

2004 Legislative Session

Subject Listing

Bill

Appropriations

★ SF 2112

Makes transportation and infrastructure-related appropriations to the DOT from the Road Use Tax Fund and the Primary Road Fund. The bill appropriates \$274.1 million to the DOT from these two funds and allocates 3,421 full-time equivalent (FTE) positions to the DOT. Amends Code sections 314.28 and 422.12A related to the Keep Iowa Beautiful income tax check-off to provide that the Department of Revenue shall annually transfer taxpayer-designated contributions to the Keep Iowa Beautiful Fund administered by the DOT.

SF 2288

Appropriates funds from federal block grants and other federal grants to various state agencies. Section 53 appropriates federal grants, receipts or funds for the fiscal year beginning July 1, 2004, to the DOT, for the purposes set forth in the grants, receipts or funds. *[Note: The money is appropriated based on the state fiscal year, rather than the federal fiscal year, and does not include specific purposes or specific amounts.]*

★ SF 2298

Makes, reduces, and transfers appropriations for the operation of most state government agencies for FY 2005. Includes infrastructure appropriations and other appropriations from the Rebuild Iowa Infrastructure Fund (RIIF) and the Restricted Capitals Fund. Includes standing appropriation language and various change and corrective language to bills passed earlier during the 2004 legislative session. Section 266 appropriates \$3 million from the Road Use Tax Fund and \$12 million from the Primary Road Fund to the Salary Adjustment Fund for FY 2005 pay adjustments and benefits for DOT employees. Section 288, subsection 14, appropriates RIIF moneys to the DOT for aviation purposes, including \$500,000 for specific aviation operations, \$1.1 million for vertical infrastructure at commercial service airports, and \$581,400 for vertical infrastructure at general aviation airports. Section 312 appropriates General Fund moneys to the DOT, including \$64,792 for specific aviation operations and \$35,959 for the rail assistance program and economic development project funding. Section 317 allows certain unencumbered FY 2004 appropriations to the DOT to be used to restock the DOT's salt storage. Section 334 adds a new Code section that requires the DOT to adopt rules requiring Iowa railroads to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment. Section 342 extends the deadline to December 1, 2004, for the Department of Administrative Services, with the assistance of the Department of Management, to complete the study of merging the state's data centers and workforce. Effective dates vary. *[Note: Contains numerous item vetoes, including vetoes of sections 278 and 287, subsection 4, related to the refund of commercial vehicle registration fees; and section 335, related to disposition of property by counties.]*

Highway

- HF 2319 Relates to the reporting requirements of political campaign committees, reporting requirements for elections, attribution statements in political materials, and the size and placement of political signs. Adds new Code section 68A.406B related to the placement of campaign signs. States that campaign signs shall not be placed on any property owned by the state, county, city, or other political subdivision of the state, including all property considered the public right-of-way. Requires highway authorities to remove a sign as provided in Code section 319.13 if the Iowa Ethics and Campaign Disclosure Board determines the sign has been improperly placed.
- HF 2397 Provides that an electric utility may assert a defense of comparative fault in an action to abate a nuisance against the utility if the electric utility has complied with engineering and safety standards and if the electric utility has secured all required permits and approvals.
- HF 2450 Relates to real property and limitations on causes of action concerning real property, including amending Code chapter 614 to make various provisions relating to the chapter's division on Marketable Record Title applicable to the entire Code chapter.
- HF 2490 Amends Code chapter 554D, the Uniform Electronic Transactions Act, including striking Code definitions of "consumer," "consumer transaction," and "digital signature"; amending the definition of "transaction" to no longer include actions relating to the conduct of consumer affairs; and broadening the applicability of the chapter by striking various exceptions. Repeals Code section 554D.109 related to the legal recognition of electronic records affecting interests in real property, Code sections 544D.122 and 544D.123 related to criminal penalties for fraudulent purposes, and various other sections.
- HF 2579 Provides that if an award of damages in a condemnation proceeding is appealed to district court, the sheriff shall transfer to the clerk of district court where the appeal was filed the balance of the damage award not paid to the claimant. Requires the clerk to deposit the money in an interest-bearing account and requires the district court to award the interest earned on the account in proportion to the amount of damages.
- SF 297 Provides for the regulation of snowmobiles and all-terrain vehicles under separate Code chapters. Provisions relating to snowmobiles remain in Code chapter 321G and provisions relating to all-terrain vehicles are moved to new Code chapter 321I. Code section 321G.9 continues to apply to the operation of snowmobiles on roadways and highways. New Code section 321I.10 prohibits the use of an all-terrain vehicle on roadways or highways except as provided in Code sections 321I.10 and 321.234A. Code section 321.234A identifies conditions under which an all-terrain vehicle may be operated on a highway. Code section 321G.10 and new Code section 321I.11 provides that snowmobile and all-terrain vehicle accidents, other than those that occur on public land or ice under the jurisdiction of the Natural Resources Commission, shall be reported as required under Code section 321.266. (See technical correction in SF 2298, section 371.)
- SF 2118 Permits public utilities to construct and maintain utility facilities such as cable, pipes, and poles, within public road right-of-way. The location of new utility facilities must be approved pursuant to Code section 319.5. Takes effect upon enactment. (See amendments in SF 2298, sections 332 and 346.)

