



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 16, 2007

House File 16

HOUSE FILE
BY ALONS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the operation of certain all-terrain vehicles
2 on noninterstate highways, providing a fee, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1048YH 82
6 dea/cf/24



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1 1 Section 1. Section 321.20B, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. This section does not apply to a snowmobile or
1 4 all-terrain vehicle, except an all-terrain vehicle operated as
1 5 provided in section 321.234A, subsection 2, or to a motor
1 6 vehicle identified in section 321.18, subsections 1 through 6,
1 7 and subsection 8.
1 8 Sec. 2. Section 321.109, subsection 1, paragraph a, Code
1 9 2007, is amended to read as follows:
1 10 a. The annual fee for all motor vehicles including
1 11 vehicles designated by manufacturers as station wagons, and
1 12 1993 and subsequent model years for multipurpose vehicles,
1 13 except motor trucks, motor homes, ambulances, hearses,
1 14 motorcycles, motorized bicycles, all-terrain vehicles, and
1 15 1992 and older model years for multipurpose vehicles, shall be
1 16 equal to one percent of the value as fixed by the department
1 17 plus forty cents for each one hundred pounds or fraction
1 18 thereof of weight of vehicle, as fixed by the department. The
1 19 weight of a motor vehicle, fixed by the department for
1 20 registration purposes, shall include the weight of a battery,
1 21 heater, bumpers, spare tire, and wheel. Provided, however,
1 22 that for any new vehicle purchased in this state by a
1 23 nonresident for removal to the nonresident's state of
1 24 residence the purchaser may make application to the county
1 25 treasurer in the county of purchase for a transit plate for
1 26 which a fee of ten dollars shall be paid. And provided,
1 27 however, that for any used vehicle held by a registered dealer
1 28 and not currently registered in this state, or for any vehicle
1 29 held by an individual and currently registered in this state,
1 30 when purchased in this state by a nonresident for removal to
1 31 the nonresident's state of residence, the purchaser may make
1 32 application to the county treasurer in the county of purchase
1 33 for a transit plate for which a fee of three dollars shall be
1 34 paid. The county treasurer shall issue a nontransferable
1 35 certificate of registration for which no refund shall be



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2 1 allowed; and the transit plates shall be void thirty days
2 2 after issuance. Such purchaser may apply for a certificate of
2 3 title by surrendering the manufacturer's or importer's
2 4 certificate or certificate of title, duly assigned as provided
2 5 in this chapter. In this event, the treasurer in the county
2 6 of purchase shall, when satisfied with the genuineness and
2 7 regularity of the application, and upon payment of a fee of
2 8 ten dollars, issue a certificate of title in the name and
2 9 address of the nonresident purchaser delivering the title to
2 10 the owner. If there is a security interest noted on the
2 11 title, the county treasurer shall mail to the secured party an
2 12 acknowledgment of the notation of the security interest. The
2 13 county treasurer shall not release a security interest that
2 14 has been noted on a title issued to a nonresident purchaser as
2 15 provided in this paragraph. The application requirements of
2 16 section 321.20 apply to a title issued as provided in this
2 17 subsection, except that a natural person who applies for a
2 18 certificate of title shall provide either the person's social
2 19 security number, passport number, or driver's license number,
2 20 whether the license was issued by this state, another state,
2 21 or another country. The provisions of this subsection
2 22 relating to multipurpose vehicles are effective January 1,
2 23 1993, for all 1993 and subsequent model years. The annual
2 24 registration fee for multipurpose vehicles that are 1992 model
2 25 years and older shall be in accordance with section 321.124.
2 26 Sec. 3. Section 321.117, Code 2007, is amended to read as
2 27 follows:
2 28 321.117 MOTORCYCLE, ALL=TERRAIN VEHICLE, AMBULANCE, AND
2 29 HEARSE FEES.
2 30 For all motorcycles the annual registration fee shall be is
2 31 twenty dollars. For all motorized bicycles the annual
2 32 registration fee shall be is seven dollars. When ~~the a~~
2 33 motorcycle is more than five model years old, the annual
2 34 registration fee shall be is ten dollars. The annual
2 35 registration fee for all=terrain vehicles operated under



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3 1 section 321.234A, subsection 2, is twenty dollars. The annual
3 2 registration fee for ambulances and hearses ~~shall be~~ is fifty
3 3 dollars. Passenger car plates shall be issued for ambulances
3 4 and hearses.

3 5 Sec. 4. Section 321.166, subsection 1, unnumbered
3 6 paragraph 1, Code 2007, is amended to read as follows:

3 7 Registration plates shall be of metal and of a size not to
3 8 exceed six inches by twelve inches, except that the size of
3 9 plates issued for use on all-terrain vehicles operated under
3 10 section 321.234A, subsection 2, motorized bicycles,
3 11 motorcycles, motorcycle trailers, and trailers with an empty
3 12 weight of two thousand pounds or less shall be established by
3 13 the department.

3 14 Sec. 5. Section 321.166, subsections 3 and 4, Code 2007,
3 15 are amended to read as follows:

3 16 3. The registration plate number shall be displayed in
3 17 characters which shall not exceed a height of four inches nor
3 18 a stroke width exceeding five-eighths of an inch. Special
3 19 plates issued to dealers shall display the alphabetical
3 20 character "D", which shall be of the same size as the
3 21 characters in the registration plate. The registration plate
3 22 number issued for all-terrain vehicles operated under section
3 23 321.234A, subsection 2, motorized bicycles, motorcycles,
3 24 trailers with an empty weight of two thousand pounds or less,
3 25 and motorcycle trailers shall be a size prescribed by the
3 26 department.

3 27 4. The registration plate number, except on all-terrain
3 28 vehicles operated under section 321.234A, subsection 2,
3 29 motorized bicycle bicycles, ~~motoreyele~~ motorcycles, motorcycle
3 30 trailer trailers, and trailers with an empty weight of two
3 31 thousand pounds or less shall be of sufficient size to be
3 32 readable from a distance of one hundred feet during daylight.

3 33 Sec. 6. Section 321.234A, Code 2007, is amended to read as
3 34 follows:

3 35 321.234A ALL=TERRAIN VEHICLES == HIGHWAY USE.



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4 1 1. ~~All-terrain vehicles~~ Except as provided in subsection
4 2 2, an all-terrain vehicle shall not be operated on a highway
4 3 unless one or more of the following conditions apply:
4 4 a. The operation is between sunrise and sunset and is
4 5 incidental to the vehicle's use for agricultural purposes.
4 6 b. The operation is incidental to the vehicle's use for
4 7 the purpose of surveying by a licensed engineer or land
4 8 surveyor.
4 9 c. The all-terrain vehicle is operated by an employee or
4 10 agent of a political subdivision or public utility for the
4 11 purpose of construction or maintenance on or adjacent to the
4 12 highway.
4 13 d. The all-terrain vehicle is operated by an employee or
4 14 agent of a public agency as defined in section 34.1 for the
4 15 purpose of providing emergency services or rescue.
4 16 e. The all-terrain vehicle is operated for the purpose of
4 17 mowing, installing approved trail signs, or providing
4 18 maintenance on a snowmobile trail or all-terrain vehicle trail
4 19 designated by the department of natural resources.
4 20 2. a. An all-terrain vehicle may be operated on a highway
4 21 other than an interstate highway, provided all of the
4 22 following conditions are met:
4 23 (1) The all-terrain vehicle is registered as a motor
4 24 vehicle under this chapter and bears the license plates
4 25 required under section 321.166.
4 26 (2) The operator of the all-terrain vehicle is at least
4 27 eighteen years of age and possesses a valid driver's license.
4 28 (3) The operator of the all-terrain vehicle is covered by
4 29 an owner's policy of liability insurance or other financial
4 30 liability coverage, as defined in section 321.1, in effect for
4 31 the all-terrain vehicle being operated.
4 32 (4) The all-terrain vehicle is designed to travel on four
4 33 wheels and is equipped with two headlamps as described in
4 34 section 321.385, directional signal devices as described in
4 35 section 321.317, and rear lamps and brake lights as described



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5 1 in sections 321.387 and 321.404.

5 2 b. The motor vehicle laws and penalties applicable to
5 3 operators of motor vehicles pursuant to this chapter apply to
5 4 a person operating, on a noninterstate highway, an all-terrain
5 5 vehicle registered as a motor vehicle, to the extent
5 6 practicably applicable. A violation of a provision of this
5 7 subsection not otherwise punishable under this chapter is
5 8 punishable as a scheduled violation as provided in subsection
5 9 5.

5 10 c. Registration and operation of an all-terrain vehicle
5 11 under this subsection does not constitute an exemption from
5 12 the provisions of chapter 321I.

