



**2005 SUMMARY
OF LEGISLATION**
IOWA GENERAL ASSEMBLY
LEGISLATIVE SERVICES AGENCY
REGULAR SESSION

**SUMMARY OF LEGISLATION
ENACTED IN THE YEAR 2005 BY THE FIRST REGULAR SESSION OF THE
EIGHTY-FIRST GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR**

Prepared by the Legislative Services Agency

PURPOSE

This summary of legislation enacted by the 2005 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

HOW TO FIND A SUMMARY

If you know the original file number of a particular bill, you may refer to the chart on pages v and vii to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 2005 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

EFFECTIVE DATE

The effective date of the legislative enactments is July 1, 2005, unless otherwise specified in an individual summary.

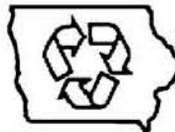
FISCAL YEAR

For purposes of this summary of legislation, "fiscal year 2005-2006," and "FY 2005-2006," for example, both describe the fiscal year beginning July 1, 2005, and ending June 30, 2006.

VETOED BILLS

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

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LOCATION OF SUMMARIES BY FILE NUMBER**Senate Files**

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
SF 36	Education	SF 313	Criminal Law, Procedure & Corrections
SF 57	Local Government	SF 320	Business, Banking & Insurance
SF 71	Appropriations	SF 321	Criminal Law, Procedure & Corrections
SF 74	Business, Banking & Insurance	SF 323	Civil Law, Procedure & Court Administration
SF 75	Appropriations	SF 330	Civil Law, Procedure & Court Administration
SF 78	Local Government	SF 335	Human Services
SF 113	State Government	SF 339	Transportation
SF 114	Economic Development	SF 340	Local Government
SF 139	Business, Banking & Insurance	SF 342	Appropriations
SF 141	Environmental Protection	SF 343	Human Services
SF 169	Criminal Law, Procedure & Corrections	SF 346	Appropriations
SF 176	Education	SF 350	Human Services
SF 200	Agriculture	SF 352	Children & Youth
SF 201	Agriculture	SF 360	Business, Banking & Insurance
SF 205	Agriculture	SF 363	Business, Banking & Insurance
SF 206	Natural Resources & Outdoor Recreation	SF 365	Economic Development
SF 210	State Government	SF 370	Criminal Law, Procedure & Corrections
SF 215	State Government	SF 375	Environmental Protection
SF 245	Education	SF 379	Civil Law, Procedure & Court Administration
SF 260	Business, Banking & Insurance	SF 389	Taxation
SF 264	Energy & Public Utilities	SF 390	Energy & Public Utilities
SF 265	Local Government	SF 395	Alcohol Regulation & Substance Abuse
SF 270	Criminal Law, Procedure & Corrections	SF 403	State Government
SF 272	Human Services	SF 404	Local Government
SF 283	State Government	SF 405	State Government
SF 304	Health & Safety	SF 413	Taxation

Senate Joint Resolutions

<u>Number</u>	<u>Major Subject</u>
SJR 6	Alcohol Regulation & Substance Abuse
SJR 7	Alcohol Regulation & Substance Abuse

LOCATION OF SUMMARIES BY FILE NUMBER

House Files

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
HF 102	Taxation	HF 642	Agriculture
HF 131	Health & Safety	HF 645	Gaming
HF 141	Alcohol Regulation & Substance Abuse	HF 646	Gaming
HF 175	Business, Banking & Insurance	HF 674	Transportation
HF 186	Taxation	HF 682	Criminal Law, Procedure & Corrections
HF 187	Energy & Public Utilities	HF 683	Criminal Law, Procedure & Corrections
HF 190	Children & Youth	HF 685	Children & Youth
HF 197	Taxation	HF 700	Agriculture
HF 216	Transportation	HF 708	Economic Development
HF 222	State Government	HF 710	Health & Safety
HF 227	State Government	HF 716	State Government
HF 252	Agriculture	HF 717	Transportation
HF 253	Elections, Ethics & Campaign Finance	HF 718	Transportation
HF 275	Criminal Law, Procedure & Corrections	HF 724	Health & Safety
HF 276	Education	HF 726	Criminal Law, Procedure & Corrections
HF 277	Energy & Public Utilities	HF 737	Business, Banking & Insurance
HF 281	Taxation	HF 739	Education
HF 291	Environmental Protection	HF 742	Education
HF 310	Taxation	HF 745	Criminal Law, Procedure & Corrections
HF 312	State Government	HF 746	Local Government
HF 313	Taxation	HF 748	State Government
HF 332	Business, Banking & Insurance	HF 753	Children & Youth
HF 339	Alcohol Regulation & Substance Abuse	HF 754	Civil Law, Procedure & Court Administration
HF 370	State Government	HF 757	Transportation
HF 373	Business, Banking & Insurance	HF 760	Human Services
HF 374	State Government	HF 761	Children & Youth
HF 375	Business, Banking & Insurance	HF 764	Labor & Employment
HF 398	Education	HF 767	Environmental Protection
HF 399	Environmental Protection	HF 768	Environmental Protection
HF 418	Business, Banking & Insurance	HF 770	Health & Safety
HF 420	Business, Banking & Insurance	HF 771	Criminal Law, Procedure & Corrections
HF 423	Education	HF 772	State Government
HF 438	Agriculture	HF 774	Local Government
HF 440	Criminal Law, Procedure & Corrections	HF 776	State Government
HF 466	Appropriations	HF 777	Criminal Law, Procedure & Corrections
HF 469	State Government	HF 781	Health & Safety
HF 476	Agriculture	HF 784	Health & Safety
HF 478	State Government	HF 786	Health & Safety
HF 532	State Government	HF 789	Health & Safety
HF 538	Children & Youth	HF 797	Economic Development
HF 580	Agriculture	HF 801	Taxation
HF 581	Energy & Public Utilities	HF 805	Agriculture
HF 585	Health & Safety	HF 807	Appropriations
HF 587	Health & Safety	HF 808	Appropriations
HF 589	Taxation	HF 809	Appropriations
HF 591	Transportation	HF 810	Appropriations
HF 602	Environmental Protection	HF 811	Appropriations
HF 607	Local Government	HF 814	State Government
HF 610	Business, Banking & Insurance	HF 816	Appropriations
HF 613	Health & Safety	HF 819	Business, Banking & Insurance
HF 614	Business, Banking & Insurance	HF 821	Health & Safety
HF 616	Children & Youth	HF 825	Appropriations
HF 617	Human Services	HF 826	Transportation
HF 619	Criminal Law, Procedure & Corrections	HF 828	Natural Resources & Outdoor Recreation
HF 620	Health & Safety	HF 831	Economic Development
HF 641	Gaming	HF 834	Environmental Protection

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
HF 836	Business, Banking & Insurance	HF 862	Appropriations
HF 837	State Government	HF 868	Economic Development
HF 839	State Government	HF 869	Agriculture
HF 840	Taxation	HF 870	Transportation
HF 841	Human Services	HF 875	Appropriations
HF 856	Taxation	HF 879	Natural Resources
HF 857	Economic Development	HF 881	Appropriations
HF 858	Education	HF 882	Appropriations
HF 859	Business, Banking & Insurance	HF 883	Local Government

AGRICULTURE

- SENATE FILE 200** - Agriculture Regulation — Veterinary Medicine, Motor Vehicle Fuel Dealers, and Watershed Improvement
- SENATE FILE 201** - Veterinary Emergency Preparedness and Response Services
- SENATE FILE 205** - Life Science Enterprises — Agricultural Land
- HOUSE FILE 252** - Weed Control
- HOUSE FILE 438** - Soil and Water Conservation Districts — Assessments and Taxes
- HOUSE FILE 476** - Sale and Purchase of Ammonium Nitrate
- HOUSE FILE 580** - Iowa Egg Council — Miscellaneous Changes
- HOUSE FILE 642** - Regulation of Agricultural Seed
- HOUSE FILE 700** - Soybean Promotion, Research, and Marketing — Association — Assessment
- HOUSE FILE 805** - Agricultural Production
- HOUSE FILE 869** - Agricultural Assets — Tax Credit — Sales Tax Exemption — VETOED BY THE GOVERNOR

RELATED LEGISLATION

- SENATE FILE 71** - Environment First Fund — Soil and Water Conservation Districts — Administrative Expenses
SEE APPROPRIATIONS. This Act amends a provision in S.F. 2298 enacted by the General Assembly during its 2004 Regular Legislative Session, which in part appropriated moneys to state agencies for FY 2005-2006. The Act requires that the Department of Agriculture and Land Stewardship use a portion of the moneys appropriated for FY 2005-2006 from the Environment First Fund for purposes of reimbursing commissioners of soil and water conservation districts for administrative expenses.
- SENATE FILE 206** - Regulation of Deer Populations and Hunting Licenses
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act transfers jurisdiction to regulate privately owned whitetail deer kept on land for purposes of hunting from the Department of Agriculture and Land Stewardship to the Department of Natural Resources.
- SENATE FILE 389** - Soy-Based Cutting Tool Oil Income Tax Credit
SEE TAXATION. This Act provides a soy-based cutting tool oil tax credit under the individual and corporate income taxes. The tax credit equals the costs, up to \$2 per gallon for 2,000 gallons, incurred for the purchase and replacement costs related to the transition from using non-soy-based cutting tool oil to using soy-based cutting tool oil in the manufacturing process. Any excess credit is refundable. The credit applies to tax years ending after June 30, 2005, and beginning before January 1, 2007.
- SENATE FILE 390** - Renewable Energy — Tax Credits
SEE ENERGY & PUBLIC UTILITIES. This Act establishes a renewable energy tax credit program for renewable energy generated and sold by wind energy conversion facilities, biogas recovery facilities, biomass conversion facilities, methane gas recovery facilities, or solar energy conversion facilities.
- SENATE FILE 413** - Taxes, Tax Policy, and Administration
SEE TAXATION. This Act relates to changes in the streamlined Sales and Use Tax Law, providing a separate excise tax for hotel and motel room rentals, a separate excise tax for certain construction equipment, and making other tax policy and administrative changes. Division IV enumerates materials that are associated with the installation of drainage tile which are exempt from the sales and use tax. The amendment applies

retroactively to January 1, 1998. However, the aggregate amount of refunds that may be claimed as a result of the retroactive applicability is \$25,000.

- HOUSE FILE 102** - State Income Taxes — Depreciation and Expensing Allowances
SEE TAXATION. This Act allows a taxpayer to elect to take the additional first-year (bonus) depreciation allowance or to elect to not take the increased expensing allowance in computing the individual, corporate and franchise taxes and specifies the adjustments to be made in determining net or taxable income if such election is not made. The provisions relating to the bonus depreciation allowance are retroactive to tax years ending after May 5, 2003. The provisions relating to the increased expensing allowance are retroactive to tax years beginning on or after January 1, 2003. The Act takes effect February 24, 2005.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act eliminates a reference to the Iowa State University of Science and Technology biological lab, changes provisions relating to fairgrounds maintenance and provisions regarding the taxation of certain events held at the state and local fairs, and repeals a redundant provision regarding attachment of a certificate of veterinary inspection to the bill of lading accompanying a shipment of animals, an obsolete provision relating to an annual estimate of expenditures for the eradication of contagious and infectious diseases among animals, and obsolete Meat Export Research Center language.
- HOUSE FILE 373** - Equipment Dealerships — Sale or Transfer
SEE BUSINESS, BANKING & INSURANCE. This Act amends Code Chapter 322F by addressing the relationship between a supplier and dealer of agricultural and industrial, construction, or utility equipment according to the terms and conditions of a dealership agreement; providing procedures for the sale or transfer of a dealership, including providing for the supplier's approval of a request for the sale or transfer of a dealership; and providing for the prospective applicability of the Act's provisions to dealership agreements.
- HOUSE FILE 754** - Homestead Exemption — Waiver Affecting Agricultural Property
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to a homestead waiver exemption notice contained in a written contract affecting agricultural land of less than 40 acres.
- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act appropriates moneys to support the Department of Agriculture and Land Stewardship and programs relating to agriculture. It authorizes the department to impose fees to support programs that promote native horses and dogs engaged in racing. It also provides for the regulation of farm deer by requiring the department to establish and administer a Chronic Wasting Disease Control Program, and establishes a fee necessary to support that program.
- HOUSE FILE 859** - Cooperatives
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the organization of a form of cooperative which is a hybrid of a conventional cooperative governing agricultural associations (e.g., a cooperative organized under Code Chapter 499) and a limited liability company (organized under Code Chapter 490A). The Act also provides for cooperatives which are grain dealers and grain warehouses regulated by the Department of Agriculture and Land Stewardship.
- HOUSE FILE 870** - Motor Vehicle Financial Responsibility — Special Mobile Equipment
SEE TRANSPORTATION. This Act exempts special mobile equipment, including implements of husbandry, from the provisions of Iowa's Motor Vehicle Financial and Safety Responsibility Act. The Act takes effect May 12, 2005.

- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
- SEE APPROPRIATIONS.*** This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a number of provisions affecting business, including changes in real estate practices and revisions in agricultural production liens.

AGRICULTURE

SENATE FILE 200 - Agriculture Regulation — Veterinary Medicine, Motor Vehicle Fuel Dealers, and Watershed Improvement

BY COMMITTEE ON AGRICULTURE. This Act amends a number of provisions relating to agriculture, including by providing for the administrative duties by various agencies established within or associated with the Iowa Department of Agriculture and Land Stewardship (IDALS), and establishing a new watershed protection program.

Division I — Iowa Board of Veterinary Medicine — Elimination of Reporting Requirement

Division I amends a provision in Code Chapter 169, the Iowa Veterinary Practice Act. The Code chapter is administered by the Iowa Board of Veterinary Medicine. The Code requires that the president and secretary of the board submit a report to the Governor involving the board's transactions, including financial information. The division eliminates that requirement.

Division II — Motor Vehicle Fuel Dealers — Elimination of Voluntary Sampling Procedure and Fee

Division II amends Code Chapter 214A regulating dealers of motor vehicle fuel on a wholesale or retail basis. The Code chapter is administered by IDALS' Consumer Protection and Animal Health Division. This division repeals a provision in the Code chapter which allowed a dealer to submit a motor vehicle fuel sample or oxygenate octane enhancer (alcohol) to IDALS for testing, including the procedures for taking the test sample and delivering it to the department.

Division III — Watershed Improvement — Environmental Protection

Division III establishes new Code Chapter 466A, which creates a new grant program to finance local watershed improvement projects to enhance the management and use of water for a variety of purposes relating to drinking, agriculture, recreation, sport, and economic development.

The program is administered by a Watershed Improvement Review Board, which receives administrative assistance from IDALS' Soil Conservation Division. The board consists of members representing a number of different public and private interests who are appointed by the Governor, including persons designated by the Agribusiness Association of Iowa, the Iowa Association of Water Agencies, the Iowa Environmental Council, the Iowa Farm Bureau Federation, the Iowa Pork Producers Association, the Iowa Rural Water Association, the Iowa Soybean Association, soil and water conservation districts of Iowa, the Iowa Association of County Conservation Boards, IDALS, and the Department of Natural Resources. In addition, the board consists of four members of the General Assembly who also serve as voting members. Grant applications are submitted by local watershed improvement committees, which are organized on a nonprofit basis.

The Act's division also establishes a Watershed Improvement Fund, which is administered by the Treasurer of State upon direction of the board. The fund is established as a trust fund. Moneys deposited in the fund must be used exclusively for the purpose of supporting the program and paying for administrative expenses incurred by the Soil Conservation Division.

SENATE FILE 201 - Veterinary Emergency Preparedness and Response Services

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 163, which regulates transmissible diseases among livestock in conjunction with a series of Code chapters that authorize the Department of Agriculture and Land Stewardship to regulate livestock threatened with a variety of diseases (e.g., foot and mouth disease in Code Section 163.51, brucellosis in Code Chapters 163A and 164, tuberculosis in Code Chapter 165, paratuberculosis in Code Chapter 165A, pathogenic viruses in poultry in Code Chapter 165B, hog cholera in Code Chapters 166 and 166B, scabies in Code Chapter 166A, pseudorabies in Code Chapter 166D, and chronic wasting disease in Code Section 167.22).

The Act authorizes the department to provide veterinary emergency preparedness and response services necessary to prevent or control a serious threat to the public health, public safety, or the state's economy caused by the transmission of these diseases among livestock populations. The Act requires the Secretary of Agriculture to appoint licensed veterinarians or persons in related professions or occupations to serve as volunteers on veterinary emergency response teams. The Act provides for registration procedures, affords registered members pro-

tections as state employees under the State Tort Claims Act, and treats them as state employees for purposes of receiving disability, workers' compensation, and death benefits. The Act also requires the department to provide a list of registered members to the Department of Administrative Services, which is required to seek funding from the Executive Council for costs associated with providing covered benefits.

SENATE FILE 205 - Life Science Enterprises — Agricultural Land

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 10C and related chapters which authorize a life science enterprise to acquire agricultural land. Generally, this type of business provides for the production and harvesting of products from animals in a manner which is unrelated to traditional farming (embryos or oocytes for use in the implantation; blood, milk or urine for use in the manufacture of pharmaceuticals or nutraceuticals; or cells, tissue or organs for use in transplantation).

Code Chapter 9H generally prohibits corporate entities from holding an interest in agricultural land used in farming. Code Chapter 9I also prohibits nonalien residents and foreign governments from holding such an interest. The Act extends the period during which a corporation or limited liability company can qualify to acquire agricultural land as a life science enterprise notwithstanding the provisions in those chapters. Specifically, the Act provides that a life science enterprise has until June 1, 2005, to file the notice with the Economic Development Board and has until June 30, 2005, to file a plan with the board specifying how it is to acquire the agricultural land to produce a life science product. A life science enterprise cannot hold a total of more than 320 acres of agricultural land. The provisions authorizing a life science enterprise to acquire agricultural land are repealed on July 1, 2008.

Code Section 9H.4 provides that an entity violating its provisions is subject to a civil penalty of not more than \$25,000 and must divest itself of any land held in violation of the Code chapter. The Code chapter provides that a court may grant an injunction in order to restrain violations of the chapter's provisions. Code Section 9I.11 provides that if an entity violates its land acquisition provisions, the land escheats to the state.

The Act takes effect April 6, 2005.

HOUSE FILE 252 - Weed Control

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 317, which provides for the control of noxious weeds. Generally, county weed commissioners are responsible for enforcing the provisions of the Code chapter, which includes the authority to enter onto land for purposes of controlling noxious weeds if the owner of the land or other responsible person (e.g., the owner's tenant) fails to do so. The Code chapter requires the weed commissioner to notify the responsible person prior to entering onto the person's land to control the noxious weeds. Prior law required that notice be made by personal service. The Act provides that in lieu of personal service, a weed commissioner may provide notice by certified mail. The Act also amends provisions affecting Code sections in order to enhance their readability.

HOUSE FILE 438 - Soil and Water Conservation Districts — Assessments and Taxes

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 161A, which in part establishes soil and water conservation districts that are usually organized on a county basis. A district may include subdistricts, and subdistricts may have a territory within several counties. A district is administered by a board of five commissioners, referred to as a "governing body." When a subdistrict is located in more than one district, the combined boards of commissioners for the affected districts constitutes the governing body for that subdistrict. Code Chapter 161A includes a number of provisions relating to assessments levied upon landowners in a district which are used to benefit the district (to finance improvements). An assessment is levied against the benefited land by the county board of supervisors, paid together with any accrued interest or delinquency penalty to the county treasurer, and then deposited into a dedicated account of the county's general fund on behalf of the district.

The Act provides that an assessment together with any accrued interest or delinquency penalty shall be deposited in a fund established by the commissioners as the district's governing body pursuant to a resolution adopted by the commissioners and delivered to each appropriate county treasurer. If the commissioners fail to adopt and deliver such a resolution, the moneys shall still be deposited into the separate account of the county's general fund.

HOUSE FILE 476 - Sale and Purchase of Ammonium Nitrate

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 200, the "Iowa Fertilizer Law." The Act regulates the storage and sale of ammonium nitrate by fertilizer dealers who are licensed by the Department of Agriculture and Land Stewardship. The Act requires the licensee to store the ammonium nitrate in a secure location. The licensee can only sell ammonium nitrate to a purchaser who presents an official identification issued by the federal government or a state government such as a driver's license. The licensee must maintain a record of sales for at least two years. The department or a state or federal law enforcement officer may examine the records. A licensee who violates a provision of the Act is subject to disciplinary action by the department. The disciplinary action is suspension or revocation of the license.

A person who intentionally presents false identification or other required information in order to purchase ammonium nitrate commits a serious misdemeanor. A person who purchases ammonium nitrate from a person required to be licensed as a dealer with the intention of manufacturing an explosive or incendiary device or material is guilty of a class "D" felony. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.

HOUSE FILE 580 - Iowa Egg Council — Miscellaneous Changes

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 184, which establishes the Iowa Egg Council, and provides for an excise tax (referred to as an assessment or colloquially as a "checkoff"), which is imposed on the sale of each 30 dozen eggs and paid by the first purchaser to an account established in the General Fund of the State before being transferred to a special account controlled by the council. The purpose of the Code chapter is to support activities related to egg production and processing, including marketing, as well as the consumption of eggs and egg products, education, and research (market development).

Code Section 184.9 provides for the duties of the council which focus upon market development. The Code section also authorizes the council to administer elections and provide for the appointment of persons to fill vacancies occurring on the council. Code Section 184.10 authorizes the council to provide for research and education programs directed toward better and more efficient production, marketing and utilization of eggs and egg products, including by financing such programs and projects.

The Act provides that for purposes of the Code chapter, "eggs" does not include those eggs which are produced as part of an organic production operation. The effect of the provision is to exclude organic farms from being assessed a checkoff.

The Act removes council discretion to establish the rate of assessment. It establishes the assessment rate at 2½ cents on each 30 dozen eggs produced in this state. Upon the council's initiative, the Secretary of Agriculture may conduct a special referendum among producers to approve an increase in the assessment rate up to 15 cents on each 30 dozen eggs produced in this state.

The Act rewrites Code Section 184.9 to specifically provide for the council's marketing duties. It also establishes two separate Code sections. One Code section requires the council to participate in research programs or projects, including by conducting or financing such programs or projects. The other Code section requires the council to participate in education programs or projects, including by conducting or financing such programs or projects. In providing for duties related to both education and research, the Act lists activities that may be accomplished by the council. The Act lists a number of educational activities related to utilization, production or processing, health and safety, and trade. The educational component may be designed to increase consumers' awareness. The council may disseminate information, including but not limited to the development or publication of materials in a printed or electronic format.

HOUSE FILE 642 - Regulation of Agricultural Seed

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 199, which regulates the sale of agricultural seed and is administered by the Department of Agriculture and Land Stewardship. This includes grass, forage, cereal, oil, fiber, and any other kind of crop seed. It includes those seeds commonly recognized as crop seed, lawn seed, or vegetable seed.

The Act prohibits a local governmental entity, including a county, special district, township, or city, from adopting or enforcing legislation which relates to the production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification, or registration of agricultural seed. The local legislation is consequently preempted by state law and therefore void and unenforceable. However, the Act includes a provision that allows a local governmental entity to adopt legislation which regulates commercial activities generally without targeting a specific industry. It also allows a local governmental entity to, by motion or resolution, provide for activities relating to agricultural seed that is kept or used on the local governmental entity-owned land.

HOUSE FILE 700 - Soybean Promotion, Research, and Marketing — Association — Assessment

BY COMMITTEE ON AGRICULTURE. This Act provides for the administration of provisions relating to the marketing of soybeans under Code Chapter 185. That chapter provides for an excise tax (referred to as an "assessment" or colloquially as a "checkoff") imposed on each bushel of soybeans marketed in this state, based on the market price which is paid by the first purchaser of the soybeans (and presumably deducted from the payment to the producer). Moneys collected from the checkoff are deposited into the State Treasury and later transferred into a special account for uses specified in a "promotional order" as approved by a referendum of soybean producers. The moneys must be expended to support research, education, and promotional efforts (all referred to as "market development").

Traditionally, the imposition and collection of the checkoff, the control of checkoff moneys, and market development efforts have been performed by an independent board named the Iowa Soybean Promotion Board, which is also established by a promotional order. This Act abolishes that board and replaces it with the Iowa Soybean Association, a private nonprofit organization comprised of soybean producers.

Many of the Act's provisions concern procedures for conducting statewide elections for the association's board of directors, the tenure of the directors' terms of office, and the organization or reorganization of the board. The Act provides that the board must establish procedures for elections. It prohibits a reserved place on a ballot for write-in candidates and authorizes the Secretary of Agriculture to remove a director for cause such as neglect or malfeasance. It also provides for compensating directors on a per diem basis and for reimbursing directors for their actual expenses. If a promotional order is not extended by referendum, the board remains in existence as provided in its articles of incorporation or bylaws. However, the directors are no longer required to be elected as provided in the Code chapter. The board must wind down its statutory business and expend any remaining checkoff moneys. If the producers pass a new promotional order, the board must be reorganized by the secretary. The board is not considered a governmental entity, except for limited purposes, including state auditing practices, provisions regulating the deposit and investment of public moneys, and for purposes of appealing an administrative action under Code Chapter 17A. The board is exempt from rulemaking procedures under Code Chapter 17A. The Act also prohibits the board from expending checkoff moneys on a political activity or in an attempt to influence the passage or defeat of legislation. The Act includes a number of transitional provisions. The secretary must appoint an initial board before a new election is conducted. Producers must vote by ballot for the new directors on or before August 31, 2005.

The Act expressly distinguishes the checkoff imposed pursuant to Code Chapter 185 (referred to as a "state assessment") and the checkoff imposed pursuant to federal law (referred to as a "federal assessment"). Generally, the rate of the state assessment is one-quarter of 1 percent of net market price. If the federal assessment is not being collected, the rate of the state assessment is automatically increased from one-quarter of 1 percent to one-half of 1 percent of the net market price. The Act names the board's special account where checkoff moneys are deposited the Soybean Checkoff Account. The Iowa Soybean Association must strictly segregate moneys in the account from all other moneys of the association. Moneys in the account must be expended exclusively for the purposes of market development and administration of Code Chapter 185.

HOUSE FILE 805 - Agricultural Production

BY COMMITTEE ON AGRICULTURE. This Act creates new Code Chapter 459A, which authorizes the Department of Natural Resources (DNR) to regulate open feedlot operations, and supplements provisions in Code Chapter 459, which authorizes the DNR to regulate all animal feeding operations but in particular confinement feeding operations. The Act's provisions mirror or closely resemble provisions in Code Chapter 459.

An open feedlot operation ("operation") is an unroofed or partially roofed area where there is no crop, vegetation, or forage growth, if animals are maintained there for 45 days or more in any 12-month period. The Act regulates manure and precipitation-induced runoff originating from an operation that is referred to as open feedlot effluent ("effluent") and includes liquids and solids. It also regulates settled open feedlot effluent, which refers to effluent after its settleable solids have been removed. The Act regulates three types of structures associated with the removal and collection of effluent: (1) a settled open feedlot effluent basin ("basin") used to impound the liquid effluent after its settleable solids have been removed; (2) an alternative technology system ("alternative system"), which provides for another method to impound and specifically to move the liquid effluent directly to land; and (3) a solids settling facility, which is a structure or other method which removes solids from the effluent and stores the solids.

The Act requires that the owner of an operation submit a number of different documents for departmental approval, including an application for a permit and associated statements required to construct a basin or alternative system. These include a soils and hydrogeologic report and a construction certification authenticated by a licensed professional engineer. The owner of an operation having an animal unit capacity of 1,000 animal units or that is required to be issued a construction permit must also submit a nutrient management plan which addresses restrictions on the application of effluent, including nitrogen use, a phosphorus index, and application.

The Act establishes design standards for basins for the protection of water sources, including by providing for the installation of tile lines to artificially lower the seasonal high-water table. The Act provides for the management of effluent, including the removal of settleable solids prior to discharge into the waters of the state. The Act provides special management methods for operations which are required to be issued an operating permit by the DNR and which have an animal unit capacity of 1,000 animal units or more. Open feedlot effluent cannot be applied to land in a manner that causes surface water or groundwater pollution. The owner of the operation must remove the effluent after the operation is discontinued.

The DNR and the Attorney General are responsible for enforcing the provisions of the new Code chapter. A person who violates a provision of the Code chapter is subject to a civil penalty of up to \$5,000 for each offense. The moneys collected in civil penalties are to be deposited in the general account of the Animal Agriculture Compliance Fund created in Code Section 459.401, which is under the control of the DNR for the administration and enforcement of regulations involving animal feeding operations.

The Act also amends provisions in a number of Code sections which refer to Code Chapter 459. The provisions were added after provisions in Code Chapter 455B and other Code chapters relating to animal feeding operations were transferred and consolidated in 2002. Other provisions make changes which refer to the deposit of civil penalties into the Animal Agriculture Compliance Fund.

HOUSE FILE 869 - Agricultural Assets — Tax Credit — Sales Tax Exemption — VETOED BY THE GOVERNOR

BY COMMITTEE ON WAYS AND MEANS. This bill would have provided for taxation affecting agricultural production.

BEGINNING FARMERS — AGRICULTURAL ASSETS TRANSFER TAX CREDIT. The bill would have amended provisions in Code Chapter 175, which establishes the Agricultural Development Authority, by providing a tax credit for an owner of agricultural assets (agricultural land, depreciable agricultural property, crops, or livestock) who transfers those agricultural assets to a beginning farmer by lease or rental agreement. Generally, the amount of the tax credit would have equaled 5 percent of the amount paid to the owner under the agreement. However, if the agreement was based on a commodity share arrangement for either crops or livestock, the tax credit would have equaled 15 percent of the amount paid to the owner from the sale of the crops or animals.

The bill would have provided a number of restrictions upon the authority in approving applications and issuing certificates. The owner could not have been at fault for terminating a prior lease, the owner could not have been involved in legal proceedings regarding an environmental violation, the beginning farmer could not have been provided more agricultural assets than what the beginning farmer could have been expected to adequately manage, and the agricultural assets could not have been leased or rented at a rate substantially different from similar market arrangements.

This part of the bill would have taken effect January 1, 2006, and been applicable to tax years beginning on or after that date.

SALES TAX EXEMPTION — FARM MACHINERY AND EQUIPMENT. The bill would have amended Code Section 423.3, which provides exemptions from the state's sales tax, including farm machinery and equipment associated with crop production, animal agriculture, or horticulture. The bill would have extended the type of farm machinery and equipment eligible for the exemption by including auger systems, fan systems, and refrigerators. This part would have taken effect upon enactment and would have applied retroactively to January 1, 1992. It would have limited to \$25,000 the amount that could have been refunded to a person who paid the sales tax on and after that date.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

- SENATE FILE 395** - Grape and Wine Industry Promotion
- S.J.R. 6** - World Food Prize Awards Ceremony
- S.J.R. 7** - Annual Meeting of National Governors Association
- HOUSE FILE 141** - Commercial Establishments Serving Alcoholic Beverages — Security — Employee Training
- HOUSE FILE 339** - Regulation of Cigarette and Tobacco Product Retailers

RELATED LEGISLATION

- SENATE FILE 169** - Regulation of Amphetamine and Methamphetamine Precursors
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act classifies all products containing ephedrine and phenylpropanolamine, and most pseudoephedrine products, as Schedule V controlled substances. The Act takes effect May 21, 2005. However, the bail restrictions and the restrictions on the sale of ephedrine take effect March 22, 2005.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for various substance abuse and drug enforcement programs.
- HOUSE FILE 275** - Purchase, Possession, or Control of Alcohol by Persons Under Legal Age
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act changes the criminal penalties for purchasing or possession or control of alcohol by a person under 21 years of age, including permitting a substance abuse evaluation for a second offense.
- HOUSE FILE 811** - Appropriations — Justice System
SEE APPROPRIATIONS. This Act makes appropriations to various state departments and agencies working within the justice system of the state and make other related statutory changes. The Act requires a person charged with possession with the intent to manufacture methamphetamine to remain under supervision and undergo random drug tests as a condition of release on bail. The criminal offense of possession with intent to manufacture methamphetamine is added to the list of other methamphetamine-related offenses that require a person to remain under supervision and undergo random drug tests as condition of release on bail in S.F. 169 (see Criminal Law, Procedure & Corrections).
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions, including appropriations for substance abuse treatment and prevention. The Commission on Substance Abuse is eliminated and the commission's duties are transferred to the State Board of Health.
- HOUSE FILE 862** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust for FY 2005-2006. The Act appropriates funds to the Iowa Department of Public Health (IDPH) for the Tobacco Use Prevention and Control Initiative, for provision of smoking cessation and smoking-related diseases products, and for additional substance abuse treatment under the Substance Abuse Treatment Pro-

gram. The Act appropriates funds to IDPH for various grant programs relating to substance abuse prevention programming for children.

HOUSE FILE 882 - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. Division IX includes provisions relating to funding for substance abuse treatment and prevention and contracting for state liquor warehousing and trucking functions. Division XIII addresses the practice of pharmacy and applies new prohibitions involving drugs.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

SENATE FILE 395 - Grape and Wine Industry Promotion

BY COMMITTEE ON WAYS AND MEANS. This Act provides for the deposit of an amount equal to 5 percent of wine gallonage tax revenues into the Grape and Wine Development Fund to be used to carry out grape and wine development programs. Prior to authorizing an expenditure from the fund, the Department of Agriculture and Land Stewardship shall consult with the Grape and Wine Development Commission, and the commission shall make recommendations to the department regarding the expenditure of moneys to enhance and develop the native wine industry and provide an infrastructure to encourage its growth in Iowa.

SENATE JOINT RESOLUTION 6 - World Food Prize Awards Ceremony

BY GRONSTAL AND IVERSON. This Joint Resolution authorizes the consumption of wine at an awards ceremony to be held by the World Food Prize Foundation at the State Capitol on or around October 13, 2005.

SENATE JOINT RESOLUTION 7 - Annual Meeting of National Governors Association

BY GRONSTAL AND IVERSON. This Joint Resolution authorizes the consumption of wine and beer in the State Capitol during a social event to be held in conjunction with the 2005 National Governors Association Annual Meeting. The social event takes place on or around July 15, 2005.

HOUSE FILE 141 - Commercial Establishments Serving Alcoholic Beverages — Security — Employee Training

BY FORD, HUTTER AND EICHHORN. This Act relates to a liquor control licensee or wine or beer permittee who employs security personnel at a commercial establishment. The Act provides that a city or county may require, as a condition for obtaining and holding a liquor control license or wine or beer permit for on-premises consumption, a designated security employee employed by a licensee or permittee to be trained and certified in specified security methods.

The definition of "designated security employee" is expanded to include contract employees, independent contractors, and servants, and any other agent or employee who works in a security position in any capacity at a commercial establishment.

HOUSE FILE 339 - Regulation of Cigarette and Tobacco Product Retailers

BY COMMITTEE ON PUBLIC SAFETY. This Act establishes permit requirements for tobacco product retailers. The Act prohibits a person from engaging in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco product retailer. The Act provides for issuance of a permit by a city or county board of supervisors, establishes fees for a permit, provides for refunds, provides for application for a permit, and provides that a cigarette retailer who holds a permit is not required to also obtain a tobacco product retailer permit. The Act authorizes the Director of Revenue to prescribe the forms necessary for the efficient administration of the tobacco product retailer permit section and authorizes the director to require uniform books and records to be used and kept by each retailer or other person as deemed necessary. The Act requires tobacco product retailers, when requested by the Department of Revenue, to make additional reports as the department deems necessary and proper and, at the request of the department, to furnish full and complete information pertaining to any transaction of the retailer involving the purchase or sale or use of tobacco products.

The Act also makes existing penalties and permit suspension and revocation provisions for cigarette retailers applicable to tobacco product retailers.

APPROPRIATIONS

- SENATE FILE 71** - Environment First Fund — Soil and Water Conservation Districts — Administrative Expenses
- SENATE FILE 75** - Active Duty Military Service – State Financial Assistance
- SENATE FILE 342** - Miscellaneous Supplemental Appropriations and Employment Regulation
- SENATE FILE 346** - Federal Block Grant Appropriations
- HOUSE FILE 466** - Appropriations — Transportation
- HOUSE FILE 807** - Appropriations — Judicial Branch
- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
- HOUSE FILE 809** - Appropriations — Economic Development
- HOUSE FILE 810** - Appropriations — Administration and Regulation
- HOUSE FILE 811** - Appropriations — Justice System
- HOUSE FILE 816** - Appropriations — Education
- HOUSE FILE 825** - Appropriations — Health and Human Services
- HOUSE FILE 862** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
- HOUSE FILE 881** - Compensation for Public Employees and Additional Provisions
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes

RELATED LEGISLATION

- SENATE FILE 36** - School Finance — Allowable Growth
SEE EDUCATION. This Act sets the state percent of growth under the State School Foundation Program at 4 percent for the school budget year beginning July 1, 2006.
- SENATE FILE 206** - Regulation of Deer Populations and Hunting Licenses
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act provides for the appropriation of fees collected from persons who purchase deer hunting licenses to be used for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the Help Us Stop Hunger Program administered by the Natural Resource Commission.
- HOUSE FILE 641** - Regulation of Excursion Gambling Boats — Fees
SEE GAMING. This Act increases the number of gaming enforcement officers the Iowa Racing and Gaming Commission can consider in establishing regulatory fees charged for certain larger excursion gambling boats.
- HOUSE FILE 819** - Medical Assistance — Long-Term Care Asset Disregard Program
SEE BUSINESS, BANKING & INSURANCE. This Act establishes the Iowa Long-Term Care Asset Disregard Incentive Program and appropriates \$300,000 from the General Fund of the State to the Insurance Division of the Department of Commerce for FY 2005-2006 to establish an educational program to inform Iowans about the program.
- HOUSE FILE 821** - Prescription Drug Assistance Clearinghouse Program
SEE HEALTH & SAFETY. This Act directs the Commissioner of Insurance to establish and administer a Prescription Drug Assistance Clearinghouse Program to improve access to prescription drugs for individuals and to assist individuals in accessing programs offered by pharmaceutical manufacturers that provide free or discounted prescription drugs or provide coverage for prescription drugs. The Act directs the commissioner to seek federal funding to establish and administer the program. However, if federal fund-

ing is not received before October 1, 2005, the Act appropriates \$250,000 from the Senior Living Trust Fund to the Insurance Division of the Department of Commerce beginning October 1, 2005, and ending June 30, 2006, for the establishment and administration of the program.

- HOUSE FILE 826** - Vehicular Traffic Speed Limits and Allocation of Fines, Fees, Penalties and Other Revenue
SEE TRANSPORTATION. This Act directs the State Court Administrator to allocate \$7 million annually to the judicial branch for salaries and specified administrative expenses.
- HOUSE FILE 828** - Regulation of Natural Resources and Watercraft
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act increases registration fees for watercraft and appropriates any increase in revenues received from those fees for a period of six years for the administration and enforcement of programs to control aquatic and invasive species and for the administration and enforcement of navigation laws and water safety upon the inland waters of this state. After six years the moneys are appropriated solely for the administration and enforcement of navigation laws and water safety.
- HOUSE FILE 834** - Commercial Cleaning of Toilet Units and Private Sewage Disposal Facilities
SEE ENVIRONMENTAL PROTECTION. This Act appropriates moneys from the newly created Septic Management Fund and the Toilet Unit Fund to the Department of Natural Resources for purposes of contracting with county boards of health to conduct various activities.
- HOUSE FILE 836** - Regulation of Cemeteries
SEE BUSINESS, BANKING & INSURANCE. This Act relates to cemeteries and cemetery regulation and provides for administration and enforcement procedures related to cemeteries, including establishing and appropriating fees, and providing for penalties.
- HOUSE FILE 837** - State Government Finance Initiatives
SEE STATE GOVERNMENT. This Act relates to state financial matters concerning the authority of charter agencies, State Appeal Board expenditures, and certain moneys appropriated to the Department of Management.
- HOUSE FILE 839** - Technology Governance Board
SEE STATE GOVERNMENT. This Act appropriates an amount not to exceed \$250,000 from the IowAccess Revolving Fund to the Department of Administrative Services to support the activities of the newly formed Technology Governance Board.
- HOUSE FILE 841** - Health Care and Health Care Finance
SEE HUMAN SERVICES. This Act relates to health care reform and includes provisions relating to the Medical Assistance (Medicaid) Program and indigent patients. The Act creates a new Code Chapter 249J, entitled "The Iowacare Act," to provide health care coverage under a Medicaid waiver to members of an expansion population. This Act makes appropriations from the Iowacare Account to the University of Iowa Hospitals and Clinics, a publicly owned acute care teaching hospital located in a county with a population over 350,000, and the mental health institutes to provide the services specified. The Act also makes appropriations to the Department of Human Services from the Account for Health Care Transformation for various implementation costs.

APPROPRIATIONS

SENATE FILE 71 - Environment First Fund — Soil and Water Conservation Districts — Administrative Expenses

BY COMMITTEE ON AGRICULTURE. This Act amends a provision in S.F. 2298 enacted by the General Assembly during its 2004 Regular Legislative Session, which in part appropriated moneys to state agencies for FY 2005-2006. In that Act, as part of an appropriation from the Environment First Fund (see Code Section 8.57A) to the Department of Agriculture and Land Stewardship, \$2 million was dedicated to support farmers participating in conservation programs.

The Act adds provisions which require the department to use a portion of that appropriation to reimburse commissioners of soil and water conservation districts for administrative expenses, including, but not limited to, travel expenses, technical training, and professional dues. Similar language has been included in past enactments appropriating General Fund moneys to the department (see 2000 Iowa Acts, Chapter 1224, Section 1[4]). The Act requires that the department reimburse the commissioners \$250,000 within 10 days after the Act's effective date. It also requires that a soil and water conservation district submit a report to the department by January 1, 2006, accounting for the appropriated moneys.

The Act takes effect March 31, 2005.

SENATE FILE 75 - Active Duty Military Service — State Financial Assistance

BY COMMITTEE ON APPROPRIATIONS. This Act revises and makes new allocations to benefit individuals who have been in active duty military service. The allocations are made from an appropriation of \$1.81 million originally made for FY 2002-2003 for a military pay differential and health insurance retention program for state employees who are on the central payroll system and are activated for the armed forces of the United States.

An existing allocation to the Iowa Department of Public Health for counseling services is revised to provide a specific amount of \$10,000, rather than a maximum of \$10,000; to specify the services are available whether or not a person is a state employee; and to make the services available to all who are assigned to active duty service, regardless of whether they are sent to combat zones, and to the persons' family members.

The next \$100,000 is to be retained by the Department of Administrative Services to be used for the military pay differential and health insurance retention programs for state employees on the state's central payroll system who are activated for the armed forces of the United States.

The next \$650,000 is transferred to the College Student Aid Commission to be used for the National Guard Educational Assistance Program.

Language in prior law providing for nonreversion of unexpended funds so that the funds will be used for a home ownership assistance program for members of the National Guard and military reserves and for the members' immediate families is stricken and the remainder of the appropriation (\$1.05 million) is allocated to the Iowa Finance Authority. The new allocation language provides an initial eligibility requirement limiting the program to Iowa residents who are members of the National Guard, reserve, or regular component of the armed forces of the United States who have served at least 90 days of active duty service during the period beginning September 11, 2001, and ending June 30, 2006.

If an eligible member is deceased, the member's surviving spouse is eligible for the program provided the surviving spouse can meet the eligibility requirements other than military service requirement. Nonreversion language is revised so that the funds remain available indefinitely for the purposes for which appropriated or transferred.

The Act takes effect March 10, 2005, and is retroactively applicable to May 17, 2004, which was the effective date of the latest amendments to the original appropriation.

SENATE FILE 342 - Miscellaneous Supplemental Appropriations and Employment Regulation

BY COMMITTEE ON APPROPRIATIONS. This Act relates to appropriation matters by making and increasing appropriations for FY 2004-2005. Unless stated otherwise, the affected appropriations are from the General Fund of the State. The Act is organized into divisions.

STATE BOARD OF REGENTS. Division I provides that prior to appropriation of the ending balance in the General Fund for FY 2004-2005, as required under law regarding the state's reserve funds, \$2.8 million is transferred to the state board. The amount transferred is to be distributed in FY 2005-2006 to be used as additional funding for the institutions under the state board for the fiscal year in which the distribution was made.

HEALTH AND HUMAN SERVICES. Division II provides supplemental appropriations to the Department of Human Services for the Medical Assistance (Medicaid) Program, Medicaid medical contract costs to implement the Iowa Medicaid Enterprise Initiative, state resource centers, the unit for commitment and treatment of sexually violent predators, and mental illness, mental retardation, and developmental disabilities state cases. The appropriation for treatment of sexually violent predators does not revert until the close of FY 2005-2006.

JUSTICE SYSTEM — INDIGENT DEFENSE CLAIMS. Division III states legislative intent for the Director of the Department of Management, with the approval of the Governor, to use the executive branch authority to transfer among appropriations in order to provide the Office of the State Public Defender with sufficient funding to pay all valid indigent defense claims for FY 2004-2005.

EMPLOYMENT LAW. Division IV contains various provisions relating to workers' compensation benefits and procedures and to payment of employees' wages by direct deposit.

Code Section 85.27 is amended to define the term "day of incapacity to work" for purposes of receiving workers' compensation benefits.

Code Section 85.35 is amended to modify procedures and requirements for settlement of workers' compensation claims and to allow for contingent settlements of such claims.

Code Section 86.26 is amended to modify requirements for appeals within the Division of Workers' Compensation.

New Code Section 86.45 is enacted which defines "confidential information" filed with the Workers' Compensation Commissioner that the Workers' Compensation Commissioner cannot disclose except under certain specified circumstances. "Confidential information" means information filed as a result of an employee's injury or death that would allow for the identification of the employee or the employee's dependents. Code Section 22.7 is amended to provide that such confidential information is a confidential public record for purposes of the state's Open Records Law.

Code Section 87.11 is amended to allow the Workers' Compensation Commissioner to specify the amount and purpose of the security deposited by a self-insured employer and to require that proof of an employer's solvency be given to the Insurance Commissioner.

Code Section 87.16, which required an employer who failed to carry workers' compensation liability insurance or to obtain relief from carrying such insurance to furnish a bond, is repealed, and Code Section 87.14A is amended to remove the reference to such bonding requirements. Code Section 87.17, which required an employer to post a notice stating the nature of the security furnished in lieu of workers' compensation liability insurance, is also repealed.

Code Section 87.19 is amended to provide that an employer who fails to comply with the provisions of Code Chapters 85, 85A, 85B, 86, and 87 as set forth in Code Section 87.14A may be subject to enforcement proceedings.

Code Section 87.20 is amended to allow the Insurance Commissioner to revoke an order relieving an employer from carrying workers' compensation liability insurance without the concurrence of the Workers' Compensation Commissioner.

Code Section 91A.3 is amended to permit an employer to direct deposit an employee's wages into a financial institution of the employee's choice and to permit an employer to require direct deposit of wages under certain circumstances.

Code Section 91A.6 is amended to require an employer to provide each employee a statement of hours worked, wages earned, and deductions made for the employee on each regular payday and to allow an employer to furnish such information by providing employees with access to electronically viewing and printing the information.

EFFECTIVE DATES. Division IV takes effect July 1, 2005, while the remainder of the Act takes effect June 3, 2005.

SENATE FILE 346 - Federal Block Grant Appropriations

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006, from the following federal block grants: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Drug Control and System Improvement, Stop Violence Against Women, Community Services, Community Development, Low-Income Home Energy Assistance Program (LIHEAP), Social Services, Mental Health Services for the Homeless, and Child Care and Development. In addition, the Act appropriates funding from the following federal formula grants: Residential Substance Abuse Treatment for State Prisoners and Edward Byrne Memorial. See H.F. 825 for appropriations of the federal Temporary Assistance for Needy Families (TANF) Block Grant.

The Act requires that moneys be distributed in accordance with the applicable federal requirements. The Act establishes a procedure if more or less federal funding is received than predicted. In addition, the Act appropriates other federal grants, receipts and funds and other nonstate grants, receipts and funds available in whole and in part for the state fiscal year beginning July 1, 2005, and ending June 30, 2006.

HOUSE FILE 466 - Appropriations — Transportation

BY COMMITTEE ON APPROPRIATIONS. This Act makes and limits appropriations for FY 2005-2006 from the Road Use Tax Fund, the Primary Road Fund, and the General Fund of the State to the Iowa Department of Transportation (IDOT).

Appropriations from the Road Use Tax Fund include appropriations for driver's license production costs, salaries, operations and finance, administrative services, planning, motor vehicles, services provided by the Department of Administrative Services (DAS), unemployment and workers' compensation, indirect cost recoveries, audits, county issuance of driver's licenses and vehicle registration and titling, a system providing toll-free telephone road and weather reports, participation in the Mississippi River Parkway Commission, membership in the North America's Superhighway Corridor Coalition, and design and construction of a new Motor Vehicle Division building to replace the Park Fair Mall location in Des Moines, including furnishings for the building. IDOT is required to make quarterly reports to the Legislative Council regarding the building project and inform the General Assembly of significant delays or unanticipated expenditures.

Appropriations from the Primary Road Fund include appropriations for salaries, operations and finance, administrative services, planning, highways, motor vehicles, services provided by DAS, unemployment and workers' compensation, hazardous waste disposal, indirect cost recoveries, audits, production of transportation maps, utility projects, garage roofing, heating and cooling improvements, and deferred maintenance at field facilities.

Appropriations from the General Fund of the State include appropriations for operation and maintenance of systems associated with the Iowa Aviation Weather System, the runway marking program and the windsock program for public airports, the Aviation Improvement Program, the Rail Assistance Program, and economic development project funding.

HOUSE FILE 807 - Appropriations — Judicial Branch

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for FY 2005-2006 for the judicial branch operations and the Judicial Retirement Fund and makes other appropriations and related changes.

The state contribution matching the basic salaries of judges for the retirement fund is limited to 9.7 percent in lieu of the 23.7 percent otherwise required under the Code.

The Act makes an appropriation to establish a youth enrichment pilot project for criminal offenders between the ages of 16 and 22 who have been charged with a felony.

The number of magistrates in the state is increased from 191 to 206.

Under the Act, the clerk of the district court is not required to send a second or subsequent mailing or notice to a person or party if the mailing or notice is returned as undeliverable unless the clerk receives an updated mailing address.

Fees are increased for filing a praecipe or confession of judgment. A "praecipe" means an order commanding the debtor to do the thing required by the order. A "confession of judgment" means an act by the debtor permitting a judgment to be entered against the debtor.

The Act also permits a presentence investigation report to be sent by electronic means.

HOUSE FILE 808 - Appropriations — Agriculture and Natural Resources

BY COMMITTEE ON APPROPRIATIONS. This Act provides funding for the Department of Agriculture and Land Stewardship (IDALS), the Department of Natural Resources (DNR), and Iowa State University (ISU) from a number of sources to support administration and to carry out specific programs. The Act also establishes several programs and associated fees to be administered by IDALS.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. Moneys are appropriated from the General Fund of the State and full-time equivalent (FTE) employee positions are authorized in order to support IDALS' divisions and administrative units. The Act also provides a number of designated appropriations to support programs to enhance or protect human health (the Senior Farmers Market Nutrition Program and the regulation of dairy products), control diseases affecting livestock populations (chronic wasting disease affecting farm deer, avian influenza affecting poultry, and apiary diseases affecting bees), promote native horse and dog racing, reimburse commissioners of soil and water conservation districts for administrative expenses, and fund IDALS' continued membership in the Missouri River Association.

DEPARTMENT OF NATURAL RESOURCES. Moneys are appropriated from the General Fund of the State and FTEs are authorized in order to support the DNR's various divisions and administrative units. The Act appropriates moneys from the State Fish and Game Protection Fund to support the Division of Fish and Wildlife. The Act appropriates moneys from the Groundwater Protection Fund to support groundwater quality programs. The Act provides for the transfer of moneys to support DNR programs. Moneys are transferred to the State Fish and Game Protection Fund to enforce state snowmobile and navigation and water safety laws. The Act appropriates moneys from the Unassigned Revenue Fund to support the Iowa Comprehensive Underground Storage Tank Fund Board. Moneys available from stormwater discharge permit fees may be used to reduce the DNR's floodplain permit backlog and to implement the federal total maximum daily load program.

IOWA STATE UNIVERSITY. The Act appropriates moneys from the Agrichemical Remediation Fund to ISU for purposes of supporting a water quality research project in order to study the effectiveness of alternative technologies as a method to reduce risks to water quality from open feedlot effluent.

FEES. The Act amends Code Section 99D.22, which provides programs to promote native horses and dogs engaged in racing, to provide for the registration of Iowa-foaled horses and Iowa-whelped dogs. The Act authorizes IDALS to establish a \$30 registration fee imposed on each thoroughbred, quarter horse, or standardbred, the fees to be paid by the breeder of the horse, and to retain the revenues from the fees for purposes of administering the program. The Act authorizes IDALS to establish a schedule of registration fees ranging from \$5 to \$25 to be paid by the owner of a dam, litter or dog, which is retained by IDALS for purposes of administering that program.

DEER REGULATION AND FEES. The Act amends Code Chapter 170, which provides for the regulation of farm deer by IDALS. (However, S.F. 206, see Natural Resources & Outdoor Recreation, which removes whitetail deer from the classification of farm deer and transfers jurisdiction of whitetail deer regulation to the DNR.) The Act requires IDALS to establish and administer a Chronic Wasting Disease Control Program and establishes a \$200 farm deer administration fee to be paid annually by landowners who keep farm deer in this state. The Act establishes a Farm Deer Administration Fund which consists of moneys collected in fees and other revenue for purposes of administering the program.

Finally, the Act amends a provision in S.F. 206 to clarify that the \$1 fee payable upon receipt of a free land-owner deer hunting license is appropriate and shall be used for the purpose of deer herd population management, including assisting with the cost of the Help Us Stop Hunger Program administered by the Natural Resource Commission.

HOUSE FILE 809 - Appropriations — Economic Development

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and the Grow Iowa Values Fund to the Iowa Department of Economic Development (IDED), the Office of the Treasurer of State, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development (IWD), and the Public Employment Relations Board for FY 2005-2006.

The Act provides that the goals for IDED shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

The Act appropriates moneys from loan repayments on loans under the former Rural Community 2000 Program to IDED for providing financial assistance to Iowa's councils of governments that provide technical and planning assistance to local governments and for the Rural Development Program for the purposes of the program, including the Rural Enterprise Fund and collaborative skills development training.

The Act appropriates moneys collected by the Division of Insurance in the Department of Commerce in excess of its anticipated gross revenues to IDED for purposes of insurance economic development and international insurance economic development.

The Act appropriates moneys from the Iowa Community Development Loan Fund to IDED for purposes of the Community Development Program.

The Act appropriates moneys from the Workforce Development Fund Account to the Workforce Development Fund.

Moneys appropriated or transferred to or receipts credited to the Workforce Development Fund may be used for administration of workforce development activities.

All moneys remaining in the Job Training Fund on July 1, 2005, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2005, shall be transferred to the Workforce Development Fund.

The Act requires the State Board of Regents to submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development.

The Act appropriates moneys from the Special Employment Security Contingency Fund to IWD for the Division of Workers' Compensation and immigration services centers.

The Act creates a Field Office Operating Fund in the State Treasury under the control of IWD as a fund separate and distinct from the Unemployment Compensation Fund. All moneys properly credited to and deposited in the fund are annually appropriated to IWD to be used for personnel and nonpersonnel costs of operating field offices.

The Office of Renewable Fuels and Coproducts may apply to IDED for moneys in the Value-Added Agricultural Products and Processes Financial Assistance Fund for deposit in the Renewable Fuels and Coproducts Fund.

The Act appropriates \$50,000 each fiscal year from the General Fund of the State to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2008, for the Endow Iowa Grants to lead philanthropic entities.

The Act appropriates \$50 million each fiscal year from the General Fund of the State to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for deposit in the Grow Iowa Values Fund.

The Act appropriates \$35 million each fiscal year from the Grow Iowa Values Fund to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for programs administered by IDED.

The Act appropriates \$5 million each fiscal year from the Grow Iowa Values Fund to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for financial assistance to regents universities.

The Act appropriates \$1 million each fiscal year from the Grow Iowa Values Fund to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for purposes of providing financial assistance for projects in targeted state parks, state banner parks, and destination parks.

The Act appropriates \$1 million each fiscal year from the Grow Iowa Values Fund to the Office of the Treasurer of State for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for deposit in the Iowa Cultural Trust Fund.

The Act appropriates \$7 million each fiscal year from the Grow Iowa Values Fund to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for deposit into the workforce training and economic development funds of the community colleges.

The Act appropriates \$1 million each fiscal year from the Grow Iowa Values Fund to IDED for the fiscal period beginning July 1, 2005, and ending June 30, 2015, for providing certain economic development region financial assistance.

For the fiscal year beginning July 1, 2005, any entity that was specifically identified in 2001 Iowa Acts, Chapter 188, to receive funding from IDED, excluding any entity identified to receive a direct appropriation beginning July 1, 2005, may apply to the department for assistance through the appropriate program.

In providing moneys from the Shelter Assistance Fund to homeless shelter programs, IDED shall explore the potential of allocating moneys to programs based in part on their ability to move their clients toward self-sufficiency.

The Act appropriates moneys from moneys credited to the state by the Secretary of the Treasury of the United States pursuant to the Social Security Act to IWD for the administration of the Unemployment Compensation Program only.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision that prohibited IDED from charging a nonprofit, public entity a fee for placement of informational materials in a welcome center.

HOUSE FILE 810 - Appropriations — Administration and Regulation

BY COMMITTEE ON APPROPRIATIONS. This Act relates to, and appropriates around \$82.4 million from, the General Fund of the State, and around \$13.4 million from other funds, to various administrative and regulatory state departments, agencies and funds for FY 2005-2006. The Act also makes supplemental appropriations for FY 2004-2005 to the Iowa Ethics and Campaign Disclosure Board, the Governor's Office, and the Racing and Gaming Commission.

The state departments and agencies include the Department of Administrative Services (DAS); Auditor of State; Iowa Ethics and Campaign Disclosure Board; Department of Commerce; Office of Governor, including the Lieutenant Governor, Terrace Hill Quarters and Drug Control Policy Office; Department of Human Rights (including an appropriation for the Status of Iowans of Asian and Pacific Islander Heritage Division); Department of Inspections and Appeals (including racing and gaming regulation); Department of Management (DOM); Secretary of State (including an appropriation for new biennial reporting requirements for certain limited liability companies); Treasurer of State; Iowa Public Employees' Retirement System; and Department of Revenue.

Some of the appropriations in this Act were modified in H.F. 882, including reductions in appropriations for the Drug Control Policy Office, the Department of Revenue's operations, and the Health Facilities Council and increases appropriations for DAS and DOM.

The Act also appropriates funding for the state's membership in the National Governors Association and for security-related costs associated with the National Governors Association national meeting, but the funding levels are also reduced by H.F. 882.

All gifts, bequests and grants received by a department of the state or accepted by the Governor on behalf of the state shall be reported to the Iowa Ethics and Campaign Disclosure Board and the Senate and House Standing Committees on Government Oversight. The board is then required to submit by January 31 of each year a written report to the Fiscal Services Division of the Legislative Services Agency listing, for the previous calendar year, all gifts received of over \$1,000 and all gifts received by a particular state department from a person if the cumulative value of the gifts received from the person is over \$1,000. The purpose of each gift received and reported shall be included, if available, in the report. The State Board of Regents is exempt from this new requirement.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision requiring DAS to provide data processing services to support voter registration file maintenance and storage to the Secretary of State's Office at no charge. The item veto permits DAS to charge the Secretary of State for these services.

HOUSE FILE 811 - Appropriations — Justice System

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations from the General Fund of the State and the Healthy Iowans Tobacco Trust to various state departments and agencies working within the justice system of the state and makes other related Code changes. The Act is divided into divisions as follows:

Division I — General Fund Appropriations and Miscellaneous Code Changes

Division I makes appropriations from the General Fund of the State for FY 2005-2006 to the departments of Justice, Corrections, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, the Office of Public Defender, the Board of Parole, the Civil Rights Commission, and the Division of Criminal and Juvenile Justice Planning.

Under the division, the Iowa Law Enforcement Academy may charge more than one-half of the cost of providing the basic training course if a majority of the Iowa Law Enforcement Academy Council authorizes charging more than one-half of the costs.

A person who is authorized to pronounce individuals dead is required to notify the family of the individual who died that an autopsy will be required if the individual is a public safety officer who may have died in the line of duty and the family is seeking a federal public safety officer death benefit.

An inmate at a correctional facility may cut the hair of another person without obtaining a license.

Division II — Methamphetamine Bail Provisions

Division II requires a person charged with possession with the intent to manufacture methamphetamine to remain under supervision and undergo random drug tests as a condition of release on bail. The criminal offense of possession with intent to manufacture methamphetamine is added to the list of other methamphetamine-related offenses in S.F. 169 (see Criminal Law, Procedure & Corrections), which also requires a person to remain under supervision and undergo random drug tests as a condition of release on bail.

The division takes effect June 14, 2005.

Division III — Supplemental Appropriations

Division III makes supplemental appropriations from the General Fund of the State for FY 2004-2005 to the Department of Corrections for costs to establish a specialized mental health unit at Oakdale, general administration, and the judicial district departments of correctional services; the State Public Defender; the Division of Criminal Investigation and Bureau of Identification; the State Fire Marshal; and the Civil Rights Commission.

The division takes effect June 14, 2005.

Division IV — Appropriation From Healthy Iowans Tobacco Trust

Division IV makes an appropriation from the Healthy Iowans Tobacco Trust for FY 2005-2006 to the Department of Corrections for use by the judicial district departments of correctional services.

Division V — Contingent Appropriation From the Microsoft Settlement

Division V makes appropriations from the General Fund of the State for FY 2005-2006 to the Division of the Iowa State Patrol and to the Division of Criminal Investigation and Bureau of Identification. However, the funds appropriated in this division are contingent upon receipt by the General Fund of the State of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in the settlement of its antitrust action against Microsoft.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision making the appropriation to the Eighth Judicial District Department of Correctional Services contingent upon the establishment of a drug court using the community-panel model.
2. A provision requiring the State Fire Marshal to allocate moneys to inform agencies and emergency service providers of autopsy requirements under Code Section 144.56A.

HOUSE FILE 816 - Appropriations — Education

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for FY 2005-2006 from the General Fund of the State to the Department for the Blind, the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. The Act also creates an Institute for Tomorrow's Workforce and appropriates \$250,000 from the State General Fund for FY 2005-2006 to the Department of Management for the institute.

DEPARTMENT FOR THE BLIND. The Act appropriates moneys to the Department for the Blind for its administration.

COLLEGE STUDENT AID COMMISSION. The Act includes appropriations to the College Student Aid Commission for general administrative purposes, student aid programs, an initiative directing primary care physicians to areas of the state experiencing physician shortages, forgivable loans for Des Moines University -- Osteopathic Medical Center students, the National Guard Educational Assistance Program (see H.F. 882, which reduces this appropriation by \$75,000), and the Teacher Shortage Forgivable Loan Program.

The Act eliminates the \$465,175 statutory appropriation for the State of Iowa Scholarship Program; continues nullification of the \$2.75 million standing appropriation for the Iowa Work-Study Program for FY 2005-2006, but appropriates in session law \$140,000 for FY 2005-2006 for the program; and increases the standing appropriation for Iowa tuition grants and establishes that an amount equal to 10 percent of the appropriation must be reserved for distribution to students attending for-profit private institutions. The Act delays until July 1, 2006, the date by which institutions must provide a matching aggregate amount of institutional financial aid equal to 75 percent of the tuition grant assistance received by students attending the institutions. A student who attended Franciscan College prior to its sale to Bridgepoint Education, Inc., and who continues to enroll in the college under its new name, Ashford University, will receive tuition grant funding in an amount not less than the amount the student qualified for in FY 2004-2005. The commission must develop, in consultation with representatives from accredited for-profit private institutions, recommendations for a policy regarding the protection of educational consumers for inclusion in the statutory definition of "accredited private institution." The commission must submit its findings and recommendations to the Governor and the General Assembly by January 10, 2006.

DEPARTMENT OF CULTURAL AFFAIRS. The Act appropriates to the Department of Cultural Affairs for its arts, historical and administration divisions, historic sites, community cultural grants, the Iowa Great Places Initiative, and for archiving the records of Iowa governors.

DEPARTMENT OF EDUCATION. The Act appropriates moneys to the Department of Education for purposes of the department's general administration; vocational education administration; Division of Vocational Rehabilita-

tion Services; independent living; State Library for general administration and the Enrich Iowa Program; library service area system; Public Broadcasting Division; regional telecommunications councils; vocational education to secondary schools, school food service; Iowa Empowerment Fund; textbooks for nonpublic school pupils; Student Achievement and Teacher Quality Program; and community colleges. Of the funds allocated for the Iowa Empowerment Fund, the Act allocates moneys specifically to administer the new position of early childhood coordinator created by H.F. 761 (see Children & Youth), to implement an early childhood Iowa website, to assist low-income parents with preschool tuition, and to provide child care and preschool providers with ready access to high-quality professional development.

The department must work with the State Board of Regents and other appropriate eligible grantees to obtain any available federal funding, including grants that may be available for the establishment and operation of a teacher intern program.

The Board of Educational Examiners may retain 83 percent of the licensing fees it collects and is required to convene a working group, in consultation with the department, to work over the next three years to identify and recommend measures to improve Iowa's current teacher and administrator preparation and licensing practices.

In the event a nonpublic school relocates to an area served by another school district, the textbooks and technology purchased on behalf of nonpublic school students by a school district must be transferred to the school district in which the nonpublic school has relocated and may be made available to the nonpublic school.

In statutory language, the Act creates the "Institute for Tomorrow's Workforce, an Educational Foundation," as a public body corporate and politic to review educational standards; identify job skills and coursework necessary for success in the Iowa workforce; review the state's educational accountability measures; identify state and local barriers to improved student achievement, student success, and sharing efforts; identify effective education structure and delivery models; serve as a clearinghouse for innovative educational sharing and collaborative efforts; promote partnerships between private sector business and Iowa's education system; and identify ways to reduce the achievement gap. State moneys are allocated only to the extent that the state funds are matched on a one-to-one basis by the institute. The Act appropriates \$250,000 from the General Fund of the State to the Department of Management for the institute, but H.F. 882 reduces the appropriation by \$100,000. The chapter creating the institute is repealed effective July 1, 2015.

The department is directed to develop and make available to school districts examples of age-appropriate materials and lists of resources parents may use to teach their children regarding unwanted physical and verbal sexual advances.

The Act replaces a Code reference to the Reading Recovery Center with a reference to the Reading Recovery Council and requires the council to provide an annual report on use of the state funds to the department, the Legislative Services Agency, and the General Assembly. This provision takes effect June 6, 2005.

The deadlines by which teachers must register for and achieve National Board for Professional Teaching Standards Certification in order to qualify for a one-time initial reimbursement award or for an annual award are extended for an additional year, through June 30, 2006.

Funding from the Student Achievement and Teacher Quality Program is allocated to enable school districts to fund an additional teacher contract day, and for salaries, or, at a school district's discretion, professional development, or both. The Act reduces from two to one the number of additional teacher contract days each school district must provide by its fifth year of participation in the program.

The Act codifies a new state aid distribution formula for the allocation of moneys to each community college. The formula includes a base funding allocation, a marginal cost adjustment, a three-year rolling average of full-time equivalent enrollment (FTEE), an extraordinary growth adjustment, and, in years when the inflation factor is greater than 2 percent, the formula provides an inflation adjustment and an additional three-year rolling average FTEE allocation. Each community college must annually submit a student enrollment audit to the department. If a community college fails to provide the department with information annually in the manner and form determined by the department, the department must estimate the community college's enrollment.

The Executive Director of the Board of Educational Examiners must annually review the board's administrative rules and submit findings and recommendations to the board and the chairpersons and ranking members of the Senate and House Standing Committees on Education and the Joint Appropriations Subcommittee on Education by January 15.

The Act appropriates moneys to the State Board of Regents for the board office, for tuition replacement, universities' general operating budgets, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, Iowa's obligation as a member of the Midwestern Higher Education Compact, the State University of Iowa, Iowa State University of Science and Technology, the University of Northern Iowa, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and for tuition and transportation costs for students residing in the Iowa Braille and Sight Saving School, and the Iowa School for the Deaf.

The funds allocated for regents universities operating budgets are to be used to support the Partnership for Transformation and Excellence, a four-year partnership plan created by the board to enhance the regents' strategic priorities for educational quality and public accountability, and to pay Iowa's member state annual obligation as a member of the Midwestern Higher Education Compact. Iowa State University is directed to prepare and submit a report on the operation of the Veterinary Diagnostic Laboratory to the Governor and the General Assembly not later than October 1, 2005.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A requirement that the Board of Educational Examiners convene a working group to review educator licensing over a three-year period.
2. A requirement that the State Board of Regents, the Department of Management, and the Legislative Services Agency determine and agree upon the amount that needs to be appropriated for tuition replacement for FY 2006-2007.
3. A requirement that the Department of Education establish a value-added assessment system. The \$1 million allocated for purposes of the system from the Student Achievement and Teacher Quality Program is also item-vetoed, which makes the moneys available for distribution to school districts for salaries and career development.
4. An allocation of \$5,000, from the appropriation to the Student Achievement and Teacher Quality Program, to be used by the Department of Education to conduct a study of the impact National Board for Professional Teaching Standards certification of Iowa's teachers has on student achievement and the advisability of continuing state funding for annual awards for certification achievement and registration fee reimbursement awards.

HOUSE FILE 825 - Appropriations — Health and Human Services

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs (DEA), the Iowa Department of Public Health (IDPH), the Commission of Veterans Affairs, the Iowa Veterans Home, and the Department of Human Services (DHS). The Act codifies many provisions that in previous years were included as part of appropriations language. The Act is organized into divisions.

Division I provides for State General Fund and federal block grant appropriations.

DEPARTMENT OF ELDER AFFAIRS. The Act appropriates funding to DEA for aging programs and area agencies on aging. Funding is transferred from the appropriation to the Office of the Governor for the Iowa Commission on Volunteer Service for the Retired and Senior Volunteer Program.

IOWA DEPARTMENT OF PUBLIC HEALTH. The Act appropriates funds to IDPH, including funds for addictive disorders, adult wellness, child and adolescent wellness, chronic conditions, community capacity, elderly wellness, environmental hazards, infectious diseases, injuries, public protection, and resource management. The Act also transfers funding from the Medicaid Program appropriation to contract for a program to develop an Iowa collaborative safety net provider network and for an incubation grant program to qualified community

health centers. The Act appropriates funds from the Gambling Treatment Fund in lieu of the standing appropriation in Code Section 135.150 for addictive disorders and provides for use of the funds remaining in the fund.

COMMISSION OF VETERANS AFFAIRS AND IOWA VETERANS HOME. The Act appropriates funds from the General Fund of the State to the Commission of Veterans Affairs and the Iowa Veterans Home. Of the funds appropriated to the Commission of Veterans Affairs, \$50,000 is to be used to contract with the Iowa Commission on Volunteer Service to utilize local veterans affairs commissions and the Retired and Senior Volunteer Program to increase utilization by eligible individuals of benefits available through the federal Department of Veterans Affairs, and \$75,000 is to be used for the commission's costs associated with these contracts.

DEPARTMENT OF HUMAN SERVICES. The Act makes appropriations from the General Fund of the State and other funds to DHS and includes other appropriations and provisions involving human services and health care.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT (TANF). The Act appropriates moneys from the federal TANF Block Grant for a number of purposes, including the Family Investment Program (FIP); the Job Opportunities and Basic Skills (JOBS) Program and FIP agreements; field operations; general administration; local administrative costs; child care assistance, including funding for provision of educational opportunities to registered child care home providers; mental health and developmental disabilities community services; child and family services; child abuse prevention grants; pregnancy prevention grants; technology needs and other resources to meet federal welfare reform requirements; the Healthy Opportunities for Parents to Experience Success (HOPES) Program; and state child care assistance. In addition, the Act appropriates block grant moneys for community-based programs targeted to children from birth through five years of age and developed by community empowerment areas. The Act appropriates funds to establish a pilot project in a judicial district selected by DHS and the Judicial Council to provide employment and support services to delinquent child support obligors as an alternative to commitment to jail as punishment for contempt of court.

FAMILY INVESTMENT PROGRAM. Under federal TANF welfare reform provisions, federal funding is provided for FIP in the form of an annual block grant to the state. Consequently, the Act includes combined FIP and FIP-related program appropriations from the General Fund of the State and the block grant. These appropriations are directed to the Family Development and Self-Sufficiency Grant Program, the diversion subaccount of the FIP Account, and the Food Stamp Employment and Training Program.

The Act provides that \$100,000 of the funds appropriated are to be used to provide a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit.

CHILD SUPPORT RECOVERY UNIT (CSRU). The Act continues the Iowa Child Support Public Awareness Campaign located in the Office of the Attorney General and continues to direct DHS to issue federal access and visitation grant moneys directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation site and mediation services.

MEDICAL ASSISTANCE (MEDICAID). The Act continues Medicaid Program provisions required in previous years. The Act includes new language to provide for the transfer of funds under the Medicaid appropriation section to field operations or general administration for implementation and operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

The Act directs DHS under the Medicaid Program to expand the Health Insurance Data Match Program to also match insureds against a listing of hawk-i Program enrollees, to provide educational opportunities to providers to improve payment accuracy by avoiding mistakes and overbilling, to modify billing practices to allow for collection of rebates from prescription drug manufacturers for purchase of injectable drugs administered in physician's offices, to adjust managed care capitation payments to optimize family planning claiming, and to expand coverage to cover smoking cessation drugs and weight reduction treatments and drugs. The Act also directs the Medical Assistance Pharmaceutical and Therapeutics Committee to develop options for increasing the savings relative to psychotropic drugs while maintaining patient care quality.

HEALTH INSURANCE PREMIUM PAYMENT PROGRAM, MEDICAL CONTRACTS, STATE SUPPLEMENTARY ASSISTANCE (SSA), AND CHILDREN'S HEALTH INSURANCE PROGRAM. The Act makes appropriations to continue the

Health Insurance Premium Payment Program, which provides payment for private health insurance in lieu of Medicaid Program coverage; provides funding for contracted services associated with the Medicaid Program; appropriates funding for SSA and the Medicaid Program home and community-based services waiver rent subsidy; and appropriates funds for the state children's health insurance program known as the Healthy and Well Kids in Iowa (hawk-i) Program.

CHILD CARE ASSISTANCE. The Act provides an appropriation for the State Child Care Assistance Program and child day care resource and referral services. DHS is required to increase the upper income eligibility limit for the program from 140 to 145 percent of the federal poverty level, and for families with a special needs child from 175 to 200 percent of the federal poverty level. These changes take effect September 1, 2005. Additional funding is provided to implement the voluntary quality rating system authorized in H.F. 761 (see Children & Youth).

JUVENILE INSTITUTIONS. The Act makes appropriations to the Iowa Juvenile Home at Toledo and the State Training School at Eldora.

CHILD AND FAMILY SERVICES. The Act appropriates funds for child and family services, provides for continuation of the funding cap for group foster care, and continues previous requirements for child welfare services.

New funding is provided for child welfare system improvements involving family team meetings; recruiting, training and development of additional resource families who care for children removed from home; flexible funding for field staff; funding of emergency beds for shelter care; and expansion of community partnerships to prevent child abuse.

DHS is required to revise policies applicable when a breastfeeding infant is removed from the infant's home to allow the infant's mother to continue to breastfeed when that contact is in the infant's best interest.

ADOPTION SUBSIDY. The Act makes a separate appropriation for the Adoption Subsidy Program. In previous years, the program was part of the child and family services appropriation.

JUVENILE DETENTION HOME FUND. The Act addresses the Juvenile Detention Home Fund, consisting of funds collected by the Iowa Department of Transportation (IDOT) at the time IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges. Moneys in the fund are to be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes; renewal of a grant to a county for implementation of its runaway treatment plan; continuation and expansion of the community partnership for child protection sites; continuation of the minority youth and family projects under the child welfare redesign; implementation of runaway treatment plans; and remaining treatment plan grants.

FAMILY SUPPORT SUBSIDY PROGRAM AND CONNOR DECREE. The Act provides an appropriation for the Family Support Subsidy Program and makes an appropriation to continue coordination and training opportunities associated with disability services in accordance with the Connor decree.

MENTAL HEALTH INSTITUTES AND STATE RESOURCE CENTERS. The Act provides appropriations to the mental health institutes at Cherokee, Clarinda, Independence, and Mount Pleasant and makes appropriations for the resource centers at Glenwood and Woodward utilizing a net State General Fund appropriation.

STATE CASES. The Act makes an appropriation from the General Fund of the State for mental illness, mental retardation, and developmental disabilities state cases. The Act also allocates \$100,000 from the funds received through the federal Community Mental Health Center Block Grant for state cases.

MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD) SERVICES FUNDING. The Act includes a number of provisions affecting provision of state funding of MH/MR/DD services provided to adults by counties. One provision relates to funding for MH/MR/DD services growth. Under current law, the state is required to annually provide funding for the growth in county MH/MR/DD services expenditures. The Act continues a practice begun in 2001 by combining the moneys appropriated for growth and the moneys appropriated for the MH/MR/DD Community Services Fund and applies a reduction to formula distribution amounts based upon the relative size of a county's ending balance.