SR 148 A resolution urging Congress to immediately act to appropriate funds to the National Park Service so that the National Park Service can participate with the Loess Hills Development and Conservation Authority and with representatives of the Department of Agriculture and Land Stewardship, the Department of Natural Resources, the DOT, educational institutions, nongovernmental organizations, and private landowners in the development of a comprehensive plan to ensure the long-term protection of the Loess Hills in Iowa.

Motor Vehicle

- HF 265 Relates to withdrawing blood without a warrant from a person under arrest for an OWI-related offense if the arrest results from an accident that causes or is likely to cause a death and certain circumstances exist.
- HF 2149 Relates to the prosecution of certain simple misdemeanors, including traffic violations, committed in a city located in two or more counties. If a simple misdemeanor is committed in conjunction with a greater offense, the trial of the simple misdemeanor shall be in the county where the greater offense was committed.
- HF 2207 Makes statutory Code corrections to reflect current practices, delete redundancies and inaccuracies, resolve inconsistencies or remove ambiguities. Includes clarifications to Code section 321.91, related to abandoned vehicles; Code section 321.210B, related to debts owed the state; Code sections 331.304 and 331.559, related to manufactured homes; and Code section 805.8A, related to various motor vehicle violations. Effective dates vary.
- HF 2208 Makes nonsubstantive Code corrections, including clarification to Code section 322B.2, related to the definition of "modular home." Effective dates vary.
- HF 2390 Makes technical changes to programs administered by the Department of Human Services, including technical changes to Code chapter 252J related to licensing sanctions for failure to pay child support.
- HF 2403 Provides for the administration of fairs, including amending Code section 322.5 related to the display and offering for sale of new motor vehicles at fair events pursuant to a temporary permit issued by the DOT.
- HF 2433 Increases the amount of the fee retained by a county for the issuance or renewal of a driver's license or a nonoperator's identification card from \$5 to \$7. Repeals a temporary increase in the amount of fee retained by a county that took effect July 1, 2003, and was to expire July 1, 2005. Requires the state auditor, in consultation with the DOT and the Iowa State County Treasurers Association, to conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the General Assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter.

- HF 2490 Amends Code chapter 554D, the Uniform Electronic Transactions Act, including striking Code definitions of "consumer," "consumer transaction," and "digital signature"; amending the definition of "transaction" to no longer include actions relating to the conduct of consumer affairs; and broadening the applicability of the chapter by striking various exceptions. Repeals Code section 554D.109 related to the legal recognition of electronic records affecting interests in real property, Code sections 544D.122 and 544D.123 related to criminal penalties for fraudulent purposes, and various other sections.
- HF 2516 Provides that the chief officer of a law enforcement agency or the chief officer's designee is not required to use a stamp or seal when certifying the verification of a uniform citation and complaint by a peace officer. Takes effect upon enactment. (See technical correction in SF 2298, section 349.)
- HF 2569 Provides that a board of supervisors may, by resolution, allow a county enforcement surcharge of \$5 on fines or forfeitures imposed pursuant to citations issued by the county sheriff for any simple misdemeanor punishable as a scheduled fine. The county enforcement surcharge is to be deposited in the general fund of the county where the citation was issued.
- HF 2572 Relates to the procedures and duties of the clerk of the district court. Provides that a person charged with failing to carry a driver's license shall not be convicted if the person shows the license to the clerk of the district court prior to the licensee's court date. Requires the driver's license be valid at the time the person was arrested or charged.
- SF 297 Provides for the regulation of snowmobiles and all-terrain vehicles under separate Code chapters. Provisions relating to snowmobiles remain in Code chapter 321G and provisions relating to all-terrain vehicles are moved to new Code chapter 321I. Code section 321G.9 continues to apply to the operation of snowmobiles on roadways and highways. New Code section 321I.10 prohibits the use of an all-terrain vehicle on roadways or highways except as provided in Code sections 321I.10 and 321.234A. Code section 321.234A identifies conditions under which an all-terrain vehicle may be operated on a highway. Code section 321G.10 and new Code section 321I.11 provides that snowmobile and all-terrain vehicle accidents, other than those that occur on public land or ice under the jurisdiction of the Natural Resources Commission, shall be reported as required under Code section 321.266. (See technical correction in SF 2298, section 371.)
- SF 2066 Modifies requirements for securing children transported in motor vehicles. Requires the DOT and Department of Public Safety to develop and implement public awareness and education programs and to coordinate with state and local programs that assist low-income families in order to comply with the Act.