5 13 ~~2.~~ 3. A person operating an all-terrain vehicle on a
5 14 highway shall have a valid driver's license and the vehicle
5 15 shall be operated at speeds of thirty-five miles per hour or
5 16 less.

5 17 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner
5 18 of land adjacent to a highway, other than an interstate road,
5 19 may be operated by the owner of the all-terrain vehicle, or by
5 20 a member of the owner's family, on the portion of the highway
5 21 right-of-way that is between the shoulder of the roadway, or
5 22 at least five feet from the edge of the roadway, and the
5 23 owner's property line.

5 24 ~~4.~~ 5. A person convicted of a violation of this section
5 25 is guilty of a simple misdemeanor punishable as a scheduled
5 26 violation under section 805.8A, subsection 3, paragraph "f".

5 27 Sec. 7. Section 321I.9, unnumbered paragraph 1, Code 2007,
5 28 is amended to read as follows:

5 29 Registration under this chapter shall not be required for
5 30 the following described all-terrain vehicles:

5 31 EXPLANATION

5 32 This bill modifies the prohibition on operation of all-
5 33 terrain vehicles on public highways by authorizing their
5 34 operation on highways other than interstate highways under
5 35 certain conditions. The person operating an all-terrain



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6 1 vehicle on a highway must be at least 18 years of age and
6 2 licensed as a motor vehicle driver. The operator must be
6 3 covered by liability insurance or other financial liability
6 4 coverage in effect for the vehicle being operated.
6 5 The all-terrain vehicle must be designed to travel on four
6 6 wheels and equipped with headlamps, turn signals, rear lamps,
6 7 and brake lights. The vehicle is required to be registered as
6 8 a motor vehicle under Code chapter 321 for an annual fee of
6 9 \$20. The all-terrain vehicle must display registration plates
6 10 of a size and design to be established by the department of
6 11 transportation.
6 12 A person operating an all-terrain vehicle registered as a
6 13 motor vehicle would be subject to the same laws and penalties
6 14 that apply to drivers of other motor vehicles, to the extent
6 15 practicably applicable. A violation of a provision of law
6 16 uniquely applicable to an all-terrain vehicle being operated
6 17 as a motor vehicle, not otherwise punishable as a motor
6 18 vehicle offense, would be a simple misdemeanor punishable by a
6 19 scheduled fine of \$50.
6 20 Registration of an all-terrain vehicle for the purpose of
6 21 operating it on noninterstate highways would not exempt the
6 22 owner from the registration and regulation requirements
6 23 administered by the department of natural resources.
6 24 LSB 1048YH 82
6 25 dea:nh/cf/24



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House File 17

HOUSE FILE
BY HUSER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the annual adjustment of the personal needs
- 2 allowance for residents of certain facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1542HH 82
- 5 pf/je/5



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1 1 Section 1. Section 249A.30A, Code 2007, is amended to read
1 2 as follows:
1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE ==
1 4 COST OF LIVING INDEX.

1 5 The personal needs allowance under the medical assistance
1 6 program, which may be retained by a resident of a nursing
1 7 facility, an intermediate care facility for persons with
1 8 mental retardation, or an intermediate care facility for
1 9 persons with mental illness, as defined in section 135C.1, or
1 10 who is a resident of a psychiatric medical institution for
1 11 children as defined in section 135H.1, shall be fifty dollars
1 12 per month. However, beginning January 1, 2008, and each
1 13 subsequent January 1, the personal needs allowance shall be
1 14 increased in an amount which is based upon the most recent
1 15 cost of living adjustment announced by the United States
1 16 social security administration for the purpose of determining
1 17 social security benefits.

1 18 EXPLANATION

1 19 This bill provides that the personal needs allowance under
1 20 the medical assistance program, which may be retained by a
1 21 resident of a nursing facility, an intermediate care facility
1 22 for persons with mental retardation, an intermediate care
1 23 facility for persons with mental illness, or a resident of a
1 24 psychiatric medical institution for children, is \$50 and is to
1 25 be increased annually on January 1, in an amount which is
1 26 based upon the most recent cost of living adjustment announced
1 27 by the federal social security administration for the purpose
1 28 of determining social security benefits.

1 29 LSB 1542HH 82

1 30 pf:rj/je/5



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House File 18

HOUSE FILE
BY ABDUL=SAMAD

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

A BILL FOR

1 An Act establishing and making appropriations for an
2 instructional technology program for Iowa's school districts,
3 certain schools governed by the state board of regents, and
4 certain institutions administered by the department of human
5 services.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1138HH 82
8 kh/sh/8



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1 1 Section 1. NEW SECTION. 295A.1 APPROPRIATIONS ==
1 2 ALLOCATIONS.
1 3 1. a. There is appropriated from the general fund of the
1 4 state to the department of education for the fiscal year
1 5 beginning July 1, 2007, and ending June 30, 2008, the sum of
1 6 ten million dollars for the instructional technology tools for
1 7 schools program.
1 8 b. There is appropriated from the general fund of the
1 9 state to the department of education for the fiscal year
1 10 beginning July 1, 2008, and ending June 30, 2009, the sum of
1 11 twenty million dollars for the instructional technology tools
1 12 for schools program.
1 13 c. There is appropriated from the general fund of the
1 14 state to the department of education for the fiscal year
1 15 beginning July 1, 2009, and succeeding fiscal years, the sum
1 16 of thirty million dollars for the instructional technology
1 17 tools for schools program.
1 18 2. From the moneys appropriated in subsection 1, other
1 19 than the moneys allocated in subsection 3, for each fiscal
1 20 year in which moneys are appropriated, the amount of moneys
1 21 allocated to school districts shall be in the proportion that
1 22 the basic enrollment of a district bears to the sum of the
1 23 basic enrollments of all school districts in the state for the
1 24 budget year. However, except as provided in subsection 8, a
1 25 district shall not receive less than fifteen thousand dollars
1 26 in a fiscal year. The Iowa braille and sight saving school,
1 27 the state school for the deaf, and the Price laboratory school
1 28 at the university of northern Iowa shall annually certify
1 29 their basic enrollments to the department of education by
1 30 October 1. The department of human services shall certify the
1 31 average student yearly enrollments of the institutions under
1 32 the department of human services control as provided in
1 33 section 218.1, subsections 1 through 3, 5, 7, and 8, to the
1 34 department of education by October 1.
1 35 3. From the moneys appropriated in subsection 1, for each



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2 1 fiscal year in which moneys are appropriated, the sum of four
2 2 hundred fifty thousand dollars shall be allocated among the
2 3 area education agencies based upon each area education
2 4 agency's percentage of the total full-time equivalent
2 5 elementary and secondary teachers employed in the school
2 6 districts in this state. An area education agency may
2 7 contract with an appropriate accredited institution of higher
2 8 education in this state to provide staff development and
2 9 training in accordance with sections 295A.2 and 295A.3.
2 10 4. For each year in which funds are appropriated for
2 11 purposes of this chapter, the department of education shall
2 12 notify the department of revenue of the amount to be paid to
2 13 each school district and area education agency based upon the
2 14 allocation plan set forth for the appropriation made pursuant
2 15 to this section. The allocation to each school district and
2 16 area education agency under this section shall be made in one
2 17 payment on or about October 15 of the fiscal year in which the
2 18 appropriation is made, taking into consideration the relative
2 19 budget and cash position of the state resources.
2 20 5. Moneys received under this section shall not be
2 21 commingled with state aid payments made under sections 257.16
2 22 and 257.35 to a school district or area education agency and
2 23 shall be accounted for by the local school district or area
2 24 education agency separately from state aid payments.
2 25 6. Payments made to school districts and area education
2 26 agencies under this section are miscellaneous income for
2 27 purposes of chapter 257 or are considered encumbered. Each
2 28 local school district and area education agency shall maintain
2 29 a separate listing within their budgets for payments received
2 30 and expenditures made pursuant to this section.
2 31 7. Moneys received under this section shall not be used
2 32 for payment of any collective bargaining agreement or
2 33 arbitrator's decision negotiated or awarded under chapter 20.
2 34 8. For purposes of subsection 2, "school district" means a
2 35 school district, the Iowa braille and sight saving school, the



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3 1 state school for the deaf, the Price laboratory school at the
3 2 university of northern Iowa, and the institutions under the
3 3 control of the department of human services as provided in
3 4 section 218.1, subsections 1 through 3, 5, 7, and 8. However,
3 5 notwithstanding subsection 2, the amount of moneys allocated
3 6 to the institutions under the control of the department of
3 7 human services as provided in section 218.1, subsections 1
3 8 through 3, and 5, shall be a total of not more than forty-five
3 9 thousand dollars for each fiscal year, to be distributed
3 10 proportionately between the four institutions by the
3 11 department of education.

3 12 Sec. 2. NEW SECTION. 295A.2 TECHNOLOGY PLAN.