SEXUALLY VIOLENT PREDATORS. The Act appropriates funding for payment of costs associated with the commitment and treatment of sexually violent predators at the Mental Health Institute at Cherokee.

FIELD OPERATIONS, GENERAL ADMINISTRATION, AND VOLUNTEERS. The Act includes appropriations for DHS field operations, general administration, and volunteers. Funding is also allocated for the Prevention of Disabilities Policy Council.

MEDICAID, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICES PROVIDERS REIMBURSED UNDER DHS. In addition to health care providers, reimbursement rates are established for social services providers. In general, reimbursement rates are increased by 3 percent over the rates in effect on June 30, 2005. Additionally, appropriations from the Senior Living Trust Fund and other special funds increase reimbursements of some of these providers.

The Act provides a limitation to the budget for nursing facilities for FY 2005-2006 and provides for adjustment of portions of the rate calculation. An amendment to session law relating to nursing facilities using a case-mix methodology revises the excess payment allowance for those facilities with direct care and indirect care costs at certain percentages below the median.

The Act continues a limitation on reimbursement of pharmacy dispensing fees and provides for the establishment of a fixed fee reimbursement schedule for home health agencies beginning July 1, 2005.

Beginning September 1, 2005, the reimbursement rates for child care providers reimbursed under the State Child Care Assistance Program are to be based on the rate reimbursement survey completed in December 2002.

SHELTER CARE REQUEST FOR PROPOSALS (RFP). The Act directs DHS to amend the RFP issued on April 15, 2005, for a program to provide for statewide availability for emergency juvenile shelter care for FY 2005-2006, to increase the statewide daily average number of beds to 288 in order to include 15 unallocated beds statewide for emergency placement. If the enactment date of the Act does not allow sufficient time to amend the RFP, DHS shall apply the requirement in the negotiations and include it in the final contract.

OTHER PROVISIONS. Moneys appropriated for FY 2004-2005 for the following purposes do not revert but remain available for FY 2005-2006:

1. For child welfare system redesign, moneys originally appropriated for FY 2003-2004 and carried forward, are carried forward for an additional year to be used for child and family services.
2. Of the moneys appropriated for the Iowa Veterans Home, \$ 1 million, to be used for the same purpose.
3. For the federal food stamp electronic benefit transfer requirement to be used for the same purposes.
4. For field operations to be used for the same purpose, with up to 50 percent to be used for implementation and operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

If legislation is enacted relating to medical and surgical treatment of indigent patients as provided in Code Chapter 255 that conflicts with the provisions of H.F. 841 (see Human Services), including those provisions relating to a quota, the provisions of H.F. 841 prevail.

SENIOR LIVING TRUST FUND, HOSPITAL TRUST FUND, AND PHARMACEUTICAL SETTLEMENT ACCOUNT. Division II makes appropriations from the Senior Living Trust Fund, the Hospital Trust Fund, and the Pharmaceutical Settlement Account.

An appropriation is made to DEA for a Comprehensive Senior Living Program; to the Department of Inspections and Appeals (DIA) for inspection and certification of assisted living facilities and adult day services; to DHS to supplement the Medicaid appropriation (see H.F. 882, which increases this appropriation and reduces the General Fund appropriation), for reimbursement for health care services through the home and community-based services waiver and the State Supplementary Assistance Program, and to implement nursing facility provider reimbursements; and to the Iowa Finance Authority (IFA) to provide for reimbursement for rent expenses to eligible persons.

Funds are appropriated to DHS from the Hospital Trust Fund to supplement the appropriations for the Medicaid Program and from the Pharmaceutical Settlement Account to DHS to supplement the appropriations made for Medicaid contracts.

The Act provides that appropriations from the General Fund of the State, the Senior Living Trust Fund, the Hospital Trust Fund, and the Healthy Iowans Tobacco Trust to DHS for the Medicaid Program appropriation for FY 2005-2006 that remain unencumbered or unobligated at the close of the fiscal year are not to revert but are to be transferred to the Senior Living Trust Fund.

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY SERVICES. Division III appropriates and distributes state funding for MH/MR/DD/BI services provided by counties. A portion of the funding appropriated for a risk pool is transferred to the appropriation for the Medicaid Program.

CODE CHANGES. Division IV makes Code changes involving older Iowans and health, human services, and veterans programs. Most of the changes codify provisions that had been included as part of appropriation language in prior years.

Code Section 15H.3 is amended to provide that the terms of the members of the Commission on Volunteer Service begin July 1.

Code Section 16.184 establishes the Transitional Housing Revolving Loan Program Fund within the IFA to further the availability of affordable housing for parents that are reuniting with their children while completing or participating in substance abuse treatment. Funding for the program is appropriated in H.F. 875.

Code Section 28.9, creating the Iowa Empowerment Fund, is amended to provide for distribution to community empowerment areas of moneys credited to the Early Childhood Programs Grant Account by DHS.

Code Section 35D.18 provides for operation of the Iowa Veterans Home through the use of a net appropriation from the General Fund of the State.

Code Section 84A.26, relating to employment and training programs operated by the Department of Workforce Development (IWD), is amended to require IWD to consult with DHS in developing and implementing departmental recruitment and training practices that address the needs of former and current FIP participants.

Code Chapter 125 is amended to eliminate the Commission on Substance Abuse and to transfer the commission's duties to the State Board of Health. The board's membership is expanded to include two members with a background in substance abuse prevention and treatment. Conforming changes are made in other Code sections.

New Code Section 135.39C requires IDPH to implement elderly wellness services in a manner that makes the department the payor of last resort.

Code Section 135.150, relating to gambling treatment programs, is amended to prohibit a person from maintaining or conducting a gambling treatment program funded under the section unless the person has obtained a license for the program from IDPH.

Code Section 136C.10, relating to fees collected by IDPH from regulation of radiation machines and radioactive materials, is amended to authorize IDPH to retain the fees.

Code Section 144.13A, providing for appropriation of a portion of certificate of birth fees for child abuse prevention and the Center for Congenital and Inherited Disorders Central Registry, is amended to provide that the appropriation does not revert at the close of the fiscal year.

New Code Section 144.46A creates a new Vital Records Fund, incorporating the Vital Records Modernization Project as a permanent authority of IDPH. IDPH is authorized to increase fees for vital records services. The fee increase proceeds are credited to the new Vital Records Fund and are appropriated for the technology used for vital records and for other vital records activities. The project was originally authorized in 1993 and annually reauthorized in appropriations legislation since then.

New Code Section 147.28A directs IDPH to utilize scope of practice review committees to evaluate and make recommendations concerning health professional licensing requests, scope of practice requests, and unresolved disputes between health professionals concerning rulemaking authority. IDPH is authorized to retain a portion of licensing fees for the costs of scope of practice review committees. This section is repealed July 1, 2007.

Code Section 147.82, relating to examination, licensing and other fees for regulation of health professions, under prior law required the fees to be credited to the General Fund of the State. The Act amends Code Section 147.82 to list exceptions to the requirement that have been annually included in appropriations legislation for a number of years by allowing IDPH to retain certain fee amounts for certain purposes. The purposes include expenses associated with a scope of practice review committee or unanticipated litigation; a specified amount for lease and maintenance expenses for the boards of Dental Examiners, Pharmacy Examiners, Medical Examiners, and Nursing; a specified amount for processing medical license requests and consideration of malpractice cases by the Board of Medical Examiners; and a specified amount for the Board of Dental Examiners' regulation of dental assistants. In addition, the health and health-related examining boards subject to Code Chapter 147 are authorized to retain and expend 90 percent of the increase in fees above the amounts in effect as of a base date. The authority relating to fee increases is also provided in Code Section 154A.22 relating to hearing aid dispensers and to Code Section 155.6 relating to nursing home administrators.

The Act amends Code Section 217.13, relating to the requirement for DHS to implement volunteer programs, to provide that volunteers can be used for any functions that complement and supplement the department's work with clients.

New Code Section 217.35 makes a contingent appropriation to DHS of recovered moneys generated through fraud and recoupment activities to be used for additional recovery activities of DHS and DEA. The Director of Human Services must make a determination that there will be an increase in recoveries exceeding the amount recovered in the previous fiscal year, and the amount expended for additional fraud and recoupment activities cannot exceed the additional amount recovered. If the appropriation is utilized, a requirement in Code Section 239B.14 for deposit of recovered FIP moneys in that program's account is superseded.

New Code Section 218.6 authorizes DHS to transfer between the institutional appropriations made for the same type of institution without the prior approval of the Governor and the Department of Management.

New Code Sections 222.92, 226.9B and 226.9C provide for operation of the state resource centers, a psychiatric medical institution for children located at the Mental Health Institute at Independence, and a dual diagnosis mental health and substance abuse treatment program located at the Mental Health Institute at Mount Pleasant through the use of a net appropriation from the General Fund of the State.

Code Section 226.19, relating to discharge of patients from a state mental health institute, is amended to require the discharge planning for a patient whose care is paid for by the state or a county to include assistance to the patient in obtaining eligibility for the federal Supplemental Security Income Program.

The Act amends Code Section 227.4 to correct the reference to developmental disabilities, which should be to mental retardation.

Code Section 229A.12, relating to the responsibility of the Director of Human Services for the costs incurred on behalf of a person committed to the Unit for Sexually Violent Predators, is amended to provide that benefits received by the person under the federal Social Security Act shall be applied against the costs.

New Code Section 231.34 limits the percentage amount of the moneys allocated to the area agencies on aging that may be used for administrative purposes.

New Code Section 232.1A provides that the annual goal for the percentage of children placed in foster care for more than 24 months is 15 percent or less.

Code Sections 233A.1 and 233B.1 are amended to provide that the number of children present at any one time at the State Training School at Eldora or the Iowa Juvenile Home at Toledo cannot exceed the populations guidelines established pursuant to a 1990 enactment, as adjusted for subsequent changes in capacity.

Code Section 234.12A, relating to the Electronic Benefits Transfer Program administered by DHS, is amended to require DHS to maintain the program. Under prior law, operation of the program was authorized but not mandated.

Code Section 237A.28, establishing the Child Care Credit Fund, is amended to make a standing appropriation of the proceeds in the fund to DHS for the State Child Care Assistance Program for low-income families.

Code Section 239B.4, relating to the duties of DHS involving FIP, is amended to require DHS to work with IWD and local collaborative efforts in providing support services to FIP participants. In addition, DHS is required to increase the availability of host homes to provide a supportive living arrangement for minor parents participating in FIP.

The Act amends Code Section 239B.11 provisions relating to the diversion subaccount of the FIP Account to provide additional purposes for which the funding may be used and to require the program to be operated statewide while allowing for local flexibility.

Code Section 249.3, relating to persons who may be eligible for the State Supplementary Assistance Program at the option of DHS, is amended to decrease the upper income eligibility limitation and to change the requirement relative to receiving benefits under the Medicaid Program.

Code Sections 249A.12, 249A.26 and 249A.26A are amended to address state and county participation in funding for persons with mental retardation and disabilities, including case management services.

Code Section 249A.24, relating to the Medicaid Program Drug Utilization Review Commission, is amended to require the commission to submit an annual review of the drugs on the prescription drug prior authorization list.

New Code Section 249A.32A establishes various procedural and funding requirements for home and community-based services waivers implemented under the Medicaid Program.

New Code Section 249A.32B requires DHS to continue the Early and Periodic Screening, Diagnosis, and Treatment Services Program under the Medicaid Program and to involve other departments.

Code Section 252B.4 is amended to authorize DHS to retain and expend the fees collected for providing child support collection services.

Code Section 252B.23 authorizes DHS to retain and expend child support collection surcharges for the costs of contracts with a collection entity.

New Code Section 252B.25 authorizes DHS to add new positions to the CSRU if the new positions along with the current positions can reasonably be expected to maintain or increase net state revenue beyond the level budgeted for the fiscal year. In addition, DHS is authorized to add state employees to the CSRU or contract for services if necessary to replace county-funded positions eliminated due to a termination, reduction or nonrenewal of a Code Chapter 28E contract.

Code Section 505.25, requiring health insurance carriers to enter into a data match program with DHS to compare the names of the carriers' insureds with recipients of the Medicaid Program, is amended to also compare the names with enrollees of the hawk-i Program.

Code Section 514I.11 is amended to appropriate moneys in the hawk-i Trust Fund to DHS and to allow for transfer of the moneys in the trust fund to expand health care coverage to children under the Medicaid Program.

Code Section 600.17 is amended to require DHS to make subsidized adoption payments at the beginning of the month.

SUBSTITUTE DECISION MAKER ACT. Division V establishes new Code Chapter 231E, creating a state Office of Substitute Decision Maker within the Department of Elder Affairs and providing for the establishment of local offices within each of the department planning and service areas by July 1, 2015. The purpose of the office is to provide substitute decision-making services, which include the services of a guardian, conservator, represen-

tative payee, attorney in fact under a power of attorney, and personal representative for estates, to adults and estates for whom or which no other substitute decision maker is available to provide the services. DEA is authorized to establish fees for the services of the state or a local substitute decision maker, which may be based on income. The fees collected are to be deposited in the General Fund of the State and are appropriated to DEA for the purposes of administering the chapter.

Implementation of the new chapter is subject to availability of funds as determined by the department.

LONG-TERM LIVING SYSTEM. Division VI enacts new Code Section 231F.1, which states the intent for Iowa's Long-Term Living System.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision requiring DHS to adopt rules relating to the time frames for response and notice related to products being considered by the Pharmaceutical and Therapeutics Committee.
2. A provision requiring that if DHS had data indicating that a geographic area has a substantial number of persons with mental illness who are homeless and are not being served by an existing grantee for that area under the formula grant from the federal Alcohol, Drug Abuse, and Mental Health Administration to provide mental health services for the homeless, and the existing grantee had expressed a desire to no longer provide services or the grantee's contract was terminated for nonperformance, DHS was to issue a request for proposals to replace the grantee. Otherwise, DHS was to continue to contract with the existing grantee.

HOUSE FILE 862 - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust for FY 2005-2006.

The Act makes appropriations involving the Medical Assistance (Medicaid) Program to the Department of Human Services for reimbursement of or cost-of-living adjustments for certain service providers, for child and family services and adoption subsidy services, for supplementation of the children's health insurance program appropriation, and for general administration of health-related programs.

The Act appropriates funds to the Iowa Department of Public Health (IDPH) for the Tobacco Use Prevention and Control Initiative, for provision of smoking cessation and smoking-related diseases products, and for additional substance abuse treatment under the Substance Abuse Treatment Program.

The Act appropriates funds to IDPH for development of a Healthy Iowans 2010 Plan for core public health functions, for implementation and support of a coordinated system of delivery of trauma and emergency medical services, for the State Poison Control Center, for development of scientific and medical expertise in environmental epidemiology, and for the Childhood Lead Poisoning Prevention Program.

The Act appropriates funds to IDPH for the Automated External Defibrillator Grant Program and for implementation and maintenance of a public access defibrillation plan to provide access to automated external defibrillators throughout the Capitol Complex. Additionally, the Act appropriates funds for the Center for Congenital and Inherited Disorders.

The Act appropriates funds to IDPH for a grant program to provide substance abuse prevention programming for children through a sole source contract; a grant program to utilize high school mentors to teach life skills, violence prevention, and character education in an effort to reduce the illegal use of alcohol, tobacco, and other substances through a sole source contract; and a grant program to provide substance abuse prevention programming, including tobacco use prevention programming for children through a request for proposals process (see H.F. 882 for fund reductions in child programs).

The Act appropriates funds to the Department of Corrections for day programming, the Drug Court Program, and a value-based treatment program at the Newton Correctional Facility.

The Act appropriates funds to the Department for the Blind to plan, establish, administer, and promote a state-wide program to provide audio news and information services to blind or visually impaired persons.

The Act appropriates funds to the Property Tax Relief Fund for assistance to counties with limited county mental health, mental retardation, and developmental disabilities services fund balances to continue reimbursement increases to service providers in the same amount as provided in FY 2000-2001.

The Act appropriates funds to the Iowa Empowerment Fund for deposit in the School Ready Children Grants Account and to the Department of Corrections for operation and staffing of the special needs unit at the Fort Madison Correctional Facility.

The Act also transfers \$7.6 million from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund created in Code Section 12E.12 to the Healthy Iowans Tobacco Trust created in Code Section 12.65.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

The appropriation to the Department of Corrections for a value-based treatment program at the Iowa Correctional Institution for Women at Mitchellville.

HOUSE FILE 875 - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and makes appropriations for FY 2005-2006 to state departments and agencies from the Rebuild Iowa Infrastructure Fund (RIIF), Environment First Fund, Tobacco Settlement Trust Fund, Vertical Infrastructure Fund, and General Fund of the State for various infrastructure projects and other purposes, creates the Honey Creek Premier Destination Park Bond Program and Authority, and provides for the issuance of tax-exempt bonds.

Division I — State General Fund

Division I appropriates from the State General Fund to the Department of Education for replacement of lost indirect costs and to the Department of Public Safety for Capitol Building and Judicial Branch Building security.

Division II — Stormwater Discharge Permit Fees

Division II appropriates from the stormwater discharge permit fees to the Department of Natural Resources (DNR) for full-time personnel to conduct air quality monitoring.

Division III — Rebuild Iowa Infrastructure Fund

Division III appropriates from RIIF for projects of the departments of Administrative Services, Corrections, Cultural Affairs, Economic Development, Education, Human Services, Natural Resources, Public Safety, and Transportation, and the Iowa Finance Authority, National Program for Playground Safety at the University of Northern Iowa, Iowa State Fair Authority, and State Board of Regents. The appropriations to the DNR in this division include \$1.5 million for expansion and improvement of Waubonsie State Park and \$3 million for the planning, design and construction of a destination park (see Division X).

The appropriation to the Iowa Finance Authority provides funding for the Transitional Housing Revolving Loan Program created in H.F. 825.

The division appropriates from RIIF for FY 2006-2007 and FY 2007-2008 for projects of the departments of Administrative Services and Corrections.

The division also appropriates from RIIF to the Vertical Infrastructure Fund for FY 2006-2007, FY 2007-2008, and FY 2008-2009 the sums of \$15 million, \$50 million, and \$50 million, respectively.

The division provides that beginning with FY 2006-2007, all revenues derived from the motor fuel tax collected from fuel used in watercraft are to be deposited into RIIF.

Division IV — Environment First Fund

Division IV appropriates funds from the Environment First Fund to the departments of Agriculture and Land Stewardship, Economic Development, and Natural Resources. The division appropriates \$11 million from the Environment First Fund to the Resources Enhancement and Protection Fund in lieu of the \$20 million appropriated by statute from the General Fund of the State. The Blufflands Protection Program and Blufflands Protection Revolving Fund, which were scheduled for repeal on July 1, 2005, are extended to July 1, 2015.

Division V — Tobacco Settlement Trust Fund

Division V makes appropriations from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund for projects for the departments of Administrative Services, Corrections, Economic Development, Human Services, Public Safety, and Transportation, and the Iowa Telecommunications and Technology Commission.

The division also appropriates funds from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the State Board of Regents for tuition replacement and to the Treasurer of State for debt service for repayment of prison infrastructure bonds.

Division VI — Vertical Infrastructure Fund

Division VI appropriates funds from the Vertical Infrastructure Fund for capital projects of the departments of Administrative Services, Cultural Affairs, Economic Development, and Public Defense, and the Treasurer of State.

The division also appropriates from the Vertical Infrastructure Fund to the Department of Administrative Services for major renovation and repairs for FY 2006-2007, FY 2007-2008, and FY 2008-2009, the sums of \$10 million, \$40 million, and \$40 million, respectively.

Division VII — Railroad Revolving Loan and Grant Fund

Division VII amends Code Section 327H.20A to change the Railroad Revolving Loan Fund to the Railroad Revolving Loan and Grant Fund to allow moneys in the fund to be used for both grants and loans for rail economic development projects and for rail assistance purposes. Control of the fund is transferred from the Iowa Department of Transportation (IDOT) to the Railway Finance Authority. No more than 50 percent of available moneys may be awarded as grants in any year, and the authority may limit the grant amount that may be awarded for a given project. Amounts in excess of anticipated state rail assistance loan repayments in FY 2004-2005 and FY 2005-2006 are appropriated to the Railroad Revolving Loan and Grant Fund. Beginning in FY 2006-2007, all moneys from state rail assistance loan repayments are to be credited to the fund. Conflicting and obsolete Code provisions relating to rail assistance are repealed.

Division VIII — Iowa Communications Network

Division VIII amends provisions relating to the Iowa Communications Network by requiring the Iowa Telecommunications and Technology Commission to consider all costs of the network in establishing the hourly rates to be charged to all authorized users of the network. In addition, the fees for use of the network and state communications shall be based on the ongoing expenses of the network and of providing state communications, rather than the ongoing operational costs of the network and of providing state communications only.

Division IX — Access Iowa Highways

Division IX provides that IDOT shall designate portions of the commercial and industrial network of highways as Access Iowa Highways and shall expedite and accelerate development of Access Iowa Highways. When designating those portions of the commercial and industrial network as Access Iowa Highways, IDOT shall consider the direct and priority linkages between economic centers within the state with populations of 20,000 or more and the enhancement of intrastate mobility and Iowa regional accessibility and national accessibility. The goal of the Access Iowa Plan as formulated by the General Assembly is to enhance the existing Iowa economy and ensure its continuing development and growth. The provisions are repealed effective July 1, 2015.

Division X — Honey Creek Premier Destination Park Bond Program

Division X establishes the Honey Creek Premier Destination Park Bond Program and Authority and provides for the issuance of tax-exempt bonds by the authority which result in bond proceeds of not more than \$28 million deposited in the Honey Creek Premier Destination Park Bond Fund. Any moneys in the fund shall be used to develop and construct a destination park near Centerville, including lodges, campgrounds, cabins, and golf courses in the park. The authority, in consultation with the DNR, determines which projects to fund. Moneys appropriated in the Act to the DNR are available only to fund projects that contain a match of \$4 of private funds for each \$3 of state funds. Division III contains a \$3 million appropriation from RIIF for purposes of the destination park.

The division takes effect June 15, 2005.

HOUSE FILE 881 - Compensation for Public Employees and Additional Provisions

BY COMMITTEE ON APPROPRIATIONS. This Act relates to the funding for FY 2005-2006 of salary increases for state elected executive officers, state appointed nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, and certain noncontract employees. Salary provisions involving members of the General Assembly take effect in 2007. State Board of Regents employees are excluded (see H.F. 882 for increase in funding).

The annual salaries of the state elected executive officers are increased by approximately 17.3 percent except for the Governor's and Lieutenant Governor's salaries, which increase approximately 21 percent and 35 percent, respectively. The annual salaries of the justices, judges, and judicial magistrates are increased by approximately 4.5 percent.

The Act increases the maximum salary that may be paid state appointed nonelective officers by 13 percent.

The Act provides supplemental authorization to fund salaries from trust, revolving and special funds for which the General Assembly has established a budget, except for State Board of Regents employees.

The Act provides for sick leave conversion programs for executive branch employees not covered by a collective bargaining agreement, excluding State Board of Regents employees.

The Act increases the pay of the members of the General Assembly, except for the leadership, from \$21,380.54 to \$25,000. The leadership's increase in pay is from \$32,974.06 to \$37,500, with the President Pro Tem's and Speaker Pro Tem's annual salary increasing from \$22,623.84 to \$27,000. The Act also increases the per diem from \$86 to the maximum amount allowed by the executive branch of the federal government while away from home at the seat of government, with Polk County legislators receiving three-fourths of that amount while the General Assembly is in session. The Act increases the monthly legislative district constituency allowance from \$200 to \$300.

The provisions relating to the compensation and benefits of the members of the General Assembly in the Act take effect upon the convening of the Eighty-second General Assembly, 2007 Session.

Members of the Racing and Gaming Commission are to receive an annual salary of \$10,000.

For purposes of the budgeting process and the State General Fund Expenditure Limitation Law for FY 2005-2006, the revenue estimate made by the Revenue Estimating Council on April 8, 2005, is to be used.

HOUSE FILE 882 - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes

BY COMMITTEE ON APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters.

The Act is organized into divisions as follows:

Division I — MH/MR/DD Allowed Growth Funding

Division I appropriates approximately \$35.8 million for FY 2006-2007 for distribution to counties for allowed growth in mental health, mental retardation, and developmental disabilities services expenditures.

Division II — Standing Appropriations

Division II addresses standing appropriations and various budget provisions.

For the budget process performed in fall 2005 for purposes of FY 2006-2007, in lieu of providing budget information based upon 75 percent of the funding provided for the previous fiscal year as otherwise required by Code Section 8.23, executive branch agencies are required to submit information for proposed expenditures as required by the Director of the Department of Management (DOM) after consultation with the Legislative Services Agency. The information is required to be prioritized by results to be achieved and accompanied by performance measures.

The standing unlimited appropriations for FY 2005-2006 made for the following purposes are limited: instructional support state aid, at-risk children programs, payment of nonpublic school transportation, the Educational Excellence Program to improve teacher salaries, state share of peace officers' retirement benefits, and payment of livestock production tax credit refunds.

In addition, for FY 2005-2006, the following property tax credits are funded from the Property Tax Credit Fund created in the division instead of the General Fund of the State: homestead, agricultural land and family farm, military service, and elderly and disabled tax credit and reimbursement.

The standing appropriation for Special Olympics programs is increased from \$30,000 to \$50,000.

Code Section 257.35, relating to state aid to schools provided for area education agencies, is amended to continue a reduction in that funding of \$11.8 million.

The appropriation under Code Section 8.57(1) of up to 1 percent of the adjusted revenue estimate for FY 2005-2006 from the State General Fund to the Cash Reserve Fund shall not be made for FY 2005-2006.

Division III — Other Appropriations

Division III provides for, increases, or decreases appropriations made in the Code or during the 2005 Legislative Session.

Appropriations are made from the General Fund of the State to the Department of Cultural Affairs for grants to nonprofit music entities and for costs associated with the Great Places Program and to the Homeland Security and Emergency Management Division for the Iowa Civil Air Patrol.

Rebuild Iowa Infrastructure Fund moneys are appropriated for purposes of the Enrich Iowa Libraries Program and for renovation and repair of community college buildings and facilities in FY 2006-2007, FY 2007-2008, and FY 2008-2009.

An appropriation to the Office of the Governor originally made in 2004 and amended in H.F. 810 for purposes of the National Governors Association national meeting is reduced.

The appropriation made for state employee salary adjustment in H.F. 881 is increased by \$2.5 million to \$40.9 million.

Healthy Iowans Tobacco Trust funding is appropriated to the Iowa Department of Public Health (IDPH) to leverage federal funding for AIDS drug assistance. Appropriations made from the trust in H.F. 862 for various grant programs directed to children are reduced.

An appropriation of \$5 million is made from the Iowa Comprehensive Petroleum Underground Storage Tank Fund for deposit in the Watershed Improvement Fund created in S.F. 200 (see Agriculture).

Appropriations of \$160,000 are made to provide grants during FY 2005-2006 to assist with the costs of special food needed by patients who have phenylketonuria (PKU).

2001 Iowa Acts, Chapter 174, Section 1, subsection 2, which appropriates moneys from the State General Fund to Iowa's Health Account of the Tobacco Settlement Trust, is amended to repeal the \$29.5 million appropriation for FY 2005-2006.

Code Section 8.55, relating to the Iowa Economic Emergency Fund, is amended to strike requirements for a portion of the moneys in excess of the fund's maximum balance to be transferred to the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund.

Code Section 256D.5 is amended to extend the \$29.25 million appropriation to the Department of Education (DOE) for the Early Intervention Block Grant Program through FY 2005-2006.

Code Section 292.4, providing an annual standing limited contingent appropriation to the Secure an Advanced Vision for Education Fund through FY 2013-2014, is repealed. The appropriation was contingent upon the amount of sales and use tax receipts credited to the General Fund of the State during a fiscal year exceeding by 2 percent or more the total sales and use tax receipts credited to the General Fund of the State during the previous fiscal year.

A provision in H.F. 859 (see Business, Banking & Insurance) requiring limited liability companies doing business in this state to file biennial reports with the Secretary of State is amended to require the reports to be filed in even-numbered calendar years.

Division IV — Appropriation Revisions

Division IV revises appropriations made in other legislation and provides various new appropriations. New appropriations amounting to approximately \$800,000 are made to DOE for services to students enrolled by a Jobs for America's Graduates specialist, to the Department of Administrative Services (DAS) for financial administration duties, and to DOM for conducting performance audits. Offsetting reductions are made in appropriations made in other legislation for the following purposes: Governor's Office of Drug Control Policy, Department of Inspections and Appeals administration, Department of Revenue (DOR) operations, Department of Agriculture and Land Stewardship soil and water conservation district allocations, College Student Aid Commission for the National Guard Educational Assistance Program, DOM allocation to the Institute for Tomorrow's Workforce, IDPH functions, Department of Human Services for the hawk-i Program and state cases, Department of Justice general office, Department of Corrections (DOC) for offender substance abuse and mental health treatment, Department of Public Safety for Capitol Building and Judicial Branch Building security, and the judicial branch.

In addition, the FY 2005-2006 appropriation in H.F. 825 from the Senior Living Trust Fund for the Medicaid Program is increased by \$9.4 million and the appropriation to the program from the State General Fund is reduced by \$11.4 million. From the standing appropriation to the College Student Aid Commission for tuition grants, \$50,000 is allocated for nursing students' forgivable loans. The requirement in H.F. 810 to designate a portion of the appropriation made for the Health Facilities Council for a particular purpose is made inapplicable.

A portion of the funding appropriated to the judicial branch in H.F. 807 for a youth enrichment pilot project is transferred to DOC to be used for a youth leadership model program for at-risk youth in a judicial district department of correctional services. For FY 2005-2006, \$400,000 of the fees collected by the State Registrar that would otherwise be used for the Center for Congenital and Inherited Disorders Central Registry will instead be credited to the General Fund of the State.

Division V — Miscellaneous Statutory Changes

Division V provides miscellaneous statutory changes.

Code Chapter 8D is amended to include disaster response agencies in the public agencies authorized to utilize the Iowa Communications Network and for authorized use of the network for communication during a disaster.

Code Chapter 15E provisions involving tax credits provided for low-income housing developed in enterprise zones are amended to allow the tax credit certificates to be issued to a partner in a business.

Code Section 124.212, as amended by 2005 Iowa Acts, S.F. 169 (see Criminal Law, Procedure & Corrections), relating to the regulation of precursors to amphetamine and methamphetamine, is amended to require a purchaser of a Schedule V controlled substance containing pseudoephedrine from a pharmacy to present a government-issued photo identification card at the time of purchase. Senate File 169 contains a similar identification card requirement for over-the-counter sales of pseudoephedrine products of 360 milligrams or less in liquid, liquid capsule, or liquid-filled gel capsule form from a nonpharmacy retailer.

Code Section 142A.4, relating to the duties of the Commission on Tobacco Use Prevention and Control, is amended to require the commission to approve the contents of any materials distributed by the youth program component of the Tobacco Use Prevention and Control Initiative. The contents must be approved prior to distribution.

Code Section 257.14 is amended to strike a provision which permits a school district to qualify for a certain budget guarantee phaseout only if the school district elected to receive a 90 percent budget guarantee adjustment for the school budget year beginning July 1, 2004. Striking the provision allows a school district to elect the budget guarantee adjustment and phaseout for a later school budget year or years.

Code Section 331.439, relating to the requirements for county management plans for adult mental health, mental retardation, and developmental disabilities services, is amended to require that a plan must designate at least one hospital that the county has contracted with to provide services. If the designated hospital does not have a bed available, the county is responsible for the cost of services provided at an alternative hospital.

Code Section 364.17, allowing a city to enforce housing codes, is amended to permit a city to charge a late payment penalty of \$25 for late payment of an inspection fee or as part of the city's schedule of civil penalties or criminal fines for housing code violations. Interest penalties and liens may also be applied.

Code Section 384.16, relating to city budget requirements, is amended to require additional expenditure information to be included in the budget. In addition, a city that does not submit to the county auditor for transmission to DOM a budget that is in compliance with the requirements is subject to withholding of all state funds.

Code Section 422.11D, relating to the property rehabilitation tax credit that may be claimed against individual income tax obligations, is amended to address how the credit is apportioned when federal low-income tax credits are used to assist in the financing of a housing development.

Code Section 423E.5 is amended to permit the private sale of bonds in anticipation of revenues from the sales and services tax for school infrastructure purposes similar to that available for the regular city and county sales and services tax revenue bonds. This provision takes effect June 16, 2005, and applies retroactively to July 1, 2004.

Code Section 427.1, relating to property tax exemptions, is amended to address the period of exemption for low-rent housing when the housing is refinanced and to provide an exemption for certain dwelling unit property located in a city of more than 110,000 population when the city's public housing authority does not own or manage housing stock for low-rent housing. These provisions take effect June 16, 2005, and apply retroactively to January 1, 2005, for assessment years beginning on or after that date.

Code Section 456A.37 is amended to provide that the Natural Resource Commission shall define additional species as "aquatic invasive species" by rule without subsequent approval by the General Assembly.

Code Section 543B.34 is amended by deleting from a list of practices which can subject a real estate broker or salesperson to an investigation by the Real Estate Commission, possible sanctions, and penalties for the paying of a commission or other valuable consideration for performing any acts specified in Code Chapter 543B to a licensee, knowing that the licensee will pay a portion of or all of such commission or consideration to a person or party who is not licensed pursuant to the chapter.

Code Section 543B.60A, previously entitled "restrictions on payment of commission to others," is changed to "prohibited practices." The rewritten Code section deletes previous restrictions that provided that a licensee shall not require that a person, party, client, or customer negotiate a listing or purchase agreement or contract of real estate through a particular broker or group of brokers, salesperson or group of salespersons, or agent or

group of agents, and that a licensee shall not pay a commission, or portion of a commission, or other valuable consideration to such individuals. The new language also deletes a provision that violations of the section could result in an investigation by the Real Estate Commission, or license revocation or suspension pursuant to Code Section 543B.34, if the individual was found guilty of a violation involving acting for more than one party in a transaction without the knowledge of all parties for whom the licensee acts. The new language provides instead that violations will be subject to the more general revocation or suspension provisions of Code Section 543B.29.

The rewritten Code section retains restrictions against licensee requests for a referral fee after a bona fide offer to purchase is accepted, and against licensee requests for a referral fee after a bona fide listing agreement has been signed. Additionally, the section adds new prohibited practices relating to licensees not offering, promoting, performing, providing, or otherwise participating in a marketing plan requiring a consumer to receive brokerage services, including referral services, from two or more licensees in a single real estate transaction, as a required condition for the consumer to receive brokerage services or a rebate, prize, or other inducement. The section provides that a "consumer" includes parties or prospective parties to a real estate transaction, clients or prospective clients of a licensee, or customers or prospective customers of a licensee, and that the section does not address relationships between a broker and the broker associates or salespersons licensed under, employed by, or otherwise associated with the broker in a real estate brokerage agency. The purpose of the section is to prohibit licensee practices that interfere with contractual arrangements, place improper restrictions on consumer choice, compromise a licensee's fiduciary obligations, and create conflicts of interest.

Code Sections 579A.2 and 579B.4, relating to agricultural production liens, are amended to remove an exemption from the applicability of Code Section 554.9515. Code Section 554.9515 is part of the Uniform Commercial Code and provides for the duration and effectiveness of a financing statement for a lien and the effect of an elapsed financing statement.

Code Section 602.10110 is amended to provide that the oath or affirmation taken by persons being admitted to the bar is to be promulgated by the Supreme Court. Code Section 602.10112, outlining the duties of an attorney or counselor, is repealed. These provisions take effect June 16, 2005.

Certain provisions included in H.F. 619 (see Criminal Law, Procedure & Corrections) are amended. Code Section 692.4A, relating to electronic monitoring of offenders required to register as sex offenders who are released from confinement, is amended to specify a supervision period of at least five years for criminal offenses against a minor. House File 619 did not specify a minimum period. Code Section 692A.13A, relating to risk assessments of persons who are registered sex offenders, is amended to apply the risk assessment to the risk to reoffend and to persons newly required to register.

The Legislative Council is requested to appoint an interim study committee to study the Motor Vehicle Licensing Law as it pertains to movement of dealerships between facilities and locations in the state.

House File 739 (see Education), relating to and creating an Iowa Learning Technology Commission, is amended to provide that the legislation takes effect upon the Governor signing H.F. 882, June 16, 2005.

A time extension is authorized for a school district that wishes to receive a budget adjustment (known as the budget guarantee) for school budget year 2005-2006. The school district has until June 1, 2005, to adopt a resolution providing for the adjustment. This provision takes effect June 16, 2005.

Division VI — Education

Division VI amends numerous Code provisions relating to the duties and responsibilities of school districts, area education agencies, and DOE by expanding school district audit requirements; requiring the department to submit an achievement gap report; allowing school districts to establish nonprofit entities or organizations; providing for changes to open enrollment requirements, deadlines and authorizations; and revising requirements for prior authorization and a certificate of need for a local option sales and services tax for school infrastructure fund purposes, and including a retroactive applicability provision.

An examination of school offices shall include the revenues and expenditures of any organized nonprofit school organization that exists for the sole benefit of the school district.

The department is directed to prepare and submit to the chairpersons and ranking members of the Senate and House Standing Committees on Education a report on the state's progress toward closing the achievement gap.

School boards may establish a nonprofit entity or organization for the sole benefit of the school district after holding a public hearing on the proposal. Such an entity or organization shall be considered a government body and its records public records subject to Code Chapter 22. The entity or organization must reimburse the school district for expenditures made by the district on its behalf. The school district must annually report to DOE and the local community the administrative expenditures, revenues, and activities of the entity or organization. The department must include the revenues in its annual condition of education report. This provision applies to entities or organizations established before, on or after July 1, 2005.

The division moves the application deadline for open enrollment from January 1 to March 1 of the preceding school year for students entering grades 1 through 12, and to September 1 of the current school year for students entering kindergarten. The board of directors of a receiving district may grant a superintendent the authority to approve applications.

Revenues collected under the local sales and services tax for school infrastructure are deposited in the Secure an Advanced Vision for Education Fund for school infrastructure purposes or property tax relief. The Code requires that a school district receive prior authorization and a certificate of need from DOE before expending the supplemental school infrastructure amount received from the Secure an Advanced Vision for Education Fund for new construction or for payments for bonds issued for new construction against the amount. Under the division, only a school district with a certified enrollment of fewer than 250 pupils in the entire school district, or fewer than 100 high school pupils, need meet these requirements.

Division VII — Land Record Information System

Division VII relates to elected county officers' associations and the County Land Record Information System (CLRIS) Project.

Funds held by an association of elected county officers to implement a state-authorized program are subject to audit and such funds received or held on July 1, 2005, shall be deposited with the Treasurer of State.

A County Real Estate Electronic Government Committee is created with staffing services provided by the Auditor of State. The membership is to include various public and private entities with an interest in CLRIS and other county electronic records systems.

The division also requires that the board of supervisors of each county, on behalf of each county recorder, execute a Code Chapter 28E agreement with the Iowa County Recorders Association for the implementation of CLRIS. Such agreement shall require the association to execute contracts necessary for implementation of CLRIS. The association is required to file a long-range business plan with the General Assembly by November 1, 2005.

The Auditor of State shall conduct an audit of the fees collected and expended for the CLRIS project. The results of the audit shall be filed with the General Assembly by November 1, 2005. The cost of the audit, not to exceed \$5,000, shall be paid from the Local Government Electronic Transaction Fund.

The county recorders are allowed to collect only statutorily authorized fees for land records management. The division prohibits county recorders from collecting other electronic land management fees until authorized by the General Assembly.

The division provides that the \$1 fee collected pursuant to Code Section 331.605C, subsection 2, is for the purpose of paying the ongoing costs of integrating and maintaining CLRIS.

The Iowa State Association of Counties shall provide information on land management records to the Senate and House Standing Committees on Government Oversight and DAS on or before July 1, 2005.

The Iowa County Recorders Association shall select a vendor to perform a data security audit. On or before December 1, 2005, the audit results are to be submitted to the Senate and House Standing Committees on Government Oversight.

The division takes effect June 16, 2005.

Division VIII — Corrective Provisions

Division VIII contains corrective provisions of a nonsubstantive nature relating to legislation enacted during the 2005 Legislative Session.

Division IX — State Liquor Activities

Division IX relates to state liquor activities.

Code Section 123.53, relating to the Beer and Liquor Control Fund, is amended to provide that of the liquor sales revenue transferred to a special revenue account, \$2 million annually, plus an amount to be determined by the General Assembly, is to be appropriated to IDPH to be used for substance abuse treatment and prevention programs. This provision takes effect July 1, 2006.

DAS is required to issue a request for proposals or utilize a competitive process to select a vendor to perform the state liquor warehouse and trucking functions.

Division X — Board of Regents

Division X amends many Code provisions relating to the duties and responsibilities of the State Board of Regents and the institutions under its control, including the following:

Code Section 12B.10C, relating to the inclusion in public funds custodial agreements of any provisions necessary to prevent loss of public funds, is amended to exempt the board.

Code Section 73A.1, which provides the definitions for the Code chapter that regulates public contracts and bonds, is amended to eliminate a reference to the board from the definition of "municipality," releasing the board from the regulatory provisions of the chapter.

Code Sections 262.9 and 262.10 are amended to authorize the board to acquire or sell real estate without the approval of the Executive Council.

Code Section 262.33A is amended to eliminate the requirement that the State Fire Marshal report annually to the Joint Appropriations Subcommittee on Education the identified deficiencies in fire and environmental safety at the institutions and plans for correction of the deficiencies.

Code Section 262.34 is amended to raise the estimated costs threshold at which the board must advertise for bids for the construction, repair or improvement of buildings or grounds, from \$25,000 to \$100,000; and to make changes relating to payments made, and the retainage of payments, by the board for the construction of public improvements.

Code Section 262.57, relating to bonds or notes the board is authorized to sell to pay all or any part of the cost of carrying out any project at any regents institution, and Code Section 262A.5, relating to authorization for the board to issue and sell negotiable bonds and to refund and refinance bonds to carry out any project in its institutions, are amended to eliminate language that requires that the bonds or notes be sold upon terms of not less than par plus accrued interest. However, the Act also amends Code Section 262A.5 to make the provisions of Code Chapter 75, relating to authorization and sale of public bonds, applicable to the section unless the provisions of Code Chapter 75 conflict with the provisions of Code Chapter 262A.

Code Section 262.78 is amended to eliminate the requirement that the Center for Agricultural Health and Safety at the University of Iowa submit an annual report of its activities to the Governor, the Secretary of the Senate, and the Chief Clerk of the House of Representatives.

Code Section 573.12, which relates to payments and retention from payments under contracts for the construction of public improvements by a public corporation, is amended to limit the amount the regents institutions retain from each monthly payment to not more than 5 percent of the monthly estimates of labor performed and material delivered payments. Previously, regents institutions could make payments without retention until 95

percent of the contract amount had been paid, with the remaining 5 percent to be paid as provided in Code Section 573.14.

Code Section 573.14, which relates to a fund for the payment of claims for materials furnished and labor performed on the improvement by a public corporation, is amended to change the manner in which interest is calculated on the amount unpaid.

The division repeals the following:

- Code Section 262.64A, relating to self-liquidating dormitories, and Code Section 263A.11, relating to medical and hospital buildings at the University of Iowa, both of which require that the board determine, in consultation with the Legislative Services Agency, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes, and that the board submit the information to the General Assembly quarterly.
- Code Section 262.67, which requires the board to have the approval of the Executive Council in order to grant easements for rights-of-way over, across and under the surface of public lands under its jurisdiction.
- Code Section 262A.3, which requires the board to annually prepare and submit to the General Assembly for approval or rejection a proposed five-year building program for each institution, including an estimate of the maximum amount of bonds the board expects to issue during each year of the ensuing biennium.
- Code Section 262A.6A, relating to the Iowa College Super Savings Plan, which requires the board to issue capital appreciation bonds designed to be marketed primarily to Iowans to facilitate savings for future higher education costs.
- Code Section 265.6, which provides that if the board has established a laboratory school, it shall receive aid under the State School Foundation Program for each pupil enrolled in the laboratory school.
- Code Section 473.12, which requires the board to cause to be performed comprehensive engineering analyses of facilities under its control by June 30, 1989; to implement economically feasible energy conservation measures identified in the analyses; and to annually report to the Department of Natural Resources the status of all energy conservation. The Code section also permits the department to use funds in the State of Iowa Facilities Improvement Corporation to reduce the board's cost of financing the implementation of the energy conservation measures if the department requires, and the board completes, an energy management plan.

Division XI — Entrepreneurs With Disabilities

Division XI transfers administration of the Entrepreneurs With Disabilities Program from the Department of Economic Development to the Iowa Finance Authority. The division includes an appropriation for purposes of the program.

Division XII — Wind Energy Production Tax Credit

Division XII amends Code Chapter 476B relating to the Wind Energy Production Tax Credit Program. The definition of a "qualified facility" is changed to include facilities originally placed into service on or after July 1, 2005, but before July 1, 2008. The limitation is removed on the maximum amount of tax credit a group of qualified facilities may receive. An exception is removed for certain small facilities to a disallowance of the tax credit for facilities that have already received other tax incentives.

A more specific procedure is established for the Iowa Utilities Board of the Department of Commerce to determine whether a wind energy conversion facility is a qualified facility and eligible for the tax credit under the program. If the board finds a facility to be eligible as a qualified facility but the facility is not operational within 18 months after approval, the owner of the facility must reapply for another eligibility determination. The board cannot find more than 450 megawatts of nameplate generating capacity for all combined qualified facilities eligible as qualified facilities under the program. One owner cannot own more than two qualified facilities eligible for tax credits under the program.

An additional procedure is provided for the board to determine the amount of tax credit a qualified facility may receive. The board must notify DOR of the amount of the tax credit an owner may receive and the department shall issue the tax credit certificate to the owner. A tax credit certificate issued under this program may not be used until the taxable year beginning July 1, 2006. The division provides that DOR shall reissue tax credit certificates that have been transferred by the owner. DOR shall develop a registration system for the tax credit certificates issued or transferred.

The division provides that DOR and the board may adopt rules to administer and enforce Code Chapter 476B.

Division XIII — Practice of Pharmacy

Division XIII makes several technical and substantive changes regarding Code Chapter 155A relating to the practice of pharmacy.

Definitions applicable to the Code chapter are changed. The definition of "dispense" is expanded to include the delivery of a device. The term "logistics provider" is defined to mean an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer or other owner of a drug, but does not take title to the drug or have general responsibility to direct its sale or other disposition. The term "pedigree" is defined to mean a recording of each distribution of any given drug or device, from the sale by the manufacturer through acquisition and sale by any wholesaler, pursuant to rules adopted by the Board of Pharmacy Examiners. The term "over-the-counter medicine" is added as an alternative term to "proprietary medicine" with reference to a nonnarcotic drug or device that may be sold without a prescription, and two new labeling statements required under federal law prior to dispensation or delivery are added. With reference to the definition of a "wholesaler," a wholesaler does not include a commercial carrier that temporarily stores prescription drugs or devices, medicinal chemicals, medicines, or poisons while in transit. The application form submitted by an applicant for a pharmacy license must include information specified in the statute, and other information that may be required by the board by rule, and that the board may define specific types of wholesaler licenses.

A drug wholesaler is required to report in writing to the board information relating to the permanent closing or discontinuation of wholesale distributions into the state, a change of ownership or location, a change concerning the individual designated as the wholesaler's responsible individual, a change of name, the theft or significant loss of any controlled substance on discovery of the theft or loss, any disasters, accidents and emergencies that may affect the strength, purity or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness and disease, and other information or activities as required by rules of the board.

Prohibitions against the use of the word "apothecary," "drug," "drug store," or "pharmacy" by individuals other than licensed pharmacists or wholesalers are extended to Internet sites and to any advertising or promotional literature, communication or representation.

A number of new provisions are established regarding acts which are unlawful for a person to perform, or cause the performance of, or aid and abet, and are therefore prohibited. A person is prohibited from engaging in forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without manufacturer authorization; or engaging in manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution; or engaging in adulterating, misbranding or counterfeiting any drug or device; or receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit; or delivering or proffering delivery of such drug or device for pay or otherwise.

Prohibitions relating to manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution, and to adulterating, misbranding or counterfeiting any drug or device, are not applicable to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal Food and Drug Administration (FDA), whose own regulations shall apply in such instances. Further, a person is prohibited from engaging in adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or

device or committing any other act with respect to a drug or device that results in the drug or device being misbranded; engaging in purchasing or receiving a drug or device from a person that is not licensed to distribute the drug or device to that purchaser or recipient; engaging in selling or transferring a drug or device to a person that is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess it; or failing to maintain or provide required records.

Additional prohibited acts include providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements; distributing at wholesale any drug or device that was purchased by a public or private hospital or other health care entity, donated or supplied at a reduced price to a charitable organization, purchased from a person not licensed to distribute it, or stolen or obtained by fraud or deceit; failing to obtain a required license or operating without a valid license; and engaging in misrepresentation or fraud in the distribution of a drug or device.

Finally, prohibited acts also include distributing a drug or device to a patient without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device; distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rule; and failing to report any prohibited act.

The list of penalties contained in Code Section 155A.24 is expanded. A wholesaler is guilty of a class "C" felony if the wholesaler, with intent to defraud or deceive, fails to deliver to another person, when required by rules of the board, a complete and accurate pedigree concerning a drug prior to transferring the drug to another person; or, with intent to defraud or deceive, fails to acquire, when required by rules of the board, a complete and accurate pedigree concerning a drug prior to obtaining the drug from another person; or knowingly destroys, alters, conceals, or fails to maintain, as required by rules of the board, a complete and accurate pedigree concerning any drug in the person's possession; or possesses pedigree documents required by rules of the board, and knowingly fails to authenticate the matters contained in the documents as required, and nevertheless distributes or attempts to further distribute drugs; or with intent to defraud or deceive, falsely swears or certifies that the person has authenticated any documents related to the wholesale distribution of drugs or devices. Additionally, a wholesaler is guilty of a class "C" felony if the wholesaler knowingly forges, counterfeits, or falsely creates any pedigree, falsely represents any factual matter contained in any pedigree, or knowingly omits to record material information required to be recorded in a pedigree; or knowingly purchases or receives drugs or devices from a person not authorized to distribute drugs or devices in wholesale distribution; or knowingly sells, barter, brokers, or transfers a drug or device to a person not authorized to purchase the drug or device under the jurisdiction in which the person receives the drug or device in a wholesale distribution.

In addition, a person who knowingly possesses, actually or constructively, any amount of a counterfeit, misbranded or adulterated drug or device and who knowingly sells or delivers any amount of the counterfeit, misbranded or adulterated drug or device or who possesses with intent to sell or deliver any amount of a counterfeit, misbranded or adulterated drug or device is guilty of a class "C" felony, as is a person who knowingly forges, counterfeits, or falsely creates any label for a drug or device or who falsely represents any factual matter contained in any label of a drug or device. A person who knowingly possesses, actually or constructively, any amount of a counterfeit, misbranded or adulterated drug or device and who knowingly manufactures, purchases, sells, delivers, or brings into the state any amount of the counterfeit, misbranded or adulterated drug or device is guilty of a class "D" felony. Further, a person who knowingly manufactures, purchases, sells, delivers, or brings into the state, or who is knowingly in actual or constructive possession of any amount of a counterfeit, misbranded or adulterated drug or device, and whose acts result in the death of a person, is guilty of a class "A" felony.

The division provides for the forfeiture to and seizure by the state of any real or personal property of a person found guilty.

The board is authorized to request criminal history data for applicants, licensees and registrants under Code Chapter 147 or 155A for the purpose of evaluating the person's eligibility for the license or registration or to evaluate the person's suitability for the practice of the profession. Such requests are not applicable to a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the FDA, whose own regulations apply in such instances.

Each licensed pharmacy is required to implement a continuous quality improvement program to review pharmacy procedures in order to identify methods for addressing pharmacy medication errors and for improving patient use of medications and patient care services. The board is required to adopt rules for the administration of the program.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision amending Code Section 423.3 to exempt from sales tax the goods and services used to fulfill a construction contract for certain residential treatment facilities for youth during the period between July 1, 2004, and December 31, 2006. This provision would have taken effect upon enactment.
2. A provision addressing the Open Enrollment Law that would have expanded a "good cause" exception that allows parents to miss the deadline to apply for open enrollment to another school district by allowing "good cause" to include a similar set of circumstances consistent with the definition of "good cause."
3. Provisions in Division VIII that made corrective changes contingent upon enactment of H.F. 770 (see Health & Safety), which was vetoed by the Governor.

BUSINESS, BANKING AND INSURANCE

- SENATE FILE 74** - Financial Institution or Insurer Names, Trademarks, Logos, or Symbols — Prohibited Use
- SENATE FILE 139** - Negotiable Instruments — Enforcement and Liabilities
- SENATE FILE 260** - Consumer Credit Code — Debt Collection Practices — Financial Institution Affiliates
- SENATE FILE 320** - Real Estate Broker and Salesperson Licensing — Criminal History Checks
- SENATE FILE 360** - Entities and Transactions Subject to Insurance Division Regulation — Miscellaneous Revisions
- SENATE FILE 363** - Regulation of Business Opportunity Solicitations
- HOUSE FILE 175** - Business Entity Names
- HOUSE FILE 332** - Title Guaranty Program — Mortgage Releases — Abstractor Certifications
- HOUSE FILE 373** - Equipment Dealerships — Sale or Transfer
- HOUSE FILE 375** - Real Estate Brokerage Agreements
- HOUSE FILE 418** - Anatomic Pathology Services — Billing
- HOUSE FILE 420** - Health Insurance — Biologically Based Mental Illnesses
- HOUSE FILE 610** - Regulation of Electronic Mail and Internet Drug Sales
- HOUSE FILE 614** - Unlawful Transmission, Installation, and Use of Computer Software
- HOUSE FILE 737** - Registration and Licensing of Mortgage Bankers and Brokers
- HOUSE FILE 819** - Medical Assistance — Long-Term Care Asset Disregard Program
- HOUSE FILE 836** - Regulation of Cemeteries
- HOUSE FILE 859** - Cooperatives

RELATED LEGISLATION

- SENATE FILE 75** - Active Duty Military Service — State Financial Assistance
SEE APPROPRIATIONS. This Act revises and makes new allocations to benefit individuals who have been on active duty military service from an appropriation originally made for fiscal year 2002-2003. The Act includes a transfer of \$1.05 million to the Iowa Finance Authority to be used for a home ownership assistance program for persons who served at least 90 days of active military service or the persons' survivors.
- SENATE FILE 210** - Real Estate Auctions — Brokerage and Closing Services Providers
SEE STATE GOVERNMENT. This Act concerns specified requirements applicable to a real estate broker or attorney providing services regarding real estate being sold or disposed of pursuant to a real estate auction.
- SENATE FILE 270** - Identity Theft
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that certain financial institutions and insurers may, on behalf of a victim of identity theft that the financial institution has indemnified, file a criminal complaint of identity theft, file a claim as an interest holder for property forfeited, and file a civil action for damages suffered by the victim.
- SENATE FILE 379** - Probate — Miscellaneous Revisions — Trusts
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act amends and creates various provisions in the Iowa Probate Code and the Iowa Trust Code and transfers certain divisions relating to trusts, powers of attorney, medical assistance trusts, transfers on death security registration, and the Uniform Disclaimer of Property Interest

Act from the Probate Code to create Code Chapters 633A, 633B, 633C, 633D, and 633E, respectively.

- SENATE FILE 389** - Soy-Based Cutting Tool Oil Income Tax Credit
SEE TAXATION. This Act provides a soy-based cutting tool oil tax credit under the individual and corporate income taxes. The tax credit equals the costs, up to \$2 per gallon for 2,000 gallons, incurred for the purchase and replacement costs related to the transition from using non-soy-based cutting tool oil to using soy-based cutting tool oil in the manufacturing process. Any excess credit is refundable. The credit applies to tax years ending after June 30, 2005, and beginning before January 1, 2007.
- SENATE FILE 413** - Taxes, Tax Policy, and Administration
SEE TAXATION. This Act relates to changes in the streamlined Sales and Use Tax Law, provides a separate excise tax on hotel and motel room rentals, imposes a separate excise tax on certain construction equipment, and makes other tax policy and administrative changes. Division I amends the Sales and Use Tax Law to provide an exemption for the purchase of tangible personal property used for leasing or rental to food manufacturers and the lease or rental of such property by such manufacturers, and expands the sales and use tax exemption for services on or connected with new construction or renovation to include the lease or rental of property used for such exempt services. Division III establishes a separate excise tax on certain construction equipment. Division IV amends the income tax withholding provisions to reflect the filing and remitting thresholds, defines "employer" for purposes of the state sales tax on services, requires that companies that contract with an Iowa state agency are to collect and remit sales and use taxes, makes changes relating to environmental protection charges on petroleum diminution, allows combined protests of the assessed value of separate parcels of property, makes various changes relating to motor fuel and special fuel taxes, and amends the law relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.
- HOUSE FILE 102** - State Income Taxes — Depreciation and Expensing Allowances
SEE TAXATION. This Act allows a taxpayer to elect to take the additional first-year (bonus) depreciation allowance or to elect to not take the increased expensing allowance in computing the individual, corporate and franchise taxes and specifies the adjustments to be made in determining net or taxable income if such election is not made. The provisions relating to the bonus depreciation allowance are retroactive to tax years ending after May 5, 2003. The provisions relating to the increased expensing allowance are retroactive to tax years beginning on or after January 1, 2003. The Act takes effect February 24, 2005.
- HOUSE FILE 197** - Inheritance Tax — Joint Account Funds — Withdrawal Notice
SEE TAXATION. This Act repeals an inheritance tax liability of financial institutions for willful failure to notify the Department of Revenue prior to the withdrawal of funds from a joint account by a surviving joint owner.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the Department of Administrative Services' oil purchasing standards; formatting standards for recorded instruments; bond issuance for regional transit district property; the workers' compensation schedule; taxation of certain sales events at fairs; maintenance of fairgrounds; the Department of Revenue's centralized debt collection procedures; financial liability for contaminated property; the nonprofit corporations, partnerships, business corporations, and uniform securities Acts; annuities issued by insurance companies; regulation of banking; charges associated with real property loans; and purchasers of franchises. The Act also updates references to obsolete Iowa Educational Savings Plan Trust tax incentives; deletes obsolete references to the sales and use tax chapter and obsolete references to the Underground Storage Tank Insurance Fund; and adds a refer-

ence to the Real Estate Appraiser Examining Board. The Act also repeals a redundant provision regarding attachment of a certificate of veterinary inspection to the bill of lading accompanying a shipment of animals.

- HOUSE FILE 313** - Sales and Use Tax — Industrial Processing Exemption Study
SEE TAXATION. This Act requires the Department of Revenue to establish and provide staffing for a study committee to study and make recommendations relating to the sales tax exemption for industrial processing. The committee is to report to the General Assembly by January 1 of each year through January 1, 2013.
- HOUSE FILE 469** - Real Estate Commission Membership
SEE STATE GOVERNMENT. This Act increases the number of licensed real estate brokers or salespersons on the Real Estate Commission from three to five members.
- HOUSE FILE 602** - Household Hazardous Waste — Collection, Transportation, and Disposal
SEE ENVIRONMENTAL PROTECTION. This Act relates to the collection, transportation and disposal of household hazardous waste.
- HOUSE FILE 754** - Homestead Exemption — Waiver Affecting Agricultural Property
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to a homestead waiver exemption notice contained in a written contract affecting agricultural land of less than 40 acres.
- HOUSE FILE 764** - Unemployment Compensation — Sale or Transfer of Organization, Trade, or Business — Employer Contribution Rates
SEE LABOR & EMPLOYMENT. This Act relates to the unemployment contribution rate of an employer who sells or transfers all or a portion of its organization, trade or business to another employer or person and provides for civil and criminal penalties.
- HOUSE FILE 786** - Businesses and Activities in Health Care Facilities
SEE HEALTH & SAFETY. This Act allows a health care facility to operate or provide another business or activity, serving persons other than the residents of the health care facility, in a designated part of the same physical structure of the health care facility, if the other business or activity meets the requirements of applicable state and federal laws, administrative rules, and federal regulations.
- HOUSE FILE 870** - Motor Vehicle Financial Responsibility — Special Mobile Equipment
SEE TRANSPORTATION. This Act exempts special mobile equipment, including certain road construction and maintenance equipment, ditch-digging apparatus, and implements of husbandry, from the provisions of Iowa's Motor Vehicle Financial and Safety Responsibility Act. The Act takes effect May 12, 2005.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a number of provisions affecting business, including changes in real estate practices and revisions in agricultural production liens.

BUSINESS, BANKING AND INSURANCE

SENATE FILE 74 - Financial Institution or Insurer Names, Trademarks, Logos, or Symbols — Prohibited Use

BY COMMITTEE ON COMMERCE. This Act prohibits the misleading or deceptive use of a financial institution's or insurer's name, trademark, logo, or symbol. A person who violates the Act is guilty of a serious misdemeanor. The prohibited misleading or deceptive use may be enjoined by a financial institution, insurer, or the regulatory agency over such financial institution or insurer. A financial institution or insurer may recover damages and attorney fees.

SENATE FILE 139 - Negotiable Instruments — Enforcement and Liabilities

BY COMMITTEE ON COMMERCE. This Act amends provisions in the Uniform Commercial Code (UCC) governing commercial transactions based on a model Act proposed by the National Conference of Commissioners on Uniform State Laws and the American Law Institute. Articles 3 and 4 of the UCC govern negotiable instruments (sometimes referred to as simply "items"). Together the articles regulate the payment of items as they are processed through the collection stream, including the writing ("drawing") of checks and drafts, and liabilities associated with lost or fraudulent items as they affect banks ("depository banks," "collecting banks," and "payor banks").

TERMS OF ART. The Act concerns a demand draft, an item resembling a check which is usually printed by a merchant (identified in the Act as the "third party") who has purportedly obtained permission from a buyer (the "drawer") to create the draft on its behalf. The drawer is called the "customer," meaning a customer of the drawer's bank. The merchant may deposit the draft at any willing bank (a "depository bank") for ultimate presentment and collection at the customer's bank (the "payor bank").

WARRANTY REQUIREMENTS. Generally, under Articles 3 and 4, a payor bank will recredit its customer's account in cases where wrongful items have been presented and honored. The Act refers to demand drafts in the articles' warranty provisions, and specifies that a transferor (i.e., a bank which accepts and passes on an item, such as a depository bank) is warranting that the demand draft has been authorized by the person identified as the payor bank's customer, as evidenced by the customer's account number, which is required to be printed on the face of the demand draft. Specifically, the transferor warrants that all signatures on the item are authentic, and that it has no knowledge that the signature of the drawer of the draft is authorized. Under the Act, if the item is not genuine, the payor bank (as a transferee) will have a breach of warranty claim against its upstream transferor bank, and if the transferor bank is also a transferee bank, that bank has a breach of warranty claim against its upstream transferor bank, all the way back to the depository bank.

CONFLICT OF LAWS. The Act also contains a conflict of laws provision which applies in cases where the payor bank or collecting bank ("transferee") is located in another state and the depository bank or collecting bank ("transferor") is located in Iowa. An Iowa bank does not have to warrant a demand draft that has been transferred by an out-of-state bank if the other state law does not have a reciprocal warranty provision similar to the one contained in the Act.

LOSS OF POSSESSION. A person is entitled to obtain payment of an item ("enforce the instrument") even if the person has lost possession of the item (it has been misplaced, destroyed or stolen). A payee's or transferee's acceptance of the item does not discharge the underlying obligation to pay regardless of its physical loss. A person need only prove that the person was entitled to enforce the instrument at the time it was lost (even when lost in transit, regardless of the precise status of ownership at the point of loss).

STATUTE OF LIMITATIONS. The Act adds to Article 4 an express statute of limitations of three years in order to enforce an obligation, duty or right arising under the article. The provision is part of the model Act (Section 4-111) but was not included when the General Assembly enacted the model Act (1994 Iowa Acts, Chapter 1167).

SENATE FILE 260 - Consumer Credit Code — Debt Collection Practices — Financial Institution Affiliates

BY COMMITTEE ON COMMERCE. This Act extends an exemption to affiliates of state banks, affiliates of national banking associations, affiliates of federally chartered or out-of-state savings and loan associations or savings banks, and credit union service organizations from certain debt collection disclosure requirements that is pro-

vided under current law to state banks, national banking associations, federally chartered or out-of-state savings and loan associations or savings banks, and other financial institutions.

SENATE FILE 320 - Real Estate Broker and Salesperson Licensing — Criminal History Checks

BY COMMITTEE ON COMMERCE. This Act requires performance of a national criminal history check of applicants for an initial real estate broker's or salesperson's license. As part of the check, the Department of Public Safety submits the applicant's fingerprints to the Federal Bureau of Investigation. The applicant must authorize release of the results of the criminal history check to the Real Estate Commission and pay for the actual costs of fingerprinting and the criminal history check.

SENATE FILE 360 - Entities and Transactions Subject to Insurance Division Regulation — Miscellaneous Revisions

BY COMMITTEE ON COMMERCE. This Act relates to various provisions administered by the Insurance Division of the Department of Commerce.

Code Section 432.1 is amended to provide for cash refunds of excess prepayments of premium tax to an insurance carrier when a premium tax credit will not allow recoupment of the funds paid.

Code Section 505A.1 is amended to provide that the Commissioner of Insurance is the state's representative for the Interstate Insurance Product Regulation Compact.

Code Section 507C.2 is amended to include additional definitions, including definitions of certain contracts that may be involved in insurer insolvency proceedings. The provisions include definitions for a "commodity contract," "forward contract," "netting agreement," "qualified financial contract," "repurchase agreement," and "securities contract."

New Code Section 507C.28A concerns rights that may be exercised under netting agreements or qualified financial contracts under certain circumstances.

Code Section 507C.30, concerning the disallowance of certain setoffs for insurance claims, is amended by disallowing an obligation owed to an affiliate of the insurer.

Code Sections 509.3 and 514A.5 are amended to provide that a copy of an application for life, accident or health insurance must be attached to the insurance policy when it is issued, or furnished to the policyholder within 30 days after the policy is issued.

Code Section 513B.12 is amended to exempt small employer carriers from electing risk-assuming carrier status while the Small Employer Carrier Reinsurance Program is suspended.

Code Section 513B.13 is amended to permit the reduction of the size of the Small Employer Carrier Reinsurance Program Board while the program is suspended, with the approval of the Commissioner of Insurance.

Code Section 513B.17 strikes language allowing expansion of the Small Employer Carrier Reinsurance Program to employer groups employing between 25 and 50 employees if the market is constricted and not competitive.

Code Section 513C.6 is amended to allow an individual who has coverage as a dependent under a basic or standard health benefit plan to elect to continue coverage under the plan when the individual is no longer covered as a dependent under the plan. This provision takes effect April 28, 2005, and is retroactively applicable to January 1, 2005, and applies on and after that date.

Code Section 514B.13 is amended to allow a health maintenance organization that provides services exclusively on a group contract basis to limit the applicability of the open enrollment period provided for in the section to members of the group covered by the contract, including those members of the group who previously waived coverage.

Code Section 514E.2 is amended to require that all carriers and all organized delivery systems licensed by the Director of Public Health providing health insurance or health care services be members of the Iowa Comprehensive Health Insurance Association, regardless of whether they offer coverage on an individual or group basis. This provision takes effect April 28, 2005.

Code Section 514E.2 is amended to strike a requirement that the Iowa Comprehensive Health Insurance Association promulgate a list of health conditions which would make an insurance applicant eligible for coverage without demonstrating a rejection of coverage by one carrier. The section is also amended to include definitions of "total health insurance premiums" and "payments for subscriber contracts" for the purpose of computing assessments of members by the association. The amendments to the section take effect April 28, 2005, and are retroactively applicable to July 1, 1986, and apply on and after that date.

Code Section 514E.7 is amended to provide that an individual is eligible for coverage under the Iowa Comprehensive Health Insurance Association if the person has certain health conditions established by the association's board of directors with the approval of the commissioner or if the individual has coverage under a basic or standard health benefit plan under Code Chapter 513C. This provision takes effect April 28, 2005, and is retroactively applicable to January 1, 2005, and applies on and after that date.

Code Section 514E.8 is amended to allow an individual who is covered by an association health insurance policy and who is eligible for Medicare coverage based on age prior to January 1, 2005, to continue to renew the coverage under the association policy.

Code Section 515.138 revises language about intentional acts in standard fire policy language which are noncompensable.

Code Section 515B.2 eliminates use of the date of occurrence giving rise to a claim when calculating the net worth of a person for the purpose of determining whether the person has a covered claim under the Iowa Insurance Guaranty Association.

Code Section 515B.17 is amended to provide a date certain when claims must be filed in order to be covered by the Iowa Insurance Guaranty Association.

Code Section 515F.36 is amended to change the membership of the governing committee of the FAIR Plan, which is the plan to assure fair access to insurance requirements, to include persons representing the Property Casualty Insurers Association of America and two members elected by the committee.

Code Chapter 516E, concerning service contracts for the repair or placement of certain motor vehicles, is extensively revised. Code Section 516E.1, concerning definitions, is amended to include the addition of definitions for an "administrator," "maintenance agreement," "reimbursement insurance policy," "third-party administrator," "service company," and "service contract," and to redefine "provider."

Code Section 516E.2 is amended to specify the requirements for a service company to issue, sell or offer service contracts in this state. The administrator designated by the commissioner may promulgate rules establishing financial responsibility standards for service companies. Service companies are also required to register with the commissioner and pay a \$500 registration fee. Grounds for denial, suspension or revocation of such registrations are also specified.

Code Section 516E.3 is amended to require service companies and providers, such as auto dealers and other sellers, to file copies of specified documents with the commissioner. A provider must pay a \$100 filing fee. Providers and service companies are required to make additional filings concerning name or ownership changes or cessation of business.

Code Section 516E.4 is amended by striking and rewriting the section to require reimbursement insurance policies to include certain specified information. The Act requires that an insurer provide written notice to the commissioner prior to terminating a reimbursement insurance policy. It also does not prevent or limit an insurer's right of subrogation.

Code Section 516E.5 is amended to require service contracts to include certain specified information about the service company and the service company's obligations under the service contract. The section is also amended to require identification of the third-party administrator and the service company for the service contract, to require a written termination notice of a service contract, and to allow a cancellation period by a service contract holder after a service contract has been purchased.

Code Sections 516E.6, 516E.7, 516E.8, 516E.9, 516E.10, 516E.12, 516E.13, 516E.14, and 516E.15 are amended to apply to service companies, providers, and third-party administrators. Code Section 516E.6 authorizes the commissioner to prohibit those persons from selling service contracts. Code Section 516E.7 permits the commissioner to adopt rules. Code Section 516E.9 prohibits a person from advertising that the state has approved a service company's qualifications. Code Section 516E.10 prohibits a person from engaging in unfair or deceptive trade practices. Code Section 516E.12 provides for service of process. Code Section 516E.13 provides for the investigation and enforcement of the Code chapter by the commissioner. Code Section 516E.14 provides for the examination of records.

Code Section 516E.11 is amended to conform with changes in definitions made in Code Section 516E.1, to require providers, service companies, and third-party administrators to comply with recordkeeping requirements, to reduce recordkeeping requirements as to individual service contracts, and to update recordkeeping requirements to reflect modern technology. Providers, service companies, and third-party administrators are also required to keep a list of locations where service contracts are marketed, sold, offered for sale, or performed.

New Code Section 516E.16 allows the commissioner to pursue court action when a person does not respond to Insurance Division orders and requests for information.

New Code Section 516E.17 imposes a net worth requirement on service companies, based on the number of service contracts issued or renewed in a year, that utilizes the same formula and amounts that are used for residential service contracts under Code Chapter 523C.

New Code Section 516E.18 provides public access to the records of an administrator.

New Code Section 516E.19 relates to the administration of Code Chapter 516E by the commissioner with the assistance of the Deputy Administrator of Insurance.

Code Sections 518.14 and 518A.12 are amended to allow county and state mutual associations to invest in United States obligations that include open-end management investment accounts.

Code Section 520.19 is amended to make reciprocal or interinsurance contracts subject to the new premium tax rate structure contained in Code Section 432.1, subsection 4.

Code Section 522B.17 is amended to provide that if an insurer or insurance producer or an agent of an insurer is found to have violated Code Chapter 522B, that person may be ordered to cease and desist from engaging in the illegal conduct and may be assessed a civil penalty pursuant to Code Chapter 507B.

Code Section 522B.17 is also amended to allow the commissioner to enforce a cease and desist order by petitioning a court of competent jurisdiction. The commissioner is not required to file a bond in such an action. If the court finds that the person is not in compliance with the cease and desist order, the court may find the person in civil contempt and may impose a civil penalty against the person in an amount of not less than \$3,000 and not more than \$10,000 and grant any other relief that the court determines is appropriate under the circumstances.

New Code Section 522B.17A allows an association with at least 25 members to bring an action in district court for injunctive relief against a person who sells, solicits or negotiates insurance in violation of Code Section 522B.2. However, before bringing such an action, the association is required to file a complaint with the Insurance Division alleging a violation of Code Section 522B.2 and the division is required to make a determination to proceed administratively or not to proceed administratively against the alleged violator. If the division decides to proceed administratively, the complainant cannot bring an action in district court. If the division decides not to proceed administratively, the division is required to issue a release allowing the complainant to proceed in district court.

Code Section 523A.402 is amended to correct an error in language concerning annuity contracts for the purpose of funding cemetery and funeral merchandise and funeral services. The change will conform the language to changes made in legislation contained in H.F. 2269, which was enacted in 2004.

SENATE FILE 363 - Regulation of Business Opportunity Solicitations

BY COMMITTEE ON COMMERCE. This Act regulates Code Chapter 551A, which regulates the promotion of business opportunities whenever a person solicits another person to make an initial investment in exchange for products or services which purportedly will enable the purchaser to start a business. These business arrangements are provided under contract and much of the Code chapter regulates how these contracts are prepared and presented to purchasers.

Code Section 551A.3 requires the seller to make formal disclosures to potential purchasers, including by furnishing a disclosure document to the purchaser 10 days prior to executing a contract or receiving payment. The disclosure document may be in a number of forms, including two standard nonstate forms: (1) a uniform franchise offering circular prepared in accordance with the guidelines adopted by the North American Securities Administrators Association, Inc., or (2) a document prepared according to rules adopted by the Federal Trade Commission. These requirements were tied to preexisting forms established on a date certain (July 1, 2004) or according to a federal citation (in the Code of Federal Regulations). The Act eliminates this requirement and in effect provides that state law would adopt by reference a form or a change in a form prepared by either foreign entity.

Code Section 551A.4 provides that certain transactions are exempt from the disclosure requirements, including an exemption for a franchise business opportunity under certain conditions. The person offering to sell the franchise must still deliver to the purchaser one of the standard nonstate disclosure forms prior to the execution of the contract or receipt of payment. Again, the Act eliminates the reference to a date certain or a specific legal reference. In addition, the Act extends the period of disclosure from 10 business days to 14 calendar days prior to execution of the contract or receipt of payment.

HOUSE FILE 175 - Business Entity Names

BY COMMITTEE ON JUDICIARY. This Act provides for the names of business entities and specifically authorizes the use of fictitious names.

UNIFORM LIMITED PARTNERSHIP ACT. During the 2004 Regular Session, the General Assembly enacted H.F. 2347 (2004 Iowa Acts, Chapter 1021), based on an updated version of the Uniform Limited Partnership Act, as approved by the National Conference of Commissioners on Uniform State Laws. The law is codified in Code Chapter 488, which will replace Code Chapter 487 effective January 1, 2006. Code Section 488.108 regulates the naming of limited partnerships, which will replace the old naming provision in Code Section 487.102. Code Chapter 488 does not include a provision which governs the use of fictitious names. This Act amends Code Section 488.108 to provide that a limited partnership may adopt a fictitious name so long as its general partners have filed a resolution with the Secretary of State. The same language is contained in Code Section 487.102.

TRADE NAMES. The Act also amends Code Chapter 547, which regulates trade names. Under Code Section 547.1, a person cannot engage in a business under a name other than the surname of each person owning or having an interest in the business, unless the person records a statement with the county recorder of the county in which the business is located. The provision contains an exception for domestic or foreign corporations or limited liability companies. However, this provision does not apply to professional corporations, cooperatives or cooperative associations, or nonprofit corporations. The Act extends that exception to any domestic entity incorporated or organized in this state or a foreign entity authorized to do business in this state if the entity is a limited partnership, corporation, limited liability company, professional corporation, cooperative or cooperative association, or nonprofit corporation.

HOUSE FILE 332 - Title Guaranty Program — Mortgage Releases — Abstractor Certifications

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act allows an abstractor who is participating in the Title Guaranty Program to request a mortgage release.

HOUSE FILE 373 - Equipment Dealerships — Sale or Transfer

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act addresses dealership agreements under Code Chapter 322F. Under that chapter, dealership agreements generally involve agricultural equipment franchises, but they may also involve construction equipment, industrial equipment, utility equipment, or outdoor power equipment franchises. Under the Code chapter, a franchisor is referred to as the supplier and a franchi-

see is referred to as a dealer or dealership. Generally, Code Chapter 322F regulates business relationships between suppliers and dealers by providing for the terms and conditions of dealership agreements.