Relates to duties and activities of the DOT, including the registration and titling of motor vehicles, the definition of electric personal assistive mobility devices, and issuance of commercial driver's licenses. Includes various technical and substantive changes needed to implement the DOT's new vehicle registration and titling system, including provisions to allow for electronic lien and titling. Amends Code section 321.134 to require the DOT to waive the penalties imposed for late payment of motor vehicle registration fees for an owner who is in the United States military service and is relocated as a result of being placed on active duty on or after September 11, 2001. Amends Code section 326.15 to allow a qualified fleet owner to certify the destruction of registration plates for motor vehicles subject to proportional registration that are removed from the fleet, rather than return the plates to the DOT when applying for a refund. Amends Code section 321.188 to provide for compliance with federal regulations concerning the transportation of hazardous materials by individuals with a commercial driver's license. Requires the DOT to adopt rules. Effective dates vary.

SF 2154 Provides that a peace officer investigating a report by a school bus driver of a motor vehicle that failed to obey school bus warning devices may issue a citation to the owner of the vehicle if the identity of the driver cannot be determined. 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 registered owner of the vehicle at the time the violation occurred, creates a permissive inference that the registered owner was the driver who committed the violation. Failure to obey school bus warning devices is punishable as a scheduled violation subject to a \$100 fine.

SF 2253 Relates to damage disclosure statement requirements for the transfer of ownership of a motor vehicle and provides penalties. Changes the amount of damage that must be disclosed to match the standard for establishing a vehicle as a wrecked or salvage vehicle, which is damage for which the cost of repair exceeds fifty percent of the fair market value of the vehicle before it became damaged. Requires the damage disclosure statement provide whether the transferor knows if the vehicle was ever titled as a rebuilt title, an addition to the current requirement to disclose if the vehicle was ever titled as a salvage or flood vehicle. States that the damage disclosure statement requirement does not apply to vehicles more than seven model years old; current law exempts vehicles more than nine model years old.

SF 2269 Implements requirements of the federal Help America Vote Act of 2002 and makes other changes relating to elections, absentee voting, and voter registration. Requires the Secretary of State to implement an official, centralized, interactive, computerized statewide voter registration system by January 1, 2006. Requires the system to assign a unique identifier to each legally registered voter in the state. Requires the system be coordinated with other agency databases within the state, including the DOT's driver's license records. Requires that, in certain circumstances, an individual provide an Iowa driver's license number or an Iowa nonoperator's identification card number, or other specified identification document, in order to register to vote or to vote in person or by absentee ballot. Requires the Secretary of State to compare identification information provided by a person applying to vote with information contained in DOT records and reject applications if the applicant's information cannot be verified. Takes effect upon enactment. (See technical corrections in SF 2298, sections 355 and 356.)

SF 2289 Makes various changes relating to the duties of county treasurers. Allows a person to file a notarized affidavit of correction with the county treasurer to correct information printed incorrectly on various documents required for a motor vehicle transfer. Requires the DOT to consult with the Iowa State County Treasurers Association and adopt rules and a standard affidavit form. Increases from \$5 to \$10 the fee required for a new certificate of title listing a security interest or for a notation of security interest on a previously issued title.

Air, Rail, Transit, and Water

SF 2284 Creates new Code chapter 28M authorizing the establishment of a regional transit district (RTD) by a county with a population in excess of 300,000, one or more contiguous counties, and participating cities within those counties. Requires the participating counties and cities to appoint a commission to manage and administer the RTD. Authorizes a RTD commission to establish and collect fares and adopt a budget. Authorizes a RTD to issue revenue bonds and general obligation bonds, with the approval of the board of supervisors, and establishes a repayment mechanism. (See amendments in SF 2298, sections 325-327.)

Government and Administration

HF 2170 Relates to product liability actions. Provides that an assembler, designer, supplier of specifications, distributor, manufacturer, or seller shall not be subject to liability for failure to warn persons regarding risks and risk-avoidance measures that should be obvious to or known by foreseeable product users.

HF 2262 Relates to various public retirement systems, including the Iowa Public Employees' Retirement System (IPERS). Effective dates vary.

HF 2343 Provides for the establishment of a vaccination program for first responders, including state and local law enforcement personnel and emergency medical personnel who may be exposed to infectious diseases when deployed to disaster locations. Requires the Department of Public Health to adopt administrative rules regarding procedures to notify first responders of the program. Takes effect upon enactment.