3 13 1. Prior to receiving funds under this chapter, the board
3 14 of directors of a school district shall adopt a technology
3 15 plan that supports instructional technology efforts and
3 16 includes an evaluation component. The plan shall be developed
3 17 by licensed professional staff of the district, including both
3 18 teachers and administrators. The plan shall, at a minimum,
3 19 focus on the attainment of student learning and achievement
3 20 goals under section 256.7, subsection 21, and section 280.12,
3 21 shall consider the district's interconnectivity with the Iowa
3 22 communications network, and shall demonstrate how, over a
3 23 four-year period, the board will utilize technology to improve
3 24 student achievement. The technology plan shall be updated
3 25 annually and kept on file in the district. A copy of the
3 26 plan, and subsequent updates to the plan, shall be sent to the
3 27 appropriate area education agency. Progress made under the
3 28 plan shall be included as part of the annual report submitted
3 29 to the department of education in compliance with section
3 30 256.7, subsection 21.

3 31 2. Each area education agency shall develop a plan to
3 32 assist school districts in the development of a technology
3 33 planning process to meet the purposes of this chapter. The
3 34 plan shall describe how the area education agency intends to
3 35 support school districts with instructional technology staff



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4 1 development and training. The plan shall be updated annually.
4 2 Prior to receiving funds annually under this chapter, a copy
4 3 of the plan, or the most recently updated plan, shall be
4 4 submitted to the department of education. The department
4 5 shall approve each plan prior to the disbursement of funds.
4 6 An annual progress report shall be submitted to the department
4 7 of education.

4 8 3. The Iowa braille and sight saving school, the state
4 9 school for the deaf, and the Price laboratory school at the
4 10 university of northern Iowa shall each develop a technology
4 11 plan that supports and improves student achievement,
4 12 demonstrates how technology will be utilized to improve
4 13 student achievement, and includes an evaluation component.
4 14 The plan shall be updated annually. Prior to receiving funds
4 15 annually under this chapter, a copy of the plan, or the most
4 16 recently updated plan, shall be submitted to the state board
4 17 of regents and the department of education. Each school
4 18 listed in this subsection shall also submit an annual progress
4 19 report to the state board of regents and the department of
4 20 education.

4 21 4. The institutions under the control of the department of
4 22 human services as provided in section 218.1, subsections 1
4 23 through 3, 5, 7, and 8, shall each develop a technology plan
4 24 that supports and improves student achievement, demonstrates
4 25 the manner in which technology will be utilized to improve
4 26 student achievement, and includes an evaluation component.
4 27 The plan shall be updated annually. Prior to receiving funds
4 28 annually under this chapter, a copy of the plan, or the most
4 29 recently updated plan, shall be submitted to the departments
4 30 of education and human services. Each institution shall also
4 31 submit an annual progress report to the departments of
4 32 education and human services.

4 33 Sec. 3. NEW SECTION. 295A.3 ELIGIBLE EXPENDITURES.

4 34 1. Each school district, as defined in section 295A.1,
4 35 subsection 8, shall establish priorities for the use of the



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5 1 funds received pursuant to this chapter. Funds allocated
5 2 pursuant to section 295A.1, subsection 2, shall be expended
5 3 for the acquisition, lease, lease=purchase, installation, and
5 4 maintenance of instructional technology equipment, including
5 5 hardware and software, materials and supplies related to
5 6 instructional technology, and staff development and training
5 7 related to instructional technology. Funds allocated pursuant
5 8 to section 295A.1, subsection 2, shall not be expended to add
5 9 a full-time equivalent position or otherwise increase
5 10 staffing, unless the school district expends not more than ten
5 11 percent of the funds received to employ or enter into a
5 12 contract with information technology specialists to provide
5 13 technical consulting and integration of technology in
5 14 curriculum and instruction to advance student achievement.

5 15 2. Funds received by an area education agency pursuant to
5 16 section 295A.1 shall be expended for the costs related to
5 17 supporting school districts within the area served with
5 18 technology planning and equipment, including hardware and
5 19 software, materials and supplies related to instructional
5 20 technology, employment of or contracting with information
5 21 technology specialists to provide technical consulting and
5 22 integration of technology in curriculum and instruction, and
5 23 staff development and training related to instructional
5 24 technology.

5 25 EXPLANATION

5 26 This bill establishes an instructional technology tools for
5 27 schools program and provides for annual appropriations for the
5 28 program.

5 29 For FY 2007=2008, the bill appropriates \$10 million for the
5 30 program from the general fund of the state to the department
5 31 of education; for FY 2008=2009, \$20 million; and for FY
5 32 2009=2010 and for each succeeding fiscal year, \$30 million.

5 33 The bill provides for the allocation of technology funds to
5 34 school districts, the Iowa braille and sight saving school,
5 35 the state school for the deaf, the Price laboratory school at



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6 1 the university of northern Iowa, the mental health institutes
6 2 located in Cherokee and Independence, the Glenwood state
6 3 hospital=school and Woodward state hospital=school, the state
6 4 training school and the juvenile home, in the proportion that
6 5 the basic enrollment of each school, institution, and school
6 6 district bears to the sum of the basic enrollments of these
6 7 schools, institutions, and school districts in the state for
6 8 the budget year. However, school districts shall receive no
6 9 less than \$15,000 in a fiscal year, while the mental health
6 10 institutes and the hospital schools combined cannot receive
6 11 more than \$45,000 in a fiscal year. All eligible schools,
6 12 institutions, and school districts must certify their
6 13 enrollments to the department of education.

6 14 The bill also distributes \$450,000 of the moneys
6 15 appropriated in a given fiscal year to the area education
6 16 agencies (AEAs) to be divided among the AEAs based upon each
6 17 agency's percentage of the total full-time equivalent
6 18 elementary and secondary teachers employed in the school
6 19 districts in this state.

6 20 Prior to the receipt of funds, the eligible schools,
6 21 institutions, and school districts must provide to the
6 22 department of education, and to the department of human
6 23 services or the state board of regents, as appropriate, a
6 24 technology plan. The technology plans must be updated
6 25 annually and a progress report must be submitted annually to
6 26 the department of education, and to the department of human
6 27 services or the state board of regents, as appropriate.

6 28 Each AEA must develop a plan to assist school districts in
6 29 the development of a technology planning process. The plan
6 30 must also describe how the AEA intends to support school
6 31 districts with instructional technology staff development and
6 32 training. This plan must be updated annually and submitted to
6 33 the department of education. The department shall approve
6 34 each plan prior to the disbursement of funds. An annual
6 35 progress report must also be submitted to the department.



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7 1 Funds received by an eligible school, institution, and
7 2 school district can only be used for the acquisition, lease,
7 3 lease=purchase, installation, and maintenance of instructional
7 4 technology equipment, including hardware and software,
7 5 materials and supplies related to instructional technology,
7 6 and staff development and training related to instructional
7 7 technology, and shall establish priorities for the use of the
7 8 funds. The funds shall not be expended to add a full-time
7 9 equivalent position or otherwise increase staffing, unless the
7 10 school district expends not more than 10 percent of the funds
7 11 received to employ or enter into a contract with information
7 12 technology specialists to provide technical consulting and
7 13 integration of technology in curriculum and instruction to
7 14 advance student achievement.

7 15 Funds received by an AEA can only be used for the costs
7 16 related to supporting school districts with technology
7 17 planning and equipment, including hardware and software,
7 18 materials and supplies related to instructional technology,
7 19 employment of or contracting with information technology
7 20 specialists to provide technical consulting and integration of
7 21 technology in curriculum and instruction, and staff
7 22 development and training related to instructional technology.

7 23 Moneys received shall not be used for payment of any
7 24 collective bargaining agreement or arbitrator's decision
7 25 negotiated or awarded under Code chapter 20.

7 26 The bill is based on similar programs, the school
7 27 improvement technology program, repealed in 2001, and the
7 28 school improvement technology block grant program, which
7 29 ceased to receive funding in 2003.

7 30 LSB 1138HH 82

7 31 kh:rj/sh/8



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House File 19

HOUSE FILE
BY HUSER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the senior living trust fund and providing for
- 2 appropriation of moneys in the fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1316HH 82
- 5 pf/je/5



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1 1 Section 1. Section 249H.2, subsection 1, paragraph f, Code
1 2 2007, is amended to read as follows:

1 3 f. ~~Grants are necessary to cover the expenditures related~~
1 4 ~~to the development of alternative health care services.~~

1 5 Development of these long-term care alternatives will improve
1 6 access to and delivery of long-term care services to
1 7 underserved individuals or in underserved areas, which will in
1 8 turn contain or reduce the cost and improve the quality of
1 9 health care services.

1 10 Sec. 2. Section 249H.3, subsection 3, Code 2007, is
1 11 amended by striking the subsection.

