



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 09, 2007

Senate Concurrent Resolution 1

PAG LIN

1 1 SENATE CONCURRENT RESOLUTION NO. ____
1 2 BY RAGAN
1 3 A Concurrent Resolution calling upon Iowans to observe
1 4 Iowa Family Development and Self-Sufficiency Week.
1 5 WHEREAS, the Iowa Family Development and
1 6 Self-Sufficiency (FaDSS) program began in 1989,
1 7 following passage of legislation in 1988 to assist
1 8 low-income families participating in the Family
1 9 Investment Program (FIP) to achieve self-sufficiency;
1 10 and
1 11 WHEREAS, more than 40,000 Iowans have participated
1 12 in FaDSS and received developmental services to
1 13 improve their lives; and
1 14 WHEREAS, the families enrolled in FaDSS are
1 15 supported in overcoming multiple barriers that would
1 16 otherwise perpetuate poverty and the success of
1 17 parents in the program has improved their lives and
1 18 the lives of their children; and
1 19 WHEREAS, for each dollar appropriated to FaDSS in
1 20 fiscal year 2005=2006, \$1.39 was returned to the state
1 21 in the form of wages and savings to FIP; and
1 22 WHEREAS, the average monthly income for the
1 23 families enrolled in FaDSS in fiscal year 2004=2005
1 24 increased by more than 45 percent from the average
1 25 prior to enrollment; and
1 26 WHEREAS, more than 75 percent of the families who
1 27 completed FaDSS in FY 2004=2005 were able to avoid
1 28 reenrolling in FIP one year later; and
1 29 WHEREAS, the causes and conditions of poverty are
1 30 complex and all citizens of Iowa benefit if the state



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Senate Concurrent Resolution 1 continued

2 1 can successfully reduce the number of families living
2 2 in poverty; NOW THEREFORE,
2 3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
2 4 REPRESENTATIVES CONCURRING, That the General Assembly
2 5 calls upon Iowans to observe Iowa Family Development
2 6 and Self=Sufficiency Week, January 15 through 21,
2 7 2007, with appropriate programs, ceremonies, and
2 8 activities.
2 9 LSB 1686SS 82
2 10 jp:rj/gg/14



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Senate File 10

SENATE FILE
BY KIBBIE

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing authority to a county board of supervisors to
2 establish a separation distance requirement between an animal
3 feeding operation maintaining swine and a structure which is
4 part of a swine farrowing and gestating operation, and
5 providing an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1059XS 82
8 da/gg/14



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Senate File 10 continued

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1 1 Section 1. NEW SECTION. 459.203A SWINE FARROWING AND
1 2 GESTATING OPERATIONS == SPECIAL BIOSECURITY SEPARATION
1 3 DISTANCES.
1 4 1. A county board of supervisors may adopt a swine
1 5 biosecurity ordinance requiring a separation distance in feet
1 6 between an animal feeding operation maintaining swine and a
1 7 structure which houses more than twenty-five animal units and
1 8 is part of a swine farrowing and gestating operation located
1 9 in the county. If the animal feeding operation or the
1 10 structure is located in a different county, the joint boards
1 11 of supervisors of the different counties may adopt the
1 12 biosecurity ordinance. On the effective date of the ordinance
1 13 requiring a separation distance, except as provided in
1 14 subsection 2 and section 459.205, the animal feeding operation
1 15 shall not be established or expanded within that separation
1 16 distance.

1 17 2. a. An animal feeding operation established or expanded
1 18 prior to the date that a separation distance became effective
1 19 as provided in a biosecurity ordinance and which does not
1 20 comply with the separation distance may continue to operate
1 21 regardless of the separation distance requirement.

1 22 b. An animal feeding operation may be expanded within a
1 23 separation distance required in a biosecurity ordinance if the
1 24 expansion is in accordance with the terms and conditions of a
1 25 variance granted by the county board of supervisors which
1 26 adopted the biosecurity ordinance.

1 27 Sec. 2. Section 459.205, subsection 3, Code 2007, is
1 28 amended to read as follows:

1 29 3. a. A confinement feeding operation structure which is
1 30 constructed or expanded within any distance from a any of the
1 31 following:

1 32 (1) A residence, educational institution, commercial
1 33 enterprise, or bona fide religious institution, ~~city, or~~
~~1 34 public use area,~~ if the residence, educational institution,
1 35 commercial enterprise, or bona fide religious institution was



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Senate File 10 continued

2 1 constructed or expanded, ~~or the boundaries of the city or~~
2 2 ~~public use area were expanded~~, after the date that the
2 3 confinement feeding operation was established.
2 4 (2) A city or public use area, if the boundaries of the
2 5 city or public use area were expanded after the date that the
2 6 confinement feeding operation was established.
2 7 (3) A swine farrowing and gestating operation, if the
2 8 swine farrowing and gestating operation was constructed or
2 9 expanded after the date that the confinement feeding operation
2 10 was established.
2 11 b. The date the confinement feeding operation was
2 12 established is the date on which the confinement feeding
2 13 operation commenced operating. A change in ownership or
2 14 expansion of the confinement feeding operation shall not
2 15 change the established date of operation.
2 16 Sec. 3. Section 459.303, subsection 1, unnumbered
2 17 paragraph 1, Code 2007, is amended to read as follows:
2 18 The department shall approve or disapprove applications for
2 19 permits for the construction, including the expansion, of
2 20 confinement feeding operation structures, as provided by rules
2 21 adopted pursuant to this chapter. ~~The department's decision~~
2 22 ~~to department shall~~ approve or disapprove a permit for the
2 23 construction of a confinement feeding operation structure
2 24 ~~shall be~~ based on whether the application is submitted
2 25 according to procedures required by the department and the
2 26 application meets the requirements of this chapter, including
2 27 standards established by the department and separation
2 28 distance requirements for the construction and expansion of
2 29 confinement feeding operation structures. A person shall not
2 30 begin construction of a confinement feeding operation
2 31 structure requiring a permit under this section, unless the
2 32 department first approves the person's application and issues
2 33 to the person a construction permit. The department shall
2 34 provide conditions for requiring when a person must obtain a
2 35 construction permit.



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4 1 new separation distance requirement which benefits a
4 2 confinement building which is part of a swine farrowing and
4 3 gestating operation housing more than 25 animal units.
4 4 Specifically, the bill provides that a county board of
4 5 supervisors may adopt an ordinance (referred to as a
4 6 biosecurity ordinance) that establishes a separation distance
4 7 between an animal feeding operation maintaining swine and a
4 8 structure where sows and litters are housed. It provides that
4 9 such a separation requirement does not prohibit the status of
4 10 an animal feeding operation existing on the effective date
4 11 that the requirement became effective as provided in the
4 12 biosecurity ordinance. The bill provides that a county board
4 13 of supervisors may grant a variance to allow construction or
4 14 expansion within the separation distance. Code section
4 15 459.205 applies so that small animal feeding operations are
4 16 exempt from separation distance requirements. Similarly, Code
4 17 section 459.205 applies so that a neighboring landowner
4 18 benefiting from a separation distance may execute a waiver to
4 19 allow construction or expansion of a confinement feeding
4 20 operation structure within the separation distance. Finally,
4 21 the bill provides that a separation distance requirement does
4 22 not apply when the swine farrowing and gestating operation
4 23 constructs or expands within an existing separation distance.
4 24 The bill takes effect upon enactment.
4 25 LSB 1059XS 82
4 26 da:nh/gg/14



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Senate File 11

SENATE FILE
BY KETTERING

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

A BILL FOR

- 1 An Act relating to the funding for snowmobile programs by making
- 2 an appropriation to restore transferred funding from
- 3 snowmobile fees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1179XS 82
- 6 jp/gg/14



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Senate File 11 continued

PAG LIN

1 1 Section 1. SPECIAL SNOWMOBILE FUND == FUNDING RESTORATION.
 1 2 There is appropriated from the general fund of the state to
 1 3 the department of natural resources for the fiscal year
 1 4 beginning July 1, 2007, and ending June 30, 2008, the
 1 5 following amount, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:
 1 7 To be credited to and used for snowmobile programs as
 1 8 provided for the special snowmobile fund created under section
 1 9 321G.7, in order to restore funding transferred pursuant to
 1 10 2002 Iowa Acts, Second Extraordinary Session, chapter 1001,
 1 11 section 10:
 1 12 \$ 950,000

EXPLANATION

1 14 This bill makes an appropriation to the department of
 1 15 natural resources for snowmobile programs administered under
 1 16 the special snowmobile fund created under Code section 321G.7.
 1 17 The purpose of the appropriation is to restore funding from
 1 18 snowmobile fees that was transferred to the department of
 1 19 human services in 2002 Iowa Acts, Second Extraordinary
 1 20 Session, to be used for medical assistance (Medicaid)
 1 21 reimbursement and associated costs.
 1 22 LSB 1179XS 82
 1 23 jp:rj/gg/14



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Senate File 12

SENATE FILE
BY ZIEMAN

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

A BILL FOR

1 An Act providing volunteer fire fighters and emergency medical
2 services personnel with an individual income tax credit and
3 providing effective and retroactive applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1031SS 82
6 mg/gg/14



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Senate File 12 continued

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1 1 Section 1. Section 422.12, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter and
1 4 volunteer emergency medical services personnel credit equal to
1 5 the amount specified in paragraph "b" to compensate the
1 6 taxpayer for the voluntary services.

1 7 b. The amount of the credit is equal to five hundred
1 8 dollars.

1 9 However, if the taxpayer is not a volunteer fire fighter or
1 10 volunteer emergency medical services personnel for the entire
1 11 tax year, the amount of the dollar credit shall be prorated
1 12 and the amount of credit shall equal the maximum amount of
1 13 credit for the tax year, divided by twelve, multiplied by the
1 14 number of months in the tax year the taxpayer was a volunteer.
1 15 The credit shall be rounded to the nearest five dollars. If
1 16 the taxpayer is a volunteer during any part of a month, the
1 17 taxpayer shall be considered a volunteer for the entire month.
1 18 If the taxpayer is a volunteer fire fighter and a volunteer
1 19 emergency medical services personnel during the same month, a
1 20 credit may be claimed for only one volunteer position for that
1 21 month.