The Act provides that if a supplier has the authority to approve a request involving the sale or transfer of a dealership, including an equity position in the dealership, the supplier must approve or deny the request within 60 days after receiving the request. After that period, any unanswered response is deemed to be approved. The dealer must include information about each person acquiring an interest in the dealership. If the supplier denies the request, it must provide the dealer with a written notice explaining that decision. The decision must be based on reasonable criteria which are consistently used to determine whether to approve a transfer or new dealership.

The Act also provides a grandfather clause, which provides that the Act applies to those dealership agreements governing the sale or transfer of a dealer's business as provided in the Act, which are in effect and have no expiration date, and all other such dealership agreements entered into or renewed on or after July 1, 2005. Any dealership agreement in effect on July 1, 2005, which by its own terms will terminate on a subsequent date, is to be governed by the law as it existed prior to July 1, 2005.

HOUSE FILE 375 - Real Estate Brokerage Agreements

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act adds four specific requirements for a contract entered into between a real estate broker and a client. The current statutory provisions do not require any specific duties of the broker to be contained in the brokerage agreement. The Act requires the broker to accept and deliver to the client all offers and counteroffers, assist the client in communicating and negotiating the transaction, answer all of the client's questions relating to the transaction, and provide access to the property to prospective buyers.

HOUSE FILE 418 - Anatomic Pathology Services — Billing

BY COMMITTEE ON HUMAN RESOURCES. This Act creates new Code Section 147.105 regulating demands for payment submitted by a clinical laboratory or physician for certain anatomic pathology services provided to a patient in this state. The Act provides that a demand for payment for such services shall only be presented to certain specified persons. A person who receives a demand for payment that violates the provision is not required to pay the demand. The Board of Medical Examiners may revoke, suspend or deny renewal of licensure to a physician licensed in this state who violates the provisions of the Act.

HOUSE FILE 420 - Health Insurance — Biologically Based Mental Illnesses

BY COMMITTEE ON HUMAN RESOURCES. This Act creates a new Code Section 514C.22 which provides that a group policy, contract or plan providing for third-party payment or prepayment of health, medical or surgical coverage issued by a carrier or by an organized delivery system shall provide coverage benefits for treatment of a biologically based mental illness if the policy, contract or plan is issued to an employer who, during the preceding calendar year, employed more than 50 full-time equivalent employees; if the policy, contract or plan is issued to a small employer as defined in the Code chapter regulating small group health coverage, and such policy, contract or plan provides coverage benefits for the treatment of mental illness; or if the plan is established pursuant to Code Chapter 509A, Group Insurance for Public Employees.

The Act defines "biologically based mental illness" as psychiatric illnesses including schizophrenia, bipolar disorders, major depressive disorders, schizo-affective disorders, obsessive-compulsive disorders, pervasive developmental disorders, and autistic disorders. The Commissioner of Insurance is directed to establish by rule the definition of the biologically based mental illnesses identified.

A carrier, organized delivery system, or plan established pursuant to Code Chapter 509A may manage such mental illness benefits using common health insurance management methods.

The new Code section applies to third-party payment provider policies or contracts, and to plans established pursuant to Code Chapter 509A that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2006.

HOUSE FILE 610 - Regulation of Electronic Mail and Internet Drug Sales

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the transmission of unsolicited electronic mail and the sale or offer for sale of prescription drugs or adulterated or misbranded drugs through the use of electronic mail or the Internet.

The Act prohibits the use of a computer to falsify electronic mail transmission information in connection with the transmission of unsolicited bulk electronic mail, and prohibits the sale, distribution and possession of computer software that is primarily designed or marketed to enable the falsification of electronic mail transmission information. A person who violates these prohibitions commits an aggravated misdemeanor, and is also guilty of a class "D" felony if the volume of unsolicited electronic mail or revenue generated from the transmission exceeds certain levels or if the person employs or uses a person under the age of 18 to assist in the transmission.

A person who sells or offers to sell prescription drugs through the use of electronic mail or the Internet without a license is guilty of a simple misdemeanor. A person who sells adulterated or misbranded drugs through the use of electronic mail or the Internet is guilty of a class "D" felony. A person who uses encryption to further a violation of the Act is guilty of an aggravated misdemeanor.

The Act provides for the recovery of damages in a civil action by an injured person or by the Attorney General as a consumer fraud, and provides for seizure and forfeiture of all property used in connection with a violation of the Act.

HOUSE FILE 614 - Unlawful Transmission, Installation, and Use of Computer Software

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the transmission, installation and use of computer software through deceptive or unauthorized means.

The Act prohibits the transmission of computer software to a computer to deceptively modify the settings of the computer or collect personal identifiable information, deceptively prevent the computer's owner from blocking the installation of or disabling computer software, intentionally misrepresent that computer software will be uninstalled or disabled, deceptively remove or disable antivirus or antispyware computer software, take control of the computer to cause damage or without authorization, modify the owner's access to or use of the Internet, or prevent an owner from blocking the installation of unauthorized computer software. The Act provides certain exceptions to these prohibitions for telecommunications carriers, providers of computer information services, and other computer services providers authorized by the owner of the computer.

A person who violates any of the prohibitions of the Act is guilty of an aggravated misdemeanor. However, if the damages resulting from the violation exceed \$1,000, the person committing the violation is guilty of a class "D" felony.

HOUSE FILE 737 - Registration and Licensing of Mortgage Bankers and Brokers

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act requires registration by a natural person who is a mortgage banker or mortgage broker and who is employed by, under contract with, or is an agent of a person or business entity that is required to be licensed as a mortgage broker or mortgage banker under Code Chapter 535B. Such an individual must register annually with the administrator, who is the Superintendent of the Division of Banking of the Department of Commerce, pay a registration fee, and successfully complete a criminal background check. Registrants must complete 12 hours of continuing education or training each year, the curriculum of which has been approved by the administrator.

A "mortgage broker" or "mortgage banker" does not include a person whose job responsibilities on behalf of a licensee or individual registrant are to process mortgage loans, are solely clerical in nature, or otherwise do not involve direct contact with loan applicants.

The licensing requirements of Code Chapter 535B do not apply to certain specified entities.

The Act requires an applicant for a license as a mortgage broker to furnish a surety bond in the amount of \$25,000 instead of \$15,000, and also requires an applicant for a license as a mortgage banker to furnish a surety bond in the amount of \$50,000 instead of \$30,000.

The Act takes effect July 1, 2006.

HOUSE FILE 819 - Medical Assistance — Long-Term Care Asset Disregard Program

BY COMMITTEE ON APPROPRIATIONS. This Act establishes the Iowa Long-Term Care Asset Disregard Incentive Program subject to the approval of a medical assistance state plan amendment and waiver by the U.S. Department of Health and Human Services. The Act directs the Insurance Division of the Department of Commerce to administer the program in cooperation with the Department of Human Services.

Insurers who wish to issue certified long-term care insurance policies that meet the requirements of the Act must offer, at a minimum, a policy that provides both facility coverage and nonfacility coverage. If the insurer provides both types of coverage, the insurer may also offer a policy that provides only facility coverage.

Under the Act, an individual who is the beneficiary of a certified long-term care insurance policy would be allowed an asset disregard under the Medical Assistance (Medicaid) Program. The asset disregard is a \$1 increase in the amount of assets the individual may retain under Medicaid for each \$1 of benefits paid out under the individual's certified long-term care insurance policy for qualified long-term care services if the benefits meet minimum amounts established in the Act.

Beginning September 1, 2006, or one year after receipt of federal approval of Medicaid waivers relating to the asset disregard, whichever is later, the Commissioner of Insurance is to issue a bulletin on September 1 of each year, declaring the minimum face amount for policies to qualify for the asset disregard program for the following calendar year.

If the Iowa Long-Term Care Asset Disregard Incentive Program is discontinued, an individual who purchased or is covered under a certified long-term care insurance policy prior to the date the program is discontinued is eligible to continue to receive an asset disregard. An individual participating in the program existing on the effective date of the Act may continue to receive that asset adjustment. The department must adopt rules to allow an individual who purchased long-term care insurance prior to the effective date of the Act to receive an asset disregard incentive. The Act allows for reciprocal agreements to extend the asset disregard program to Iowa residents who have purchased or are covered under certified long-term insurance policies in other states.

The Act directs the Department of Human Services to amend the Medicaid State Plan to allow for disregard of all amounts paid out under a certified long-term care insurance policy and to seek approval of a state plan amendment or any waiver necessary from the federal government to implement the Act.

The Act repeals Code Chapter 249G, the current Long-Term Care Asset Preservation Program.

The Long-Term Care Asset Disregard Incentive Program and other provisions of the Act take effect only if the necessary Medicaid State Plan amendment and waiver are approved, and then no sooner than six months after both of those requirements are met.

The Act appropriates \$300,000 from the General Fund of the State to the Insurance Division for FY 2005-2006 to establish an educational program to inform Iowans regarding the Iowa Long-Term Care Asset Disregard Incentive Program.

HOUSE FILE 836 - Regulation of Cemeteries

BY COMMITTEE ON WAYS AND MEANS. This Act relates to cemeteries and cemetery regulation and provides for administration and enforcement procedures related to cemeteries, including establishing and appropriating fees, and providing for penalties.

The Act requires a business establishment that is involved with cemetery and funeral merchandise and funeral services to pay an annual audit fee of \$5 for each purchase agreement sold that is filed with the Insurance Division of the Department of Commerce and subject to a filing fee between July 1, 2005, and December 31, 2007, and allocates the audit fees collected to the Insurance Division Regulatory Fund to pay for auditors, audit expenses, investigative expenses, mediation expenses, consumer education expenses, a toll-free consumer complaint telephone line, and receivership expenses incurred pursuant to Code Chapter 523A, Cemetery and Funeral Merchandise and Funeral Services.

The Act repeals Code Chapter 523I concerning cemeteries, Code Chapter 566 concerning cemetery management, and Code Chapter 566A concerning cemetery regulation.

The Act creates a new Code Chapter 523I concerning cemeteries, cemetery administration and enforcement procedures, cemetery management, county cemetery commissions and neglected cemeteries, cemeteries owned or operated by governmental subdivisions, requirements for lawn crypts, and requirements applying to perpetual care cemeteries. The chapter is applicable to all cemeteries, except religious cemeteries that commenced business prior to July 1, 2005; all persons advertising or offering memorials, memorialization, opening and closing services, scattering services at a cemetery, interment rights, or a combination thereof for sale; and interments made in areas not dedicated as a cemetery, by a person other than the State Archaeologist.

The Act authorizes civil lawsuits brought by the Insurance Division against a cemetery that fails to use care funds to maintain the cemetery property.

The Act defines certain acts committed in violation of Code Chapter 523I as fraudulent practices.

The Act provides for the establishment of a receivership for a cemetery under certain circumstances.

The Act provides for the creation of a special revenue fund in the State Treasury to be known as the Insurance Division's Enforcement Fund, by allocating filing fees for deposit in the fund in an amount not exceeding \$50,000. The moneys in the fund are appropriated to the use of the Commissioner of Insurance to pay for auditors, investigative expenses, consumer education expenses, a toll-free consumer complaint telephone line, and receivership expenses of perpetual care cemeteries incurred pursuant to Code Chapter 523I.

The Act requires cemeteries to make disclosures to a buyer of interment rights when grave opening and closing fees are not included in the agreement. The Act authorizes a cemetery to accept written instructions of a decedent concerning interment, relocation or disinterment of remains and contains provisions for making a determination of who has the right to control interment, relocation or disinterment of remains.

The Act establishes requirements for recording ownership of interment rights at each perpetual care and non-perpetual care cemetery location rather than just with the county recorder. The Act requires cemeteries to maintain complete interment records that identify the owners of all interment rights sold or transferred by the cemetery on or after July 1, 2005, and contain historical information concerning any changes of ownership of interment rights. The Act sets forth requirements for interment rights agreements.

The Act contains a procedure to dedicate new cemeteries or subdivisions of cemeteries by a public filing with the Insurance Division. The Act requires a public filing with the Insurance Division before the construction of new mausoleums and columbariums and sets forth procedures governing the installation of memorials and memorialization by third parties.

The Act increases the penalty for disturbing an interment site from a simple misdemeanor to an aggravated misdemeanor.

The Act contains procedures for the removal of remains from a neglected cemetery and for reporting neglected cemeteries to the Insurance Division, and requires the commissioner to catalog and review such reports received, on or before December 31, 2007, and publish a report of findings on or before December 31, 2008.

Governmental subdivisions may commingle care funds for the purposes of investment and administration. Governmental subdivisions that operate cemeteries may invest their maintenance and care funds in the same manner as other cemetery corporations.

The Act sets forth requirements for lawn crypts and their installation.

The Act sets forth requirements for perpetual care cemeteries and provides that cemeteries that represent that they are offering perpetual care on or after July 1, 2005, are subject to the provisions of the Act. Any cemetery commencing business on or after July 1, 2005, other than those owned or operated by governmental subdivisions, must establish a care fund of at least \$25,000 in cash. A nonperpetual care cemetery may elect to become a perpetual care cemetery if the cemetery complies with the requirements applicable to a perpetual care cemetery, except such a cemetery is not required to make an initial \$25,000 care fund deposit.

HOUSE FILE 859 - Cooperatives

BY COMMITTEE ON WAYS AND MEANS. This Act provides for the organization of a form of cooperative that is a hybrid of a conventional cooperative governing agricultural association (e.g., a cooperative organized under Code Chapter 499) and a limited liability company (organized under Code Chapter 490A). Under general principles of cooperative law, memberships (or shares of common stock) are restricted to patrons, and specifically to persons who meet certain requirements: (1) producing a product marketed by the association, (2) customarily consuming or using the supplies or commodities that the association handles, or (3) using the services that the association renders. An important restriction is based on a principle of member participation, control and benefits which also purposely discourages outside investment. The purpose of the Act is to provide an opportunity for greater outside equity investment in a cooperative. The Act is drafted in a manner that presumes that patron members will contribute to the cooperative and then formally preserves an option for nonpatron members to invest in the association.

The Act is divided into two divisions. The first division creates new Code Chapter 501A and the second division makes a number of coordinating amendments to various Code chapters. The effect of the coordinating provisions is to treat new Code Chapter 501A cooperatives in the same manner as cooperatives organized in other Code chapters. These provisions relate to job programs and tax incentives offered to new or expanding businesses administered by the Department of Economic Development, grain dealer and grain warehouse regulations administered by the Department of Agriculture and Land Stewardship, securities law administered by the Securities Bureau of the Insurance Division of the Department of Commerce, and procedures for the disposition of abandoned property administered by the Treasurer of State. The Act also amends provisions in Code Chapter 490A to allow a liability company to merge or consolidate with a cooperative or another cooperative and limited liability company. It also provides for a merger by a domestic cooperative and a limited liability company, and it requires biennial reporting by limited liability companies to the Secretary of State.

Code Chapter 501A is divided into a number of subchapters as follows:

SUBCHAPTER 1 — GENERAL PROVISIONS. Subchapter 1 includes a number of definitions, including "member," who is a person reflected on the books of the cooperative as an owner of an interest in the business with voting rights. Importantly, this includes both "patron members" and "nonpatron members." A patron member typically exercises control through the exercise of a single vote. A "nonpatron member" is an investor in the cooperative who holds an equity position in the cooperative without having to patronize the business, who receives a return on investment in the form of dividends, and who exercises control based on an equity contribution.

SUBCHAPTER 2 — FILING REQUIREMENTS. Subchapter 2 includes a number of provisions that require a cooperative to file documents with the Secretary of State on prescribed forms, including organizational documents necessary to do business in this state as a domestic or foreign cooperative. These provisions are modeled closely upon the filing requirements and filing fees for limited liability companies under Code Chapter 490A. It requires biennial reporting to the Secretary of State. It also establishes a list of filing fees, which are the same as those for an Iowa limited liability company formed under Code Chapter 490A (ranging from no fee to \$100).

SUBCHAPTER 3 — NAMES. Subchapter 3 regulates naming conventions. It includes provisions similar to those in Code Chapter 490A governing limited liability companies. It authorizes and requires the use of the name "cooperative" by a business. It also allows a cooperative to reserve a name for its exclusive use by filing an application with the Secretary of State.

SUBCHAPTER 4 — REGISTERED OFFICE AND AGENT. Subchapter 4 provides for registered offices and agents authorized to accept service of process and requires that a cooperative continuously maintain certain offices in this state in order to receive service of process as part of civil actions. The provisions are modeled after provisions in Code Chapter 490A.

SUBCHAPTER 5 — ORGANIZATION. Subchapter 5 provides for the purposes of a cooperative, which may include agriculture and value-added processing. A cooperative may start up with one or more individuals who act on their own behalf or as agents of other entities. Generally, a cooperative exists on the date of the filing of its articles of organization and has perpetual duration. The subchapter requires that a cooperative have articles of organization and bylaws which provide for its business affairs and internal management (including capital struc-

ture, governance, voting rights, membership interests and financial rights, and the allocation of profits and losses among patron and nonpatron members).

SUBCHAPTER 6 — POWERS AND AUTHORITIES. Subchapter 6 provides that a cooperative has general powers to perform acts necessary and proper to accomplish its business purpose, including dealing in commodities and products. The subchapter provides for a cooperative's fiduciary powers. These do not include trust powers or trust services associated with banking. As part of its powers to issue bonds or other evidence of indebtedness, the cooperative must provide a written disclosure notifying members that moneys are not insured by the federal government. A cooperative may borrow money from its members, cooperatives or associations from which the cooperative is constituted; invest or reinvest its moneys; extend payment terms to its customers not exceeding six months from the date of the sale of the cooperative's goods or services; purchase insurance for its directors, officers, employees, or agents; and execute and enforce contracts. A cooperative may hold an interest in another business entity, presumably as part of a federation, parent company, or subsidiary. The cooperative's board of directors has emergency powers to take actions during a catastrophic event.

SUBCHAPTER 7 — DIRECTORS AND OFFICERS. Subchapter 7 provides for the governance of the cooperative by a board of directors. The subchapter provides for a minimum of three or five directors based on the cooperative's size. It requires that board action be approved by a majority of directors who are voting (i.e., a quorum) at a meeting, unless the articles or bylaws require a greater number. The subchapter includes special provisions for a cooperative which includes nonpatron members. Generally, patron members and nonpatron members vote as a bloc. The cooperative must provide its patron directors a minimum of 50 percent voting power on the board. At least half of the voting power is reserved to patron directors "on matters of the cooperative" and the directors elected by patron members cannot have a minority voting power on "general matters of the cooperative." These terms are not defined, but presumably nonpatron directors could control the outcome of "special matters" which only affect their bloc.

The subchapter provides for the election of directors and officers (e.g., chairperson of the board) and authorizes the employment of a chief executive officer to manage the cooperative's day-to-day affairs. The subchapter provides procedures to conduct elections, hold meetings, and take action. The provisions include ballot procedures, and procedures for filling vacancies for patron and nonpatron directors, and for removing directors. The board can take action by a majority of the voting power that would constitute a quorum. The subchapter authorizes the establishment of committees, including an audit committee to provide for internal financial accountability.

The subchapter provides for a standard of conduct which is "good faith and ordinary care." For a conflict of interest, the standard is based on the fairness of the transaction and disclosure of the conflict to other board members who authorize the transaction in good faith. The subchapter provides for liability of a director, employee or member. The standard is whether the action or inaction is based on unjust enrichment or an intentional act to do harm. A party to a legal action may be indemnified, subject to a number of conditions such as not being indemnified twice and acting in good faith.

SUBCHAPTER 8 — MEMBERS. Subchapter 8 provides for patron and nonpatron participation. A cooperative must have one or more patron members and may have one or more nonpatron members (without a requirement that a patron member hold a certain amount or percentage of the cooperative's equity). Members may be divided into "groups" which must include patron members and nonpatron members, but may include other groups as well (e.g., based on geography such as districts in the case of a federated cooperative). A member has a right to inspect and copy the cooperative's records. The subchapter provides for minority rights provisions and specifically prohibits the articles, bylaws, or a board action from restricting the right of a member involved in litigation with the cooperative. A member is not liable for the debts of the cooperative due to the person's status as a member.

The subchapter requires regular and convenient meetings that must be held annually as determined by the board with notice to the members. It provides for special members' meetings upon majority vote of the board or written petition of the members. The subchapter includes specific requirements for a quorum and authorizes remote voting.

The subchapter provides for "voting power" of the membership, which is based on membership interest (akin to the shares owned). The principle of voting power is based on blocks of capital rather than on individual rights. Thus, if nonpatron members are granted voting rights by the patron members, the patron members vote as a bloc (referred to as collective voting). The subchapter provides that a cooperative's bylaws may allow members additional votes based on patronage rather than one member, one vote. For nonpatron members, voting power is granted in accordance with "nonpatron membership interests" as provided in the bylaws, and presumably based on the nonpatron member's equity contribution. The subchapter provides that the bylaws cannot reduce the patron membership vote to less than 15 percent of the total vote on matters of the cooperative. The subchapter provides for a number of voting procedures, including voting by delegate, voting by proxy, and voting by absentee ballot. A membership interest may be held by another organization and voting rights may be held by fiduciaries.

A cooperative may provide for the sale of the cooperative's property and assets. The board may authorize the sale without member approval "by affirmative vote of a majority of the board present" presumably under the rules of quorum. The sale may be for all or substantially all of the cooperative's property and assets so long as done "in the usual and regular course of business." If the sale is not made in the usual course of business, the decision must be made by the affirmative vote of two-thirds of the voting power of the membership.

SUBCHAPTER 9 — MEMBERSHIP INTERESTS. Subchapter 9 provides for the issuance of securities referred to as membership interests which are documented by certificates issued by the cooperative to its members. The subchapter provides for the form of a certificate and the payment of a subscription price as a condition of issuance. The subchapter also requires the cooperative to disclose risks associated with investment. The articles or bylaws may impose restrictions upon the assignment of financial rights associated with a membership interest, authorize the cooperative to issue different classes or series within classes of membership interests with associated rights to share in profits and losses, or limit voting rights other than voting rights granted to patron members. The subchapter provides for procedures for participation by patron and nonpatron members. If nonpatron membership is authorized, patron membership interests collectively must have at least 50 percent of the cooperative's distributions. However, there is one important exception. The cooperative's articles or bylaws may be amended by the vote of the patron members to provide smaller patron member participation, but in no case less than 15 percent of the distributions made to the membership generally. The subchapter provides for the rights of judgment creditors. It authorizes persons to manage membership interests held by the estate of a deceased, an incompetent member, or a member in bankruptcy. It also provides special rights to dissenting members. A member may dissent from a decision to merge with another business entity in a manner that "materially and adversely affects the rights and preferences" of the dissenting member. It also provides procedures for demanding "fair value" of the membership interest.

SUBCHAPTER 10 — CONTRIBUTIONS, ALLOCATIONS, AND DISTRIBUTIONS. Subchapter 10 provides for how contributions are accounted and how distributions are to be made to patrons (ratably in proportion to the business the patron member did with the cooperative during that year) and nonpatrons (based on capital investment). Contributions are governed by a "contribution agreement" which must be in writing. The cooperative's board of directors is authorized to accept "contributions" in various forms (the payment of money or the transfer of property or the promise to pay money, transfer property, or provide services) according to methods of fair valuation. A cooperative may establish a capital reserve fund to be used to set aside a portion of net income allocated to the patron membership interests for capital investment and education. The cooperative may provide for special allocation units (e.g., by geographic location of a federated cooperative). The cooperative may operate on a pooling basis (a pool is composed of commingled units of the same kind of product which are contributed to the cooperative association by its members). Distributions must be made at least annually, and may be in the form of cash, capital credits, revolving fund certificates, or the cooperative's own securities.

The subchapter provides for a member control agreement, which is the third statutory method of governance together with the articles and bylaws. A member control agreement, as authorized by the cooperative's articles or bylaws, is a contract executed by all persons who are members of the cooperative and all persons who have signed contribution agreements (whether or not these persons have or will have voting power). It may relate to any phase of the business (e.g., the management of the business, the declaration and payment of distributions, the sharing of profits and losses, the election of directors, the employment of members by the cooperative, or the arbitration of disputes). In general, any result than can be achieved by the articles or bylaws can be accom-

plished by a procedure established in a member control agreement (with certain exceptions relating to voting rights and nonpatron membership interests).

The subchapter also provides for abandoned property. Once a person's membership interest or other member's equity in a cooperative is deemed abandoned, the procedures for disposing of abandoned property are the same as provided in Code Section 499.30A. Generally, the cooperative may retain any disbursement held by the cooperative for or owing to the person (for deposit into a reversion fund and possible forfeiture to the cooperative) or transfer the disbursement to the Treasurer of State for disposition of abandoned property under Code Sections 556.5 and 556.11.

SUBCHAPTER 11 — MERGER AND CONVERSION. Subchapter 11 provides for how a new Code Chapter 501A cooperative may merge or consolidate with another business under a written plan for merger or consolidation, for notice to members, and for adoption by the members. The merger or consolidation may involve a cooperative and another Code Chapter 501A cooperative organized under the Act, a traditional cooperative organized under another Code chapter, a limited liability company, or any other business entity if authorized by Iowa law or the law of another jurisdiction. The cooperative's board of directors must prepare the plan and notify the membership who must approve it, including by a majority vote of patron members or by a majority of the votes cast in each class (patron and nonpatron membership voting in bloc). The articles of merger or consolidation must be filed with the Secretary of State. For cooperatives organized under Code Chapter 499, the board must adopt a resolution, which is passed by the membership at an annual or special meeting after 20 days' notice. Presumably, the resolution must be adopted by a two-thirds vote of the members (see Code Section 499.64). For a closed cooperative organized under Code Chapter 501, the board of directors of each cooperative must adopt a resolution by majority vote which presumably must be approved by a majority of the members (see Code Sections 501.612 and 501.613). In addition, a limited liability company may merge with a domestic cooperative (a traditional cooperative as well as a new Code Chapter 501A cooperative). The plan is initiated and adopted in the same manner as provided for new Code Chapter 501A cooperatives.

The subchapter also provides that a traditional cooperative may convert to a new Code Chapter 501A cooperative by amending its articles of organization to conform to the requirements of the new Code chapter. For a Code Chapter 499 cooperative, the association may amend its articles of organization presumably by a vote of 66 2/3 percent of the members present at an annual or special meeting (see Code Section 499.41). For a Code Chapter 501 cooperative, the association may amend its articles of organization presumably by a two-thirds vote in which a majority of all votes are cast (see Code Section 501.203).

SUBCHAPTER 12 — DISSOLUTION. Subchapter 12 provides that a cooperative may be dissolved by the cooperative filing articles of dissolution with the Secretary of State, or by members or creditors of the cooperative, or by the Attorney General, who files a petition with the court. The provisions are closely modeled on provisions for Iowa limited liability companies as provided in Code Chapter 490A, Subchapter XIII. The subchapter provides requirements for winding up the affairs of the cooperative by the board, including the collection and payment of debts, the transfer (sale) of assets, and the distribution of any remaining assets to its members. Articles of dissolution cannot be filed until the payment of claims of all known creditors and claimants has been made or provided for and the remaining property has been distributed by the board. The cooperative may revoke dissolution proceedings prior to articles of dissolution being filed and resume its business.

The subchapter also provides for court involvement upon petition by a member or creditor and court-ordered remedies, including injunctive relief, the issuance of a dissolution order, and barring of claims by creditors who file a timely claim during the pendency of the dissolution proceeding. It provides procedures for involuntary or court-supervised voluntary dissolution, including the appointment of a receiver. It also provides procedures for dissolution action by the Attorney General based on bad actions by the cooperative, including fraud or abandoning the business.

CHILDREN AND YOUTH

- SENATE FILE 352** - Child Advocacy and Foster Care Review — Tort Liability and Confidentiality
- HOUSE FILE 190** - Child Death Review Team Duties
- HOUSE FILE 538** - Children With Mental Health, Behavioral, or Emotional Disorders
- HOUSE FILE 616** - Decategorization of Child Welfare and Juvenile Justice Funding Projects
- HOUSE FILE 685** - Fingerprinting of Children
- HOUSE FILE 753** - Safety-Related Information Concerning Children — Dissemination
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance

RELATED LEGISLATION

- SENATE FILE 330** - Domestic Relations, Rights, and Support Obligations
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act amends portions of the Code relating to dissolution of marriage and domestic relations, termination of parental rights, and child support. The Act authorizes the court to appoint a guardian ad litem in a dissolution proceeding to represent the best interests of the child. The Act provides that prior to the court ruling on a request for the award of joint physical care, the court may require the parents to submit a joint physical care parenting plan. The Act specifies the information to be included in the parenting plan.
- SENATE FILE 343** - Official Audits, Reports, Registries, and Agreements
SEE HUMAN SERVICES. This Act relates to governmental services involving audit reports, child abuse reporting and registry requirements, and the Family Investment Program administered by the Department of Human Services.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for various programs involving children and families, including Child Care and Development, Maternal and Child Health Services, Community Services, and Social Services Block Grants. A directive is included that if additional Child Care Block Grant funding is received, the additional amount is to be used for purposes identified by the Department of Human Services. In addition, to the extent the funding amount is sufficient, the department is to set reimbursement rates based on the most recently completed rate reimbursement survey. Otherwise, H.F. 825 (see Appropriations) requires the department to utilize the survey completed in December 1998.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the School Infrastructure Program Bond Reserve Fund, damages due to ineffective assistance of counsel, child abuse data corrections, and parental objections to newborn congenital defects screening, and eliminates obsolete provisions related to school-based youth services and obsolete references to the 2001 Legislative Education Accountability and Oversight Interim Committee.
- HOUSE FILE 281** - Inheritance Tax Fraud and Transfers to Minors
SEE TAXATION. This Act mainly deals with the state inheritance tax. The Act also increases from \$10,000 to \$25,000 the amount of property that may be transferred under the Uniform Transfers to Minors Act to an adult member of a minor's family or to a trust company for the benefit of the minor in those cases where no custodian is available to receive the property for the benefit of the minor.

- HOUSE FILE 310** - Sales and Use Tax — Toy Sales to Nonprofit Organizations
SEE TAXATION. This Act provides a sales and use tax exemption for the sale of toys that are purchased from donations and distributed to children at no cost.
- HOUSE FILE 423** - Student Participation in Extracurricular Interscholastic Activities
SEE EDUCATION. This Act makes a child eligible to participate immediately in extracurricular interscholastic athletic contests or competitions under certain conditions.
- HOUSE FILE 683** - Legal Representation for Indigent Persons
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that the court shall appoint counsel for an indigent person in a termination of parental rights proceeding brought pursuant to Code Chapter 600A.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions involving children, including child support, child care, and child welfare.
- HOUSE FILE 858** - Work-Based Learning Intermediary Network Program
SEE EDUCATION. This Act establishes a Statewide Work-Based Learning Intermediary Network Program to better prepare students to make informed postsecondary education and career decisions; provide communication and coordination in order to build and sustain relationships between employers and local youth, the education system, and the community at-large; connect students to local career opportunities; facilitate the sharing of best practices statewide by business and education leaders; implement services for all students, staff and districts, and integrate workplace skills into the curriculum; and provide a one-stop contact point for information useful to both educators and employers, including a state-level clearinghouse for internships, job shadowing experiences, and other workplace learning opportunities for students that are linked to the state's economic goals.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a number of provisions affecting children and youth.

CHILDREN AND YOUTH

SENATE FILE 352 - Child Advocacy and Foster Care Review — Tort Liability and Confidentiality

BY COMMITTEE ON HUMAN RESOURCES. This Act revises confidentiality and liability provisions involving the Child Advocacy Board. The board is part of the Department of Inspections and Appeals and has responsibilities for oversight and review of the state's foster care system, including establishing and overseeing local citizen foster care review boards and administering the Court Appointed Special Advocate Program.

Existing state tort liability protection for court appointed special advocates is expanded to provide the protection for members of the Child Advocacy Board or a local foster care review board.

Disclosure of a child's juvenile court records without court order is authorized to members of the Child Advocacy Board or a local foster care review board who are assigning or reviewing a case.

Exemptions from the Public Records Law and penalties for unauthorized disclosure of confidential information are made applicable to court appointed special advocates and members of the Child Advocacy Board or a local foster care review board.

HOUSE FILE 190 - Child Death Review Team Duties

BY COMMITTEE ON HUMAN RESOURCES. This Act expands the duties of the Child Death Review Team. The team is an independent agency of state government with staffing provided by the Iowa Department of Public Health (IDPH). The team exists to analyze child death information in order to make recommendations to the Governor and General Assembly for policy changes that could prevent child deaths.

The Act requires the team to make recommendations to the Department of Human Services, law enforcement agencies, and others involved with child protection regarding interventions that may prevent harm to a child who is related to or living in the same home as a child whose death was reviewed by the team. Authority to make such recommendations is also provided to an ad hoc child fatality review committee reviewing child abuse assessments involving a child fatality in accordance with protocols established by the review team.

The team is authorized to share information possessed by the team with the Office of the Attorney General, a county attorney's office, or a law enforcement agency, if the office or agency does not otherwise have access to the information and the information would assist in a child death investigation or a criminal prosecution. The office or agency's unauthorized release or disclosure of the information received is punishable as a serious misdemeanor.

The team is authorized to share information possessed by the team with another division of IDPH if the other division does not have access to the information and the information would assist the other division in performing its duties. The other division's unauthorized release or disclosure of the information received is punishable as a serious misdemeanor.

HOUSE FILE 538 - Children With Mental Health, Behavioral, or Emotional Disorders

BY COMMITTEE ON HUMAN RESOURCES. This Act revises child welfare requirements involving children with mental health, behavioral, or emotional disorders.

As a condition of licensure, a psychiatric medical institution for children (PMIC) is prohibited from requiring that court proceedings be initiated, or that a child's parent terminate parental rights or transfer legal custody of the child for the purpose of obtaining PMIC treatment for the child.

The Department of Human Services (DHS) is required to submit a waiver request to the U.S. Department of Health and Human Services in order to provide coverage under the Medical Assistance (Medicaid) Program for not more than 300 children at any one time who need behavioral health services, qualify for the PMIC level of care, and are in need of treatment to cure or alleviate a serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others and whose parent, guardian or custodian is unable to provide the treatment. The waiver request is to provide for appropriately meeting the children's needs by using a wraparound services approach, renegotiating the Medicaid Program behavioral health contract provisions, or applying another approach. This waiver request is incorporated into the Medicaid Program reform requests made to the federal government pursuant to S.F. 841 (see

Human Services). If federal approval of the waiver request is not received, DHS is required to submit options to the Governor and General Assembly to meet the needs of the children through a state-funded program.

The definition used for making child in need of assistance (CINA) determinations is amended for a child who is in need of treatment to cure or alleviate a serious mental illness or disorder or emotional damage. Under the amendment a child whose parent, guardian or custodian is unable to provide such treatment would no longer meet the CINA definition. This amendment to the definition only takes effect if the federal government approves the waiver request or a state-funded program is implemented in lieu of the waiver.

If the federal government approves the waiver, DHS must convene a review committee to provide advice regarding the waiver's implementation and a child or family receiving waiver services must have access to case management or another form of service coordination.

HOUSE FILE 616 - Decategorization of Child Welfare and Juvenile Justice Funding Projects

BY COMMITTEE ON HUMAN RESOURCES. This Act revises requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects. The decategorization initiative consolidates traditional funding streams for child and family services at the county level into a single child welfare fund for a county or multicounty area. The fund is used for services such as family-centered assistance, family preservation, court-ordered services, family foster care, group foster care, independent living, and adoptions. Decategorization requires local county, court, and Department of Human Services (DHS) officials to collaborate on a written plan that outlines the expanded or new services and governance of the child welfare fund. The funding sources subject to decategorization are primarily from appropriations made to DHS.

The Act provides a list of general potential funding sources that may be designated for the funding pool, including "carryover funding" that does not revert to the fund from which appropriated at the close of a fiscal year. In addition, authority is provided for juvenile justice system services funding to be designated for a funding pool.

For the most part, specific requirements and elements contained in prior law are replaced with general requirements and elements. For example, prior law required DHS and the governance board for a project to annually agree on a budget by a particular date. This is replaced with a general requirement for communication and coordination between a project governance board and the departmental service area manager.

Relative areas of responsibility for fiscal matters are specified. The DHS service area manager is responsible for meeting the child welfare service needs for that area within available funding resources. A decategorization project's governance board is responsible for ensuring that expenditures do not exceed the amount available for a fiscal year from the project funding pool.

HOUSE FILE 685 - Fingerprinting of Children

BY COMMITTEE ON PUBLIC SAFETY. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.

Under the Act, the parent or guardian of a child may give written authorization for fingerprinting the child for use in the future in case the child becomes a runaway or a missing child. If a parent or guardian gives such authorization, the fingerprint cards must be given to the parent or guardian. Fingerprints may also be voluntarily given, with the written permission of the child and parent or guardian, when requested by a law enforcement officer to aid in a specific criminal investigation. Upon completion of the investigation, the fingerprint cards must be returned to the parent or guardian of the child. In either situation, only one set of prints shall be taken.

The Act also permits fingerprinting that is required under the Juvenile Justice Code chapter or other criminal proceeding, required when an unidentified dead body is found or when a child is adjudicated delinquent for an offense which would be an offense other than a simple misdemeanor if committed by an adult within the jurisdiction of a county sheriff or a city police chief, required for purposes of the Iowa Medical and Classification Center or the State Training School, and required by court order.

HOUSE FILE 753 - Safety-Related Information Concerning Children — Dissemination

BY COMMITTEE ON HUMAN RESOURCES. This Act amends Code Chapter 232, the Juvenile Justice Code, to provide that if a report or examination concerning a child indicates the child behaved in a manner that threatened

the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, a parent, guardian, or foster parent or other custodian of the child is to be informed unless ordered otherwise by the court.

In addition, if that information is part of the child's record or it is otherwise known, the information is required to be addressed in the child's case permanency plan. The information must be provided to the indicated persons at the time the Department of Human Services or other agency involved learns of the information. The information can only be withheld by court order or if the department or agency determines that providing the information would be detrimental to the child or the family with whom the child is living, upon consideration of any history of abuse.

HOUSE FILE 761 - Early Care, Child Care, Education, Health, and Human Services Assistance

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to improvement of the early care, child care services, education, health, and human services systems, revises the child and dependent care tax credit, and creates an early childhood development tax credit.

The Community Empowerment Initiative in Code Chapter 28 is revised. The terms "early care," "early care services," and "early care system" are defined to mean the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from birth through age five. The terms encompass public and private efforts and formal and informal settings. These terms are inserted throughout Code Chapter 28 to include early care in responsibilities and efforts directed to education, health, and human services through community empowerment and the state and local entities associated with the initiative.

The Director of the Department of Management (DOM) is required to designate early care staff as part of the initiative to provide coordination and other support to the state's early care system. The staff duties include providing support to public and private stakeholders; developing accountability measures for early care efforts and for use in assessing the outcomes of the efforts; collecting, interpreting and disseminating data; and providing outcome information as part of the Iowa Empowerment Board's annual report to the Governor and General Assembly.

The Iowa Empowerment Board is required to provide an annually updated strategic plan for improving the efficiency of working with federally mandated bodies, and for integration of services, service quality functions, and state-administered funded streams. References to specific programs identified for funding stream integration in prior law are deleted. The board is required to integrate statewide quality standards and results indicators developed by other boards and commissions into the board's funding requirements for investments in early care, education, health, and human services.

The board is required to utilize assistance from the state departments represented on the board (Economic Development, Education, Human Rights, Human Services, and Public Health) and the Community Empowerment Office in developing and implementing annual reporting requirements for community empowerment areas and state administrators of programs providing early care regarding the results produced by the areas and programs.

The board is required to identify and apply limitations on the carryforward of School Ready Children Grant funding, subject to various exceptions and limitations.

The board is required to provide for operation of an early care Internet webpage to widely disseminate early care information for the agencies and public addressing the early care system. The webpage is required to include a special link directed to parents and parent resources, program standards approved by state agencies, and a single point of contact for use by parents in accessing early care programs available in the parents' areas. The webpage is to be implemented by March 1, 2006.

The board is required to conduct a study of incentives that can be made available to persons who provide early care and child care. The incentives studied are to include forgivable loans for higher education expenses, health care benefits, and retirement benefits. The report is to be submitted to the Governor and General Assembly in December 2005.

The Community Empowerment Office is required to develop a plan for integrating the efforts of the state agency staff that have job functions directed to the early care system. The plan is to be submitted to the Senate and House Standing Committees on Education and Human Resources in December 2006.

School districts are required to administer the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) kindergarten benchmark assessment or other benchmark assessment adopted by the Department of Education. The assessment must be annually administered to every kindergarten student enrolled in a district by October 1. The districts are also required to collect information from the kindergarten children's parent, guardian or custodian regarding the child's preschool and other early care information. The assessment and information are to be submitted to the department annually by January 1 of each school year and the department is to annually report findings and recommendations to elected and appointed policymakers involved with education and early care.

The Department of Human Services (DHS) is required to work with the Community Empowerment Office and the State Child Care Advisory Council in designing and implementing a voluntary child care rating services for child development homes, preschools, and child care centers regulated by DHS. A listing of the criteria that may be used for the rating system is provided, including provider qualifications, education and experience; compliance records; child-to-staff ratios; and a direct assessment environmental rating. The rating may be included on the child care Internet webpage and other information provided to parents by DHS and child care resource and referral services. The rating system replaces the Gold Seal Quality Rating Designation used to recognize high-quality programs under prior law. The first ratings are to be awarded beginning in January 2006, but DHS may modify implementation of the rating system to conform to the funding available.

If the federal government offers the state an opportunity to participate in a head start pilot program designed to coordinate other early childhood programs into a comprehensive early childhood system, and DOM determines, in consultation with state agency directors and the Iowa Head Start Association, that participating in the opportunity would not adversely affect the state's head start programs, the Iowa Empowerment Board is required to apply for Iowa to participate.

The upper income threshold for a taxpayer to claim the child and dependent care credit is increased from net income of \$40,000 to not more than \$45,000. In addition, a taxpayer may claim an early childhood development tax credit in lieu of the child and dependent care credit. The new credit is 25 percent of the first \$1,000 paid to others for dependents ages three through five for early childhood development expenses, as defined by the Act. In order to claim the new credit, the taxpayer must apply to the Department of Revenue by November 1 of the tax year for which the credit is claimed. The total amount of credits that may be approved for a tax year is limited to \$2.5 million. If the amounts applied for exceed the limit, the credits are to be prorated. The department must notify taxpayers of the taxpayer's approved credit amounts no later than January 1. The tax provisions are first applicable beginning with the tax year that commences January 1, 2006.

CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

- SENATE FILE 323** - Uniform Mediation Act
- SENATE FILE 330** - Domestic Relations, Rights, and Support Obligations
- SENATE FILE 379** - Probate — Miscellaneous Revisions — Trusts
- HOUSE FILE 754** - Homestead Exemption — Waiver Affecting Agricultural Property

RELATED LEGISLATION

- SENATE FILE 74** - Financial Institution or Insurer Names, Trademarks, Logos, or Symbols — Prohibited Use ***SEE BUSINESS, BANKING & INSURANCE.*** This Act permits an injunction to be sought against the prohibited use of the financial institution's or insurer's name. A financial institution or insurer may recover damages and attorney fees.
- SENATE FILE 215** - Civil Rights Commission — Service and Delivery of Complaints and Orders ***SEE STATE GOVERNMENT.*** This Act substantially eliminates the requirement that certain Civil Rights Commission complaints and orders be served or mailed only by certified mail.
- SENATE FILE 270** - Identity Theft ***SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.*** This Act expands the remedies available for civil causes of action for identity theft and permits certain financial institutions to file a civil action for identity theft on behalf of an account holder.
- SENATE FILE 335** - Unemployment Compensation — Dependent Adult Abuse Information ***SEE HUMAN SERVICES.*** This Act authorizes persons involved in court or administrative agency proceedings making a determination regarding unemployment compensation claims access to dependent adult abuse information, other than unfounded dependent adult abuse information, maintained by the Department of Human Services.
- SENATE FILE 350** - Child Support — Miscellaneous Provisions ***SEE HUMAN SERVICES.*** This Act relates to child support, including suspension of a support obligation under certain circumstances, notice and service of process provisions related to support orders, combining of actions for contempt proceedings, satisfaction of support not paid to the clerk of court or the Collection Services Center, the definition of "income" for the purposes of attachment to pay support, access by the Child Support Recovery Unit to certain records of a person owed or a person required to pay support, and disclosure to the unit of a termination of parental rights order.
- SENATE FILE 375** - Uniform Environmental Covenants Act ***SEE ENVIRONMENTAL PROTECTION.*** This Act creates the Uniform Environmental Covenants Act.
- SENATE FILE 413** - Taxes, Tax Policy, and Administration ***SEE TAXATION.*** This Act relates to changes in the streamlined Sales and Use Tax Law, providing a separate excise tax for hotel and motel room rentals and a separate excise tax for certain construction equipment, and making other tax policy and administrative changes. Division IV enacts new Code Section 602.6703, which grants original jurisdiction to Iowa district courts over civil actions seeking declaratory relief that a business which is organized in the state, is a sole proprietorship owned by a domiciliary of the state, or is authorized to do business in this state is unconstitutionally burdened by the requirement of another state to collect sales or use taxes for that state or a political subdivision of that state.

- HOUSE FILE 175** - Business Entity Names
SEE BUSINESS, BANKING & INSURANCE. This Act amends Code provisions that govern the naming of domestic and foreign business entities by authorizing the use of fictitious names.
- HOUSE FILE 281** - Inheritance Tax Fraud and Transfers to Minors
SEE TAXATION. This Act mainly deals with the state inheritance tax. The Act also increases from \$10,000 to \$25,000 the amount of property that may be transferred under the Uniform Transfers to Minors Act to an adult member of a minor's family or to a trust company for the benefit of the minor in those cases where no custodian is available to receive the property for the benefit of the minor.
- HOUSE FILE 538** - Children With Mental Health, Behavioral, or Emotional Disorders
SEE CHILDREN & YOUTH. This Act revises child welfare requirements involving children with mental health, behavioral, or emotional disorders and includes a change in the definition used for making child in need of assistance determinations. This change is contingent upon receipt of federal waiver approval or implementation of a state program.
- HOUSE FILE 610** - Regulation of Electronic Mail and Internet Drug Sales
SEE BUSINESS, BANKING & INSURANCE. This Act allows the Attorney General to bring a civil action as a consumer fraud or an injured person to bring a civil action for damages suffered due to the transmission of unsolicited bulk electronic mail, the sale or offer of sale of prescription drugs by a nonlicensed person through the use of electronic mail or the Internet, or the sale of adulterated or misbranded drugs through the use of electronic mail or the Internet.
- HOUSE FILE 682** - Criminal Justice — Miscellaneous Provisions
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act assesses a civil penalty when a defendant receives a deferred judgment in a criminal case. The civil penalty assessed shall not be for less than the amount of the criminal fine authorized by law for the offense. Any moneys collected from the civil penalty shall be remitted by the clerk of the district court to the State Court Administrator for deposit into the General Fund of the State.
- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 764** - Unemployment Compensation — Sale or Transfer of Organization, Trade, or Business — Employer Contribution Rates
SEE LABOR & EMPLOYMENT. This Act relates to the unemployment contribution rate of an employer who sells or transfers all or a portion of its organization, trade or business to another employer or person and provides for civil and criminal penalties.
- HOUSE FILE 767** - Environmental Protection Commission — Civil Penalties Schedule — VETOED BY THE GOVERNOR
SEE ENVIRONMENTAL PROTECTION. This bill related to a schedule established by the Environmental Protection Commission for civil penalties by increasing the amount the commission may assess from \$10,000 to \$25,000.
- HOUSE FILE 772** - Open Meetings and Open Records Violations
SEE STATE GOVERNMENT. This Act provides that a court shall issue an order removing a member of a governmental body or a lawful custodian of a public record from the member's office or terminating the employment of any other appropriate person in the office of the lawful custodian for a violation of either the Open Meetings Law or the Public Records Law if the member or person engaged in a prior violation of either law for

which damages were assessed against the member during the member's term or against the person during the person's term.

- HOUSE FILE 807** - Appropriations — Judicial Branch
SEE APPROPRIATIONS. This Act increases the number of magistrates, increases certain filing fees, makes changes to the frequency of mailings by the clerk of the district court, and permits a presentence investigation report to be sent by electronic means.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions involving civil law, including child support, child care, child welfare, and many other items affecting children and family law.
- HOUSE FILE 826** - Vehicular Traffic Speed Limits and Allocation of Fines, Fees, Penalties and Other Revenue
SEE TRANSPORTATION. This Act directs the State Court Administrator to allocate \$7 million annually to the judicial branch for salaries and specified administrative expenses.
- HOUSE FILE 836** - Regulation of Cemeteries
SEE BUSINESS, BANKING & INSURANCE. This Act relates to cemeteries and cemetery regulation and provides for administration and enforcement procedures related to cemeteries, including establishing and appropriating fees, and providing for penalties. The Act authorizes civil lawsuits brought by the Insurance Division of the Department of Commerce against a cemetery that fails to use care funds to maintain the cemetery property.
- HOUSE FILE 881** - Compensation for Public Employees and Additional Provisions
SEE APPROPRIATIONS. This Act relates to the funding for FY 2005-2006 of salary increases for state officials and employees, excluding State Board of Regents employees. The Act increases by approximately 4.5 percent the annual salaries of justices, judges, and judicial magistrates.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes provisions affecting court administration, including a change in the oath taken by attorneys being admitted to the bar.

CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

SENATE FILE 323 - Uniform Mediation Act

BY COMMITTEE ON JUDICIARY. This Act establishes the "Uniform Mediation Act" in Iowa relating to a mediation process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. The Act repeals current Code Chapter 679C, which relates to the same subject.

The Act applies to mediation that occurs by statute, court, administrative or agency rule, or is referred by a court, an administrative agency, or an arbitrator, and specifies certain circumstances under which a mediation shall and shall not be conducted.

The Act provides for privileges against disclosure related to a mediation communication for a mediator, a party involved in a mediation, and a nonparty participant. The Act further provides that a privilege against disclosure may be waived if expressly waived by all parties to the mediation under certain circumstances, and also provides exceptions to the privileges against disclosure. "Mediation communication" is defined as a statement, oral or written, verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

The Act prohibits a mediator from making a report regarding a mediation under certain circumstances, except that a mediator may disclose whether the mediation occurred or has terminated, whether a settlement was reached, who attended the mediation, a mediation communication that falls under one of the exceptions to the privilege against disclosure, and a mediation communication evidencing abuse, neglect, abandonment, or exploitation of an individual to the appropriate public agency.

The Act specifies certain provisions relating to the impartiality and liability of a mediator.

The Act also specifies that the provisions of the chapter modify or supersede certain provisions of federal law.

SENATE FILE 330 - Domestic Relations, Rights, and Support Obligations

BY COMMITTEE ON JUDICIARY. This Act amends portions of the Code relating to dissolution of marriage and domestic relations, termination of parental rights, and child support.

The Act amends portions of Code Chapter 252A, Support of Dependents, Code Chapter 598, Dissolution of Marriage and Domestic Relations, and Code Chapter 600B, Paternity and Obligation for Support, to make the provisions relating to support of a child consistent relative to children of married or unmarried parents. The Act also restructures Code Chapter 598.

The court may appoint a guardian ad litem in a dissolution proceeding to represent the best interests of the child. The Act specifies the duties of the guardian ad litem and provides that the same person may serve as both the child's legal counsel and the child's guardian ad litem. The court may also appoint a separate guardian ad litem if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interests of the child as guardian ad litem, or a separate guardian ad litem is required to fulfill the requirements specified for the guardian ad litem.

Prior to the court ruling on a request for the award of joint physical care, the court may require the parents to submit a joint physical care parenting plan. The Act specifies the information to be included in the parenting plan.

The Act provides that the child support obligations under Code Chapters 252A, 598 and 600B all include support of a child between 18 and 19 years of age if the child is engaged full-time in completing high school graduation or equivalency requirements with completion of the requirements prior to the child reaching 19 years of age.

SENATE FILE 379 - Probate — Miscellaneous Revisions — Trusts

BY COMMITTEE ON JUDICIARY. This Act amends and creates various provisions in the Iowa Probate Code and the Iowa Trust Code, and transfers certain divisions currently located in the Probate Code (Code Chapter 633) relating to trusts, powers of attorney, medical assistance trusts, transfers on death security registration, and the

Uniform Disclaimer of Property Interest Act from the Probate Code to create Code Chapters 633A, 633B, 633C, 633D, and 633E, respectively, and also consolidates certain provisions relating to trusts into the Trust Code.

The Act amends the definition of a trust subject to the ongoing administration and supervision of the Probate Code to specifically include a trust in existence on July 1, 2005, and that is subject to continuous court supervision and a trust established by court decree that is subject to continuous court supervision. Such trusts shall be governed by both the Probate Code and the Trust Code, as amended, where the provisions of the Trust Code do not conflict with the provisions of the Probate Code. Upon joint application by the trustee administering a trust that is in existence on July 1, 2005, and subject to continuous court supervision, and following notice to the appropriate beneficiaries, the court shall release the trust from further jurisdiction of the probate court unless a beneficiary objects. Conforming amendments in both the Probate Code and the Trust Code emphasize that all court proceedings regarding trusts shall be governed by the district court sitting in probate.

IOWA PROBATE CODE. The Act amends sections in the Probate Code relating to small distributions of money to minors entitled under the terms of a will to a bequest or legacy or to a share of the estate of an intestate, by increasing the size of the interest from \$10,000 to \$25,000; amends and repeals sections that were enacted prior to the creation of the Trust Code relating to general default powers of a trustee, modification or termination of uneconomical testamentary trusts, and the creation and establishment of separate trusts; amends sections relating to the right of a surviving spouse to take an elective share of the deceased spouse's estate, including the right to receive a share of the deceased spouse's revocable trust assets and the right to elect a life estate in the homestead; and amends sections relating to the revocation of spousal benefits in a testator's will upon divorce or dissolution of the testator's marriage to include relatives of the spouse who, after the divorce, are not relatives of the testator.

IOWA TRUST CODE. The Act removes the Trust Code (Division XXI) from the Probate Code, amends certain sections, and creates a separate Code Chapter (633A) for the Trust Code.

The Act amends sections of the Trust Code relating to the scope of the Trust Code and trusts governed by the Probate Code, parallel to the amended provisions regarding the distinction between trusts subject to continuous court supervision and trusts not subject to continuous court supervision in the Probate Code; amends sections relating to the division of a trust for tax purposes, the rights of creditors or transferees to obtain trust assets, the effect of a divorce or dissolution on a settlor's revocable trust, and trust construction provisions relating to rights of survivorship and future interests; amends sections relating to small distributions of money to minors and relating to a settlor's revocable trust upon divorce or dissolution of a settlor's marriage; creates new sections applying the Uniform Simultaneous Death Act and the Uniform Principal and Income Act to trusts subject to the Trust Code; and repeals sections in Code Chapter 636 relating to powers and duties of trustees of trusts not subject to court administration, the validity of voluntary trusts, and the definition of an adjusted gross estate in an express trust not subject to probate court administration.

HOUSE FILE 754 - Homestead Exemption – Waiver Affecting Agricultural Property

BY COMMITTEE ON JUDICIARY. This Act relates to a homestead waiver exemption notice contained in a written contract affecting agricultural land of less than 40 acres.

A homestead exemption waiver notice required in a written contract affecting agricultural land, defined as land suitable for use in farming, shall not be required on such contracts affecting less than 40 acres.

The Act further provides in session law that if a holder of legal or equitable title conveyed less than 40 acres of agricultural land prior to July 1, 2005, and the written contract for the purchase of the land was not executed in compliance with the exemption waiver notice requirements in place prior to July 1, 2005, the holder is deemed to have waived the right to have the holder's homestead exempt from judicial sale in satisfaction of a debt against the homestead, unless the holder or the holder's representative files a lawsuit by July 1, 2005.

CRIMINAL LAW, PROCEDURE AND CORRECTIONS

- SENATE FILE 169** - Regulation of Amphetamine and Methamphetamine Precursors
- SENATE FILE 270** - Identity Theft
- SENATE FILE 313** - Railroad Crossing and School Bus Warning Device Violations — Traffic Citations
- SENATE FILE 321** - Inmate Labor Fund — Use of Moneys
- SENATE FILE 370** - Criminal Law and Procedure — Duration of No-Contact Orders
- HOUSE FILE 275** - Purchase, Possession, or Control of Alcohol by Persons Under Legal Age
- HOUSE FILE 440** - Motor Vehicle Fuel Theft — Motor Vehicle Operating Privileges
- HOUSE FILE 619** - Criminal Justice — DNA Sampling, Sex Offenders and Offenses, and Victim Rights
- HOUSE FILE 682** - Criminal Justice — Miscellaneous Provisions
- HOUSE FILE 683** - Legal Representation for Indigent Persons
- HOUSE FILE 726** - Operating While Intoxicated — Chemical Testing of Persons Incapable of Consent or Refusal — Certification
- HOUSE FILE 745** - Theft — Leased or Rented Personal Property
- HOUSE FILE 771** - Mental Competency Hearings — Criminal Defendants
- HOUSE FILE 777** - Contagious or Infectious Diseases — Persons Confined to Jail or in Peace Officer Custody

RELATED LEGISLATION

- SENATE FILE 74** - Financial Institution or Insurer Names, Trademarks, Logos, or Symbols — Prohibited Use ***SEE BUSINESS, BANKING & INSURANCE.*** This Act makes a person who engages in a misleading or deceptive use of a financial institution's or insurer's name as prohibited under this Act guilty of a serious misdemeanor.
- SENATE FILE 206** - Regulation of Deer Populations and Hunting Licenses ***SEE NATURAL RESOURCES & OUTDOOR RECREATION.*** This Act contains criminal penalties for a violation of Code Chapter 484C concerning whitetail hunting preserves, for a violation of the provision requiring a licensee to attest that the person qualifies for a free landowner or tenant deer or turkey hunting license, and for a violation of provisions relating to special deer hunts.
- SENATE FILE 283** - Department of Public Safety — Miscellaneous Provisions ***SEE STATE GOVERNMENT.*** This Act relates to the practices and procedures of the Department of Public Safety and makes related changes.
- SENATE FILE 340** - Regulation of Motor Vehicles and Operating Privileges — Fines, Fees, and Penalties ***SEE TRANSPORTATION.*** This Act permits agreements between county treasurers and cities to collect payment of delinquent parking fines as a condition for renewal of a motor vehicle registration. A related provision protects the owner of a leased or rented motor vehicle from being charged in connection with a stopping, standing or parking violation committed when the vehicle was in the custody of an identified person other than the owner.
- SENATE FILE 342** - Miscellaneous Supplemental Appropriations and Employment Regulation ***SEE APPROPRIATIONS.*** This Act relates to financial and regulatory matters by making and increasing appropriations for FY 2004-2005. The Act states legislative intent for the Director of the Department of Management, with the approval of the Governor, to use the executive branch authority to transfer among appropriations in order to provide the Office of the State Public Defender with sufficient funding to pay all valid indigent defense claims for FY 2004-2005.

- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for various programs involving criminals and corrections, including Drug Control and System Improvement and Stop Violence Against Women Block Grants and the Residential Substance Abuse Treatment for State Prisoners and Edward Byrne Memorial Formula Grants.
- SENATE FILE 413** - Taxes, Tax Policy, and Administration
SEE TAXATION. This Act relates to changes in the streamlined Sales and Use Tax Law, providing a separate excise tax for hotel and motel room rentals and a separate excise tax for certain construction equipment, and making other tax policy and administrative changes. Division IV amends Code Section 708.3A to impose criminal penalties for an assault on certain defined Department of Revenue employees when performing department assignments.
- HOUSE FILE 216** - Motor Vehicles and Related Regulation
SEE TRANSPORTATION. This Act provides that a parent, legal guardian, or other responsible adult traveling with a child in a taxicab shall be served a citation for a violation of child restraint requirements in lieu of the taxi driver.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to damages associated with ineffective assistance of counsel and criminal surcharges assessed by the clerk of court.
- HOUSE FILE 281** - Inheritance Tax Fraud and Transfers to Minors
SEE TAXATION. This Act mainly deals with the state inheritance tax. The Act provides that anyone with or succeeding to an interest in real estate who willfully fails to file an affidavit or files a false affidavit in regard to an inheritance tax return not required to be filed is guilty of a fraudulent practice. The amendment applies retroactively to July 1, 2004, for estates of decedents dying on or after that date.
- HOUSE FILE 476** - Sale and Purchase of Ammonium Nitrate
SEE AGRICULTURE. This Act regulates the storage and sale of ammonium nitrate by fertilizer dealers, including by requiring that a fertilizer dealer maintain records relating to sales and imposing criminal penalties on a purchaser of ammonium nitrate who presents false identification to a fertilizer dealer during a purchase or who intends to use the purchased ammonium nitrate in order to manufacture an explosive or incendiary device.
- HOUSE FILE 610** - Regulation of Electronic Mail and Internet Drug Sales
SEE BUSINESS, BANKING & INSURANCE. This Act establishes criminal penalties for the transmission of unsolicited bulk electronic mail, the sale or offer of sale of prescription drugs by a nonlicensed person through the use of electronic mail or the Internet, or the sale of adulterated or misbranded drugs through the use of electronic mail or the Internet.
- HOUSE FILE 614** - Unlawful Transmission, Installation, and Use of Computer Software
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the offense of the deceptive or unauthorized transmission, installation and use of computer software. This offense is punishable as an aggravated misdemeanor, or if the damages resulting from the offense exceed \$1,000, the offense is punishable as a class "D" felony.
- HOUSE FILE 616** - Decategorization of Child Welfare and Juvenile Justice Funding Projects
SEE CHILDREN & YOUTH. This Act revises requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects. The funding sources subject to decategorization are primarily from appropriations made to

the Department of Human Services, but authority is also provided for juvenile justice funding to be designated for decategorization.

- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 717** - Regulation of Traffic Signal Preemption Devices
SEE TRANSPORTATION. This Act prohibits the unauthorized sale, ownership, possession, or use of a traffic signal preemption device and provides penalties for violations.
- HOUSE FILE 764** - Unemployment Compensation — Sale or Transfer of Organization, Trade, or Business — Employer Contribution Rates
SEE LABOR & EMPLOYMENT. This Act relates to the unemployment contribution rate of an employer who sells or transfers all or a portion of its organization, trade or business to another employer or person and provides for civil and criminal penalties.
- HOUSE FILE 807** - Appropriations — Judicial Branch
SEE APPROPRIATIONS. This Act permits a presentence investigation report to be sent by electronic means.
- HOUSE FILE 811** - Appropriations — Justice System
SEE APPROPRIATIONS. This Act requires a person charged with possession with the intent to manufacture methamphetamine to remain under supervision and undergo random drug tests as a condition of release on bail. The criminal offense of possession with intent to manufacture methamphetamine is added to the list of other methamphetamine-related offenses in S.F. 169 which also require a person to remain on supervision and undergo random drug tests as a condition of release on bail.
- HOUSE FILE 826** - Vehicular Traffic Speed Limits and Allocation of Fines, Fees, Penalties and Other Revenue
SEE TRANSPORTATION. This Act increases fines for speeding violations committed in speed zones greater than 55 miles per hour. Court costs for a scheduled violation are increased from \$17 to \$30 and the fee charged for the filing and docketing of a complaint or information for a simple misdemeanor is increased from \$17 to \$30.
- HOUSE FILE 828** - Regulation of Natural Resources and Watercraft
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act relates to various aquatic regulations and activities and contains criminal penalties for violation of a provision relating to operation of a motorboat by a person under 18 years of age, and for illegal operation of a vessel for hire or commercial vessel.
- HOUSE FILE 836** - Regulation of Cemeteries
SEE BUSINESS, BANKING & INSURANCE. This Act relates to cemeteries and cemetery regulation and provides for administration and enforcement procedures related to cemeteries, including establishing and appropriating fees and providing for penalties. The Act increases the penalty for disturbing the interment site from a simple misdemeanor to an aggravated misdemeanor.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a number of provisions affecting criminal law, including changes in requirements for sex offenders, requirements involving the purchase of pseudoephedrine products, and new requirements and penalties involving regulation of pharmacy and control of prescription drugs.

CRIMINAL LAW, PROCEDURE AND CORRECTIONS

SENATE FILE 169 - Regulation of Amphetamine and Methamphetamine Precursors

BY COMMITTEE ON JUDICIARY. This Act makes most precursor substances to amphetamine and methamphetamine Schedule V controlled substances.

All products containing ephedrine and phenylpropanolamine, and most pseudoephedrine products, are classified as Schedule V controlled substances. A Schedule V controlled substance must be sold behind a pharmacy counter. However, the Act excepts from Schedule V certain pseudoephedrine products allowing the product to be sold by a retailer. A "retailer" is defined to mean a person or business entity engaged in this state in the business of selling products on a retail basis.

RETAILER. The Act limits a retailer to selling pseudoephedrine products that contain 360 milligrams or less of pseudoephedrine in liquid, liquid capsule, or liquid-filled gel capsule form. Any pseudoephedrine product sold at a retail establishment must be displayed in a locked cabinet or behind a sales counter where the public is not permitted. A retailer shall not sell more than one pseudoephedrine product to a person within a 24-hour period. A purchaser prior to purchasing a pseudoephedrine product must present a government-issued photo identification card, sign a logbook, and legibly print the purchaser's name and address in the logbook. Prior to purchase, the retailer must also determine that the signature in the logbook matches the name on the photo identification.

A purchaser shall not purchase more than 7,500 milligrams of pseudoephedrine from a retailer, either separately or collectively, within a 30-day period.

PHARMACY. For all other pseudoephedrine products that contain more than 360 milligrams of pseudoephedrine, and are not in liquid, liquid capsule, or liquid-filled gel capsule form, the product must be sold behind a pharmacy counter. Iowa Administrative Code Rule 657-10.31 establishes the requirements for dispensing a Schedule V controlled substance in a pharmacy. The rule requires distribution to be regulated by a pharmacist and distributed for a medical purpose. A Schedule V controlled substance does not require a prescription, but must be kept off public access shelves. The rule also limits the amount and frequency of purchase and requires presentation of an identification card and a signature before purchase. The rule prohibits a person under the age of 18 from purchasing a Schedule V product.

A purchaser shall not purchase more than 7,500 milligrams of pseudoephedrine from a pharmacy, either separately or collectively, within a 30-day period.

CRIMINAL PENALTIES. An employee of a retailer or a purchaser who commits a violation of the Act when purchasing a pseudoephedrine product from a retailer commits a simple misdemeanor punishable by a scheduled fine. For a first offense the scheduled fine is \$100, for a second offense the scheduled fine is \$250, and for a third or subsequent offense the scheduled fine is \$500.

A person who purchases more than 7,500 milligrams of pseudoephedrine product from a pharmacy or a retailer, either separately or collectively, within a 30-day period commits a serious misdemeanor.

CIVIL PENALTIES. Upon a hearing, if a retailer or an employee of a retailer violates the Act, the city or county enforcing the provisions of the Act shall assess a civil penalty against the retailer in the amount of \$300 for a first violation. For a second violation within two years, the civil penalty shall be \$1,500. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$2,000, and may be prohibited from selling pseudoephedrine for a period of up to three years. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty of \$3,000 and prohibited from selling pseudoephedrine products for a period of three years.

LOCAL ORDINANCES. The Act prohibits and preempts any ordinance adopted by a political subdivision of the state that regulates the display or sale of products containing pseudoephedrine.

BAIL RESTRICTIONS. The Act requires that a person charged with the manufacture, delivery, or possession with intent to manufacture or deliver, or distribution of methamphetamine, be supervised and be required to undergo random drug tests as a condition of release on bail.

EFFECTIVE DATES. The Act takes effect May 21, 2005. However, the bail restrictions and the restrictions on the sale of ephedrine take effect March 22, 2005.

SENATE FILE 270 - Identity Theft

BY COMMITTEE ON COMMERCE. This Act relates to the commission of identity theft. The Act broadens the definition of "identification information" and describes the appropriate venue for prosecution of the crime of identity theft. Property obtained as a result of the commission of identity theft is subject to forfeiture. Victims of the crime of identity theft are entitled to a copy of the police report of the crime and certain financial institutions may file a criminal complaint of identity theft on behalf of a victim.

The Act also expands the remedies available for civil causes of action against persons who commit identity theft and permits certain financial institutions to file a civil action on behalf of an account holder who is the victim of identity theft.

SENATE FILE 313 - Railroad Crossing and School Bus Warning Device Violations — Traffic Citations

BY COMMITTEE ON TRANSPORTATION. This Act requires a peace officer investigating a railroad employee's report of a motor vehicle that failed to stop or to take the proper precautions at a railroad crossing to issue a citation to the owner of the vehicle if the identity of the driver of the vehicle cannot be determined. In a court proceeding where the peace officer was not able to identify the driver of the vehicle, proof that the vehicle described in the citation was used to commit the violation, together with proof that the person named in the citation was the owner of the vehicle at the time the violation occurred, creates a permissible inference that the owner was the driver who committed the violation. Under the Act and in current law, the state is still required to prove beyond a reasonable doubt that the driver of the motor vehicle committed a violation at a railroad crossing.

The person who holds legal title to a motor vehicle, a debtor who has a right of possession, or a lessee, as applicable, may be considered the vehicle's owner for purposes of identifying a railroad crossing violator. A similar statute relating to failure to obey school bus warning devices is amended to include this definition of "owner."

A violation of any of the safety provisions relating to railroad crossings is a simple misdemeanor punishable as a scheduled violation subject to a \$100 fine, or if the violation creates an immediate threat to the safety of a person or property, a \$200 fine.

SENATE FILE 321 - Inmate Labor Fund — Use of Moneys

BY COMMITTEE ON JUDICIARY. This Act allows the Department of Corrections to use moneys deposited into the Inmate Labor Fund to initiate or supplement inmate labor activities within correctional institutions or throughout the state. Under current law, moneys in the fund shall only be used to offset staff and transportation costs related to providing inmate labor to public entities.

SENATE FILE 370 - Criminal Law and Procedure — Duration of No-Contact Orders

BY COMMITTEE ON JUDICIARY. This Act relates to the duration of a no-contact order when a deferred judgment or conviction is entered in a criminal case.

The duration of a no-contact order may extend from the date a deferred judgment or conviction is entered up to the maximum term of confinement plus one additional year. Under current law, the duration of a no-contact order may extend up to the maximum term of confinement.

A violation of the no-contact order is punishable by summary contempt proceedings as provided in Code Chapter 665.

HOUSE FILE 275 - Purchase, Possession, or Control of Alcohol by Persons Under Legal Age

BY COMMITTEE ON JUDICIARY. This Act relates to the criminal offense of purchase or possession or control of alcohol by a person under 21 years of age.

The Act changes the criminal violation for a first offense from a simple misdemeanor punishable by a fine of \$100 to a simple misdemeanor punishable by a scheduled fine of \$200.

Under the Act, a second violation is a simple misdemeanor punishable by a fine of \$500. In addition to the fine, a person convicted of a second offense shall choose between completing a substance abuse evaluation or suspension of the person's driver's license for up to one year.

A third or subsequent violation of purchasing or possession or control of alcohol by a person under 21 years of age is a simple misdemeanor punishable by a \$500 fine and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

A scheduled violation is a simple misdemeanor punishable by only a fine pursuant to Code Section 805.11. In most cases, a person charged with a scheduled violation may enter a plea of guilty without a formal court appearance.

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$50 but not more than \$500, or by both.

HOUSE FILE 440 - Motor Vehicle Fuel Theft — Motor Vehicle Operating Privileges

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that a court may order suspension of a person's driver's license or nonresident operating privilege for up to 30 days in lieu of, or in addition to, any other penalty which may be imposed, upon a second or subsequent conviction for theft of motor fuel not exceeding \$200 in value from a retail dealer. In a case of extreme hardship, the person whose driver's license was ordered suspended may petition the district court having jurisdiction over the person's residence for a temporary restricted license to drive from the person's home to specified places involving employment, health care, education, substance abuse treatment, or court-ordered community service. Such a temporary restricted license applies only for noncommercial motor vehicle operation.

Under current law, theft of property not exceeding \$200 in value is a simple misdemeanor, punishable by a fine of at least \$50 but not more than \$500, or by imprisonment for no more than 30 days, or by both.

HOUSE FILE 619 - Criminal Justice — DNA Sampling, Sex Offenders and Offenses, and Victim Rights

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to DNA testing of certain criminal offenders, the Sex Offender Registry, criminal sentencing, and victim notification. The Act is divided into divisions as follows:

Division I — DNA Profiling

Division I requires submission of a DNA sample for DNA profiling if a person is convicted of or receives a deferred judgment for a felony offense, is civilly committed as a sexually violent predator, is a juvenile who has been adjudicated delinquent of a criminal offense, or is a person found not guilty by reason of insanity of a criminal offense requiring a DNA sample. Current law provides that only a person convicted of a criminal offense listed in Code Section 13.10 is required to provide a DNA sample for DNA profiling.

The division establishes, in the Division of Criminal Investigation and Bureau of Identification (DCI), a state DNA database for storage of DNA profiles and records and a state DNA data bank for storage of DNA samples. The division defines "DNA sample" to mean a biological sample provided by any person required to submit a DNA sample or a biological sample submitted for any other permissible purpose. "DNA profile" is defined to mean the objective form of the results of the DNA analysis performed on the DNA sample.

A supervising agency with custody, control or jurisdiction over a person required to submit a DNA sample shall collect the sample. Any person required to submit a DNA sample who refuses to provide a sample is subject to contempt proceedings. Any person collecting the DNA sample is immune from civil or criminal liability if the person collects the sample in a reasonable manner according to generally accepted medical practices or with the procedures set out in administrative rules.

The DCI may contract with a private entity to conduct DNA profiling.

A person who knowingly or intentionally discloses, uses or obtains a DNA sample without authorization commits an aggravated misdemeanor. A person commits a class "D" felony if the person knowingly or intentionally alters a DNA sample or sample collection container, or falsifies the source of a DNA sample.

A DNA record is a confidential record and may only be disclosed as provided in the division. A DNA record may be disclosed to a criminal and juvenile justice agency, the federal government for a national database, and any other agency using the confidential record in its official capacity and for criminal defense purposes.

If a person who is required to submit a DNA sample has the person's conviction, adjudication, or civil commitment subsequently reversed on appeal, the person may file a written request with the DCI requesting that all DNA records be expunged. The division also permits a relative of a missing person who voluntarily submitted a DNA sample or a person who submitted a sample for forensic work to request that their DNA sample be expunged. Upon receipt of a certified copy of the order reversing the conviction, adjudication, or civil commitment, and a certified copy of the order dismissing the case, the DNA records shall be expunged unless the destruction of the records would destroy DNA evidence related to another person. If the request to expunge a person's DNA record is denied, the DCI is required to notify the person in writing.

The division also requires a person convicted, adjudicated as delinquent, civilly committed as a sexually violent predator, or found not guilty by reason of insanity, prior to June 14, 2005, who otherwise would be required to submit a DNA sample under the division, and who is under the custody, control or jurisdiction of a supervising agency, to submit a DNA sample prior to being released from the supervising agency's custody, control or jurisdiction.

The division modifies the statute of limitations for prosecution of sexual abuse in the first, second or third degree by allowing a case to be brought against a person within three years from the date the person is identified by the person's DNA profile.

A person who has been convicted of a felony and who has not been required to submit a DNA sample for DNA profiling may make a motion to the court to require DNA profiling on a DNA sample. The court shall grant the person's motion if all of the following apply: the evidence subject to DNA profiling is available and in a condition to be tested; a sufficient chain of custody has been established; the identity of the perpetrator was a significant issue or should have been a significant issue in the underlying criminal offense; the evidence subject to DNA profiling is material to the underlying criminal case; and a DNA profile obtained from the evidence would raise a reasonable probability that the person would not have been convicted if DNA profiling existed at the time of the conviction or if DNA profiling had been conducted.

This division of the Act takes effect June 14, 2005.

Division II — Sex Offender Registry and Interim Study

Division II makes changes to the Sex Offender Registry and provides other Code changes related to sex offenders.

A person who is the parent or guardian of a child or minor commits child endangerment in violation of Code Section 726.6 if the person cohabits with another person with the knowledge the other person is required to register as a sex offender or is on the Sex Offender Registry. Child endangerment for residing with a sex offender is punishable as an aggravated misdemeanor. A person does not commit child endangerment if the parent or guardian has custody of a child or minor who is required to register as a sex offender, or the person is married to and living with a person required to register.

The division also defines "child abuse" to include cohabitation with a person on the Sex Offender Registry. By definition any purported child abuse requires mandatory reporters to report instances of such child abuse pursuant to Code Section 232.69.

If a person required to register as a sex offender is required to serve lifetime parole or any other type of special sentence, the person shall be required to remain on the Sex Offender Registry equal to the term of the special sentence. Current law requires a person to register as a sex offender for 10 years in most instances.

Also, if a person required to register as a sex offender violates any registry requirements under Code Section 692A.4, the person shall register for an additional 10 years beginning from the date the first registration period ends.

The division requires a registered sex offender to at least annually update their photograph with the county sheriff for posting on the Sex Offender Registry's website.