1 12 Sec. 3. Section 249H.5, subsection 1, Code 2007, is
1 13 amended to read as follows:

1 14 1. Moneys deposited in the senior living trust fund
1 15 created in section 249H.4 shall be used only as provided in
1 16 appropriations from the trust fund to the department of human
1 17 services and the department of elder affairs, and for
1 18 purposes, ~~including the awarding of grants,~~ as specified in
1 19 this chapter.

1 20 Sec. 4. Section 249H.5, subsection 2, Code 2007, is
1 21 amended by striking the subsection and inserting in lieu
1 22 thereof the following:

1 23 2. Moneys in the trust fund are allocated, subject to
1 24 their appropriation by the general assembly, as follows:

1 25 a. To the department of elder affairs, an amount
1 26 necessary, annually, for expenses incurred in implementation
1 27 and administration of the long-term care alternatives programs
1 28 and for delivery of long-term care services to seniors with
1 29 low or moderate incomes.

1 30 b. To the department of human services, an amount
1 31 necessary, annually, for expenses incurred in administration
1 32 of and service delivery through medical assistance home and
1 33 community-based services waivers and the PACE program.

1 34 Sec. 5. Section 249H.5, subsection 3, Code 2007, is
1 35 amended to read as follows:



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2 1 3. a. Any funds remaining after disbursement of moneys
2 2 under subsection 2 shall be invested with the interest earned
2 3 to be available in subsequent fiscal years for the purposes
2 4 provided in subsection 2, ~~paragraph "b", and subsection 2,~~
~~2 5 paragraph "c", subparagraphs (1) and (2).~~
2 6 b. Moneys in the fund shall not be appropriated for
2 7 purposes other than those specified in subsection 2, and shall
2 8 not be appropriated in amounts that reduce the fund balance
2 9 below two hundred million dollars.

2 10 EXPLANATION

2 11 This bill provides for the use of moneys in the senior
2 12 living trust fund. The bill limits the purposes for which the
2 13 moneys in the fund may be appropriated to the implementation
2 14 and administration of the long-term care alternatives
2 15 programs, the delivery of long-term care services to seniors
2 16 with low or moderate incomes, and the administration and
2 17 delivery of services through medical assistance home and
2 18 community-based services waivers and the program of
2 19 all-inclusive care for the elderly (PACE) program.

2 20 The bill also provides that moneys in the fund are not to
2 21 be appropriated for purposes other than those specified and
2 22 not in amounts that reduce the fund balance below \$200
2 23 million.

2 24 LSB 1316HH 82

2 25 pf:sec/je/5



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House File 20

HOUSE FILE
BY HUSER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to funding for case management under the Medicaid
- 2 elderly waiver and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1319HH 82
- 5 pf/gg/14



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1 1 Section 1. CASE MANAGEMENT == MEDICAID ELDERLY WAIVER ==
 1 2 APPROPRIATION. There is appropriated from the general fund of
 1 3 the state to the department of elder affairs for the fiscal
 1 4 year 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 For case management services provided under the medical
 1 8 assistance elderly waiver:
 1 9 \$ 3,000,000

1 10 The department of elder affairs shall transfer the funds
 1 11 appropriated in this section to the department of human
 1 12 services in equal amounts on a quarterly basis to reimburse
 1 13 the department of human services for case management services
 1 14 provided under the medical assistance elderly waiver.

EXPLANATION

1 16 This bill provides for an appropriation of \$3 million from
 1 17 the general fund of the state to the department of elder
 1 18 affairs for FY 2007=2008 for case management services provided
 1 19 under the medical assistance elderly waiver. The bill directs
 1 20 the department of elder affairs to transfer the funds
 1 21 appropriated in equal amounts on a quarterly basis to
 1 22 reimburse the department of human services for these case
 1 23 management services. The Medicaid home and community-based
 1 24 services elderly waiver provides service funding and
 1 25 individualized supports to maintain eligible consumers in
 1 26 their own homes or communities, who would otherwise require
 1 27 care in a medical institution. Services include but are not
 1 28 limited to adult day care, home delivery needs, home health
 1 29 aid, and transportation.

1 30 LSB 1319HH 82
 1 31 pf:rj/gg/14



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House File 21

HOUSE FILE
BY WISE

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the establishment of a high school reform
- 2 initiative, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1178HH 82
- 5 ak/je/5



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1 1 Section 1. Section 256.7, subsection 21, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. Requirements that all school districts and accredited
1 4 nonpublic schools develop, implement, and file with the
1 5 department a comprehensive school improvement plan that
1 6 includes, but is not limited to, demonstrated school,
1 7 parental, and community involvement in assessing educational
1 8 needs, establishing local education standards and student
1 9 achievement levels, and, as applicable, the consolidation of
1 10 federal and state planning, goal-setting, and reporting
1 11 requirements. The plan shall also include high school
1 12 improvement efforts incorporating research-based initiatives
1 13 that will establish a rigorous and engaging curriculum, a
1 14 personalized learning environment, small learning communities,
1 15 extension of the classroom into the workplace and community,
1 16 professional development, and student assessment with program
1 17 evaluation.

1 18 Sec. 2. Section 256.9, Code 2007, is amended by adding the
1 19 following new subsection:

1 20 NEW SUBSECTION. 55. Develop and make available to school
1 21 districts a list of Iowa colleges and universities that will
1 22 provide college credit for students scoring a three or higher
1 23 on advanced placement examinations. The director, in
1 24 coordination with the secretary of the state board of regents,
1 25 shall convene a meeting with representatives from community
1 26 colleges, the state universities, and representatives from the
1 27 Iowa association of independent colleges and universities to
1 28 work cooperatively in developing the list. The list shall be
1 29 completed by January 1, 2008, distributed to all high schools
1 30 in the state enrolling students in advanced placement courses,
1 31 and updated and redistributed on an annual basis.

1 32 Sec. 3. Section 257.11, Code 2007, is amended by adding
1 33 the following new subsection:

1 34 NEW SUBSECTION. 5A. ADVANCED PLACEMENT COURSES.

1 35 a. For the school budget year beginning July 1, 2007, and



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2 1 succeeding budget years, in order to provide additional funds
2 2 to school districts that offer advanced placement courses, a
2 3 supplementary weighting plan for determining enrollment is
2 4 adopted.

2 5 b. A supplementary weighting of six-hundredths per pupil
2 6 shall be assigned to students enrolled in advanced placement
2 7 courses. A district shall be eligible for the supplementary
2 8 weighting for each student enrolled in each advanced placement
2 9 course. Amounts received for the supplementary weighting
2 10 shall be utilized by a school district to increase the number
2 11 of teachers with the training to teach advanced placement
2 12 courses.

2 13 c. Receipt of supplementary weighting pursuant to this
2 14 subsection for second and subsequent years shall be contingent
2 15 upon submission to the department of education by October 15
2 16 annually of information documenting utilization of the amounts
2 17 received for the identification and training of advanced
2 18 placement teachers.

2 19 Sec. 4. Section 257.11, Code 2007, is amended by adding
2 20 the following new subsection:

2 21 NEW SUBSECTION. 5B. PERSONALIZED LEARNING.

2 22 a. For the school budget year beginning July 1, 2007, and
2 23 succeeding budget years, in order to provide additional funds
2 24 to school districts that establish a personalized learning
2 25 community environment, a supplementary weighting plan for
2 26 determining enrollment is adopted.

2 27 b. A supplementary weighting of two-hundredths per pupil
2 28 shall be assigned to students enrolled in a personalized
2 29 learning community environment. For purposes of this
2 30 subsection, a personalized learning community environment is a
2 31 program which provides for the development and ongoing review
2 32 of personalized learning plans that assist students in
2 33 achieving their postsecondary education goals. A personalized
2 34 learning community environment shall emphasize sustained
2 35 relationships between students and adults, with each student



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3 1 enrolled in the program assigned or linked, to the extent
3 2 possible, to the same adult advocate, mentor, or advisor
3 3 throughout the student's entire four years of high school.
3 4 c. To be eligible for supplementary weighting pursuant to
3 5 this subsection, a school district shall submit a personalized
3 6 learning community environment developmental plan to the
3 7 department of education by October 15. Receipt of
3 8 supplementary weighting pursuant to this subsection for second
3 9 and subsequent years shall be contingent upon submission to
3 10 the department of education by October 15 annually of
3 11 information documenting utilization of the amounts received
3 12 for implementation of the plan.

3 13 Sec. 5. Section 257.11, Code 2007, is amended by adding
3 14 the following new subsection:

3 15 NEW SUBSECTION. 5C. TALENT DEVELOPMENT CURRICULUM.

3 16 a. For the school budget year beginning July 1, 2007, and
3 17 succeeding budget years, in order to provide additional funds
3 18 to school districts that establish a talent development
3 19 curriculum, a supplementary weighting plan for determining
3 20 enrollment is adopted.

