended to read as follows:

1 27 1. The department may deny, suspend, or revoke a

1 28 license if the department finds that an applicant,

1 29 licensee, or an agent of the licensee violated or

1 30 permitted a violation of a provision of this chapter

1 31 or a departmental rule adopted pursuant to chapter

1 32 17A, or for any other cause for which the director of

1 33 the department would be or would have been justified

1 34 in refusing to issue a license, or upon the conviction

1 35 of a person of a violation of this chapter or a rule

1 36 adopted under this chapter which occurred on the

1 37 licensed premises. However, the denial, suspension,

1 38 or revocation of one type of gambling license does not

1 39 require, but may result in, the denial, suspension, or

1 40 revocation of a different type of gambling license

1 41 held by the same licensee. In addition, a person

1 42 whose license is revoked under this section who is a

1 43 person for which a class "A", class "B", class "C", or

1 44 class "D" liquor control license has been issued

1 45 pursuant to chapter 123 shall have the person's liquor

1 46 control license suspended for a period of fourteen

1 47 days in the same manner as provided in section 123.50,

1 48 subsection 3, paragraph "a". In addition, a person

1 49 whose license is revoked under this section who is a

1 50 person for which only a class "B" or class "C" beer



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Senate Amendment 5110 continued

2 1 permit has been issued pursuant to chapter 123 shall  
2 2 have the person's class "B" or class "C" beer permit  
2 3 suspended ~~and that person's sales tax permit suspended~~  
2 4 for a period of fourteen days in the same manner as  
2 5 provided in section 123.50, subsection 3, paragraph  
2 6 "a".>  
2 7 #5. By renumbering as necessary.  
2 8  
2 9  
2 10  
2 11 JOHN P. KIBBIE  
2 12 SF 2387.301 82  
2 13 ec/nh/20661



Iowa General Assembly  
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Senate Resolution 115 - Introduced

PAG LIN

S.R. \_\_\_\_\_ H.R. \_\_\_\_\_

1 1 SENATE RESOLUTION NO.  
1 2 BY DANIELSON  
1 3 A Resolution honoring and commemorating the University  
1 4 of Northern Iowa Institute for Decision Making for 20  
1 5 years of economic development service in Iowa.  
1 6 WHEREAS, the University of Northern Iowa Institute  
1 7 for Decision Making has served more than 475  
1 8 communities and clients and nine regional economic  
1 9 development groups, reaching all of Iowa's 99  
1 10 counties; and  
1 11 WHEREAS, the institute assists nearly 50 new  
1 12 community-partner projects each year, creating 1,500  
1 13 to 2,000 jobs annually; and  
1 14 WHEREAS, the institute has taken a leadership role  
1 15 in the Heartland Economic Development Course, enabling  
1 16 more than 500 new professionals to be trained in the  
1 17 fundamental strategies of economic development; and  
1 18 WHEREAS, the institute has conducted more than 150  
1 19 economic impact analyses to help economic developers  
1 20 and local government make informed decisions regarding  
1 21 support for economic development projects; and  
1 22 WHEREAS, the institute continues to be recognized  
1 23 nationally as an innovator in the area of economic  
1 24 development; and  
1 25 WHEREAS, the University of Northern Iowa Institute  
1 26 for Decision Making has received national recognition  
1 27 for its creation of the laborshed approach and has  
1 28 successfully transferred the laborshed model to the  
1 29 Iowa Department of Workforce Development and continues  
1 30 to provide technical support for the development of a



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Senate Resolution 115 - Introduced continued