A person required to register as a sex offender who is placed on probation, parole, work release, special sentence, or any other type of conditional release, and who committed a criminal offense involving a minor, shall be supervised by an electronic tracking and monitoring system for a period of at least five years in addition to any other conditions of release.

The division prohibits a county sheriff or police department from charging a fee for requests of Sex Offender Registry information.

If a person required to register as a sex offender moves, the county sheriff of the county of the person's new residence shall provide relevant registry information to the administrative office of the school district in which the person resides, and shall also provide relevant registry information to any private school near the person's new residence.

The division requires an assessment of risk to reoffend to be performed by the department or agency with jurisdiction over any person newly required to register as a sex offender on or after July 1, 2005. The results of the assessment of risk shall also be disclosed on the Sex Offender Registry's website.

The division prohibits an inmate at a correctional institution from receiving earned time if the inmate fails to participate in and complete a sex offender treatment program established by the Director of the Department of Corrections.

The Legislative Council is requested to establish a Sex Offender Interim Study Committee to identify possible changes to criminal offenses involving sexual abuse and the Sex Offender Registry.

Division III — Enhanced Criminal Penalties and Statute of Limitations

Division III enhances criminal penalties and changes the statute of limitations for sexual abuse in the first, second or third degree.

The division increases the penalty for certain lascivious acts with a child from a class "D" felony to a class "C" felony, and makes the offense applicable to any person 16 years of age or older who performs a lascivious act with a child. Previously, lascivious acts with a child only applied to any person 18 years of age or older who performed lascivious acts with a child.

The division modifies the statute of limitations for sexual abuse in the first, second or third degree by allowing a case to be brought against a person within three years from the date the identity of the person is identified by the person's DNA profile. Current law requires that such cases must be prosecuted within 10 years of the commission of the crime or within 10 years of the victim attaining the age of 18.

The division makes it a class "A" felony to commit a second or subsequent offense involving any combination of the following offenses: sexual abuse in the second degree; sexual abuse in the third degree; or lascivious acts with a child.

The division creates a special sentence for any person convicted of a class "C" felony or greater offense under Code Chapter 709, or a class "C" felony under Code Section 728.12. A person sentenced to a special sentence for a class "C" felony or greater offense shall be committed to the custody of the director for the rest of the person's life, and shall begin the special sentence under supervision as if on parole after completing the sentence imposed for the underlying criminal offense.

The division also creates a special sentence for any person convicted of a misdemeanor or a class "D" felony under Code Chapter 709, Code Section 726.2, or Code Section 728.12. A person sentenced to a special sentence for a misdemeanor or class "D" felony shall be committed to the custody of the director for a period of 10 years, and shall begin the special sentence under supervision as if on parole after completing the sentence imposed for the underlying criminal offense.

If a person violates the terms and conditions of their special sentence, the person's release may be revoked. Upon the revocation of release, the revocation period shall be for a period not to exceed two years in a correctional institution upon the first revocation and for a period not to exceed five years in a correctional institution upon a second or subsequent revocation.

A person serving a special sentence may be discharged early from the sentence by the Board of Parole in the same manner as a person on parole.

Division IV — Victim Rights

Division IV enhances victims' rights.

The division requires background checks for persons seeking employment at domestic abuse and sexual assault centers.

A police officer investigating a sexual assault shall provide immediate and adequate notice to victims of their rights. The rights include but are not limited to the following: the right to have an officer stay at the victim's residence if requested to do so or assist the victim in leaving the residence; the right to medical treatment; the right to seek a no-contact order; the right to register as a victim; the right to a sexual assault examination at state expense; the right to seek restitution; and the right to contact the county attorney or local law enforcement agency to determine the status of the victim's case.

The division permits an automated victim notification system to be utilized to assist public officials in keeping crime victims, the victim's family, or other interested persons informed. If an automated victim notification system is available, a county sheriff or police department shall provide the telephone number and website address to each victim to allow the victim to register with the system.

Division V — Task Force

Division V creates a task force within the Division of Criminal and Juvenile Justice Planning to study and make periodic recommendations for treating and supervising sex offenders in correctional institutions and in the community. The task force shall file a report with recommendations with the General Assembly by January 15, 2006.

HOUSE FILE 682 - Criminal Justice — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act relates to the assessment of criminal and civil penalties and creates a Criminalistics Laboratory Fund.

The Act increases the criminal penalty surcharge from 30 percent to 32 percent of any fine or forfeiture imposed for a violation of any state law or city or county ordinance, except parking violations.

If a defendant receives a deferred judgment, the defendant shall be assessed a civil penalty of an amount not less than the amount of the criminal fine authorized by law for the offense. Any moneys collected from the civil penalty shall be remitted by the clerk of the district court to the State Court Administrator for deposit into the General Fund of the State.

The Act also creates a Criminalistics Laboratory Fund under the control of the Department of Public Safety for criminalistics laboratory equipment purchasing, maintenance, depreciation, and training. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund in the state but shall remain available for the purposes described in the Act.

HOUSE FILE 683 - Legal Representation for Indigent Persons

BY COMMITTEE ON JUDICIARY. This Act authorizes the appointment of an attorney to represent an indigent person in certain court proceedings.

PAROLE VIOLATION. The Act, in response to *Pfister v. Iowa District Court for Polk County*, requires that an alleged parole violator be afforded the right to an attorney at state expense under certain circumstances. An attorney may be appointed if all of the following apply: the alleged parole violator requests the appointment of an attorney; the alleged violator is indigent; and the alleged violator lacks the education and skill to present their

case or the case requires submission of complex documentary evidence, and the alleged violator has a colorable claim that the violation did not occur or that there are substantial reasons which justify or mitigate any parole revocation.

The law prior to *Pfister* prohibited the court appointment of an attorney on behalf of an indigent parole violator.

TERMINATION OF PARENTAL RIGHTS. The court shall appoint counsel for an indigent person in a termination of parental rights proceeding brought pursuant to Code Chapter 600A. Upon the filing of a petition for termination of parental rights, the parent identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings and if the parent against whom the petition is filed desires but is financially unable to employ counsel, the court, following an in-court colloquy, shall appoint counsel for the person if the person is determined to be indigent.

The State Public Defender shall review any indigent claims submitted under Code Chapter 600A, but the funds used to pay the indigent claims shall be paid from a fund used to pay jury and witness fees controlled by the judicial branch in Code Section 602.1302.

EFFECTIVE AND APPLICABILITY DATES. The Act takes effect May 4, 2005. The portion of the Act relating to the appointment of an attorney for an alleged parole violator applies retroactively to November 10, 2004. The portion of the Act relating to the appointment of an attorney in a termination of parental rights proceeding applies retroactively to May 12, 2004.

HOUSE FILE 726 - Operating While Intoxicated — Chemical Testing of Persons Incapable of Consent or Refusal — Certification

BY COMMITTEE ON PUBLIC SAFETY. This Act allows a physician assistant or an advanced registered nurse practitioner to certify an alleged intoxicated driver's unconscious state for the purposes of testing the person's blood, breath or urine to determine the alcohol concentration or presence of a controlled substance or other drugs in the person's system. If the certification is oral, a written certification shall be completed by the physician assistant or the advanced registered nurse practitioner within a reasonable time of the test. Current law limits the certification under these circumstances to a licensed physician.

HOUSE FILE 745 - Theft — Leased or Rented Personal Property

BY COMMITTEE ON JUDICIARY. This Act requires persons who possess personal property pursuant to a lease or bailment agreement that does not specify when the property is to be returned to the lessor or bailor to return the property within five days after proper notice from the lessor or bailor. Failure to return the property within five days after proper notice as defined in the Act is evidence that the property has been misappropriated and that the lessee or bailee has committed the criminal offense of theft.

HOUSE FILE 771 - Mental Competency Hearings — Criminal Defendants

BY COMMITTEE ON JUDICIARY. This Act relates to a mental competency hearing for a person accused of a criminal offense.

Upon a determination that a person accused of a crime may not appreciate the criminal proceedings, a hearing shall be held within 14 days of the arrival of the person at a psychiatric facility for the performance of an evaluation to determine if the person is mentally competent. Current law provides that the hearing be held within 14 days of the filing of the order for the evaluation.

HOUSE FILE 777 - Contagious or Infectious Diseases — Persons Confined to Jail or in Peace Officer Custody

BY COMMITTEE ON JUDICIARY. This Act relates to a person in the custody of a peace officer who assaults another person by biting or exchanging bodily fluids or who causes any bodily secretion to be cast upon another person.

The Act requires the person to submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in Code Section 141A.2. Current law provides that the person must be confined in a jail before any such test is required.

A bodily specimen shall be taken by the attending physician of the jail or the county medical examiner to determine if the person is infected with a contagious or infectious disease.

If a person to be tested refuses to submit to the withdrawal of a bodily specimen, an application may be made by any potentially infected person to the district court for an order compelling the person to submit to the withdrawal.

A person who fails to comply with an order is guilty of a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500.

ECONOMIC DEVELOPMENT

- SENATE FILE 114** - Iowa Capital Investment Board Tax Credit Certificates
- SENATE FILE 365** - Enterprise Zone Certification — Application Deadline
- HOUSE FILE 708** - Rural Improvement Zones — Establishment
- HOUSE FILE 797** - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program
- HOUSE FILE 831** - Investments in Qualifying Businesses and Community-Based Seed Capital Funds — Tax Credits
- HOUSE FILE 857** - Enterprise Zones — Eligible Housing Businesses
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources

RELATED LEGISLATION

- SENATE FILE 205** - Life Science Enterprises — Agricultural Land
SEE AGRICULTURE. This Act amends provisions in Code Chapter 10C and related chapters by extending the period when a business qualifying as a life science enterprise is authorized to acquire agricultural land for use in producing items not associated with farming.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for various economic development programs, including the Community Development Block Grant.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to references to sales and use tax incentives, eliminates references to obsolete Iowa Educational Savings Plan Trust tax incentives, and repeals obsolete Meat Export Research Center language.
- HOUSE FILE 370** - Iowa Finance Authority — Qualified Residential Rental Project Bonds
SEE STATE GOVERNMENT. This Act allows the Iowa Finance Authority to issue qualified residential rental project bonds under the Private Activity Bond Allocation Act.
- HOUSE FILE 466** - Appropriations — Transportation
SEE APPROPRIATIONS. This Act makes an appropriation from the General Fund of the State to the Iowa Department of Transportation for the Rail Assistance Program and to provide economic development project funding.
- HOUSE FILE 809** - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and from the Grow Iowa Values Fund to the Department of Economic Development.
- HOUSE FILE 840** - State Sales Tax Rebate for Automobile Racetrack Facility
SEE TAXATION. This Act authorizes the Department of Revenue to rebate state sales tax collected by retailers on purchases made at an automobile racetrack facility located on a maximum of 232 acres in a city with a population between 14,500 and 16,500, in a county with a population between 35,000 and 40,000.

- HOUSE FILE 858** - Work-Based Learning Intermediary Network Program
SEE EDUCATION. This Act establishes a Statewide Work-Based Learning Intermediary Network Program in the Department of Education, the purpose of which is to build a seamless system of career, future workforce, and economic development in Iowa.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division VII of this Act changes the Railroad Revolving Loan Fund to the Railroad Revolving Loan and Grant Fund to allow moneys in the fund to be used for both grants and loans for rail economic development projects and for rail assistance purposes. Control of the fund is transferred to the Railway Finance Authority. No more than 50 percent of available moneys may be awarded as grants in any year, and the authority may limit the grant amount that may be awarded for a given project. Division X establishes the Honey Creek Premier Destination Park Bond Program and Authority and provides for the issuance of tax-exempt bonds by the authority to be used to develop and construct a destination park near Centerville.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a number of provisions involving economic development, including tax-related provisions. Divisions XIII addresses the practice of pharmacy and applies new prohibitions involving drugs.

ECONOMIC DEVELOPMENT

SENATE FILE 114 - Iowa Capital Investment Board Tax Credit Certificates

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to tax credit certificates issued by the Iowa Capital Investment Board.

The Act eliminates the requirement that contingencies to redemption of the tax credit certificates be tied to scheduled redemptions of equity interests purchased by designated investors in the Iowa Fund of Funds. The Act requires that the tax credit certificates be issued contemporaneously with a commitment to invest in the fund.

A tax credit certificate issued by the board may have more than one maturity date. The Act eliminates the requirement that the maturity date be not less than five years after the date of issuance and the requirement that certificates be redeemable on a schedule similar to the scheduled redemption of the investments by designated investors. A tax credit certificate shall be redeemable only in accordance with the contingencies reflected on the certificate or incorporated therein by reference.

A tax credit shall not be claimed for a tax year that begins earlier than the maturity date or dates stated in the certificate.

The Act requires the board to identify the specific earliest date or dates the certificate may be redeemed instead of identifying the specific calendar year. The Act prohibits the designated investor or a transferee, upon election to redeem a tax credit certificate, from redeeming the certificate prior to the maturity date or dates stated on the certificate. The Act requires the board to identify on the certificate the maturity date or dates on which the credit may be first claimed.

The tax credit certificate is binding on the board and the Department of Revenue upon issuance to the designated investor.

The Act takes effect March 14, 2005.

SENATE FILE 365 - Enterprise Zone Certification — Application Deadline

BY COMMITTEE ON ECONOMIC GROWTH. This Act extends the application deadline for certification of enterprise zones by the Iowa Department of Economic Development from July 1, 2005, to March 1, 2006.

HOUSE FILE 708 - Rural Improvement Zones — Establishment

BY COMMITTEE ON ECONOMIC GROWTH. This Act provides that a county with a population of less than 20,000 residents, not counting persons admitted or committed to an institution under the control of the Department of Human Services or the Department of Corrections, based on the 2000 federal census, may qualify to establish a rural improvement zone.

HOUSE FILE 797 - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

The Act requires the Department of Economic Development, in cooperation with the Iowa Department of Transportation and the Department of Cultural Affairs, to establish and administer a program designed to promote knowledge of and access to buildings, sites, districts, structures, and objects located in the state that have been designated by the Secretary of the Interior of the United States as national historic landmarks, unless the national historic landmark is protected by confidential records laws, or that are located in certified cultural and entertainment districts as established by 2005 Iowa Acts, H.F. 868. The program shall be designed to maximize the visibility and visitation of national historic landmarks and sites in certified cultural and entertainment districts in the state.

HOUSE FILE 831 - Investments in Qualifying Businesses and Community-Based Seed Capital Funds — Tax Credits

BY COMMITTEE ON WAYS AND MEANS. This Act relates to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Prior to this Act, the aggregate amount of tax credits issued was limited to \$10 million during the fiscal period beginning July 1, 2002, and ending June 30, 2005. The Act provides that any amount of the maximum aggregate limit of tax credits that have not been issued by June 30, 2005, may be issued in any subsequent fiscal year. Not more than \$3 million of tax credits may be issued in any one subsequent fiscal year.

Prior to this Act, certain criteria had to be met for a business to be a qualifying business that may receive investments that are eligible for tax credits. One of the criteria was that the business must have been in operation for three years or less. The Act changes the three years to six years. Another criterion was that the business not have a net worth that exceeds \$3 million. The Act increases the maximum net worth allowed to \$10 million.

Prior to this Act, there were capital commitment limits for community-based seed capital funds and the requirements could be waived if the fund was a rural business investment company under the Rural Business Investment Program of the federal Farm Security and Rural Investment Act of 2002. The Act provides that the capital commitment requirements may also be waived if the fund is an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds.

Prior to this Act, if a community-based seed capital fund had not invested at least 33 percent of its invested capital in one or more separate qualifying businesses, measured at the end of the 36th month after commencing the fund's investing activities, tax credit certificates issued for investments in the fund could be rescinded. The Act changes the measurement period from the 36th month to the 48th month.

Prior to this Act, an investor in a community-based seed capital fund only received a tax credit for the investor's investment in the fund and could not receive an additional tax credit for the investor's share of investments in a qualifying business. The Act provides that, in addition, the investor shall not receive an additional tax credit for the investor's share of investments in an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds.

Prior to this Act, a community-based seed capital fund was prohibited from investing in the Iowa Fund of Funds. The Act provides, however, that a community-based seed capital fund may invest up to 60 percent of its committed capital in an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds.

HOUSE FILE 857 - Enterprise Zones — Eligible Housing Businesses

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the transferability of eligible housing business tax credits for new housing investment under the Enterprise Zone Program.

An eligible housing business under the Enterprise Zone Program may receive a tax credit of up to 10 percent of the new investment which is directly related to the building or rehabilitating of a minimum of four single-family homes located in that part of a city or county in which there is a designated enterprise zone or one multiple-dwelling unit building containing three or more individual dwelling units located in that part of a city or county in which there is a designated enterprise zone. Previously, the tax credits were transferable only if low-income housing tax credits authorized under Section 42 of the Internal Revenue Code were used to assist in the financing of the housing development.

The Act provides that not more than \$3 million worth of tax credits are transferable if the housing development is located in a brownfield site or if the housing development is located in a blighted area. The Department of Economic Development may approve the issuance of more than \$3 million of tax credit certificates for transfer provided that the department allocates those tax credit certificates for transfer over more than one calendar year. The Act prohibits the issuance of more than \$1.5 million in tax credit certificates for transfer to any one eligible housing business located in a brownfield site or in a blighted area in a calendar year. If at the end of a calendar year less than \$3 million in tax credit certificates for transfer are issued, the remaining tax credit certificates may be issued in advance to an eligible housing business scheduled to receive a tax credit certificate for

transfer in a later calendar year and the department may prorate the remaining certificates to more than one eligible applicant. Tax credit certificates for transfer that are not issued during a calendar year may be carried over to a succeeding calendar year.

The Act applies to transfers of tax credits for projects that begin on or after July 1, 2005.

HOUSE FILE 868 - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources

BY COMMITTEE ON WAYS AND MEANS. This Act relates to economic development and is organized by divisions.

Division I — Grow Iowa Values Fund

Division I creates a Grow Iowa Values Fund under the control of the Iowa Department of Economic Development (IDED). In order to receive financial assistance from IDED from moneys appropriated from the fund, the average annual wage, including benefits, of new jobs created must be equal to or greater than 130 percent of the average county wage. An applicant may apply to IDED for a waiver of these wage requirements. IDED may give special consideration to projects that include significant physical infrastructure components designed to increase property tax revenues to local governments.

Division II — Iowa Economic Development Board

Division II expands the Iowa Economic Development Board from 11 members to 15 members, requires certain areas of expertise by some board members, requires at least one voting member of the board to be less than 30 years of age at the time of appointment, and requires the board to establish a Due Diligence Committee and a Loan and Credit Guarantee Committee composed of members of the board to serve in an advisory capacity to the board. The division creates reporting requirements for the board relating to expenditures made under each component of the Grow Iowa Values Fund, minority-owned businesses that received financial assistance from moneys appropriated from the Grow Iowa Values Fund, and woman-owned businesses that received financial assistance from moneys appropriated from the Grow Iowa Values Fund.

Division III — Regulatory Assistance

Division III requires IDED to coordinate all regulatory assistance for the State of Iowa. The division requires IDED, in consultation with regulatory coordinators within each state agency, to examine and, to the extent possible, assist in the implementation of methods, including the possible establishment of an electronic database, to streamline the process for issuing permits to businesses.

Division IV — Economic Development Regions

Division IV requires IDED to establish an Iowa Business Resource Center Program for purposes of locating Iowa business resource centers in the state. The division requires IDED to partner with other entities wanting to assist with economic growth and establish Iowa business resource centers.

Economic development regions are eligible to receive moneys from the Grow Iowa Values Fund if the region's regional development plan is approved by IDED. An economic development region consists of not less than three counties, unless two contiguous counties have a combined population of at least 300,000 based on the most recent federal decennial census.

An economic development region may create an economic development region revolving fund. With the exception of organizations exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code, a nongovernmental entity making a contribution to an economic development region revolving fund may claim a tax credit equal to 20 percent of the amount contributed to the fund. The tax credit is allowed against personal and corporate income tax liabilities, franchise tax liabilities for financial institutions, insurance premium tax liabilities, and moneys and credits tax liabilities. An organization exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code making a contribution to a fund shall be paid from the General Fund of the State an amount equal to 20 percent of the contributed amount within 30 days after the end of the fiscal year during which the contribution was made. The division limits the total amount of tax credits and payments to contributors (credit amount) to \$2 million during a fiscal year plus any unused credit amount carried over from

previous years. The maximum credit amount that may be authorized in a fiscal year for contributions made to a specific region's fund is equal to \$2 million plus any unused credit amount carried over from previous years divided by the number of funds existing in the state.

Economic development regions may apply for financial assistance from the Grow Iowa Values Fund for various purposes. The division limits the financial assistance to economic development regions, including to approved economic enterprise areas, to a total of \$1 million each fiscal year for the fiscal period beginning July 1, 2005, and ending June 30, 2015, and prohibits financial assistance used to assist in the establishment, operation or installation of a project, initiative or activity that may result in the provision, lease or sale of goods or services by a government body that competes with private enterprise. IDED may establish and administer a regional economic development revenue sharing pilot project for one or more regions.

An economic development region may also apply to IDED for approval to be designated as an economic development enterprise area based on certain criteria. An approved economic enterprise area may apply to IDED for financial assistance from the Grow Iowa Values Fund for up to \$75,000 each fiscal year during the fiscal period beginning July 1, 2005, and ending June 30, 2015, for certain purposes. A region must meet specified criteria to be an economic enterprise area.

The division requires IDED to establish and administer a Business Accelerator Program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator.

Division V — Cultural and Entertainment Districts

Division V requires the Department of Cultural Affairs to establish and administer a Cultural and Entertainment District Certification Program to encourage the growth of communities through the development of areas within a city or county for public and private uses related to cultural and entertainment purposes.

Division VI — Historic Preservation and Cultural and Entertainment District Tax Credits

Division VI amends the property rehabilitation tax credit and renames the tax credit the historic preservation and cultural and entertainment district tax credit. In addition to the \$2.4 million of tax credits that may be approved each fiscal year, for the fiscal period beginning July 1, 2005, and ending June 30, 2015, \$4 million of tax credits may be approved each fiscal year for purposes of projects located in cultural and entertainment districts. Any of the additional tax credits that are not approved during a fiscal year shall be applied to reserved tax credits issued in accordance with Code Section 403A.3 in order of original reservation. With the exception of tax credits issued pursuant to contracts entered into prior to July 1, 2005, tax credits shall not be reserved for more than five years.

Division VII — Commercialization

Division VII relates to the commercialization of technology.

The division requires IDED to establish a technology commercialization specialist position with information and communications responsibilities relating to available technology in the state.

The division requires the Iowa Economic Development Board to create a Technology Commercialization Committee to evaluate and approve funding from moneys appropriated from the Grow Iowa Values Fund for technology commercialization purposes.

The division requires the Governor to appoint a chief technology officer for the state to coordinate the activities of the technology commercialization specialist and to serve as a spokesperson for IDED for purposes of promoting to private sector businesses the technology commercialization efforts of IDED and the research and technology capabilities of institutions of higher learning in the state.

The division requires the State Board of Regents, in cooperation with IDED, to implement certain activities related to the commercialization of technology. The board must submit a report to the General Assembly detailing the patents and licenses held by each institution of higher learning under the control of the board and by non-

profit foundations acting solely for the support of institutions governed by the board. The board is required to perform studies of the feasibility of establishing a graduate school in western Iowa in cooperation with other public or private institutions of higher learning and regarding the cost-effective methods of recognizing the efforts of faculty to achieve commercialization.

Division VIII — Workforce Training and Economic Development Funds

Division VIII relates to workforce training and economic development funds. Projects funded by moneys provided by a local workforce training and economic development fund of a community college are not subject to certain maximum advance or award limitations or allocation limitations. The division allows moneys deposited in a local workforce training and economic development fund to be used for training and retraining programs for targeted industries. The division eliminates a future repeal of provisions relating to workforce training and economic development funds.

Division IX — Loan and Credit Guarantee Program

Division IX authorizes IDED to invest up to 10 percent of the assets of the Loan and Credit Guarantee Fund, or \$500,000, whichever is greater, to provide loan and credit guarantees or other forms of credit guarantees for eligible project costs to microenterprises located in a municipality with a population under 50,000 that is not contiguous to a municipality with a population of 50,000 or more.

Division X — Economic Development Tax Incentives

Division X relates to economic development tax incentives.

The division repeals the New Jobs and Income Program and the New Capital Investment Program.

The division creates the High Quality Job Creation Program (HQJCP). Under the program, a nonservice, nonretail business may be eligible to receive incentives if a certain number of listed criteria are met which relate to the amount of qualifying investment, whether the business has been relocated, the types of benefits provided to employees, the type of goods produced or manufactured, the amount of pretax profits invested in research and development, the amount of pretax profits invested in worker training and skills enhancement, whether an active productivity and safety improvement program is in place, and facility specifications. In determining eligibility under the program, IDED must consider a variety of factors, including the quality of the jobs to be created, the impact of the proposed project on other businesses in competition with the business being considered, the impact to the state of the proposed project, efforts to hire workers of acquired or merged companies, preferences for hiring residents of the state, and whether known required environmental permits have been issued and regulations met. However, IDED may waive any requirement of the program for good cause.

An eligible business must enter into an agreement with IDED prior to receiving incentives under the program.

For purposes of the program, the division retained from the New Jobs and Income Program and the New Capital Investment Program the research activities credit, the sales and use tax refund, the corporate tax credit for certain sales taxes paid by third-party developers, the investment tax credit, the insurance premium tax credit, and the property tax exemption. Various levels of these incentives are provided under the HQJCP based on the number of new high quality jobs created and the amount of the qualifying investment made. A qualifying investment is a capital investment in real property, including the purchase price of land and existing buildings and structures, site preparation, improvements to the real property, building construction, and long-term lease costs. Qualifying investment also means a capital investment in depreciable assets. A recipient of incentives under the HQJCP shall not receive any wage-benefits tax credits which are also created in the division. A waiver process provides for a project-specific waiver from the average county wage calculations. Each calendar year, IDED shall not approve more than \$3.6 million worth of investment tax credits and insurance premium tax credits for projects with qualifying investments of less than \$1 million.

The division makes conforming amendments to the Enterprise Zone Program based on the repeal of the New Jobs and Income Program and the New Capital Investment Program.

The division creates new Code Chapter 15H, which provides a wage-benefits tax credit.

A nonretail, nonservice business may claim a tax credit equal to a percentage of the annual wages and benefits paid for a qualified new job created by the location or expansion of the business in the state. The tax credit shall be allowed against personal and corporate income tax liabilities, franchise tax liabilities for financial institutions, insurance premium tax liabilities, and moneys and credits tax liabilities. The percentage varies in relation to the level of annual wage and benefits paid for the qualified new job. A qualified new job is entitled to the tax credit upon the end of the 12th month of the job having been filled, and, once approved, tax credits for the next four subsequent tax years may be approved if the job continues to be filled and application is made as required. The percentage determined in the first tax year shall continue to apply to subsequent tax credits as the credits relate to that qualified new job.

The division provides an application and tax credit certificate issuance process for a wage-benefits tax credit which shall be submitted to and processed by the Department of Revenue (DOR). An appeal process and a waiver process through the Iowa Economic Development Board are provided. The total amount of tax credit certificates that may be issued for a fiscal year is limited to \$10 million.

Recipients of wage-benefits tax credits cannot receive tax incentives under the HQJCP or moneys from the Grow Iowa Values Fund.

The provisions of the division relating to Code Chapter 15H take effect June 9, 2005, and apply to qualified new jobs created on or after that date.

The division applies to tax years ending on or after June 9, 2005.

Division XI — Research and Development Tax Credit

Division XI amends the research activities tax credit. The division defines "research activities" to include the development and deployment of innovative renewable energy generation components manufactured or assembled in this state. The division limits the amount of tax credits for innovative renewable energy generation components to no more than \$1 million.

Division XII — Endow Iowa

Division XII relates to the Endow Iowa Program.

The division amends and changes the term "qualified community foundations" to "Endow Iowa qualified community foundations," which, under the division, means a foundation organized or operating in this state that substantially complies with the national standards established by the National Council on Foundations as determined by IDED in collaboration with the Iowa Council of Foundations. The division creates definitions for the terms "charitable organization" and "charitable purpose."

The aggregate amount of tax credits authorized under the program is limited to \$2 million annually. Ten percent of the aggregate amount of tax credits authorized in a calendar year is reserved for those endowment gifts in amounts of \$30,000 or less.

The division provides that a tax credit shall not be authorized after December 31, 2008.

Three percent of the moneys deposited in the county endowment fund shall be used by the lead philanthropic organization for purposes of administering and marketing the county endowment fund.

The division takes effect June 9, 2005, and applies retroactively to January 1, 2005.

Division XIII — E-85 Blended Gasoline

Division XIII relates to E-85 blended gasoline.

The division requires IDED to provide a cost-share program for financial incentives for the installation or conversion of infrastructure used by service stations to sell and dispense E-85 blended gasoline and for the installation or conversion of infrastructure required to establish on-site and off-site terminal facilities that store biodiesel for distribution to service stations.

An excise tax of 17 cents is imposed on each gallon of E-85 gasoline which contains at least 85 percent denatured alcohol by volume from the first day of April until the last day of October or 70 percent denatured alcohol from the first day of November until the last day of March and used for the privilege of operating motor vehicles in this state. The rate of the excise tax on E-85 gasoline shall be determined based on the number of gallons of E-85 gasoline that are distributed in this state during the previous calendar year. DOR shall determine the actual tax paid for E-85 gasoline for each period beginning January 1 and ending December 31. The amount of the tax paid on E-85 gasoline during the past calendar year shall be compared to the amount of tax on E-85 gasoline that would have been paid using the tax rate that was otherwise imposed and a difference shall be established. If the difference is equal to or greater than \$25,000, the tax rate for E-85 gasoline for the period beginning July 1 following the end of the determination period shall be the rate otherwise imposed. These provisions take effect January 1, 2006.

The division requires the Iowa Department of Transportation to review the current revenue levels of the road use tax fund and its sufficiency for the projected construction and maintenance needs of city, county and state governments in the future.

Division XIV — Iowa Great Places

Division XIV creates the Iowa Great Places Program.

The division requires the Department of Cultural Affairs to establish and administer the Iowa Great Places Program for purposes of combining resources of state government in an effort to showcase the unique and authentic qualities of communities, regions, neighborhoods, and districts that make such places exceptional places to work and live. Initially, three projects shall be identified and two years after the third project is identified, additional projects may be identified.

The division establishes an Iowa Great Places Board located for administrative purposes within the department.

Division XV — Port Authorities

Division XV relates to the establishment of a port authority by two or more cities or counties. A port authority may be created to pursue activities that enhance or provide transportation, economic development, housing, recreation, education, governmental operations, culture, or research within the jurisdiction of the port authority. The port authority is governed by a board of directors appointed by those cities or counties that created and comprise the port authority.

A port authority may employ persons, adopt bylaws, acquire or sell real or personal property, apply to establish foreign trade zones, maintain funds, make loans, make and enter into contracts, charge fees for use of services and facilities, and perform other acts necessary to carry out other powers. A port authority has essentially the same powers as a city or county but cannot tax and cannot exercise eminent domain. Real property of a port authority is exempt from the payment of property taxes where the property is not held for pecuniary profit.

A port authority may issue revenue bonds and pledge orders which are payable from the port authority's net revenues. The Act provides for residents and property owners within the jurisdiction of the port authority to object to the issuance of revenue bonds by the port authority and sets a limitation period for legal actions for breach or default of a port authority revenue bond.

Records of a port authority are subject to Code Chapter 22, the Open Records Law, except for certain financial and proprietary information provided to the port authority. A port authority must hold all revenues and other assets in trust and use the revenues and assets only as provided in the Act.

Division XVI — Property Assessment

Division XVI creates a three-member Statewide Property Assessment Appeal Board to hear appeals from action taken by local boards of review effective for the assessment year beginning January 1, 2007. However, an aggrieved taxpayer or property owner or other appellant may bypass the state board and appeal a decision of the local board of review directly to district court. The division provides that the state board is created within DOR. A decision of the Statewide Property Assessment Appeal Board may be appealed to district court. The division

establishes a Property Assessment Appeal Board Review Committee, effective January 1, 2012, to review the activities of the board. The review committee shall report to the General Assembly by January 15, 2013. The sections of the division creating the board are repealed effective July 1, 2013.

The division requires local assessors, when assessing property, to use the forms and apply the guidelines contained in the real property appraisal manual prepared by DOR. If the department determines that an assessor, when assessing property, is willfully disregarding rules, forms and guidelines of the department, the department shall notify the assessor and the appropriate conference board for the assessing jurisdiction. The conference board shall respond to the notification by asserting compliance or by informing the department that the board intends to submit a plan of action to achieve compliance. If compliance is asserted after notification, a hearing before the Director of Revenue shall be scheduled on the matter. A plan of action to achieve compliance must be approved by the department. If the department determines that an assessor remains in noncompliance after the assessor has performed under the plan of action, the department shall take steps to withhold up to 5 percent of the county's or city's homestead property tax credit reimbursement by the state until the department determines that compliance has been achieved.

The division provides that notice of an assessment increase mailed to a taxpayer shall be postmarked no later than April 15.

EDUCATION

- SENATE FILE 36 - School Finance — Allowable Growth
- SENATE FILE 176 - Midwestern Higher Education Compact
- SENATE FILE 245 - Student Achievement and Secondary School Curricula
- HOUSE FILE 276 - Registration of Postsecondary Schools — Iowa Coordinating Council for Post-High School Education Comments — Open Meetings
- HOUSE FILE 398 - Registration of Postsecondary Schools — Colleges and Universities Established by City Ordinance
- HOUSE FILE 423 - Student Participation in Extracurricular Interscholastic Activities
- HOUSE FILE 739 - Education Technology
- HOUSE FILE 742 - Iowa Early Intervention Block Grant Program

RELATED LEGISLATION

- SENATE FILE 75 - Active Duty Military Service — State Financial Assistance
SEE APPROPRIATIONS. This Act revises and makes new allocations to benefit individuals who have been on active duty military service from an appropriation originally made for fiscal year 2002-2003. The Act includes a transfer of \$650,000 to the College Student Aid Commission to be used for the National Guard Educational Assistance Program.
- SENATE FILE 342 - Miscellaneous Supplemental Appropriations and Employment Regulation
SEE APPROPRIATIONS. This Act relates to financial and regulatory matters by making and increasing appropriations for FY 2004-2005. The Act includes a transfer of the ending balance in the General Fund of the State for that fiscal year to the State Board of Regents for use in the succeeding fiscal year.
- SENATE FILE 343 - Official Audits, Reports, Registries, and Agreements
SEE HUMAN SERVICES. This Act relates to governmental services involving audit reports, child abuse reporting and registry requirements, and the Family Investment Program (FIP) administered by the Department of Human Services. Public schools and area education agencies are affected by the audit and child abuse provisions and a limitation on the amount of postsecondary education that can be provided to a FIP participant is eliminated.
- SENATE FILE 346 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006, including funding made available to the state for a number of education programs.
- SENATE FILE 413 - Taxes, Tax Policy, and Administration
SEE TAXATION. This Act makes changes to the streamlined Sales and Use Tax Law. Division I of the Act amends Code provisions relating to the local option sales tax of cities, counties, and school districts by deleting the requirement that there must be a physical presence in the taxing jurisdiction and by deleting the exemption for the sale of lottery tickets. These amendments are retroactively applicable to July 1, 2004. Division IV changes the date by which the Department of Revenue estimates the school infrastructure local option tax from June 1 to August 15, and allows boards of supervisors to abate taxes levied against property acquired by gift by a library; art gallery; religious, literary or charitable society; or educational institution if the transfer took place

after the deadline for filing for a tax exemption if such entity would have been entitled to the tax exemption on the donated property and if the entity had filed for the exemption in a timely manner.

- HOUSE FILE 216** - Motor Vehicles and Related Regulation
SEE TRANSPORTATION. This Act revises Code provisions relating to restricted driver's licenses for minors. The Act requires that a person under age 18 who has not met the requirements for graduation must be in attendance in a public or nonpublic school, competent private instruction, an alternative school, or adult education classes to qualify for an intermediate or full driver's license. However, such a person between the ages of 16 and 18 who has completed an approved driver education course may apply for a restricted license to travel to and from work and to transport dependents to and from temporary care facilities. A person with a special minor's license (school license), which is issued to certain persons between 14 and 18 years of age to drive to and from school, may choose instead to drive to and from the closest school bus stop or public transportation service.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the School Infrastructure Program Bond Reserve Fund and eliminates obsolete references to the Iowa State University of Science and Technology biological lab, the 2001 Legislative Education Accountability and Oversight Interim Committee, the Iowa Educational Savings Plan Trust tax incentives, and the Meat Export Research Center.
- HOUSE FILE 532** - Department of Cultural Affairs — Administrative Revisions
SEE STATE GOVERNMENT. This Act changes the dates on which the terms of membership for the Board of Trustees of the State Historical Society of Iowa begin and end. The terms of the State Historical Society's trustees currently begin on May 1 and end on April 30. Under the Act, terms begin July 1 and end on June 30.
- HOUSE FILE 619** - Criminal Justice — DNA Sampling, Sex Offenders and Offenses, and Victim Rights
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that if a person required to register as a sex offender moves, the county sheriff of the county of the person's new residence shall provide relevant registry information to the administrative office of the school district in which the person resides, and shall also provide relevant registry information to any private school near the person's new residence.
- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance
SEE CHILDREN & YOUTH. This Act relates to improvement of the early care, child care services, education, health, and human services systems, revises the child and dependent care tax credit, and creates an early childhood development tax credit. The Act includes a requirement for school districts to perform an assessment of each kindergarten student by October 1, to collect preschool information concerning each kindergarten student, and to report to the Department of Education regarding the assessment and information collect. Other education-related requirements involving the School Ready Children Grant Program, the early care system, quality measures, and data collection are included.
- HOUSE FILE 797** - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program
SEE ECONOMIC DEVELOPMENT. This Act relates to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act appropriates moneys to Iowa State University for purposes of supporting a water quality research project in order to study the effectiveness of alternative technologies as a method to reduce risks to water quality from open feedlot effluent.
- HOUSE FILE 809** - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations from the General Fund of the State to the University of Iowa, Iowa State University, and the University of Northern Iowa and appropriates moneys from the Grow Iowa Values Fund to the Iowa Department of Economic Development (IDED) for financial assistance to regents universities; and from the Grow Iowa Values Fund to the Office of the Treasurer of State for deposit in the Iowa Cultural Trust Fund and to IDIED into the workforce training and economic development funds of the community colleges.
- HOUSE FILE 816** - Appropriations — Education
SEE APPROPRIATIONS. This Act appropriates moneys for FY 2005-2006 from the General Fund of the State to the College Student Aid Commission, the Department for the Blind, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. The Act also creates the "Institute for Tomorrow's Workforce, an Educational Foundation" and appropriates \$250,000 from the State General Fund for FY 2005-2006 to the Department of Management for the institute. However, H.F. 882 (see Appropriations) reduces that amount by \$100,000.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions involving children, including funding for child care programs administered by community empowerment areas.
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources
SEE ECONOMIC DEVELOPMENT. This Act provides for the establishment of port authorities to pursue certain authorized purposes, including education; relates to the commercialization of technology by regents institutions; and relates to workforce training and economic development funds of community colleges.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division VIII of this Act revises requirements involving the charging of fees and costs of the Iowa Communications Network.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes numerous provisions affecting education, education finance, and the institutions under the State Board of Regents.
- HOUSE FILE 883** - Legalizing Act — Cedar Rapids, College, and Linn-Mar Community School Districts' Boundaries
SEE LOCAL GOVERNMENT. This Act relates to the boundaries of three school districts, which were erroneously drawn by the City of Cedar Rapids in 1985 and 1998, by legalizing past proceedings conducted or actions taken by or on behalf of the state or local governments which affected the school districts and future actions taken or proceedings conducted until June 30, 2006. The Act takes effect May 25, 2005.

EDUCATION

SENATE FILE 36 - School Finance — Allowable Growth

BY COMMITTEE ON EDUCATION. This Act sets the state percent of growth under the State School Foundation Program at 4 percent for the school budget year beginning July 1, 2006. The Act is applicable for computing state school foundation aid for the school budget year beginning July 1, 2006.

SENATE FILE 176 - Midwestern Higher Education Compact

BY COMMITTEE ON EDUCATION. This Act brings Iowa in as a member state to the Midwestern Higher Education Compact. The purpose of the compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the several states that are parties to the compact. Moneys are appropriated for membership in the compact in H.F. 816 (see Appropriations).

The compacting states create the Midwestern Higher Education Commission, which consists of five resident members of each state. The Act also provides for the appointment of alternate members. Each compacting state represented at any meeting of the commission is entitled to one vote.

The duties and responsibilities of the commission are set forth in the Act, including a requirement that the commission submit a budget, containing specific recommendations of the amount to be appropriated by each of the compacting states, to the governor and legislature of each compacting state. The commission must study issues in higher education of particular concern to the midwestern region. If a need for exchange in a field is apparent, the commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the citizens of the respective compacting states. The contracting states must contribute the funds, as determined by the commission, for carrying out the agreements.

The commission must also collect data on the long-range effects of the compact on higher education, biennially review its accomplishments, and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact. The commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

Member states are Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin. South Dakota is the only other state currently eligible to become a member.

Any compacting state may withdraw from the compact effective two years after the enactment of a statute repealing the compact. A withdrawing state is liable for any obligations it may have incurred on account of its party status.

SENATE FILE 245 - Student Achievement and Secondary School Curricula

BY COMMITTEE ON EDUCATION. This Act sets a goal of increasing, by July 1, 2009, a minimum statewide core curriculum completion rate to 80 percent of graduating seniors and includes direction to the State Board of Education, the Department of Education, and school districts and accredited nonpublic schools aimed at achieving the goal.

The Act directs the board to develop a model core curriculum that takes into consideration the recommendations of the American College Testing Program, Inc., (ACT) and to set a goal of increasing, by July 1, 2009, a minimum statewide core curriculum completion rate to 80 percent of graduating seniors, exclusive of students who have special or alternative means for satisfying graduation requirements under individualized educational plans.

The Act directs the department to coordinate a working group to develop unambiguous definitions for key data areas relating to, but not limited to, attrition, completion and attendance rates, which school districts shall use in compiling state and local report cards. The working group must submit its findings and recommendations to the department and the chairpersons and members of the Standing Committees on Education in the Senate and the House of Representatives not later than January 15, 2006.

The Act requires school districts and accredited nonpublic schools to report to the department and the local community the percentage of students who graduated during the prior school year and who completed a core curriculum. The Act also requires school districts to cooperate with each eighth grade student to develop a core curriculum plan for the student and to report annually to each student enrolled in grades 9 through 12, and to each student's parent or guardian, the student's progress toward meeting the core curriculum goal.

The core curriculum recommended by ACT includes four years of English and three years each of mathematics, science, and social studies.

HOUSE FILE 276 - Registration of Postsecondary Schools — Iowa Coordinating Council for Post-High School Education Comments — Open Meetings

BY COMMITTEE ON EDUCATION. This Act requires the Iowa Coordinating Council for Post-High School Education to make its meetings open to the public whenever the council meets to consider comments for submission to the College Student Aid Commission regarding an application submitted to the Secretary of State's Office by a postsecondary school seeking to conduct business in this state.

HOUSE FILE 398 - Registration of Postsecondary Schools — Colleges and Universities Established by City Ordinance

BY COMMITTEE ON EDUCATION. This Act exempts not-for-profit colleges and universities established and authorized by a city ordinance from the requirements of Code Chapter 261B, relating to the registration of postsecondary schools with the Secretary of State's Office.

HOUSE FILE 423 - Student Participation in Extracurricular Interscholastic Activities

BY COMMITTEE ON EDUCATION. This Act makes a child eligible to participate immediately in extracurricular interscholastic athletic contests or competitions sponsored by bona fide extracurricular interscholastic athletic organizations, even though the child does not meet the residence requirements, as long as the child is duly enrolled in the school, is otherwise eligible to participate, and the contests or competitions are inferior to the varsity level. However, the Act permits a ninth grade student who participates in open enrollment to participate immediately in a varsity interscholastic sport if the student is entering grade nine for the first time and did not participate in competition for another school or school district during the summer immediately following eighth grade.

HOUSE FILE 739 - Education Technology

BY COMMITTEE ON EDUCATION. This Act enacts a number of the recommendations of the Iowa Learning Technology Interim Committee. The Act establishes in Code Chapter 280A an Iowa Learning Technology Commission to administer the Iowa Learning Technology Initiative, which includes the creation of pilot programs that may include one-to-one student learning technology and be implemented through local and public-private partnerships; develop and administer an Iowa learning technology pilot program; collect and assess data relating to the current status of technology in Iowa's public school classrooms; and identify and coordinate current revenue sources used for K-12 educational technology. The Act also requires the State Board of Regents to establish a research triangle, defined by the three regents universities, and a clearinghouse for purposes of sharing K-12 education technology initiatives. However, H.F. 882 (see Appropriations) amends the Act to make the provision relating to the research triangle and clearinghouse effective July 1, 2006.

The commission's duties include developing an accurate assessment of the current status of technology in Iowa's public school classrooms, identifying and gathering data to determine the current revenue sources used for K-12 educational technology, and submitting the data assessed in a report to the House and Senate Standing Committees on Education and the Joint Subcommittee on Education Appropriations.

In developing the pilot programs, the commission is directed to determine application and selection processes. The pilot programs must be developed and administered to encourage innovation, increase student achievement, ensure that technology is used on the basis of best practices, provide evidence of the impact of technology on student engagement and achievement, further demonstrate successful district-to-vendor relationships and possibilities, provide for development of individual education plans for students, identify local district educational and fiscal planning and implementation strategies, and gain a better understanding of the current status of technology in Iowa schools. The goal of each pilot program is to provide results and additional information necessary for the General Assembly to consider implementation of a statewide technology initiative.

Any state-funded competitive grant provided for a pilot program must be matched with funding available to the school district receiving the grant. The Act lists the guiding principles for the pilot programs.

The chapter creating the Iowa Learning Technology Initiative is repealed effective July 1, 2011.

The portions of the Act related to the Iowa Learning Technology Initiative and the Iowa Learning Technology Commission take effect only if the General Assembly appropriates sufficient funds for FY 2005-2006. House File 875 (see Appropriations) appropriates \$500,000 for FY 2005-2006 from the Rebuild Iowa Infrastructure Fund to the Department of Education for the implementation of Chapter 280A.

HOUSE FILE 742 - Iowa Early Intervention Block Grant Program

BY COMMITTEE ON EDUCATION. This Act makes changes to the Iowa Early Intervention Block Grant Program by changing a reporting requirement, extending the program's repeal to July 1, 2006, and making the extension effective June 6, 2005.

The Act directs the Department of Education to include, in the annual program report the department must submit to the chairpersons and ranking members of the Senate and House Standing Committees on Education, district-by-district information showing the allocation received under the program, the total number of students enrolled in grade four in each school district, and the number of students in each district who are not proficient in reading in grade four for each reporting period since the 2001-2002 school year.

HOUSE FILE 858 - Work-Based Learning Intermediary Network Program

BY COMMITTEE ON APPROPRIATIONS. This Act establishes a Statewide Work-Based Learning Intermediary Network Program in the Department of Education and creates a separate fund for the program in the State Treasury under the control of the department.

The purpose of the program is to build a seamless system of career, future workforce, and economic development in Iowa to better prepare students to make informed postsecondary education and career decisions; provide communication and coordination in order to build and sustain relationships between employers and local youth, the education system, and the community at-large; connect students to local career opportunities; facilitate the sharing of best practices statewide by business and education leaders; provide a one-stop contact point for information useful to both educators and employers, including a state-level clearinghouse for internships, job shadowing experiences, and other workplace learning opportunities for students that are linked to the state's economic goals; implement services for all students, staff and districts, and integrate workplace skills into the curriculum; develop work-based capacity with employers; improve the skills of Iowa's future workforce; and provide core services, which may include job shadowing and student internships.

The department is directed to establish and facilitate a steering committee responsible for the development and implementation of the network of 15 regional work-based learning intermediary networks. Each regional network must establish an advisory council to develop and implement the regional network.

Funds deposited in the fund are to be distributed to each region based on each region's K-12 enrollment, up to a limit of \$3 per student.

Each regional network must match the grant with financial resources equal to at least 25 percent of the amount of the grant.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

HOUSE FILE 253 - Regulation of Government Ethics and Lobbying

RELATED LEGISLATION

- HOUSE FILE 222** - Election of Township Officers
SEE STATE GOVERNMENT. This Act changes the offices of township trustee and township clerk to nonpartisan offices nominated for election by the petition process, without regard to political affiliation.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes to provisions pertaining to elections and voter registration.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

HOUSE FILE 253 - Regulation of Government Ethics and Lobbying

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to governmental ethics and the duties of the Iowa Ethics and Campaign Disclosure Board.

Code Section 68B.4 provides a general prohibition against an official or employee of any regulatory agency from selling any goods or services to individuals, associations or corporations subject to the regulatory authority of the agency of which the person is an official or employee, unless certain conditions relating to consent are met. Previously, each regulatory agency adopted rules specifying the method by which officials may obtain agency consent. The Act transfers the authority to adopt such rules to the Ethics and Campaign Disclosure Board.

The Act provides that a permanent full-time member of the Office of the Governor shall not sell, either directly or indirectly, any goods or services to a registered lobbyist before the General Assembly or the executive branch except when certain conditions are met.

Under the exceptions to the general gift law prohibition, a restricted donor must file a disclosure report for gifts of food, beverage and entertainment received by public officials or public employees at a reception where every member of the General Assembly has been invited to attend, when the reception takes place during a regular session of the General Assembly. The Act changes the term "reception" to "function" and requires that the disclosure report be filed with the person or persons designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives. The Act requires that copies of the disclosure reports be forwarded to the board. Previously, the reports were also filed with the board.

The Act amends certain provisions of Code Section 68B.32A, which relates to the duties of the board. The Act eliminates the authority of the board to require a county commissioner of elections to periodically file summary reports with the board. The Act requires the board to distribute educational materials regarding ethics and campaign finance laws to each agency of state government under the board's jurisdiction.

The Act requires the board to establish rules for ethical conduct for officials and state employees, including candidates for statewide office.

ENERGY AND PUBLIC UTILITIES

- SENATE FILE 264** - Dual Party Relay Service Funding
- SENATE FILE 390** - Renewable Energy — Tax Credits
- HOUSE FILE 187** - Utility Replacement Tax Task Force
- HOUSE FILE 277** - Communications Services Regulation
- HOUSE FILE 581** - Interstate Natural Gas Pipelines

RELATED LEGISLATION

- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for the Low-Income Home Energy Assistance Program, known as LIHEAP.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters.

ENERGY AND PUBLIC UTILITIES

SENATE FILE 264 - Dual Party Relay Service Funding

BY COMMITTEE ON COMMERCE. This Act expands the assessment imposed on telephone utilities to fund the dual party relay service program to include wireless communications service providers.

SENATE FILE 390 - Renewable Energy — Tax Credits

BY COMMITTEE ON WAYS AND MEANS. This Act establishes a renewable energy tax credit program in the Utilities Division of the Department of Commerce. Either a producer or purchaser of renewable energy may apply to the Iowa Utilities Board for a tax credit equal to 1 1/2 cents per kilowatt-hour of electricity or the equivalent amount of British thermal units of heat for a commercial purpose, methane gas or other biogas used to generate electricity, or hydrogen fuel produced and sold from an eligible renewable energy facility.

Upon receipt of an application, the board will determine whether or not the facility from which the energy was generated and sold is an eligible renewable energy facility under the Act. An eligible renewable energy facility may be a wind energy conversion facility, a biogas recovery facility, a biomass conversion facility, a methane gas recovery facility, or a solar energy conversion facility, as defined by the Act, which meets certain ownership requirements and which was placed into service on or after July 1, 2005, but before January 1, 2011. The board may not find more than 90 megawatts of nameplate generating capacity for wind energy conversion facilities nor more than 10 megawatts of nameplate generating capacity for all other types of facilities as eligible renewable energy facilities.

If the facility is an eligible renewable energy facility, the board will calculate the amount of energy generated and sold and notify the Department of Revenue (DOR) of the amount of energy eligible for the renewable energy tax credit. The department will then issue the appropriate tax credit certificates to the applicant. Renewable energy tax credit certificates may not be issued for energy purchased after December 31, 2020.

Each renewable energy tax credit certificate shall expire after 10 years and may be applied to the state personal or corporate income tax, franchise tax, sales and use tax, insurance company tax, or replacement tax. Renewable energy tax credit certificates may be transferred one time and applied to any tax available to the initial certificate holder. DOR shall develop a system of registration for the renewable energy tax credit certificates issued or transferred. A person who receives a wind energy production tax credit under Code Chapter 476B is not eligible to claim a tax credit certificate under the Act.

The Act takes effect June 15, 2005.

HOUSE FILE 187 - Utility Replacement Tax Task Force

BY COMMITTEE ON WAYS AND MEANS. This Act extends the Utility Replacement Tax Task Force through January 1, 2007. The Act also designates the Director of the Department of Management (DOM) and the Director of Revenue as co-chairpersons of the task force. Specific recommendations from the task force for modifications to the replacement tax are to be transmitted to the General Assembly by DOM. The task force is to study the effects of the utility replacement tax on local taxing authorities, consumers, and taxpayers.

HOUSE FILE 277 - Communications Services Regulation

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the deregulation of residential and business communications services provided in the state of Iowa.

Effective July 1, 2005, retail rates for telephone services provided in this state shall not be regulated by the Iowa Utilities Board of the Department of Commerce except for single line flat-rated residential and business lines. A telephone utility may increase the retail rates for single line residential lines by no more than \$1 per year until June 30, 2008. A telephone utility may increase the retail rates for single line business lines by no more than \$2 per year until June 30, 2008. A telephone utility that increases the retail rates for single line residential or business lines must offer broadband services in all of the utility's telephone exchanges in Iowa within 18 months of the rate increase. Effective July 1, 2008, retail rates for single line residential and business lines shall not be regulated by the board.

The Act establishes procedures for complaints from a telephone utility regarding antitrust activities of another telephone utility to be filed with the board, which may assess a civil penalty for antitrust activities.

The Act eliminates the Iowa Broadband Initiative and the reporting requirements of the Consumer Advocate relating to retail rate regulation of telephone utilities.

HOUSE FILE 581 - Interstate Natural Gas Pipelines

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the authority of the Iowa Utilities Board of the Department of Commerce over interstate natural gas pipelines in the state of Iowa. The Act removes the board's authority over the regulation of interstate pipelines, pipeline companies, and the underground storage of natural gas, except the authority to act as an agent for the federal government in determining compliance with federal standards. The board may also continue to inspect the construction, maintenance and condition of pipelines and underground storage facilities and collect fees for the inspection.

ENVIRONMENTAL PROTECTION

- SENATE FILE 141** - Aboveground Petroleum Storage Tanks — Upgrade or Closure Costs
- SENATE FILE 375** - Uniform Environmental Covenants Act
- HOUSE FILE 291** - Water Quality Protection Fund — Accounts and Fees
- HOUSE FILE 399** - Solid Waste Management and Disposal
- HOUSE FILE 602** - Household Hazardous Waste — Collection, Transportation, and Disposal
- HOUSE FILE 767** - Environmental Protection Commission — Civil Penalties Schedule — VETOED BY THE GOVERNOR
- HOUSE FILE 768** - Community Public Water Supply Permits — Notice of Issuance or Modification
- HOUSE FILE 834** - Commercial Cleaning of Toilet Units and Private Sewage Disposal Facilities

RELATED LEGISLATION

- SENATE FILE 200** - Agriculture Regulation — Veterinary Medicine, Motor Vehicle Fuel Dealers, and Watershed Improvement
SEE AGRICULTURE. This Act amends a number of provisions relating to agriculture, including by providing for the administrative duties by various agencies established within or associated with the Department of Agriculture and Land Stewardship. The Act in part establishes new Code Chapter 466A, which creates a new grant program to finance local watershed improvement projects to enhance the management and use of water for a variety of purposes relating to drinking, agriculture, recreation, sport, and economic development.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the Department of Administrative Services' oil purchasing standards, public water supply contamination, and financial liability for contaminated property, and updates or eliminates obsolete references to the Underground Storage Tank Insurance Fund.
- HOUSE FILE 805** - Agricultural Production
SEE AGRICULTURE. This Act creates new Code Chapter 459A, which authorizes the Department of Natural Resources (DNR) to regulate open feedlot operations, and supplements provisions in Code Chapter 459, which authorizes the DNR to regulate all animal feeding operations and, in particular, confinement feeding operations.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act includes a provision involving environmental protection, including requirements for aquatic invasive species.

ENVIRONMENTAL PROTECTION

SENATE FILE 141 - Aboveground Petroleum Storage Tanks — Upgrade or Closure Costs

BY JOHNSON. This Act relates to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

A tank owner may receive reimbursement if the tank site was registered with the State Fire Marshal by January 1, 2004, the tank contains petroleum, and certain other time-sensitive criteria are met. Previously, the time-sensitive criteria included that upgrade expenses must be incurred by February 18, 2005, permanent closure activities must occur by February 18, 2005, tanks must be empty by February 18, 2005, and tanks must meet certain federal and state requirements by February 18, 2005. The Act changes the February 18, 2005, date to December 31, 2005, in each case.

SENATE FILE 375 - Uniform Environmental Covenants Act

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act creates the Uniform Environmental Covenants Act in new Code Chapter 455L.

Any person may be a holder of an environmental covenant, an environmental covenant may identify more than one holder, and the interest of a holder is an interest in real property. A state or federal agency is bound by any obligation it assumes in an environmental covenant, but the agency does not assume obligations merely by signing an environmental covenant; and any other person that signs an environmental covenant is bound by the obligations the person assumes in the environmental covenant, but signing the environmental covenant does not change obligations, rights or protections granted or imposed under law other than this Act except as provided in the environmental covenant. The Act provides rules regarding the subordination of interests in real property in relation to environmental covenants.

The Act specifies requirements for the content of an environmental covenant. An environmental covenant may contain other information, restrictions and requirements agreed to by the persons who sign the environmental covenant. An agency may require those persons specified by the agency who have interests in the real property to sign the environmental covenant.

The Act provides that an environmental covenant that complies with the new Code chapter runs with the land and that an environmental covenant that is otherwise effective is valid and enforceable even if the environmental covenant has certain characteristics or effects or certain events occur. An instrument that creates restrictions or obligations with respect to real property that was recorded before this Act is valid and enforceable and does not apply in any respect to such an instrument. The Act does not invalidate or render unenforceable any interest created prior to this Act or that is otherwise enforceable under the law of this state.

The Act does not authorize a use of real property that is otherwise prohibited by zoning, by other law, or by a recorded instrument that has priority over the environmental covenant. An environmental covenant may prohibit or restrict uses of real property which are authorized by zoning or by law other than the new Code chapter.

The Act provides notice requirements regarding who should receive a copy of the environmental covenant, but the validity of an environmental covenant is not affected by failure to provide a copy as required.

An environmental covenant and any amendment or termination of the environmental covenant must be recorded in every county in which any portion of the real property subject to the environmental covenant is located.

An environmental covenant is perpetual unless the environmental covenant is limited to a specific duration or terminated by the occurrence of a specific event, by consent, by foreclosure of an interest that has priority over the environmental covenant, by an eminent domain proceeding, or through other means allowed under the Act. If a state agency determines that the purposes of the restrictions contained in an environmental covenant can no longer be realized, the agency may terminate the environmental covenant or reduce its burden on the real property after providing notice to each person that signed the environmental covenant and the current property owner. A person that signed an environmental covenant or a current property owner may seek approval from the agency for the termination or modification of an environmental covenant and may seek judicial review of an adverse determination. If a federal agency has regulatory authority over the environmental response project,

applicable federal law will apply to judicial review of an adverse determination. Except as otherwise provided, an environmental covenant may not be extinguished, limited or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of certain real property doctrines.

An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by the agency; the current owner in fee simple of the real property subject to the environmental covenant; each person that originally signed the environmental covenant, unless the person waived in a signed record the right to consent or the agency finds that the person no longer exists or cannot be located or identified; and except as otherwise provided, the holder. If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment to the environmental covenant unless the current owner of the interest consents to the amendment or has waived in a signed record the right to consent to amendments. Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment. Except as otherwise provided in an environmental covenant, a holder may not assign its interest without consent of the other parties, a holder may be removed and replaced by consent and agreement of the other parties, and a court of competent jurisdiction may fill a vacancy in the position of holder.

A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by the holder or grantor of the environmental covenant, the applicable agency or the Department of Natural Resources, any person to whom the environmental covenant expressly grants power to enforce, a person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the environmental covenant, or a unit of local government in which the real property subject to the environmental covenant is located. A person is not responsible for or subject to liability for environmental remediation solely because the person has the right to enforce an environmental covenant.

The Act provides for the applicability of certain provisions of the federal Electronic Signatures in Global and National Commerce Act.

The Act makes certain amendments to the Code due to the adoption of the Uniform Environmental Covenants Act. The Act requires the Director of the Department of Natural Resources, at the discretion of the director, to enter into environmental covenants. The Act includes environmental covenants as a factor in the rulemaking process for corrective action response requirements for releases of a regulated substance in connection with an underground storage tank.

The Act amends the Land Recycling and Environmental Remediation Standards Act in Code Chapter 455H by including a definition of an environmental covenant. The Act provides that an institutional or technological control includes an environmental protection easement filed prior to the effective date of the Act, July 1, 2005, or an environmental covenant. The Act makes conforming amendments to Code Chapter 455H in relation to allowing environmental covenants to take the place of environmental protection easements as one possible institutional or technological control under the Code chapter.

The rule against perpetuities and certain provisions relating to reversion or use restrictions on land shall not impair the validity of an environmental covenant. The Act provides that marketable record title is subject to all interests created by an environmental covenant.

HOUSE FILE 291 - Water Quality Protection Fund — Accounts and Fees

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to accounts and fees under the Water Quality Protection Fund.

The Act eliminates the Administration Account of the Water Quality Protection Fund and provides that moneys formerly deposited in the Administration Account be deposited in the Public Water Supply System Account of the same fund. The Act provides for the appropriation of moneys from the Public Water Supply System Account for administrative purposes.

HOUSE FILE 399 - Solid Waste Management and Disposal

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the disposal of solid waste by planning areas and to related solid waste management plans and reports.

A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill that is in compliance with applicable federal regulations, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located. If a planning area makes the election to retain autonomy, the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan, provided no services are shared between the two planning areas other than the acceptance of solid waste for landfill, but shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the home planning area.

The Act prohibits the Director of the Department of Natural Resources from issuing or renewing a permit for a transfer station operating under an agreement between two planning areas until the applicant, in conjunction with all local governments using the transfer station, documents that alternative methods of solid waste disposal other than final disposal in a sanitary landfill have been implemented as set forth in a comprehensive plan.

The Act allows for two types of comprehensive plans for complying with solid waste management requirements. The first type is a comprehensive plan in which solid waste is disposed of in a sanitary landfill within the planning area and the second type is a comprehensive plan in which all solid waste is consolidated at and transported from a transfer station for disposal at a sanitary landfill in another comprehensive planning area.

Any planning area that is part of an agreement between planning areas for the acceptance of solid waste for sanitary landfill shall submit such information to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department demonstrating that required retained fees were returned in a timely manner to other planning areas under the agreement.

A sanitary landfill serving more than one planning area must submit separate reports for each planning area.

HOUSE FILE 602 - Household Hazardous Waste — Collection, Transportation, and Disposal

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the collection, transportation and disposal of household hazardous waste.

A private agency that provides for the collection and disposal of household hazardous waste as part of an approved comprehensive plan may be eligible for a portion of solid waste tonnage fees for payment of transportation costs related to household hazardous waste collection programs.

Previously, 9.5 percent of the tonnage fees deposited in the Solid Waste Account of the Groundwater Protection Fund were used by the Department of Natural Resources to establish permanent household hazardous waste collection sites. The Act provides that, for the fiscal year beginning July 1, 2006, the percentage decreases to 6.5 percent and for the fiscal period beginning July 1, 2007, and every fiscal year thereafter, the percentage decreases to 3 percent. Any moneys remaining unexpended at the end of a fiscal year shall be used for payment of transportation costs related to household hazardous waste collection programs.

Previously, 3 percent of the tonnage fees deposited in the Solid Waste Account of the Groundwater Protection Fund were used by the department for payment of transportation costs related to household hazardous waste collection programs. The Act provides that, for the fiscal year beginning July 1, 2006, the percentage increases to 6.5 percent and for the fiscal period beginning July 1, 2007, and every fiscal year thereafter, the percentage increases to 9.5 percent.

HOUSE FILE 767 - Environmental Protection Commission — Civil Penalties Schedule — VETOED BY THE GOVERNOR

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This bill related to a schedule established by the Environmental Protection Commission for civil penalties. The bill would have increased the maximum, administratively assessed civil penalty amount from \$10,000 to \$25,000.

HOUSE FILE 768 - Community Public Water Supply Permits — Notice of Issuance or Modification

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the publishing of a notice of recommendation to grant permits for diversion, storage and withdrawal of water.

The Act requires the Department of Natural Resources, prior to the issuance of a new permit or modification of a permit for the diversion, storage or withdrawal of water, to publish a notice of recommendation to grant a permit in a newspaper of general circulation within the county of the proposed water source. If the newspaper of general circulation is not the newspaper of the nearest locality to the proposed water source that publishes a newspaper, the notice shall also be published in the newspaper of the nearest locality to the proposed water source that publishes a newspaper and the department may charge the applicant for the expenses associated with publishing the notice in the second newspaper.

HOUSE FILE 834 - Commercial Cleaning of Toilet Units and Private Sewage Disposal Facilities

BY COMMITTEE ON WAYS AND MEANS. This Act relates to persons commercially cleaning toilet units and private sewage disposal facilities and makes appropriations.

With regard to private sewage disposal facilities, the Act allows the Department of Natural Resources (DNR) to contract for the delegation of the authority for the inspection of land application sites, record reviews, and equipment inspections to county boards of health. In the event of entering into such a contract, the DNR retains concurrent authority over such activities.

The Act requires an applicant for a license to commercially clean private sewage disposal facilities or to dispose of waste from such facilities to submit septic disposal management plans to the DNR for approval, annually, as a condition of licensing and to file such plans annually with the county board of health in the county where a proposed septage application site is located. The Act requires a license application to include registration applications for each vehicle used by the applicant for purposes of collecting septage from private sewage disposal facilities and each vehicle used by the applicant for purposes of applying septage to land.

The Act requires the DNR to establish an annual licensing and renewal fee structure for persons commercially cleaning private sewage disposal facilities based on the volume of septage that is applied to land. Such fees shall be deposited in the Septic Management Fund created in the Act and are appropriated to the DNR for purposes of contracting with county boards of health to conduct land application site inspections, record reviews, and septic cleaning equipment inspections.

The Act increases the civil penalty for violations of the regulations relating to commercial cleaning of private sewage disposal facilities from \$25 to \$250. Each day that a violation continues constitutes a separate offense. The Act eliminates a maximum annual civil penalty amount of \$500.

The Act requires the DNR to adopt rules related to, but not limited to, recordkeeping requirements, application procedures and limitations, contamination issues, loss of septage, failure to file a septic disposal management plan, application by vehicles that are not properly registered, wrongful application, and violations of a septic disposal management plan.

The Act provides for the assessment of a civil penalty for the duration of time commencing with the time the violation begins and ending with the time the violation is corrected. The septic disposal management plan may be examined to determine the duration of the violation. The Act provides for deposit of moneys collected by the DNR from the imposition of civil penalties in the General Fund of the State. The Act provides for deposit of moneys collected by a county board of health from the imposition of civil penalties in the general fund of the county.

The Act requires the DNR to adopt standards for the commercial cleaning of toilet units and for the disposal of waste from toilet units. The Act defines "toilet unit" to mean a portable or fixed tank or vessel holding untreated human waste without secondary wastewater treatment that is emptied for disposal. The Act requires waste from toilet units to be disposed of at a wastewater treatment facility and prohibits land application of such waste.

With regard to commercial cleaning of and disposal of waste from toilet units, the Act allows the DNR to contract for the delegation of the authority for inspection of record reviews and equipment inspections to a county board of health and requires that the department retain concurrent authority over such activities.

The Act prohibits a person from commercially cleaning a toilet unit or disposing of waste from a toilet unit unless the person has been issued a license by the DNR. A license application shall include registration applications for

each vehicle used by the applicant for purposes of collecting waste from toilet units and each vehicle used by the applicant for purposes of transporting waste from toilet units to a wastewater treatment facility. The Act directs the DNR to establish the annual license or license renewal fee based on the number of trucks or vehicles used by the licensee.

The Act creates a Toilet Unit Fund in the State Treasury under the control of the department. The Act provides for deposit of the annual license and license renewal fees in the fund and for appropriation of the moneys in the fund to the DNR for purposes of contracting with county boards of health to conduct record reviews and toilet unit cleaning equipment inspections.

Violations of the regulations relating to the cleaning of toilet units are subject to a civil penalty of not more than \$500. Each day that a violation continues constitutes a separate offense. The Act provides for assessment of the penalty for the duration of time commencing with the time the violation begins and ending with the time the violation is corrected. The Act provides for deposit of the moneys collected by the department from the imposition of civil penalties in the General Fund of the State. The Act provides for deposit of moneys collected by a county board of health from the imposition of civil penalties in the general fund of the county.

The Act requires the DNR to submit a written report to the General Assembly regarding the land application and treatment of septage.

GAMING

- HOUSE FILE 641** - Regulation of Excursion Gambling Boats — Fees
- HOUSE FILE 645** - Lotteries
- HOUSE FILE 646** - Regulation of Gambling — Miscellaneous Provisions

RELATED LEGISLATION

- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to games of skill or chance, raffles, and pari-mutuel wagering.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions, including appropriation of gambling treatment funding.
- HOUSE FILE 881** - Compensation for Public Employees and Additional Provisions
SEE APPROPRIATIONS. This Act relates to the funding for FY 2005-2006 of salary increases for state officials and employees, excluding State Board of Regents employees. The Act provides that members of the Racing and Gaming Commission are to receive an annual salary of \$10,000.

GAMING

HOUSE FILE 641 - Regulation of Excursion Gambling Boats — Fees

BY COMMITTEE ON STATE GOVERNMENT. This Act increases the number of gaming enforcement officers the Iowa Racing and Gaming Commission can consider in establishing regulatory fees charged for certain larger excursion gambling boats. For excursion gambling boats with a patron capacity of at least 2,000 persons, the Act provides that the salary costs of up to five gaming enforcement officers, instead of four such officers used for all other boats, shall be used by the commission in setting regulatory fees.

HOUSE FILE 645 - Lotteries

BY COMMITTEE ON STATE GOVERNMENT. This Act concerns the regulation of lotteries under Code Chapter 725, Vice, that are conducted by entities other than the Iowa Lottery Authority.

The Act modifies the provisions concerning permissible lotteries conducted by a commercial organization. To be a permissible lottery, the lottery cannot be in effect or available to the public for a period of more than 90 days within a one-year period. In addition, the Act provides that a commercial organization cannot sell pull-tab tickets or instant tickets as a promotional activity but may give away such tickets free of charge if the other requirements for a permissible lottery are met. The Act requires commercial organizations conducting a lottery to provide the effective dates of the lottery on all promotional materials.

The Act changes the definition of "lottery" to include lotteries where some participants make an expenditure of money or something of value for a chance at a prize. Previously, the definition of "lottery" included only those games where each participant was required to make an expenditure of money or something of value for a chance. However, the Act provides that a lottery does not become subject to the requirements of Code Chapter 725 if the only expenditure of money is the cost of submitting an entry through the Internet or by mail and no purchase or payment is otherwise required.

The Act also requires the Attorney General to institute proceedings against any person violating the Code section governing lotteries upon request of the Iowa Lottery Authority or the Division of Criminal Investigation of the Department of Public Safety. The Act authorizes the applicable county attorney to appear and prosecute the action in their county at the request of the Attorney General.

HOUSE FILE 646 - Regulation of Gambling — Miscellaneous Provisions

BY COMMITTEE ON STATE GOVERNMENT. This Act concerns social and charitable gambling as provided for in Code Chapter 99B.

The total amount awarded for an annual cash raffle at a fair is limited to a maximum of \$200,000. If the cash to be awarded at a raffle is \$100,000 or more, the requirements applicable to raffles of real property worth over \$1,000 shall also apply.

The Act also allows an annual raffle, or a raffle conducted by a statewide raffle licensee, to award cash prizes of up to a total of \$200,000. Prior law permitted only the awarding of a single cash prize in an amount of up to \$200,000. This provision of the Act takes effect May 4, 2005.

The Act provides that raffles are not permitted at an annual game night.

An electrical or mechanical amusement device that is required to be registered shall not be a gambling device as described by Code Section 725.9, or a device that plays poker, blackjack or keno.

The Act establishes a permanent Electrical and Mechanical Amusement Devices Special Fund consisting of fees collected by the Department of Inspections and Appeals (DIA) for amusement devices. Moneys in the fund shall be appropriated to and used by DIA and the Department of Public Safety for administration and enforcement of provisions governing these amusement devices. A special fund previously existed for the same purpose, but the authority for that fund ended June 30, 2005.

The Act provides that poker, blackjack, craps, keno, or roulette contests, leagues or tournaments are not permissible bona fide contests that any person not otherwise licensed to conduct such games may conduct. However,

current law governing games between individuals who have a social relationship and in which no more than \$50 is won or lost remains and permits most card and parlor games.

The Code section governing the revocation of licenses under Code Chapter 99D by DIA is amended to provide DIA with additional authority to deny or suspend a license if the department finds that an applicant or licensee has violated a provision of Code Chapter 99B, instead of only being able to revoke a license. If the department revokes a person's license, the person's liquor control license or beer permit, if any, shall be suspended for a period of 14 days, and, if the person has only a beer permit, the person's sales tax permit shall also be suspended for 14 days. The Act also includes provisions governing the procedure the department shall follow if it intends to deny, revoke or suspend a license and provides that hearings conducted by the department shall comply with the Iowa Administrative Procedure Act. In addition, the Act provides that an applicant denied a license may not reapply for the license for two years and authorizes the department to determine the length of any suspension granted. The law providing that a revocation remains in effect for no more than two years is unchanged by the Act.

HEALTH AND SAFETY

- SENATE FILE 304** - Elder Services, Care Facilities, and Programs
- HOUSE FILE 131** - Dental Assistants — Education and Training
- HOUSE FILE 585** - Assisted Living Programs
- HOUSE FILE 587** - Regulation of Adult Day Services
- HOUSE FILE 613** - Swimming Pools and Spas — Hot Water Heating Boiler Regulation
- HOUSE FILE 620** - Volunteer Health Care Provider Program
- HOUSE FILE 710** - Regulation of Elder Group Homes
- HOUSE FILE 724** - Prescription Drug Donation Repository
- HOUSE FILE 770** - Transfer of Regulatory Authority — VETOED BY THE GOVERNOR
- HOUSE FILE 781** - Direct Care Worker Task Force
- HOUSE FILE 784** - Advanced Practice Registered Nurse Compact
- HOUSE FILE 786** - Businesses and Activities in Health Care Facilities
- HOUSE FILE 789** - Public Health — Miscellaneous Changes
- HOUSE FILE 821** - Prescription Drug Assistance Clearinghouse Program

RELATED LEGISLATION

- SENATE FILE 169** - Regulation of Amphetamine and Methamphetamine Precursors
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act classifies all products containing ephedrine and phenylpropanolamine, and most pseudoephedrine products, as Schedule V controlled substances. The Act takes effect May 21, 2005. However, the bail restrictions and the restrictions on the sale of ephedrine take effect March 22, 2005.
- SENATE FILE 272** - Medical Assistance Advisory Council
SEE HUMAN SERVICES. This Act relates to the Medical Assistance Advisory Council. The Act eliminates the current council and creates a new council with representatives of professional or business entities; public representatives in an equal number as the professional and business entities; the Director of Public Health, the Director of the Department of Elder Affairs, the dean of Des Moines University--Osteopathic Medical Center, the dean of the University of Iowa College of Medicine, or these individuals' designees; and four members of the General Assembly. The Act also establishes an executive committee of the council consisting of five representatives of the professional and business entities; five public representatives, one of whom must be a medical assistance recipient; and the Director of Public Health, who is the chairperson of the executive committee.
- SENATE FILE 283** - Department of Public Safety — Miscellaneous Provisions
SEE STATE GOVERNMENT. This Act relates to the practices and procedures of the Department of Public Safety and makes related changes.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs.