3 21 b. A supplementary weighting of one-tenth of the
3 22 percentage of the pupil's school day during which the pupil
3 23 attends classes included within a talent development
3 24 curriculum shall be assigned. For purposes of this
3 25 subsection, a talent development curriculum shall provide
3 26 additional, accelerated and innovative reading and math
3 27 instruction to students in ninth and tenth grades identified
3 28 as possessing relatively weak skills in one or more core
3 29 academic areas, to assist them in reaching grade-level
3 30 proficiency and succeeding in a college preparatory
3 31 curriculum. In structuring the curriculum, school districts
3 32 are encouraged to consider the use of block scheduling, after=
3 33 school programs, and summer programs to provide the
3 34 additional, accelerated instruction.

3 35 c. To be eligible for supplementary weighting pursuant to



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4 1 this subsection, a school district shall submit a talent
4 2 development curriculum plan to the department of education by
4 3 October 15. Receipt of supplementary weighting pursuant to
4 4 this subsection for second and subsequent years shall be
4 5 contingent upon submission to the department of education by
4 6 October 15 annually of information documenting utilization of
4 7 the amounts received for implementation of the plan.

4 8 Sec. 6. NEW SECTION. 261.26 TWENTY=FIRST CENTURY IOWA
4 9 SCHOLARS PROGRAM AND FUND.

4 10 1. PROGRAM == ELIGIBILITY. A twenty=first century Iowa
4 11 scholars program is established to be administered by the
4 12 college student aid commission. A person who meets the
4 13 following requirements is eligible for the program:

4 14 a. Is a resident of Iowa and a citizen of the United
4 15 States or a lawful permanent resident.

4 16 b. Is a student enrolled in grade seven or grade eight in
4 17 a school district or accredited nonpublic school in Iowa, and
4 18 agrees in writing, on a document also signed by the student's
4 19 parent or guardian, that the student will:

4 20 (1) Graduate from a public or accredited nonpublic high
4 21 school in Iowa whose curricula meets the admission criteria of
4 22 a community college, an institution of higher learning under
4 23 the control of the state board of regents, or an accredited
4 24 private institution as defined in section 261.9.

4 25 (2) Complete a core curriculum as provided in section
4 26 256.7, subsection 26, unless the student has a special or
4 27 alternative means for satisfying graduation requirements under
4 28 an individualized educational plan developed for the student.

4 29 (3) Achieve a cumulative grade point average upon
4 30 graduation of at least 2.0 on a 4.0 grading scale, or its
4 31 equivalent if another grading scale is used, for courses taken
4 32 by the student in grades nine through twelve.

4 33 (4) Not illegally use controlled substances as defined in
4 34 section 124.101.

4 35 (5) Not use tobacco products.



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5 1 (6) Not operate a motor vehicle while intoxicated as
5 2 prohibited by section 321J.2 or 321J.2A.

5 3 (7) Not commit a delinquent act as defined in section
5 4 232.2; or become a runaway child as defined in section 710.8;
5 5 or a truant as defined in section 299.8.

5 6 c. Is a child receiving foster care services paid for by
5 7 the state under section 234.35 or funded in whole or in part
5 8 under Title IV=E of the federal Social Security Act; or is a
5 9 child eligible for free or reduced price meals under the
5 10 federal National School Lunch Act and the federal Child
5 11 Nutrition Act of 1966, 42 U.S.C. } 1751=1785.

5 12 d. Applies in a timely manner for admission to a community
5 13 college, an institution of higher learning under the control
5 14 of the state board of regents, or an accredited private
5 15 institution as defined in section 261.9, and is accepted for
5 16 admission.

5 17 e. Applies in a timely manner for any federal and state
5 18 student financial assistance available to the student to
5 19 attend a community college, an institution of higher learning
5 20 under the control of the state board of regents, or an
5 21 accredited private institution as defined in section 261.9.

5 22 f. Files a new application, and parents' confidential
5 23 statement, as applicable, annually on the basis of which the
5 24 applicant's eligibility for a renewed scholarship will be
5 25 evaluated and determined.

5 26 2. FUND ESTABLISHED. A twenty=first century Iowa scholars
5 27 fund is created in the state treasury as a separate fund under
5 28 the control of the commission. All moneys deposited or paid
5 29 into the fund are appropriated and made available to the
5 30 college student aid commission to be used for scholarships for
5 31 students meeting all of the requirements of this section,
5 32 including meeting the requirements agreed to in subsection 1,
5 33 paragraph "b". The commission shall deposit refunds paid to
5 34 the commission in accordance with subsection 3 into the
5 35 twenty=first century Iowa scholars fund. Notwithstanding



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6 1 section 8.33, any balance in the fund on June 30 of each
6 2 fiscal year shall not revert to the general fund of the state,
6 3 but shall be available for the purposes of this section in
6 4 subsequent fiscal years. Scholarships awarded pursuant to
6 5 this section shall not exceed the resident tuition rate and
6 6 mandatory fees for the program of enrollment established for
6 7 institutions of higher learning under the control of the state
6 8 board of regents.

6 9 3. DISCONTINUATION OF ATTENDANCE == REMITTANCE. If the
6 10 commission finds that a student receiving a scholarship under
6 11 the program discontinues attendance before the end of any
6 12 academic period or has violated the agreement signed pursuant
6 13 to subsection 1, but the discontinuance or violation of the
6 14 agreement occurs after scholarship moneys have been paid for
6 15 the academic period, the entire amount of any refund due the
6 16 student, up to the amount of any payments made by the state,
6 17 shall be remitted by the postsecondary institution to the
6 18 commission.

6 19 4. EXTENT OF SCHOLARSHIP. A qualified resident student in
6 20 good standing at a community college, an institution of higher
6 21 learning under the control of the state board of regents, or
6 22 an accredited private institution as defined in section 261.9,
6 23 may receive scholarships for not more than eight semesters of
6 24 undergraduate study or the trimester or quarter equivalent if
6 25 attending the institution on a full-time basis, or for not
6 26 more than sixteen semesters of undergraduate study or the
6 27 trimester or quarter equivalent if attending on a part-time
6 28 basis. A qualified resident student may defer acceptance of
6 29 scholarships awarded under this section for up to two years
6 30 following the student's graduation from high school in order
6 31 that the student may pursue military or other obligations.

6 32 5. MENTORING PROGRAMS OFFERED BY INSTITUTIONS. Each
6 33 community college, institution of higher learning under the
6 34 control of the state board of regents, or accredited private
6 35 institution which enrolls a student receiving a scholarship in



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7 1 accordance with this section shall develop a specific
7 2 mentoring program to assist the scholarship recipients through
7 3 particularized academic and social counseling.

7 4 Sec. 7. Section 284.6, subsection 2, Code 2007, is amended
7 5 to read as follows:

7 6 2. The department shall identify models of career
7 7 development practices that produce evidence of the link
7 8 between teacher training and improved student learning. The
7 9 models shall include examples of high school improvement
7 10 efforts incorporating research-based initiatives that will
7 11 establish a rigorous and engaging curriculum, a personalized
7 12 learning environment, small learning communities, extension of
7 13 the classroom into the workplace and community, professional
7 14 development, and student assessment with program evaluation.

7 15 Sec. 8. MODEL HIGH SCHOOL CORE CURRICULUM ==
7 16 APPROPRIATION. There is appropriated from the general fund of
7 17 the state to the department of education for the fiscal year
7 18 beginning July 1, 2007, and ending June 30, 2008, the
7 19 following amount, or so much thereof as is necessary, to be
7 20 used for the purpose designated.

7 21 For distribution per pupil to each school district based
7 22 upon the district's actual enrollment of eighth grade pupils,
7 23 on the same basis as state aid payments made pursuant to
7 24 section 257.16, subsection 2, and utilized to assist school
7 25 districts in cooperatively developing with each pupil enrolled
7 26 in the eighth grade a core curriculum plan, and to assist
7 27 school districts in the development and implementation of a
7 28 model core curriculum as provided in section 256.7, subsection
7 29 26:

7 30 \$ 5,000,000

7 31 Sec. 9. TWENTY-FIRST CENTURY IOWA SCHOLARS PROGRAM
7 32 PROMOTION AND SUPPORT STUDY. The college student aid
7 33 commission shall conduct a study of the promotional and
7 34 support components needed to make Iowa students who are
7 35 potentially eligible for the twenty-first century Iowa



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8 1 scholars program aware of the program and enthusiastic about
8 2 participating in the program. The commission shall also
8 3 develop a plan to promote the program, provide information
8 4 about the program and easy access to program forms and
8 5 applications, and encourage participation in the program by
8 6 potentially eligible students. The plan shall provide for a
8 7 webpage, special scholar publication, a toll-free telephone
8 8 number, and the placement and utilization of up to fifteen
8 9 regional program support sites. The regional support sites
8 10 shall provide tutoring, mentoring, summer camps, cultural and
8 11 arts outings, sports and recreational activities, college
8 12 visits, career preparation, job shadowing, internships, study
8 13 skills, literacy programs, newsletters, community service
8 14 projects, and parent activities. The commission shall
8 15 identify the amount anticipated to be necessary to provide
8 16 funding for the scholarships, based on the results of the
8 17 study and preliminary estimates of the number of eligible
8 18 eighth grade pupils. The commission shall submit its plan,
8 19 findings, recommendations, and a fiscal analysis of the plan
8 20 to the senate and house of representatives standing committees
8 21 on education not later than December 14, 2007.