HF 2395 Creates the criminal offense of intellectual property counterfeiting and provides a penalty. Intellectual property counterfeiting involves the unauthorized reproduction or unauthorized use of a trademark, service mark, trade name, label, term, or similar identifying mark by a person who knowingly manufactures, produces, displays, advertises, sells, or distributes an item or service. (See technical correction in SF 2298, section 390.)

HF 2401 Relates to the Comprehensive Petroleum Underground Storage Tank Fund, including establishing an Aboveground Petroleum Storage Tank Fund as a separate fund in the state treasury under the control of the Comprehensive Petroleum Storage Tank Board. Takes effect upon enactment. The changes made by this Act are repealed December 31, 2006.

- HF 2404 Makes technical and substantive changes to the law relating to certain alternative forms of county and city government, including provisions related to how a charter to change a form of government may be proposed, adopted, and amended, and to the organization of the governing body. Effective dates vary.
- HF 2497 Establishes a sick leave and vacation incentive program for employees of the state's executive branch. Defines an eligible employee as an employee whose years of service, as of December 31, 2004, plus years of age equals or exceeds 75. Defines the "sick leave and vacation incentive benefit" as a dollar amount equal to the entire value of an employee's accumulated but unused vacation plus the lesser of 75 percent of the value of the eligible employee's accumulated and unused sick leave or 75 percent of the employee's regular salary. Requires an employee to apply for the program by May 21, 2004, leave state employment on or after July 2, 2004, but no later than August 12, 2004, and waive any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official on or after the separation date. Requires the state to pay the incentive benefit over five fiscal years, beginning with FY 2005. Provides that an employee who participates in the program is eligible to continue to participate in group insurance coverage from the state in the same manner as an employee who retires from state employment. Requires the Department of Administrative Services to adopt rules and to provide annual reports to the General Assembly, beginning with an interim report due by October 1, 2004. Establishes a goal to increase the span of control in executive branch agencies to 12 employees for one supervisor by December 31, 2005. Requires the Legislative Council to provide a similar incentive program for legislative branch employees. Takes effect upon enactment.
- HF 2520 Provides that all requests for proposals for materials, products, supplies, provisions, and services to be purchased at public expense shall not knowingly be written in such a way as to exclude an Iowa-based company capable of filling the needs of the purchasing entity from submitting a responsive proposal.
- HF 2530 Relates to the assessment of surcharges in criminal proceedings, including the criminal penalty surcharge, the drug abuse resistance education surcharge, and the law enforcement initiative surcharge.
- HF 2549 Establishes new purposes for appropriations made from the Waste Tire Management Fund established in Code section 455D.11C. Repeals the Waste Tire Grant Program and programs awarding funds to regents institutions. Strikes Code language that would have repealed the Waste Tire Management Fund effective July 1, 2007. Does not amend Code section 321.52A that establishes a \$5 surcharge on motor vehicle certificates of title. Code section 321.52A provides that the surcharge, which currently funds the Waste Tire Management Fund, will go to the Road Use Tax Fund effective July 1, 2007.
- SF 2026 Relates to the phase-out of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers. Eliminates the tax on or after January 1, 2006.

- SF 2179 Relates to ethic laws and the Iowa Ethics and Campaign Disclosure Board. Defines all opinions issued by the ethics board as advisory opinions. Requires that personal financial disclosure statements of certain state officials and employees, including the heads and administrative heads of all state agencies and members of various commissions including the Transportation Commission, be posted on an Internet web site. Requires that the lobbyist's client report form required by Code section 68B.38 include expense reimbursement information, be filed annually on or before July 31 of each year, and cover the preceding twelve months, concluding on June 30 of each year.
- SF 2296 Relates to tax laws administered by the Department of Revenue, including administration of and substantive changes to individual and corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes. Effective dates vary.
- SJR 2010 Proposes an amendment to the Iowa constitution to require approval by a vote of the people before certain tax or fee increases take effect. Does not apply to motor vehicle fees and fuel taxes subject to provisions in the Iowa constitution. Allows the General Assembly, at the Governor's request and by a two-thirds vote, to increase taxes in an emergency situation. Allows any citizen or taxpayer to bring suit to enforce compliance with the voter approval requirement within two years of adoption of a tax or fee increase. *[Note: This proposed amendment must be adopted by the next General Assembly and subsequently approved by Iowa voters.]*
- SR 175 A resolution requesting the Legislative Council to establish an interim study committee to consider options for using renewable energy for economic development, including options for the use of ethanol and alternative fuels.

NOTE: Bills or proposals initiated by the DOT are show in boldface type.

★ *A full or partial bill explanation is included for these bills.*