1 22 c. The taxpayer is required to have a written statement
1 23 from the fire chief or other appropriate supervisor verifying
1 24 that the taxpayer was a volunteer fire fighter or volunteer
1 25 emergency medical services personnel for the months for which
1 26 the credit under this subsection is claimed.

1 27 d. For purposes of this subsection:

1 28 (1) "Emergency medical services personnel" means an
1 29 emergency medical care provider, as defined in section 147A.1,
1 30 who is certified as a first responder pursuant to chapter 147A
1 31 and who has served for at least one year.

1 32 (2) "Volunteer fire fighter" means a volunteer fire
1 33 fighter, as defined in section 85.61, who is certified as a
1 34 first responder pursuant to chapter 147A and who has served
1 35 for at least one year.



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Senate File 13

SENATE FILE
BY WARNSTADT and WIECK

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

A BILL FOR

- 1 An Act allowing certain cities to appoint additional civil
- 2 service commissioners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1589XS 82
- 5 eg/sh/8



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Senate File 13 continued

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1 1 Section 1. Section 400.1, Code 2007, is amended to read as
1 2 follows:

1 3 400.1 APPOINTMENT OF COMMISSION.

1 4 In cities having a population of eight thousand or over and
1 5 having a paid fire department or a paid police department, the
1 6 mayor, one year after a regular city election, with the
1 7 approval of the council, shall appoint three civil service
1 8 commissioners who shall hold office, one until the first
1 9 Monday in April of the second year, one until the first Monday
1 10 in April of the third year, and one until the first Monday in
1 11 April of the fourth year after such appointment, whose
1 12 successors shall be appointed for a term of four years. In
1 13 cities having a population of more than ~~one hundred~~ seventy
1 14 thousand, the city council may establish, by ordinance, the
1 15 number of civil service commissioners at not less than three.

1 16 For the purpose of determining the population of a city
1 17 under this chapter, the federal census conducted in 1980 shall
1 18 be used.

1 19 EXPLANATION

1 20 Currently, only those cities having a population of more
1 21 than 100,000 can appoint more than three civil service
1 22 commissioners; cities of lesser population can only appoint
1 23 three commissioners. This bill gives cities having a
1 24 population of more than 70,000 the option to appoint three or
1 25 more civil service commissioners.

1 26 LSB 1589XS 82

1 27 eg:sc/sh/8



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Senate Resolution 1 - Introduced

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1 1 SENATE RESOLUTION
 1 2 BY COMMITTEE ON RULES AND ADMINISTRATION
 1 3 A Senate Resolution relating to permanent rules of the
 1 4 senate for the ~~eighty-first~~ eighty-second general assembly.
 1 5 BE IT RESOLVED BY THE SENATE, That the permanent
 1 6 rules of the senate for the ~~eighty-first~~ eighty-second
 1 7 general assembly be as follows:
 1 8 RULES OF THE SENATE
 1 9 Rule 1
 1 10 Quorum
 1 11 A constitutional majority shall constitute a quorum
 1 12 of the senate. Any senator may insist a quorum be
 1 13 present.
 1 14 Rule 2
 1 15 Adoption and Amendment of Rules
 1 16 Whenever the senate is operating under temporary
 1 17 rules, the rules may be amended or repealed, or
 1 18 permanent rules may be adopted, by a constitutional
 1 19 majority of the senators. After adoption of permanent
 1 20 rules of the senate during any general assembly, the
 1 21 rules may be amended or repealed by a constitutional
 1 22 majority of the senators voting on a simple
 1 23 resolution.
 1 24 ~~Rule 2A~~
 1 25 ~~Procedure in the Event of A Tie~~
 1 26 ~~In the event that neither of the two major~~
~~1 27 political parties has 26 elected and sworn members,~~
~~1 28 each party shall elect a floor leader, and all~~
~~1 29 references in these rules to powers and duties of the~~
~~1 30 majority or minority leader shall, in this case, apply~~



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~~Senate Resolution 1 — Introduced continued~~

~~2 1 to powers and duties to be shared equally by the two
2 2 floor leaders. Each party shall also elect a
2 3 president of the senate, and these two individuals
2 4 shall share the office by rotating the duties related
2 5 to presiding over the daily operations of the senate
2 6 in a time frame to be agreed upon by the two parties.
2 7 The rotation of the two individuals elected president
2 8 as it relates to the constitutional questions of
2 9 gubernatorial succession and the signing of enrolled
2 10 bills shall be scheduled such that it is clear that
2 11 only one individual acts as the president of the
2 12 senate at any one time. Each party may also elect a
2 13 president pro tempore, as well as assistant floor
2 14 leaders.
2 15 All standing committees shall be co chaired by two
2 16 members, one from each of the two major political
2 17 parties, and shall have an equal number of members
2 18 from both parties. Senate co chairs and members of
2 19 joint appropriations subcommittees shall also be
2 20 equally divided between the two parties.
2 21 Details of a power sharing agreement to govern the
2 22 operation of the senate during the period in which
2 23 there is a tie shall be presented to the members of
2 24 the senate for a vote in the form of a senate
2 25 resolution upon the convening of the general assembly,
2 26 or as soon thereafter as possible.~~

2 27

Rule 3

2 28

Rules of Parliamentary Procedure

2 29

In cases not covered by senate rules or joint

2 30

rules, Mason's Manual of Legislative Procedure shall



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Senate Resolution 1 - Introduced continued

3 1 govern.

3 2

Rule 4

3 3

Sessions of the General Assembly

3 4 The election of officers, organization, hiring and
3 5 compensation of employees, and committees of the
3 6 senate shall carry over from the first to the second
3 7 regular sessions and to any extraordinary sessions of
3 8 the same general assembly.

3 9 All bills and resolutions introduced in the first
3 10 regular session of a general assembly which are not
3 11 withdrawn, lost, or indefinitely postponed shall carry
3 12 over into the second regular session and to any
3 13 extraordinary session of the same general assembly.

3 14 Appointments received from the governor for senate
3 15 confirmation during any session of a general assembly
3 16 shall be acted upon prior to adjournment of that
3 17 session as provided by section 2.32 of the Code.

3 18 Except as provided by this rule, upon the adjournment
3 19 of the first regular session and any extraordinary
3 20 session, each bill or resolution shall be

3 21 automatically referred back to the committee to which
3 22 it was originally assigned. The secretary of the
3 23 senate shall publish in the Journal a list of the
3 24 bills returned to committee under this rule. Within
3 25 seven days after the first committee meeting after the
3 26 convening of the second regular session, committees
3 27 shall either authorize the chair to refer such bills
3 28 and resolutions to a subcommittee for consideration,
3 29 indefinitely postpone further consideration of such
3 30 bills, or report them out to the floor and place them



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Senate Resolution 1 - Introduced continued

4 1 on the calendar. If the subcommittee is different
4 2 than that appointed during the first session, the
4 3 committee chair shall report to the senate the bill or
4 4 resolution number and the names of the subcommittee
4 5 members.

4 6 Bills and resolutions which have been voted upon on
4 7 final passage by either house in any session shall
4 8 remain on the calendar in the same status as at the
4 9 end of the session at any subsequent regular or
4 10 extraordinary session.

Rule 5

Regular Order of Daily Business

4 13 The following order shall govern, subject to any
4 14 special order:

- 4 15 1. Correction of the journal.
- 4 16 2. Senators to be excused.
- 4 17 3. Communications to the Senate.
- 4 18 4. Introduction of bills and resolutions.
- 4 19 5. Consideration of senate calendar.

Rule 6

Senate Calendar

4 22 1. Each legislative day the secretary of the
4 23 senate shall prepare a listing of bills to be known as
4 24 the "Senate Calendar".

4 25 2. The senate calendar may contain a listing under
4 26 the category "Special Order" which shall be placed at
4 27 the head of the calendar. Bills in such category
4 28 shall be those which are specifically set for debate
4 29 by the majority leader with the consent of the senate
4 30 on a certain date and time. Bills shall be listed by



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Senate Resolution 1 - Introduced continued

5 1 the secretary in numerical order.
5 2 3. The senate calendar shall include separate
5 3 listings for any bills and resolutions in the
5 4 following categories:
5 5 a. Conference Committee Report
5 6 b. Bills in Conference Committee
5 7 c. House Amendment to Senate Amendment to House
5 8 File
5 9 d. House Refuses to Concur in Senate Amendment to
5 10 House File
5 11 e. Senate Files Amended by the House
5 12 f. Unfinished Business
5 13 g. Motions to Reconsider
5 14 h. Administrative Rules Nullification Resolutions
5 15 i. Veto Messages from the Governor
5 16 4. The secretary shall list bills and resolutions
5 17 in the above categories in numerical order. Upon
5 18 their first publication in the calendar, bills and
5 19 resolutions in the above categories may be called up
5 20 for debate at any time by the majority leader.
5 21 Motions to reconsider shall be called up as provided
5 22 by Rule 24.
5 23 5. The senate calendar shall include a listing of
5 24 senate appropriations committee bills and bills
5 25 reported out by the senate appropriations committee.
5 26 The list shall be known as the "Appropriations
5 27 Calendar". The secretary shall list the bills in
5 28 numerical order. Upon their first publication in the
5 29 calendar, bills on the appropriations calendar may be
5 30 called up for debate at any time by the majority



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Senate Resolution 1 - Introduced continued