8 22 EXPLANATION

8 23 This bill establishes a high school reform initiative
8 24 relating to student coursework and teacher training and
8 25 development in grades 9 through 12.

8 26 The bill adds to the required contents of the comprehensive
8 27 school improvement plan established in Code section 256.7,
8 28 subsection 21, the inclusion of high school improvement
8 29 efforts incorporating research-based initiatives that will
8 30 establish a rigorous and engaging curriculum, a personalized
8 31 learning environment, small learning communities, extension of
8 32 the classroom into the workplace and community, professional
8 33 development, and student assessment with program evaluation.
8 34 The bill also provides for the development of examples of such
8 35 initiatives for incorporation into the teacher career
9 1 development model contained in Code section 284.6, subsection
9 2 2.

9 3 The bill provides that the director of the department of
9 4 education shall develop a list of Iowa colleges and
9 5 universities that will provide college credit for students
9 6 scoring a three or higher on advanced placement examinations.
9 7 The bill provides that the list shall be developed by the
9 8 director, working in conjunction with the secretary of the
9 9 state board of regents, based on input obtained in a meeting
9 10 with representatives from community colleges, the state
9 11 universities, and representatives from the Iowa association of
9 12 independent colleges and universities. The bill specifies
9 13 that the list shall be completed by January 1, 2008,
9 14 distributed to all high schools in the state enrolling
9 15 students in advanced placement courses, and updated and
9 16 redistributed on an annual basis.

9 17 The bill expands opportunities for school districts to
9 18 receive supplementary weighting for enrollment. The bill
9 19 provides that for the school budget year beginning July 1,
9 20 2007, and succeeding budget years, a supplementary weighting
9 21 of .06 shall be available to provide additional funds to



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9 22 school districts that offer advanced placement courses. The
9 23 weighting is assigned for each advanced placement course in
9 24 which each student is enrolled. The bill provides that the
9 25 supplementary weighting shall be utilized by a school district
9 26 to increase the number of teachers with the training to teach
9 27 advanced placement courses, and makes the receipt contingent
9 28 after the first year upon submission of documentation to the
9 29 department by October 15 annually regarding utilization of the
9 30 amounts received for the identification and training of
9 31 advanced placement teachers.
9 32 The bill additionally provides that for the school budget
9 33 year beginning July 1, 2007, and succeeding budget years, a
9 34 supplementary weighting of .02 per pupil will be available to
9 35 provide additional funds to school districts that establish a



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10 1 personalized learning community environment. The bill defines
10 2 a personalized learning community environment as a program
10 3 which provides for the development and ongoing review of
10 4 personalized learning plans that assist students in achieving
10 5 their postsecondary education goals, emphasizing sustained
10 6 relationships between students and adults, with each student
10 7 enrolled in the program assigned or linked, to the extent
10 8 possible, to the same adult advocate, mentor, or advisor
10 9 throughout the entire four years of high school. Receipt of
10 10 the weighting for the first year is contingent upon the
10 11 submission of a personalized learning community environment
10 12 developmental plan to the department by October 15, with
10 13 continued receipt for second and subsequent years requiring
10 14 submission to the department by October 15 annually of
10 15 documentation showing utilization of the amounts received for
10 16 implementation of the plan.

10 17 The bill further provides that for the school budget year
10 18 beginning July 1, 2007, and succeeding budget years,
10 19 supplementary weighting will be available to school districts
10 20 that establish a talent development curriculum. The bill
10 21 provides that a supplementary weighting of .1 of the
10 22 percentage of the pupil's school day during which a pupil
10 23 attends classes included within a talent development
10 24 curriculum shall be assigned. The bill defines a talent
10 25 development curriculum as providing additional, accelerated
10 26 and innovative reading and math instruction to students in
10 27 ninth and tenth grades identified as possessing relatively
10 28 weak skills in one or more core academic areas, to assist them
10 29 in reaching grade-level proficiency and succeeding in a
10 30 college preparatory curriculum. The bill provides that in
10 31 structuring the curriculum, school districts are encouraged to
10 32 consider the use of block scheduling, after-school programs,
10 33 and summer programs to provide the additional, accelerated
10 34 instruction. Receipt of the supplementary weighting is
10 35 contingent upon the submission of a talent development



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11 1 curriculum plan to the department by October 15, with
11 2 continued receipt for second and subsequent years contingent
11 3 upon submission to the department by October 15 annually of
11 4 information documenting utilization of the amounts received
11 5 for implementation of the plan.

11 6 The bill makes an appropriation from the general fund of
11 7 the state to the department of \$5,000,000 for the fiscal year
11 8 beginning July 1, 2007, and ending June 30, 2008, to be
11 9 distributed per pupil to each school district based upon the
11 10 district's actual enrollment of eighth grade pupils, on the
11 11 same basis as state aid payments made pursuant to Code section
11 12 257.16, subsection 2, and utilized to assist school districts
11 13 in cooperatively developing with each pupil enrolled in the
11 14 eighth grade a core curriculum plan, and to assist school
11 15 districts in the development and implementation of a model
11 16 core curriculum as provided in Code section 256.7, subsection
11 17 26.

11 18 The bill creates a twenty-first century Iowa scholars
11 19 program and fund to be administered by the college student aid
11 20 commission to provide scholarships to pay the postsecondary
11 21 costs of tuition and mandatory fees for Iowa students who are
11 22 eligible for free or reduced price meals or are receiving
11 23 foster care who agree, in writing, in grade seven or eight, to
11 24 graduate with a 2.0 point or better grade point average, to
11 25 complete a core curriculum pursuant to Code section 256.7,
11 26 subsection 26, to refrain from illegal drug use, committing
11 27 delinquent acts, driving while intoxicated, tobacco use, and
11 28 truancy. The bill also requires the commission to conduct a
11 29 study of the program and to submit its plan, findings,
11 30 recommendations, and a fiscal analysis of the plan to the
11 31 senate and house of representatives standing committees on
11 32 education not later than December 14, 2007.

11 33 To establish eligibility, students must establish financial
11 34 need, meet all program eligibility requirements including
11 35 those agreed to in grade seven or eight, and apply for and be



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12 1 accepted by an accredited postsecondary institution in Iowa.
12 2 A qualified resident student in good standing at an
12 3 accredited postsecondary institution may receive scholarships
12 4 for not more than eight semesters of undergraduate study or
12 5 the trimester or quarter equivalent if attending the
12 6 institution on a full-time basis, or for not more than 16
12 7 semesters or the trimester or quarter equivalent if attending
12 8 on a part-time basis. The student must annually file a new
12 9 application for review and evaluation of continued
12 10 eligibility. The student may also defer participation in the
12 11 scholarship program for up to two years in order to pursue
12 12 military or other obligations.
12 13 Each institution which enrolls a student receiving a
12 14 scholarship must develop a specific mentoring program to
12 15 assist the scholarship recipients through particularized
12 16 academic and social counseling.
12 17 The twenty-first century Iowa scholars fund is created in
12 18 the state treasury as a separate fund under the control of the
12 19 commission. All moneys deposited or paid into the fund are
12 20 appropriated and made available to the college student aid
12 21 commission to be used for scholarships as provided in this
12 22 section.
12 23 The plan the commission is charged with developing must
12 24 provide for a webpage, special scholar publication, a toll=
12 25 free telephone number, and the placement and utilization of up
12 26 to 15 regional program support sites. The sites must provide
12 27 tutoring, mentoring, summer camps, cultural and arts outings,
12 28 sports and recreational activities, college visits, career
12 29 preparation, job shadowing, internships, study skills,
12 30 literacy programs, newsletters, community service projects,
12 31 and parent activities. The commission is also charged with
12 32 identifying the amount anticipated to be necessary to provide
12 33 funding for the scholarships, based on the results of the
12 34 study and preliminary estimates of the number of eligible
12 35 eighth grade pupils.