2 1 statewide laborshed model; and  
2 2       WHEREAS, the institute has developed a process for  
2 3 the practical application of industrial clusters in  
2 4 Iowa's rural regions; and  
2 5       WHEREAS, the institute has led statewide delivery  
2 6 of business retention and expansion training  
2 7 throughout Iowa; and  
2 8       WHEREAS, the University of Northern Iowa Institute  
2 9 for Decision Making has developed active working  
2 10 partnerships on economic development projects with  
2 11 local developers, utility companies, state agencies,  
2 12 community colleges, and regents institutions to meet  
2 13 the economic development needs of Iowa communities;  
2 14 and  
2 15       WHEREAS, the institute has provided nearly 20 years  
2 16 of leadership and service to the Professional  
2 17 Developers of Iowa; and  
2 18       WHEREAS, the institute has engaged students and  
2 19 faculty in assisting Iowa communities and has provided  
2 20 experiential learning and internship opportunities for  
2 21 students entering the economic development profession;  
2 22 and  
2 23       WHEREAS, the University of Northern Iowa Institute  
2 24 for Decision Making has established strong long-term  
2 25 relationships with citizens and community leaders  
2 26 throughout the state, thereby connecting communities  
2 27 to the University of Northern Iowa's services; and  
2 28       WHEREAS, after 20 years of planning, technical  
2 29 assistance, and training in communities across Iowa,  
2 30 the University of Northern Iowa Institute for Decision



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Senate Resolution 115 - Introduced continued

3 1 Making continues to progress and to lead and guide  
3 2 organizations and governments in new projects; NOW  
3 3 THEREFORE,  
3 4 BE IT RESOLVED BY THE SENATE, That the Senate  
3 5 congratulates the University of Northern Iowa  
3 6 Institute for Decision Making for 20 years of  
3 7 innovative economic development in Iowa, thanks the  
3 8 institute's staff for the valuable services they bring  
3 9 to the State of Iowa and its communities, and looks  
3 10 forward to its future services to our state; and  
3 11 BE IT FURTHER RESOLVED, That, upon adoption, the  
3 12 Secretary of the Senate shall prepare a copy of this  
3 13 Resolution for presentation to Mr. Randy Pilkington,  
3 14 Director of the Institute for Decision Making, on  
3 15 behalf of the institute and its team members.  
3 16 LSB 5672SS 82  
3 17 jr/nh/14



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Senate Study Bill 3282

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

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

A BILL FOR

1 An Act relating to delayed deposit service transactions,  
2 specifying a maximum finance charge applicable to such  
3 transactions, increasing application fees, and making  
4 penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 6594XC 82  
7 rn/nh/24



Iowa General Assembly  
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Senate Study Bill 3282 continued

PAG LIN

1 1 Section 1. Section 533D.3, subsection 3, paragraph a, Code  
1 2 2007, is amended to read as follows:

1 3 a. An application fee of ~~one~~ two hundred fifty dollars.

1 4 Sec. 2. Section 533D.3, subsection 4, Code 2007, is  
1 5 amended by adding the following new paragraph:

1 6 NEW PARAGRAPH. e. The applicant has submitted an initial  
1 7 licensing fee of two hundred fifty dollars.

1 8 Sec. 3. Section 533D.9, subsection 2, paragraph b, Code  
1 9 2007, is amended to read as follows:

1 10 b. The annual percentage rate, not to exceed thirty=six  
1 11 percent, as computed pursuant to the federal Truth in Lending  
1 12 Act.

1 13 EXPLANATION

1 14 This bill relates to delayed deposit service transactions  
1 15 and fees payable by delayed deposit service licensees.

1 16 The bill provides for an increase in the amount charged as  
1 17 an application fee to a prospective delayed deposit services  
1 18 licensee from the current fee level of \$100 to \$250. The bill  
1 19 also codifies an existing practice of charging an initial  
1 20 licensing fee of \$250 in the event an application for  
1 21 licensure is approved.

1 22 The bill also restricts the maximum finance charge  
1 23 applicable to a delayed deposit service transaction to an  
1 24 annual percentage rate of 36 percent. Existing penalties,  
1 25 including license sanctions and an administrative fine of up  
1 26 to \$5,000 per violation contained in Code chapter 533D, would  
1 27 be applicable to charging a higher percentage rate.

1 28 LSB 6594XC 82

1 29 rn/nh/24