6 1 leader provided they are eligible under Rule 8.
6 2 6. The senate calendar shall include a listing of
6 3 bills which pertain to the levy, assessment or
6 4 collection of taxes sponsored by or initially assigned
6 5 to and reported out by the senate ways and means
6 6 committee. The list shall be known as the "Ways and
6 7 Means Calendar". The secretary shall list the bills
6 8 in numerical order. Upon their first publication in
6 9 the calendar, bills on the ways and means calendar may
6 10 be called up for debate at any time by the majority
6 11 leader provided they are eligible under Rule 8.
6 12 7. The senate calendar shall include a list of
6 13 bills and resolutions, known as the "Regular
6 14 Calendar", which shall consist of bills and
6 15 resolutions reported out by a senate committee. The
6 16 bills and resolutions reported out each day shall be
6 17 listed in numerical order. Priority shall be given to
6 18 senate over house bills and resolutions. Upon their
6 19 first publication in the calendar, bills on the
6 20 regular calendar may be called up for debate at any
6 21 time by the majority leader, provided they are
6 22 eligible under Rule 8.
6 23 A bill reported out of committee which is
6 24 subsequently referred to the ways and means or
6 25 appropriations committee and then reported out of that
6 26 committee, shall be returned to the regular calendar
6 27 in numerical order.
6 28 8. The senate calendar shall include a listing of
6 29 the governor's appointees to state boards,
6 30 commissions, and other offices requiring senate



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Senate Resolution 1 - Introduced continued

7 1 confirmation. This listing shall be known as the
7 2 "Confirmation Calendar". Names on the confirmation
7 3 calendar may be called up for confirmation at any time
7 4 by the majority leader provided they are eligible
7 5 under rule 59.
7 6 9. The majority leader, or in the absence of the
7 7 majority leader the assistant majority leaders, may
7 8 select from among the bills on the previous
7 9 legislative day's Senate calendar and from the bills
7 10 selected create a new listing which shall be known as
7 11 the "Debate Calendar". The debate calendar shall list
7 12 bills as the majority leader expects to take them up
7 13 ~~during the following week~~. A bill or resolution on
7 14 the debate calendar may be debated only when eligible
7 15 under Rule 8.
7 16 10. The majority leader, or in the absence of the
7 17 majority leader the assistant majority leaders, may
7 18 create a list of bills or resolutions about which no
7 19 controversy is believed to exist which shall be known
7 20 as the "Proposed Noncontroversial Calendar". Bills or
7 21 resolutions included on this listing may be debated at
7 22 any time upon being called up for debate by the
7 23 majority leader. Any bill or resolution which
7 24 appeared on the previous day's Senate calendar may be
7 25 placed by any senator on the proposed noncontroversial
7 26 calendar, which shall be published. Any bill or
7 27 resolution on the proposed noncontroversial calendar
7 28 shall be stricken from the list if any senator files a
7 29 written objection with the secretary of the senate on
7 30 the first or second legislative day after it appears



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8 1 on the proposed noncontroversial calendar. Any bill
8 2 stricken from the proposed noncontroversial calendar
8 3 shall be returned to its former place on the Senate
8 4 calendar. The secretary shall prepare the
8 5 noncontroversial calendar which shall consist of all
8 6 bills or resolutions on the proposed noncontroversial
8 7 calendar to which no objection was received.
8 8 11. If the senate shall not be in session on a day
8 9 assigned in paragraphs nine and ten for action upon a
8 10 calendar, such assigned action shall occur on the next
8 11 succeeding legislative day.
8 12 12. On any bill called up for debate from any
8 13 calendar, debate may continue from day to day until it
8 14 is adopted, fails, or is postponed or deferred. If
8 15 further debate is postponed or deferred without a time
8 16 to continue being set, except for bills on the debate
8 17 calendar, the bill shall be listed as unfinished
8 18 business. Bills which are returned to the committee
8 19 of first referral or to a different committee after
8 20 being considered by the senate and classified as
8 21 unfinished business shall be returned to the
8 22 unfinished business calendar by that committee when
8 23 the bill is reported out of committee. The unfinished
8 24 business date on the calendar shall be the date on
8 25 which the bill was returned to committee. Bills on
8 26 the debate calendar upon which further debate is
8 27 postponed or deferred without a time to continue being
8 28 set shall return to the regular calendar.

8 29 Rule 7

8 30 Steering Committee

9 1 The senate may authorize the appointment of a
9 2 steering committee. The majority leader shall appoint
9 3 the majority party members to the steering committee.
9 4 The minority leader shall appoint the minority party
9 5 members to the steering committee. The function of
9 6 the steering committee shall be to create its own
9 7 calendar from the bills and resolutions on the regular
9 8 calendar. Bills and resolutions on the steering
9 9 committee calendar shall have priority over bills and
9 10 resolutions on all other calendars, except the
9 11 appropriations calendar.

9 12 Rule 8

9 13 When Eligible for Consideration

9 14 Bills, resolutions, and appointments shall be
9 15 eligible for consideration by the senate as follows:
9 16 1. An appointment by the governor which requires
9 17 senate confirmation shall be eligible on the
9 18 legislative day after it is first printed in the
9 19 senate calendar as provided by Rule 59.
9 20 2. A house or individually sponsored bill or
9 21 resolution reported out by a committee shall be
9 22 eligible on the legislative day after it is first
9 23 printed in the senate calendar.
9 24 3. A committee bill or resolution sponsored by the
9 25 appropriations committee shall be eligible on the
9 26 legislative day after it is first printed in the



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9 27 senate calendar.

9 28 4. Any committee bill or resolution, other than a
9 29 bill or resolution sponsored by the appropriations
9 30 committee, shall be eligible on the third legislative



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10 1 day it is printed in the senate calendar.
10 2 5. A bill that has been reported out to the senate
10 3 calendar, referred to a different committee and
10 4 reported out by that committee is eligible for
10 5 consideration by the senate on the day it would have
10 6 been eligible under subsection 2, 3, or 4, whichever
10 7 is applicable, as if the bill had been printed in the
10 8 calendar after having been reported out by the first
10 9 committee.
10 10 6. Any bill or resolution placed on the steering
10 11 committee calendar is eligible for consideration on
10 12 the day of its placement on that calendar.
10 13 When a bill or resolution on the calendar is not
10 14 yet eligible, the date when it will become eligible
10 15 shall be printed in the calendar.
10 16 Rule 9
10 17 Debate and Decorum
10 18 Before addressing the senate, the senator shall
10 19 request recognition by depressing the "speak" device
10 20 and, when recognized, rise and respectfully address
10 21 the chair.
10 22 The senator shall confine all remarks to the
10 23 question under debate and shall avoid discussing
10 24 personalities or implication of improper motives. No
10 25 questions except by the senator recognized shall be
10 26 entertained after a senator is recognized to give
10 27 final remarks.
10 28 Rule 10
10 29 Point of Personal Privilege
10 30 A point of personal privilege shall only be



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11 1 recognized when there is no motion pending or other
11 2 business being considered by the senate. Points of
11 3 personal privilege shall not be in order during the
11 4 time when appropriation subcommittees are scheduled to
11 5 meet. Senators speaking on a point of personal
11 6 privilege shall be limited to ten minutes.

11 7 Rule 11

11 8 Introduction and Presentation of Guests

11 9 Only former members of the senate and former and
11 10 present members of Congress shall be presented to the
11 11 senate, except that the president of the senate may
11 12 present a visitor whose presence is of special
11 13 significance to the senate. The presence of school
11 14 groups accompanied by school officials shall be
11 15 announced by the president of the senate and shall be
11 16 recorded in the journal upon written request of a
11 17 member of the senate.

11 18 Rule 12

11 19 Form and Withdrawal of Motions, Amendments and Signatures

11 20 Motions need not be in writing unless required by
11 21 the president or by the senate. No motion requires a
11 22 second. Any amendment, motion (including a motion to
11 23 reconsider), or resolution may be withdrawn by the
11 24 mover if it has not been amended by the senate and if
11 25 no amendment is pending. All amendments to bills,
11 26 resolutions, and reports shall be in writing and filed
11 27 before being acted upon by the senate.

11 28 No amendment, resolution, bill, or conference
11 29 committee report shall be considered by the senate
11 30 without a copy of the amendment, resolution, bill, or



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12 1 conference committee report being on the desks of the
12 2 entire membership of the senate prior to
12 3 consideration. However, after the fourteenth week of
12 4 the first session and the twelfth week of the second
12 5 session, amendments and senate resolutions may be
12 6 considered by the senate without a copy of the
12 7 amendment or senate resolution being on the desks of
12 8 the entire membership of the senate if a copy of the
12 9 amendment or senate resolution is made available to
12 10 the entire membership of the senate electronically.
12 11 Such consideration shall be deferred until a copy of
12 12 the amendment or senate resolution is on the desks of
12 13 the entire membership of the senate upon the request
12 14 of any senator.

12 15 All amendments, reports, petitions or other
12 16 documents requiring a signature shall have the name
12 17 typed under the place for the signature. Once a
12 18 signature is affixed and the document containing the
12 19 signature filed with the recording clerk in the well,
12 20 that signature shall not be removed.

12 21 When an amendment to a main amendment is filed that
12 22 would negate the effect of the main amendment and
12 23 thereby leave the bill unchanged, the presiding
12 24 officer shall have the authority to declare the
12 25 amendment to the main amendment out of order, subject
12 26 to an appeal to the full senate.

12 27 When a house amendment to a senate file is before
12 28 the senate, an amendment to the house amendment shall
12 29 be considered an amendment in the first degree.

12 30 Regardless of its origin, an amendment in the third



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14 1 specified with or without recommendation or the bill
14 2 shall automatically be returned to the calendar. When
14 3 the bill is returned to the calendar, it shall occupy
14 4 the same position it occupied at the time the bill was
14 5 rereferred to the committee. If the committee to
14 6 which the bill is rereferred submits an amendment in
14 7 its report, that committee amendment shall take
14 8 precedence over other amendments except if that
14 9 committee amendment is in conflict with amendments
14 10 previously adopted, the committee amendment shall not
14 11 be considered until consideration of motions to
14 12 reconsider the previously adopted amendments result in
14 13 removing the conflict. A committee may not file an
14 14 amendment to a bill unless the bill is in the
14 15 committee's possession.

14 16 Rule 14

14 17 MOTIONS BEFORE THE SENATE

14 18 Motions before the senate shall be displayed on the
14 19 electronic voting system display boards.

14 20 Rule 15

14 21 Nondebatable Motions

14 22 The following motions are not debatable:

14 23 Adjourn

14 24 Recess

14 25 Call of the Senate

14 26 Lay on Table or Take from Table

14 27 Previous Question

14 28 Reconsider vote by which bill was placed on last reading.