- SENATE FILE 352** - Child Advocacy and Foster Care Review — Tort Liability and Confidentiality
SEE CHILDREN & YOUTH. This Act revises confidentiality and liability provisions involving the Child Advocacy Board. The board is part of the Department of Inspections and Appeals and has responsibilities for oversight and review of the state's foster care system, including establishing and overseeing local citizen foster care review boards and administering the Court Appointed Special Advocate Program.
- HOUSE FILE 190** - Child Death Review Team Duties
SEE CHILDREN & YOUTH. This Act expands the duties of the Child Death Review Team. The team is an independent agency of state government with staffing provided by the Iowa Department of Public Health. The team exists to analyze child death information in order to make recommendations to the Governor and General Assembly for policy changes that could prevent child deaths.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the workers' compensation schedule, parental objections to newborn congenital defects screening, the Iowa State University of Science and Technology biological lab, Family Support Subsidy Program reports, Iowa Department of Public Health disaster and emergency funds, public water supply contamination, and financial liability for contaminated property, and updates or eliminates obsolete references to the Underground Storage Tank Insurance Fund.
- HOUSE FILE 339** - Regulation of Cigarette and Tobacco Product Retailers
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Act establishes permit requirements for tobacco product retailers. The Act prohibits a person from engaging in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco product retailer. Existing penalties and permit suspension and revocation provisions for cigarette retailers are applicable to tobacco product retailers.
- HOUSE FILE 374** - Veterans Affairs
SEE STATE GOVERNMENT. This Act contains various provisions relating to veterans. The Act provides for the establishment of a Hepatitis C Awareness Program by the Iowa Department of Public Health with the goal of the program to distribute information to veterans regarding the higher incidence of hepatitis C exposure and infection among veterans, the dangers presented by the disease, and contacts for additional information and referrals. The department must submit a report to the members of the General Assembly by January 1, 2007, regarding the distribution and impact of the information. The Act takes effect May 5, 2005.
- HOUSE FILE 418** - Anatomic Pathology Services — Billing
SEE BUSINESS, BANKING & INSURANCE. This Act regulates the demands for payment submitted by a clinical laboratory or physician for certain anatomic pathology services provided to a patient in this state.
- HOUSE FILE 420** - Health Insurance — Biologically Based Mental Illnesses
SEE BUSINESS, BANKING & INSURANCE. This Act mandates health insurance coverage benefits for biologically based mental illness under specified health insurance policies, contracts and plans delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2006.
- HOUSE FILE 538** - Children With Mental Health, Behavioral, or Emotional Disorders
SEE CHILDREN & YOUTH. This Act revises child welfare requirements involving children with mental health, behavioral, or emotional disorders and includes a related change in the licensing requirements for psychiatric medical intuitions for children.

- HOUSE FILE 589** - Taxation of Nursing Facility Property
SEE TAXATION. This Act provides that the property of a nursing facility that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code is totally exempt from property tax regardless of the proportion of residents of the facility who are private pay and the proportion who depend on Title XIX of the federal Social Security Act. The Act takes effect May 12, 2005, and applies to property taxes due and payable in fiscal years beginning on or after July 1, 2005.
- HOUSE FILE 602** - Household Hazardous Waste — Collection, Transportation, and Disposal
SEE ENVIRONMENTAL PROTECTION. This Act relates to the collection, transportation and disposal of household hazardous waste.
- HOUSE FILE 607** - Emergency Fire and Medical Services — Townships
SEE LOCAL GOVERNMENT. This Act relates to the provision of emergency services by certain townships and certain counties. The Act takes effect April 28, 2005.
- HOUSE FILE 617** - Medical Assistance Program — Assisted Living Services
SEE HUMAN SERVICES. This Act directs the Department of Human Services to request a waiver from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services to add assisted living services to the home and community-based services waiver for the elderly under the Medical Assistance Program.
- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 726** - Operating While Intoxicated — Chemical Testing of Persons Incapable of Consent or Refusal — Certification
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act allows a physician assistant or an advanced registered nurse practitioner to certify an alleged intoxicated driver's unconscious state for the purposes of testing the person's blood, breath or urine to determine the alcohol concentration or presence of a controlled substance or other drugs in the person's system.
- HOUSE FILE 760** - Dependent Adults and Dependent Adult Abuse — Protective Services
SEE HUMAN SERVICES. This Act relates to dependent adults and the provision of protective services.
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance
SEE CHILDREN & YOUTH. This Act relates to improvement of the early care, child care services, education, health, and human services systems, revises the child and dependent care tax credit, and creates an early childhood development tax credit.
- HOUSE FILE 771** - Mental Competency Hearings — Criminal Defendants
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act relates to a mental competency hearing for a person accused of a criminal offense.
- HOUSE FILE 777** - Contagious or Infectious Diseases — Persons Confined to Jail or in Peace Officer Custody
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act requires a person to submit to the withdrawal of a bodily specimen to determine if the person is infected with a contagious or infectious disease if the person assaults another person by biting or exchanging bodily fluids or causes any bodily secretion to be cast upon another person while the person is in the custody of a peace officer.
- HOUSE FILE 801** - Individual Income Tax Computation — Human Organ Donation Expenses
SEE TAXATION. This Act allows a deduction from income, when computing individual income tax, of up to \$10,000 for unreimbursed expenses incurred by a taxpayer in donating, while alive, all or part of the taxpayer's liver, pancreas, kidney, intestine, lung,

or bone marrow. The organ donation must be for immediate use in an organ transplant operation.

- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and provides numerous related provisions involving health, including regulation of health professions, authority for health examining boards to retain a portion of license fee increases, elimination of the Commission on Substance Abuse, making permanent the Vital Records Modernization Project, codifying authority to utilize scope of practice review committees, addressing the Medicaid Program, and other health-related provisions.
- HOUSE FILE 828** - Regulation of Natural Resources and Watercraft
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act relates to various aquatic regulations and activities and contains provisions relating to operation of a motorboat by a person under 18 years of age, safety inspections of vessels for hire or commercial vessels, penalties for unsafe operation of vessels for hire or commercial vessels, and control of aquatic invasive species in the state's waters.
- HOUSE FILE 841** - Health Care and Health Care Finance
SEE HUMAN SERVICES. This Act relates to health care reform and includes provisions relating to the Medical Assistance (Medicaid) Program and indigent patients. The Act creates a new Code Chapter 249J, entitled "The Iowacare Act," to provide health care coverage under a Medicaid waiver to members of an expansion population.
- HOUSE FILE 862** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust for FY 2005-2006. The Act appropriates funds to the Iowa Department of Public Health for the Tobacco Use Prevention and Control Initiative; for provision of smoking cessation and smoking-related diseases products; for additional substance abuse treatment under the Substance Abuse Treatment Program; for development of a Healthy Iowans 2010 Plan; for the Automated External Defibrillator Grant Program and for a plan to provide access to automated external defibrillators throughout the Capitol Complex; for the Center for Congenital and Inherited Disorders; for a grant program to provide substance abuse prevention programming for children through a sole source contract; for a grant program to utilize high school mentors to teach life skills, violence prevention, and character education in an effort to reduce the illegal use of alcohol, tobacco, and other substances through a sole source contract; and for a grant program to provide substance abuse prevention programming, including tobacco use prevention programming for children through a request for proposals process.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act addresses health matters, including changes in funding for health programs and grants and regulation of pharmacy practice.

HEALTH AND SAFETY

SENATE FILE 304 - Elder Services, Care Facilities, and Programs

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes in the Elder Iowans Act, Code Chapter 231, and makes conforming changes.

The Act defines "home and community-based services," deletes the definition of "elderly," and replaces the references to "elderly" with "elder." The Act authorizes the Commission of Elder Affairs to adopt rules for duties specified in the Elder Iowans Act as well as in other chapters under the Department of Elder Affairs' jurisdiction. The Act deletes from the duties of area agencies on aging the coordination of activities in support of the State-wide Long-term Care Resident's Advocate Program as this duty was centralized in the Department of Elder Affairs. The Act also revises the duties of area agencies on aging to allow a change in the method used to document quarterly monitoring of provider contracts. Additionally, instead of requiring area agencies on aging to assure that elders have access to referral services, the area agencies are to assure access to assistance services. The Act updates references to the federal Older Americans Act of 1965 and deletes the specific requirement that the commission coordinate the development of rules for various facilities with the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission to the extent the rules apply to a facility primarily serving persons with mental illness, mental retardation or other developmental disability, or brain injury.

The Act includes in the duties of the Senior Living Coordinating Unit the development of common intake and release procedures for the Case Management Program for Frail Elders. The Act deletes from the unit's duties when coordinating the continua of services the duty to co-campus services and the directive to the Director of the Department of Administrative Services to review this area when arranging for office space.

HOUSE FILE 131 - Dental Assistants — Education and Training

BY ROBERTS. This Act details the educational and on-the-job training requirements required for persons wishing to be registered as dental assistants. The Act provides for registration either through a course of study followed by an examination, or job equivalency training followed by an examination, according to standards to be determined by the Board of Dental Examiners. The board may waive the written examination requirements under specified circumstances where registration through job equivalency training is being pursued. The period within which a dental assistant must be registered following employment by a dentist is expanded from 6 to 12 months.

HOUSE FILE 585 - Assisted Living Programs

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes in Code Chapter 231C, Assisted Living Programs.

The Act changes the definition of "assisted living" to provide that the term includes 24-hours per day, on-site response staff to meet scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety and security. The Act also changes the definition of "personal care" by eliminating the inclusion of supervision of self-administered medications. The Act defines "medication setup" for purposes of the chapter.

The Act directs the Department of Elder Affairs (DEA) to adopt rules to establish minimum standards for certification and monitoring of assisted living programs, provides that all information related to provider applications for assisted living programs submitted to DEA or the Department of Inspections and Appeals (DIA) is considered a public record, and deletes the requirement that DEA issue interpretive guidelines. The Act eliminates the authorization to DEA to establish a special classification for affordable assisted living programs and instead authorizes DEA to establish, by rule, minimum standards for subsidized and dementia-specific assisted living programs. The Act requires DEA and DIA to conduct joint training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of assisted living programs. Certification of an assisted living program is for two years, unless revoked for good cause.

The Act clarifies provisions relating to a tenant or the tenant's legal representative.

The final findings following completion of all administrative appeals processes, with respect to compliance by an assisted living program with requirements for certification, are to be made available to the public upon comple-

tion, rather than following a monitoring evaluation or complaint investigation. The final findings shall be made available to DEA upon request to facilitate policy decisions.

The Act eliminates cruelty or indifference to assisted living tenants as a basis for DIA to deny, suspend or revoke a certificate, but adds as a basis for denial, suspension or revocation of a certificate, if any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner or individual has greater than 5 percent, rather than 10 percent, equity interest in the program, has or has had an ownership interest in a specified long-term care facility or program which has been closed for certain reasons, or has failed to provide adequate protection or services for tenants to prevent abuse or neglect.

The Act provides that a person who prevents or interferes with or attempts to impede in any way any duly authorized representative of DIA in the lawful enforcement of the Code chapter or its rules is subject to civil penalties rather than the current criminal penalties. The Act also authorizes assisted living programs to provide for medication setup and provides requirements for the administration and storage of medications in an assisted living program.

The Act provides that a fee of \$125 applies to an assisted living program that is accredited via a national body of accreditation.

The Act takes effect April 27, 2005.

HOUSE FILE 587 - Regulation of Adult Day Services

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes in the regulation of adult day services programs under Code Chapter 231D.

The Act includes new definitions, including "health-related care," "participant," "participant's legal representative," "personal care," "contractual agreement," and "medication setup."

The Act directs the Department of Elder Affairs (DEA) to adopt rules that include a requirement that sufficient staffing be available at all times to fully meet a participant's identified needs. The rules are also to include a requirement that no fewer than two staff persons who monitor participants as indicated in each participant's service plan are to be awake and on duty during the hours of operation when two or more participants are present. The Act eliminates the authorization to DEA to establish a special classification for adult day services providers and instead authorizes DEA to establish, by rule, minimum standards for subsidized and dementia-specific assisted living programs. The Act requires DEA and the Department of Inspections and Appeals (DIA) to conduct joint training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of adult day services programs and provides that certification of an adult day services program is for two years, unless revoked for good cause. A fee of \$125 applies to an adult day services program that is accredited via a national body of accreditation.

The Act eliminates cruelty or indifference to assisted living tenants as a basis for DIA to deny, suspend or revoke a certificate, but adds as a basis for denial, suspension or revocation of a certificate if any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner or individual has greater than 5 percent, rather than 10 percent, equity interest in the program, has or has had an ownership interest in a specified long-term care facility or program which has been closed for certain reasons, or has failed to provide adequate protection or services for tenants to prevent abuse or neglect. The Act also adds as a basis for denial, suspension or revocation of a certificate if a certificate applicant or an existing certified owner or operator who is other than an individual and who is in a position of control or is an officer of the entity engages in any act or omission proscribed by the Adult Day Services Code chapter.

The Act provides a process for informal review of regulatory insufficiencies of a monitoring evaluation or complaint investigation; provides for written contractual agreements between the program and a participant; provides a procedure for involuntary transfer of a participant; provides that the final findings following completion of all administrative appeals processes, with respect to compliance by an adult day services program with requirements for certification, are to be made available to the public upon completion, rather than following a monitoring evaluation or complaint investigation; and provides that the final findings shall be made available to DEA upon request to facilitate policy decisions.

A person who prevents or interferes with or attempts to impede in any way any duly authorized representative of DIA in the lawful enforcement of the Code chapter or its rules is subject to civil penalties rather than the current criminal penalties. The Act also authorizes adult day services programs to provide medication setup and provides requirements for the administration and storage of medications in an adult day services program.

The Act takes effect April 27, 2005.

HOUSE FILE 613 - Swimming Pools and Spas — Hot Water Heating Boiler Regulation

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act modifies language providing for exemptions from Code Chapter 89, regulating boilers and unfired steam pressure vessels. The Act strikes language exempting hot water heating boilers used for heating pools or spas at a certain level of burner input per hour and inserts language to exempt hot water heating boilers used for heating pools or spas that are subject to Code Chapter 135I, which provides for the Iowa Department of Public Health's regulation of swimming pools and spas.

HOUSE FILE 620 - Volunteer Health Care Provider Program

BY COMMITTEE ON HUMAN RESOURCES. This Act adds to the definition of "health care provider" under the Volunteer Health Care Provider Program, physical therapists, occupational therapists, podiatrists, advanced registered nurse practitioners, respiratory therapists, optometrists, marital and family therapists, and emergency medical care providers. Also, a free clinic providing free care under the program is considered a state agency for the purposes of the program and the State Tort Claims Act if the health care provider who is providing services at the free clinic is registered under the provisions of the program or if the provider is covered by adequate medical malpractice insurance as determined by the Iowa Department of Public Health.

The Act takes effect May 5, 2005.

HOUSE FILE 710 - Regulation of Elder Group Homes

BY COMMITTEE ON HUMAN RESOURCES. This Act establishes a new regulatory framework for elder group homes. The Act provides additional definitions; provides findings, a purpose, and intent related to elder group homes; and provides for certification and monitoring of elder group homes similar to the requirements for assisted living programs and adult day services programs.

The Act establishes fire and safety standards; requires written occupancy agreements; establishes provisions for involuntary transfer of a tenant and a process for addressing complaints; establishes a process for informal review when an elder group home contests the findings of regulatory insufficiencies and of a monitoring evaluation or complaint investigation; provides for public disclosure of final findings upon completion of a monitoring evaluation or complaint investigation, including the conclusion of all administrative appeals processes; provides for disclosure of other information which does not constitute such final findings to the Department of Elder Affairs (DEA) to facilitate policy decisions; establishes provisions for denial, suspension or revocation of certification and for conditional operation of an elder group home; provides for notice and an appeals process relative to the denial, suspension or revocation of a certificate; provides for notification of DEA regarding tenant casualties; prohibits retaliation by an elder group home against a tenant, a tenant's family, or an employee of the elder group home who has initiated or participated in any proceeding authorized under the Code chapter; provides for civil and criminal penalties and injunctive relief; provides transitional provisions; establishes certification and related fees; provides for application of the Uniform Residential Landlord and Tenant Act to elder group homes; provides for the establishment of resident advocate committees for elder group homes; provides a process for nursing assistants or medication aides to claim work within an elder group home as credit toward sustaining the nursing assistant's or medication aide's certification; and provides for medication setup and for the administration and storage of medications in an elder group home.

HOUSE FILE 724 - Prescription Drug Donation Repository

BY COMMITTEE ON HUMAN RESOURCES. This Act authorizes the Iowa Department of Public Health, in cooperation with the Board of Pharmacy Examiners, to establish and maintain a Prescription Drug Donation Repository Program under which any person may donate prescription drugs and supplies for use by an individual who meets eligibility criteria specified by departmental rule. Donations of prescription drugs and supplies under the program may be made on the premises of a medical facility or pharmacy that elects to participate in the program and meets the requirements of the program. The Act provides definitions and procedures and requirements for the donation and redispensing of the drugs; provides that a prescription drug dispensed through the program is not

eligible for reimbursement under the Medical Assistance (Medicaid) Program; provides for adoption of rules for the program, including eligibility criteria and a listing of the prescription drugs that will be accepted under the program; and provides exemption from disciplinary action, civil liability, and criminal prosecution for a person involved in the program who acts reasonably and in good faith. The Act is not to be construed to restrict the use of samples by physicians or other persons legally authorized to prescribe drugs and is not to be construed to authorize the resale of prescription drugs.

HOUSE FILE 770 - Transfer of Regulatory Authority — VETOED BY THE GOVERNOR

BY COMMITTEE ON HUMAN RESOURCES. This bill would have provided for the Iowa Department of Public Health to administer the Iowa Hotel Sanitation Code, regulation of home food, Iowa Food Code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the Department of Inspections and Appeals.

The Governor's veto message indicated that the Governor does not believe efficiencies would be gained by transferring regulatory authority between the two departments. It suggested that the General Assembly should authorize updating the Iowa Food Code to reflect the latest federal changes to the code and allow license fees to be increased to reflect the full cost of inspections.

HOUSE FILE 781 - Direct Care Worker Task Force

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Iowa Department of Public Health (IDPH) to convene a Direct Care Worker Task Force to review the education and training requirements applicable to and to make recommendations regarding direct care workers.

The task force members are to identify the existing direct care worker classifications, review and outline the corresponding educational and training requirements for each direct care worker classification identified, determine the appropriate educational and training requirements for each direct care worker classification identified, recommend a process for streamlining the educational and training system for direct care workers, and recommend a process for establishing a Direct Care Worker Registry by expanding the Iowa Nurse Aide Registry to integrate direct care workers, and consider moving administration of the registry to IDPH.

The Act requires the task force to submit a report of its recommendations to the Governor and the General Assembly no later than December 15, 2006.

HOUSE FILE 784 - Advanced Practice Registered Nurse Compact

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the adoption of the Advanced Practice Registered Nurse Compact. This compact is similar to the Nurse Licensure Compact enacted as Code Chapter 152E. These compacts are in essence multistate agreements that create a type of regional license. When a state joins a compact by adding the compact to its statutes, the nurses who hold a license in the member state may practice in other compact states subject to each state's practice law and rules. An advanced practice registered nurse is a registered nurse with advanced training and education that allows the nurse to practice as a nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist.

The Act is repealed July 1, 2008.

HOUSE FILE 786 - Businesses and Activities in Health Care Facilities

BY COMMITTEE ON HUMAN RESOURCES. This Act allows a health care facility to operate or provide another business or activity, serving persons other than the residents of the health care facility, in a designated part of the same physical structure of the health care facility, if the other business or activity meets the requirements of applicable state and federal laws, administrative rules, and federal regulations.

The Act prohibits the Department of Inspections and Appeals from limiting the ability of a health care facility to operate or provide another business or activity in the designated part of the facility if the business or activity does not interfere with the use of the facility by the residents or with the services provided to the residents, and is not disturbing to the residents. In denying the ability of a health care facility to provide another business or activity in the physical structure of the health care facility, the burden of proof is on the department to demonstrate that the business or activity substantially interferes with the use of the facility by, or the services provided to, the residents, or is disturbing to the residents. The Act also directs the State Fire Marshal to adopt rules to establish criteria for approval of a business or activity to be operated or provided in a designated part of the

physical structure of a health care facility. Certain laboratory services and various health care services provided by hospitals are specifically excluded from the types of business or activity that may be provided.

HOUSE FILE 789 - Public Health — Miscellaneous Changes

BY COMMITTEE ON HUMAN RESOURCES. This Act makes a number of changes regarding programs and functions under the purview of the Iowa Department of Public Health.

The Act provides statutory authority for the collection of health workforce data by the department, and provides for the confidentiality of the data collected. The Act eliminates a provision contained in 1997 Iowa Acts relating to the use for which local public health funding may be applied, and provides that the department is designated Iowa's lead agency for brain injury, with specified oversight authority. The Act changes the name of the Division of Epidemiology, Emergency Medical Services, and Disaster Operations to the Division of Acute Disease Prevention and Emergency Response, and makes conforming changes related to this name change.

The Act renames disaster medical assistance teams as public health response teams, provides for additional categories in which assistance by the teams is authorized, and adds disability to those benefits for which a team member may be considered to qualify as an employee of the state.

The Act provides that in the event of a shortage of a vaccine, or in the event a vaccine shortage is imminent, the department may issue an order controlling, restricting or regulating the distribution and administration of the vaccine. The order may designate groups of persons to receive priority in administration of the vaccine, may prohibit vaccination of persons who are not included in a priority designation, and is applicable to health care providers, hospitals, clinics, pharmacies, health care facilities, local boards of health, public health agencies, and other persons or entities that distribute or administer vaccines. The Act also provides that there shall be no civil liability in any action based on a failure or refusal to distribute or administer a vaccine to any person if the failure or refusal to distribute or administer the vaccine is consistent with a department order.

The Act provides that anatomical gift public awareness and transplantation funds, which may currently be utilized for the development of a Statewide Organ and Tissue Control Registry, may also be utilized to support the registry. The Act repeals provisions establishing the Chronic Renal Disease Program.

The Act provides that an amended birth certificate shall be issued in an adoption, deleting provisions which had provided for the option of a certificate not being issued upon request, and specifies procedures regarding birth certificates and affidavits of paternity.

The Act authorizes the Board of Medical Examiners, which may currently discipline a physician who has entered into a voluntary agreement to restrict their practice in another state, district, territory, or country, to also be able to discipline a physician entering into a voluntary agreement with an agency of the federal government. The Act deletes a provision which currently permits a graduate of an approved respiratory care program to practice under specified circumstances for one year prior to taking a licensure exam, and deletes the provision relating to temporary permits to practice.

The Act also strikes a provision requiring consultation by the Board of Behavioral Science Examiners with the Mental Health and Developmental Disabilities Commission relating to approval of supervised clinical experience for marital and family therapy and mental health counseling, and also deletes a provision which specifies that supervision of an applicant for mental health counseling must be conducted strictly by a licensee. The Act requires that supervision standards be determined by the department by rule.

The Act strikes an outdated provision that required written examinations for a funeral director's license to be given by the Board of Mortuary Science Examiners.

The Act provides for the addition of intense pulsed light devices to the list of regulated practices under Code Chapter 157, relating to cosmetology, and makes conforming changes to reflect the addition. The Act deletes the current requirement that a cosmetology applicant submit a copy of a high school diploma, requiring instead that an applicant have graduated from high school or its equivalent, and strikes references to issuance of a temporary permit prior to taking a licensure examination for cosmetology.

Under the Newborn Safe Haven Act, if the name of the parent is unknown, the institutional health facility at which the newborn infant was relinquished is to submit a birth certificate to the State Registrar of Vital Statistics in accordance with the provisions of Code Section 144.14 (foundlings). If the identity of a parent is known, the facility is to submit a certificate of birth report as required under the birth certificates section (144.13) and the department is to maintain the confidentiality of the birth certificate.

A licensing board may order a clinical competency examination of any licensee.

After a death which affects the public interest has occurred, provisions which prohibit the disturbing or removing of a body without authorization by a county medical examiner also apply to clothing or other articles upon or near the dead body. Further, if the State Medical Examiner assumes jurisdiction over a body for purposes of performing an autopsy required or authorized by Code Section 331.802 or by rule, the body or its effects shall not be disturbed, withheld from the custody of the State Medical Examiner, or removed from the custody of the State Medical Examiner without authorization from the State Medical Examiner.

The Act provides for the establishment of a Response Team Task Force to study the current and future capacity of the public health workforce to respond to bioterrorism, emerging infectious diseases, and other public health threats and emergencies. The Act directs the task force to examine the concept of developing and implementing regional response teams that include members from local, regional and state agencies and organizations appointed by the director of the department. The Act directs the task force to submit a report to the department, the Governor, and the General Assembly by July 1, 2006.

HOUSE FILE 821 - Prescription Drug Assistance Clearinghouse Program

BY COMMITTEE ON APPROPRIATIONS. This Act directs the Commissioner of Insurance to establish and administer a Prescription Drug Assistance Clearinghouse Program to improve access to prescription drugs for individuals and to assist individuals in accessing programs offered by pharmaceutical manufacturers that provide free or discounted prescription drugs or provide coverage for prescription drugs.

The Act directs the commissioner to utilize computer software programs to provide a clearinghouse to assist individuals in accessing manufacturer-sponsored prescription drug assistance programs for which they may be eligible; disseminate information about and assist citizens in assessing pharmaceutical discount or insurance programs that may be beneficial; serve as a resource for pharmaceutical benefit issues; assist individuals in making application to and enrolling in the pharmaceutical assistance program most appropriate for the individual; and maintain a listing of community-based pharmacy assistance programs for additional assistance.

The Act directs the commissioner to provide information to pharmacies, physicians, other appropriate health care providers, and the general public regarding the program and about manufacturer-sponsored prescription drug assistance programs.

The commissioner is to notify pharmaceutical manufacturers doing business in the state of the program, and every pharmaceutical manufacturer that does business in the state that offers a pharmaceutical assistance program is required to notify the commissioner of the existence of the program, the prescription drugs covered by the program, and all information necessary for application for assistance through the program. The commissioner is to provide for ongoing review and assessment of pharmaceutical discount or insurance programs.

The Act directs the commissioner to monitor and evaluate the program, to make recommendations for improvement of the program, and to identify and make recommendations regarding additional strategies to improve access to prescription drugs for individuals who have no or inadequate health insurance or other resources for the purchase of prescription drugs.

The commissioner is to submit an annual report to the Governor and the General Assembly regarding the effectiveness of the program and including any recommendations for improvement of the program. If a national program is established, the report is to include a recommendation regarding the continuation or elimination of the state program.

The Act directs the commissioner to seek federal funding to establish and administer the program.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

The provision appropriating \$250,000 from the Senior Living Trust Fund to the Insurance Division of the Department of Commerce beginning October 1, 2005, and ending June 30, 2006, if federal funding was not received before October 1, 2005, for the establishment and administration of the program.

HUMAN SERVICES

- SENATE FILE 272** - Medical Assistance Advisory Council
- SENATE FILE 335** - Unemployment Compensation — Dependent Adult Abuse Information
- SENATE FILE 343** - Official Audits, Reports, Registries, and Agreements
- SENATE FILE 350** - Child Support — Miscellaneous Provisions
- HOUSE FILE 617** - Medical Assistance Program — Assisted Living Services
- HOUSE FILE 760** - Dependent Adults and Dependent Adult Abuse — Protective Services
- HOUSE FILE 841** - Health Care and Health Care Finance

RELATED LEGISLATION

- SENATE FILE 330** - Domestic Relations, Rights, and Support Obligations
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act amends portions of the Code relating to dissolution of marriage and domestic relations, termination of parental rights, and child support.
- SENATE FILE 342** - Miscellaneous Supplemental Appropriations and Employment Regulation
SEE APPROPRIATIONS. This Act relates to financial and regulatory matters by making and increasing appropriations for FY 2004-2005. Supplemental appropriations are included for the Medical Assistance (Medicaid) Program, Medicaid Program contracts, the state resource centers, the unit for commitment and treatment of sexually violent predators, and mental illness, mental retardation, and developmental disabilities state cases.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs.
- SENATE FILE 404** - County Mental Health, Mental Retardation, and Developmental Disabilities Expenditures — State Funding
SEE LOCAL GOVERNMENT. This Act provides a one-time exception to a reporting deadline used for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services.
- HOUSE FILE 190** - Child Death Review Team Duties
SEE CHILDREN & YOUTH. This Act expands the duties of the Child Death Review Team. The team exists to analyze child death information in order to make recommendations to the Governor and General Assembly for policy changes that could prevent child deaths.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to Family Support Subsidy Program reports and child abuse data corrections.
- HOUSE FILE 538** - Children With Mental Health, Behavioral, or Emotional Disorders
SEE CHILDREN & YOUTH. This Act revises child welfare requirements involving children with mental health, behavioral, or emotional disorders and requires the Department of Human Services to submit a waiver request to provide coverage for such children under the Medical Assistance (Medicaid) Program.

- HOUSE FILE 616** - Decategorization of Child Welfare and Juvenile Justice Funding Projects
SEE CHILDREN & YOUTH. This Act revises requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects. The funding sources subject to decategorization are primarily from appropriations made to the Department of Human Services.
- HOUSE FILE 683** - Legal Representation for Indigent Persons
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that the court shall appoint counsel for an indigent person in a termination of parental rights proceeding brought pursuant to Code Chapter 600A.
- HOUSE FILE 753** - Safety-Related Information Concerning Children — Dissemination
SEE CHILDREN & YOUTH. This Act provides that if a report or examination concerning a child indicates the child behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, a parent, guardian, or foster parent or other custodian of the child is to be informed unless ordered otherwise by the court. The Department of Human Services is subject to related requirements involving case permanency plans.
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance
SEE CHILDREN & YOUTH. This Act relates to improvement of the early care, child care services, education, health, and human services systems, revises the child and dependent care tax credit, and creates an early childhood development tax credit. The Act includes a requirement for the Department of Human Services to implement a voluntary child care rating system for child development homes, preschools, and child care centers and other provisions involving the department.
- HOUSE FILE 771** - Mental Competency Hearings — Criminal Defendants
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act relates to a mental competency hearing for a person accused of a criminal offense.
- HOUSE FILE 819** - Medical Assistance — Long-Term Care Asset Disregard Program
SEE BUSINESS, BANKING & INSURANCE. This Act establishes the Iowa Long-Term Care Asset Disregard Incentive Program. Under the Act, an individual who is the beneficiary of a certified long-term care insurance policy would be allowed an asset disregard under the Medical Assistance (Medicaid) Program. The asset disregard is a \$1 increase in the amount of assets the individual may retain under the Medicaid Program for each \$1 of benefits paid out under the individual's certified long-term care insurance policy for qualified long-term care services if the benefits meet minimum amounts established in the Act. The Long-Term Care Asset Disregard Incentive Program and other provisions of the Act take effect only if the necessary Medicaid State Plan amendment and waiver are approved, and then no sooner than six months after both of those requirements are met.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services (DHS), and provides numerous related provisions involving human services and DHS.
- HOUSE FILE 856** - Sales and Use Tax — Low-Income Housing Projects of Nonprofit Organizations
SEE TAXATION. This Act provides a sales and use tax exemption for the sale of building materials and supplies to a nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction and repair of one-family or two-family dwellings for the use of low-income families.

- HOUSE FILE 862** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust for FY 2005-2006. The Act makes appropriations involving the Medical Assistance (Medicaid) Program to the Department of Human Services for FY 2005-2006, for reimbursement of or cost-of-living adjustments for certain service providers, for child and family services and adoption subsidy services, for supplementation of the children's health insurance program appropriation, and for general administration of health-related programs.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division III of this Act includes an appropriation of \$1.4 million to the Iowa Finance Authority for the Transitional Housing Revolving Loan Program created in H.F. 825 (see Appropriations).
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act addresses human services matters, including changes in funding for human services programs.

HUMAN SERVICES

SENATE FILE 272 - Medical Assistance Advisory Council

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Medical Assistance Advisory Council. The Act eliminates the current Medical Assistance Advisory Council and creates a new council with representatives of professional or business entities; public representatives in an equal number as the professional and business entities; the Director of Public Health, the Director of the Department of Elder Affairs, the dean of Des Moines University--Osteopathic Medical Center, the dean of the University of Iowa College of Medicine, or these individuals' designees; and four members of the General Assembly. The Act also establishes an executive committee of the council consisting of five representatives of the professional and business entities; five public representatives, one of whom must be a medical assistance recipient; and the Director of Public Health, who is the chairperson of the executive committee. The executive committee is to meet on a monthly basis, whereas the full council is authorized to meet not more than quarterly. Based upon deliberations of the council, the executive committee is to make recommendations to the Director of Human Services regarding the budget, policy and administration of the Medical Assistance Program (Medicaid). The Act provides for reimbursement of the legislative members of the council and of the members who are Medicaid recipients. The Act directs the Department of Human Services to provide staff support and independent technical assistance to the council and the executive committee. The Director of Human Services is to consider the recommendations of the council and the executive committee in preparation of Medicaid budget recommendations to the Council on Human Services and in implementation of Medicaid policies.

SENATE FILE 335 - Unemployment Compensation — Dependent Adult Abuse Information

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This Act authorizes persons involved in court or administrative agency proceedings making a determination regarding unemployment compensation claims to have access to dependent adult abuse information, other than unfounded dependent adult abuse information, maintained by the Department of Human Services.

SENATE FILE 343 - Official Audits, Reports, Registries, and Agreements

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to governmental services involving audit reports, child abuse reporting and registry requirements, and the Family Investment Program (FIP) administered by the Department of Human Services (DHS).

The statutory requirement that the Auditor of State annually report the results of all examinations and audits of all departments and establishments and all fiscal officers of the state and local governments is amended to require that the report set forth the average cost per year for inmates, members, clients, patients, and students served, rather than the actual cost for each individual.

The Act includes a number of provisions involving reporting and access to child abuse information.

Under current law regarding allegations of child abuse that have been determined to constitute abuse, if DHS determines the injury or risk of harm to the child was minor and isolated and is unlikely to reoccur, the names of the child and the alleged perpetrator of the child abuse and any other child abuse information are not to be placed in the central registry as a case of founded child abuse. An exception is eliminated that provided if the abuse took place in a service to children that is subject to state regulation, the abuse would be placed on the registry even if the injury or risk of harm was determined to be minor and isolated and is unlikely to reoccur.

The list of mandatory reporters of child abuse is expanded to include an employee or operator of a provider of services to children funded under a medical assistance (Medicaid) home and community-based services waiver.

A number of amendments are made to Code Section 235A.15, providing authorized access to child abuse information possessed by DHS. There are three types of child abuse information: report data, relating to the identities of those involved with a child abuse report and other factual information obtained during a child abuse assessment; assessment data, relating to an evaluation of the child's family performed as part of the assessment; and disposition data, relating to an opinion reached or decisions made regarding a child abuse allegation.

From the list of persons involved in an assessment of child abuse who have access to report and disposition data the Act eliminates those persons providing care or supervision of the child named in the report or the person

named in a report as having abused the child. Instead, access for these persons is provided to report and disposition data for cases of founded child abuse that are placed on the Central Child Abuse Registry, if the juvenile court or DHS deems the access is necessary. In addition, these persons are also provided access to report data for cases that are determined not to meet the definition of "child abuse."

The list of persons with access to registry information is expanded to include persons who are providing care to a child, who are authorized access, but only with respect to disposition data and, if authorized in law to the extent necessary for purposes of an employment evaluation, report data, for cases of founded child abuse. The new additions are area education agencies and other providers of early intervention services to children funded under Part C of the federal Individuals With Disabilities Education Act and any unit of federal, state or local government that needs the child abuse information to carry out its duties under law to protect children.

Requirements for correction or expungement of child abuse information are amended to provide a new exception to the prohibition against DHS disclosing child abuse information during a proceeding to correct the information. The exception allows the disclosure to health care professional examining boards and the Iowa Department of Public Health for purposes of licensure or disciplinary activities, to the Board of Educational Examiners for purposes of educational practitioner disciplinary activities, and school superintendents and authorities for purposes of a volunteer or employment record check.

A limitation on the amount of postsecondary education that can be provided to a FIP participant is eliminated. The limitation restricted a FIP participant to 24 months of postsecondary education within a period of 48 months.

SENATE FILE 350 - Child Support — Miscellaneous Provisions
BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child support.

The Act provides for the suspension of a support obligation when fewer than all of the children for whom support is ordered are living in the same residence as both the parents or when fewer than all of the children for whom support is ordered are currently residing with the parent who is ordered to pay support, if the parents agree and the child support order already specifies what the child support obligation would be if the number of children entitled to support under the order changes. The Act also allows for reinstatement of the support obligation under specified circumstances. The Act provides that under the review and adjustment and cost-of-living alteration provisions of Code Chapter 252H, if a support obligation is terminated or reinstated under the suspension provisions, the termination or reinstatement is not considered a modification of the support order.

The Act adds new Code Section 252B.25, which provides that, notwithstanding any provision of law to the contrary, if an obligor has been ordered to provide support in more than one order, the Child Support Recovery Unit (CSRU) may bring a single action for contempt to enforce the multiple orders. However, if the obligor objects to consolidation of the actions and the court determines that severance of the single action into multiple actions is in the interest of justice, CSRU is to bring multiple actions for contempt to enforce the multiple orders. If a single action is brought and the obligor does not object, CSRU may file the action in the district court of a county where the obligor resides, or if the obligor does not reside in the state, in the district court of the county where at least one of the support orders was entered or registered. CSRU is then to file a document with the clerk of court in each county affected, specifying the county where the action was filed and the disposition of the action.

The Act also adds new Code Section 252B.26, authorizing CSRU, notwithstanding any provision of law to the contrary, to serve a petition, notice or rule to show cause as provided in each chapter specified, or by certified mail. The Act requires return acknowledgement to prove service by certified mail. The Act provides that Rule of Civil Procedure 1.303(5), relating to the time limit for a party served by mail to file a motion or answer, and Rule of Civil Procedure 1.308(5), requiring proof of mailing to be by affidavit and a duplicate copy of the papers referred to in the affidavit to be filed with the court, do not apply. The return acknowledgment to prove service by certified mail is to be filed with the clerk of court.

The Act eliminates one of the notices regarding income withholding that was sent to the obligor under prior law. The notice eliminated is the notice which is sent by certified mail to the obligor after a child support order is entered and before an income withholding order is entered. The federal law requiring prior notice of income withholding was previously repealed. The Act nullifies conforming provisions in the Iowa Administrative Code.

The Act specifies that, for the purpose of attachment to pay support, "income," and specifically lump sum payments, includes payment from an estate, including inheritance, or payment for personal injury or property damage.

The Act nullifies one of the notices to obligors regarding administrative levy of an account at a financial institution in statute and in administrative rules.

The Act requires CSRU to send a notice of potential license sanction to an obligor by regular mail instead of serving the obligor by certified mail.

The Act requires that a termination of parental rights order issued pursuant to any Code chapter be disclosed to CSRU, upon request, without a court order. Prior law specified that such an order may be disclosed to CSRU, but did not include all relevant Code provisions.

The Act also provides that CSRU through its subpoena power may access cellular telephone company, Internet service provider, and television, including cable television, company records of individuals who owe or are owed support, in addition to existing records currently accessible. Payments under a support order that are not made to the clerk of court or the Collections Services Center may still be credited, in addition to other exceptions, upon submission of documentation of the financial instrument used in the payment of the support by the person ordered to pay support.

HOUSE FILE 617 - Medical Assistance Program — Assisted Living Services

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Department of Human Services to request a waiver from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services to add assisted living services to the home and community-based services waiver for the elderly under the Medical Assistance (Medicaid) Program. If the department receives approval of the waiver, the department, in consultation with assisted living providers, is to submit a plan for implementation to the General Assembly. The waiver is not to be implemented prior to specific action by the General Assembly to implement the waiver.

HOUSE FILE 760 - Dependent Adults and Dependent Adult Abuse — Protective Services

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to dependent adults and the provision of protective services.

The Act specifies that the Department of Human Services may petition the district court in the county in which a dependent adult resides for an order authorizing the provision of protective services, and that persons previously adjudicated as incompetent under the relevant provisions of Code Chapter 633, Probate Code, are entitled to the care, protection and services under Code Chapter 235B, Adult Abuse.

The Act specifies that if the department determines a dependent adult is suffering from dependent adult abuse which presents an immediate danger to the health or safety of the dependent adult or which results in irreparable harm to the physical or financial resources or property of the dependent adult and that the dependent adult lacks capacity to consent to receive protective services and that no consent can be obtained, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an emergency order authorizing protective services.

The Act further provides that upon a finding of probable cause to believe that dependent adult abuse has occurred and is either ongoing or likely to reoccur, the court may enter the necessary orders, including temporary restraining orders, to third persons enjoining them from specific conduct.

HOUSE FILE 841 - Health Care and Health Care Finance

BY GIPP AND MURPHY. This Act relates to health care reform and includes provisions relating to the Medical Assistance (Medicaid) Program and indigent patients.

The Act creates new Code Chapter 249J, entitled "The Iowacare Act," to provide health care coverage under a Medicaid waiver to members of an expansion population. The new Code chapter is to be implemented only to the extent that federal matching funds are available for nonfederal expenditures and the Department of Human Services (DHS) is prohibited from expending funds under the Code chapter if appropriated nonfederal funds are not matched by federal financial participation.

The Act establishes the eligibility requirements, benefits, and provider network for the expansion population. An individual is eligible for coverage under the expansion population if the individual is 19 through 64 years of age, has a family income at or below 200 percent of the federal poverty level, and fulfills all other conditions of participation described in the chapter. Additionally, individuals otherwise eligible solely for family planning benefits authorized under the Medicaid family planning services waiver may be eligible for expansion population benefits. Individuals with family incomes below 300 percent of the federal poverty level are eligible for obstetrical and newborn care under the expansion population if deductions for medical expenses of the family would reduce the family income to 200 percent of the federal poverty level or below. These individuals may receive appropriate care at any licensed hospital or health care facility, with the exception of individuals in need of such care residing in the counties of Cedar, Clinton, Iowa, Johnson, Keokuk, Louisa, Muscatine, Scott, and Washington, who are to be provided care at the University of Iowa Hospitals and Clinics.

Enrollment for the expansion population may be limited, closed or reduced and the scope and duration of expansion population services may be limited, reduced or terminated if DHS determines that federal Medicaid matching funds or appropriated state funds will not be available to pay for existing or additional enrollment. The Act directs DHS to contract with county general assistance directors to perform intake functions for the expansion population at the discretion of the directors, and if DHS provides intake services at a location of an expansion provider network provider, DHS is to consider subcontracting with local nonprofit agencies to promote greater understanding between Medicaid and expansion population network providers and their recipients and members.

Benefits to the expansion population include certain inpatient hospital procedures, outpatient hospital services, physician and advanced registered nurse practitioner services, dental services, limited pharmacy benefits, and limited transportation benefits. Beginning no later than March 1, 2006, all expansion population members are required to receive a single complete medical examination, a personal health improvement plan, and a health risk assessment within 90 days of enrollment in the program. Beginning no later than July 1, 2006, expansion population members are to also be provided with access to a Pharmacy Assistance Clearinghouse Program and access to a medical information hotline, accessible 24 hours per day, seven days per week.

Expansion population members are only eligible to receive expansion population services through an expansion population provider network, which is limited to a publicly owned acute care teaching hospital located in a county with a population over 350,000, the University of Iowa Hospitals and Clinics, and the four state mental health institutes at Cherokee, Clarinda, Independence, and Mount Pleasant. Services provided by providers of the network are payable at the full benefit recipient rates and a provider under the network may deny care to an individual who refuses to apply for coverage under the expansion population.

Each expansion population member must pay a monthly premium, unless the premium is waived, and is also required to pay the same copayments required of other adult recipients of the Medicaid Program. DHS may reduce the required out-of-pocket expenditures for an individual expansion population member based upon the member's increased wellness activities or compliance with the personal health improvement plan completed by the member. The Act requires DHS to track the impact of out-of-pocket expenditures on expansion population enrollment.

DHS must submit to the Governor and the General Assembly by March 15, 2006, a design for an insurance cost subsidy program for expansion population members who have access to employer health insurance plans, and a health care account program option for individuals eligible for enrollment in the expansion population.

The Act provides for future expansions in population, benefits, and the provider network for the expansion population based upon empirical findings and subject to meeting financial obligations to the provider network and within existing appropriations.

Unencumbered certified local matching funds may be used to cover the state share of the cost of services for the expansion population. DHS must include in its annual budget submission recommendations relating to a disproportionate share hospital and indirect medical education allocation plan that maximizes the availability of federal funds for payments to hospitals for the care and treatment of indigent patients. If federal law and regulations allow, and if federal disproportionate share hospital funds and indirect medical education funds are available, the funds are to be distributed as specified by DHS.

The Act directs DHS to amend the Medical Assistance State Plan to provide for an increase in the level of care required for new nursing facility admissions beginning July 1, 2005, while continuing the same level of care requirement for home and community-based services waiver services in effect prior to July 1, 2005. If, beginning July 1, 2005, appropriate home and community-based services at the nursing facility level of care are not available to an individual in the individual's community at the time of the determination or the provision of home and community-based services is not cost-effective, and nursing facility level of care is medically necessary, the criteria for admission of the individual to a nursing facility for nursing facility level of care services is the same criteria in effect on June 30, 2005.

The Act directs DHS, in consultation with interested parties, to develop for submission to the Governor and the General Assembly by July 1, 2007, a plan for a case-mix adjusted reimbursement system for both institution-based and community-based services for persons with mental retardation or developmental disabilities by January 1, 2007, and develop a plan for submission to the Governor and the General Assembly by July 1, 2007, to enhance alternatives for community-based care for individuals who would otherwise require care in an intermediate care facility for persons with mental retardation. DHS must provide Medicaid waiver services to not more than 300 children, without regard to family income, who meet both of the following criteria: require behavioral health care services and qualify for the care level provided by a psychiatric medical institution for children, and require treatment to cure or alleviate a serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward the child's self or others and the child's parent, guardian or custodian is unable to provide such treatment (see H.F. 538, Children & Youth). The Act directs DHS to submit an amendment to the Medicaid home and community-based services waiver for the elderly to provide for inclusion of case management as a Medicaid covered service.

The Act requires DHS to institute a number of health promotion partnerships, including all of the following:

1. Beginning July 1, 2005, cover inpatient and outpatient hospital services at the state hospitals for persons with mental illness designated pursuant to Code Section 226.1 under the Medicaid Program.
2. By July 1, 2006, design and begin implementation of a strategy to provide dietary counseling and support to child and adult recipients of Medicaid.
3. By October 1, 2006, develop a practical strategy for expanding utilization of electronic medical record-keeping by Medicaid Program providers, focusing initially on program recipients whose quality of care would be significantly enhanced by the availability of electronic medical recordkeeping.
4. By January 1, 2007, design and implement a Medicaid provider incentive payment program based upon evaluation of public and private sector models.
5. Work with the University of Iowa colleges of Medicine, Dentistry, Nursing, Pharmacy, and Public Health and the University of Iowa Hospitals and Clinics to determine whether the physical and dental health of recipients of Medicaid who are persons with mental retardation or developmental disabilities are being regularly and fully addressed and to identify barriers to such care. DHS is required to report the department's findings to the Governor and the General Assembly by January 1, 2007.
6. Implement a program, in collaboration with the Iowa Department of Public Health, with the goal of reducing smoking among Medicaid recipients who are children to less than 1 percent and among Medicaid recipients and expansion population members who are adults to less than 10 percent, by July 1, 2007.
7. By July 1, 2008, require every Medicaid recipient who is a child 12 years of age or less to have a designated dental home.

The Act establishes a Task Force on Indigent Care to identify any growth in uncompensated care due to the implementation of the new chapter and to identify any local funds being used for uncompensated care that could be maximized from a federal match.

The Act includes requirements for the Iowa Medicaid Enterprise, including an annual cost and quality performance evaluation, the creation of a clinicians advisory panel to recommend to DHS clinically appropriate health care utilization management and coverage decisions for the Medicaid Program and the expansion population

which are not otherwise addressed, and for the collection of information on third-party payor rates in the state and, as appropriate, the usual and customary charges of providers.

The Act establishes a Medical Assistance Projections and Assessment Council to make quarterly cost projections for the Medicaid Program and the expansion population; review quarterly reports on all initiatives under the new chapter; review annual audited financial statements relating to the expansion population; review quarterly reports on the success of the Iowa Medicaid Enterprise; and assure that the expansion population is managed at all times within funding limitations. DHS, the Department of Management, and the Legislative Services Agency are to utilize a joint process to arrive at an annual consensus projection for Medicaid Program expenditures for submission to the council. By December 15 of each fiscal year, the council is to agree to a projection of expenditures for the fiscal year beginning the following July 1, based upon the consensus projection submitted.

The Act provides that payments under the Medicaid Program to public hospitals and public nursing facilities are not to exceed the actual Medicaid Program costs, that the hospitals are to retain 100 percent of the Medicaid Program payments earned under state reimbursement rules, and that state reimbursement rules may provide for reimbursement at less than actual cost.

The Act directs DHS to contract with a certified public accountant to provide an analysis, on an annual basis, to the Governor and the General Assembly regarding compliance of the Iowa Medicaid Program with provisions prohibiting the institution of new provider taxes, that public hospitals and nursing facilities are not paid more than the actual costs of care for Medicaid Program and disproportionate share hospital program recipients based upon Medicare Program principles of accounting and cost reporting, and that the state is not recycling federal funds provided under the Medicaid Program.

The Act establishes the Account for Health Care Transformation and makes appropriations from the account. Moneys received through the physician payment adjustment and through the adjustment to hospital payments to provide an increased base rate to offset the high costs incurred for providing services to Medicaid patients are to be deposited in the account. The account includes a separate premiums account for deposit of the premiums collected from expansion population members. The Act specifies the uses for moneys in the account, including for services and initiatives identified under the new chapter, health promotion partnerships, evaluation and auditing provisions of the new chapter, additional indigent patient care and treatment, and administrative costs associated with the new chapter.

The Act establishes the Iowacare Account and makes appropriations from the account. Moneys received as federal financial participation under the expansion population provisions, moneys received for disproportionate share hospitals, moneys received for graduate medical education, proceeds transferred from the county treasurer as specified under the new chapter, and moneys from other sources credited to the account are to be deposited in the account. Moneys in the account are to be appropriated to the University of Iowa Hospitals and Clinics, to a publicly owned acute care teaching hospital located in a county with a population over 350,000, and to the state hospitals for persons with mental illness for the purposes provided in the federal law making the funds available and for the purposes designated in the state appropriation. Payments to the participating public hospitals are to be made on a prospective basis in 12 equal monthly installments. From each semiannual collection performed after July 1, 2005, the county treasurer of a county with a population over 350,000 in which the publicly owned acute care teaching hospital is located is to transfer the proceeds collected under the hospital levy provisions of the Code in a total amount of \$34 million annually, to the Treasurer of State for deposit in the Iowacare Account. The board of trustees of such acute care teaching hospital shall execute a Code Chapter 28E agreement with DHS by July 1, 2005, and annually by July 1, thereafter, to specify the requirements relative to transfer of the proceeds and the distribution of moneys to the hospital and other provisions. If the amount allocated to the hospital that does not require federal matching funds in a subsequent fiscal year is reduced from the amount allocated in the fiscal year beginning July 1, 2005, the amount of proceeds required to be transferred in that subsequent fiscal year is to be reduced in the same amount as the amount allocated. The state and any county utilizing the acute care teaching hospital prior to July 1, 2005, for mental health services, are to enter into an agreement with the hospital to pay a per diem amount that is not less than the per diem amount paid for those mental health services in effect for the fiscal year beginning July 1, 2004, for each individual, including each expansion population member accessing mental health services at that hospital on or after July 1, 2005. Any payment made under the agreement for an expansion population member is considered by DHS to be payment by a third-party payor.

The Act also directs the State Board of Regents, on behalf of the University of Iowa Hospitals and Clinics, to execute an agreement under Code Chapter 28E to specify the requirements relating to distribution of moneys to the hospital from the Iowacare Account.

The provisions of the new chapter are not to be construed, are not intended as, and shall not imply a grant of entitlement for services to individuals who are eligible for assistance under the chapter or for utilization of services that do not exist or are not otherwise available on the effective date of the Act. Any state obligation to provide services pursuant to the chapter is limited to the extent of the funds appropriated or distributed for the purposes of the chapter. Additionally, the provisions of the chapter are not to be construed and are not intended to affect the provision of services to recipients of Medicaid services existing on the effective date of the Act. The Act is repealed June 30, 2010.

The Act eliminates a number of existing provisions that allowed for intergovernmental transfers under the Medicaid Program.

The Act establishes copayments for both generic and brand-name, and both preferred and nonpreferred, prescription drugs included on the list under the Medicaid Program.

The Act eliminates the Medical and Surgical Treatment of Indigent Persons chapter (Code Chapter 255) (this program was often referred to as the "State Papers Program"), the Obstetrical and Newborn Indigent Patient Care Program (Code Chapter 255A), and the Hospital Trust Fund chapter (Code Chapter 249I) and makes conforming changes including providing for a statewide Obstetrical and Newborn Indigent Patient Care Program under the Iowa Department of Public Health chapter (Code Chapter 135). The Act also provides for the convening of a work group to review the provision of treatment and care to inmates, students, patients, and former inmates of certain state institutions.

The Act designates the state resource centers and the mental health institutes as a single state medical institution (SMI) and directs DHS to submit a waiver to the Centers for Medicare and Medicaid Services to provide for coverage under the Medicaid Program, with matching funding, for inpatient and outpatient hospital services provided to eligible individuals, disproportionate share hospital payments for services provided by the portion of the SMI that maintains the hospital license, and imposition of an assessment on intermediate care facilities for persons with mental retardation (ICF/MR) on any part of the SMI that provides ICF/MR services.

The provisions of the Act requiring DHS to request Medicaid Program waivers and state plan amendments and the provisions relating to the execution of Code Chapter 28E agreements take effect May 12, 2005. The remaining provisions of the Act do not take effect unless all Medicaid program waivers and state plan amendments are approved. If all approvals are received, the remainder of the provisions take effect July 1, 2005, or on the date specified in the waiver or state plan amendment. The Act directs DHS to notify the Code Editor of receipt of all approvals. The provisions of the Act relating to the Nursing Facility Quality Assurance Assessment are retroactively applicable to their original effective date of May 2, 2003, and the provision relating to the enhanced payment to the University of Iowa utilizing the appropriation for the Indigent Patient Program is retroactively applicable to its original effective date of May 17, 2004.

LABOR AND EMPLOYMENT

- HOUSE FILE 764** - Unemployment Compensation — Sale or Transfer of Organization, Trade, or Business — Employer Contribution Rates

RELATED LEGISLATION

- SENATE FILE 320** - Real Estate Broker and Salesperson Licensing — Criminal History Checks
SEE BUSINESS, BANKING & INSURANCE. This Act requires performance of a national criminal history check of applicants for an initial real estate broker's or salesperson's license.
- SENATE FILE 335** - Unemployment Compensation — Dependent Adult Abuse Information
SEE HUMAN SERVICES. This Act authorizes persons involved in court or administrative agency proceedings making a determination regarding unemployment compensation claims access to dependent adult abuse information, other than unfounded dependent adult abuse information, maintained by the Department of Human Services.
- SENATE FILE 342** - Miscellaneous Supplemental Appropriations and Employment Regulation
SEE APPROPRIATIONS. This Act relates to financial and regulatory matters by making and increasing appropriations for FY 2004-2005. The Act includes various procedures relating to workers' compensation benefits and procedures and to payment of employees' wages by direct deposit.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes relating to the workers' compensation schedule, the Iowa Public Employees' Retirement System, and the Department of Revenue's centralized debt collection procedures.
- HOUSE FILE 809** - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State to the Public Employment Relations Board and the Department of Workforce Development.
- HOUSE FILE 858** - Work-Based Learning Intermediary Network Program
SEE EDUCATION. This Act establishes a Statewide Work-Based Learning Intermediary Network Program in the Department of Education to build a seamless system of career, future workforce, and economic development in Iowa.

LABOR AND EMPLOYMENT

HOUSE FILE 764 - Unemployment Compensation — Sale or Transfer of Organization, Trade, or Business — Employer Contribution Rates

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the unemployment contribution rate of an employer who sells or transfers all or a portion of its organization, trade or business to another employer or person. The Act authorizes the Department of Workforce Development to investigate the sale or transfer of the organization, trade or business, and to determine whether the buying employer should have the same contribution rate as the selling employer or the rate of a new employer. The department shall make the determination based on objective factors that may include an evaluation of the sales price, the continuation of the business activity, and whether the employees of the original business were hired to perform different work.

The Act requires the department to assign an additional penalty contribution rate of 2 percent of taxable wages and assess civil penalties against a person who violates the provisions relating to the sale or transfer of an organization, trade or business in order to receive a reduced contribution rate. Civil penalties collected shall be deposited in the Unemployment Trust Fund. A violation constitutes an aggravated misdemeanor.

LOCAL GOVERNMENT

- SENATE FILE 57** - City Zoning Boards of Adjustment — Membership
- SENATE FILE 78** - Taxation of Property Annexed by Cities
- SENATE FILE 265** - Powers and Duties of County Treasurer — Taxes, Fees, and Evidence of Ownership
- SENATE FILE 404** - County Mental Health, Mental Retardation, and Developmental Disabilities Expenditures — State Funding
- HOUSE FILE 607** - Emergency Fire and Medical Services — Townships
- HOUSE FILE 746** - Rural Water and Wastewater Services
- HOUSE FILE 774** - Board of Supervisors Membership — Petition and Vote Requirements
- HOUSE FILE 883** - Legalizing Act — Cedar Rapids, College, and Linn-Mar Community School Districts' Boundaries

RELATED LEGISLATION

- SENATE FILE 169** - Regulation of Amphetamine and Methamphetamine Precursors
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act prohibits and pre-empts an ordinance adopted by a political subdivision of the state regulating the display or sale of products containing pseudoephedrine. The Act takes effect May 21, 2005. However, the bail restrictions and the restrictions on the sale of ephedrine take effect March 22, 2005.
- SENATE FILE 339** - Regional Transit Districts
SEE TRANSPORTATION. This Act makes changes relating to regional transit districts.
- SENATE FILE 340** - Regulation of Motor Vehicles and Operating Privileges — Fines, Fees, and Penalties
SEE TRANSPORTATION. This Act permits agreements between county treasurers and cities to collect payment of delinquent parking fines as a condition for renewal of a motor vehicle registration. The county treasurers may utilize the Iowa Department of Transportation's registration and titling system to facilitate the collection of parking fines. The Act authorizes county treasurers to collect civil penalties in connection with driver licensing duties and to charge a \$5 processing fee for the service.
- SENATE FILE 343** - Official Audits, Reports, Registries, and Agreements
SEE HUMAN SERVICES. This Act relates to governmental services involving audit reports, child abuse reporting and registry requirements, and the Family Investment Program administered by the Department of Human Services. State and local government audit requirements are changed to provide for reporting of the average annual cost per year for inmates, members, clients, patients, and students served rather than the actual cost for each individual.
- SENATE FILE 413** - Taxes, Tax Policy, and Administration
SEE TAXATION. This Act relates to changes in the streamlined Sales and Use Tax Law, providing a separate excise tax for hotel and motel room rentals and a separate excise tax for certain construction equipment, and making other tax policy and administrative changes. Division IV makes changes relating to the abatement of property taxes by county boards of supervisors, appointment and qualifications of assessors, and protests of assessment for purposes of property taxation.
- HOUSE FILE 141** - Commercial Establishments Serving Alcoholic Beverages — Security — Employee Training
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Act provides that a city or county may require, as a condition for obtaining and holding a liquor control license or wine or beer permit for on-premises consumption, a designated security employee

employed by a licensee or permittee to be trained and certified in proper security methods.

- HOUSE FILE 216** - Motor Vehicles and Related Regulation
SEE TRANSPORTATION. This Act authorizes county officials who issue driver's licenses, motor vehicle registrations, and titles to administer oaths and acknowledge signatures for the purpose of administering motor vehicle laws.
- HOUSE FILE 222** - Election of Township Officers
SEE STATE GOVERNMENT. This Act changes the offices of township trustee and township clerk to nonpartisan offices nominated for election by the petition process without regard to political affiliation.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to formatting standards for recorded instruments, the School Infrastructure Program Bond Reserve Fund, bond issuance for regional transit district property, elections and voter registration, fairs and fairgrounds maintenance, community commonwealth formation, the real estate index number system, municipal services in annexations, property tax valuation or assessment appeals, and public water supply contamination.
- HOUSE FILE 252** - Weed Control
SEE AGRICULTURE. This Act provides that prior to entering onto land to control noxious weeds, a county weed commissioner may notify a landowner or tenant by certified mail in lieu of personal service.
- HOUSE FILE 339** - Regulation of Cigarette and Tobacco Product Retailers
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Act establishes permit requirements for tobacco product retailers. The Act prohibits a person from engaging in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco product retailer. The Act provides for issuance of a permit by a city or county board of supervisors, establishes fees for a permit, provides for refunds, and provides for application for a permit. The Act provides that existing penalties and permit suspension and revocation provisions for cigarette retailers are applicable to tobacco product retailers.
- HOUSE FILE 374** - Veterans Affairs
SEE STATE GOVERNMENT. This Act contains various provisions relating to veterans. The Act includes a provision granting each county board of supervisors the authority to increase the compensation received by a member of a county commission of veteran affairs for each month in which the member attends commission meetings from the previous fixed amount of \$25 per month. The Act takes effect May 5, 2005.
- HOUSE FILE 399** - Solid Waste Management and Disposal
SEE ENVIRONMENTAL PROTECTION. This Act relates to the disposal of solid waste by planning areas and related solid waste management plans and reports.
- HOUSE FILE 438** - Soil and Water Conservation Districts — Assessments and Taxes
SEE AGRICULTURE. This Act provides for the administration of moneys collected from levies imposed for the benefit of the land which is located within a subdistrict of a soil and water conservation district by providing that the collected moneys may be deposited in a fund established by the district's governing body in lieu of a special account of the general fund of the county where the subdistrict is organized.
- HOUSE FILE 589** - Taxation of Nursing Facility Property
SEE TAXATION. This Act provides that the property of a nursing facility that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code is totally exempt from property tax regardless of the proportion of residents of the facility who are private pay and the proportion who depend on Title XIX of the federal Social Secu-

erty Act. The Act takes effect May 12, 2005, and applies to property taxes due and payable in fiscal years beginning on or after July 1, 2005.

- HOUSE FILE 602** - Household Hazardous Waste — Collection, Transportation, and Disposal
SEE ENVIRONMENTAL PROTECTION. This Act relates to the collection, transportation and disposal of household hazardous waste.
- HOUSE FILE 619** - Criminal Justice — DNA Sampling, Sex Offenders and Offenses, and Victim Rights
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act makes numerous changes to the Sex Offender Registry affecting the duties of the county sheriff, including but not limited to notifying the administrative office of the school district in which a registered sex offender establishes a new residence, notifying any private schools nearby, and prohibiting the county sheriff or police department from charging a fee when providing relevant Sex Offender Registry information to the public.
- HOUSE FILE 642** - Regulation of Agricultural Seed
SEE AGRICULTURE. This Act preempts local legislation adopted by a local governmental entity (e.g., county or city) which regulates agricultural seed, subject to limited exceptions regarding general commercial activity or activities conducted on the local governmental entity's own land.
- HOUSE FILE 674** - Secondary and Farm-to-Market Roads
SEE TRANSPORTATION. This Act provides for a new method of distribution of secondary and farm-to-market road funds among the counties.
- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 708** - Rural Improvement Zones — Establishment
SEE ECONOMIC DEVELOPMENT. This Act provides that a county of a certain population may establish a rural improvement zone.
- HOUSE FILE 757** - Abandoned Vehicles — Removal and Disposition Procedures
SEE TRANSPORTATION. This Act requires local police authorities to file claims with the Iowa Department of Transportation for funds to reimburse private entities who assist with the disposition of abandoned motor vehicles.
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance
SEE CHILDREN & YOUTH. This Act relates to improvement of the early care, child care services, education, health, and human services systems through local community empowerment areas and state agencies, revises the child and dependent care tax credit, and creates an early childhood development tax credit.
- HOUSE FILE 768** - Community Public Water Supply Permits — Notice of Issuance or Modification
SEE ENVIRONMENTAL PROTECTION. This Act relates to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.
- HOUSE FILE 776** - Administration of Governmental Financial and Information Technology Activities
SEE STATE GOVERNMENT. This Act makes several changes relating to governmental financial and information technology activities, primarily involving the Department of Administrative Services (DAS). In part, the Act authorizes DAS to enter into agreements with up to five political subdivisions of the state to permit the political subdivisions to utilize the setoff procedures available to DAS for collecting qualifying debts.
- HOUSE FILE 777** - Contagious or Infectious Diseases — Persons Confined to Jail or in Peace Officer Custody
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act requires a person to submit to the withdrawal of a bodily specimen to determine if the person is infected

with a contagious or infectious disease if the person assaults another person by biting or exchanging bodily fluids or causes any bodily secretion to be cast upon another person while the person is in the custody of a peace officer.

- HOUSE FILE 789** - Public Health — Miscellaneous Changes
SEE HEALTH & SAFETY. This Act makes a number of changes regarding programs and functions under the purview of the Iowa Department of Public Health, and prohibits, after a death affecting the public interest, the disturbing or removing of clothing or other articles upon or near the dead body without authorization by a county medical examiner.
- HOUSE FILE 825** - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act makes appropriations for purposes of health and human services to the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Elder Affairs, and the Department of Human Services, and includes funding for mental health, mental retardation, and developmental disabilities services administered by counties, for community empowerment areas, and for local public health authorities.
- HOUSE FILE 840** - State Sales Tax Rebate for Automobile Racetrack Facility
SEE TAXATION. This Act authorizes the Department of Revenue to rebate state sales tax collected by retailers on purchases made at an automobile racetrack facility located on a maximum of 232 acres in a city with a population between 14,500 and 16,500, in a county with a population between 35,000 and 40,000.
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources
SEE ECONOMIC DEVELOPMENT. This Act provides for the establishment of port authorities, provides for regional economic development assistance, and creates a Statewide Property Assessment Appeal Board to hear appeals from action taken by local boards of review.
- HOUSE FILE 879** - Regulation of Snowmobiles
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act changes provisions relating to the registration of snowmobiles by county recorders.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act addresses local government matters, including changes in city budgeting requirements, local tax provisions, and state funding for property tax replacement.

LOCAL GOVERNMENT

SENATE FILE 57 - City Zoning Boards of Adjustment — Membership

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a city council to appoint a nine-member city zoning board of adjustment. Current law allows a five-member or seven-member city zoning board of adjustment. The Act makes corresponding changes to staggering of initial terms, vote requirements, and staggering of terms when membership on an existing board is increased from five to nine members or from seven to nine members.

SENATE FILE 78 - Taxation of Property Annexed by Cities

BY COMMITTEE ON LOCAL GOVERNMENT. A city may include in a petition for involuntary annexation a provision for a transition for imposition of city taxes within the area proposed to be annexed. The same provision for a transition for imposition of city taxes may be included in city council resolutions approving certain voluntary annexations. The provision allows for exemption from city taxes of property in the annexed area according to a schedule provided in statute or according to an alternative schedule adopted by the city council. The alternative schedule cannot provide a greater exemption than that provided by the schedule specified in statute. The statutory schedule runs for five years.

This Act extends the statutory schedule to 10 years but retains the current exemption percentage amounts, extending the applicability of each percentage amount to two years instead of just one year.

The Act also clarifies that a city may include a provision for transition for imposition of city taxes in a resolution approving any voluntary annexation.

The Act takes effect May 5, 2005, and applies to applications for voluntary annexation filed with city councils and to petitions for involuntary annexation filed with the City Development Board on or after that date.

SENATE FILE 265 - Powers and Duties of County Treasurer — Taxes, Fees, and Evidence of Ownership

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes various changes relating to delinquent property taxes and other duties of county treasurers relating to payment of property taxes and special assessments and issuance of certain types of motor vehicle registrations and certificates of title.

The Act requires application for registration and issuance of title for mobile homes or manufactured homes from the county treasurer of the county where the home is located. The Act also provides that if title in a mobile home or manufactured home is transferred by operation of law, the new registration and certificate of title shall be applied for from the county treasurer of the county where the home is located.

A lienholder who applies for a replacement certificate of title is not subject to the five-day waiting period.

Current law provides that a county treasurer may require a payor to make payment by electronic transfer of funds if the payment totals \$100,000 or more. The Act lowers this amount to \$50,000 and requires that payment be made through the county treasurer's authorized website. The Act also allows a county treasurer to treat payment made by electronic funds transfer the same as a paper check for purposes of charging a \$30 surcharge, and providing notice that a surcharge will be charged, for those electronic funds transfers that fail to clear because of insufficient funds.

The Act adds to the Code sections on payment of special assessments, cost of weed destruction, and secondary road assessments the same payment date provisions as are in the Code for payment of property taxes. These payments are collected in the same manner as property taxes.

The Act removes the minimum payment requirement for partial payment of mobile/manufactured home taxes and ordinary property taxes and provides instead that any partial payment must equal or exceed the interest, fees and costs accrued on the installment and the payment made shall first be applied toward any interest, fees and costs accrued before being applied to the tax due.

The reasonable fee that may be charged by the treasurer to certain persons or entities that request a property tax statement does not apply when the requestor is a lessee or contract purchaser of the property. The title-

holder of property may make written request to the county treasurer to deliver the property tax statement to another person in lieu of delivery to the titleholder and no fee shall be charged by the treasurer for doing so.

When a tax sale purchaser designates a percentage of the parcel for which the purchaser will pay the full amount of delinquent taxes, that percentage shall not be less than 1 percent.

The Act amends the section of the Code that allows a county to adopt an ordinance authorizing the county and cities in the county to bid on and purchase delinquent taxes on abandoned property and to assign the tax sale certificate to a person who intends to rehabilitate the property for habitation. The Act adds vacant lots to the kind of property on which a city or county may bid and defines "vacant lot" as a lot or parcel containing no buildings or structures but which is zoned to allow for residential structures. The Act also strikes the internal reference to Code Section 657A.1 relating to "abandoned property" and defines the term. If the holder of a tax sale certificate of purchase for abandoned property or a vacant lot refuses to assign the certificate to a city or county when such a request is made, the county treasurer may issue a duplicate certificate of purchase and assign the duplicate to the city or county.

If, within three years of the tax sale, a tax sale certificate holder has not filed an affidavit of service of notice of expiration of right of redemption, the county treasurer shall cancel the tax sale from the system. If the filing of the affidavit has been stayed by operation of law, the time period is the later of six months after the stay has been lifted or three years. This portion of the Act applies to tax sale certificates in existence on April 19, 2005, and to those issued on or after April 19, 2005.

The Act rewrites the section of the Code relating to redemption of a parcel sold at tax sale after delivery of the treasurer's deed to the tax sale certificate holder. The section is written to specify that an action to allow redemption of a parcel may only be brought by a person who had the right to redeem the parcel prior to execution of the treasurer's deed or a person to whom that person assigned that right. In order to establish the right to redeem after delivery of a treasurer's deed, the person bringing the action is required to prove that notice of expiration of right to redemption was not served upon the person by the certificate holder or that the person acquired the interest in the parcel after the affidavit was served on another person. If the court determines that the person has the right to redeem the parcel, the redemption amount shall include the value of improvements made by the treasurer's deed holder after the deed was issued.

The cost of a record search and the cost of sending certified mail notices relating to redemption of a parcel shall be included in the costs that must be paid in order to redeem. Currently, those costs are included only if the certificate holder is a county. However, the Act places limitations on the costs of a record search that may be recovered if the certificate holder is other than a county.

The Act rewrites into one section the two sections of the Code relating to an action brought to challenge a treasurer's deed. The Act retains the bases for challenging a treasurer's deed that are in current Code. The Act changes the time when a treasurer's deed holder must file the affidavit putting people on notice that the deed has been issued to the date the deed holder takes possession of the parcel, rather than immediately after the deed is issued and recorded. The Act requires any person seeking to challenge the deed to file a claim with the county recorder and to bring the action within 60 days of filing the claim. If no claim was filed, or if no action was brought on a claim, within the 60-day time period, the person is barred from bringing a claim. If the court finds in favor of the person challenging the deed, the court may order that the person pay to the holder of the deed the cost of improvements made after the deed was issued.

The Act takes effect April 19, 2005, and, with the exception noted, those sections of the Act relating to parcels sold at tax sale apply to parcels sold at tax sales occurring on or after June 1, 2005.

SENATE FILE 404 - County Mental Health, Mental Retardation, and Developmental Disabilities Expenditures — State Funding

BY COMMITTEE ON WAYS AND MEANS. This Act provides a one-time exception to a reporting deadline used for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services.

Under existing law, in order to be eligible to receive the funding, a county must accurately report the county's expenditures for such services for the previous fiscal year on the forms prescribed by the Department of Human Services by December 1. The Act provides that a county is also eligible if the report was received after December 1, 2004, and on or before March 15, 2005.

The Act takes effect May 5, 2005, and applies retroactively to December 2, 2004.

HOUSE FILE 607 - Emergency Fire and Medical Services — Townships

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the provision of emergency services by certain townships and certain counties.

If a township located in a county of over 300,000 population has in place, as of July 1, 2006, an agreement to receive emergency services from a city or another township, the board of supervisors, for fiscal years beginning on or after July 1, 2007, shall be responsible for negotiating and entering into agreements for continued emergency services for those townships and shall certify the property tax levy to be imposed in those townships.

The Act applies the township levy rate limitations for emergency services for townships located in a county with a population over 300,000 to counties with a population over 300,000 if the county is providing the emergency services in lieu of the township or if the county is required to levy property taxes to meet the obligations of certain emergency services agreements in effect in the townships. The Act also applies the levy rate limitations for emergency services that apply to townships that have entered into emergency services agreements with special charter cities that have a paid fire department to counties that are providing the emergency services and the county enters into an agreement for emergency services to be provided to a township by such a city.

The portion of Code Section 331.385 that the Act strikes, which relates to Code Chapter 28E agreements with townships for the provision of emergency services, is made inapplicable to any such agreements retroactive to January 1, 2005.

The Act takes effect April 28, 2005.

HOUSE FILE 746 - Rural Water and Wastewater Services

BY COMMITTEE ON LOCAL GOVERNMENT. This Act empowers a rural water district to transfer the district's right to provide water or wastewater service to a given area so that another service provider may assume the district's duties and obligations or so that the district may be dissolved. Notice of hearing is required except when the district relinquishes the district's right to provide service to an area within city limits.

HOUSE FILE 774 - Board of Supervisors Membership — Petition and Vote Requirements

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that all counties must follow the same petition and vote requirements to increase or reduce board of supervisors membership. Previously, a county with a city of over 75,000 population operating under the commission form of city government had petition and vote requirements for increasing or reducing the membership of the board of supervisors that differed from those required for other counties.

HOUSE FILE 883 - Legalizing Act — Cedar Rapids, College, and Linn-Mar Community School Districts' Boundaries

BY COMMITTEE ON STATE GOVERNMENT. This Act, referred to as a "legalizing Act," arises out of a change in the boundaries of three school districts which were made by the City of Cedar Rapids when it annexed land for inclusion within the municipality. The changes to the boundaries occurred in 1985, which affected the Cedar Rapids Community School District and the College Community School District, and again in 1998, which affected the Cedar Rapids Community School District and the Linn-Marr Community School District. In both instances the changes to the boundaries were erroneously made by the office of city assessor.

The Act legalizes proceedings conducted or actions taken by or on behalf of the state, Linn County, and the City of Cedar Rapids, and the three school districts, including but not limited to the appropriation or allocation and expenditure of moneys, budgeting practices and decisions, and the levy and collection of taxes, and the enrollment of students. The Act also provides for the legalization of those same types of proceedings conducted or

actions taken by or on behalf of the entities on or after the Act becomes effective until June 30, 2006. By that date, new boundaries are planned to be established.

The Act takes effect May 25, 2005.

NATURAL RESOURCES AND OUTDOOR RECREATION

- SENATE FILE 206** - Regulation of Deer Populations and Hunting Licenses
HOUSE FILE 828 - Regulation of Natural Resources and Watercraft
HOUSE FILE 879 - Regulation of Snowmobiles

RELATED LEGISLATION

- SENATE FILE 390** - Renewable Energy — Tax Credits
SEE ENERGY & PUBLIC UTILITIES. This Act establishes a renewable energy tax credit program for renewable energy generated and sold by wind energy conversion facilities, biogas recovery facilities, biomass conversion facilities, methane gas recovery facilities, or solar energy conversion facilities.
- HOUSE FILE 374** - Veterans Affairs
SEE STATE GOVERNMENT. This Act contains various provisions relating to veterans. The Act includes a provision changing the definition of which resident veterans, who were disabled or were prisoners of war during their military service, qualify to purchase a lifetime hunting and fishing combined license. The Act changes the definition of "veteran" from the definition contained in Code Section 35.1 to instead include any Iowa resident who served in the armed forces of the United States for a minimum of 90 days of active federal service. The Act takes effect May 5, 2005.
- HOUSE FILE 591** - Transportation — Administration, Funding, and Miscellaneous Regulations
SEE TRANSPORTATION. This Act authorizes the Iowa Department of Transportation to issue a permit to a state agency, county, or city for a designated all-terrain vehicle trail to cross a primary highway.
- HOUSE FILE 797** - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program
SEE ECONOMIC GROWTH. This Act relates to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.
- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act appropriates moneys to support the Department of Natural Resources and programs relating to natural resources and outdoor recreation. It also corrects language in S.F. 206 concerning the \$1 fee payable upon receipt of a free landowner deer hunting license to clarify that the fees are used to support the management of deer herd populations, including the Help Us Stop Hunger Program.
- HOUSE FILE 809** - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act appropriates moneys from the Grow Iowa Values Fund for purposes of providing financial assistance for projects in targeted state parks, state banner parks, and destination parks.
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources
SEE ECONOMIC DEVELOPMENT. This Act provides for the establishment of port authorities to pursue certain authorized purposes, including recreation.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division III of this Act provides that beginning with FY 2006-2007, all revenues derived from the motor fuel tax collected from fuel used in watercraft are to be deposited into the Rebuild Iowa Infrastructure Fund. Division III also appropriates for various natural resources projects, including \$1.5 million for expansion and improvement of Waubonsie State Park and \$3 million for planning, design and construction of a destination park. Division X establishes the Honey Creek Premier Destination

Park Bond Program and Authority and provides for the issuance of tax-exempt bonds by the authority to be used to develop and construct a destination park near Centerville.

- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
- SEE APPROPRIATIONS.*** This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters. The Act also amends Code section 456A.37 to provide that the Natural Resource Commission shall define additional species as "aquatic invasive species" by rule without subsequent approval by the General Assembly.

NATURAL RESOURCES AND OUTDOOR RECREATION

SENATE FILE 206 - Regulation of Deer Populations and Hunting Licenses

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act contains various provisions relating to management of the deer population in this state as regulated by the Department of Natural Resources (DNR) and the Iowa Department of Agriculture and Land Stewardship (IDALS).

A nonresident who purchases an antlered or any sex deer hunting license for \$220 is required to purchase an antlerless deer only deer hunting license at the same time for \$100.

A resident or nonresident who purchases a deer hunting license must pay a \$1 fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the Help Us Stop Hunger (HUSH) Program administered by the DNR.

The Act limits the Natural Resource Commission to issuing 6,000 nonresident antlered or any sex deer hunting licenses per year and provides that after those licenses have been issued, any additional licenses issued shall be for antlerless deer only. The commission shall determine how many nonresident antlerless deer only deer hunting licenses will be available for issuance each year and shall allocate all nonresident deer hunting licenses issued among zones based on the populations of deer.

The commission may continue to issue nonresident deer hunting licenses each year for use only during the period from December 24 through January 2 of the following year. A person who obtains such a license must pay the \$1 fee for the purpose of deer population management, including assisting with the deer processing costs of the HUSH Program.

The Act requires the commission to establish a deer harvest reporting system for the purpose of collecting information from deer hunters concerning the deer population in the state and specifies the information to be taken and the method of obtaining reports from hunters.

In order to qualify for free landowner hunting licenses, a person must have lawful control of a farm unit comprised of two or more contiguous acres that are operated as a unit for agricultural purposes. Upon application, the DNR shall issue annually two free deer hunting licenses, one for antlered or any sex deer and one for antlerless deer only, to the owner of a farm unit or a member of the owner's family, and to the tenant of a farm unit or a member of the tenant's family, valid only for use on the farm unit. The free deer hunting licenses issued are valid for use during any shotgun deer season and may be used to harvest deer in two different seasons. A person who receives such a free deer hunting license is required to pay a \$1 fee for each license to be used and appropriated for the purpose of deer herd population management, including assisting with the deer processing costs of the HUSH Program.

A free landowner deer or turkey hunting license issued shall be attested by the signature of the licensee and contain a statement indicating that the licensee's signature constitutes a certification that the licensee qualifies as a landowner or tenant who is entitled to a free hunting license. A violation of this provision is a simple misdemeanor and is also punishable by revocation of the offender's hunting license and denial of the issuance of a hunting license to that person for one year.

The commission may establish a special deer hunt for antlerless deer in counties where paid antlerless deer only deer hunting licenses remain available for issuance. Prior to December 15, a resident may obtain up to three paid antlerless deer only deer hunting licenses and on or after December 15 a resident or nonresident may purchase an unlimited number of such licenses for the special season. A violation of the provisions relating to special deer hunts is a simple misdemeanor punishable as a scheduled violation.

The Act expresses the intent of the General Assembly that the DNR administer and enforce existing administrative rules allowing deer depredation management agreements and the issuance of deer depredation permits.

The Act repeals Code Section 483A.24A, which was enacted in 2003 to provide for the issuance of additional antlerless deer hunting licenses for resident hunters in 2003-2004 and to allow the donation of deer harvested with those licenses for the use of the Department of Corrections.

The Act transfers jurisdiction to regulate privately owned whitetail deer, which are kept on land for purposes of hunting, from IDALS to the DNR. "Farm deer" subject to regulation by IDALS under Code Chapter 170 do not include whitetail deer that are kept on a hunting preserve regulated by the DNR as provided in new Code Chapter 484C. A landowner shall not keep whitetail deer unless they are kept as farm deer under Code Chapter 170 or as preserve whitetail deer on a hunting preserve pursuant to new Code Chapter 484C.

Under new Code Chapter 484C, a landowner may keep whitetail deer on a hunting preserve enclosed with a fence as a business for the purpose of providing persons with the opportunity to hunt whitetail deer. The Act requires the DNR to adopt rules and to develop, administer and enforce whitetail deer hunting preserve programs. The Act specifies minimum enclosed acreage requirements for such hunting preserves, fencing certification requirements, and registration and fee requirements. The Act specifies the conditions under which preserve whitetail deer may be released and provides procedures for recordkeeping and inspections of such hunting preserves. The Act requires transportation tags for carcasses of preserve whitetail deer which are hunted and killed on a preserve and allows processing of the carcasses by the preserve as determined by the DNR by rule. The Act includes health provisions concerning chronic wasting disease, including quarantine and eradication plans. The Act includes criminal and civil penalties for a violation of the new Code chapter.

The Act requires IDALS and the DNR to conduct a joint study to consider issues relating to keeping whitetail farm deer pursuant to Code Chapter 170 and keeping preserve whitetail deer pursuant to new Code Chapter 484C. The Act specifies items that should be included in the study and requires the departments to jointly report the results of the study to the Government Oversight Committees of the General Assembly by November 2005.

The Act also establishes a Preserve Whitetail Committee and specifies the composition and appointment of the committee. The committee shall develop recommendations and submit those recommendations to the commission by January 1, 2006.

HOUSE FILE 828 - Regulation of Natural Resources and Watercraft

BY COMMITTEE ON WAYS AND MEANS. This Act relates to various aquatic regulations and activities.

The Act amends Code Section 456A.37 to provide that the Natural Resource Commission can define additional species as "aquatic invasive species" by rule without subsequent approval by the General Assembly.

The Act changes the registration period for a vessel from two years to three years for vessels registered after January 4, 2007, and provides for prorated fees for registrations made before the last year of each registration period.

Code Section 462A.5 is amended to provide that a vessel that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of \$5.

The Act creates new categories for the registration of vessels and increases registration fees for all vessels as follows: for vessels of any length without motor or sail, \$12; for motorboats or sailboats less than 16 feet in length, \$22.50; for motorboats or sailboats 16 feet or more but less than 26 feet in length, \$36; for motorboats or sailboats 26 feet or more but less than 40 feet in length, \$75; and for motorboats or sailboats 40 feet in length or more, \$150. The Act also creates a new registration category for all personal watercraft, with a registration fee of \$45.

Code Section 462A.12 is amended to provide that an owner or operator of a vessel propelled by a motor of more than 10 horsepower shall not permit any person under 12 years of age to operate the vessel unless accompanied in or on the same vessel by a responsible person at least 18 years of age who is experienced in motorboat operation. A person who is 12 years of age or older but less than 18 years of age shall not operate any vessel propelled by a motor of more than 10 horsepower unless the person has successfully completed a Department of Natural Resources-approved watercraft safety course and obtained a watercraft safety certificate or is accompanied in or on the same vessel by a responsible person at least 18 years of age who is experienced in motorboat operation. A person who is required to have a watercraft safety certificate must carry and exhibit or make the certificate available upon request of an officer of the department. A violation of this provision is a simple misdemeanor, except that a person charged with a violation of this requirement shall not be convicted if the person

produces the certificate in court within a reasonable time. The cost of the certificate shall not exceed \$5. Previously, these provisions only applied to persons under 12 years of age or 12 to 18 years of age who operated a personal watercraft.

Code Section 462A.20 is amended to provide that a vessel, either for hire or offered for hire, is subject to inspection at any time and to eliminate the requirement that the owner of a vessel file an application for inspection of such vessels with the commission. An officer of the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws has the power to determine whether a vessel for hire is safe and upon what waters it may be used and the power to determine the seaworthiness of any private vessel. The Act eliminates the requirement that vessels that have been inspected be issued a current inspection seal or tag.

Code Section 462A.21, which relates to inspections and inspection fees of vessels operated for hire, and Code Section 462A.22, which relates to engineer or pilot licenses for operators of vessels for hire, are stricken. Code Section 462A.23 is amended to remove references to suspension or revocation of a person's pilot's or engineer's license under specified circumstances and to instead apply to suspension or revocation of an owner's or operator's privilege to operate a vessel for hire or commercial vessel under specified circumstances.

Code Section 462A.25 concerning penalties applicable to certain persons holding a pilot's or engineer's license is stricken and rewritten. As rewritten, the section provides that if an owner or operator of a vessel for hire or commercial vessel permits such vessel to be occupied by more passengers and crew than the registration capacity allows or continues to operate such a vessel after the person's privilege to operate the vessel has been revoked, the person is guilty of a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500.

Code Section 462A.52 is amended to provide that the registration fees for vessels shall be placed in the State Fish and Game Protection Fund and appropriated to the commission solely for the administration and enforcement of navigation laws and water safety. The Act also provides that, notwithstanding these provisions, any increase in revenues received on or after July 1, 2007, as a result of fee increases pursuant to the Act, shall be used by the commission for the fiscal period beginning July 1, 2007, and ending June 30, 2013, only for the administration and enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety upon the inland waters of this state and shall be used in addition to funds already being expended for those purposes. Beginning July 1, 2013, the moneys collected can be used only for the administration and enforcement of navigation laws and water safety.

Code Section 462A.53 is amended to increase the writing fee paid to the county recorder for transactions under Code Chapter 462A from \$1 to \$1.25.

Code Section 462A.66 is amended to provide that any peace officer, as well as an officer of the commission, may stop and inspect a vessel being launched, operated or moored upon the waters of this state to determine whether the vessel is properly registered, numbered and equipped and may board a vessel if the operator is unable to supply visual evidence that the vessel is properly registered and equipped, so long as the inspection does not include an inspection of an area that is not essential to determine compliance with these provisions.

Code Section 462A.77 is amended to provide that owners of kayaks are not required to apply for a certificate of title.

HOUSE FILE 879 - Regulation of Snowmobiles

BY COMMITTEE ON WAYS AND MEANS. This Act changes provisions relating to the ownership and use of snowmobiles, as regulated by the Department of Natural Resources (DNR).

The Act amends the definition of "snowmobile" to exclude modified all-terrain vehicles and to specify that an endless belt-type tread on a snowmobile may not be wider than 48 inches.

The Act provides for electronic registration of snowmobiles through county recorders and allows lifetime registration of snowmobiles that are more than 30 years old for a one-time fee of \$25. A corrective amendment to existing law allows for registration of a snowmobile for the remainder of the year plus the following year in one transaction, upon payment of a combined fee of \$20 plus a writing fee.

The DNR is required to develop and maintain an electronic system for renewal of snowmobile registrations by license agents appointed by the DNR. Electronic registration renewals will be issued by county recorders or license agents for the annual fee of \$15, plus an administrative fee to be established by the Natural Resource Commission and a writing fee of \$1.25 for a county recorder or \$1 for a license agent.

Nonresidents are now required to obtain a user permit to operate a snowmobile in this state. The permit applies only to the snowmobile for which it is issued, is not transferable, and is valid for the calendar year. The scheduled fine of \$20 that applies to registration violations also applies to user permit violations. A user permit may be obtained from a county recorder or license agent for a fee of \$15, plus an administrative fee established by the commission and a \$1 writing fee to be retained by the recorder or agent. User permit fees are to be deposited in the Snowmobile Fund along with snowmobile registration fees.

The Act expands the description of the types of public areas that are off-limits for snowmobile operators.

STATE GOVERNMENT

- SENATE FILE 113** - Nonsubstantive Code Corrections
- SENATE FILE 210** - Real Estate Auctions — Brokerage and Closing Services Providers
- SENATE FILE 215** - Civil Rights Commission — Service and Delivery of Complaints and Orders
- SENATE FILE 283** - Department of Public Safety — Miscellaneous Provisions
- SENATE FILE 403** - Public Records Requests — Procedures — Fees
- SENATE FILE 405** - Registration and Regulation of Interior Designers
- HOUSE FILE 222** - Election of Township Officers
- HOUSE FILE 227** - Substantive Code Corrections
- HOUSE FILE 312** - Regulation of Elections and Political Campaigns
- HOUSE FILE 370** - Iowa Finance Authority — Qualified Residential Rental Project Bonds
- HOUSE FILE 374** - Veterans Affairs
- HOUSE FILE 469** - Real Estate Commission Membership
- HOUSE FILE 478** - Iowa Commission on Volunteer Service
- HOUSE FILE 532** - Department of Cultural Affairs — Administrative Revisions
- HOUSE FILE 716** - State Security and Emergency Management
- HOUSE FILE 748** - State Payroll Deductions — Tuition
- HOUSE FILE 772** - Open Meetings and Open Records Violations
- HOUSE FILE 776** - Administration of Governmental Financial and Information Technology Activities
- HOUSE FILE 814** - State Procurement Procedures — Notice of Bidding Opportunities
- HOUSE FILE 837** - State Government Finance Initiatives
- HOUSE FILE 839** - Technology Governance Board

RELATED LEGISLATION

- SENATE FILE 75** - Active Duty Military Service — State Financial Assistance
SEE APPROPRIATIONS. This Act revises and makes new allocations to benefit individuals who have been on active duty military service from an appropriation of \$1.81 million originally made for FY 2002-2003.
- SENATE FILE 176** - Midwestern Higher Education Compact
SEE EDUCATION. This Act brings Iowa in as a member state to the Midwestern Higher Education Compact. The purpose of the compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the 11 states that are parties to the compact. Moneys are appropriated for membership in the compact in H.F. 816 (see Appropriations).
- SENATE FILE 201** - Veterinary Emergency Preparedness and Response Services
SEE AGRICULTURE. This Act regulates transmissible diseases among livestock by authorizing the Department of Agriculture and Land Stewardship to provide veterinary emergency preparedness and response services necessary to prevent or control a serious threat to the public health, public safety, or the state's economy caused by the transmission of these diseases among livestock populations.
- SENATE FILE 343** - Official Audits, Reports, Registries, and Agreements
SEE HUMAN SERVICES. This Act relates to governmental services involving audit reports, child abuse reporting and registry requirements, and the Family Investment Pro-

gram administered by the Department of Human Services. State and local government audit requirements are changed to provide for reporting of the average annual cost per year for inmates, members, clients, patients, and students served rather than the actual cost for each individual.

- S.J.R. 6** - World Food Prize Awards Ceremony
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Joint Resolution authorizes the consumption of wine at an awards ceremony to be held by the World Food Prize Foundation at the State Capitol on or around October 13, 2005.
- S.J.R. 7** - Annual Meeting of National Governors Association
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Joint Resolution authorizes the consumption of wine and beer in the State Capitol during a social event to be held in conjunction with the 2005 National Governors Association Annual Meeting. The social event takes place on or around July 15, 2005.
- HOUSE FILE 131** - Dental Assistants — Education and Training
SEE HEALTH & SAFETY. This Act details the educational and on-the-job training requirements for dental assistants.
- HOUSE FILE 141** - Commercial Establishments Serving Alcoholic Beverages — Security — Employee Training
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Act relates to a liquor control licensee or wine or beer permittee who employs security personnel at a commercial establishment. The Act allows a city or county to require, as a condition for obtaining and holding a liquor control license or wine or beer permit for on-premises consumption, that a designated security employee employed by a licensee or permittee be trained and certified in proper security methods.
- HOUSE FILE 190** - Child Death Review Team Duties
SEE CHILDREN & YOUTH. This Act expands the duties of the Child Death Review Team, an independent agency of state government that exists to analyze child death information in order to make recommendations to the Governor and General Assembly for policy changes that could prevent child deaths.
- HOUSE FILE 253** - Regulation of Government Ethics and Lobbying
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act relates to governmental ethics and the duties of the Iowa Ethics and Campaign Disclosure Board.
- HOUSE FILE 276** - Registration of Postsecondary Schools — Iowa Coordinating Council for Post-High School Education Comments — Open Meetings
SEE EDUCATION. This Act requires the Iowa Coordinating Council for Post-High School Education to make its meetings open to the public whenever the council meets to consider comments for submission to the College Student Aid Commission regarding an application submitted to the Secretary of State's Office by a postsecondary school seeking to conduct business in this state.
- HOUSE FILE 277** - Communications Services Regulation
SEE ENERGY & PUBLIC UTILITIES. This Act eliminates the reporting requirements of the Consumer Advocate relating to retail rate regulation of telephone utilities.
- HOUSE FILE 332** - Title Guaranty Program — Mortgage Releases — Abstractor Certifications
SEE BUSINESS, BANKING & INSURANCE. This Act allows an abstractor who is participating in the Title Guaranty Program to request a mortgage release.
- HOUSE FILE 398** - Registration of Postsecondary Schools — Colleges and Universities Established by City Ordinance
SEE EDUCATION. This Act exempts not-for-profit colleges and universities established and authorized by a city ordinance from the requirements of Code Chapter 261B, relating to the registration of postsecondary schools with the Secretary of State's Office.

- HOUSE FILE 581** - Interstate Natural Gas Pipelines
SEE ENERGY & PUBLIC UTILITIES. This Act removes the authority of the Utilities Board of the Department of Commerce over the regulation of interstate pipelines, pipeline companies, and the underground storage of natural gas, except the authority to act as an agent for the federal government in determining compliance with federal standards.
- HOUSE FILE 613** - Swimming Pools and Spas — Hot Water Heating Boiler Regulation
SEE HEALTH & SAFETY. This Act modifies language providing for exemptions from Code Chapter 89, regulating boilers and unfired steam pressure vessels.
- HOUSE FILE 619** - Criminal Justice — DNA Sampling, Sex Offenders and Offenses, and Victim Rights
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act requires the departments of Corrections, Human Services, and Public Safety, in consultation with one another, to develop methods and procedures for conducting the assessment of risk to reoffend by sex offenders. The department or agency with jurisdiction over any person required to register as a sex offender after July 1, 2005, shall conduct the assessment.
- HOUSE FILE 685** - Fingerprinting of Children
SEE CHILDREN & YOUTH. This Act creates the "Child Identification and Protection Act," which prohibits the fingerprinting of a child under age 17 by a governmental unit except under certain conditions.
- HOUSE FILE 774** - Board of Supervisors Membership — Petition and Vote Requirements
SEE LOCAL GOVERNMENT. This Act provides that all counties must follow the same petition and vote requirements to increase or reduce board of supervisors membership.
- HOUSE FILE 784** - Advanced Practice Registered Nurse Compact
SEE HEALTH & SAFETY. This Act provides for multistate licensure of advanced practice registered nurses.
- HOUSE FILE 789** - Public Health — Miscellaneous Changes
SEE HEALTH & SAFETY. This Act makes a number of changes regarding programs and functions under the purview of the Iowa Department of Public Health, and impacts specified licensing provisions and regulatory functions.
- HOUSE FILE 797** - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program
SEE ECONOMIC DEVELOPMENT. This Act relates to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.
- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act provides funding for the Iowa Department of Agriculture and Land Stewardship (IDALS), the Department of Natural Resources, and Iowa State University from a number of sources to support administration and to carry out specific programs. The Act also establishes several programs and associated fees to be administered by IDALS.
- HOUSE FILE 809** - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes an appropriation from the Grow Iowa Values Fund to the Office of the Treasurer of State.
- HOUSE FILE 810** - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to, and appropriates around \$82.4 million from, the General Fund of the State, and around \$13.4 million from other funds, to various administrative and regulatory state departments, agencies and funds for FY 2005-2006. The Act also requires that all gifts, bequests and grants received by a department of the state or accepted by the Governor on behalf of the state shall be reported to the Iowa Ethics and Campaign Disclosure Board and the Senate and House Standing

Committees on Government Oversight. The board is then required to submit a written report each year on all gifts received of over \$1,000 and all gifts received by a particular state department from a person if the cumulative value of the gifts received from the person is over \$1,000 for the prior calendar year.

- HOUSE FILE 816** - Appropriations — Education
SEE APPROPRIATIONS. This Act appropriates moneys for FY 2005-2006 from the General Fund of the State to the College Student Aid Commission, the Department for the Blind, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. The Act also creates the "Institute for Tomorrow's Workforce, an Educational Foundation" and appropriates \$250,000 from the State General Fund for FY 2005-2006 to the Department of Management for the institute.
- HOUSE FILE 859** - Cooperatives
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the organization of a form of cooperative that is a hybrid of a conventional cooperative governing agricultural associations (e.g., a cooperative organized under Code Chapter 499) and a limited liability company (organized under Code Chapter 490A), and includes provisions for the filing of documents with the Secretary of State and the payment of associated fees. It also provides for the disposition of abandoned property by the Treasurer of State.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division VIII of this Act revises requirements involving the charging of fees and costs of the Iowa Communications Network. Division X establishes the Honey Creek Premier Destination Park Bond Program and Authority and provides for the issuance of tax-exempt bonds by the authority to be used to develop and construct a destination park near Centerville.
- HOUSE FILE 881** - Compensation for Public Employees and Additional Provisions
SEE APPROPRIATIONS. This Act relates to the funding for FY 2005-2006 of salary increases for state elected executive officers, state appointed nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, certain noncontract employees, and members of the General Assembly. State Board of Regents employees are excluded. The salary increases for members of the General Assembly do not take effect until the convening of the Eighty-second General Assembly, 2007 Session. The Act provides that for purposes of the budgeting process and the State General Fund Expenditure Limitation Law for FY 2005-2006, the revenue estimate made by the Revenue Estimating Council on April 8, 2005, is to be used.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters; making, reducing and transferring appropriations; providing for fees; providing for wind energy production tax credits; and providing for other matters. The Act addresses a number of state government regulatory functions.
- HOUSE FILE 883** - Legalizing Act — Cedar Rapids, College, and Linn-Mar Community School Districts' Boundaries
SEE LOCAL GOVERNMENT. This Act relates to the boundaries of three school districts that were erroneously drawn by the City of Cedar Rapids in 1985 and 1998, by legalizing past proceedings conducted or actions taken by or on behalf of the state or local governments which affected the school districts and future actions taken or proceedings conducted until June 30, 2006. The Act takes effect May 25, 2005.

STATE GOVERNMENT

SENATE FILE 113 - Nonsubstantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be non-substantive and noncontroversial, in addition to style changes.

Changes made include correcting or updating references to or names of various agencies, terms, funds, programs, and other entities; adding, correcting or updating references to various Code chapters and sections; updating the style or format of various Code sections; eliminating a gender reference; making grammatical or punctuation corrections; correcting misspellings and other minor clerical errors; replacing a reference to the Department of Administrative Services with a reference to the former department of personnel in language that relates to a past event; standardizing citations and references to various Iowa and federal Acts; and making technical corrections to several Acts to reflect editorial corrections made in codifying the Act's provisions. The corrections made to the several Acts' provisions take effect March 3, 2005, and are retroactively applicable to July 1, 2004.

SENATE FILE 210 - Real Estate Auctions — Brokerage and Closing Services Providers

BY COMMITTEE ON JUDICIARY. This Act concerns specified requirements applicable to a real estate broker or attorney providing services regarding real estate being sold or disposed of pursuant to a real estate auction. Previously, Code Section 543B.7 required an auctioneer to provide on any advertising the name and address of the real estate broker or the attorney providing brokerage services and closing services, required that both the broker and an attorney providing such services needed to be present at the time of the auction, and subjected both to a civil penalty of \$2,500 for a violation of these requirements. The Act modifies the requirements by providing that the attorney providing brokerage services need not be listed in an advertisement; deleting the requirement that a real estate broker providing closing services, or an attorney providing either brokerage services or closing services, needs to be present at the time of the auction; and providing that the civil penalty shall only be applicable to a real estate broker providing brokerage services.

SENATE FILE 215 - Civil Rights Commission — Service and Delivery of Complaints and Orders

BY COMMITTEE ON STATE GOVERNMENT. This Act substantially eliminates the requirement that certain Civil Rights Commission complaints and orders be served or mailed only by certified mail.

The Act limits the requirement that service of a true copy of a verified civil rights complaint be by certified mail to service on the first named respondent on a complaint if the respondent is not a governmental entity. The Act eliminates the certified mail requirement for service of the complaint on any other party.

The Act also eliminates the requirement that mailing of a final order by an administrative law judge dismissing the complaint be done only by certified mail. Additionally, the Act eliminates the certified mail requirement for the mailing of a Civil Rights Commission order denying relief following a hearing on a verified complaint.

SENATE FILE 283 - Department of Public Safety — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act relates to the practices and procedures of the Department of Public Safety, which is created under Code Chapter 80.

The Act adds defined terms to Code Chapter 80 to enhance the readability of the chapter. The Act strikes the term "member" from the chapter and defines "peace officer" to mean a peace officer member of the department as defined for the purposes of the Public Safety Peace Officers' Retirement, Accident, and Disability System.

Under the Act, a peace officer of the department receives a flat daily sum for meals as set by the Commissioner of Public Safety, unless the flat daily sum is covered by a collective bargaining agreement that provides otherwise.

The Act changes the name of the Division of the Iowa State Patrol to the Division of State Patrol.

The Act makes the course of instruction for peace officers of the department, at a minimum, the course of instruction required by the Iowa Law Enforcement Academy.

The department, under the Act, shall pay the expenses for training in the same manner as other expenses paid by the department. Current law provides that payment be made in the same manner as other expenses of the Division of the Iowa State Patrol.

The Act requires that an applicant for a peace officer position be at least 18 years of age if the applicant is applying for assignment to provide protection or security at the Capitol Complex or is applying to be a peace officer candidate. All other peace officer applicants for a position at the department must be at least 22 years of age.

The Act eliminates references to or changes the name of some of the divisions within the department.

The Act repeals Code Section 80.5, and transfers a portion of the Code section to Code Section 80.17, and provides that the number of supervisors of the patrol shall be in proportion to the peace officers within the patrol.

The Act permits an employee who uses personal items during the course of employment to be reimbursed by the department for any damaged items not to exceed the greater of \$150 or an amount agreed upon under a collective bargaining agreement. Current law only permits reimbursement of up to \$150 for damaged personal items used during the course of employment.

Under the Act, a peace officer of the department may be called to duty within a municipality or in any industrial dispute if there is a threat of imminent violence. Under current law, the peace officer may only be called to duty in an industrial dispute if there is actual violence.

The Act repeals provisions relating to the department utilizing, and peace officers or peace officer candidates attending, a short course of instruction at the University of Iowa.

The Act also repeals the separate bonding requirement of special agents of the department.

SENATE FILE 403 - Public Records Requests — Procedures — Fees

BY COMMITTEE ON GOVERNMENT OVERSIGHT. This Act relates to the receipt of and costs associated with the examination and copying of public records.

The Act provides that a person desiring to examine or copy a public record need not make the request in person, but may make a request from the lawful custodian of the public record in writing, by telephone, or by electronic means. Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of estimated expenses associated with the request. The Act further provides that the lawful custodian shall only charge a fee for the actual costs associated with copying and excludes ordinary expenses.

SENATE FILE 405 - Registration and Regulation of Interior Designers

BY COMMITTEE ON WAYS AND MEANS. This Act creates new Code Chapter 544C, which provides for the registration of interior designers in order to use the title of "registered interior designer." The Act establishes an Interior Design Examining Board consisting of five members who are registered interior designers and two members who represent the general public. The Act requires the board to administer the new chapter, establish requirements for the examination, education, and practical training of applicants for registration, and establish fees for registration, renewal of registration, reinstatement of registration, and for other activities of the board pertaining to its duties in an amount sufficient to defray the costs of administering the chapter. The fees shall be deposited in the General Fund of the State. The Act also requires the board to adopt rules necessary for the performance of its duties, including provisions addressing conflicts of interest, full disclosure, and sources of compensation.

The Act requires each applicant for registration to meet the interior design education and the practical training requirements adopted by the board, and pass an examination prescribed by the board that is task-oriented, focused on public safety, and validated by recognized testing agencies. To be registered, an applicant must submit written proof of having passed the National Council for Interior Design qualification examination, or its equivalent, and have completed specified combinations of professional education and full-time work experience.

The Act permits the board to also grant registration by reciprocity under specified circumstances, and also specifies circumstances under which the board may revoke, suspend, or refuse to issue or renew a registration.

It is unlawful for a person to use the title "registered interior designer" unless they have been issued a certificate of registration pursuant to the new chapter, but a person who is an architect or otherwise not registered may provide interior design services or use the term "interior design" or "interior designer." The Act provides penalties for violation of these provisions and other provisions of the chapter.

The Act also provides transition provisions. The new chapter shall not apply to a licensed architect, professional engineer, or individuals performing specified furnishing or retail sales services who do not use the title or represent that they are a registered interior designer.

HOUSE FILE 222 - Election of Township Officers

BY COMMITTEE ON LOCAL GOVERNMENT. This Act changes the offices of township trustee and township clerk to nonpartisan offices nominated for election by the petition process, without regard to political affiliation. A nominating petition for a township office requires signatures of at least 10 eligible electors of the township.

HOUSE FILE 227 - Substantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Changes made include changes to Code language on the following subjects: the State Roster, the Iowa Acts, bill and Code citations, and the table of corresponding sections; agencies subject to the Citizens' Aide's authority; digital signatures; the Department of Administrative Services' oil purchasing standards; recorded instruments formatting standards; the School Infrastructure Program Bond Reserve Fund; ineffective assistance of counsel damages; sales and use taxes; open records; bond issuance for regional transit district property; elections and voter registration; the workers' compensation schedule; IPERS; games of skill or chance, raffles, and pari-mutuel wagering; Iowa Department of Public Health disaster and emergency funds; parental objections to newborn congenital defects screening; the Iowa State University of Science and Technology biological lab; fairs and fairgrounds maintenance; Family Support Subsidy Program reports; child abuse data corrections; school-based youth services funding; the 2001 Legislative Education Accountability and Oversight Interim Committee; motor vehicle damage disclosure provisions; bonds on judicial review of motor vehicle dealer licensing decisions; community commonwealth formation; the real estate index number system; municipal services in annexations; Department of Revenue centralized debt collection procedures; the Iowa Educational Savings Plan Trust tax incentives; property tax valuation or assessment appeals; public water supply contamination; financial liability for contaminated property; the Underground Storage Tank Insurance Fund; nonprofit corporations; partnerships; business corporations; securities; insurance; banking; charges associated with real property loans; the Real Estate Appraiser Examining Board; purchasers of franchises; criminal surcharges assessed by the clerk of court; repeals of redundant and obsolete language in agriculture-related provisions; and a repeal of obsolete Meat Export Research Center language.

The provision restoring the definition of "public record" is retroactively applicable to July 1, 2004. The provision repealing an obsolete 2002 Iowa Acts provision relating to life insurance nonforfeitures and deferred annuities takes effect April 6, 2005, and is retroactively applicable to June 20, 2004. Provisions amending the 2004 Iowa Acts that established the Revised Iowa Nonprofit Corporation Act take effect April 6, 2005, and apply retroactively to July 1, 2004. The provision amending the 2004 Iowa Acts relating to public joint investment trusts takes effect April 6, 2005, and applies retroactively to January 1, 2005.

HOUSE FILE 312 - Regulation of Elections and Political Campaigns

BY COMMITTEE ON STATE GOVERNMENT. This Act contains a variety of revisions to the campaign finance laws.

The term "consultant" is redefined to include a person providing services not only to a candidate, but also providing services to a ballot issue committee or a political committee.

The revisions exempt a county statutory political committee that accepts donations of \$750 or less or makes expenditures or incurs indebtedness of \$750 or less in a calendar year from the reporting requirements of Code Chapter 68A and preclude the use of committee funds or property for the personal benefit of committee officers, members or associates. Consumable campaign property cannot be transferred to another candidate for less than fair market value compensation.

New reporting dates are required for state and county statutory political committees which must now must file reports on the same dates required for a candidate's committee in both election and nonelection years.

The Act revises the reporting deadline for a political committee expressly advocating the nomination, election or defeat of candidates for statewide office or the General Assembly. Previously, in nonelection years, the deadline for reporting for the period of the first half of the calendar year was January 19 of the following year, more than six months after the period ended. The Act moves the deadline to July 19, 19 days after the reporting period ends.

The Act also revises the reporting deadline for a ballot issue political committee. In an election year, the committee must file a report five days before the election covering the period of the date of initial activity through 10 days before the election. In nonelection years, the report must be filed on January 19 of the next calendar year that covers the time period of nine days before the election through December 31.

The term "election year," as it is used for reporting purposes, is revised. Except for a ballot issue committee, the term means a year in which primary and general elections are held.

The Act defines the term "independent expenditures" to include one or more expenditures in excess of \$750 in the aggregate. The Act also expands the coverage of the term to include the nomination of a candidate as well as the election or defeat of a candidate or the passage or defeat of a ballot issue.

The Act amends current statutory language relating to "ballot issue" campaign signs placed on property leased by a candidate, committee or organization to include campaign signs advocating the nomination, election or defeat of a candidate.

The Act prohibits the placement of campaign signs within a specified distance of the absentee voting site or satellite absentee voting station during the hours when absentee ballots are available in the office of the county commissioner of elections or the voting station, respectively. The separation distance in Code Sections 53.10 and 53.11, relating to absentee voting, is increased from 30 to 300 feet. The Act also changes a reference from yard signs to campaign signs.

HOUSE FILE 370 - Iowa Finance Authority — Qualified Residential Rental Project Bonds

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the issuance of qualified residential rental project bonds. Under the Private Activity Bond Allocation Act, 30 percent of the volume cap allocated to certain private activity bonds under the Internal Revenue Code, known as the state ceiling, is allocated to the Iowa Finance Authority for three specified purposes. The Act adds the issuance of qualified residential rental project bonds as a fourth specified purpose.

HOUSE FILE 374 - Veterans Affairs

BY COMMITTEE ON STATE GOVERNMENT. This Act contains various provisions relating to veterans.

VETERANS DEPARTMENT. The Act establishes the Department of Veterans Affairs and provides that the department is responsible for carrying out most of the duties previously the sole responsibility of the Commission of Veterans Affairs. The Act maintains the current Commission of Veterans Affairs and provides that it remains responsible for establishing policy for the management and operation of the department. The commission also maintains its primary role in the operation of the Iowa Veterans Home.

STATE VETERANS CEMETERY. Moneys deposited into an account for the establishment, operation and maintenance of a state veterans cemetery shall not revert at the end of each fiscal year but shall remain in the account.

COUNTY COMMISSION OF VETERANS AFFAIRS COMPENSATION. The county board of supervisors may increase the compensation received by a member of a county commission of veteran affairs for each month in which the member attends commission meetings from the previous fixed amount of \$25 per month.

HEPATITIS C AWARENESS PROGRAM. The Act provides for the establishment of a Hepatitis C Awareness Program by the Iowa Department of Public Health with the goal of the program to distribute information to veterans regarding the higher incidence of hepatitis C exposure and infection among veterans, the dangers presented

by the disease, and contacts for additional information and referrals. The Act specifies the information to be distributed to veterans and directs the department to cooperate with the State Commission of Veterans Affairs in the distribution of the information to the Iowa Veterans Home, the county commissions of veteran affairs, veterans hospitals, and other distribution points. The Act also requires the department to submit a report to the General Assembly by January 1, 2007, regarding the distribution and impact of the information.

VETERANS BENEFITS. The Act amends the definition of "veteran" to include members of the reserve forces of the United States and members of the Iowa National Guard who have served at least 20 years and who continue to serve in the reserve forces or the guard. Previously, members of the guard or reserves had to have been discharged under honorable conditions and no longer serving in the guard or reserves to be considered a veteran. By operation of law, such persons will be eligible for veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption, all as provided by Iowa law. The Act also makes eligible for the property tax credit and exemption former members of the armed forces who served a minimum of three years and were honorably discharged. In response to the requirement of Code Section 25B.7, the military service tax credits and exemptions resulting from these provisions of the Act are funded as provided in Code Chapter 426A.

HUNTING AND FISHING LICENSE. The Act changes the definition of which resident veterans, who were disabled or were prisoners of war during their military service, qualify to purchase a lifetime hunting and fishing combined license. The Act changes the definition of "veteran" from the definition contained in Code Section 35.1 to instead include any Iowa resident who served in the armed forces of the United States for a minimum of 90 days of active federal service.

HOME OWNERSHIP ASSISTANCE PROGRAM. The Act amends S.F. 75 (see Appropriations) to provide that the Home Ownership Assistance Program for veterans created in that Act and established under the Iowa Finance Authority shall be for residents of this state who are current or former members of the military, including the National Guard or reserve, who have served at least for 90 days between September 11, 2001, and June 30, 2006. Senate File 75 limited the program to current members of the military. This provision is retroactively applicable to May 17, 2004.

The Act takes effect May 5, 2005.

HOUSE FILE 469 - Real Estate Commission Membership

BY COMMITTEE ON STATE GOVERNMENT. This Act increases the number of licensed real estate brokers or salespersons on the Real Estate Commission from three to five members.

HOUSE FILE 478 - Iowa Commission on Volunteer Service

BY COMMITTEE ON HUMAN RESOURCES. This Act creates the Iowa Commission on Volunteer Service by codifying Executive Order Numbers 48 and 64 by Governor Branstad to establish the commission. The mission of the commission is to advise and assist in the development and implementation of a comprehensive statewide plan for promoting volunteer involvement and citizen participation in Iowa, and to serve as the state's liaison to national and state organizations which support the commission's mission. The Act deletes the establishment of financial support for the Retired and Senior Volunteer Program (RSVP) from the duties of the Department of Elder Affairs and establishes the administration of RSVP as one of the duties of the Iowa Commission on Volunteer Service.

HOUSE FILE 532 - Department of Cultural Affairs — Administrative Revisions

BY COMMITTEE ON STATE GOVERNMENT. This Act changes the dates on which the terms of membership for the Board of Trustees of the State Historical Society of Iowa begin and end and amends language within the State Archives and Records Act to correctly identify the Homeland Security and Emergency Management Division as a division of the Department of Public Defense, rather than of the Department of Public Safety.

The terms of the State Historical Society's trustees currently begin on May 1 and end on April 30. Under the Act, terms begin July 1 and end on June 30. The current dates are tied to those of the Governor's appointments confirmed by the Senate. However, the Governor's appointments to the board are not confirmed by the Senate.

HOUSE FILE 716 - State Security and Emergency Management

BY COMMITTEE ON STATE GOVERNMENT. This Act concerns the Military Division and the Homeland Security and Emergency Management Division of the Department of Public Defense.

The Act provides for the activation and use of the Iowa wing of the Civil Air Patrol to support civil authorities and the noncombat missions of the Iowa National Guard. Prior to activating the Civil Air Patrol, a request for federal mission status and funding shall be made. If federal mission status is granted, the mission shall be funded by the federal government and members of the Civil Air Patrol shall be considered federal employees for purposes of tort claims. If federal mission status is not granted, the state shall fund the mission and members of the Civil Air Patrol will be considered state employees for tort claims and workers' compensation purposes. The Homeland Security and Emergency Management Division is responsible for the funding and tasking of the Civil Air Patrol for missions that do not qualify for federal mission status.

The Adjutant General is authorized to provide suitable space for the Civil Air Patrol and to enter into interstate agreements with other states' national guards for the use of Iowa National Guard personnel and equipment.

The incident management system used by the State of Iowa, including local and tribal governments, for emergency and disaster response shall be the National Incident Management System as established by the U.S. Department of Homeland Security.

HOUSE FILE 748 - State Payroll Deductions — Tuition

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that state employees may authorize a deduction from their wages to be contributed to the employee's account in any qualified tuition program as defined by Section 529 of the Internal Revenue Code, such as College Savings Iowa, if at least 500 state employees request a payroll deduction for that particular program.

HOUSE FILE 772 - Open Meetings and Open Records Violations

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to violations of both the Open Meetings Law and the Open Records Law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate persons.

The Act provides that a court shall issue an order removing a member of a governmental body or a lawful custodian of a public record from the member's office or terminating the employment of any other appropriate person in the office of the lawful custodian for a violation of either the Open Meetings Law or the Open Records Law if the member or person engaged in a prior violation of either law for which damages were assessed against the member during the member's term or against the person during the person's term.

HOUSE FILE 776 - Administration of Governmental Financial and Information Technology Activities

BY COMMITTEE ON STATE GOVERNMENT. This Act makes several changes relating to governmental financial and information technology activities, primarily involving the Department of Administrative Services (DAS).

A former member of the General Assembly who has decided to continue coverage in a particular health, medical or dental program after leaving office can only make subsequent changes to that program, and cannot select a different health, medical or dental program.

The director of the department can designate a person in the department to act as chief information officer of the state so long as the person selected is professionally qualified by education and has at least five years' experience in the fields of information technology and financial management.

The setoff procedures used to collect certain debts can be used by DAS to collect delinquent fines for parking violations at the State Capitol Complex and at the Ankeny state laboratory. In addition, DAS may enter into agreements with up to five political subdivisions of the state to permit the political subdivisions to utilize the set-off procedures for collecting qualifying debts.

Not-for-profit organizations and governmental agencies that enter into an agreement with DAS to dispose of personal property of the state may sell or otherwise transfer the disposed property to any person that the de-

partment would have been able to sell to, including the general public, regardless of any other restrictions that may limit the organization's or agency's authority to sell or otherwise transfer the property.

DAS is no longer required to make available print copies of the state employee salary book, but must make the salary book available in an electronic medium.

DAS must also make a report to the General Assembly by January 20, 2006, concerning any recommendations and proposed legislation to encourage the use of electronic commerce, including the acceptance of credit card payments, with regard to citizen transactions with the state.

HOUSE FILE 814 - State Procurement Procedures — Notice of Bidding Opportunities

BY COMMITTEE ON GOVERNMENT OVERSIGHT. This Act requires the Department of Administrative Services and all state agencies to make all competitive bidding opportunities available to the public in an electronic format. Architectural and engineering services are not subject to the same bidding requirements under Code Section 8A.311 as are other services under that Code section. The Act would allow, but not require, requests for proposals for architectural and engineering services to be posted electronically.

HOUSE FILE 837 - State Government Finance Initiatives

BY COMMITTEE ON APPROPRIATIONS. This Act relates to state financial matters concerning the authority of charter agencies, State Appeal Board expenditures, and certain moneys appropriated to the Department of Management (DOM).

In 2003, legislation was enacted granting the Governor the authority to designate state agencies as charter agencies and granting these agencies certain flexibility. This Act extends the exemption granted charter agencies from the authority of the Governor to impose an across-the-board reduction in moneys appropriated to the charter agency through June 30, 2006. The Act also authorizes a charter agency to pay prior year claims from funds other than the General Fund of the State without State Appeal Board approval.

The Act extends the authority to expend moneys in the state treasury not otherwise appropriated for costs associated with streamlining and improving the State Appeal Board process from June 30, 2005, to June 30, 2007.

In 2003, \$6.35 million was appropriated to DOM for reinvention initiatives. This Act authorizes DOM to use any unexpended moneys from this appropriation for reinvention initiatives through June 30, 2007.

HOUSE FILE 839 - Technology Governance Board

BY COMMITTEE ON APPROPRIATIONS. This Act establishes a new Technology Governance Board within the Department of Administrative Services (DAS).

The board is comprised of 10 members, including eight representatives from state agencies of designated sizes and two public members. The Director of the Department of Administrative Services is designated as the permanent chairperson of the board.

The duties of the board include preparing an annual report for the Governor and the General Assembly regarding the total amount spent, or requested to be spent, on technology for all agencies for the previous fiscal year, the current fiscal year, and the succeeding fiscal year. The report shall include a five-year projection of technology cost savings, including an accounting of technology cost savings for the current fiscal year, and a comparison of these savings with those for the prior fiscal year. The Act also directs the board to designate advisory groups to provide assistance to the board, including developing technology cost saving projections, accountings, and comparisons. The Act authorizes the board to develop and approve administrative rules and develop and adopt information technology standards.

The activities of the board are to be funded out of the IowaAccess Revolving Fund. For FY 2005-2006, of the funds appropriated for IowaAccess, an amount not to exceed \$250,000 may be used by DAS to support the activities of the board.

The Act also eliminates the current Information Technology Council and transfers most of its duties to the new board, and provides for transitional provisions relating to the board's formation.

TAXATION

- SENATE FILE 389** - Soy-Based Cutting Tool Oil Income Tax Credit
- SENATE FILE 413** - Taxes, Tax Policy, and Administration
- HOUSE FILE 102** - State Income Taxes — Depreciation and Expensing Allowances
- HOUSE FILE 186** - Internal Revenue Code References and Income Tax Revisions
- HOUSE FILE 197** - Inheritance Tax — Joint Account Funds — Withdrawal Notice
- HOUSE FILE 281** - Inheritance Tax Fraud and Transfers to Minors
- HOUSE FILE 310** - Sales and Use Tax — Toy Sales to Nonprofit Organizations
- HOUSE FILE 313** - Sales and Use Tax — Industrial Processing Exemption Study
- HOUSE FILE 589** - Taxation of Nursing Facility Property
- HOUSE FILE 801** - Individual Income Tax Computation — Human Organ Donation Expenses
- HOUSE FILE 840** - State Sales Tax Rebate for Automobile Racetrack Facility
- HOUSE FILE 856** - Sales and Use Tax — Low-Income Housing Projects of Nonprofit Organizations

RELATED LEGISLATION

- SENATE FILE 114** - Iowa Capital Investment Board Tax Credit Certificates
SEE ECONOMIC DEVELOPMENT. This Act relates to tax credit certificates issued by the Iowa Capital Investment Board.
- SENATE FILE 265** - Powers and Duties of County Treasurer — Taxes, Fees, and Evidence of Ownership
SEE LOCAL GOVERNMENT. This Act makes various changes relating to delinquent property taxes and other duties of county treasurers relating to payment of property taxes and special assessments. The Act takes effect April 19, 2005, and contains various applicability provisions.
- SENATE FILE 390** - Renewable Energy — Tax Credits
SEE ENERGY & PUBLIC UTILITIES. This Act establishes a renewable energy tax credit program that provides for tax credits which may be applied to the state personal or corporate income tax, franchise tax, sales and use tax, insurance company tax, or replacement tax.
- SENATE FILE 395** - Grape and Wine Industry Promotion
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Act provides for the deposit of an amount equal to 5 percent of wine gallonage tax revenues into the Grape and Wine Development Fund to be used along with other amounts deposited into the fund to carry out grape and wine development programs.
- SENATE FILE 404** - County Mental Health, Mental Retardation, and Developmental Disabilities Expenditures — State Funding
SEE LOCAL GOVERNMENT. This Act provides a one-time exception to a reporting deadline used for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services.
- HOUSE FILE 187** - Utility Replacement Tax Task Force
SEE ENERGY & PUBLIC UTILITIES. This Act extends the Utility Replacement Tax Task Force through January 1, 2007. The Act also designates the Director of the Department of Management (DOM) and the Director of Revenue as co-chairpersons of the task force. Specific recommendations from the task force for modifications to the replacement tax are to be transmitted to the General Assembly by DOM.

- HOUSE FILE 216** - Motor Vehicles and Related Regulation
SEE TRANSPORTATION. This Act allows a company that operates a taxicab service under contract with an urban transit system to apply directly to the Department of Revenue for a refund of motor fuel taxes.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act updates sales and use tax references and Code section references in the Department of Revenue centralized debt collection procedures, eliminates obsolete references to repealed Iowa Educational Savings Plan Trust tax incentives, and corrects an error in language regarding property tax valuation or assessment appeals.
- HOUSE FILE 374** - Veterans Affairs
SEE STATE GOVERNMENT. This Act contains various provisions relating to veterans. The Act, among other things, amends the definition of "veteran" to include members of the reserve forces of the United States and members of the Iowa National Guard who have served at least 20 years and who continue to serve in the reserve forces or the guard. Previously, members of the guard or reserves had to have been discharged under honorable conditions and no longer serving in the guard or reserves to be considered a veteran. By operation of law, such persons will be eligible for veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption, all as provided by Iowa law. In addition, the Act makes eligible for the property tax credit and exemption former members of the armed forces who served a minimum of three years and were honorably discharged. The military service tax credits and exemptions resulting from these provisions of the Act are funded as provided in Code Chapter 426A. The Act takes effect May 5, 2005.
- HOUSE FILE 580** - Iowa Egg Council — Miscellaneous Changes
SEE AGRICULTURE. This Act amends Code Chapter 184, which establishes the Iowa Egg Council, which may impose and collect an excise tax ("checkoff") on the sale of eggs to support increased markets for eggs. The Act in part statutorily establishes the rate of assessment at 1 1/2 cents per each 30 dozen eggs produced in this state. It also provides that a referendum of producers may increase the rate of assessment to 15 cents per each 30 dozen eggs produced in this state if approved by referendum.
- HOUSE FILE 607** - Emergency Fire and Medical Services — Townships
SEE LOCAL GOVERNMENT. This Act makes township property tax levy rate limitations for emergency services applicable to counties that levy property taxes for emergency services in lieu of a township. The Act takes effect April 28, 2005.
- HOUSE FILE 700** - Soybean Promotion, Research, and Marketing — Association — Assessment
SEE AGRICULTURE. This Act provides for the imposition and collection of an excise tax (referred to as an "assessment" or colloquially as a "checkoff") imposed on each bushel of soybeans marketed in this state, based on the market price which is paid by the first purchaser of the soybeans (and presumably deducted from the payment to the producer). Moneys collected from the checkoff must be expended to support soybean research, education, and promotional efforts (all referred to as "market development").
- HOUSE FILE 761** - Early Care, Child Care, Education, Health, and Human Services Assistance
SEE CHILDREN & YOUTH. This Act relates to improvement of the early care, child care services, education, health, and human services systems, revises the child and dependent care tax credit, and creates an early childhood development tax credit.
- HOUSE FILE 808** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act authorizes the Department of Agriculture and Land Stewardship to impose fees to support a number of programs, including the promotion of native horses and dogs engaged in racing and the control of chronic wasting disease affecting farm deer populations. It also corrects language in S.F. 206 (see Natural Re-

sources & Outdoor Recreation) concerning the \$1 fee payable upon receipt of a free landowner deer hunting license to clarify that the fees are used to support the management of deer herd populations, including the Help Us Stop Hunger Program.

- HOUSE FILE 831** - Investments in Qualifying Businesses and Community-Based Seed Capital Funds — Tax Credits
SEE ECONOMIC DEVELOPMENT. This Act relates to tax credits for equity investments in qualifying businesses or community-based seed capital funds.
- HOUSE FILE 857** - Enterprise Zones — Eligible Housing Businesses
SEE ECONOMIC DEVELOPMENT. This Act relates to the transferability of eligible housing business tax credits for new housing investment under the Enterprise Zone Program.
- HOUSE FILE 859** - Cooperatives
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the organization of a form of cooperative which is a hybrid of a conventional cooperative governing agricultural associations (e.g., a cooperative organized under Code Chapter 499) and a limited liability company (organized under Code Chapter 490A), and includes provisions for the filing of documents with the Secretary of State and the payment of associated fees.
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources
SEE ECONOMIC DEVELOPMENT. This Act creates a Statewide Property Assessment Appeal Board to hear appeals from actions taken by local boards of review, amends the property rehabilitation tax credit, provides tax incentives under the High Quality Job Creation Program, creates a wage-benefits tax credit, amends the research activities tax credit, relates to tax credits under the Endow Iowa Program, and relates to an excise tax on each gallon of E-85 gasoline sold in the state.
- HOUSE FILE 869** - Agricultural Assets — Tax Credit — Sales Tax Exemption — VETOED BY THE GOVERNOR
SEE AGRICULTURE. This bill would have provided for taxation affecting agricultural production, including providing a tax credit to the owner of agricultural assets who transfers those assets to a beginning farmer under a cash rent or commodity share agreement, and expanding the list of farm machinery and equipment that is exempt from the state sales tax.
- HOUSE FILE 882** - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing and transferring appropriations, providing for fees, providing for wind energy production tax credits, and providing for other matters.

TAXATION

SENATE FILE 389 - Soy-Based Cutting Tool Oil Income Tax Credit

BY COMMITTEE ON WAYS AND MEANS. This Act provides a soy-based cutting tool oil tax credit under the individual and corporate income taxes. The tax credit equals the costs incurred for the purchase and replacement costs related to the transition from using non-soy-based cutting tool oil to using soy-based cutting tool oil in the manufacturing process. The costs must meet three other requirements: they are incurred after June 30, 2005, and before January 1, 2007; they are incurred in the first 12 months of the transition to using soy-based cutting tool oil; and they do not exceed \$2 per gallon of the soy-based cutting tool oil used in the transition, up to 2,000 gallons. Any excess credit is refundable. The credit applies to tax years ending after June 30, 2005, and beginning before January 1, 2007. The credit is repealed December 31, 2007.

SENATE FILE 413 - Taxes, Tax Policy, and Administration

BY COMMITTEE ON WAYS AND MEANS. This Act makes changes to the streamlined Sales and Use Tax Law, provides a separate excise tax on hotel and motel room rentals, imposes a separate excise tax on certain construction equipment, and makes other policy and administrative changes to taxes and related matters handled by the Department of Revenue (DOR).

Division I — Streamlined Sales and Use Tax Law Changes

Code Sections 34A.7 and 34A.7A are amended to move the exemption for E911 surcharges and wireless E911 surcharges to the sales tax exemption section.

Code Section 423.1 is amended to specify when certain service charges related to a sale may be excluded from the definition of "sales price."

Code Section 423.2 is amended to add certain transportation services to the list of taxable services. Prior to this Act, these services were taxed but listed as exceptions to the exemption. The exemption in Code Section 423.3, subsection 70, is amended to eliminate reference to these transportation services and to limit the exemption to delivery charges.

Code Section 423.3 is amended to exempt the purchase of tangible personal property used for leasing or rental to food manufacturers and the leasing and rental of tangible personal property by food manufacturers. The purchase of the tangible personal property would otherwise be subject to the tax. This amendment is retroactively applicable to July 1, 2004.

Code Section 423.3 is amended to expand the exemption for services on or connected with new construction, reconstruction, alteration, expansion, remodeling, or the services of a building contractor, architect, or engineer to include lease or rental of all machinery, equipment, and replacement parts that are directly and primarily used in construction of buildings and structures. The purchase of the machinery, equipment, and replacement parts would be subject to the tax. This amendment is retroactively applicable to July 1, 2004.

Code Section 423.3 is amended by exempting "durable medical equipment," "mobility enhancing equipment," and "prosthetic devices" separately from "medical devices," and defining those terms as they are defined in the streamlined sales tax agreement. The term "medical devices" thus becomes a catchall phrase for medical exemptions not defined by the streamlined sales tax agreement.

Code Sections 423B.5 and 423E.3, relating to the local option sales tax of cities, counties, and school districts, are amended by deleting the requirement that there must be a physical presence in the taxing jurisdiction and by deleting the exemption for the sale of lottery tickets. These amendments are retroactively applicable to July 1, 2004.

Division II — Excise Tax on Hotel and Motel Room Rentals

Division II repeals Code Chapter 423A and adds new sections to impose an excise tax on lodging in its place. Existing local hotel and motel taxes are not affected by this change and shall continue to be imposed.

The division removes the taxation of hotel and motel room rentals from the state sales tax and includes it with the local hotel and motel tax in new Code Chapter 423A. The state and local hotel and motel tax is imposed on the same basis and with the same exemptions existing under current law.

Code Section 423.2 is amended to remove the rental of rooms from the state sales tax. Code Sections 423B.5 and 423E.3 are amended to eliminate the exemption of lodging rentals from the regular local option tax or school local option tax because the lodging rentals are no longer subject to sales tax.

Division III — Specific Construction Machinery and Equipment

Code Section 423.3 is amended to exempt specifically listed construction equipment that includes self-propelled building equipment, pile drivers, motorized scaffolding, and attachments to those that are used to improve performance and safety of equipment in various construction activities. Code Chapter 423D is enacted to impose an excise tax on the sale of such equipment exempt from the sales tax. In connection with this change, Code Sections 423B.5 and 423E.3, relating to the specific exemptions in favor of sales of that equipment set out in the regular local option and school infrastructure sales taxes, are stricken because the specific construction equipment is no longer subject to the state sales tax.

Division IV — Tax Policy and Administration

Code Section 422.9 is amended to provide that no adjustment for federal income tax is allowed for a tax year in which an Iowa return was not required to be filed. This change is applicable beginning with the 2005 tax year.

Code Section 422.16 is amended to reflect changes to the filing and remitting thresholds for withholding taxes and requires quarterly returns for withholding agents who file semimonthly deposits. This section is applicable to calendar quarters ending on or after June 3, 2005, for withholding of taxes for tax years beginning on or after January 1, 2005.

Code Section 423.1 is amended to define "employer" for purposes of the state sales tax on services as the person who actually pays the wages of an employee.

Code Sections 423.2 and 423.5 are amended to require companies that contract with an Iowa state agency to collect and remit sales and use taxes.

Code Section 423.3 is amended to exclude vehicles subject to registration, aircraft, and certain watercraft from the exemption for casual sales under the state sales and use taxes.

Code Section 423.3 is amended to enumerate materials associated with the installation of agricultural drainage tile which are exempt from the sales and use tax. These materials include tile intakes, outlet pipes, aluminum structures, erosion and water control fabrics and structures, and miscellaneous tile fittings. This provision is retroactive to January 1, 1998. The aggregate amount of refunds that may be claimed as a result of the retroactive applicability is \$25,000.

Code Section 423.3 is amended to add a new sales and use tax exemption for services performed on vessels if the following apply: the vessel is U.S. Coast Guard-licensed, is not moored or tied to a physical location in Iowa, the service is used to repair or restore a defect in the vessel, the vessel is engaged in interstate commerce, and the vessel is on navigable water that borders the eastern boundary of Iowa.

Code Section 423E.4 is amended to change the date for DOR to estimate the school infrastructure local option tax from June 1 to August 15.

Code Section 424.7 is amended to permit the Director of Revenue to require by rule that environmental protection charges on petroleum diminution reports be filed by electronic transmission.

Code Section 424.10 is amended to make the interest paid on overpayments of environmental protection charges consistent with the interest paid on overpayments of other taxes.

Code Section 425.1 is amended to rescind the requirement that the department estimate the amount of home-stead tax credits payable to the counties each year.

New Code Section 427.3 allows boards of supervisors to abate taxes levied against property acquired by gift by a library; art gallery; religious, literary or charitable society; or educational institution if the transfer took place after the deadline for filing for a tax exemption, if such entity would have been entitled to the tax exemption on the donated property, and if the entity had filed for the exemption in a timely manner.

Code Section 441.6 is amended to strike the physical condition and reputation of a person as criteria used by the local examining board in determining the person's qualifications for appointment to the position of county or city assessor.

Code Section 441.8 is amended to require the local conference board to notify the assessor at least 90 days prior to the expiration of the assessor's term of office if the assessor is not to be reappointed.

Code Section 441.8 is also amended to permit the director to waive the assessor and deputy assessor continuing education requirements for good cause.

Code Section 441.37 is amended to allow a property owner to combine on one form protests of the assessed value of separate parcels of property if the basis for the protest on each is the same and to require the local board of review to provide notice and rationale of its action with regard to each parcel of the parcels combined on one protest form. Provisions amending this section apply to protests of assessments filed after January 1, 2006.

Code Section 441.38 is amended to require the property owner to file notice of appeal to district court with the local board of review within 20 days after the board's adjournment or May 31, whichever is later.

Code Section 452A.2 is amended to state that, for fuel tax purposes, methanol is not a motor fuel unless blended for use in aircraft or a motor vehicle and is not a special fuel unless blended for use in a motor vehicle with a diesel engine.

Code Section 452A.8 is amended to permit the director to require by rule that compressed natural gas, liquefied petroleum gas, and alcohol blender reports be filed by electronic transmission.

Code Sections 452A.10 and 452A.62 are amended to require nonterminal storage facilities to maintain the same records as terminals for withdrawals and importations of certain motor and special fuels.

Code Section 452A.85 is amended to provide that the inventory tax does not apply unless the increase in the fuel tax rate is more than one-half cent per gallon.

New Code Section 602.6703 grants original jurisdiction to Iowa district courts over civil actions seeking declaratory relief that a business which is organized in the state, is a sole proprietorship owned by a domiciliary of the state, or is authorized to do business in this state is unconstitutionally burdened by the requirement of another state to collect sales or use taxes for that state or a political subdivision of that state.

Code Section 708.3A is amended to impose criminal penalties for assault on certain defined DOR employees when performing department assignments.

A provision requires the board of supervisors of Linn County to abate the property taxes of an educational institution for FY 2004-2005 and FY 2005-2006 for property received as a gift that did not receive the exemption for property of an educational institution because of the inability or failure to timely file for such exemption. To receive the abatement, the institution must apply to the board of supervisors by October 1, 2005, and otherwise qualify.

HOUSE FILE 102 - State Income Taxes — Depreciation and Expensing Allowances

BY COMMITTEE ON WAYS AND MEANS. This Act allows a taxpayer to elect to take the additional first-year (bonus) depreciation allowance or to elect to not take the increased expensing allowance in computing the individual, corporate and franchise taxes and specifies the adjustments to be made in determining net or taxable income if such election is not made. The provisions relating to the bonus depreciation allowance are retroactive to tax years ending after May 5, 2003. The provisions relating to the increased expensing allowance are retroactive to tax years beginning on or after January 1, 2003.

A taxpayer who was eligible, under the individual or corporate income tax, for the bonus depreciation allowance or the increased expensing allowance for a tax year for which an income tax return for that tax year was filed prior to February 24, 2005, may elect, in lieu of filing an amended return, to take the bonus depreciation allowance or increased expensing allowance in the taxpayer's subsequent tax year. If the return has already been filed for that tax year, the deduction may be taken in the following tax year. The amount of the deduction and any other adjustment as a result of this deduction is to be computed pursuant to rules adopted by the Director of Revenue.

The Act takes effect February 24, 2005.

HOUSE FILE 186 - Internal Revenue Code References and Income Tax Revisions

BY COMMITTEE ON WAYS AND MEANS. This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 2003, 2004, and January 2005 applicable for Iowa income tax purposes. This includes allowing an itemized deduction for the 2004 tax year for charitable cash contributions made during January 2005 for relief of victims of the Indian Ocean tsunami, in accordance with Pub. L. No. 109-1 enacted by Congress in January 2005, and coupling with the tax provisions of the federal Military Family Tax Relief Act of 2003 (Pub. L. No. 108-121).

The Act updates the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 2004 federal changes in the research activities credit.

The federal American Jobs Creation Act of 2004 (Pub. L. No. 108-357) allows individuals the option of deducting either state income taxes or state sales and use taxes paid as an itemized deduction for the 2004 and 2005 tax years. The Act allows taxpayers to deduct state sales and use taxes paid as an itemized deduction on the state return only if they deducted state sales and use taxes as an itemized deduction on the federal return.

The Act provides for an exclusion for foreign dividend income. This codifies current practice and administrative rules of the Iowa Department of Revenue based on the U.S. Supreme Court decision in *Kraft General Foods, Inc. v. Iowa Department of Revenue and Finance*, 505 U.S. 71 (1992).

The Act is retroactively applicable to January 1, 2003, for tax years beginning on or after that date.

The Act takes effect April 13, 2005.

HOUSE FILE 197 - Inheritance Tax — Joint Account Funds — Withdrawal Notice

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act repeals an inheritance tax liability of banks, credit unions, savings and loan associations, and other persons for willful failure to notify the Department of Revenue prior to the withdrawal of funds from a joint account by a surviving joint owner.

HOUSE FILE 281 - Inheritance Tax Fraud and Transfers to Minors

BY COMMITTEE ON JUDICIARY. This Act amends the Inheritance Tax Law (Code Chapter 450) to eliminate the language that provides that if a false affidavit is filed, the affiant and personal representative are jointly and severally liable for the tax, penalty and interest. The Inheritance Tax Law is also amended to provide that anyone with or succeeding to an interest in real estate who willfully fails to file an affidavit or files a false affidavit in regard to a return not required to be filed is guilty of a fraudulent practice. These amendments apply retroactively to July 1, 2004, for estates of decedents dying on or after that date.

The statute of limitations for the examination of a return or determination of the correct amount of tax is unlimited if a false return is filed or no return is filed.

The Act amends the Uniform Transfer to Minors Act (Code Chapter 565B) to increase from \$10,000 to \$25,000 the amount of property that may be transferred by certain persons to an adult member of a minor's family or to a trust company for the benefit of the minor in those cases where no custodian is available to receive the property for the benefit of the minor.

HOUSE FILE 310 - Sales and Use Tax — Toy Sales to Nonprofit Organizations

BY COMMITTEE ON WAYS AND MEANS. This Act provides a sales and use tax exemption for the sale of toys to a nonprofit organization, exempt from federal income tax under Section 501 of the Internal Revenue Code, that purchases the toys from donations it collects and distributes the toys to children at no cost.

HOUSE FILE 313 - Sales and Use Tax — Industrial Processing Exemption Study

BY COMMITTEE ON WAYS AND MEANS. This Act requires the Department of Revenue to establish and provide staffing for a study committee to study and make recommendations relating to the sales tax exemption for industrial processing. Membership of this committee would include representatives of the departments of Revenue and Management; industrial producers, including manufacturers, fabricators and printers; and other stakeholders. The committee is to report to the General Assembly by January 1 of each year through January 1, 2013.

The Act takes effect April 29, 2005.

HOUSE FILE 589 - Taxation of Nursing Facility Property

BY COMMITTEE ON WAYS AND MEANS. This Act provides that the property of a nursing facility that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code is totally exempt from property tax if it meets the requirements of state law, regardless of the proportion of residents of the facility who are private pay and the proportion who depend on Title XIX of the federal Social Security Act.

The Act takes effect May 12, 2005, and applies to property taxes due and payable in fiscal years beginning on or after July 1, 2005.

HOUSE FILE 801 - Individual Income Tax Computation — Human Organ Donation Expenses

BY COMMITTEE ON WAYS AND MEANS. This Act allows a deduction from income, when computing individual income tax, of up to \$10,000 for unreimbursed expenses incurred by a taxpayer in donating, while alive, all or part of the taxpayer's liver, pancreas, kidney, intestine, lung, or bone marrow. The organ donation must be for immediate use in an organ transplant operation.

The Act applies retroactively to January 1, 2005, for tax years beginning on or after that date.

HOUSE FILE 840 - State Sales Tax Rebate for Automobile Racetrack Facility

BY COMMITTEE ON WAYS AND MEANS. This Act authorizes the Department of Revenue (DOR) to rebate state sales tax collected by retailers on purchases made at an automobile racetrack facility. To be eligible for the rebate, the facility must be located on a maximum of 232 acres in a city with a population between 14,500 and 16,500, in a county with a population between 35,000 and 40,000. The person eligible to receive the rebate is the owner or operator of the sanctioned automobile racetrack facility. Construction on the facility must commence no later than May 4, 2006, and the cost of construction upon completion must be at least \$35 million.

The rebate of sales tax is only of the sales tax collected on transactions occurring on or after January 1, 2006, and before January 1, 2016.

The rebate only applies to the state sales tax collected and not to any local option sales tax and is limited to a total of \$12.5 million in rebates.

The rebate ceases upon the transfer of the facility to a party other than the original owners of the facility or upon a change of control of the facility. A change in control occurs if at least 60 percent of the equity interest ceases to be owned by Iowa residents or an Iowa corporation or the original owners cease to own more than 50 percent of the voting interests of the facility owner.

The rebate provision is repealed June 30, 2016, when \$12.5 million has been rebated, or change in control of the facility occurs, whichever occurs earliest.

The sales tax rebate provided for in this Act is to be considered a pilot project. The Department of Economic Development and DOR are to review and evaluate the pilot project and submit to the General Assembly a report no later than January 15, 2008, with each department's evaluation and recommendations, especially with regard to establishing a sales tax rebate program as an economic development tool.

HOUSE FILE 856 - Sales and Use Tax — Low-Income Housing Projects of Nonprofit Organizations

BY COMMITTEE ON WAYS AND MEANS. This Act provides a sales and use tax exemption for the sale of building materials and supplies to a nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction and repair of one-family or two-family dwellings for the use of low-income families. The exemption applies only if the building materials and supplies are used in the construction or repair of such dwellings.

TRANSPORTATION

- SENATE FILE 339** - Regional Transit Districts
- SENATE FILE 340** - Regulation of Motor Vehicles and Operating Privileges — Fines, Fees, and Penalties
- HOUSE FILE 216** - Motor Vehicles and Related Regulation
- HOUSE FILE 591** - Transportation — Administration, Funding, and Miscellaneous Regulations
- HOUSE FILE 674** - Secondary and Farm-to-Market Roads
- HOUSE FILE 717** - Regulation of Traffic Signal Preemption Devices
- HOUSE FILE 718** - Motor Vehicle Registration Fee Refunds — Former Residents
- HOUSE FILE 757** - Abandoned Vehicles — Removal and Disposition Procedures
- HOUSE FILE 826** - Vehicular Traffic Speed Limits and Allocation of Fines, Fees, Penalties and Other Revenue
- HOUSE FILE 870** - Motor Vehicle Financial Responsibility — Special Mobile Equipment

RELATED LEGISLATION

- SENATE FILE 265** - Powers and Duties of County Treasurer — Taxes, Fees, and Evidence of Ownership
SEE LOCAL GOVERNMENT. This Act makes various changes relating to the duties of county treasurers and issuance of certain types of motor vehicle registrations and certificates of title. The Act takes effect April 19, 2005, and contains various applicability provisions.
- SENATE FILE 313** - Railroad Crossing and School Bus Warning Device Violations — Traffic Citations
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that a citation for failure to stop or to take the proper precautions at a railroad crossing shall be issued to the owner of the motor vehicle involved in the violation if the identity of the driver cannot be determined.
- SENATE FILE 346** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2005, and ending September 30, 2006. The Act appropriates federal funding and other nonstate funding made available to the state for transportation programs.
- HOUSE FILE 227** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act makes corrective changes related to the Department of Administrative Services' oil purchasing standards, bond issuance for regional transit district property, motor vehicle damage disclosure provisions, and bonds on judicial review of motor vehicle dealer licensing decisions.
- HOUSE FILE 275** - Purchase, Possession, or Control of Alcohol by Persons Under Legal Age
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act changes the criminal penalties for purchasing or possession or control of alcohol by a person under 21 years of age, including permitting suspension of the person's motor vehicle operating privileges for a period not to exceed one year for a second offense and requiring such suspension for a third or subsequent offense.
- HOUSE FILE 440** - Motor Vehicle Fuel Theft — Motor Vehicle Operating Privileges
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act adds driver's license suspension as a sentencing option for a second or subsequent conviction for theft of motor fuel from a retail dealer.

- HOUSE FILE 466** - Appropriations — Transportation
SEE APPROPRIATIONS. This Act makes appropriations from the Road Use Tax Fund, the Primary Road Fund, and the General Fund of the State to the Iowa Department of Transportation.
- HOUSE FILE 602** - Household Hazardous Waste — Collection, Transportation, and Disposal
SEE ENVIRONMENTAL PROTECTION. This Act relates to the collection, transportation and disposal of household hazardous waste.
- HOUSE FILE 797** - National Historic Landmarks and Certified Cultural and Entertainment Districts — Promotional Program
SEE ECONOMIC GROWTH. This Act relates to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.
- HOUSE FILE 868** - Development and Oversight of State and Local Economic, Cultural, Research, and Transportation-Related Resources
SEE ECONOMIC DEVELOPMENT. This Act provides for the establishment of a port authority and relates to E-85 blended gasoline.
- HOUSE FILE 875** - Appropriations — Infrastructure and Capital Projects — Loans, Grants, and Bonding
SEE APPROPRIATIONS. Division VII of this Act changes the Railroad Revolving Loan Fund to the Railroad Revolving Loan and Grant Fund to allow moneys in the fund to be used for both grants and loans for rail economic development projects and for rail assistance purposes. Control of the fund is transferred to the Railway Finance Authority. No more than 50 percent of available moneys may be awarded as grants in any year, and the authority may limit the grant amount that may be awarded for a given project. Division IX provides that the Iowa Department of Transportation shall designate portions of the commercial and industrial network of highways as Access Iowa Highways and shall expedite and accelerate development of Access Iowa Highways. When designating those portions of the commercial and industrial network as Access Iowa Highways, the department shall consider the direct and priority linkages between economic centers within the state with populations of 20,000 or more and the enhancement of intrastate mobility and Iowa regional accessibility and national accessibility.
- HOUSE FILE 879** - Regulation of Snowmobiles
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act changes provisions relating to the ownership and use of snowmobiles, as regulated by the Department of Natural Resources.

TRANSPORTATION

SENATE FILE 339 - Regional Transit Districts

BY COMMITTEE ON TRANSPORTATION. This Act makes changes relating to regional transit districts.

Regional transit district commission members shall serve staggered six-year terms unless the Code Chapter 28E agreement creating the district provides otherwise.

The 28E agreement may authorize a regional transit district commission to levy the transit district property tax at different rates within the participating cities and counties sufficient to meet the revenue responsibilities of such cities and counties. A participating county which is allocated revenue responsibilities in a regional transit district budget is not required to deduct the amount of its revenue responsibilities from the general basic or rural basic fund of the county if the county is meeting its responsibilities from other available revenue sources.

The Act clarifies that being a party to a 28E agreement creating a regional transit district does not create a duty on the part of the county to provide transit services to any area of the county.

SENATE FILE 340 - Regulation of Motor Vehicles and Operating Privileges — Fines, Fees, and Penalties

BY COMMITTEE ON TRANSPORTATION. This Act relates to the enforcement of motor vehicle laws by local government officials. County treasurers are authorized to enter into agreements with cities to collect delinquent parking fines when a person renews a motor vehicle registration. A city may pay the county treasurer a reasonable fee or allow the treasurer to retain a portion of the fines collected on behalf of the city. The Act requires a county treasurer to refuse to renew the vehicle registration of a person owing delinquent parking fines to the county or to a city with which the county has an agreement. However, delinquent parking fines shall not prevent the issuance of new registrations or transfers of registration. A parking fine which is under appeal is not collectible by the county treasurer. A county treasurer may renew a registration if it is apparent that an error was made by the county or city in identifying a vehicle involved in a parking violation.

A related provision specifies that if the vehicle involved in a stopping, standing or parking violation was leased or rented and the owner provides proof that the vehicle was in the custody of an identified person other than the owner at the time of the violation, the citation against the owner shall be dismissed.

The county treasurers may utilize the Iowa Department of Transportation's registration and titling system, which is currently used by county treasurers to perform duties relating to motor vehicle registrations, to facilitate the collection of parking fines. The first city to enter into an agreement with a county treasurer for the collection of parking fines shall pay the cost of computer programming necessary to implement the agreement. That city shall be reimbursed on a pro rata basis by any other cities that enter into agreements on or before June 30, 2010.

The Act allows a county treasurer authorized to issue driver's licenses to accept the payment of a civil penalty assessed in connection with suspension or revocation of a driver's license or operating privilege and collect a processing fee of \$5 in addition to the penalty. The processing fees will be deposited in the county general fund.

The Act takes effect July 1, 2007.

HOUSE FILE 216 - Motor Vehicles and Related Regulation

BY COMMITTEE ON TRANSPORTATION. This Act contains a number of technical and substantive provisions relating to the regulation of motor vehicles and motor vehicle owners and operators by the Iowa Department of Transportation (IDOT).

MINOR'S RESTRICTED LICENSE AND SCHOOL LICENSE. The Act revises Code provisions relating to restricted driver's licenses for minors. The Act requires that a person under age 18 who has not met the requirements for graduation must be in attendance in a public or nonpublic school, competent private instruction, an alternative school, or adult education classes to qualify for an intermediate or full driver's license. However, a person between the ages of 16 and 18 who has completed an approved driver education course may apply for a restricted license which permits travel to and from work and the transportation of dependents to and from temporary care facilities. The restricted license is no longer available to minors who have not passed an approved driver educa-

tion course. Minors who were issued restricted licenses under prior law will retain those licenses until they reach age 18, subject to applicable conditions and restrictions.

A person with a special minor's license (school license), which is issued to certain persons between 14 and 18 years of age to drive to and from school, may choose instead to drive to and from the closest school bus stop or public transportation service. In addition, the Act contains a request to the Legislative Council to establish an interim study committee to consider and report on the special minor's license.

DEFINITIONS. The Act provides definitions for the terms "bona fide residence," "bona fide address," and "bona fide business address" for purposes of administering motor vehicle laws, particularly as they relate to homeless persons. The Act eliminates the definition of "remanufactured vehicle" and Code references to the term due to obsolescence.

COUNTY SERVICES. The Act authorizes county officials who issue driver's licenses, motor vehicle registrations, and titles to administer oaths and acknowledge signatures, as IDOT officers and employees do, for the purpose of administering motor vehicle laws.

DRIVER'S LICENSE RENEWAL. The Act extends the validity of a commercial or chauffeur driver's license for six months following a person's separation from military service to allow additional time for license renewal without penalty. This benefit is currently available to holders of noncommercial driver's licenses.