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13 1 The bill may include a state mandate as defined in Code
13 2 section 25B.3. The bill includes an appropriation to comply
13 3 with the state mandate funding-related requirements of Code
13 4 section 25B.2. The inclusion of the appropriation is intended
13 5 to reinstate the requirement of political subdivisions to
13 6 comply with any state mandates included in the bill.
13 7 LSB 1178HH 82
13 8 ak:rj/je/5.1



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House File 22

HOUSE FILE
BY HUSER

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

A BILL FOR

1 An Act relating to services for which reimbursement may be
2 provided under a medical assistance home and community-based
3 services waiver for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1318HH 82
6 pf/sh/8



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1 1 Section 1. NEW SECTION. 249A.30B HOME AND COMMUNITY=
1 2 BASED SERVICES WAIVER == ELDERLY == REIMBURSEMENT.
1 3 The reimbursement for a provider of services under a
1 4 medical assistance program home and community-based services
1 5 waiver for the elderly shall be recalculated annually on July
1 6 1. The annual inflation factor applied shall be determined
1 7 based on the total skilled nursing facility market basket
1 8 index utilized by the centers for Medicare and Medicaid
1 9 services of the United States department of health and human
1 10 services.

1 11 EXPLANATION
1 12 This bill provides that the reimbursement for providers of
1 13 services under a medical assistance home and community-based
1 14 services waiver for the elderly is to be recalculated annually
1 15 on July 1. The annual inflation factor applied is to be
1 16 determined based on the skilled nursing facility market basket
1 17 index utilized by the centers for Medicare and Medicaid
1 18 services of the United States department of health and human
1 19 services.

1 20 LSB 1318HH 82
1 21 pf:rj/sh/8



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 16, 2007

House File 23

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act allowing certain senior residents to hunt deer during the
- 2 youth and severely disabled deer hunting season.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1428YH 82
- 5 av/je/5



**Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 16, 2007**

House File 23 continued

PAG LIN

1 1 Section 1. Section 483A.8B, Code 2007, is amended to read
 1 2 as follows:
 1 3 483A.8B SENIOR ~~CROSSBOW DEER HUNTING LICENSES~~ HUNTS.
 1 4 A person who is a resident and who is seventy years of age
 1 5 or older may be issued one special senior statewide ~~antlerless~~
~~1 6 deer only crossbow any sex~~ deer hunting license to hunt deer
 1 7 during ~~bow season~~ the youth and severely disabled deer hunting
 1 8 season as established by rule by the commission. A person who
 1 9 obtains a license to hunt deer under this section is not
 1 10 required to pay the wildlife habitat fee but shall be
 1 11 otherwise qualified to hunt deer in this state and shall have
 1 12 a resident hunting license.
 1 13 A person who obtains a license under this section may
 1 14 obtain ~~a one additional statewide bow license under this~~
~~1 15 section in addition to a statewide antlered or any sex and one~~
 1 16 additional antlerless deer only deer hunting bow season
 1 17 license for use during the youth and severely disabled deer
 1 18 hunting season. Season dates, shooting hours, limits, license
 1 19 quotas, and other regulations for this license shall be the
 1 20 same as set forth by the commission by rule for ~~bow season~~ the
 1 21 youth and severely disabled deer hunts. A person who obtains
 1 22 a deer hunting license under this section is not eligible to
 1 23 obtain a deer hunting license under any other provision.

EXPLANATION

1 24 This bill amends Code section 483A.8B to provide that
 1 25 persons who are residents of Iowa and who are 70 years of age
 1 26 or older may be issued one special statewide any sex deer
 1 27 hunting license to hunt deer during a senior deer hunt. The
 1 28 bill provides that a resident who obtains such a license may
 1 29 hunt deer during the youth and severely disabled deer hunting
 1 30 season, which is established by the natural resource
 1 31 commission by rule. A person who obtains a statewide any sex
 1 32 deer hunting license under the new provision may also obtain
 1 33 one additional statewide bow license and one additional
 1 34 antlerless deer only deer hunting license to hunt deer during
 1 35



**Iowa General Assembly
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House File 23 continued

2 1 the youth and severely disabled deer hunting season. A person
2 2 who obtains a license under the provision is not required to
2 3 pay the wildlife habitat fee, but must be otherwise qualified
2 4 to hunt deer in this state and must have a resident hunting
2 5 license. A person who obtains a deer hunting license under
2 6 the new provision is not eligible to obtain a deer hunting
2 7 license under any other provision.

2 8 The bill provides that season dates, shooting hours,
2 9 limits, license quotas, method of take, and other regulations
2 10 for this license are the same as those set forth by the
2 11 natural resource commission in rules for the youth and
2 12 severely disabled deer hunting season.

2 13 Currently, a resident who is 70 years of age or older may
2 14 obtain a special senior statewide antlerless deer only
2 15 crossbow hunting license to hunt deer during the established
2 16 bow season. Current law also allows a senior resident to
2 17 obtain a statewide antlered or any sex deer hunting bow season
2 18 license in addition to the senior crossbow hunting license.

2 19 LSB 1428YH 82

2 20 av:nh/je/5



Iowa General Assembly
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House File 24

HOUSE FILE

BY DOLECHECK, DEYOE, ALONS,
WINDSCHITL, SANDS, RAYHONS,
HOFFMAN, SODERBERG, WORTHAN,
BAUDLER, STRUYK, WATTS,
HEATON, TJEPKES, LUKAN,
GRASSLEY, KAUFMANN, CHAMBERS,
HUSEMAN, TYMESON, ROBERTS,
DRAKE, QUIRK, MAY, S. OLSON,
CLUTE, TOMENGA, JACOBY, BOAL,
DE BOEF, and FREVERT

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning preference for state employment for nonresident
- 2 veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1529YH 82
- 5 ec/je/5



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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House File 24 continued

PAG LIN

1 1 Section 1. Section 8A.413, subsection 21, Code 2007, is
1 2 amended to read as follows:

1 3 21. a. For veterans preference through a provision that
1 4 veterans, ~~as defined in section 35.1,~~ shall have five the
1 5 following applicable points added to the grade or score

1 6 attained in qualifying examinations for appointment to jobs-:

1 7 (1) For resident veterans, five points.

1 8 (2) For nonresident veterans, four points.

1 9 (3) For resident disabled veterans, ten points.

1 10 (4) For nonresident disabled veterans, eight points.

1 11 b. For purposes of this subsection:

1 12 (1) "Disabled veterans" means ~~Veterans~~ veterans who have a
1 13 service-connected disability or are receiving compensation,
1 14 disability benefits, or pension under laws administered by the
1 15 veterans administration ~~shall have ten points added to the~~
1 16 ~~grades attained in qualifying examinations. A veteran or who~~
1 17 ~~has~~ have been awarded the purple heart for disabilities
1 18 ~~incurred in action shall be considered to have a~~
1 19 ~~service-connected disability.~~

1 20 (2) "Resident veterans" means a veteran as defined in
1 21 section 35.1.

1 22 (3) "Nonresident veterans" means veterans who do not
1 23 reside in this state but otherwise qualify as a veteran as
1 24 defined in section 35.1.

1 25 EXPLANATION

1 26 This bill provides that nonresident veterans be granted a
1 27 veterans preference for purposes of state employment
1 28 qualifying examinations. The bill provides that nonresident
1 29 veterans have four points added to their grade or score and
1 30 nonresident disabled veterans have eight points added to their
1 31 score. Under current law, resident veterans have five points
1 32 added and disabled resident veterans have 10 points added to
1 33 their grade or score.

1 34 LSB 1529YH 82

1 35 ec:sc/je/5



Iowa General Assembly
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House File 25

HOUSE FILE

BY SMITH, BAILEY, SWAIM,
H. MILLER, KRESSIG, STAED,
WHITAKER, GASKILL, DANDEKAR,
HUNTER, WHITEAD, ABDUL=SAMAD,
WENTHE, MURPHY, WENDT,
PETTENGILL, BERRY, FOEGE,
HEDDENS, and GAYMAN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a suicide prevention program for veterans.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1028HH 82
- 4 ec/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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House File 25 continued

PAG LIN

1 1 Section 1. NEW SECTION. 35.12 VETERANS SUICIDE
1 2 PREVENTION PROGRAM.
1 3 1. The department shall establish and administer a suicide
1 4 prevention program for veterans. The department shall
1 5 coordinate with the department of public health in developing
1 6 the program. The goal of the program shall be to reduce the
1 7 incidence of suicide among veterans.
1 8 2. The program established by the department shall include
1 9 but not be limited to the following:
1 10 a. Public education and awareness programs for veterans,
1 11 health care professionals, and the public, relative to
1 12 recognizing and responding to veterans at risk for suicide.
1 13 b. Referral services to identify appropriate suicide
1 14 prevention counseling and treatment programs for at-risk
1 15 veterans.
1 16 Sec. 2. VETERANS SUICIDE PREVENTION PROGRAM REPORT. The
1 17 director of the department of veterans affairs shall submit a
1 18 report to the members of the general assembly by January 15,
1 19 2008, regarding the development and implementation of the
1 20 veterans suicide prevention program established by the section
1 21 of this Act enacting section 35.12.