14 29 A Motion to Reconsider and Lay the Motion to Reconsider

14 30 on the Table (Double=barreled Motion).



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16 1 senator proposing the amendment shall have five
16 2 minutes to close debate on the amendment.
16 3 The senator handling the measure under
16 4 consideration shall have ten minutes to close debate
16 5 on the main question.

Rule 18

Call of the Senate

16 6
16 7 Ten senators may file in writing a call of the
16 8 senate on any single item of legislative business. A
16 9 call of the senate requires the presence of every
16 10 senator and is in order at any time prior to the vote
16 11 being announced by the president. The sergeant-at-
16 12 arms shall return promptly all absent senators.
16 13 Debate on the item may continue while absent senators
16 14 are returning, but no vote on the item is in order on
16 15 it until all have returned. Adoption of a motion to
16 16 recess or adjourn to a specific time will not lift the
16 17 call. The call may be lifted, or a senator may be
16 18 excused from the call without lifting the call, by a
16 19 vote of a constitutional majority of the senators.
16 20 Those senators excused prior to the filing of the call
16 21 are excused from the call.

Rule 19

Committee of the Whole

16 22
16 23 The senate may resolve itself into a committee of
16 24 the whole senate when it wishes to permit more free
16 25 and informal discussion. Persons other than senators
16 26 may appear and present information.
16 27
16 28 Any senator may move "that the senate now resolve
16 29 itself into a committee of the whole to consider" a
16 30



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17 1 stated subject.

17 2 The president of the senate shall be chair of the
17 3 committee of the whole unless otherwise ordered by the
17 4 senate.

17 5 The procedure in committee of the whole is subject
17 6 to the rules of the senate. The previous question and
17 7 the motion to reconsider shall be in order.

17 8 The committee of the whole cannot take any final
17 9 action and its power is limited to recommendation to
17 10 the senate. The proceedings of the committee of the
17 11 whole, including any roll call vote, shall be printed
17 12 in the journal.

17 13 Any senator may at any time, except while voting or
17 14 while a senator has the floor, move that "the
17 15 committee rise" which is equivalent to a motion to
17 16 adjourn.

17 17 After adoption of the motion to rise, the chair may
17 18 report to the senate in the same manner as other
17 19 committee reports are given.

17 20 Rule 20

17 21 Last Reading and Passage of Bills

17 22 When a motion to place a bill on its last reading
17 23 is lost, the same motion shall be in order at any
17 24 later time. After the last reading of a bill, no
17 25 amendment shall be received. The vote on final
17 26 passage shall be taken immediately without debate.

17 27 Rule 21

17 28 Engrossment of Bills

17 29 An engrossment is a proofreading and verification
17 30 in order to be certain that a bill before the senate



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18 1 is identical with the original bill as introduced with
18 2 all amendments which have been adopted correctly
18 3 inserted.

18 4 In an engrossed bill, all obvious typographical,
18 5 spelling or other clerical errors are corrected and
18 6 section or paragraph numbers and internal references
18 7 are changed as required to conform the original bill
18 8 to any amendments which have been adopted. All such
18 9 corrections or changes shall be reported in the
18 10 journal by the secretary of the senate. The engrossed
18 11 bill shall be placed in the bill file with the
18 12 original bill and amendments.

18 13 Rule 22

18 14 Manner of Voting

18 15 On voice vote, the question shall be distinctly put
18 16 in this form: "Those in favor of (the question) say
18 17 "aye"." "Those opposed to (the question) say "no"."

18 18 A non-record or record roll call vote may be
18 19 requested by any senator or ordered by the president
18 20 any time before the results are announced. A non-
18 21 record roll call shall be requested by asking for a
18 22 "division". A record roll call shall be requested by
18 23 asking for a "record". Upon request for a non-record
18 24 or record roll call vote, the president shall announce
18 25 that such a non-record or record roll call vote has
18 26 been requested and shall state the question to be put
18 27 to the senate. The president then shall direct the
18 28 secretary of the senate to receive the votes.

18 29 Senators present may cast their votes, either by
18 30 operating the voting mechanism located at their
19 1 assigned desk or by signaling the president if they
19 2 are unable to vote at their assigned desk. The
19 3 president shall enter the votes of senators signaling
19 4 their votes.

19 5 After sufficient time has elapsed for all senators
19 6 present to record their votes, the president shall
19 7 direct the secretary of the senate to close the voting
19 8 system. The president shall still enter the senators'
19 9 votes at any time prior to directing the secretary of
19 10 the senate to lock the voting system. The president
19 11 shall then immediately announce the vote.

19 12 During a non-record or record roll call vote, both
19 13 individual votes and vote totals shall be indicated
19 14 openly on the display boards. On non-record roll
19 15 calls, only vote totals shall be printed in the
19 16 journal.

19 17 In the event the electronic voting system is not in
19 18 operating order, the president shall direct the
19 19 secretary of the senate to take the non-record or
19 20 record roll call by calling the names of the senators
19 21 in alphabetical order.

19 22 Rule 23

19 23 Duty of Voting

19 24 Every senator present when a question is put shall
19 25 vote "aye", "no" or "present" unless previously
19 26 excused by the senate. Upon demand being made by any



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19 27 senator, the secretary of the senate shall call in
19 28 alphabetical order the names of the senators not
19 29 voting or voting "present". Those senators called
19 30 shall vote "aye" or "no" unless the senator states a



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20 1 personal interest in the question or concludes that he
20 2 or she should not vote under the senate code of
20 3 ethics.

20 4 Rule 24

20 5 Reconsideration

20 6 When a main motion has been decided by the senate,
20 7 any senator having voted on the prevailing side may
20 8 move to reconsider the vote on the same or next
20 9 legislative day. Motions to reconsider the vote on a
20 10 bill or resolution shall be in writing and filed with
20 11 the secretary of the senate.

20 12 Notwithstanding any time limitations applicable to
20 13 motions to reconsider main motions, a motion to
20 14 reconsider the vote on an amendment may be made at any
20 15 time before final disposition of the motion to be
20 16 amended. Such motion shall be in writing and filed
20 17 with the secretary of the senate. A motion to
20 18 reconsider an amendment to a main motion shall be
20 19 taken up for consideration only prior to the
20 20 disposition of the main motion or upon reconsideration
20 21 of the main motion.

20 22 A constitutional majority by a record roll call is
20 23 necessary to reconsider a bill or joint resolution.
20 24 During three legislative days from the date the motion
20 25 to reconsider a bill or resolution is filed, only the
20 26 mover may call it up. Thereafter, any senator may
20 27 call up the motion. If a date for adjournment has
20 28 been set by resolution of the senate, any senator may
20 29 call up a motion to reconsider at any time within
20 30 three days prior to the date set for adjournment.



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22 1 motion, be taken up, except by an affirmative vote of
22 2 a constitutional majority of the senate.

22 3 INTRODUCTION AND FORM OF BILLS

22 4 Rule 26

22 5 Time and Method of Introducing Bills and Amendments

22 6 All bills to be introduced in the senate shall be

22 7 typed in proper form by the legislative services

22 8 agency and shall be filed with the recording clerk.

22 9 All amendments shall be typed in proper form and

22 10 filed with the recording clerk not later than 4:30

22 11 p.m., or adjournment, whichever is later, in order to

22 12 be listed in the following day's clip sheet.

22 13 An "impact amendment" is an amendment which

22 14 reasonably could have an annual effect of at least one

22 15 hundred thousand dollars or a combined total effect

22 16 within five years after enactment of five hundred

22 17 thousand dollars or more on the aggregate revenues,

22 18 expenditures or fiscal liability of the state or its

22 19 subdivisions.

22 20 An impact amendment to a bill which has been on the

22 21 special order calendar for at least three full

22 22 legislative days prior to its consideration shall not

22 23 be taken up by the senate unless:

22 24 1) a fiscal note is attached, and the amendment is

22 25 filed at least one legislative day prior to the date

22 26 set for consideration of the bill; or

22 27 2) the amendment is an appropriation or other

22 28 measure where the total effect is stated in dollar

22 29 amounts.

22 30 Rule 27



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23 1 Limit on Introduction of Bills
23 2 No bill or joint resolution, except bills and joint
23 3 resolutions cosponsored by the majority and minority
23 4 floor leaders, or companion bills and joint
23 5 resolutions sponsored by the majority floor leaders of
23 6 both houses, shall be introduced in the senate after
23 7 4:30 p.m. on Friday of the sixth week of the first
23 8 regular session of a general assembly unless a ~~written~~
23 9 formal request for drafting the bill has been filed
23 10 with the legislative services agency before that time.
23 11 After adjournment of the first regular session, bills
23 12 may be prefiled at any time before the convening of
23 13 the second regular session. No bill shall be
23 14 introduced after 4:30 p.m. on Friday of the ~~first~~
23 15 second week of the second regular session of a general
23 16 assembly unless a ~~written~~ formal request for drafting
23 17 the bill has been filed with the legislative services
23 18 agency before that time. However, standing committees
23 19 may introduce bills and joint resolutions at any time.
23 20 A bill which relates to departmental rules sponsored
23 21 by the administrative rules review committee and
23 22 approved by a majority of the members of the committee
23 23 in each house may be introduced at any time and must
23 24 be referred to a standing committee which must take
23 25 action on the bill within three weeks. Senate and
23 26 concurrent resolutions may be introduced at any time.
23 27 No bill, joint resolution, concurrent resolution or
23 28 senate resolution shall be introduced at any
23 29 extraordinary session unless sponsored by a standing
23 30 committee, the majority and minority floor leaders, or



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24 1 the committee of the whole.

24 2 Rule 28

24 3 Introduction, Reading and Form of Bills and Resolutions

24 4 Every senate bill and resolution shall be

24 5 introduced by one or more senators or by any standing

24 6 committee of the senate and shall at once be given its

24 7 first reading.

24 8 If the senate is in session when a bill or

24 9 resolution is introduced, the first reading shall

24 10 consist of reading its file number, the title and

24 11 sponsor of the bill. If the senate is not in session

24 12 but a journal is published for the day, the first

24 13 reading shall consist of a journal entry of the bill's

24 14 file number, title, sponsor and the notation "Read

24 15 first time under Rule 28."