MOTOR VEHICLE SALES. The Act removes a requirement that a statement on the purchase order for a motor vehicle advising the purchaser that liability insurance is not included in the purchase must be in a distinctive color of ink. Instead, the statement must now be printed or stamped conspicuously on the purchase order.

MOTOR VEHICLE REGISTRATION AND TITLING. The Act requires the owner of a specially constructed or reconstructed vehicle to title and register the vehicle within 30 days of state inspection, and the owner of a vehicle subject to bonding requirements to register the vehicle within 30 days of receipt of authorization from IDOT.

The Act contains technical amendments to reflect that motor vehicle title and registration information will appear on the front rather than the reverse side of motor vehicle registration receipts, registration cards, and junking certificates.

The Act allows special ex-prisoner of war motor vehicle registration plates to be issued to any motor vehicle owner who was a prisoner of war during any time of military conflict, rather than during specified wars and conflicts.

The Act requires that a vehicle assigned a distinguishing number in lieu of a serial number by IDOT be titled and registered within 30 days of issuance of the number.

The Act replaces in-transit stickers, which are issued to automobile dealers moving vehicles between Iowa and another state, with in-transit permits that are easier and less expensive to produce.

COMMERCIAL MOTOR VEHICLES AND OPERATORS. The Act makes several changes to Code provisions relating to driver records and drivers of commercial motor vehicles. Many of the modifications are designed to comply with federal requirements. The Act requires IDOT to file accident and conviction reports received from other jurisdictions, to be used when considering applications for renewal of licensure. IDOT records pertaining to certain arrests or convictions of persons licensed as commercial vehicle drivers for operating while intoxicated must be retained indefinitely, to be considered only for purposes of disqualification actions under federal requirements. For noncommercial licensees, these records are deleted 12 years after the date of conviction or license revocation. IDOT is authorized to use a conviction or administrative decision from another state as grounds to disqualify a person from operating a commercial motor vehicle in this state. The Act mandates disqualification from operating a commercial motor vehicle for specified periods of time based on a conviction or administrative decision for certain offenses committed in any state. In addition, some offenses committed while operating a non-commercial motor vehicle are now grounds to disqualify a person from operating a commercial motor vehicle.

The Act strikes the exemption for special trucks from inspections required under motor carrier safety rules. A special truck is a motor truck tractor with a gross weight of 6 through 32 tons used in connection with farming.

The Act broadens the exemption from commercial driver licensing requirements that applies to military personnel operating military equipment to include members of the military reserves, certain national guard members, and U.S. Coast Guard personnel.

The Act establishes the school bus endorsement for a commercial driver's license as a separate endorsement from the passenger endorsement, requiring a fee of \$10 for each endorsement.

The Act eliminates the permit requirement for vehicles exceeding the maximum height limit of 13 feet 6 inches, or for a vehicle or combination of vehicles coupled together and transporting other vehicles, the maximum height limit of 14 feet.

The 72-hour trip permit issued to commercial vehicles registered out of state is no longer restricted to use only for interstate commerce. Such a permit cannot be substituted for a permit required in this state for a vehicle of excessive size and weight. The Act reduces a fleet owner's authority to operate a commercial vehicle under a temporary permit from 90 to 60 days.

FLASHING LIGHTS ON VEHICLES. The Act permits the use of a flashing amber light on a towing or recovery vehicle or a utility, municipal, or highway maintenance vehicle. IDOT may designate a privately owned towing or recovery vehicle as an authorized emergency vehicle, subject to departmental rules. Authorized emergency vehicles display flashing red or white lights during an emergency, or flashing blue lights when authorized for use by a fire department. In addition, the Act specifies that modulating headlamps that conform to federal regulations are permitted on motorcycles.

CHILD RESTRAINT DEVICES. A parent, legal guardian, or other responsible adult traveling with a child in a taxicab shall be served a citation for a violation of child restraint requirements in lieu of the taxi driver.

PARKING FOR PERSONS WITH DISABILITIES. The Act eliminates the requirement that IDOT change the shape and color of removable windshield placards for persons with disabilities parking and reissue them every four years. The requirement that IDOT provide a list of vendors who sell wheelchair parking cones is eliminated.

FUEL TAX REFUNDS. The Act allows a company that operates a taxicab service under contract with an urban transit system to apply directly to the Department of Revenue for a refund of motor fuel taxes. Under prior law, the urban transit system had to file the claim on behalf of the taxicab company.

HOUSE FILE 591 - Transportation — Administration, Funding, and Miscellaneous Regulations

BY COMMITTEE ON TRANSPORTATION. This Act changes various transportation-related provisions of the Code.

The Act strikes the requirement that the State Transportation Commission approve the Iowa Department of Transportation's (IDOT) budget before it is submitted to the Governor and the General Assembly.

The Act provides that road use tax funds for state park and institution roads be apportioned on the basis of specific percentages, and strikes a requirement that IDOT conduct a quadrennial needs study of the state park and institution roads and bridges to allocate such funds.

The Act amends the definition of "truck tractor" to permit a box, deck or plate for carrying freight to be mounted on the frame behind the cab and forward of the fifth-wheel connection point.

The Act changes the application of vehicle weight tables. The maximum weight table that applied for interstate highways now applies to all primary highways. The maximum weight table that applied for noninterstate highways now applies to all nonprimary highways. The Act addresses the operation of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site. These amendments to Code Section 321.463 take effect April 6, 2005.

The Act strikes a duplicative provision allowing cities to designate streets for driving all-terrain vehicles.

The Act authorizes IDOT to issue a permit to a state agency, county, or city for a designated all-terrain vehicle trail to cross a primary highway.

The Act requires that a motor carrier carry evidence of interstate authority in the vehicle being operated by the motor carrier. A driver who fails to have proper evidence of authority may produce such evidence to the clerk of court. The penalty for a violation is a scheduled fine of \$50.

HOUSE FILE 674 - Secondary and Farm-to-Market Roads

BY COMMITTEE ON TRANSPORTATION. This Act provides for a new method of distribution of secondary and farm-to-market road funds among the counties. The new methodology, determined by the Secondary Road Fund Distribution Committee, will be phased in over a five-year period beginning July 1, 2006.

HOUSE FILE 717 - Regulation of Traffic Signal Preemption Devices

BY COMMITTEE ON TRANSPORTATION. This Act makes it unlawful to sell, own, possess, or use a traffic signal preemption device except in connection with the use of an authorized emergency vehicle or as authorized by the jurisdiction that owns and operates an official traffic control signal. The Act defines "traffic signal preemption device" as a device that can change a traffic control signal to green out of sequence.

The penalty for a violation is a simple misdemeanor, which is punishable by a fine of up to \$500 or 30 days' imprisonment, or both. The Act specifies that the penalty shall include, at a minimum, a fine of \$250. If the violation involves an unauthorized use of a traffic signal preemption device, the person may also be required to perform community service.

HOUSE FILE 718 - Motor Vehicle Registration Fee Refunds — Former Residents

BY COMMITTEE ON TRANSPORTATION. This Act allows a motor vehicle owner who moves out of state to receive a refund for the unexpired portion of motor vehicle registration fees. The claim for a refund shall be made by returning the Iowa registration plates, along with evidence of the vehicle's registration in another jurisdiction, to the county treasurer within six months of the out-of-state registration. The effective date of the new registration shall be used as the basis for calculating the unexpired portion of Iowa registration fees. The Iowa Department of Transportation has until the last day of the month following the month in which the documents are received by the county treasurer to issue a refund.

HOUSE FILE 757 - Abandoned Vehicles — Removal and Disposition Procedures

BY COMMITTEE ON TRANSPORTATION. This Act contains several provisions relating to the disposition of abandoned motor vehicles. The Act requires the Iowa Department of Transportation (IDOT) to establish procedures for reimbursement of expenses and costs to private entities hired to take custody of abandoned vehicles and requires police authorities to file claims with IDOT for reimbursement of towing fees to private entities, to be paid from the Road Use Tax Fund.

The Act amends the definition of "demolisher" to mean a person licensed as a vehicle recycler. The Act strikes the requirement that a vehicle be in inoperable condition or have a value of less than \$500 to be disposed of to a demolisher. A police authority or private entity that complies with certain notification procedures may dispose of any vehicle to a demolisher without public auction.

The Act strikes a requirement that a police authority that takes custody of an abandoned vehicle constituting a traffic hazard make a report describing the hazard to the authority in control of the highway.

The Act also strikes a provision that allows the owner of a vehicle, lienholders, or claimants to obtain a five-day extension of the 10-day period allowed for reclaiming a vehicle or personal property that has been taken into custody.

HOUSE FILE 826 - Vehicular Traffic Speed Limits and Allocation of Fines, Fees, Penalties and Other Revenue

BY COMMITTEE ON APPROPRIATIONS. This Act increases the speed limit on interstate highways from 65 to 70 miles per hour for all vehicles. The speed limit on all other fully controlled access, divided, multilaned highways remains at 65 miles per hour, and the Iowa Department of Transportation (IDOT) may continue to establish a 65-mile-per-hour speed limit on certain other divided, multilaned highways. The Act broadens the authority of IDOT to establish a lower speed limit on any portion of a divided, multilaned highway, including interstates. IDOT may exercise this authority on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments.

The Act increases fines for speeding violations committed in speed zones greater than 55 miles per hour. The fines are increased from \$10 to \$20 for speed not more than 5 miles per hour over the limit; from \$20 to \$40 for more than 5 but not more than 10 miles per hour over the limit; from \$40 to \$60 for more than 10 but not more than 15 miles per hour over the limit; from \$60 to \$80 for more than 15 but not more than 20 miles per hour over the limit; and from \$60 to \$90 plus \$5 for each mile per hour of excessive speed over 20 miles per hour over the limit.

The Act provides for an increase in the fee charged by the clerk of the district court for the filing and docketing of a complaint or information for a simple misdemeanor from \$17 to \$30. The Act also increases the court costs for a scheduled violation from \$17 to \$30. The State Court Administrator is directed to allocate \$7 million annually, from fines and fees received from the district courts, to the judicial branch to be used for salaries, receipt and disbursement of child support payments, reimbursement of auditor expenses, maintenance, equipment, and miscellaneous purposes.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

Language that allocated to the Iowa State Patrol Vehicle Depreciation Account the estimated new revenues from increased speeding fines for four succeeding years, to be used to purchase vehicles for the Iowa State Patrol, including vehicles for canine handlers.

HOUSE FILE 870 - Motor Vehicle Financial Responsibility — Special Mobile Equipment

BY MURPHY AND GIPP. This Act exempts special mobile equipment from Code provisions comprising Iowa's Motor Vehicle Financial and Safety Responsibility Act. "Special mobile equipment" is defined as every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highway, including road construction or maintenance machinery, ditch-digging apparatus, and implements of husbandry.

The Act takes effect May 12, 2005.

CHAPTER NUMBERS OF THE 2005 IOWA ACTS**Senate Files**

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
36	1	245	149	346	164
57	66	260	44	350	112
71	162	264	17	352	55
74	22	265	34	360	70
75	161	270	18	363	56
78	111	272	120	365	57
113	3	283	35	370	58
114	7	304	45	375	102
139	11	313	92	379	38
141	12	320	36	389	146
169	15	321	67	390	160
176	145	323	68	395	113
200	159	330	69	403	103
201	151	335	46	404	114
205	16	339	37	405	104
206	139	340	54	413	140
210	101	342	168		
215	23	343	121		

Senate Joint Resolutions

File No.	Acts Chapter
SJR 6	180
SJR 7	181

CHAPTER NUMBERS OF THE 2005 IOWA ACTS**House Files**

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
102	2	587	61	774	125
131	28	589	122	776	52
141	13	591	20	777	87
175	4	602	33	781	88
186	24	607	74	784	53
187	25	610	123	786	126
190	6	613	47	789	89
197	5	614	94	797	109
216	8	616	95	801	127
222	152	617	96	805	136
227	19	619	158	807	171
252	39	620	118	808	172
253	76	641	48	809	170
275	105	642	21	810	173
276	59	645	81	811	174
277	9	646	106	814	100
281	14	674	142	816	169
291	29	682	143	819	166
310	71	683	107	821	156
312	72	685	132	825	175
313	77	700	82	826	165
332	26	708	108	828	137
339	93	710	62	831	157
370	30	716	119	834	153
373	27	717	63	836	128
374	115	718	133	837	129
375	40	724	97	839	90
398	78	726	49	840	110
399	31	737	83	841	167
418	10	739	144	856	134
420	91	742	147	857	130
423	79	745	84	858	154
438	116	746	85	859	135
440	141	748	75	862	176
466	163	753	124	868	150
469	41	754	86	870	131
476	73	757	64	875	178
478	42	760	50	879	138
532	80	761	148	881	177
538	117	764	98	882	179
580	43	768	51	883	155
581	32	771	65		
585	60	772	99		

2005 SECTIONS AMENDED, ADDED OR REPEALED

Section	Action Taken	Hse/Sen File #	Effective
2.10	Subsections 1, 2, 5, & 6 amended	HF 881.14	1/8/07
2.40	Subsection 1, unnumbered paragraph 2 amended	HF 776.1	J
2B.5	Subsection 3 amended	HF 227.1	J
2B.12	Subsection 8 amended	HF 227.2	J
2B.17	Subsection 2 amended	HF 227.3	J
2C.13	Section amended	HF 227.4	J
2C.14	Section amended	HF 227.5	J
2C.17	Unnumbered paragraph 1 amended	HF 227.6	J
3.3	Section amended	HF 227.7	J
4.1	Subsection 39, unnumbered paragraph 1 amended	SF 113.1	J
7A.27	Unnumbered paragraph 2 amended	HF 227.8	J
7C.3	New subsection 8A	HF 370.1	J
7C.4A	Subsection 1 amended	HF 370.2	J
7E.5	Subsection 1, paragraph v amended	HF 374.1	E
7E.6	Subsection 5 amended	HF 868.119**	J
7J.1	Subsection 3, paragraph d amended	HF 837.1	J
7J.1	New subsection 8A	HF 837.2	J
7K.1	New section	HF 816.17	J
7K	Chapter repealed	HF 816.17	7/1/15
8.7	New section	HF 810.27	J
8.8	Section amended	HF 882.5	J
8.55	Subsection 2, paragraphs b & d stricken	HF 882.24	J
8.55	Subsection 2, paragraph c amended	HF 882.25	J
8.57B	Subsection 4 amended	HF 875.10	J
8A.104	Subsection 12 amended	HF 776.2	J
8A.201	Subsection 2 stricken	HF 839.1	6/16/05^
8A.201	New subsection 5A	HF 839.2	6/16/05^
8A.204	Section rewritten	HF 839.3	6/16/05^
8A.205	Subsection 2, paragraph a amended	HF 227.9	J
8A.206	Subsection 1 amended	HF 839.4	6/16/05^
8A.221	Subsection 2, paragraph a, subparagraph (1) amended	HF 839.5	6/16/05^
8A.224	Section amended	HF 839.6	6/16/05^
8A.311	Subsection 1 amended	HF 814.1	J
8A.311	New subsection 3A	HF 776.3	J
8A.316	Subsection 1 amended	HF 227.10	J
8A.323	Subsection 4 amended	HF 776.4	J
8A.323	New subsection 5	HF 776.5	J
8A.324	Subsection 2, new unnumbered paragraph	HF 776.6	J
8A.341	Subsection 2 amended	HF 776.7	J
8A.502	Subsection 5, paragraph c amended	HF 882.104	J
8A.502	Subsection 10 amended	HF 882.105	J
8D.2	Subsection 5, paragraph b amended	HF 882.51	J
8D.3	Subsection 3, paragraph i amended	HF 875.39	J
8D.9	Subsection 3 amended	HF 882.52	J
8D.13	Subsection 11 amended	HF 875.40	J
9E.12	Subsection 4 amended	HF 227.11	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - applicability provisions

C - conditional effective date

E - effective upon enactment

J - effective July 1, 2005

V - various effective dates

IV - part of bill section vetoed

VETO - entire bill section vetoed

00/00/00 - specified effective date

R 00/00/00 - retroactive applicability

^ - original date subsequently changed

***** - subsequently amended

****** - subsequently repealed

******* - subsequently partially repealed

Section	Action Taken	Hse/Sen File #	Effective
10A.104	Subsection 9 amended	HF 770.1	VETO
10A.104	Subsections 12 & 13 stricken	HF 882.106	VETO
10A.104	Subsection 15 stricken	HF 770.2	VETO
10B.1	Subsection 2 amended	HF 859.101	J
10B.4	Subsection 1 amended	HF 859.102*	J
10B.4	Subsection 1 amended	HF 882.135	J
10B.4	Subsection 1 amended	SF 113.2	J
10B.4	Subsection 2, paragraph g amended	SF 205.1	E
10B.7	Unnumbered paragraph 1 amended	SF 113.3	J
10C.6	Subsection 1, paragraph a amended	SF 205.2	E
10C.6	Subsection 1, paragraph a, unnumbered paragraph 1 amended	SF 113.4	J
10C.6	Subsection 1, paragraph a, subparagraph (2) amended	SF 113.5	J
10C.6	Subsection 2, unnumbered paragraph 1 amended	SF 113.6	J
10C.6	Subsection 2, unnumbered paragraph 1 amended	SF 205.3	E
10C.6	Subsection 2, paragraph a amended	SF 113.7	J
10C.6	Subsection 2, paragraph a amended	SF 205.4	E
11.6	Subsection 1, paragraph a, unnumbered paragraph 1 amended	HF 882.90	J
11.28	Section amended	SF 343.1	J
12.30	Subsection 1, paragraph a amended	HF 868.88	J
12.30	Subsection 1, paragraph a amended	HF 875.42	E
12.71	Subsections 1 & 7 amended	SF 113.8	J
12.81	Subsections 1 & 7 amended	SF 113.9	J
12.82	Subsection 4, paragraph d amended	HF 227.12	J
12B.6	New section	HF 882.98	E
12B.10C	New subsection 10	HF 882.147	J
12D.9	Subsection 2 amended	HF 882.107	J
12E.11	Subsection 2 amended	SF 113.10	J
12E.16	Section amended	SF 113.11	J
13.7	Section amended	HF 868.120**	J
13.10	Section repealed	HF 619.17	E
13.14	Subsection 2 amended	SF 323.1	J
13B.4	Subsection 1 amended	HF 683.1	R
			11/10/04
13B.9	Subsection 2 amended	HF 227.13	J
15.103	Section amended	HF 868.4	J
15.104	Subsection 4, unnumbered paragraph 1 amended	SF 205.5*	E
15.104	Subsection 4, unnumbered paragraph 1 amended	HF 882.108	J
15.104	New subsections 9, 10, & 11	HF 868.5	J
15.113	Section amended	HF 868.41	A J
15.115	New section	HF 868.27	J
15.115A	New section	HF 868.28	J
15.116	New section	HF 868.29	J
15.274	New section	HF 797.1	J
15.326	Section amended	HF 868.42	A J
15.327	Section amended	HF 868.43	A J
15.329	Section rewritten	HF 868.44	A J
15.330	Section rewritten	HF 868.45	A J
15.331	Section repealed	HF 868.67	A J
15.331A	Section amended	HF 868.46	A J
15.331B	Section repealed	HF 868.67	A J
15.331C	Section amended	HF 868.47	A J
15.331C	Section amended	HF 227.14	J
15.333	Section rewritten	HF 868.48	A J
15.333	Subsection 1 amended	HF 859.103	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
15.333A	Section rewritten	HF 868.49	A J
15.334	Section repealed	HF 868.67	A J
15.334A	Section repealed	HF 868.67	A J
15.335	Subsection 1, unnumbered paragraph 1 amended	HF 868.70	J
15.335	Subsection 4, unnumbered paragraph 2 amended	HF 186.1	R 1/1/03
15.335A	New section	HF 868.50	A J
15.336	Section amended	HF 868.51	A J
15.337	Section repealed	HF 868.67	A J
15.381	Section repealed	HF 868.67	A J
15.382	Section repealed	HF 868.67	A J
15.383	Section repealed	HF 868.67	A J
15.384	Section repealed	HF 868.67	A J
15.385	Subsection 4, paragraph a amended	HF 859.104*	J
15.385	Subsection 4, paragraph a amended	HF 882.136	J
15.385	Section repealed	HF 868.67	A J
15.386	Section repealed	HF 868.67	A J
15.387	Section repealed	HF 868.67	A J
15.401	New section	HF 868.82	J
15A.9	Subsection 8, paragraph e, unnumbered paragraph 2 amended	HF 186.2	R 1/1/03
15E.19	New section	HF 868.7	J
15E.21	New section	HF 868.8	J
15E.43	Subsection 4 amended	HF 831.1	J
15E.44	Subsection 2, paragraphs b & e amended	HF 831.2	J
15E.45	Subsection 2, paragraph b amended	HF 831.3	J
15E.45	Subsections 6, 7, & 8 amended	HF 831.4	J
15E.63	Subsections 6 & 7 amended	SF 114.1	E
15E.65	Subsection 2, paragraph a amended	SF 114.2	E
15E.66	Subsections 1, 2, 3, & 5 amended	SF 114.3	E
15E.192	Subsection 3, paragraph b amended	SF 365.1	J
15E.193B	Subsection 5, new paragraph f	HF 882.53	J
15E.193B	Subsection 6, paragraph a amended	HF 882.54	J
15E.193B	Subsection 8, unnumbered paragraph 1 amended	HF 857.1	A J
15E.193B	Subsection 8, unnumbered paragraph 1 amended	HF 882.55	J
15E.196	Subsection 1, paragraph a amended	HF 868.52	A J
15E.196	Subsections 3 & 6 amended	HF 868.53	A J
15E.197	New section	HF 868.54	A J
15E.202	Subsection 17, paragraph b amended	HF 859.105	J
15E.224	Subsections 1, 5, & 7 amended	HF 868.39	J
15E.225	Subsection 3 amended	HF 868.40	J
15E.231	New section	HF 868.9	J
15E.232	New section	HF 868.10	J
15E.233	New section	HF 868.11	J
15E.303	Subsections 4 & 6 amended	HF 868.71	R 1/1/05
15E.304	Subsection 2, paragraphs c & d amended	HF 868.72	R 1/1/05
15E.304	Subsection 3 amended	HF 868.73	R 1/1/05
15E.305	Subsection 1 amended	HF 868.74	R 1/1/05
15E.305	Subsection 2 amended	HF 868.75	R 1/1/05
15E.305	Subsection 2, new unnumbered paragraph	HF 868.76	R 1/1/05

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Section	Action Taken	Hse/Sen File #	Effective
15E.305	Subsection 4 amended	HF 868.77	R 1/1/05
15E.311	Subsection 3, paragraphs a & c amended	HF 868.78	R 1/1/05
15E.311	New subsection 5	HF 868.79	R 1/1/05
15E.351	New section	HF 868.12	J
15G.108	New section	HF 868.1	J
15G.110	New section	HF 809.18	J
15G.111	New section	HF 809.19*	J
15G.111	New section, subsection 2, new unnumbered paragraph	HF 868.2	J
15G.112	New section	HF 868.3	J
15H.1	New section	HF 478.1	J
15H.1	New section	HF 868.55	A E
15H.2	New section	HF 478.2	J
15H.2	New section	HF 868.56	A E
15H.3	New section	HF 478.3*	J
15H.3	New section, subsection 5 amended	HF 825.54	R 4/19/05
15H.3	New section	HF 868.57	A E
15H.4	New section	HF 478.4	J
15H.4	New section	HF 868.58	A E
15H.5	New section	HF 868.59	A E
16.26	Subsection 1 amended	SF 113.12	J
16.92	Subsection 1, paragraph g amended	HF 332.1	J
16.92	Subsection 1, new paragraph h	HF 332.2	J
16.105	Subsection 10 amended	SF 113.13	J
16.177	Subsections 1 & 7 amended	SF 113.14	J
16.184	New section	HF 825.55	J
17A.1	Subsection 2, unnumbered paragraph 2 amended	SF 113.15	J
17A.23	Unnumbered paragraph 2 amended	SF 113.16	J
21.6	Subsection 3, paragraph d amended	HF 772.1	J
22.1	Subsection 3, new unnumbered paragraph	HF 227.15	R 7/1/04
22.3	Section amended	SF 403.1	J
22.7	Subsection 37 amended	SF 323.2	J
22.7	Subsection 38, paragraph a amended	HF 227.16	J
22.7	New subsection 51	SF 342.8	J
22.10	Subsection 3, paragraph d amended	HF 772.2	J
28.1	New subsection 3A	HF 761.1	J
28.2	Subsection 3 amended	HF 761.2	J
28.3	Subsections 1 & 2 amended	HF 761.3	J
28.3	Subsection 5 amended	HF 761.4	J
28.3	Subsection 6, paragraph b amended	HF 761.5*	J
28.3	Subsection 6, paragraph b amended	HF 882.109	J
28.3	New subsection 6A	HF 761.6	J
28.4	Subsection 4 amended	HF 761.7	J
28.4	Subsection 12, paragraph d amended	HF 761.8	J
28.4	New subsections 13 & 14	HF 761.9*	J
28.4	New subsection 14 amended	HF 882.110	J
28.5	Subsection 1 amended	HF 761.10	J
28.6	Subsection 1, paragraph a amended	HF 761.11	J
28.8	Subsection 5, paragraph a amended	HF 761.12	J
28.8	Subsection 5, paragraph c, unnumbered paragraph 1 amended	HF 761.13	J
28.8	Subsection 5, new paragraph e	HF 761.14	J
28.9	Subsection 3 amended	HF 825.56	J
28.10	New section	HF 761.15	J
28J.1	New section	HF 868.89	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
28J.2	New section	HF 868.90	J
28J.3	New section	HF 868.91	J
28J.4	New section	HF 868.92	J
28J.5	New section	HF 868.93	J
28J.6	New section	HF 868.94	J
28J.7	New section	HF 868.95	J
28J.8	New section	HF 868.96	J
28J.9	New section	HF 868.97	J
28J.10	New section	HF 868.98	J
28J.11	New section	HF 868.99	J
28J.12	New section	HF 868.100	J
28J.13	New section	HF 868.101	J
28J.14	New section	HF 868.102	J
28J.15	New section	HF 868.103	J
28J.16	New section	HF 868.104	J
28J.17	New section	HF 868.105	J
28J.18	New section	HF 868.106	J
28J.19	New section	HF 868.107	J
28J.20	New section	HF 868.108	J
28J.21	New section	HF 868.109	J
28J.22	New section	HF 868.110	J
28J.23	New section	HF 868.111	J
28J.24	New section	HF 868.112	J
28J.25	New section	HF 868.113	J
28J.26	New section	HF 868.114	J
28J.27	New section	HF 868.115	J
28J.28	New section	HF 868.116	J
28J.29	New section	HF 868.117	J
28M.3	Unnumbered paragraph 1 amended	HF 227.17	J
28M.3	Unnumbered paragraph 2 amended	SF 339.1	J
28M.4	Subsection 1 amended	SF 339.2	J
28M.5	Section amended	SF 339.3	J
28M.6	New section	SF 339.4	J
29A.1	New subsection 0A	HF 716.1	J
29A.3A	New section	HF 716.2	J
29A.12	Section amended	HF 716.3	J
29B.82	Section amended	SF 113.17	J
29C.5	Section amended	HF 716.4	J
29C.8	Subsection 3, paragraph g amended	HF 716.5	J
29C.20	Subsection 1, paragraph a, subparagraph (5) amended	HF 789.1	J
34A.7	Subsection 2, paragraph b amended	SF 413.1	J
34A.7A	Subsection 1, paragraph c, subparagraph (1) amended	SF 413.2	J
35.1	Subsection 1 amended	HF 374.2	E
35.1	Subsection 2, paragraph b, subparagraphs (1) & (2) amended	HF 374.3	E
35.1	Subsection 2, paragraph b, new subparagraphs (6) & (7)	HF 374.4	E
35.2	New section	HF 374.5	E
35.8	Section amended	HF 374.6	E
35.9	Unnumbered paragraph 1 amended	HF 374.7	E

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35.10	Section amended	HF 374.8	E
35A.1	New subsection 3A	HF 374.9	E
35A.3	Subsections 2 & 3 amended	HF 374.10	E
35A.3	Subsections 5, 6, 7, 8, 9, 10, 11, 12, & 14 stricken	HF 374.11	E
35A.4	New section	HF 374.12	E
35A.5	New section	HF 374.13	E
35A.8	Subsections 1 & 3 amended	HF 374.14	E
35A.9	Subsections 1 & 2 amended	HF 374.15	E
35B.5	Section amended	HF 374.16	E
35B.6	Subsection 1, paragraph b amended	HF 374.17	E
35B.11	Section amended	HF 374.18	E
35B.19	Section amended	HF 374.19	E
35D.18	New section	HF 825.57	J
36.1	Subsection 3 amended	HF 374.20	E
36.1	New subsection 3A	HF 374.21	E
36.2	Section amended	HF 374.22	E
36.3	Section amended	HF 374.23	E
36.4	Unnumbered paragraph 1 amended	HF 374.24	E
36.6	Unnumbered paragraph 1 amended	HF 374.25	E
36.7	Section amended	HF 374.26	E
39.21	New subsection 4	HF 222.1	J
39.22	Subsection 1, unnumbered paragraph 2 amended	HF 222.2	J
39.22	Subsection 2 amended	HF 222.3	J
43.21	Section repealed	HF 222.10	J
43.26	Section amended	HF 222.4	J
43.53	Section amended	HF 222.5	J
43.67	Unnumbered paragraph 1 amended	HF 222.6	J
48A.11	Subsection 8 amended	HF 227.18	J
48A.25A	Unnumbered paragraph 1 amended	HF 227.19	J
48A.38	Subsection 1, paragraph f amended	HF 227.20	J
49.30	Subsection 1 amended	HF 222.7	J
49.30	Subsection 2, paragraph a amended	HF 222.8	J
49.37	Subsection 3 amended	HF 222.9	J
50.20	Section amended	HF 227.21	J
50.22	Unnumbered paragraphs 1, 2, & 3 amended	HF 227.22	J
53.10	Unnumbered paragraph 3 amended	HF 312.1	J
53.11	Subsection 4 amended	HF 312.2	J
53.23	Subsections 5 & 6 amended	HF 227.23	J
53.24	Section amended	HF 227.24	J
53.31	Unnumbered paragraph 2 amended	HF 227.25	J
68A.102	Subsection 9 amended	HF 312.3	J
68A.102	Subsection 12 amended	HF 312.4	J
68A.203	Subsection 2 amended	HF 312.5	J
68A.304	Subsection 1, paragraph d amended	HF 312.6	J
68A.304	New subsection 3	HF 312.7	J
68A.402	Subsection 6, paragraphs a & b amended	HF 312.8	J
68A.402	Subsection 7, paragraphs a & b amended	HF 312.9	J
68A.402	Subsection 8 amended	HF 312.10	J
68A.402	Subsection 10 amended	HF 312.11	J
68A.402B	Subsection 2, paragraph b stricken	HF 312.12	J
68A.404	Subsection 1 amended	HF 312.13	J
68A.404	Subsection 2 rewritten	HF 312.14	J
68A.404	Subsection 3 stricken	HF 312.15	J
68A.405	Subsection 2, paragraph b amended	HF 312.16	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
68A.406	Subsection 1, paragraph f amended	HF 312.17	J
68A.406	Subsection 2, new paragraphs e & f	HF 312.18	J
68A.406	Subsection 3 amended	HF 312.19	J
68A.406	Subsection 3 amended	SF 113.18	J
68A.503	Subsection 4, paragraph a amended	SF 113.19	J
68A.503	Subsection 4, paragraph c amended	HF 312.20	J
68B.1	Section amended	HF 253.1	J
68B.2	Subsections 1 & 2 amended	HF 253.2	J
68B.4	Unnumbered paragraph 2 amended	HF 253.3	J
68B.4B	Unnumbered paragraph 1 amended	HF 253.4	J
68B.22	Subsection 4, paragraph r amended	HF 253.5	J
68B.32A	Subsections 3, 5, 11, & 12 amended	HF 253.6	J
70A.17B	New section	HF 748.1	J
73A.1	Subsection 2 amended	HF 882.148	J
76.16	Section amended	SF 113.20	J
76.16A	Unnumbered paragraph 1 amended	SF 113.21	J
80.1A	New section	SF 283.1	J
80.4	Section repealed	SF 283.32	J
80.5	Section repealed	SF 283.32	J
80.6	Section amended	SF 283.2	J
80.8	Unnumbered paragraphs 1, 3, & 5 amended	SF 283.3	J
80.9	Unnumbered paragraph 1 amended	SF 283.4	J
80.9	Subsection 1, paragraph b amended	SF 283.5	J
80.9	Subsection 1, unnumbered paragraph 2 amended	SF 283.6	J
80.9	Subsection 4 rewritten	SF 283.7	J
80.9	New subsection 5	SF 283.8	J
80.10	Section repealed	SF 283.32	J
80.11	Section amended	SF 283.9	J
80.12	Section repealed	SF 283.32	J
80.13	Section amended	SF 283.10	J
80.15	Section amended	SF 283.11	J
80.16	Section repealed	SF 283.32	J
80.17	Section amended	SF 283.12	J
80.18	Section amended	SF 283.13	J
80.19	Unnumbered paragraph 1 amended	SF 283.14	J
80.20	Section amended	SF 283.15	J
80.23	Section amended	SF 283.16	J
80.24	Section amended	SF 283.17	J
80.25	Section repealed	SF 283.32	J
80.27	Section repealed	SF 283.32	J
80.30	Section repealed	SF 283.32	J
80.33	Section amended	SF 283.18	J
80.34	Section amended	SF 283.19	J
80.35	Section repealed	SF 283.32	J
80.36	Section amended	SF 283.20	J
80.39	Subsection 1 amended	SF 283.21	J
81.1	New section	HF 619.1	E
81.2	New section	HF 619.2	E

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81.3	New section	HF 619.3	E
81.4	New section	HF 619.4	E
81.5	New section	HF 619.5	E
81.6	New section	HF 619.6	E
81.7	New section	HF 619.7	E
81.8	New section	HF 619.8	E
81.9	New section	HF 619.9	E
81.10	New section	HF 619.10	E
84A.6	Subsection 2 amended	HF 825.58	J
85.27	Subsection 7 amended	SF 342.9	J
85.34	Subsection 2, unnumbered paragraph 2 amended	HF 227.26	J
85.35	Section amended	SF 342.10	J
85.38	Subsection 2, unnumbered paragraph 2 amended	SF 342.11	J
85.71	New subsection 5	SF 342.12	J
86.24	Subsection 4 amended	SF 342.13	J
86.45	New section	SF 342.14	J
87.11	Unnumbered paragraph 1 amended	SF 342.15	J
87.14A	Section amended	SF 342.16	J
87.16	Section repealed	SF 342.22	J
87.17	Section repealed	SF 342.22	J
87.19	Unnumbered paragraph 1 amended	SF 342.17	J
87.20	Section amended	SF 342.18	J
89.4	Subsection 1, paragraph h amended	HF 613.1	J
91A.3	Subsection 3 amended	SF 342.19	J
91A.6	Subsection 3 amended	SF 342.20	J
91A.6	New subsection 4	SF 342.21	J
96.7	Subsection 2, paragraph b amended	HF 764.1	J
96.16	New subsection 5	HF 764.2	J
96.51	New section	HF 809.20	J
97.51	Subsection 1, paragraphs b & c amended	HF 227.27	J
97.51	Subsections 2, 3, 4, & 6 amended	HF 227.28	J
97.51	Subsections 4 & 6 amended	HF 882.111	J
97A.1	Subsection 13 rewritten	SF 283.22	J
97A.3	Subsection 1 amended	SF 283.23	J
97B.1A	Subsection 8, paragraph b, subparagraph (5) amended	HF 882.112	J
97B.1A	Subsection 11, paragraph b amended	SF 113.22	J
97B.42B	Subsection 1, paragraph c stricken	SF 283.24	J
97B.49C	Subsection 1, paragraph c amended	HF 227.29	J
97B.52A	Subsection 1, paragraph c amended	HF 841.29	C
97C.2	Subsection 4 amended	SF 113.23	J
99B.5	Subsection 1, paragraphs e & g amended	HF 646.1	J
99B.5	Subsection 3, unnumbered paragraph 1 amended	HF 646.2	J
99B.5	Subsection 3, paragraph a amended	HF 646.3	J
99B.5	Subsection 4 amended	HF 646.4	J
99B.7	Subsection 1, paragraph d, unnumbered paragraphs 1 & 2 amended	HF 646.5	E
99B.7	Subsection 3, paragraph a amended	HF 227.30	J
99B.8	Subsection 1, unnumbered paragraph 1 amended	HF 646.6	J
99B.10	New subsection 9	HF 646.7	J
99B.10D	New section	HF 646.8	J
99B.11	New subsection 3	HF 646.9	J
99B.14	Section amended	HF 646.10	J
99D.2	Subsection 9 amended	SF 113.24	J
99D.5	Subsection 4 amended	HF 881.15	J

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99D.11	Subsection 3 amended	SF 113.25	J
99D.13	Subsection 2 amended	HF 882.113	J
99D.13	Subsection 3, unnumbered paragraph 1 amended	HF 882.114	J
99D.13	Subsection 3, paragraph c, unnumbered paragraph 1 amended	SF 113.26	J
99D.20	Section amended	SF 113.27	J
99D.22	Subsection 3, paragraph d rewritten	HF 808.19	J
99D.22	New subsection 3A	HF 808.20	J
99D.24	Subsection 3 amended	HF 227.31	J
99F.4C	Subsection 2 amended	SF 113.28	J
99F.10	Subsection 4 amended	HF 641.1	J
100B.13	Subsections 1 & 4 amended	SF 283.25	J
100C.9	Section amended	SF 283.26	J
100C.10	Subsection 1 amended	SF 283.27	J
101.28	Section repealed	HF 227.125	J
123.3	Subsection 12A amended	HF 141.1	J
123.3	Subsection 15 amended	HF 770.3	VETO
123.14	Section amended	SF 283.28	J
123.32	Subsection 4 amended	HF 141.2	J
123.47	Subsection 3 amended	HF 275.1	J
123.53	Subsection 3 amended	HF 882.144	7/1/06
123.183	Subsection 3, paragraph a rewritten	SF 395.1	J
124.212	Subsection 4 rewritten	SF 169.1*	E
124.212	Rewritten subsection 4, paragraph c amended	HF 882.56	J
124.213	New section	SF 169.2	5/21/05
124.308	Subsection 2 amended	SF 113.29	J
124.510	Unnumbered paragraph 2 amended	SF 283.29	J
125.2	New subsection A1	HF 825.59	J
125.2	Subsection 6 stricken	HF 825.60	J
125.3	Section amended	HF 825.61	J
125.4	Section repealed	HF 825.128	J
125.5	Section repealed	HF 825.128	J
125.6	Section repealed	HF 825.128	J
125.7	Section amended	HF 825.62	J
125.9	Subsection 1 amended	HF 825.63	J
125.10	Subsections 1 & 11 amended	HF 825.64	J
125.12	Subsection 1 amended	HF 825.65	J
125.13	Subsection 2, paragraphs a, b, i, & j amended	HF 825.66	J
125.14	Section amended	HF 825.67	J
125.15A	Subsection 1, paragraph b amended	HF 825.68	J
125.16	Section amended	HF 825.69	J
125.17	Section amended	HF 825.70	J
125.18	Section amended	HF 825.71	J
125.19	Section amended	HF 825.72	J
125.21	Section amended	HF 825.73	J
125.43A	Section amended	HF 825.74	J
125.58	Subsection 1 amended	HF 825.75	J
126.23A	Section rewritten	SF 169.3*	5/21/05
126.23A	Rewritten section, subsection 1, paragraph a,		

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	subparagraph (1) amended	HF 882.115	J
126.23A	Rewritten section, subsection 1, paragraph b, subparagraph (3) amended	HF 882.116	J
126.23A	Rewritten section, subsection 3 amended	HF 882.117	J
126.23B	New section	SF 169.4	5/21/05
135.11	Subsection 16 amended	HF 789.2	J
135.11	Subsection 17 amended	HF 770.4	VETO
135.11	New subsection 30	HF 789.3	J
135.20	New section	HF 374.27	E
135.22A	Subsection 7 amended	HF 789.4	J
135.24	Subsection 1 amended	HF 620.1	E
135.24	Subsection 2, paragraphs a, c, & d amended	HF 620.2	E
135.24	Subsection 3, paragraph b amended	HF 620.3	E
135.24	Subsection 4 amended	HF 620.4	E
135.24	Subsections 5 & 6 amended	HF 620.5	E
135.31	Section amended	SF 113.30	J
135.39C	New section	HF 825.76	J
135.43	Subsection 3, paragraph d amended	HF 190.1	J
135.43	Subsection 3, new paragraphs e, f, & g	HF 190.2*	J
135.43	Subsection 3, new paragraph g amended	HF 882.118	J
135.43	Subsection 4, new paragraph g	HF 190.3	J
135.45	Section repealed	HF 789.39	J
135.46	Section repealed	HF 789.39	J
135.47	Section repealed	HF 789.39	J
135.48	Section repealed	HF 789.39	J
135.107	Subsection 1, new unnumbered paragraph	HF 789.5	J
135.140	Subsection 5 amended	HF 789.6	J
135.140	Subsection 6 amended	HF 789.7	J
135.141	Subsection 1 amended	HF 789.8	J
135.143	Section amended	HF 789.9	J
135.144	Subsection 11 amended	HF 227.32	J
135.146	Subsection 1 amended	SF 113.31	J
135.150	Subsection 2 amended	HF 825.77	J
135.152	New section	HF 841.43	C
135B.31	Section amended	HF 841.44	C
135C.5	Section amended	HF 786.1	J
135C.31A	Section amended	HF 374.28	E
135C.37	Section amended	SF 304.1	J
135H.6	New subsection 11	HF 538.1	J
135J.1	Unnumbered paragraph 1 amended	SF 113.32	J
135J.2	Unnumbered paragraph 1 amended	SF 113.33	J
135J.5	Section amended	SF 113.34	J
135J.7	Section amended	SF 113.35	J
135M.1	New section	HF 724.1	J
135M.2	New section	HF 724.2	J
135M.3	New section	HF 724.3	J
135M.4	New section	HF 724.4	J
135M.5	New section	HF 724.5	J
135M.6	New section	HF 724.6*	J
135M.6	New section amended	HF 882.119	J
135M.7	New section	HF 724.7	J
136.1	Unnumbered paragraph 1 amended	HF 825.78	J
136.3	Subsection 7 amended	HF 825.79	J

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136.3	New subsection 10	HF 825.80	J
136A.5	Subsection 3 amended	HF 227.33	J
136C.10	Subsection 1 amended	HF 825.81	J
137C.2	Subsections 2 & 3 amended	HF 770.5	VETO
137D.1	Subsection 2 amended	HF 770.6	VETO
137D.2	Subsection 1 amended	HF 770.7	VETO
137F.1	Subsections 3 & 4 amended	HF 770.8	VETO
139A.8A	New section	HF 789.10	J
142A.4	New subsection 23	HF 882.57	J
142A.11	Section repealed	HF 789.39	J
142C.15	Subsection 4, paragraph a amended	HF 789.11	J
144.13A	Subsection 3 amended	HF 841.45	C
144.13A	Subsection 4, paragraph a, unnumbered paragraph 2 amended	HF 825.82	E
144.23	Subsection 1 amended	HF 789.12	J
144.40	Section amended	HF 789.13	J
144.46A	New section	HF 825.83	J
144.56A	New section	HF 811.19	J
147.2	Unnumbered paragraph 2 amended	HF 784.1**	J
147.5	Unnumbered paragraph 2 amended	HF 784.2**	J
147.7	Unnumbered paragraph 2 amended	HF 784.3**	J
147.14	Subsection 3 amended	SF 113.36	J
147.28A	New section	HF 825.84	J
147.80	New unnumbered paragraph	HF 825.85	J
147.82	Section amended	HF 825.86	J
147.88	Section amended	HF 770.9	VETO
147.94	Section amended	HF 825.87	J
147.102	Section amended	HF 825.88	J
147.105	New section	HF 418.1*	J
147.105	New section, subsection 2 amended	HF 882.120	J
147.152	Subsection 2 amended	SF 113.37	J
147.152	Unnumbered paragraph 2 amended	SF 113.38	J
148.12	Section amended	HF 789.14	J
152.6	Section amended	HF 784.4**	J
152.7	Unnumbered paragraph 2 amended	HF 784.5**	J
152.8	Subsections 1 & 2 amended	HF 784.6**	J
152.10	Subsection 2, paragraph d, subparagraph (2) amended	HF 784.7**	J
152B.5	Section amended	HF 789.15	J
152B.14	Section amended	HF 789.16	J
152E.2	Unnumbered paragraph 1 amended	HF 784.8**	J
152E.3	New section	HF 784.9**	J
153.39	Subsection 2 amended	HF 131.1	J
153.39	Subsection 3 amended	HF 131.2	J
154A.22	Section amended	HF 825.89	J
154D.2	Subsection 1, paragraph b amended	HF 789.17	J
154D.2	Subsection 2, paragraph b amended	HF 789.18	J
155.6	Section amended	HF 825.90	J
155A.3	Subsection 11 amended	HF 882.172	J
155A.3	New subsection 22A	HF 882.173	J

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Section	Action Taken	Hse/Sen File #	Effective
155A.3	New subsection 23A	HF 882.174	J
155A.3	Subsection 33, paragraph b amended	HF 882.175	J
155A.3	Subsection 35 amended	HF 882.176	J
155A.3	Subsection 38 amended	HF 882.177	J
155A.4	Subsection 2, paragraph a amended	HF 882.178	J
155A.13	Subsection 6, unnumbered paragraph 1 amended	HF 882.179	J
155A.17	Subsection 2 amended	HF 882.180	J
155A.17	Subsection 3 amended	HF 882.181	J
155A.19	Subsection 1, paragraph f rewritten	HF 882.182	J
155A.19	New subsection 3	HF 882.183	J
155A.20	Subsection 1 amended	HF 882.184	J
155A.21	Section amended	HF 882.185	J
155A.23	Section amended	HF 882.186	J
155A.24	Section amended	HF 882.187	J
155A.40	New section	HF 882.188	J
155A.41	New section	HF 882.189	J
156.4	Subsection 4 amended	HF 789.19	J
157.1	Subsection 12, paragraph c amended	HF 789.20	J
157.1	Subsection 14 amended	HF 789.21	J
157.1	New subsection 15A	HF 789.22	J
157.2	New subsection 5	HF 789.23	J
157.3	Subsection 1 amended	HF 789.24	J
157.3A	Unnumbered paragraph 1 amended	SF 113.39	J
157.3A	Subsection 1, paragraph a amended	HF 789.25	J
157.3A	Subsection 2, paragraph a amended	HF 789.26	J
157.3A	Subsection 3 amended	HF 789.27	J
157.3A	Subsection 4 amended	HF 789.28	J
157.4	Section amended	HF 789.29	J
157.5	Subsection 1, unnumbered paragraph 1 amended	HF 789.30	J
157.5	Subsection 2 amended	HF 789.31	J
157.7	Unnumbered paragraph 1 amended	HF 770.10	VETO
157.12A	Section amended	HF 789.32	J
157.13	Subsection 1 amended	HF 789.33	J
158.2	New subsection 7	HF 811.20	J
158.6	Unnumbered paragraph 1 amended	HF 770.11	VETO
161A.20	Unnumbered paragraph 5 amended	HF 438.1	J
161A.33	Section amended	HF 438.2	J
161A.34	Section amended	HF 438.3	J
161A.80	Subsection 2, paragraphs a & b amended	HF 875.17	J
162.2	Subsection 6 amended	SF 113.40	J
163.3	Section amended	SF 201.1	J
163.3A	New section	SF 201.2	J
163.13	Section repealed	HF 227.125	J
163.22	Section repealed	HF 227.125	J
165B.5	Subsection 4, paragraph d amended	SF 113.41	J
166.1	Subsection 3 amended	HF 227.34	J
167.4	Subsection 3 amended	SF 113.42	J
167.15	Subsection 2 amended	SF 113.43	J
169.5	Subsection 7, unnumbered paragraph 3 stricken	SF 200.1	J
170.1	Subsection 4 amended	SF 206.1	J
170.1A	New section	SF 206.2	J
170.3A	New section	HF 808.21	J
170.3B	New section	HF 808.22	J
170.3C	New section	HF 808.23	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
173.14B	Subsections 2 & 7 amended	SF 113.44	J
174.15	Section amended	HF 227.35	J
175.2	New subsection 0A	HF 869.1	VETO
175.17	Subsections 1 & 7 amended	SF 113.45	J
175.37	New section	HF 869.2	VETO
175A.3	Subsection 1, paragraph a amended	SF 395.2	J
175A.3	Subsection 2, new paragraph f	SF 395.3	J
181.17	Section amended	SF 113.46	J
181.18	Section amended	SF 113.47	J
184.1	Subsection 4 amended	HF 580.1	J
184.3	Section amended	HF 580.2	J
184.9	Section rewritten	HF 580.3	J
184.9A	New section	HF 580.4	J
184.9B	New section	HF 580.5	J
184.10	Unnumbered paragraph 1 amended	HF 580.6	J
184.10	Subsection 6 amended	HF 580.7	J
184.10	Subsection 7 rewritten	HF 580.8	J
184.14	Unnumbered paragraph 2 amended	HF 580.9	J
185.1	Subsections 1 & 8 stricken	HF 700.1	J
185.1	New subsections 1A, 5A, 8A, 8B, 12A, & 13A	HF 700.2	J
185.1	Subsections 2, 9, 10, & 12 amended	HF 700.3	J
185.1A	New section	HF 700.4	J
185.1B	New section	HF 700.5	J
185.3	Section amended	HF 700.6	J
185.5	Section amended	HF 700.7	J
185.6	Section amended	HF 700.8	J
185.7	Section amended	HF 700.9	J
185.8	Section amended	HF 700.10	J
185.9	Section amended	HF 700.11	J
185.10	Section repealed	HF 700.28	J
185.11	Subsection 1 amended	HF 700.12	J
185.13	Unnumbered paragraph 1 amended	HF 700.13	J
185.13	Subsections 2 & 4 amended	HF 700.14	J
185.13	New subsection 6	HF 700.15	J
185.14	Section amended	HF 700.16	J
185.20	Section amended	HF 700.17	J
185.21	Section amended	HF 700.18	J
185.22	Section amended	HF 700.19	J
185.23	Section amended	HF 700.20	J
185.24	Section amended	HF 700.21	J
185.25A	Section repealed	HF 700.28	J
185.26	Section amended	HF 700.22	J
185.27	Section amended	HF 700.23	J
185.29	Section amended	HF 700.24	J
185.34	Section amended	HF 700.25	J
185.35	New section	HF 700.26	J
185A	Chapter repealed	HF 700.27	J
196.1	Subsection 3 amended	HF 770.12	VETO

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Section	Action Taken	Hse/Sen File #	Effective
199.1	New subsections 11A & 11B	HF 642.2	J
199.13A	New section	HF 642.3	J
200.3	New subsections 0A & 12A	HF 476.1	J
200.17A	New section	HF 476.2	J
200.18	Subsection 2 amended	HF 476.3	J
203.1	Subsection 10, paragraph i amended	HF 859.106	J
214A.6	Section repealed	SF 200.2	J
216.15	Subsection 3, paragraph a amended	SF 215.1	J
216.15	Subsection 3, paragraph c amended	SF 215.2	J
216.15	Subsection 10 amended	SF 215.3	J
216.15B	Subsection 2 amended	SF 323.3	J
216.17	Subsection 1, unnumbered paragraph 2 amended	SF 215.4	J
216A.156	Section amended	SF 113.48	J
216E.7	Section amended	SF 113.49	J
217.3	Subsection 4 amended	SF 272.1	J
217.13	Subsection 1 amended	HF 825.91	J
217.35	New section	HF 825.92	J
217.41	Subsection 1 amended	SF 113.50	J
218.6	New section	HF 825.93	J
218.28	Section amended	SF 113.51	J
218.78	Subsection 1 amended	HF 841.30	C
218A.1	New section	HF 841.62	C
222.92	New section	HF 825.94	J
225C.42	Subsection 2, paragraph c amended	HF 227.36	J
226.9B	New section	HF 825.95	J
226.9C	New section	HF 825.96	J
226.19	Section amended	HF 825.97	J
227.4	Section amended	HF 825.98	J
229.36	Section amended	SF 113.52	J
229A.7	New subsection 5A	HF 619.11	E
229A.12	Section amended	HF 825.99	J
230.20	Subsection 2, paragraph a amended	HF 841.31	C
230.20	Subsections 5 & 6 amended	HF 841.32	C
231.3	Subsection 4 amended	SF 304.2	J
231.4	Section amended	SF 304.3	J
231.14	Unnumbered paragraph 2 amended	SF 304.4	J
231.14	Subsection 7 amended	SF 304.5	J
231.23	Subsection 3 amended	SF 304.6	J
231.23A	Subsection 1 amended	SF 304.7	J
231.23A	Subsection 3 stricken	HF 478.5	J
231.33	Subsections 4, 8, & 11 amended	SF 304.8	J
231.33	Subsection 17 stricken	SF 304.9	J
231.34	New section	HF 825.100	J
231.42	Unnumbered paragraph 1 amended	SF 304.10	J
231.43	Subsection 3 amended	SF 304.11	J
231.44	Subsections 2 & 4 amended	SF 304.12	J
231.51	Section amended	SF 304.13	J
231.55	Section repealed	HF 478.6	J
231.56	Section amended	SF 304.14	J
231.58	Subsection 4, paragraphs b, d, f, & i amended	SF 304.15	J
231B.1	Section rewritten	HF 710.1	J
231B.1A	New section	HF 710.2	J
231B.2	Section rewritten	HF 710.3	J
231B.4	Section rewritten	HF 710.4	J

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231B.5	New section	HF 710.5	J
231B.6	New section	HF 710.6	J
231B.7	New section	HF 710.7	J
231B.8	New section	HF 710.8	J
231B.9	New section	HF 710.9	J
231B.10	New section	HF 710.10	J
231B.11	New section	HF 710.11	J
231B.12	New section	HF 710.12	J
231B.13	New section	HF 710.13	J
231B.14	New section	HF 710.14	J
231B.15	New section	HF 710.15	J
231B.16	New section	HF 710.16	J
231B.17	New section	HF 710.17	J
231B.18	New section	HF 710.18	J
231B.19	New section	HF 710.19	J
231B.20	New section	HF 710.20	J
231B.21	New section	HF 710.21	J
231C.1	Subsection 1 amended	HF 585.1	E
231C.1	Subsection 2, paragraphs b & c amended	HF 585.2	E
231C.2	Subsections 2, 5, & 9 amended	HF 585.3*	E
231C.2	Subsection 7 rewritten	HF 585.4	E
231C.2	Subsection 9 amended	HF 882.121	J
231C.2	Subsection 13 rewritten	HF 585.5	E
231C.3	Subsection 1, unnumbered paragraph 1 amended	HF 585.6	E
231C.3	Subsection 1, paragraph b amended	HF 585.7	E
231C.3	Subsection 2 stricken	HF 585.8	E
231C.3	Subsection 7 amended	HF 585.9	E
231C.3	New subsections 11 & 12	HF 585.10	E
231C.5	Section amended	HF 585.11	E
231C.6	Subsection 1 amended	HF 585.12	E
231C.8	Section amended	HF 585.13	E
231C.9	Section amended	HF 585.14	E
231C.10	Subsection 1 amended	HF 585.15	E
231C.14	New subsection 3	HF 585.16	E
231C.15	Section amended	HF 585.17	E
231C.16A	New section	HF 585.18	E
231C.17	Subsections 1 & 3 amended	HF 585.19	E
231C.18	Subsection 2, new paragraph e	HF 585.20	E
231D.1	Section amended	HF 587.1	E
231D.2	Section amended	HF 587.2	E
231D.3	Subsections 2, 4, & 5 amended	HF 587.3	E
231D.3	New subsections 6 & 7	HF 587.4	E
231D.4	Subsection 2, paragraph b, new subparagraph (5)	HF 587.5	E
231D.5	Subsection 1 amended	HF 587.6	E
231D.6	Subsection 3 amended	HF 587.7	E
231D.9	Subsection 1 amended	HF 587.8	E
231D.9A	New section	HF 587.9	E
231D.10	Section amended	HF 587.10	E

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231D.11	Section amended	HF 587.11	E
231D.12	Section amended	HF 587.12	E
231D.13A	New section	HF 587.13	E
231D.16	Section amended	HF 587.14	E
231D.17	New section	HF 587.15	E
231D.18	New section	HF 587.16	E
231E.1	New section	HF 825.130	J
231E.2	New section	HF 825.131	J
231E.3	New section	HF 825.132	J
231E.4	New section	HF 825.133	J
231E.5	New section	HF 825.134	J
231E.6	New section	HF 825.135	J
231E.7	New section	HF 825.136	J
231E.8	New section	HF 825.137	J
231E.9	New section	HF 825.138	J
231E.10	New section	HF 825.139	J
231E.11	New section	HF 825.140	J
231E.12	New section	HF 825.141	J
231E.13	New section	HF 825.142	J
231F.1	New section	HF 825.146	J
232.1A	New section	HF 825.101	J
232.2	Subsection 4, new paragraph k	HF 753.1	J
232.2	Subsection 6, paragraph f amended	HF 538.2	C
232.13	Subsection 1, paragraph b amended	SF 352.1	J
232.48	Subsection 4 amended	HF 753.2	J
232.49	Subsection 1 amended	HF 753.3	J
232.52	New subsection 10	HF 619.12	E
232.68	Subsection 2, new paragraph i	HF 619.20	J
232.69	Subsection 1, paragraph b, new subparagraph (13)	SF 343.2	J
232.71D	Subsection 3, paragraph i stricken	SF 343.3	J
232.97	Subsection 3 amended	HF 753.4	J
232.147	Subsection 3, paragraph c amended	SF 352.2	J
232.181	Section amended	HF 753.5	J
232.188	Section rewritten	HF 616.1	J
232.190	Subsection 3 amended	HF 616.2	J
233.2	Subsection 2, paragraph c amended	HF 789.34	J
233A.1	New subsection 3	HF 825.102	J
233B.1	Section amended	HF 825.103	J
234.7	Section amended	HF 538.3	J
234.12A	Subsection 1, unnumbered paragraph 1 amended	HF 825.104	J
234.39	Subsections 1 & 2 amended	SF 330.1	J
235.7	Subsection 2 amended	HF 616.3	J
235A.15	Subsection 2, paragraph b, subparagraph (9) stricken	SF 343.4	J
235A.15	Subsection 2, paragraph c, new subparagraphs (12) & (13)	SF 343.5	J
235A.15	Subsection 2, paragraph d, subparagraph (3) amended	HF 227.37	J
235A.15	Subsection 2, paragraph e, new subparagraph (18)	SF 343.6	J
235A.15	Subsection 3, paragraphs b & c amended	SF 343.7	J
235A.15	Subsection 4, paragraph c amended	SF 343.8	J
235A.19	Subsection 2, paragraph b, new subparagraph (9)	SF 343.9	J
235B.6	Subsection 2, paragraph d, new subparagraph (4)	SF 335.1	J
235B.6	Subsection 2, paragraph e, new subparagraph (11)	HF 825.143	J
235B.18	Subsections 1 & 4 amended	HF 760.1	J
235B.19	Subsection 1 amended	HF 760.2	J
235B.19	Subsection 3, unnumbered paragraph 1 amended	HF 760.3	J

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235B.19	Subsection 5 amended	HF 760.4	J
235B.19	Subsection 6, unnumbered paragraph 1 amended	HF 760.5	J
235D.1	New section	HF 619.44	J
237.21	Subsections 1 & 3 amended	SF 352.3	J
237A.1	Subsection 3, paragraph k, subparagraph (2) amended	HF 616.4	J
237A.28	Section amended	HF 825.105	J
237A.30	Section rewritten	HF 761.20	J
239B.4	New subsections 3A & 3B	HF 825.106	J
239B.8	Subsection 7 stricken	SF 343.10	J
239B.11	Section amended	HF 825.107	J
249.1	Subsection 4 amended	HF 882.122	J
249.3	Subsection 4, paragraphs e & g amended	HF 825.108	J
249.10	Section amended	HF 882.123	J
249A.3	Subsection 11, paragraph d amended	SF 379.1	J
249A.4	Subsection 8 stricken	SF 272.2	J
249A.4	Subsection 12 stricken	HF 841.46	C
249A.4B	New section	SF 272.3	J
249A.11	Section amended	HF 841.33	C
249A.12	Subsection 6, paragraph c amended	HF 825.109	J
249A.12	Subsection 6, new paragraph d	HF 825.110	J
249A.12	New subsection 7	HF 825.111	J
249A.20A	Subsection 9 amended	SF 113.53	J
249A.20B	Section repealed	HF 841.40	C
249A.24	New subsection 3	HF 825.112	J
249A.26	Section amended	HF 825.113	J
249A.26A	Section amended	HF 825.114	J
249A.32A	New section	HF 825.115	J
249A.32B	New section	HF 825.116	J
249A.34	Subsection 1, paragraph h amended	SF 272.4	J
249A.34	Subsection 6, paragraph a, subparagraph (7), subparagraph subdivision (f) amended	SF 113.54	J
249A.34	Section repealed	HF 841.40	C
249A.35	New section	HF 819.1	C
249G.	Chapter repealed	HF 819.11	C
249H.4	New subsection 7	HF 841.34	C
249I	Chapter repealed	HF 841.39	C
249J.1	New section	HF 841.1	C
249J.2	New section	HF 841.2	C
249J.3	New section	HF 841.3	C
249J.4	New section	HF 841.4	C
249J.5	New section	HF 841.5	C
249J.6	New section	HF 841.6	C
249J.7	New section	HF 841.7	C
249J.8	New section	HF 841.8*	C
249J.8	New section, subsection 4 amended	HF 825.117	J
249J.9	New section	HF 841.9	C
249J.10	New section	HF 841.10	C
249J.11	New section	HF 841.11	C

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249J.12	New section	HF 841.12	C
249J.13	New section	HF 841.13	C
249J.14	New section	HF 841.15	C
249J.14A	New section	HF 841.16	C
249J.15	New section	HF 841.17	C
249J.16	New section	HF 841.18	C
249J.17	New section	HF 841.19	C
249J.18	New section	HF 841.20	C
249J.19	New section	HF 841.21	C
249J.20	New section	HF 841.22	C
249J.21	New section	HF 841.23	C
249J.22	New section	HF 841.24	C
249J.23	New section, subsections 1, 2, 3, 4, 5, & 8	HF 841.25	C
249J.23	New section, subsections 6 & 7	HF 841.25	E
249J.24	New section	HF 841.26	C
249J.25	New section	HF 841.27	C
249J	Chapter repealed	HF 841.27	6/30/10
252A.3	Subsections 1 & 2 amended	SF 330.2	J
252A.3	New subsection 8A	SF 330.3	J
252A.6	Subsection 4 amended	SF 330.4	J
252A.6A	Subsection 1, paragraph b amended	SF 330.5	J
252A.6A	Subsection 2, paragraph a, subparagraph (2) amended	SF 330.6	J
252A.6A	Subsection 3 amended	SF 330.7	J
252B.4	Subsection 3 amended	HF 825.118	J
252B.5	Subsection 4 amended	SF 330.8	J
252B.5	Subsection 7, unnumbered paragraph 1 amended	SF 330.9	J
252B.6	Subsection 3 amended	SF 330.10	J
252B.9	Subsection 1, paragraph b amended	SF 330.11	J
252B.9	Subsection 1, paragraph d, subparagraph (2) amended	SF 350.1	J
252B.20	Subsection 1, paragraphs a, c, & d amended	SF 350.2	J
252B.20	Subsection 2, paragraph b amended	SF 350.3	J
252B.20	Subsection 5, unnumbered paragraph 1 amended	SF 350.4	J
252B.20	New subsections 5A, 12, & 13	SF 350.5	J
252B.23	Subsection 11 amended	HF 825.119	J
252B.25	New section	HF 825.120	J
252B.25	New section	SF 350.6	J
252B.26	New section	SF 350.7	J
252C.2	Subsection 2, unnumbered paragraph 1 amended	SF 330.12	J
252C.2	Subsection 3 amended	SF 330.13	J
252C.3	Subsection 1, paragraph a amended	SF 330.14	J
252C.4	Subsection 4 amended	SF 330.15	J
252C.4	Subsection 7, paragraph a, subparagraph (2) amended	SF 330.16	J
252D.3	Section amended	SF 350.8	J
252D.10	Section amended	SF 350.9	J
252D.16	Subsection 1, paragraph b amended	SF 350.10	J
252D.24	Subsection 2 stricken	SF 350.11	J
252F.3	Subsection 1, paragraphs c & e amended	SF 330.17	J
252F.4	Subsections 1, 2, 3, & 4 amended	SF 330.18	J
252F.5	Subsection 6 amended	SF 330.19	J
252H.2	Subsection 2, paragraph a amended	SF 330.20	J
252H.6	Section amended	SF 330.21	J
252H.8	Subsection 4, paragraph g amended	SF 330.22	J
252H.8	Subsection 10 amended	SF 330.23	J
252H.9	Subsection 2 amended	SF 330.24	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
252H.10	Unnumbered paragraph 1 amended	SF 330.25	J
252H.15	Subsection 3, paragraphs c & e amended	SF 330.26	J
252H.18A	Subsection 3 amended	SF 330.27	J
252H.19	Subsection 2, paragraph c amended	SF 330.28	J
252H.21	Subsection 2, paragraph a amended	SF 330.29	J
252I.3	Section amended	SF 350.12	J
252I.5	Subsection 1 amended	SF 350.13	J
252J.3	Unnumbered paragraph 1 amended	SF 350.14	J
252J.3	Subsections 4 & 5 amended	SF 350.15	J
252J.4	Subsections 1, 2, & 6 amended	SF 350.16	J
252J.6	Subsection 1, unnumbered paragraph 1 amended	SF 350.17	J
255	Chapter repealed	HF 841.59	C
255A.	Chapter repealed	HF 841.59	C
256.7	Subsection 21, paragraph c amended	SF 245.2	J
256.7	New subsection 26	SF 245.1	J
256.9	Subsection 48 amended	HF 374.29	E
256.9	New subsection 53	HF 816.18	J
256.9	New subsection 53	HF 882.91	J
256.11	Subsection 15 amended	SF 113.55	J
256.24	New section	HF 816.19	VETO
256.40	New section	HF 858.1	J
256.44	Subsection 1, paragraph a amended	HF 816.20	J
256.44	Subsection 1, paragraph b, subparagraph (2) amended	HF 816.21	J
256.46	Section amended	HF 423.1	J
256D.3	Subsection 3 amended	HF 742.1	J
256D.5	Subsection 4 amended	HF 882.26	J
256D.9	Section amended	HF 742.2	E
256D	Chapter repealed	HF 742.2	7/1/06
257.8	Subsection 1 amended	SF 36.1	A 7/1/06
257.11	Subsection 4, paragraph c stricken	HF 227.38	J
257.14	Subsection 3, unnumbered paragraph 2 stricken	HF 882.58	J
257.28	Section amended	HF 882.124	J
257.35	Subsection 4 amended	HF 882.6	J
257B.1B	Subsection 1 amended	HF 816.22	E
257C.8	Subsection 3 amended	SF 113.56	J
260C.2	New subsection 1A	HF 816.23	J
260C.18A	Subsection 2, paragraph b amended	HF 868.35	J
260C.18A	Subsection 2, new paragraph f	HF 868.36	J
260C.18A	Subsection 5 stricken	HF 868.37	J
260C.18C	New section	HF 816.24	J
261.2	Subsection 7, unnumbered paragraph 2 amended	HF 276.1	J
261.9	Subsection 1, paragraph b amended	HF 816.25	J
261.25	Subsection 1 amended	HF 816.26	J
261.25	Subsection 2 stricken	HF 816.27	J
261B.11	New subsection 12	HF 398.1	J
261D.1	New section	SF 176.1	J
261D.2	New section	SF 176.2	J
261D.3	New section	SF 176.3	J

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262.9	Subsection 7 amended	HF 882.149	J
262.9	Subsection 15, unnumbered paragraph 2 stricken	HF 882.150	J
262.9	New subsection 31	HF 739.1*	7/1/06
262.10	Unnumbered paragraph 1 amended	HF 882.151	J
262.33A	Section amended	HF 882.152	J
262.34	Section amended	HF 882.153	J
262.57	Unnumbered paragraph 1 amended	HF 882.154	J
262.64A	Section repealed	HF 882.160	J
262.67	Section repealed	HF 882.160	J
262.78	Subsection 6 stricken	HF 882.155	J
262A.3	Section repealed	HF 882.160	J
262A.5	Unnumbered paragraph 1 amended	HF 882.156	J
262A.6A	Section repealed	HF 882.160	J
262B.1	Section rewritten	HF 868.30	J
262B.2	Section rewritten	HF 868.31	J
262B.3	Section rewritten	HF 868.32	J
262B.4	Section repealed	HF 868.33	J
262B.5	Section repealed	HF 868.33	J
262B.12	Section repealed	HF 868.33	J
263.18	New section	HF 841.47	C
263.19	New section	HF 841.48	C
263.20	New section	HF 841.49	C
263.21	New section	HF 841.50	C
263.22	New section	HF 841.51	C
263A.11	Section repealed	HF 882.160	J
265.6	Section repealed	HF 882.160	J
266.32	Section repealed	HF 227.125	J
266.39F	Subsection 2, unnumbered paragraph 2 amended	HF 882.157	J
271.6	Section amended	HF 841.52	C
272.29	New section	HF 816.28	J
272C.1	Subsection 6, paragraph v amended	SF 113.57	J
272C.4	Unnumbered paragraph 2 amended	HF 789.35	J
272C.6	Subsection 4, unnumbered paragraph 1 amended	HF 784.10**	J
272C.9	Subsection 1 amended	HF 789.36	J
275.41	Subsection 2 amended	SF 113.58	J
279.27	Section amended	SF 113.59	J
279.60	New section	HF 761.16	J
279.60	New section	HF 882.92	J
279.60	New section	SF 245.3	J
280A.1	New unnumbered paragraph	HF 739.2	C
280A.2	New section	HF 739.3	C
280A.3	New section	HF 739.4	C
280A.4	New section	HF 739.5	C
280A.5	New section	HF 739.6	C
280A	Chapter repealed	HF 739.6	7/1/11
282.18	Subsection 2 amended	HF 882.93	J
282.18	Subsection 4, paragraph a amended	HF 882.94	J
282.18	Subsection 4, paragraph b amended	HF 882.94	VETO
282.18	Subsections 5 & 6 amended	HF 882.95	J
282.18	Subsection 13 amended	HF 423.2	J
284.4	Subsection 1, paragraph c amended	HF 816.29	J
284.12	Subsections 2 & 4 amended	HF 227.39	J
284.13	Subsection 1, paragraphs a, d, & i stricken	HF 816.30	J
284.13	Subsection 1, paragraph b amended	HF 816.31	IV

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284.13	Subsection 1, paragraph c amended	HF 816.31	J
284.13	Subsection 1, paragraph e amended	HF 816.32	J
284.13	Subsection 1, new paragraphs ga & gb	HF 816.33	J
284.13	Subsection 1, new paragraph gc	HF 816.33	VETO
292.4	Section repealed	HF 882.28	R 7/1/04
299.1B	Section amended	HF 216.1	J
301.1	Subsection 2 amended	HF 816.34	J
303.2	Subsection 2, paragraph k amended	HF 374.30	E
303.3B	New section	HF 868.19	J
303.3C	New section	HF 868.87	J
303.4	Subsection 2 amended	HF 532.1	J
305.8	Subsection 1, paragraph b amended	HF 532.2	J
305.8	Subsection 1, paragraph b amended	SF 113.60	J
305.8	Subsection 1, paragraph b amended	SF 283.30	J
306.46	Subsection 2 amended	SF 113.61	J
306A.3	Unnumbered paragraph 2 amended	HF 581.1	J
307.10	Subsection 5 stricken	HF 591.1	J
307.12	Subsection 5 amended	HF 882.125	J
307.22	Section amended	HF 674.1	J
307.22	Subsection 5 stricken	HF 591.2	J
307A.2	Subsection 11 amended	HF 591.3	J
311.18	Section amended	SF 265.1	A 6/1/05
312.3	Subsection 1 amended	HF 674.2	J
312.3B	New unnumbered paragraph	HF 674.3	J
312.3C	Section amended	HF 674.4	J
312.5	Section amended	HF 674.5	J
317.6	Section amended	HF 252.1	J
317.16	Section amended	HF 252.2	J
317.21	Subsection 1 amended	SF 265.2	A 6/1/05
321.1	New subsections 6A & 6B	HF 216.2	J
321.1	Subsection 61 stricken	HF 216.3	J
321.1	Subsection 88 amended	HF 591.4	J
321.9	Section amended	HF 216.4	J
321.12	Subsection 4 amended	HF 216.5	J
321.20	Unnumbered paragraph 1 amended	SF 265.3	A 6/1/05
321.23	Subsection 1 amended	HF 216.6	J
321.24	Subsection 1 amended	HF 216.7	J
321.24	Subsection 11 amended	HF 216.8	J
321.34	Subsection 8A, unnumbered paragraph 1 amended	HF 216.9	J
321.40	New unnumbered paragraph	SF 340.1	7/1/07
321.42	Subsection 2, paragraph b amended	SF 265.4	A 6/1/05
321.43	Section amended	HF 216.10	J
321.43	Section amended	HF 882.126	J
321.46	Subsection 1 amended	SF 265.5	A 6/1/05
321.47	Unnumbered paragraph 1 amended	SF 265.6	A 6/1/05
321.52	Subsections 1 & 2 amended	HF 216.11	J
321.65	Section amended	HF 882.127	J
321.69	Subsection 3 amended	HF 227.40	J

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321.69	Subsection 9 amended	HF 227.41	J
321.89	Section amended	HF 757.1	J
321.90	Subsection 2, paragraph b amended	HF 882.128	J
321.109	Subsection 2, unnumbered paragraph 1 amended	HF 216.12	J
321.109	Subsection 2, unnumbered paragraph 2 amended	HF 216.13	J
321.126	New subsection 6A	HF 718.1	J
321.176A	Subsection 3 amended	HF 216.14	J
321.178	Subsection 2, paragraph a amended	HF 216.15	A J
321.191	Subsection 7 amended	HF 216.16	J
321.191	Subsection 9, unnumbered paragraph 2 amended	HF 216.17	J
321.194	Subsection 1, paragraph a, subparagraph (1) amended	HF 216.18	J
321.198	Unnumbered paragraph 1 amended	HF 216.19	J
321.200	Section amended	HF 216.20	J
321.205	Section amended	HF 216.21	J
321.208	Subsection 1 amended	HF 216.22	J
321.208	New subsections 1A & 1B	HF 216.23	J
321.208	Subsections 2, 3, & 4 amended	HF 216.24	J
321.208	New subsections 4A & 4B	HF 216.25	J
321.213B	Section amended	HF 216.26	J
321.215	Subsection 1, unnumbered paragraph 2 amended	HF 216.27	J
321.215	Subsection 1, unnumbered paragraph 2 amended	HF 440.1	J
321.215	Subsection 2, unnumbered paragraph 1 amended	HF 440.2	J
321.218	Subsections 4 & 5 amended	HF 216.28	J
321.218A	Section amended	SF 340.2	7/1/07
321.236	Subsection 1, paragraph a amended	SF 340.3	7/1/07
321.236	Subsection 1, new paragraphs d & e	SF 340.4	7/1/07
321.260	New subsection 3	HF 717.1	J
321.285	Subsection 6 amended	HF 826.1	J
321.344A	Section amended	SF 313.1	J
321.372A	Subsection 2, paragraph b amended	SF 313.2	J
321.372A	Subsection 2, new paragraph c	SF 313.3	J
321.423	Subsection 2, paragraph g amended	HF 216.29	J
321.423	Subsection 2, new paragraphs h & i	HF 216.30	J
321.423	Subsection 7, unnumbered paragraph 1 amended	HF 216.31	J
321.446	Subsection 4, paragraph a amended	HF 216.32	J
321.449	Subsection 7 stricken	HF 216.33	J
321.451	Subsection 1, new paragraph f	HF 216.34	J
321.451	Subsection 2 amended	HF 216.35	J
321.456	Section amended	HF 216.36	J
321.463	Subsection 5, paragraph a, unnumbered paragraph 1 amended	HF 591.5	E
321.463	Subsection 5, paragraph b, unnumbered paragraph 1 amended	HF 591.6	E
321.463	Subsection 5, paragraphs a & b amended	HF 591.12	E
321.463	Subsection 8 amended	HF 591.7	E
321.484	Unnumbered paragraph 2 amended	SF 340.5	7/1/07
321A.1	Subsections 3 & 5 amended	HF 870.1	E
321A.1	New subsection 12A	HF 870.2	E
321A.6	New subsection 5	HF 870.3	E
321A.32A	Section amended	SF 340.6	7/1/07
321A.39	Unnumbered paragraph 3 amended	HF 216.37	J
321E.12	Section amended	HF 216.38	J
321G.1	Subsection 18 amended	HF 879.1	J
321G.3	Subsection 1 amended	HF 879.2	J
321G.4	Section amended	HF 879.3	J
321G.4A	New section	HF 879.4	J