24 16 Any bill or resolution approved for introduction by

24 17 a standing committee during an interim period between

24 18 sessions of one General Assembly shall be introduced

24 19 without further action by the committee at the next

24 20 succeeding regular session of the same General

24 21 Assembly and placed immediately upon the regular

24 22 calendar.

24 23 Every bill and resolution referred to committee

24 24 shall have received two readings before its passage.

24 25 The subject of every bill shall be expressed in its

24 26 title.

24 27 Rule 29

24 28 Explanations

24 29 No bill, except appropriation committee bills and

24 30 simple or concurrent resolutions, shall be introduced



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25 1 unless a concise and accurate explanation is attached.
25 2 The chief sponsor or a committee to which the bill has
25 3 been referred may add a revised explanation at any
25 4 time before the last reading, and it shall be included
25 5 in the daily clip sheet.

25 6 Rule 30

25 7 Resolutions

25 8 A "senate resolution" is a resolution acted upon
25 9 only by the senate which expresses sentiment or is
25 10 used for the appointment of special committees within
25 11 the senate. A senate resolution requires the
25 12 affirmative vote of a majority of the senators present
25 13 and voting. A senate resolution shall be filed with
25 14 the secretary of the senate. A senate resolution
25 15 shall be printed in the bound journal after its
25 16 adoption and in the daily journal upon written request
25 17 to the secretary of the senate by the sponsor of the
25 18 resolution.

25 19 Rule 31

25 20 Nullification Resolutions

25 21 A nullification resolution may be introduced by a
25 22 standing committee, the administrative rules review
25 23 committee, or any member of the senate. A
25 24 nullification resolution introduced by the
25 25 administrative rules review committee or a member of
25 26 the senate shall be referred to the same standing
25 27 committee it would be referred to if it was a bill.

25 28 Any nullification resolution may be referred to the
25 29 administrative rules review committee by a majority
25 30 vote of the standing committee which introduced it or



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26 1 to which it was referred. The administrative rules
26 2 review committee may seek an agreement with the
26 3 affected administrative agency wherein the agency
26 4 agrees to voluntarily rescind or modify a rule or
26 5 rules relating to the subject matter of the
26 6 nullification resolution. An agreement to voluntarily
26 7 rescind or modify an administrative agency rule shall
26 8 be in writing and signed by the chief administrative
26 9 officer of the administrative agency and a majority of
26 10 the administrative rules review committee members of
26 11 each house and shall be placed on file in the offices
26 12 of the chief clerk of the house, the secretary of the
26 13 senate and the secretary of state. If an agreement is
26 14 not reached, or the nullification resolution is not
26 15 approved by a majority of the administrative rules
26 16 review committee members of each house, within two
26 17 weeks of the date the resolution is referred to the
26 18 administrative rules review committee, the resolution
26 19 shall be placed on the calendar. If the nullification
26 20 resolution is approved by the administrative rules
26 21 review committee it shall be placed on the calendar.
26 22 A nullification resolution is subject to a motion to
26 23 withdraw the nullification resolution as provided in
26 24 rule 42.
26 25 A nullification resolution is debatable, but cannot
26 26 be amended on the floor of the senate.
26 27 Rule 32
26 28 Resolutions, Applicable Rules
26 29 All rules applicable to bills shall apply to
26 30 resolutions, except as otherwise provided in the



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27 1 rules.

27 2

Rule 33

27 3

Study Bills

27 4 1. A study bill is any matter which a senator
27 5 wishes to have considered by a standing committee or
27 6 appropriations subcommittee for introduction as a
27 7 committee bill or resolution. The term "study bill"
27 8 includes "proposed bills" provided for in Rule 37 and
27 9 departmental requests prefiled in the manner specified
27 10 in section 2.16 of the Code.

27 11 2. A study bill shall bear the name of the member
27 12 who wishes to have the bill considered. A study bill
27 13 proposed by a state agency shall bear the name of the
27 14 agency. A committee chair may submit a study bill in
27 15 the name of that committee.

27 16 3. Upon first receiving a study bill from a
27 17 senator, a committee chairperson shall submit three
27 18 copies to the secretary of the senate. Study bills
27 19 received in the secretary of the senate's office
27 20 before 3:00 p.m. shall be filed, numbered, and
27 21 reported in the journal for that day. Study bills
27 22 received in the secretary of the senate's office after
27 23 3:00 p.m. shall be filed, numbered, and reported in
27 24 the journal for the subsequent day. The secretary
27 25 shall number such bills in consecutive order. The
27 26 secretary shall maintain a record of all study bills
27 27 and their assigned number. Committee records shall
27 28 refer to study bills by the number assigned by the
27 29 secretary.

27 30 4. The secretary shall file a report in the



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28 1 journal of each study bill received. The report shall
28 2 show the study bill number, its title or subject
28 3 matter and the committee which is considering it. If
28 4 a study bill is referred to a subcommittee, then the
28 5 committee chairperson shall report in the journal the
28 6 names of the subcommittee members to which it is
28 7 assigned.

28 8 5. If a committee bill or resolution is introduced
28 9 which was not previously the subject of a study bill
28 10 in the sponsoring committee, the majority leader may
28 11 re=refer the bill back to the committee.

28 12 6. A study bill not prepared by the legislative
28 13 services agency may be submitted to a standing
28 14 committee, but shall not be considered by the full
28 15 committee unless reviewed and typed in proper form by
28 16 the legislative services agency.

28 17 COMMITTEES AND COMMITMENT

28 18 Rule 34

28 19 Committee Appointments

28 20 Committee appointments shall be made by the
28 21 majority leader for majority party members, after
28 22 consultation with the president, and by the minority
28 23 leader for minority party members, after consultation
28 24 with the president. No senator shall serve on more
28 25 than ~~five~~ six standing committees. The majority
28 26 leader, after consultation with the president, shall
28 27 designate the chairperson and vice=chairperson of each
28 28 standing committee. The minority leader, after
28 29 consultation with the president, shall designate the
28 30 ranking member of each standing committee from the
29 1 minority membership of that committee.

29 2 Rule 35

29 3 Standing Committees

29 4 The names of the standing committees of the senate
29 5 shall be:

- 29 6 Agriculture
- 29 7 Appropriations
- 29 8 ~~Business and labor relations~~
- 29 9 Commerce
- 29 10 Economic growth
- 29 11 Education
- 29 12 Government oversight
- 29 13 Human resources
- 29 14 Judiciary
- 29 15 Labor & Business Relations
- 29 16 Local government
- 29 17 Natural resources & Environment
- 29 18 Rules and administration
- 29 19 State government
- 29 20 Transportation
- 29 21 Veterans Affairs
- 29 22 ~~Ways and means~~

29 23 Rule 36

29 24 Committee on Rules and Administration

29 25 The committee on rules and administration shall
29 26 recommend rules and rule changes to the senate, shall



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29 27 hire senate employees, shall recommend salary scales
29 28 for all senate employees, and shall oversee senate
29 29 budget and administration matters.
29 30 The committee on rules and administration will



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30 1 select, for senate approval, an individual to serve as
30 2 secretary of the senate.

30 3 Upon authorization being given by the committee on
30 4 rules and administration, the minority party members
30 5 of the committee will select, for senate approval, an
30 6 individual to serve as assistant parliamentarian.

30 7 The committee shall have the following standing
30 8 subcommittees:

- 30 9 1. Joint Rules
- 30 10 2. Senate Rules
- 30 11 3. Administrative Services
- 30 12 4. Caucus Services.

30 13 The majority leader shall serve as chair of the
30 14 rules and administration committee and as chair of the
30 15 standing subcommittee on caucus services. The
30 16 president of the senate shall serve as vice-chair of
30 17 the rules and administration committee, and as chair
30 18 of the subcommittee on administrative services.

30 19 Rule 37

30 20 Appropriations Committee

30 21 The appropriations committee shall receive bills
30 22 committed to it and shall assign each to one of the
30 23 appropriations subcommittees.

30 24 The appropriations subcommittees shall be named:

- 30 25 Administration & Regulation
- 30 26 Agriculture and Natural Resources
- 30 27 Economic Development
- 30 28 Education
- 30 29 Health and Human Services
- 30 30 Justice System



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32 1 appropriate standing committee unless otherwise
32 2 ordered by the senate. If the bill or resolution is a
32 3 senate committee bill or resolution, the president
32 4 shall place it on the calendar after its first
32 5 reading. If the subject of the bill or resolution is
32 6 not germane to the title of the committee presenting
32 7 it, the president of the senate may refer it to a
32 8 committee deemed appropriate.

32 9 All bills carrying an appropriation for any purpose
32 10 or involving the expenditure of state funds shall be
32 11 referred to the committee on appropriations.

32 12 All bills pertaining to the levy, assessment or
32 13 collection of taxes or fees shall be referred to the
32 14 committee on ways and means.

32 15 Any bill which provides for a new state board,
32 16 commission, agency or department or makes separate or
32 17 autonomous an existing state board, commission, agency
32 18 or department, shall be referred to the committee on
32 19 state government. ~~This rule shall also apply when~~
~~32 20 such a provision is added to a bill or resolution by~~
~~32 21 amendment adopted by the senate.~~ If the bill or
32 22 resolution is so referred after being sponsored or
32 23 reported out by another committee, and if the
32 24 committee on state government does not report out the
32 25 bill or resolution within ten legislative days after
32 26 referral, the bill or resolution shall automatically
32 27 be restored to the calendar with the same priority it
32 28 had immediately before referral.

32 29 This rule shall also apply when such provisions are
32 30 added to a bill or resolution by amendment adopted by



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33 1 the senate.

33 2 Rule 39

33 3 Rules for Standing Committees

33 4 The following rules shall govern all standing
33 5 committees of the senate. Any committee may adopt
33 6 additional rules which are consistent with these
33 7 rules:

33 8 1. A majority of the members shall constitute a
33 9 quorum.

33 10 2. The chair of a committee shall refer each bill
33 11 and resolution to a subcommittee within seven days
33 12 after the bill or resolution has been referred to the
33 13 committee. The chair may appoint subcommittees for
33 14 study of bills and resolutions without calling a
33 15 meeting of the committee, but the subcommittee must be
33 16 announced at the next meeting of the committee. No
33 17 bill or resolution shall be reported out of a
33 18 committee until the next meeting after the
33 19 subcommittee is announced, except that the chair of
33 20 the appropriations committee may make the announcement
33 21 of the assignment to a subcommittee by placing a
33 22 notice in the journal. Any bill so assigned by the
33 23 appropriations committee chair shall be eligible for
33 24 consideration by the committee upon report of the
33 25 subcommittee but not sooner than three legislative
33 26 days following the publication of the announcement in
33 27 the journal.

33 28 When a bill or resolution has been assigned to a
33 29 subcommittee, the chair shall report to the senate the
33 30 bill or resolution number and the names of the



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34 1 subcommittee members and such reports shall be
34 2 reported in the journal. Subcommittee assignments
34 3 shall be reported to the journal daily. Reports filed
34 4 before 3:00 p.m. shall be printed in the journal for
34 5 that day; reports filed after 3:00 p.m. shall be
34 6 printed in the journal for the subsequent day.
34 7 Where standing subcommittees of any committee have
34 8 been named, the names of the members and the title of
34 9 the subcommittee shall be published once and
34 10 thereafter publication of assignments may be made by
34 11 indicating the title of the subcommittee.
34 12 3. No bill or resolution shall be considered by a
34 13 committee until it has been referred to a subcommittee
34 14 and the subcommittee has made its report unless
34 15 otherwise ordered by a majority of the members.
34 16 4. The rules adopted by a committee, including
34 17 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
34 18 be suspended by an affirmative vote of a majority of
34 19 the members of the committee.
34 20 5. The affirmative vote of a majority of the
34 21 members of a committee is needed to sponsor a
34 22 committee bill or resolution or to report a bill or
34 23 resolution out for passage.
34 24 6. The vote on all bills and resolutions shall be
34 25 by roll call unless a short-form vote is unanimously
34 26 agreed to by the committee. A record shall be kept by
34 27 the secretary.
34 28 7. No committee, except a conference committee or
34 29 the steering committee, is authorized to meet when the
34 30 senate is in session.



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36 1 each committee at the request of a member upon any
36 2 amendment or motion. All results shall be entered in
36 3 the minutes which shall be public records. Records of
36 4 these votes shall be made available by the chair or
36 5 the committee secretary at any time. This rule also
36 6 applies to the steering committee and appropriations
36 7 subcommittees.

36 8 The committee shall not authorize the introduction
36 9 of a committee bill or resolution until the members
36 10 have received final copies of the bill or resolution
36 11 with amendments or changes incorporated, and typed
36 12 into proper form by the legislative services agency.
36 13 The committee may, by unanimous consent, dispense with
36 14 this requirement and instruct the legislative ~~service~~
~~36 15 bureau~~ services agency to file a report with the
36 16 committee members detailing the amendments or changes
36 17 and this report shall become a part of the committee
36 18 report.

36 19 Rule 41

36 20 Announcement of Committee Meetings

36 21 It shall be in order for the chair of any committee
36 22 to announce to the senate the time and place of
36 23 committee meetings. The announcement shall include a
36 24 proposed agenda for the meeting. The sergeant-at-arms
36 25 shall post at the rear of the chamber the daily
36 26 schedule of committee meetings.

36 27 Rule 42

36 28 Withdrawal of Bills and Resolutions from Committee

36 29 The secretary of the senate shall note on each bill
36 30 and resolution the date of its reference to committee.



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37 1 No bill or resolution shall be withdrawn from any
37 2 committee within fifteen legislative days after the
37 3 bill or resolution has been referred to the committee
37 4 and thereafter only upon written petition for the
37 5 withdrawal of such bill or resolution signed by a
37 6 constitutional majority of the senators, except as
37 7 provided in Rule 38. Only senators may circulate such
37 8 a petition.

Rule 43

Committee Reports

37 10 All committees shall file a report of committee
37 11 meetings. Such reports shall contain the following
37 12 information:
37 13 information:
37 14 a. The time the meeting convened;
37 15 b. Those senators who were present and absent at
37 16 the time the meeting convened, as well as the time any
37 17 senator, who was not present at the time the meeting
37 18 convened, arrives for the meeting;
37 19 c. The vote on any bill or resolution reported out
37 20 of the committee for floor action;
37 21 d. The title of the bill;
37 22 e. The file number of the bill or resolution (if
37 23 known);
37 24 f. Whether the committee recommends that the bill
37 25 or resolution be passed, amended and passed,
37 26 indefinitely postponed, or considered without
37 27 committee recommendation;
37 28 g. An indication of other bills or matters
37 29 discussed;
37 30 h. Such other matters as the committee chair shall



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38 1 direct; and

38 2 i. The time the meeting adjourned.

38 3 No committee report shall be read, but all

38 4 committee reports shall be printed in the journal.

38 5 Upon printing, all committee reports shall then stand

38 6 approved unless the senate directs otherwise.

38 7 Rule 44

38 8 Bills or Resolutions Recommended for Indefinite Postponement

38 9 No senate bill or resolution recommended for

38 10 indefinite postponement shall be considered in the

38 11 absence of the chief sponsor or, if a house bill or

38 12 resolution, in the absence of the senator representing

38 13 the district in which the sponsor resides. When a

38 14 question is postponed indefinitely, it shall not be

38 15 again acted upon during that session of the general

38 16 assembly.

38 17 GENERAL RULES

38 18 Rule 45

38 19 Access to Senate Chamber and Decorum

38 20 The persons who shall have access to the senate

38 21 chamber, and the times access shall be available, and

38 22 the rules governing activities in the chamber and

38 23 other areas controlled by the senate shall be as

38 24 prescribed by the rules and administration committee

38 25 pursuant to a written policy adopted by the committee

38 26 and filed with the secretary of the senate.

38 27 Rule 46

38 28 Legislative Interns and Aides

38 29 Legislative interns for senators shall be allowed

38 30 on the floor of the senate in accordance with Rule 45;

39 1 provided that each intern first has obtained a name

39 2 badge from the secretary of the senate. The secretary

39 3 of the senate shall issue an appropriate badge to all

39 4 interns for senators.

39 5 In addition, those persons designated as "aides to

39 6 senators" shall be allowed on the floor of the senate.

39 7 The secretary of the senate shall issue an appropriate

39 8 badge for such individuals.

39 9 Rule 47

39 10 Clearing of Lobby and Gallery

39 11 In case of disturbance or disorderly conduct in the

39 12 lobby or gallery, the presiding officer may order it

39 13 cleared.

39 14 Rule 48

39 15 Presentation of Petitions

39 16 Each petition shall contain a brief statement of

39 17 its subject matter and the name of the senator

39 18 presenting it. Petitions shall be filed with the

39 19 secretary of the senate and noted in the journal.

39 20 Rule 49

39 21 Distribution of Printed Material

39 22 No general distribution of printed material in the

39 23 senate shall be allowed unless authorized by the

39 24 secretary of the senate or by a senator.

39 25 Rule 50

39 26 Concerning the Printing of Papers



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39 27 Any paper, other than that contemplated by Section
39 28 10, Article III of the Constitution of the State of
39 29 Iowa, presented to the senate may, with the consent of
39 30 a constitutional majority, be printed in the journal.



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41 1 the president shall refer the bill or resolution to
41 2 the appropriate standing committee unless otherwise
41 3 ordered by the senate. If the bill or resolution is a
41 4 senate committee bill or resolution, the president
41 5 shall place it on the calendar after its first
41 6 reading. If the subject of the bill or resolution is
41 7 not germane to the title of the committee presenting
41 8 it, the president of the senate may refer it to the
41 9 appropriate committee.

41 10 The president shall sign legislative enactments
41 11 upon their enrolling.

41 12 The president of the senate shall serve as a member
41 13 of the legislative council and the senate rules and
41 14 administration committee. The president shall serve
41 15 on the rules and administration committee as chair of
41 16 the standing subcommittee designated to supervise the
41 17 secretary of the senate and other employees of the
41 18 administrative services division of the senate.

41 19 Rule 53

41 20 The President Pro Tempore

41 21 The senate shall elect, from its membership, a
41 22 president pro tempore. When the president is absent,
41 23 the president pro tempore shall preside, except when
41 24 the chair is filled by temporary appointment by the
41 25 president or the majority leader.

41 26 The president pro tempore, when presiding, shall
41 27 perform duties as prescribed in rule 52, paragraphs 1
41 28 and 2.

41 29 The president pro tempore shall serve as a member
41 30 of the legislative council and as a member of the



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45 1 senate rule 6, and by the committee on rules and
45 2 administration. No appointee shall be listed as
45 3 eligible on the confirmation calendar until the
45 4 secretary has received the appointee's completed
45 5 senate questionnaire.

45 6 As soon as possible after the convening of a
45 7 session, and again within one week following March 15,
45 8 the secretary of the senate shall publish in the
45 9 senate journal the names of all nominees submitted for
45 10 confirmation. The secretary of the senate shall
45 11 maintain a file of all appointments received from the
45 12 governor for confirmation. The file shall contain a
45 13 description of the duties and the compensation for
45 14 each nominee. The file shall show the date an
45 15 appointment was received from the governor, the date
45 16 the appointment was published in the journal, whether
45 17 the nominee has been introduced, whether a committee
45 18 report has been filed, when the senate questionnaire
45 19 was sent to the appointee, and shall include a copy of
45 20 the appointee's completed senate questionnaire, upon
45 21 receipt.