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321G.6	Subsection 1 amended	HF 879.5	J
321G.6	New subsection 6	HF 879.6	J
321G.7	Unnumbered paragraph 2 amended	HF 879.7	J
321G.8	Subsection 3 stricken	HF 879.8	J
321G.13	Subsection 1, paragraph g rewritten	HF 879.9	J
321I.2	Unnumbered paragraph 2 stricken	HF 591.8	J
321I.3	Subsection 1 amended	SF 113.62	J
321I.10	New subsection 5	HF 591.9	J
321J.7	Section amended	HF 726.1	J
321J.25	Subsection 1, paragraph b amended	HF 825.121	J
321J.25	Subsection 2, unnumbered paragraph 1 amended	HF 825.122	J
321L.2	Subsection 5 stricken	HF 216.39	J
321L.2A	Subsection 4 stricken	HF 216.40	J
321M.5	Subsection 2, paragraph a amended	SF 340.7	7/1/07
321M.9	Subsection 1 amended	SF 340.8	7/1/07
322.5	Subsection 2, paragraph a, subparagraph (2) amended	SF 113.63	J
322.10	Section amended	HF 227.42	J
322.19	Subsection 2, paragraph a amended	SF 360.1	J
322F.5A	New section	HF 373.1	J
322F.9	Subsection 2, new paragraph d	HF 373.2	J
326.11	Unnumbered paragraph 2 amended	HF 216.41	J
326.23	Subsection 1 amended	HF 216.42	J
327B.1	New subsections 6 & 7	HF 591.10*	J
327B.1	New subsection 6 amended	HF 882.129	J
327B.5	Section amended	HF 591.11	J
327H.18	Section repealed	HF 875.34	J
327H.20	Section repealed	HF 875.34	J
327H.20A	Section amended	HF 875.31	J
327H.26	Section amended	HF 875.32	J
327I.8	New subsection 8	HF 875.33	J
328.1	Subsection 9 amended	HF 875.11	J
329.13	Section amended	SF 113.64	J
331.205	Section repealed	HF 774.1	J
331.260	Subsection 2, unnumbered paragraph 2 amended	HF 227.43	J
331.325	Subsections 2 & 3 amended	HF 836.1	J
331.381	Subsection 9 stricken	HF 841.53	C
331.385	Subsection 5 rewritten	HF 607.1	R 1/1/05
331.424C	Section amended	HF 607.2	E
331.427	Subsection 1, unnumbered paragraph 1 amended	SF 413.17	J
331.438	Subsection 4, paragraph b, subparagraph (16) amended	SF 113.65	J
331.439	New subsection 9	HF 882.59	J
331.461	Subsection 2, paragraph h stricken	SF 339.5	J
331.502	Subsection 17 stricken	HF 841.54	C
331.502	Subsection 34 amended	HF 836.2	J
331.506	Subsection 1, paragraphs b & d amended	HF 227.44	J
331.512	Subsection 10 amended	HF 227.45	J
331.552	Subsection 13 amended	HF 841.55	C
331.553	Subsection 6 amended	SF 265.7	A 6/1/05

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331.553	New subsection 7	SF 265.8	A 6/1/05
331.553	New subsection 7	SF 340.9	7/1/07
331.557A	New subsection 3A	SF 340.10	7/1/07
331.602	Subsection 16 amended	HF 879.10	J
331.605C	Subsection 4 amended	HF 882.99	E
331.606	Subsection 3 amended	HF 882.130	J
331.608	Subsection 6, paragraph e amended	HF 374.31	E
331.609	Subsection 3, paragraph b, subparagraphs (1) & (2) amended	SF 113.66	J
331.653	Subsection 26 stricken	HF 841.56	C
331.756	Subsection 32 amended	HF 770.13	VETO
331.756	Subsection 53 stricken	HF 841.57	J
331.805	Subsection 1 amended	HF 789.37	J
335.33	Section amended	HF 710.22	J
354.1	Subsection 3 amended	HF 227.46	J
354.4	Subsection 2 amended	HF 227.47	J
354.5	Subsection 5 amended	HF 227.48	J
354.27	Section amended	HF 227.49	J
356.1	Subsection 1, unnumbered paragraph 1 amended	SF 113.67	J
356.48	Section amended	HF 777.1	J
357A.11	New subsection 13	HF 746.1	J
357H.1	Subsection 1 amended	HF 708.1	J
359.41	Section repealed	HF 836.73	J
364.2	New subsection 5	SF 340.11	7/1/07
364.17	Subsection 3, paragraph a amended	HF 882.60	J
364.17	Subsection 5 amended	HF 882.61	J
368.7	Subsection 1, paragraphs a & d amended	HF 227.50	J
368.7	Subsection 1, paragraph d amended	SF 78.1	E
368.7	Subsections 2 & 3 amended	SF 78.2	E
368.7	New subsection 5	SF 78.3	E
368.11	Subsection 3, paragraph m amended	SF 78.4	E
368.25	Section amended	HF 227.51	J
384.16	Subsection 1, unnumbered paragraph 2 amended	HF 882.62	J
384.16	New subsection 7	HF 882.63	J
384.60	Subsection 2 amended	SF 265.9	A 6/1/05
384.65	Subsection 4 amended	SF 265.10	A 6/1/05
404A.1	Subsection 1 amended	HF 868.20	J
404A.1	Subsection 2, unnumbered paragraph 1 amended	HF 868.21	J
404A.3	Subsection 2, unnumbered paragraph 2 amended	HF 868.22	J
404A.4	Subsection 2 amended	HF 868.23	J
404A.4	Subsection 3 amended	HF 868.24	J
404A.4	Subsection 4 amended	HF 868.25	J
404A.5	Section amended	HF 868.26	J
414.8	Section amended	SF 57.1	J
414.14	Section amended	SF 57.2	J
414.25	Section amended	SF 57.3	J
414.25	New unnumbered paragraphs	SF 57.4	J
414.31	Section amended	HF 710.23	J
421.1A	New section	HF 868.121**	J
421.17	Subsection 27, paragraph a amended	HF 227.52	J
422.3	Subsection 5 amended	HF 186.3	R 1/1/03
422.7	Subsection 34 stricken	HF 227.53	J
422.7	Subsection 39, paragraph b amended	HF 102.1	R 5/5/03
422.7	Subsections 41 & 43 stricken	HF 186.4	R 1/1/03
422.7	New subsection 44	HF 102.2	R 1/1/03

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422.7	New subsection 44	HF 801.1	R 1/1/05
422.9	Subsection 1 amended	SF 413.37	R 1/1/05
422.9	Subsection 2, paragraph b amended	SF 413.38	R 1/1/05
422.9	Subsection 2, paragraphs g & h stricken	SF 413.39	R 1/1/05
422.9	Subsection 2, paragraph k rewritten	HF 186.5	R 1/1/03
422.10	Subsection 3, unnumbered paragraph 2 amended	HF 186.6	R 1/1/03
422.11D	Subsection 2 amended	HF 882.64	J
422.11I	New section	HF 869.3	VETO
422.11J	Section amended	SF 390.1	E
422.11K	New section	HF 868.13	J
422.11K	New section	SF 389.1	A J
422.11K	New section repealed	SF 389.1	12/31/07
422.11L	New section	HF 868.60	A J
422.12C	Subsection 1, paragraph f amended	HF 761.23	A 1/1/06
422.12C	Subsection 1, new paragraph g	HF 761.24	A 1/1/06
422.12C	New subsection 1A	HF 761.25	A 1/1/06
422.12C	Subsection 3 amended	HF 761.26	A 1/1/06
422.16	Subsection 2, unnumbered paragraph 1 amended	SF 413.40	A 1/1/05
422.16A	Section amended	HF 868.61	A J
422.32	Subsection 7 amended	HF 186.7	R 1/1/03
422.33	Subsection 5, paragraph d, unnumbered paragraph 2 amended	HF 186.8	R 1/1/03
422.33	Subsection 16 amended	SF 390.2	E
422.33	New subsection 17	HF 868.14	J
422.33	New subsection 17	HF 869.4	VETO
422.33	New subsection 17	SF 389.2	A J
422.33	New subsection 17 repealed	SF 389.2	12/31/07
422.33	New subsection 18	HF 868.62	A J
422.35	Subsection 14 stricken	HF 227.54	J
422.35	Subsection 15 stricken	SF 413.41	R 1/1/05
422.35	Subsection 19, paragraph b amended	HF 102.3	R 5/5/03
422.35	New subsection 20	HF 102.4	R 1/1/03
422.35	New subsection 20	HF 186.9	R 1/1/03
422.60	Subsection 8 amended	SF 390.3	E
422.60	New subsection 9	HF 868.15	J
422.60	New subsection 10	HF 868.63	A J
423.1	Subsection 47, paragraph b, subparagraph (4) stricken	SF 413.3	J
423.1	Subsection 47, new paragraph c, reletter following paragraph	SF 413.4	J
423.1	Subsection 50 amended	SF 413.42	J
423.2	Subsection 1, paragraph a, subparagraph (5) stricken	SF 413.18	J
423.2	Subsection 6, unnumbered paragraph 1 amended	SF 413.5	J
423.2	New subsection 9A	SF 413.43	J
423.3	Subsection 2 amended	SF 413.6	R 7/1/04
423.3	Subsection 5 amended	SF 413.44	R 1/1/98
423.3	Subsection 11, unnumbered paragraph 1 amended	HF 869.5	VETO
423.3	New subsection 29A	HF 882.65	VETO
423.3	Subsection 37 amended	SF 413.7	R 7/1/04
423.3	Subsection 39, new unnumbered paragraph	SF 413.45	J
423.3	Subsection 49 amended	SF 413.8	R 7/1/04

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423.3	Subsection 60 amended	SF 413.9	J
423.3	New subsection 69A	SF 413.10	J
423.3	Subsection 70 amended	SF 413.11	J
423.3	New subsection 85	SF 413.30	J
423.3	New subsection 85	HF 310.1	J
423.3	New subsection 85	HF 856.1	J
423.3	New subsection 85	SF 413.46	J
423.4	Subsection 1 amended	HF 856.2	J
423.4	New subsection 4	HF 840.2	J
423.4	New subsection 4	SF 390.4	E
423.5	New subsection 8	SF 413.47	J
423.15	Subsection 1, unnumbered paragraph 1 amended	SF 413.12	J
423.18	Unnumbered paragraph 1 amended	SF 113.68	J
423.33	Subsection 3 amended	HF 227.55	J
423.43	Subsection 3 amended	SF 413.13	J
423.56	Subsection 6 amended	SF 113.69	J
423A.	Old chapter repealed	SF 413.28	J
423A.1	Unnumbered paragraph 3 amended	SF 413.48	J
423A.1	New section	SF 413.19	J
423A.2	New section	SF 413.20	J
423A.3	New section	SF 413.21	J
423A.4	New section	SF 413.22	J
423A.5	New section	SF 413.23	J
423A.6	New section	SF 413.24	J
423A.7	New section	SF 413.25	J
423B.5	Unnumbered paragraph 1 amended	SF 113.70	J
423B.5	Unnumbered paragraph 1 amended	SF 413.14	R 7/1/04
423B.5	Unnumbered paragraph 1 amended	SF 413.26	J
423B.5	Unnumbered paragraph 1 amended	SF 413.31	J
423D.1	New section	SF 413.33	J
423D.2	New section	SF 413.34	J
423D.3	New section	SF 413.35	J
423D.4	New section	SF 413.36	J
423E.3	Subsection 2 amended	SF 113.71	J
423E.3	Subsection 2 amended	SF 413.27	J
423E.3	Subsection 2 amended	SF 413.32	J
423E.3	Subsections 2 & 3 amended	SF 413.15	R 7/1/04
423E.4	Subsection 3, paragraph a amended	SF 413.49	J
423E.4	Subsection 6, unnumbered paragraph 1 amended	HF 882.96	J
423E.5	Unnumbered paragraph 1 amended	HF 882.66	R 7/1/04
424.7	New subsection 5	SF 413.50	J
424.10	Subsection 3 amended	SF 413.51	J
425.1	Subsection 4 amended	SF 413.52	J
426A.11	New subsection 2A	HF 374.32	E
426A.12	Section amended	HF 374.33	E
426A.13	Unnumbered paragraphs 1 & 2 amended	HF 374.34	E
427.1	Subsection 14, unnumbered paragraph 2 amended	HF 589.1	A J
427.1	Subsection 21 amended	HF 882.67	R 1/1/05
427.1	New subsection 21A	HF 882.68	R 1/1/05
427.1	Subsection 30 amended	HF 882.69	J
427.1	New subsection 34	HF 868.118	J
427.3	New section	SF 413.53	J
427B.17	Subsection 5, unnumbered paragraph 2 amended	HF 868.64	A J
428.4	Unnumbered paragraph 1 amended	HF 868.122**	J

Section	Action Taken	Hse/Sen File #	Effective
432.1	Subsection 6, paragraph d amended	SF 360.2	J
432.12E	Section amended	SF 390.5	E
432.12F	New section	HF 868.16	J
432.12G	New section	HF 868.65	A J
435.1	Subsection 6, unnumbered paragraph 3 amended	SF 113.72	J
435.24	Subsection 6 amended	SF 265.11	A 6/1/05
437A.15	Subsection 7 amended	HF 187.1	J
437A.17B	New section	SF 390.6	E
441.6	Unnumbered paragraph 2 amended	SF 413.54	J
441.8	Unnumbered paragraph 1 amended	SF 413.55	J
441.8	Unnumbered paragraphs 6 & 7 amended	SF 413.56	J
441.19	Subsection 4 amended	HF 868.123**	J
441.21	Subsection 1, new paragraphs h & i	HF 868.124	J
441.21	Subsection 2 amended	HF 868.125	J
441.28	Section amended	HF 868.126***	J
441.35	Unnumbered paragraph 2 amended	HF 868.127**	J
441.37	Subsection 1, new unnumbered paragraph	SF 413.57	A 1/1/06
441.37	Subsection 3 amended	SF 413.58	A 1/1/06
441.37A	New section	HF 868.128**	J
441.38	Section amended	HF 868.129**	J
441.38	Subsection 2 amended	SF 413.59	J
441.39	Section amended	HF 227.56	J
441.39	Section amended	HF 868.130**	J
441.43	Section amended	HF 868.131**	J
441.49	Unnumbered paragraph 5 amended	HF 868.132**	J
445.5	Subsection 2, unnumbered paragraph 2 amended	SF 265.12	A 6/1/05
445.5	New subsection 3A	SF 265.13	A 6/1/05
445.36A	Section amended	SF 265.14	A 6/1/05
445.60	Section amended	HF 868.133**	J
446.16	Subsection 1 amended	SF 265.15	A 6/1/05
446.19A	Subsections 1, 2, 3, & 4 amended	SF 265.16	A 6/1/05
446.19A	Subsection 5 rewritten	SF 265.17	A 6/1/05
446.37	Section amended	SF 265.18	E
447.8	Section rewritten	SF 265.19	A 6/1/05
447.13	Section amended	SF 265.20	A 6/1/05
448.6	Section rewritten	SF 265.21	A 6/1/05
448.7	Section repealed	SF 265.25	A 6/1/05
448.12	Section amended	SF 265.22	A 6/1/05
448.15	Section amended	SF 265.23	A 6/1/05
448.16	Section amended	SF 265.24	A 6/1/05
450.22	Subsection 4 amended	HF 281.1	R 7/1/04
450.53	Subsection 2 amended	HF 281.2	R 7/1/04
450.58	Subsection 2 amended	HF 281.3	R 7/1/04
450.94	Subsection 5, new paragraph c	HF 281.4	J
450.97	Section repealed	HF 197.1	J
452A.2	Subsection 19, unnumbered paragraph 2 amended	SF 413.60	J
452A.2	Subsection 25 amended	SF 413.61	J
452A.3	New subsection 1B	HF 868.83	1/1/06

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452A.3	New subsection 1C	HF 868.84	1/1/06
452A.3	Subsection 7 amended	SF 113.73	J
452A.8	Subsection 2, paragraph e, unnumbered paragraph 2 amended	SF 413.62	J
452A.8	Subsections 3 & 4 amended	SF 413.63	J
452A.10	Section amended	SF 413.64	J
452A.17	Subsection 1, paragraph a, subparagraph (2) amended	HF 216.43	J
452A.62	Subsection 1, paragraph a amended	SF 413.65	J
452A.62	Subsection 2, unnumbered paragraph 1 amended	SF 413.66	J
452A.79	Unnumbered paragraph 2 amended	HF 875.12	J
452A.85	New subsection 4	SF 413.67	J
453A.3	Subsection 1, paragraphs a & b amended	HF 339.1	J
453A.5	Subsections 1 & 2 amended	HF 339.2	J
453A.22	New subsection 8	HF 339.3	J
453A.26	Section amended	SF 113.74	J
453A.47A	New section	HF 339.4*	J
453A.47A	New section, subsection 4 & subsection 9, unnumbered paragraph 1 amended	HF 882.131	J
455A.4	Subsection 1, paragraph j stricken	HF 828.1	J
455B.103	Subsections 3 & 4 amended	HF 805.20	J
455B.103	New subsection 7	SF 375.1	J
455B.103A	Subsection 1, unnumbered paragraph 1 amended	HF 805.21	J
455B.103A	Subsection 5 amended	HF 805.22	J
455B.105	Subsections 3, 6, & 8 amended	HF 805.23	J
455B.105	Subsection 11, paragraph a, unnumbered paragraph 1 amended	HF 805.24	J
455B.109	Subsection 1, unnumbered paragraph 1 amended	HF 767.1	VETO
455B.109	Subsection 4 amended	HF 805.25	J
455B.111	Subsection 1, paragraphs a & b amended	HF 805.26	J
455B.111	Subsection 5 amended	HF 805.27	J
455B.112	Section amended	HF 805.28	J
455B.113	Subsection 1 amended	HF 805.29	J
455B.115	Section amended	HF 805.30	J
455B.171	New subsection 32A	HF 834.1	J
455B.172	Subsection 5, unnumbered paragraph 2 amended	HF 834.2	J
455B.172	New subsection 5A	HF 834.3	J
455B.174	Subsection 4, paragraph e amended	HF 227.57	J
455B.179	Section amended	HF 805.31	J
455B.182	Section amended	HF 805.32	J
455B.183A	Subsection 1 amended	HF 291.1	J
455B.183A	Subsection 2, paragraph b amended	HF 291.2	J
455B.185	Section amended	HF 805.33	J
455B.265	New subsection 5	HF 768.1	J
455B.305	New subsection 7	HF 399.1	J
455B.306	Subsection 1, unnumbered paragraph 1 amended	HF 399.2	J
455B.306	New subsection 1A	HF 399.3	J
455B.306	Subsection 6, paragraph e amended	HF 399.4	J
455B.310	Subsection 4, paragraph d amended	HF 399.5	J
455B.310	Subsection 7 amended	HF 399.6	J
455B.474	Subsection 1, paragraph f, subparagraph (4), subparagraph subdivision (f) amended	SF 375.2	J
455B.751	Subsection 7 amended	HF 227.58	J
455E.11	Subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (d) amended	HF 602.2	J
455E.11	Subsection 2, paragraph a, subparagraph (2),		

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
	subparagraph subdivision (e) amended	HF 602.3	J
455F.8A	New subsection 3	HF 602.1	J
455G.2	Subsection 6 amended	HF 227.59	J
455G.2	Subsection 15 stricken	HF 227.60	J
455G.3	Subsection 1 amended	HF 227.61	J
455G.3	Subsection 3, paragraph c stricken	HF 227.62	J
455G.4	Subsection 1, paragraph e amended	HF 227.63	J
455G.4	Subsection 3, paragraph a amended	HF 227.64	J
455G.4	Subsection 3, paragraphs d & e stricken	HF 227.65	J
455G.13	Subsection 2, paragraph b amended	HF 227.66	J
455G.13	Subsection 12 amended	HF 227.67	J
455G.14	Section amended	HF 227.68	J
455G.17	Subsection 3 amended	HF 227.69	J
455G.23	Subsection 2, paragraphs d & e amended	SF 141.1	J
455H.103	New subsection 7A	SF 375.3	J
455H.206	Subsections 2, 3, 4, 5, & 6 amended	SF 375.4	J
455L.1	New section	SF 375.5	J
455L.2	New section	SF 375.6	J
455L.3	New section	SF 375.7	J
455L.4	New section	SF 375.8	J
455L.5	New section	SF 375.9	J
455L.6	New section	SF 375.10	J
455L.7	New section	SF 375.11	J
455L.8	New section	SF 375.12	J
455L.9	New section	SF 375.13	J
455L.10	New section	SF 375.14	J
455L.11	New section	SF 375.15	J
455L.12	New section	SF 375.16	J
456A.18	Section amended	SF 113.75	J
456A.37	Subsection 1, paragraph c amended	HF 828.2	J
456A.37	Subsection 1, paragraph c amended	HF 882.70	J
456A.37	Subsection 4, unnumbered paragraph 2 amended	HF 828.3	J
456A.37	Subsection 4, unnumbered paragraph 2 amended	HF 882.71	J
459.102	Subsection 2, paragraph a amended	HF 805.34	J
459.102	Subsections 37, 45, & 46 stricken	HF 805.35	J
459.309	Section repealed	HF 805.37	J
459.401	Subsection 2, paragraph a, subparagraph (5) amended	HF 805.36	J
459A.101	New section	HF 805.1	J
459A.102	New section	HF 805.2	J
459A.103	New section	HF 805.3	J
459A.104	New section	HF 805.4	J
459A.105	New section	HF 805.5	J
459A.201	New section	HF 805.6	J
459A.205	New section	HF 805.7	J
459A.206	New section	HF 805.8	J
459A.207	New section	HF 805.9	J
459A.208	New section	HF 805.10	J
459A.301	New section	HF 805.11	J

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459A.302	New section	HF 805.12	J
459A.303	New section	HF 805.13	J
459A.401	New section	HF 805.14	J
459A.402	New section	HF 805.15	J
459A.410	New section	HF 805.16	J
459A.411	New section	HF 805.17	J
459A.501	New section	HF 805.18	J
459A.502	New section	HF 805.19	J
462A.5	Subsection 1, unnumbered paragraph 1 amended	HF 828.4	J
462A.5	Subsection 1, new unnumbered paragraph	HF 828.5	J
462A.5	Subsection 3 amended	HF 828.6	J
462A.5	Subsection 6 amended	HF 828.7	J
462A.12	Subsection 6 amended	HF 828.8	J
462A.20	Section amended	HF 828.9	J
462A.21	Section repealed	HF 828.19	J
462A.22	Section repealed	HF 828.19	J
462A.23	Subsection 1 amended	HF 828.10	J
462A.23	Subsection 2, unnumbered paragraph 1 amended	HF 828.11	J
462A.23	Subsection 3 amended	HF 828.12	J
462A.25	Section rewritten	HF 828.13	J
462A.39	Section amended	HF 828.14	J
462A.52	Section amended	HF 828.15	J
462A.53	Section amended	HF 828.16	J
462A.66	Section amended	HF 828.17	J
462A.77	Subsection 1 amended	HF 828.18	J
463C.1	New section	HF 875.43	E
463C.2	New section	HF 875.44	E
463C.3	New section	HF 875.45	E
463C.4	New section	HF 875.46	E
463C.5	New section	HF 875.47	E
463C.6	New section	HF 875.48	E
463C.7	New section	HF 875.49	E
463C.8	New section	HF 875.50	E
463C.9	New section	HF 875.51	E
463C.10	New section	HF 875.52	E
463C.11	New section	HF 875.53	E
463C.12	New section	HF 875.54	E
463C.13	New section	HF 875.55	E
463C.14	New section	HF 875.56	E
463C.15	New section	HF 875.57	E
463C.16	New section	HF 875.58	E
463C.17	New section	HF 875.59	E
463C.18	New section	HF 875.60	E
463C.19	New section	HF 875.61	E
463C.20	New section	HF 875.62	E
466A.1	New section	SF 200.3	J
466A.2	New section	SF 200.4	J
466A.3	New section	SF 200.5	J
466A.4	New section	SF 200.6	J
466A.5	New section	SF 200.7	J
473.12	Section repealed	HF 882.160	J
476.1D	Subsections 1, 2, & 3 amended	HF 277.1	J
476.55	Section amended	HF 277.2	J
476.97	Subsection 12 stricken	HF 277.3	J

Section	Action Taken	Hse/Sen File #	Effective
476.98	Section repealed	HF 277.4	J
476B.1	Subsection 4, paragraph c amended	HF 882.163	J
476B.3	Section amended	HF 882.164	J
476B.4	Subsection 1, paragraph b stricken	HF 882.165	J
476B.5	Section rewritten	HF 882.166	J
476B.6	Section rewritten	HF 882.167	J
476B.7	Unnumbered paragraph 1 amended	HF 882.168	J
476B.8	Section amended	HF 882.169	J
476B.9	Section amended	HF 882.170	J
476B.10	New section	HF 882.171	J
476C.1	New section	SF 390.7	E
476C.2	New section	SF 390.8	E
476C.3	New section	SF 390.9	E
476C.4	New section	SF 390.10	E
476C.5	New section	SF 390.11	E
476C.6	New section	SF 390.12	E
476C.7	New section	SF 390.13	E
477C.7	Section amended	SF 264.1	J
479A.1	Section amended	HF 581.2	J
479A.3	Section repealed	HF 581.3	J
479A.5	Section repealed	HF 581.3	J
479A.6	Section repealed	HF 581.3	J
479A.8	Section repealed	HF 581.3	J
479A.10	Section repealed	HF 581.3	J
479A.12	Section repealed	HF 581.3	J
479A.13	Section repealed	HF 581.3	J
479A.14	Section repealed	HF 581.3	J
479A.15	Section repealed	HF 581.3	J
479A.16	Section repealed	HF 581.3	J
479A.17	Section repealed	HF 581.3	J
479A.19	Section repealed	HF 581.3	J
479A.20	Section repealed	HF 581.3	J
479A.21	Section repealed	HF 581.3	J
479A.22	Section repealed	HF 581.3	J
479A.23	Section repealed	HF 581.3	J
479A.24	Section repealed	HF 581.3	J
479A.25	Section repealed	HF 581.3	J
479A.26	Section repealed	HF 581.3	J
479A.27	Section repealed	HF 581.3	J
479A.28	Section repealed	HF 581.3	J
483A.1	Subsection 2, paragraphs f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, & u amended	SF 206.3	J
483A.8	Subsections 1, 3, & 6 amended	SF 206.4	J
483A.8	Subsection 5 amended	HF 882.132	J
483A.8A	New section	SF 206.5	J
483A.24	Subsection 2, paragraph a, subparagraph (2) amended	SF 206.6	J
483A.24	Subsection 2, paragraph b amended	SF 206.7	J
483A.24	Subsection 2, new paragraph c	SF 206.8*	J

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483A.24	Subsection 2, new paragraph c amended	HF 808.24	J
483A.24	Subsection 2, paragraphs c & d amended & relettered	SF 206.9	J
483A.24	Subsection 2, new paragraph f	SF 206.10	J
483A.24	Subsection 13 amended	HF 374.35	E
483A.24A	Section repealed	SF 206.27	J
483A.24B	New section	SF 206.11	J
483A.24C	New section	SF 206.12	J
484B.3	Section amended	SF 206.13	J
484C.1	New section	SF 206.14	J
484C.2	New section	SF 206.15	J
484C.3	New section	SF 206.16	J
484C.4	New section	SF 206.17	J
484C.5	New section	SF 206.18	J
484C.6	New section	SF 206.19	J
484C.7	New section	SF 206.20	J
484C.8	New section	SF 206.21	J
484C.9	New section	SF 206.22	J
484C.10	New section	SF 206.23	J
484C.11	New section	SF 206.24	J
484C.12	New section	SF 206.25	J
484C.13	New section	SF 206.26	J
488.108	Subsection 4, paragraph b amended	HF 227.70	J
488.108	New subsection 7	HF 175.1	J
488.1003	Subsections 1 & 2 amended	HF 227.71	J
490.850	Subsection 2 amended	HF 227.72	J
490A.102	Subsection 4 amended	HF 859.107	J
490A.102	New subsection 7A	HF 859.108	J
490A.131	New section	HF 859.109*	J
490A.131	New section, subsection 5 amended	HF 882.27	J
490A.1201	Section rewritten	HF 859.110	J
490A.1201A	New section	HF 859.111	J
490A.1202	New subsection 0A	HF 859.112	J
490A.1207	New section	HF 859.113	J
499.4	Unnumbered paragraph 1 amended	HF 859.114	J
501.103	Subsection 3, unnumbered paragraph 1 amended	HF 227.73	J
501A.101	New section	HF 859.1	J
501A.102	New section	HF 859.2*	J
501A.102	New section amended	HF 859.118	1/1/06
501A.103	New section	HF 859.3	J
501A.201	New section	HF 859.4	J
501A.202	New section	HF 859.5	J
501A.203	New section	HF 859.6	J
501A.204	New section	HF 859.7	J
501A.205	New section	HF 859.8	J
501A.206	New section	HF 859.9	J
501A.207	New section	HF 859.10	J
501A.208	New section	HF 859.11	J
501A.209	New section	HF 859.12	J
501A.210	New section	HF 859.13	J
501A.211	New section	HF 859.14	J
501A.221	New section	HF 859.15	J
501A.222	New section	HF 859.16	J
501A.231	New section	HF 859.17*	J
501A.231	New section, subsection 5 amended	HF 882.133	J

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501A.301	New section	HF 859.18	J
501A.302	New section	HF 859.19	J
501A.401	New section	HF 859.20	J
501A.402	New section	HF 859.21	J
501A.403	New section	HF 859.22	J
501A.404	New section	HF 859.23	J
501A.405	New section	HF 859.24	J
501A.501	New section	HF 859.25	J
501A.502	New section	HF 859.26	J
501A.503	New section	HF 859.27	J
501A.504	New section	HF 859.28	J
501A.505	New section	HF 859.29	J
501A.506	New section	HF 859.30	J
501A.507	New section	HF 859.31	J
501A.601	New section	HF 859.32	J
501A.602	New section	HF 859.33	J
501A.603	New section	HF 859.34	J
501A.701	New section	HF 859.35	J
501A.702	New section	HF 859.36	J
501A.703	New section	HF 859.37	J
501A.704	New section	HF 859.38	J
501A.705	New section	HF 859.39	J
501A.706	New section	HF 859.40	J
501A.707	New section	HF 859.41	J
501A.708	New section	HF 859.42	J
501A.709	New section	HF 859.43	J
501A.710	New section	HF 859.44	J
501A.711	New section	HF 859.45	J
501A.712	New section	HF 859.46	J
501A.713	New section	HF 859.47	J
501A.714	New section	HF 859.48	J
501A.715	New section	HF 859.49	J
501A.716	New section	HF 859.50	J
501A.801	New section	HF 859.51	J
501A.802	New section	HF 859.52	J
501A.803	New section	HF 859.53	J
501A.804	New section	HF 859.54	J
501A.805	New section	HF 859.55	J
501A.806	New section	HF 859.56	J
501A.807	New section	HF 859.57	J
501A.808	New section	HF 859.58	J
501A.809	New section	HF 859.59	J
501A.810	New section	HF 859.60	J
501A.811	New section	HF 859.61	J
501A.812	New section	HF 859.62	J
501A.813	New section	HF 859.63	J
501A.814	New section	HF 859.64	J
501A.815	New section	HF 859.65	J

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501A.816	New section	HF 859.66	J
501A.901	New section	HF 859.67	J
501A.902	New section	HF 859.68	J
501A.903	New section	HF 859.69	J
501A.904	New section	HF 859.70	J
501A.905	New section	HF 859.71	J
501A.906	New section	HF 859.72	J
501A.1001	New section	HF 859.73*	J
501A.1001	New section, subsection 4 amended	HF 882.134	J
501A.1002	New section	HF 859.74	J
501A.1003	New section	HF 859.75	J
501A.1004	New section	HF 859.76	J
501A.1005	New section	HF 859.77	J
501A.1006	New section	HF 859.78	J
501A.1007	New section	HF 859.79	J
501A.1008	New section	HF 859.80	J
501A.1101	New section	HF 859.81	J
501A.1102	New section	HF 859.82	J
501A.1103	New section	HF 859.83	J
501A.1104	New section	HF 859.84	J
501A.1201	New section	HF 859.85	J
501A.1202	New section	HF 859.86	J
501A.1203	New section	HF 859.87	J
501A.1204	New section	HF 859.88	J
501A.1205	New section	HF 859.89	J
501A.1206	New section	HF 859.90	J
501A.1207	New section	HF 859.91	J
501A.1208	New section	HF 859.92	J
501A.1209	New section	HF 859.93	J
501A.1210	New section	HF 859.94	J
501A.1211	New section	HF 859.95	J
501A.1212	New section	HF 859.96	J
501A.1213	New section	HF 859.97	J
501A.1214	New section	HF 859.98	J
501A.1215	New section	HF 859.99	J
501A.1216	New section	HF 859.100	J
502.102	Subsection 17, paragraph d amended	HF 227.74	J
502.102	Subsection 20 amended	HF 859.115	J
502.204	Subsection 1 amended	HF 227.75	J
502.304A	Subsection 3, paragraph d amended	SF 113.76	J
502.412	Subsection 4, paragraphs a, b, d, & i amended	SF 113.77	J
502.508	Subsection 2 amended	HF 227.76	J
502.601	Subsection 1 amended	SF 113.78	J
504.111	Subsection 3 amended	HF 227.77	J
504.115	Subsection 2, paragraph a, subparagraph (1) amended	SF 113.79	J
504.141	Subsection 30 amended	HF 227.78	J
504.142	Subsection 4, paragraph b amended	HF 227.79	J
504.142	Subsection 8 amended	HF 227.80	J
504.202	Subsection 2, paragraph d, subparagraph (3) amended	HF 227.81	J
504.202	Subsection 2, paragraph e, subparagraph (3) amended	HF 227.82	J
504.401	Subsection 2, paragraph b amended	HF 227.83	J
504.401	Subsection 5 amended	HF 227.84	J
504.403	Subsection 1, paragraph b amended	HF 227.85	J
504.704	Subsection 1 amended	HF 227.86	J

Section	Action Taken	Hse/Sen File #	Effective
504.705	Subsection 3, paragraph b amended	HF 227.87	J
504.706	Subsection 1 amended	HF 227.88	J
504.713	Subsection 1 amended	HF 227.89	J
504.714	Subsection 1 amended	HF 227.90	J
504.822	Subsection 1 amended	HF 227.91	J
504.824	Section amended	HF 227.92	J
504.825	Section amended	HF 227.93	J
504.832	Subsection 1, paragraph a amended	HF 227.94	J
504.832	Subsection 3, paragraph c amended	HF 227.95	J
504.833	Subsection 2, unnumbered paragraph 1 amended	HF 227.96	J
504.833	Subsection 5 amended	HF 227.97	J
504.835	Subsection 1 amended	HF 227.98	J
504.835	Subsection 2, paragraph b amended	HF 227.99	J
504.852	Subsection 4, paragraph a amended	HF 227.100	J
504.856	Subsection 2, paragraph c amended	HF 227.101	J
504.857	Subsection 1, paragraph b, subparagraph (2), subparagraph subdivision (b) amended	HF 227.102	J
504.901	Subsection 3 amended	HF 227.103	J
504.1008	Section amended	HF 227.104	J
504.1101	Subsection 1 amended	HF 227.105	J
504.1102	Subsection 1, paragraph d, subparagraph (3) amended	HF 227.106	J
504.1701	Subsection 1 amended	SF 113.80	J
504.1701	Subsection 2, paragraph b amended	SF 113.81	J
504.1701	Subsection 3, unnumbered paragraph 1 amended	SF 113.82	J
505.25	Section amended	HF 825.123	J
505.26	New section	HF 821.1	J
505A.1	Article II, section 8 amended	SF 360.3	J
507C.2	New subsections 01, 2A, 2B, 8A, 12A, 13A, 15A, 16A, & 18A	SF 360.4	J
507C.28A	New section	SF 360.5	J
507C.30	Subsection 2, paragraph a, subparagraphs (4) & (5) amended	SF 360.6	J
509.3	Subsection 1 amended	SF 360.7	J
513B.12	New subsection 6	SF 360.8	J
513B.13	Subsection 3, new paragraph e	SF 360.9	J
513B.17	Subsection 4 stricken	SF 360.10	J
513C.6	New subsection 7	SF 360.11	R 1/1/05
514A.5	Subsection 1 amended	SF 360.12	J
514B.13	Unnumbered paragraph 2 amended	SF 360.13	J
514C.22	New section	HF 420.1	J
514E.2	Subsection 1, paragraph a amended	SF 360.14	R 7/1/86
514E.2	Subsection 5, paragraph l amended	SF 360.15	R 7/1/86
514E.2	Subsection 7, new unnumbered paragraph	SF 360.16	R 7/1/86
514E.7	Subsection 1, new paragraph d	SF 360.17	J
514E.7	Subsection 1, new paragraph e	SF 360.17	R 1/1/05
514E.8	Subsection 1 amended	SF 360.18	J
514H.1	New section	HF 819.2	C
514H.2	New section	HF 819.3	C
514H.3	New section	HF 819.4	C
514H.4	New section	HF 819.5	C

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514H.5	New section	HF 819.6	C
514H.6	New section	HF 819.7	C
514H.7	New section	HF 819.8	C
514H.8	New section	HF 819.9	C
514H.9	New section	HF 819.10	C
514I.11	Subsection 2 amended	HF 825.124	J
514I.11	New subsections 3, 4, & 5	HF 825.125	J
515.109A	Subsection 1, paragraph j amended	SF 113.83	J
515.109A	Subsection 3 amended	SF 113.84	J
515.138	Section amended	SF 113.85	J
515.138	Sixth subsection, paragraph entitled concealment -- fraud amended	SF 360.19	J
515.138	Sixth subsection, paragraph entitled perils not included amended	SF 360.20	J
515.138	Sixth subsection, paragraph entitled conditions suspending or restricting insurance amended	SF 360.21	J
515B.2	Subsection 4, paragraph b, subparagraph (7) amended	SF 360.22	J
515B.17	Section amended	SF 360.23	J
515F.36	Subsection 2 amended	SF 360.24	J
516E.1	Section amended	SF 360.25	J
516E.2	Section amended	SF 360.26	J
516E.3	Section amended	SF 360.27	J
516E.4	Section rewritten	SF 360.28	J
516E.5	Section amended	SF 360.29	J
516E.6	Section amended	SF 360.30	J
516E.7	Section amended	SF 360.31	J
516E.8	Section amended	SF 360.32	J
516E.9	Section amended	SF 360.33	J
516E.10	Section amended	SF 360.34	J
516E.11	Section amended	SF 360.35	J
516E.12	Section amended	SF 360.36	J
516E.13	Subsection 4, unnumbered paragraph 1 amended	SF 360.37	J
516E.14	Section amended	SF 360.38	J
516E.15	Subsection 1, paragraph b amended	SF 360.39	J
516E.15	Subsection 2 amended	SF 360.40	J
516E.16	New section	SF 360.41	J
516E.17	New section	SF 360.42	J
516E.18	New section	SF 360.43	J
516E.19	New section	SF 360.44	J
518.14	Subsection 4, paragraph a amended	SF 360.45	J
518A.12	Subsection 4, paragraph a amended	SF 360.46	J
520.19	Section amended	SF 360.47	J
522B.17	Section amended	SF 360.48	J
522B.17A	New section	SF 360.49	J
523A.203	Subsection 6, paragraph b amended	HF 836.3	J
523A.402	Subsection 6, paragraph c amended	HF 227.107	J
523A.402	Subsection 6, paragraph c amended	SF 360.50	J
523A.812	Section amended	HF 836.4	J
523A.814	New section	HF 836.5	J
523I.	Old chapter repealed	HF 836.74	J
523I.101	New section	HF 836.6	J
523I.102	New section	HF 836.7	J
523I.103	New section	HF 836.8	J
523I.201	New section	HF 836.9	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
523I.202	New section	HF 836.10	J
523I.203	New section	HF 836.11	J
523I.204	New section	HF 836.12	J
523I.205	New section	HF 836.13	J
523I.206	New section	HF 836.14	J
523I.207	New section	HF 836.15	J
523I.208	New section	HF 836.16	J
523I.209	New section	HF 836.17	J
523I.210	New section	HF 836.18	J
523I.211	New section	HF 836.19	J
523I.212	New section	HF 836.20	J
523I.213	New section	HF 836.21	J
523I.214	New section	HF 836.22	J
523I.301	New section	HF 836.23	J
523I.302	New section	HF 836.24	J
523I.303	New section	HF 836.25	J
523I.304	New section	HF 836.26	J
523I.305	New section	HF 836.27	J
523I.306	New section	HF 836.28	J
523I.307	New section	HF 836.29	J
523I.308	New section	HF 836.30	J
523I.309	New section	HF 836.31	J
523I.310	New section	HF 836.32	J
523I.311	New section	HF 836.33	J
523I.312	New section	HF 836.34	J
523I.313	New section	HF 836.35	J
523I.314	New section	HF 836.36	J
523I.315	New section	HF 836.37	J
523I.316	New section	HF 836.38	J
523I.401	New section	HF 836.39	J
523I.402	New section	HF 836.40	J
523I.501	New section	HF 836.41	J
523I.502	New section	HF 836.42	J
523I.503	New section	HF 836.43	J
523I.504	New section	HF 836.44	J
523I.505	New section	HF 836.45	J
523I.506	New section	HF 836.46	J
523I.507	New section	HF 836.47	J
523I.508	New section	HF 836.48	J
523I.601	New section	HF 836.49	J
523I.602	New section	HF 836.50	J
523I.603	New section	HF 836.51	J
523I.604	New section	HF 836.52	J
523I.605	New section	HF 836.53	J
523I.701	New section	HF 836.54	J
523I.702	New section	HF 836.55	J
523I.801	New section	HF 836.56	J
523I.802	New section	HF 836.57	J

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523I.803	New section	HF 836.58	J
523I.804	New section	HF 836.59	J
523I.805	New section	HF 836.60	J
523I.806	New section	HF 836.61	J
523I.807	New section	HF 836.62	J
523I.808	New section	HF 836.63	J
523I.809	New section	HF 836.64	J
523I.810	New section	HF 836.65	J
523I.811	New section	HF 836.66	J
523I.812	New section	HF 836.67	J
523I.813	New section	HF 836.68	J
523I.814	New section	HF 836.69	J
524.103	Subsection 10 amended	SF 113.86	J
524.310	Subsection 1 amended	HF 227.108	J
524.1201	Subsection 4 stricken	HF 227.109	J
524.1303	Subsections 4 & 5 amended	HF 227.110	J
524.1309	Subsections 5 & 6 amended	HF 227.111	J
524.1402	Subsections 5 & 6 amended	HF 227.112	J
524.1408	Section amended	SF 113.87	J
533.24	New subsection 6	HF 868.17	J
533.24	New subsection 7	HF 868.66	A J
534.513	Subsection 3 amended	SF 113.88	J
535.8	Subsection 2, paragraph b, unnumbered paragraph 3 amended	HF 227.113	J
535.8	Subsection 2, paragraph b, new unnumbered paragraph	HF 227.114	J
535B.1	New subsection 2A	HF 737.1	7/1/06
535B.1	Subsection 4 amended	HF 737.2	7/1/06
535B.1	Subsection 5 amended	HF 737.3	7/1/06
535B.2	Section amended	HF 737.4	7/1/06
535B.3	Subsections 1 & 3 amended	HF 737.5	7/1/06
535B.4A	New section	HF 737.6	7/1/06
535B.9	Subsection 1 amended	HF 737.7	7/1/06
535B.9A	New section	HF 737.8	7/1/06
535B.10	Subsection 6 amended	SF 113.89	J
536.4	Unnumbered paragraph 3 amended	SF 113.90	J
537.1103	Section amended	SF 113.91	J
537.1301	New subsections 2A & 17A	SF 260.1	J
537.7103	Subsection 4, paragraph b, subparagraph (2) amended	SF 260.2	J
543B.5	Subsection 7 amended	HF 375.1	J
543B.7	Subsection 5 amended	SF 210.1	J
543B.8	Unnumbered paragraph 1 amended	HF 469.1	J
543B.15	New subsection 10	SF 320.1	J
543B.34	Subsection 9, paragraph a, unnumbered paragraph 1 amended	HF 882.72	J
543B.56A	New section	HF 375.2	J
543B.60A	Section rewritten	HF 882.73	J
544A.16	Subsection 7 stricken	SF 405.1	J
544C.1	New section	SF 405.2	J
544C.2	New section	SF 405.3	J
544C.3	New section	SF 405.4	J
544C.4	New section	SF 405.5	J
544C.5	New section	SF 405.6	J
544C.6	New section	SF 405.7	J
544C.7	New section	SF 405.8	J
544C.8	New section	SF 405.9	J
544C.9	New section	SF 405.10	J

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544C.10	New section	SF 405.11	J
544C.11	New section	SF 405.12	J
544C.12	New section	SF 405.13	J
544C.14	New section	SF 405.14	J
546.10	Subsection 1, new paragraph f	HF 227.115	J
546A.1	Subsection 4 amended	SF 113.92	J
546A.4	Subsection 3 amended	SF 113.93	J
547.1	Section amended	HF 175.2	J
547A.1	New section	SF 74.1	J
547A.2	New section	SF 74.2	J
551A.3	Subsection 1 amended	SF 113.94	J
551A.3	Subsection 3, paragraphs a & b amended	SF 363.1	J
551A.4	Subsection 1, paragraph b amended	SF 363.2	J
551A.9	Subsection 3, paragraph e amended	HF 227.116	J
554.3103	Subsections 2 & 3 amended	SF 139.1	J
554.3104	New subsection 11	SF 139.2	J
554.3309	Subsection 1 amended	SF 139.3	J
554.3416	Subsection 1, paragraphs d & e amended	SF 139.4	J
554.3416	New subsection 5	SF 139.5	J
554.3417	Subsection 1, paragraphs b & c amended	SF 139.6	J
554.3417	New subsections 7 & 8	SF 139.7	J
554.4111	New section	SF 139.8	J
554.4207	Subsection 1, paragraphs d & e amended	SF 139.9	J
554.4207	New subsection 6	SF 139.10	J
554.4208	Subsection 1, paragraphs b & c amended	SF 139.11	J
554.4208	New subsections 7 & 8	SF 139.12	J
554D.101	Section amended	SF 113.95	J
556.1	Subsection 3 amended	HF 859.116	J
556.5	Subsection 4, paragraph b amended	HF 859.117	J
558.1	Section amended	SF 113.96	J
558.42	Section amended	SF 113.97	J
558.68	New subsection 5	SF 375.17	J
558.70	Subsection 4 amended	HF 737.9	7/1/06
561.22	Section amended	HF 754.1	A J
565B.7	Subsection 3 amended	HF 281.5	J
566	Chapter repealed	HF 836.74	J
566A.	Chapter repealed	HF 836.74	J
573.12	Subsection 1, unnumbered paragraph 1 amended	HF 882.158	J
573.14	Unnumbered paragraph 2 amended	HF 882.159	J
579A.2	Subsection 3, paragraph b amended	HF 805.38	J
579A.2	Subsection 3, paragraph b amended	HF 882.74	J
579B.4	Subsection 1, paragraph b amended	HF 805.39	J
579B.4	Subsection 1, paragraph b amended	HF 882.75	J
586.1	Subsection 3 amended	SF 113.98	J
589.9	Section amended	SF 113.99	J
589.22	Section amended	SF 113.100	J
598.5	Section amended	SF 330.30	J
598.6	Section repealed	SF 330.58	J

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598.7	Section rewritten	SF 330.31	J
598.7A	Section repealed	SF 330.58	J
598.10	New section	SF 330.32	J
598.11	Section rewritten	SF 330.33	J
598.12	Section amended	SF 330.34	J
598.14	Section rewritten	SF 330.35	J
598.14A	Section repealed	SF 330.58	J
598.14B	Section repealed	SF 330.58	J
598.15	Section rewritten	SF 330.36	J
598.19A	Section repealed	SF 330.58	J
598.20	Section amended	SF 330.37	J
598.21	Section rewritten	SF 330.38	J
598.21A	Section rewritten	SF 330.39	J
598.21B	New section	SF 330.40	J
598.21C	New section	SF 330.41	J
598.21D	New section	SF 330.42	J
598.21E	New section	SF 330.43	J
598.21F	New section	SF 330.44	J
598.21G	New section	SF 330.45	J
598.22	Section amended	SF 330.46	J
598.22A	Subsection 1, unnumbered paragraph 1 amended	SF 350.18	J
598.22C	Subsection 2 amended	SF 330.47	J
598.22C	Subsection 3, paragraph a, subparagraph (1) amended	SF 330.48	J
598.22C	Subsection 3, paragraph b amended	SF 330.49	J
598.22D	New section	SF 330.50	J
598.41	Subsection 1, paragraph a amended	SF 330.51	J
598.41	Subsection 5, paragraph a amended	SF 330.52	J
598.41	New subsection 9	SF 330.53	J
600.11	Subsection 2, paragraph f amended	SF 330.54	J
600.16A	Subsection 5 amended	SF 350.19	J
600.17	New subsection 3	HF 825.126	J
600A.2	New subsection 10A	HF 683.2	R 5/12/04
600A.6	Subsection 3, new paragraph c	HF 683.3	R 5/12/04
600A.6A	New section	HF 683.4	R 5/12/04
600A.6B	New section	HF 683.5	R 5/12/04
600A.8	New subsection 9	SF 330.55	J
600B.25	Subsection 1 amended	SF 330.56	J
600B.28	Section amended	SF 113.101	J
600B.41A	Subsection 6, paragraph b amended	SF 330.57	J
602.1302	Subsection 1 amended	HF 826.2	J
602.1302	Subsection 3 amended	HF 683.6	R 5/12/04
602.1304	Subsection 2, paragraph b amended	HF 826.3*	J
602.1304	Subsection 2, paragraph b amended	HF 882.137	J
602.6401	Subsection 1 amended	HF 807.3	J
602.6703	New section	SF 413.68	J
602.8102	Subsection 48 stricken	HF 841.58	C
602.8102	Subsection 69 amended	SF 113.102	J
602.8102	Subsection 81 amended	HF 836.70	J
602.8102	Subsection 133 stricken	HF 683.7	R

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			11/10/04
602.8102	Subsection 135A amended	HF 227.117	J
602.8102A	New section	HF 807.4	J
602.8104	Subsection 2, paragraph h amended	HF 836.71	J
602.8105	Subsection 2 amended	HF 807.5	J
602.8105	Subsection 4 amended	SF 169.5	5/21/05
602.8106	Subsection 1, paragraphs b, d, & e amended	HF 826.4	J
602.8108	Subsection 2 amended	HF 826.5*	J
602.8108	Subsection 2 amended	HF 882.138	J
602.8108	Subsection 3 amended	HF 682.1	J
602.8108	Subsections 5 & 6 amended	SF 113.103	J
602.8108	New subsection 7A	HF 826.6	J
602.8108	New subsection 9	HF 682.2	J
602.8108	New subsection 9	HF 826.7	VETO
602.8108	New subsection 9 repealed	HF 826.7	VETO
602.10110	Section amended	HF 882.76	E
602.10112	Section repealed	HF 882.79	E
602.11116	Subsection 3 amended	SF 113.104	J
607A.8	Section amended	HF 807.8	J
614.4A	New section	SF 270.1	J
614.24	New unnumbered paragraph	SF 375.18	J
614.32	New subsection 6	SF 375.19	J
633.2	Section amended	SF 379.51	J
633.3	Unnumbered paragraph 1 amended	SF 379.51	J
633.3	Subsections 7 & 20 amended	SF 379.51	J
633.3	Subsection 15 rewritten	SF 379.2	J
633.3	Subsection 17 amended	SF 379.3	J
633.3	Subsection 34 amended	SF 379.4	J
633.3	Subsection 35 rewritten	SF 379.5	J
633.10	Unnumbered paragraph 1 amended	SF 379.6	J
633.10	Subsection 2 amended	SF 379.7	J
633.10	Subsection 4 rewritten	SF 379.8	J
633.10	Subsection 5 amended	HF 882.139	J
633.22	Subsection 4 amended	SF 379.51	J
633.27	Subsection 4 amended	SF 379.9	J
633.28	Section repealed	SF 379.50	J
633.34	Section amended	SF 379.51	J
633.38	Section amended	SF 379.51	J
633.40	Subsection 1 amended	SF 379.51	J
633.44	Section amended	SF 379.51	J
633.46	Section amended	SF 379.51	J
633.47	Section amended	SF 379.51	J
633.63	Subsection 3 amended	HF 825.144	J
633.63	New subsection 4	HF 825.145	J
633.71	Section amended	SF 379.51	J
633.88	Section amended	SF 379.51	J
633.108	Section amended	SF 379.10	J
633.118	Section amended	SF 379.51	J

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633.160	Section amended	SF 379.51	J
633.162	Section amended	SF 379.51	J
633.197	Unnumbered paragraph 1 amended	SF 379.11	J
633.236	Section rewritten	SF 379.12	J
633.237	Section rewritten	SF 379.13	J
633.238	Section rewritten	SF 379.14	J
633.239	Section rewritten	SF 379.15	J
633.240	Section rewritten	SF 379.16	J
633.241	Section rewritten	SF 379.17	J
633.242	Section rewritten	SF 379.18	J
633.243	Section rewritten	SF 379.19	J
633.244	Section rewritten	SF 379.20	J
633.246A	Section rewritten	SF 379.21	J
633.247	Section rewritten	SF 379.22	J
633.248	Section amended	SF 379.23	J
633.252	Section rewritten	SF 379.24	J
633.264	Section amended	SF 379.25	J
633.271	Section amended	SF 379.26	J
633.350	Section amended	SF 379.51	J
633.365	Section amended	SF 379.51	J
633.389	Section amended	SF 379.51	J
633.433	Section amended	SF 379.51	J
633.434	Unnumbered paragraph 2 amended	SF 379.27	J
633.477	Subsection 10 amended	SF 379.28	J
633.500	Section amended	SF 379.51	J
633.502	Section amended	SF 379.51	J
633.574	Section amended	SF 379.29	J
633.597	Section amended	SF 379.51	J
633.633	Section amended	SF 379.51	J
633.633A	Section amended	SF 379.51	J
633.652	Section amended	SF 379.51	J
633.681	Section amended	SF 379.30	J
633.699	Section rewritten	SF 379.31	J
633.699A	Section repealed	SF 379.50	J
633.699B	New section	SF 379.32	J
633.700	Unnumbered paragraph 1 amended	SF 113.105	J
633.703A	Section repealed	SF 379.50	J
633.703B	Section repealed	SF 379.50	J
633.705	New subsections 3 & 4	SF 379.33	J
633.706	New subsections 4 & 5	SF 379.34	J
633.707	Unnumbered paragraph 1 amended	SF 379.52	J
633.711	Subsection 2 amended	SF 379.52	J
633.800	Section amended	SF 379.52	J
633.801	Unnumbered paragraph 1 amended	SF 379.52	J
633.803	Section amended	SF 379.52	J
633.807	Subsections 2 & 7 amended	SF 379.52	J
633.808	Section amended	SF 379.52	J
633.809	Section amended	SF 379.52	J
633.810	Section amended	SF 379.52	J
633.901	Section amended	SF 379.52	J
633.902	Unnumbered paragraph 1 amended	SF 379.52	J
633.903	Section amended	SF 379.52	J
633.904	Section amended	SF 379.52	J
633.905	Subsection 3 amended	SF 113.106	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
633.905	Subsection 6 amended	SF 379.52	J
633.913	Subsections 5 & 6 amended	SF 379.52	J
633.914	Section amended	SF 379.52	J
633.915	Section amended	SF 379.52	J
633.916	Section amended	SF 379.52	J
633.917	Section amended	SF 379.52	J
633.1101	Section amended	SF 379.52	J
633.1102	New subsection 0A	SF 379.35	J
633.1102	Unnumbered paragraph 1 amended	SF 379.52	J
633.1104	Section amended	SF 379.52	J
633.1107	Section amended	SF 379.36	J
633.2208	New subsection 3	SF 379.37	J
633.2301	Subsection 4, unnumbered paragraph 1 amended	SF 379.38	J
633.2303	New subsection 3	SF 379.39	J
633.3107	Section amended	SF 379.40	J
633.3112	New section	SF 379.41	J
633.4701	New subsection 8A	SF 379.42	J
633.4701	Subsection 9 amended	SF 379.43	J
633.4703	New section	SF 379.44	J
633.4704	New section	SF 379.45	J
633.4705	New section	SF 379.46	J
633.4706	New section	SF 379.47	J
633.5105	New section	SF 379.48	J
633.6101	Section amended	SF 379.49	J
633.7101	Section repealed	SF 379.50	J
633	Division XVII, sections 633.705 & 633.706 transferred to new chapter 633B	SF 379.53	J
633	Division XVIII, sections 633.707 through 633.711 transferred to new chapter 633C	SF 379.53	J
633	Division XIX, sections 633.800 through 633.811 transferred to new chapter 633D	SF 379.53	J
633	Division XX, sections 633.901 through 633.917 transferred to new chapter 633E	SF 379.53	J
633	Sections 633.1101 through 633.1108 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.2101 through 633.2107 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.2201 through 633.2208 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.2301 through 633.2303 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.3101 through 633.3111 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.4101 through 633.4111 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.4201 through 633.4214 transferred to new chapter 633A	SF 379.54	J
633	Sections 633.4301 through 633.4309		

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<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
633	transferred to new chapter 633A Sections 633.4401 & 633.4402	SF 379.54	J
633	transferred to new chapter 633A Sections 633.4501 through 633.4507	SF 379.54	J
633	transferred to new chapter 633A Sections 633.4601 through 633.4605	SF 379.54	J
633	transferred to new chapter 633A Sections 633.4701 & 633.4702	SF 379.54	J
633	transferred to new chapter 633A Sections 633.5101 through 633.5104	SF 379.54	J
633	transferred to new chapter 633A Sections 633.6101 through 633.6105	SF 379.54	J
633	transferred to new chapter 633A Sections 633.6201 & 633.6202	SF 379.54	J
633	transferred to new chapter 633A Sections 633.6301 through 633.6308	SF 379.54	J
636.23	Subsection 14 amended	HF 836.72	J
636.28	Section amended	SF 113.107	J
636.60	Section repealed	SF 379.50	J
636.60A	Section repealed	SF 379.50	J
636.61	Section repealed	SF 379.50	J
654A.13	Section amended	SF 323.4	J
657.1	Subsection 2 amended	SF 113.108	J
669.2	Subsection 4, unnumbered paragraph 1 amended	HF 374.36	E
669.14	New subsection 15	HF 619.13	E
679.12	Section amended	SF 323.5	J
679C.	Old chapter repealed	SF 323.21	J
679C.101	New section	SF 323.6	J
679C.102	New section	SF 323.7	J
679C.103	New section	SF 323.8	J
679C.104	New section	SF 323.9	J
679C.105	New section	SF 323.10	J
679C.106	New section	SF 323.11	J
679C.107	New section	SF 323.12	J
679C.108	New section	SF 323.13	J
679C.109	New section	SF 323.14	J
679C.110	New section	SF 323.15	J
679C.111	New section	SF 323.16	J
679C.112	New section	SF 323.17	J
679C.113	New section	SF 323.18	J
679C.114	New section	SF 323.19	J
679C.115	New section	SF 323.20	J
691.6	New subsection 7	HF 789.38	J
692A.1	Subsection 8 amended	HF 619.21	J
692A.2	New subsections 1A & 2A	HF 619.22	J
692A.4	Section amended	HF 619.23	J
692A.4A	New section	HF 619.24*	J
692A.4A	New section amended	HF 882.77	J
692A.5	Subsection 1, new paragraph i	HF 619.25	J
692A.13	Subsection 2, paragraph b amended	HF 619.27	J
692A.13	New subsection 2A	HF 619.28	J
692A.13	Subsection 3 amended	HF 619.26	J
692A.13	Subsection 5 amended	HF 619.29	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
692A.13A	New section	HF 619.30*	J
692A.13A	New section, subsection 1, unnumbered paragraph 1 amended	HF 882.78	J
708.3A	Subsections 1, 2, 3, & 4 amended	SF 413.69	J
708.3A	Subsections 5, 6, 7, & 8 amended	SF 113.109	J
708.3A	New subsection 9	SF 413.70	J
709.8	Section amended	HF 619.35	J
709.22	New section	HF 619.45	J
714.1	Subsection 2 amended	HF 745.1	J
714.7C	Section amended	SF 169.6	5/21/05
714.7D	New section	HF 440.3	J
714.16B	Section amended	SF 270.2	J
714.22	Unnumbered paragraph 1 amended	HF 227.118	J
714E	Chapter repealed	HF 610.8	J
714F.1	New section	HF 614.1	J
714F.2	New section	HF 614.2	J
714F.3	New section	HF 614.3	J
714F.4	New section	HF 614.4	J
714F.5	New section	HF 614.5	J
714F.6	New section	HF 614.6	J
714F.7	New section	HF 614.7	J
714F.8	New section	HF 614.8	J
715A.8	Subsection 1 amended	SF 270.3	J
715A.8	New subsections 5, 6, 7, & 8	SF 270.4	J
716A.1	New section	HF 610.1	J
716A.2	New section	HF 610.2	J
716A.3	New section	HF 610.3	J
716A.4	New section	HF 610.4	J
716A.5	New section	HF 610.5	J
716A.6	New section	HF 610.6	J
716A.7	New section	HF 610.7	J
717A.2	Subsection 3, unnumbered paragraph 1 amended	SF 113.110	J
725.12	Section amended	HF 645.1	J
726.6	Subsection 1, new paragraph h	HF 619.31	J
726.21	New section	HF 685.1	J
726.22	New section	HF 685.2	J
726.23	New section	HF 685.3	J
728.1	Subsection 6 amended	SF 113.111	J
730.5	Subsection 1, paragraph b amended	SF 113.112	J
802.2	Section amended	HF 619.36	J
804.21	Subsection 1 amended	SF 169.7*	E
804.21	Subsection 1 amended	HF 811.21	E
804.22	Unnumbered paragraph 2 amended	SF 169.8*	E
804.22	Unnumbered paragraph 2 amended	HF 811.22	E
805.8A	Subsection 5, paragraph b amended	HF 826.8	J
805.8C	Subsection 6 rewritten	SF 169.9*	5/21/05
805.8C	Rewritten subsection 6 amended	HF 882.140	J
805.8C	New subsection 7	HF 275.2	J
811.2	Subsection 1, unnumbered paragraph 2 amended	SF 169.10*	E

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<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
811.2	Subsection 1, unnumbered paragraph 2 amended	HF 811.23	E
811.2	Subsection 3 amended	SF 169.11*	E
811.2	Subsection 3 amended	HF 811.24	E
812.4	Subsection 1 amended	HF 771.1	J
812.9	Subsection 4 amended	SF 113.113	J
814.11	Subsection 7 amended	HF 227.119	J
815.1	Section repealed	HF 683.13	R
			11/10/04
815.10	Subsection 1 amended	HF 683.8	R V
815.10	Subsection 6 amended	HF 227.120	J
815.11	Section amended	HF 683.9	R V
901.4	Section amended	HF 807.6	J
901.5	Subsection 7A, paragraph b, unnumbered paragraph 1 amended	SF 370.1	J
901.5	Subsection 8A amended	HF 619.14	E
901.5	New subsection 13	HF 619.37	J
902.15	New section	HF 619.38	J
903A.2	Subsection 1, paragraph a amended	HF 619.32	J
903B.1	Subsection 3 stricken	HF 619.41	J
903B.1	New subsection 7	HF 619.33	J
903B.0A	New section	HF 619.39	J
903B.0B	New section	HF 619.40	J
904.703	Subsection 3 amended	SF 321.1	J
906.4	Unnumbered paragraph 3 amended	HF 619.15	E
906.15	Unnumbered paragraph 1 amended	HF 619.42	J
907.1	Subsection 1 amended	HF 682.3	J
907.3	Subsection 1, unnumbered paragraph 1 amended	HF 682.4	J
907.14	New section	HF 682.5	J
908.2	Section amended	HF 683.10	R
			11/10/04
908.2A	New section	HF 683.11	R
			11/10/04
908.4	Subsection 2 amended	HF 683.12	R
			11/10/04
908.5	Section amended	HF 619.43	J
911.1	Subsection 1 amended	HF 682.6	J
915.10	Subsections 1 & 2 amended	HF 619.46	J
915.10A	New section	HF 619.47	J
915.11	Section amended	HF 619.48	J
915.12	Section amended	HF 619.49	J
915.29	New unnumbered paragraph	HF 619.50	J
915.45	New unnumbered paragraph	HF 619.51	J

2005 ACTS—Listed by Bill Number

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
HF190.2	Section amended	HF 882.118	J
HF339.4	Section amended	HF 882.131	J
HF418.1	Section amended	HF 882.120	J
HF466.3	Section repealed	HF 875.13	J
HF478.3	Section amended	HF 825.54	R
			4/19/05

HF585.3	Section amended	HF 882.121	J
HF591.10	Section amended	HF 882.129	J
HF619.24	Section amended	HF 882.77	J
HF619.30	Section amended	HF 882.78	J
HF724.6	Section amended	HF 882.119	J
HF739.7	Section amended	HF 882.141	J
HF739.8	New section	HF 882.82	J
HF761.5	Section amended	HF 882.109	J
HF761.9	Section amended	HF 882.110	J
HF784	Act repealed	HF 784.11	7/1/08
HF809.2	Subsection 1, paragraph a amended	HF 882.18	J
HF809.19	Section amended	HF 868.2	J
HF810.25	Section amended	HF 882.21	E
HF826.3	Section amended	HF 882.137	J
HF826.5	Section amended	HF 882.138	J
HF839.9	New section	HF 882.142	J
HF841.8	Section amended	HF 825.117	J
HF859.2	Section amended	HF 859.118	1/1/06
HF859.17	Section amended	HF 882.133	J
HF859.73	Section amended	HF 882.134	J
HF859.102	Section amended	HF 882.135	J
HF859.104	Section rewritten	HF 882.136	J
HF859.109	Section amended	HF 882.27	J
HF862.1	Subsection 2, paragraph h, unnumbered paragraph 1 & paragraph i, unnumbered paragraph 1 amended	HF 882.19	J
HF862.1	Subsection 2, paragraph j amended	HF 882.20	J
HF868	Division XIII - sections 119-123 repealed	HF 868.134	7/1/13
HF868	Division XIII - section 126 partially repealed	HF 868.134	7/1/13
HF868	Division XIII - sections 127-133 repealed	HF 868.134	7/1/13
HF875.41	Section repealed	HF 875.41	7/1/15
HF881.5	Unnumbered paragraph 1 amended	HF 882.22	J
SF75.1	New subsections 2 & 5 amended	HF 374.37	R 5/17/04
SF169.1	Section amended	HF 882.56	J
SF169.3	Section amended	HF 882.115	J
SF169.3	Section amended	HF 882.116	J
SF169.3	Section amended	HF 882.117	J
SF169.7	Section amended	HF 811.21	E
SF169.8	Section amended	HF 811.22	E
SF169.9	Section amended	HF 882.140	J
SF169.10	Section amended	HF 811.23	E
SF169.11	Section amended	HF 811.24	E
SF205.5	Section amended	HF 882.108	J
SF206.8	Section amended	HF 808.24	J

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2004 ACTS—Listed by Bill Number

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1021.117	Section amended	SF 113.114	J
1049.81	Section amended	HF 227.122	R 7/1/04
1049.101	Section amended	HF 227.123	R 7/1/04
1052.4	Section rewritten	SF 113.115	R 7/1/04
1084.8	Section amended	SF 113.116	R 7/1/04
1085.8	Section repealed	HF 841.41	C
1085.10	Subsection 5 repealed	HF 841.41	C
1141.34	Section amended	SF 113.117	R 7/1/04
1161	New section 62A	HF 227.124	R 1/1/05
1175.1	Subsection 3, new unnumbered paragraph	HF 810.23	E
1175.7	Unnumbered paragraph 2 amended	HF 810.24	E
1175.12	Subsection 4 amended	HF 810.25	E
1175.12	Subsection 4 amended	HF 882.21	E
1175.16	Subsection 2 amended	HF 810.26	E
1175.50	New subsection 5	HF 809.21	E
1175.86	Subsect. 2, para. b, unnumbered para. 2, & subparas. (1), (2), & (3) amended	HF 841.35	C
1175.109	Subsection 2, paragraph g amended	HF 825.33	E
1175.113	New subsection 5	HF 825.34	E
1175.116	Unnumbered paragraph 2 amended	SF 342.2	E
1175.118	Unnumbered paragraph 2 amended	SF 342.3	E
1175.130	Subsections 1 & 2 amended	SF 342.4	E
1175.131	Section amended	SF 342.5	E
1175.134	Subsection 1, unnumbered paragraph 2 amended	SF 342.6	E
1175.134	New subsection 3	HF 825.35	E
1175.135	New subsection 3	HF 825.36	E
1175.154	Section amended	HF 825.31	J
1175.160	Section amended	HF 825.32	E
1175.173	Subsection 1, new unnumbered paragraph	HF 825.50	E
1175.173	Subsection 2, paragraph c amended	HF 825.51	J
1175.173	New subsections 3, 4, 5, & 6	HF 825.52	J
1175.183	Subsection 1, paragraph c amended	HF 811.26	E
1175.184	Subsection 1, paragraph a, unnumbered paragraph 1 amended	HF 811.27	E
1175.185	Subsection 1 amended	HF 811.28	E
1175.188	Section amended	HF 811.29	E
1175.192	Subsection 2, unnumbered paragraph 1 amended	HF 811.30	E
1175.192	Subsection 4, paragraph a amended	HF 811.31	E
1175.193	Section amended	HF 811.32	E
1175.213	Section amended	HF 837.3	J
1175.270	Section amended	HF 882.23	J
1175.272	Section amended	HF 837.4	J
1175.274	Section amended	SF 75.1	R
			5/17/04
1175.288	Subsection 13, paragraph c amended	HF 875.7	E
1175.301	Subsection 1, paragraph f, unnumbered paragraph 2 amended	SF 71.1	E
1175.310	Section amended	HF 875.23	E

2003 ACTS—Listed by Bill Number

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
112.4	Section repealed	HF 841.41	C
112.11	Subsection 1 amended	HF 841.36	C
177.22	Subsection 6, paragraph a stricken	HF 875.24	E
178.45	Unnumbered paragraph 3 amended	HF 825.32	E
179.21	Section amended	SF 75.1	R 5/17/04
179.21	Section amended	HF 374.37	R 5/17/04
179.38	Section amended	HF 882.23	J
179.162	Section repealed	HF 841.41	C

2002 ACTS—Listed by Bill Number

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1080	Chapter repealed	HF 619.16	E
1111.36	Section repealed	HF 227.121	R 6/30/04
1173.1	Subsection 7, paragraph a amended	HF 875.23	E
1174.8	Section amended	HF 882.23	J

2001 ACTS—Listed by Bill Number

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
174.1	Subsection 2 amended	HF 882.23	J
185.12	Section amended	HF 875.6	E
185.30	Section amended	HF 875.22	E
192.4	Subsection 3, paragraphs e & f amended	HF 825.31	J

IOWA ADMINISTRATIVE CODE AMENDED

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
441	Rule 98.22 nullified	SF 350.20	J
441	Rule 98.23 nullified	SF 350.20	J
441	Rule 98.33 nullified	SF 350.20	J
441	Rule 98.92 nullified	SF 350.20	J

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2005 SENATE COMMITTEES

STANDING COMMITTEES

AGRICULTURE

Fraise, Co-chair
Johnson, Co-chair
Black
Brunkhorst
Courtney
Gaskill
Hahn
Hancock
Houser
Kibbie
Mulder
Putney
Ragan
Rielly

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Angelo, Co-chair
Dvorsky, Co-chair
Black
Boettger
Bolkcom
Connolly
Dotzler
Fraise
Gaskill
Hatch
Horn
Johnson
Kettering
Lamberti
Miller
Putney
Ragan
Seng
Seymour
Shull
Stewart
Tinsman
Ward
Warnstadt

BUSINESS & LABOR RELATIONS

Dearden, Co-chair
Wieck, Co-chair
Behn
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Seng
Seymour
Shull

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Warnstadt, Co-chair
Angelo
Beall
Bolkcom
Courtney
Gronstal
Kettering
Larson
McCoy
McKinley
Rielly
Stewart
Wieck
Zaun
Zieman

ECONOMIC GROWTH

Brunkhorst, Co-chair
Hatch, Co-chair
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Behn
Danielson
Dotzler
Hahn
McKinley
Ragan
Rielly
Seymour
Shull
Stewart
Zaun

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Connolly, Co-chair
McKinley, Co-chair
Angelo
Beall
Boettger
Brunkhorst
Dvorsky
Kreiman
Larson
Mulder
Quirnbach
Schoenjahn
Ward
Wood

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Larson, Co-chair
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Dearden
McKibben
Mulder

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Lundby, Co-chair
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Wieck

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Ragan, Co-chair
Seymour, Co-chair
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Boettger
Bolkcom
Dotzler
Gaskill
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Houser
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Tinsman
Wood

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Miller, Co-chair
Boettger
Brunkhorst
Dvorsky
Fraise
Hancock
Horn
Larson
McKibben
Quirnbach
Schoenjahn
Tinsman
Ward
Warnstadt
Zaun

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Shull, Co-chair
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McCoy
Mulder
Putney
Rielly
Schoenjahn
Stewart
Zaun

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Houser, Co-chair
Bolkcom
Dearden
Gaskill
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Lundby
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Iverson, Co-chair
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Kibbie
Lamberti
Ragan

STATE GOVERNMENT

Horn, Co-chair
McKibben, Co-chair
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Brunkhorst
Connolly
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Ward
Wieck
Wood
Zieman

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McCoy, Co-chair
Putney, Co-chair
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Dearden
Fraise
Hahn
Kettering
Shull
Ward
Warnstadt
Zieman

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Bolkcom, Co-chair	Hahn	McKinley	Stewart
Zieman, Co-chair	Larson	Miller	Wieck
Connolly	McCoy	Quirnbach	Zaun
Danielson			

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION & REGULATION

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Zieman

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Danielson
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Angelo
Beall
Dearden
Zaun

2005 HOUSE COMMITTEES

STANDING COMMITTEES

ADMINISTRATION & RULES

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 Heddens
 Jacobs
 Miller
 Murphy
 Olson, S.
 Rants
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 Davitt
 De Boef
 Dolecheck
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 Huseman
 Kaufmann
 Kuhn
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 Swaim
 Thomas
 Whitaker
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 Chambers
 Dandekar
 De Boef
 Heaton
 Horbach
 Huseman
 Jacobs
 Jenkins
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 May
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 Miller
 Petersen
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 Sands
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 Soderberg
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 Taylor, T.
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 Wilderdyke
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 Fallon
 Granzow
 Jenkins
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 May
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 Schueller
 Struyk
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 Roberts
 Schickel
 Soderberg
 Tomenga
 Winckler
 Wise

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 Fallon
 Gaskill
 Heddens
 Horbach
 Huseman
 Kressig
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 Olson, S.
 Pettengill
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 Ford
 Freeman
 Granzow
 Heaton
 Heddens
 Hunter
 Hutter
 Jacoby
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 Petersen
 Roberts
 Tomenga
 Tymeson
 Wendt

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 Eichhorn
 Foege
 Heaton
 Hutter
 Jochum
 Kaufmann
 Lensing
 Olson, R.
 Smith
 Tymeson
 Van Fossen, J.R.
 Wessel-Kroeschell
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Schickel, Vice Chair
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 Boal
 Elgin
 Fallon
 Hoffman
 Huser

Jones
Kressig
Maddox
Olson, D.
Pettengill
Rasmussen
Schueller
Tjepkes
Van Fossen, J.K.
Watts
Wessel-Kroeschell
Whitead

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Baudler
Davitt
Frevort
Lukan
Lykam
Olson, R.
Rasmussen
Rayhons
Reichert
Taylor, D.
Tjepkes
Upmeyer
Van Engelenhoven
Van Fossen, J.R.
Whitaker

Whitead
Wilderdike
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Bell
Berry
Chambers
De Boef
Dolecheck
Eichhorn
Heddens
Horbach
Hunter
Lykam
Olson, R.
Rayhons
Reasoner
Sands
Shoultz
Tjepkes
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Bukta
Drake

Ford
Gaskill
Greiner
Hutter
Jacobs
Jochum
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Lensing
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Raecker
Roberts
Taylor, T.
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Wendt
Whitead

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Hunter
Huseman
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Lykam
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Raecker
Rasmussen

Reasoner
Schickel
Tjepkes
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Drake
Eichhorn
Frevort
Hogg
Huser
Jochum
Kaufmann
Lalk
McCarthy
Paulsen
Reasoner
Schueller
Shoultz
Soderberg
Struyk
Tomenga
Tymeson
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Hunter, Ranking Member
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Gaskill
Lalk
Pettengill
Struyk
Taylor, D.

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Bell
Drake

Greiner
Mertz
Schueller

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Hoffman
Hogg
Jacoby
Kressig
Soderberg

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Frevort
Jenkins
Kaufmann
Tymeson
Wessel-Kroeschell

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Mascher
Smith
Upmeyer
Wilderdike

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Maddox
Olson, R.
Paulsen
Swaim
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Cohoon, Ranking Member
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Quirk
Rayhons
Reichert
Shomshor
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