45 22 INVESTIGATING COMMITTEES. All appointments
45 23 received from the governor shall be referred to the
45 24 rules and administration committee by the secretary of
45 25 the senate on the same day they are published in the
45 26 senate journal. The rules and administration
45 27 committee shall establish an en bloc confirmation
45 28 calendar which must be filed with the secretary of the
45 29 senate. Within three (3) legislative days after
45 30 receiving an appointment, the committee shall either



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46 1 place a nominee on the en bloc confirmation calendar
46 2 or assign the nominee to an appropriate standing
46 3 committee for further investigation, publishing notice
46 4 of such assignment in the senate journal for the next
46 5 legislative day. If the rules and administration
46 6 committee fails to take action on a nominee within the
46 7 three days, the nominee shall automatically be placed
46 8 on the en bloc confirmation calendar.
46 9 Within the three (3) legislative days after an
46 10 appointment has been referred to the rules and
46 11 administration committee, any ten senators may require
46 12 that the nominee be assigned to an appropriate
46 13 standing committee by filing a written, signed request
46 14 therefor with the chairperson of the rules and
46 15 administration committee. The committee chair shall
46 16 refer the appointment to a subcommittee within one (1)
46 17 legislative day after a standing committee receives an
46 18 appointment for further investigation, publishing
46 19 notice of such assignment in the senate journal for
46 20 the next legislative day. Within ten (10) legislative
46 21 days after a standing committee receives an
46 22 appointment for further investigation the subcommittee
46 23 shall file its report with the standing committee.
46 24 Within fourteen (14) legislative days after a
46 25 standing committee receives an appointment for further
46 26 investigation, the committee shall conduct an
46 27 investigation of the nominee and file its report
46 28 thereon with the secretary of the senate, who shall
46 29 then place the nominee on the en bloc calendar or
46 30 individual confirmation calendar as directed by the



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47 1 committee. The failure of a committee to file its
47 2 report within the prescribed time means that the
47 3 nominee is to be automatically placed, without
47 4 recommendation, upon the individual confirmation
47 5 calendar.

47 6 Any individual nominated to head a department or
47 7 agency of state government, whose appointment is
47 8 subject to senate confirmation, must be introduced to
47 9 the full senate prior to a vote on confirmation of the
47 10 nominee. Additionally, any five (5) senators may
47 11 request that any nominee be introduced to the senate
47 12 by filing a written request with the secretary of the
47 13 senate within ten (10) legislative days of the
47 14 nominee's name appearing in the journal. Any
47 15 individual nominated to a position requiring senate
47 16 confirmation may request to be introduced to the full
47 17 senate by notifying the secretary of the senate at
47 18 least one (1) legislative day in advance of ~~their~~ the
47 19 nominee's appearance. If an individual is nominated
47 20 both to fill a vacancy for an unexpired term and is
47 21 also nominated for reappointment to that position
47 22 during the same session, a single introduction is
47 23 sufficient for eligibility for confirmation to both
47 24 terms.

47 25 HEARINGS. Any member of a committee investigating
47 26 an appointment may, within five (5) legislative days
47 27 after the committee receives the appointment, obtain
47 28 a hearing with the nominee by filing a written request
47 29 with the secretary of the senate who shall forward it
47 30 to the chair of the standing committee and the chair



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48 1 of the subcommittee. Notice of the hearing shall be
48 2 published in the journal at least two (2) legislative
48 3 days prior to the hearing. At the hearing, which
48 4 shall be before the subcommittee, the nominee may be
48 5 questioned as to his or her qualifications to fulfill
48 6 the office to which nominated and further questioned
48 7 as to his or her viewpoints on issues facing the
48 8 office to which nominated. Any senator may at the
48 9 discretion of the chair of the subcommittee be
48 10 permitted to submit oral questions. The public may, at
48 11 the discretion of the investigating committee, be
48 12 permitted to submit oral or written statements as to
48 13 the qualifications of the nominee.

48 14 Also, within five (5) legislative days after the
48 15 subcommittee receives an appointment for
48 16 investigation, any senator may submit written
48 17 questions to be answered by the nominee prior to
48 18 consideration of the nominee's confirmation by the
48 19 senate.

48 20 INFORMATIONAL MEETINGS. After a nominee has been
48 21 placed on the calendar and prior to the vote on
48 22 confirmation, any senator may request an informational
48 23 meeting on the nomination which shall be held before
48 24 the subcommittee.

48 25 VOTING ON CONFIRMATIONS. Upon the motion of the
48 26 majority leader or his or her designee, the nominees
48 27 on the en bloc confirmation calendar shall be
48 28 confirmed en bloc by the affirmative vote of two=
48 29 thirds of the members elected to the senate. The
48 30 journal shall reflect a single roll call accompanied
49 1 by a statement of the names of those individuals
49 2 subject to the en bloc confirmation vote.

49 3 Prior to an en bloc vote, any senator may request,
49 4 either in writing or from the floor, an individual
49 5 vote on any nominee on the en bloc confirmation
49 6 calendar. The senate shall vote separately on the
49 7 nominee.

49 8 Nominees on the individual confirmation calendar
49 9 shall be confirmed by a two=thirds vote; however, the
49 10 senate shall take a separate roll call on each
49 11 nominee, unless by unanimous consent, it determines to
49 12 take one vote on all nominees under consideration. In
49 13 any case, the journal shall reflect a single roll call
49 14 vote for each nominee.

49 15 If an individual is nominated both to fill a
49 16 vacancy for an unexpired term and is also nominated
49 17 for reappointment to that position, and such
49 18 appointment and reappointment appear on the senate
49 19 calendar as eligible at the same time, a single vote
49 20 is sufficient for confirmation to both terms.

49 21 Rule 60

49 22 Time of Committee Passage and Consideration of Bills

49 23 1. This rule does not apply to concurrent or
49 24 simple resolutions, joint resolutions nullifying
49 25 administrative rules, senate confirmations, bills
49 26 embodying redistricting plans prepared by the



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49 27 legislative services agency pursuant to chapter 42, or
49 28 bills passed by both houses in different forms.
49 29 Subsection 2 of this rule does not apply to
49 30 appropriations bills, ways and means bills, legalizing



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50 1 acts, administrative rules review committee bills,
50 2 bills sponsored by standing committees in response to
50 3 a referral from the president of the senate or the
50 4 speaker of the house of representatives relating to an
50 5 administrative rule whose effective date has been
50 6 delayed until the adjournment of the next regular
50 7 session of the general assembly by the administrative
50 8 rules review committee, bills cosponsored by the
50 9 majority and minority floor leaders of the senate,
50 10 bills in conference committee, and companion bills
50 11 sponsored by the majority floor leaders of both houses
50 12 after consultation with the respective minority floor
50 13 leaders. For the purposes of this rule, a joint
50 14 resolution is considered as a bill. To be considered
50 15 an appropriations or ways and means bill for the
50 16 purposes of this rule, the appropriations committee or
50 17 the ways and means committee must either be the
50 18 sponsor of the bill or the committee of first referral
50 19 in the senate.

50 20 2. To be placed on the calendar in the senate a
50 21 senate bill must be first reported out of a standing
50 22 committee by Friday of the 10th week of the first
50 23 session and the 6th week of the second session. A
50 24 house bill must be first reported out of a standing
50 25 committee by Friday of the 13th week of the first
50 26 session and the 9th week of the second session to be
50 27 placed on the senate calendar.

50 28 3. During the 11th week of the first session and
50 29 the 7th week of the second session, the senate shall
50 30 consider only bills originating in the senate and



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51 1 unfinished business. During the 14th week of the
51 2 first session and the 10th week of the second session,
51 3 the senate shall consider only bills originating in
51 4 the house and unfinished business. Beginning with the
51 5 15th week of the first session and the 11th week of
51 6 the second session, the senate shall consider only
51 7 bills passed by both houses, bills exempt from
51 8 subsection 2 and unfinished business.

51 9 4. A motion to reconsider filed and not disposed
51 10 of on an action taken on a bill or resolution which is
51 11 subject to a deadline under this rule may be called up
51 12 at any time before or after the day of the deadline by
51 13 the person filing the motion or after the deadline by
51 14 the majority floor leader, notwithstanding any other
51 15 rule to the contrary.

51 16 BE IT FURTHER RESOLVED, That should a system of
51 17 deadlines for the time of committee passage and
51 18 consideration of bills be adopted by joint action of
51 19 the senate and house at any time during the
51 20 ~~eighty-first~~ eighty-second general assembly, those
51 21 provisions shall supersede the provisions of rule 60.

51 22 SR 07;12/20/06

51 23 cc/cc/26



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Senate Study Bill 1001

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the regulation of packers and the purchase
- 2 of swine from producers, and providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1603SC 82
- 5 da/je/5



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PAG LIN

1 1 Section 1. NEW SECTION. 202D.1 PURPOSE.
1 2 The purpose of this chapter is to increase competition and
1 3 transparency among packers that purchase swine from producers.
1 4 Sec. 2. NEW SECTION. 202D.2 DEFINITIONS.
1 5 1. "Base price" means the price paid for swine, delivered
1 6 to a packer, before application of any premiums or discounts,
1 7 and expressed in dollars per hundred pounds of hot carcass
1 8 weight as calculated in the same manner as provided in 7
1 9 C.F.R. } 59.30.
1 10 2. "Business association" means the same as defined in
1 11 section 202B.102.
1 12 3. "Controlling interest" means actual control of a
1 13 business or the exercise of material participation, directly
1 14 or indirectly, in the management and policies of a business,
1 15 whether through the ownership of voting securities, by
1 16 contract, or otherwise.
1 17 4. "Covered packer" means a packer that is required to
1 18 report to the United States department of agriculture each
1 19 reporting day purchase data and slaughter data regarding swine
1 20 as provided in section 202D.3. However, a covered packer does
1 21 not include a packer which has a controlling interest in only
1 22 one packing plant.
1 23 5. "Department" means the department of agriculture and
1 24 land stewardship.
1 25 6. "Federal Meat Inspection Act" means the same as defined
1 26 in section 189A.2.
1 27 7. "Nonaffiliated producer" means a producer who sells
1 28 swine to a packer. In addition, all of the following must
1 29 apply:
1 30 a. The producer has less than a one percent equity
1 31 interest in the packer, including but not limited to as a
1 32 shareholder, partner, member, or beneficiary.
1 33 b. If the producer is a business association, the packer
1 34 has less than a one percent equity interest in the producer,
1 35 including but not limited to as a shareholder, partner,



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2 1 member, or beneficiary.

2 2 c. The producer is not an officer, director, employee, or
2 3 owner of the producer who is also an officer, director,
2 4 employee, or owner of the packer. If the producer is a
2 5 business association, an officer, director, employee, or owner
2 6 of the producer cannot also be an officer, director, employee,
2 7 or owner of the packer.

2 8 d. The producer does not owe a fiduciary responsibility to
2 9 the packer.

2 10 e. If the producer is a business association, the packer
2 11 does not have an equity interest in the producer.

2 12 8. "Packer" means a business association engaged in buying
2 13 swine in commerce for purposes of slaughter, of manufacturing
2 14 or preparing meats or meat food products from swine for sale
2 15 or shipment in commerce, or of marketing meats or meat food
2 16 products from swine in an unmanufactured form acting as a
2 17 wholesale broker, dealer, or distributor in commerce.

2 18 9. "Processing plant" means the geographic location of an
2 19 establishment as defined in section 189A.2 which is both of
2 20 the following:

2 21 a. Subject to inspection by the department pursuant to
2 22 chapter 189A or the United States department of agriculture
2 23 pursuant to the federal Meat Inspection Act.

2 24 b. Slaughters an average of at least one hundred thousand
2 25 swine per year during the immediately preceding five calendar
2 26 years or has the capacity to slaughter that number of swine in
2 27 any one of those years.

2 28 10. "Producer" means a person who holds an ownership
2 29 interest or controlling interest in a business association
2 30 that operates a location where livestock are fed or otherwise
2 31 maintained, including a building, lot, yard, or corral; or
2 32 holds an ownership interest or controlling interest in
2 33 livestock which are fed or otherwise maintained at the
2 34 location.

2 35 11. "Reasonable competitive bidding opportunity" means



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- 3 1 circumstances in which all of the following apply:
- 3 2 a. A written or oral agreement does not preclude a
- 3 3 producer from soliciting or receiving bids from other packers.
- 3 4 b. No circumstances, customs, or practices exist that do
- 3 5 any of the following:
- 3 6 (1) Establish the existence of an implied contract.
- 3 7 (2) Preclude the producer from soliciting or receiving
- 3 8 bids from other packers.
- 3 9 12. "Spot market sale" means a purchase and sale of swine
- 3 10 by a packer from a producer that specifies a firm base price
- 3 11 that may be equated with a fixed dollar amount on the date the
- 3 12 agreement is entered into under which the swine are
- 3 13 slaughtered not more than seven days after the date on which
- 3 14 the agreement is entered into, and under circumstances in
- 3 15 which a reasonable competitive bidding opportunity exists on
- 3 16 the date on which the agreement is entered into.
- 3 17 13. "Swine" means a porcine animal raised to be a feeder
- 3 18 pig, raised for seedstock, or raised for slaughter.
- 3 19 Sec. 3. NEW SECTION. 202D.3 ELECTRONIC PACKER REPORTING
- 3 20 == PURCHASE DATA FOR SWINE.
- 3 21 1. The department of agriculture and land stewardship
- 3 22 shall establish an electronic packer reporting system which
- 3 23 automatically receives data for all swine purchased and
- 3 24 slaughtered as reported daily by packers to the United States
- 3 25 department of agriculture pursuant to 7 U.S.C. ch. 38, subch.
- 3 26 II, pt. C. The department of agriculture and land stewardship
- 3 27 shall cooperate with the United States department of
- 3 28 agriculture as necessary in order to establish and administer
- 3 29 the electronic system.
- 3 30 2. The department of agriculture and land stewardship
- 3 31 shall establish and administer the electronic packer reporting
- 3 32 system in order to do all of the following:
- 3 33 a. Provide timely, accurate, and reliable market
- 3 34 information.
- 3 35 b. Facilitate more informed marketing decisions.



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4 1 c. Promote competition in the swine slaughtering industry.

4 2 d. Enforce the provisions of section 202D.4.

4 3 Sec. 4. NEW SECTION. 202D.4 SPOT MARKET SALE

4 4 REQUIREMENTS.

4 5 For each reporting day, at least twenty-five percent of all
4 6 swine slaughtered by a covered packer must be purchased from
4 7 nonaffiliated producers by spot market sale.

4 8 Sec. 5. NEW SECTION. 202D.5 CITIZEN ACTION.

4 9 If a nonaffiliated producer cannot make a spot market sale
4 10 to a covered packer on a reporting day because a covered
4 11 packer violates section 202D.4, the nonaffiliated producer may
4 12 bring a civil action against the covered packer. The
4 13 nonaffiliated producer may bring the civil action in district
4 14 court for Polk county, the district court of the covered
4 15 packer's principal place of business in this state, or in the
4 16 county where the nonaffiliated producer resides in this state
4 17 or if the nonaffiliated producer is a business association, in
4 18 the county of its principal place of business in this state.

4 19 A covered packer who is guilty of violating section 202D.4
4 20 shall be liable to the nonaffiliated producer for three times
4 21 the amount of the spot market sales price for the swine that
4 22 the nonaffiliated producer would have received if the
4 23 violation had not occurred. The court shall award the
4 24 nonaffiliated producer who prevails in the civil action
4 25 reasonable attorney fees and expert witness fees incurred by
4 26 the nonaffiliated producer, to be paid by the covered packer
4 27 and taxed as part of the costs of the civil action.

4 28 Sec. 6. NEW SECTION. 202D.6 PENALTIES.

4 29 A covered packer who violates a provision of section 202D.4
4 30 is subject to a civil penalty of not more than twenty-five
4 31 thousand dollars. The civil penalties collected under this
4 32 chapter shall be deposited into the general fund of the state.

4 33 Sec. 7. NEW SECTION. 202D.7 ENFORCEMENT ACTION.

4 34 1. a. The attorney general's office is the primary agency
4 35 responsible for enforcing this chapter.



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- 5 1 b. The department shall notify the attorney general's
5 2 office if the department has reason to believe that a
5 3 violation of section 202D.4 has occurred.
- 5 4 2. The attorney general's office may bring an enforcement
5 5 action in district court in Polk county, in the county where
5 6 the violation occurs, or in the county where the covered
5 7 packer has its principal place of business. The attorney
5 8 general's office may do all of the following:
- 5 9 a. Apply to the district court for an injunction to do any
5 10 of the following:
- 5 11 (1) Restrain a covered packer from engaging in conduct or
5 12 practices in violation of this chapter.
- 5 13 (2) Require a covered packer to comply with a provision of
5 14 this chapter.
- 5 15 b. Apply to district court for the issuance of a subpoena
5 16 to obtain contracts, documents, or other records of a covered
5 17 packer for purposes of enforcing this chapter.
- 5 18 c. Bring an action in district court to enforce civil
5 19 penalties as provided in section 202D.6, including the
5 20 imposition, assessment, and collection of the civil penalties.

5 21 EXPLANATION

5 22 This bill regulates packers engaged in the business of
5 23 purchasing swine for slaughter and processing. It is based on
5 24 the federal Agricultural Marketing Act of 1946 and specific
5 25 provisions which require packers to report purchase data
5 26 relating to swine for slaughter to the United States
5 27 department of agriculture (7 U.S.C. ch. 38, subch. II, pt. C).
5 28 The bill is also based on provisions included in S. 325
5 29 introduced in the Senate of the United States on February 6,
5 30 2003, which states an intent to increase competition and
5 31 transparency among packers that purchase livestock, including
5 32 swine from producers. That intention is rephrased in the
5 33 first section of the bill.

5 34 The bill requires the department of agriculture and land
5 35 stewardship to establish an electronic packer reporting system



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6 1 which is to automatically receive purchase data and slaughter
6 2 data reported for swine by the United States department of
6 3 agriculture and provided by packers on a daily basis.

6 4 The bill generally defines the term "packer" as a person
6 5 who engages in buying swine for purposes of slaughter, or
6 6 manufacturing or preparing meats or meat food products from
6 7 swine. The bill uses the term "covered packer" to describe a
6 8 packer required to report purchase data or slaughter data for
6 9 swine to the United States department of agriculture.

6 10 Generally, under the federal livestock reporting law, a packer
6 11 is a person who owns a federally inspected processing plant
6 12 which slaughters an average of at least 100,000 swine per year
6 13 during the immediately preceding five calendar years.

6 14 The bill requires that when a covered packer purchases
6 15 swine, it must reserve a percentage of its daily reported kill
6 16 for the purchase of swine from nonaffiliated producers on the
6 17 spot market. The bill defines a "spot market sale", in the
6 18 same manner as federal law, to mean a purchase and sale of
6 19 swine by a packer from a producer that specifies a firm base
6 20 price on the date the agreement is executed, if the swine are
6 21 slaughtered not more than seven days after the date on which
6 22 the agreement is executed. It defines a "nonaffiliated
6 23 producer" to mean a producer who holds no more than a de
6 24 minimus equity interest (shares) in or fiduciary duty to the
6 25 packer.

6 26 The bill provides enforcement mechanisms. A nonaffiliated
6 27 producer may bring a legal action against a covered packer who
6 28 violates the bill's provisions and may be awarded treble
6 29 damages together with reasonable attorney fees and fees for
6 30 expert witnesses. The bill imposes civil penalties upon a
6 31 covered packer who violates the provisions of the bill.

6 32 The attorney general's office is the primary agency
6 33 responsible for enforcing the bill's provisions. The attorney
6 34 general's office may apply to district court for an injunction
6 35 to restrain a covered packer from engaging in conduct or



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7 1 practices in violation of the bill's provisions; require a
7 2 covered packer to comply with a provision of the bill; obtain
7 3 a subpoena to obtain contracts, documents, or other records
7 4 for purposes of enforcing the bill's provisions; or bring an
7 5 action in district court to impose and collect the civil
7 6 penalties. The amount of the civil penalties and the
7 7 authority granted to the office of the attorney general are
7 8 similar to provisions included in Code chapter 202B, which
7 9 prohibits the ownership of swine operations by processors and
7 10 restricts contract feeding contracts executed by processors
7 11 and producers.
7 12 LSB 1603SC 82
7 13 da:rj/je/5