1 22 EXPLANATION

1 23 This bill requires the department of veterans affairs to
1 24 establish a veterans suicide prevention program. The bill
1 25 provides that the department coordinate with the department of
1 26 public health in establishing the program. The bill provides
1 27 that the program include public education and awareness
1 28 programs and referral services to appropriate suicide
1 29 prevention counseling and treatment relative to reducing the
1 30 incidence of suicide among veterans. The bill provides that
1 31 the department of veterans affairs submit a report to the
1 32 general assembly by January 15, 2008, concerning the
1 33 development and implementation of the program.

1 34 LSB 1028HH 82

1 35 ec:sc/gg/14



Iowa General Assembly
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House File 26

HOUSE FILE
BY STRUYK

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the use of moneys appropriated but unexpended
- 2 for certain vacant state employee positions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1480YH 82
- 5 ec/gg/14



Iowa General Assembly
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House File 26 continued

PAG LIN

1 1 Section 1. Section 8.62, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Notwithstanding any provision of this
1 4 section and section 8.39 to the contrary, if a full-time
1 5 equivalent position funded with an appropriation from the
1 6 general fund of the state remains vacant for a period of at
1 7 least forty-five days, the agency to which the appropriation
1 8 was made shall revert to the general fund of the state at the
1 9 close of the fiscal year the salary and benefits cost of that
1 10 position for the period of the vacancy.

1 11 EXPLANATION

1 12 This bill provides that moneys appropriated from the
1 13 general fund but not expended for the salary and benefits
1 14 costs of a full-time equivalent position that remains vacant
1 15 for at least 45 days shall revert to the general fund of the
1 16 state.

1 17 LSB 1480YH 82

1 18 ec:rj/gg/14



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House File 27

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act relating to the coverage of specialized medical equipment
- 2 under medical assistance home and community-based services
- 3 waivers.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1501YH 82
- 6 pf/gg/14



Iowa General Assembly
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House File 27 continued

PAG LIN

1 1 Section 1. HOME AND COMMUNITY=BASED SERVICES WAIVERS ==
1 2 SPECIALIZED MEDICAL EQUIPMENT. The department of human
1 3 services shall adopt rules to provide for the same level of
1 4 coverage of specialized medical equipment under all medical
1 5 assistance home and community-based services waivers.

1 6 EXPLANATION

1 7 This bill requires the department of human services to
1 8 adopt rules to provide for the same level of coverage of
1 9 specialized medical equipment under all medical assistance
1 10 home and community-based services waivers. Currently, only
1 11 the brain injury and physical disability waivers provide for
1 12 coverage of specialized medical equipment.

1 13 LSB 1501YH 82

1 14 pf:nh/gg/14



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House File 28

HOUSE FILE
BY ARNOLD

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

A BILL FOR

1 An Act relating to determining which county commissioner of
2 elections shall conduct an election for certain political
3 subdivisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1470YH 82
6 sc/je/5



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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House File 28 continued

PAG LIN

1 1 Section 1. Section 47.2, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. When an election is to be held as required by law or is
1 4 called by a political subdivision of the state and the
1 5 political subdivision is located in more than one county, the
1 6 county commissioner of elections of the county having the
1 7 greatest taxable base within the political subdivision shall
1 8 conduct that election. However, in the case of the regular
1 9 school election or any election called by a school district,
1 10 the county commissioner of elections of the county having the
1 11 greatest number of registered voters within the school
1 12 district as of January 1 of the year of the election shall
1 13 conduct that election. The county commissioners of elections
1 14 of the other counties in which the political subdivision is
1 15 located shall cooperate with the county commissioner of
1 16 elections who is conducting the election.

1 17 EXPLANATION

1 18 Current law provides that elections involving a political
1 19 subdivision located in more than one county shall be conducted
1 20 by the county commissioner of elections of the county having
1 21 the greatest taxable base within the political subdivision.
1 22 This bill provides that, for the regular school election or an
1 23 election called by a school district, the commissioner of the
1 24 county having the greatest number of registered voters within
1 25 the school district as of January 1 of the year of the
1 26 election shall conduct the election. The bill also applies to
1 27 the election of merged area boards of directors because these
1 28 directors are elected at the regular school election.
1 29 LSB 1470YH 82
1 30 sc:nh/je/5



Iowa General Assembly
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January 16, 2007

House File 29

HOUSE FILE

BY SMITH, FREVERT, and KUHN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to confinement feeding operations by providing
- 2 for the approval by counties of construction of structures
- 3 associated with the operations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1180YH 82
- 6 da/sh/8



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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House File 29 continued

PAG LIN

1 1 Section 1. Section 331.304A, Code 2007, is amended to read
1 2 as follows:

1 3 331.304A LIMITATIONS ON COUNTY LEGISLATION == CONFINEMENT
1 4 FEEDING OPERATION SITING ORDINANCES.

1 5 1. As used in this section:

1 6 a. "Aerobic structure", "animal", "animal feeding
1 7 operation", "animal feeding operation structure", ~~and~~
1 8 "confinement feeding operation", "confinement feeding
1 9 operation structure", "manure", and "small animal feeding
1 10 operation" mean the same as defined in section 459.102.

1 11 b. "County legislation" means any ordinance, motion,
1 12 resolution, or amendment adopted by a county pursuant to
1 13 section 331.302.

1 14 2. a. ~~A~~ Except as provided in paragraph "b", a county
1 15 shall not adopt or enforce county legislation regulating a
1 16 condition or activity occurring on land used for the
1 17 production, care, feeding, or housing of animals unless the
1 18 regulation of the production, care, feeding, or housing of
1 19 animals is expressly authorized by state law. County
1 20 legislation adopted in violation of this section is void and
1 21 unenforceable and any enforcement activity conducted in
1 22 violation of this section is void. A condition or activity
1 23 occurring on land used for the production, care, feeding, or
1 24 housing of animals includes but is not limited to the
1 25 construction, operation, or management of an animal feeding
1 26 operation, an animal feeding operation structure, or aerobic
1 27 structure, and to the storage, handling, or application of
1 28 manure or egg washwater.

1 29 b. (1) A county may adopt a confinement feeding
1 30 operations siting ordinance pursuant to section 331.302. The
1 31 purpose of the ordinance shall be to designate areas for the
1 32 construction of confinement feeding operation structures
1 33 regardless of whether the county has adopted an ordinance
1 34 under chapter 335 or has filed a county construction
1 35 evaluation resolution with the department of natural resources



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House File 29 continued

2 1 pursuant to section 459.304.

2 2 (2) The county shall adopt or amend a confinement feeding

2 3 operations siting ordinance only after considering the

2 4 recommendation of a confinement feeding operations siting

2 5 commission which shall be established by a county adopting or

2 6 amending an ordinance. The board shall appoint five persons

2 7 as members of the commission. Four members shall not reside

2 8 in a city and one member shall reside in a city. At least

2 9 three of the members shall be persons who are or were actively

2 10 engaged in animal agriculture.

2 11 (3) The ordinance shall apply to the siting of confinement

2 12 feeding operation structures that are part of confinement

2 13 feeding operations in which swine are kept. However, the

2 14 ordinance shall not apply to a small animal feeding operation.

2 15 The designation of sites for construction shall be based on

2 16 criteria required in order to preserve and protect natural

2 17 resources, including water sources and fragile environmental

2 18 locations; lessen congestion and overcrowding of confinement

2 19 feeding operations, especially near cities; and protect the

2 20 health and welfare of the public.

2 21 Sec. 2. Section 335.2, Code 2007, is amended to read as

2 22 follows:

2 23 335.2 ~~FARMS~~ AGRICULTURAL PURPOSES EXEMPT.

2 24 Except ~~to the extent required to implement as provided in~~

2 25 this section ~~335.27, no,~~ an ordinance adopted under this

2 26 chapter ~~applies~~ shall not apply to an agricultural operation

2 27 including but not limited to land, ~~farm houses, farm barns,~~

2 28 ~~farm outbuildings or other buildings~~ or structures which are

2 29 primarily adapted, by reason of nature and area, ~~for use~~ for

2 30 an agricultural ~~purposes~~ purpose, while so used. However, ~~the~~

2 31 ~~ordinances~~ an ordinance adopted under this chapter may apply

2 32 to any of the following:

2 33 1. The implementation of an agricultural land preservation

2 34 ordinance as provided in section 335.27.

2 35 2. The implementation of a confinement feeding operations



Iowa General Assembly
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House File 29 continued

3 1 siting ordinance as provided in section 331.304A.

3 2 3. A structure, building, dam, obstruction, deposit, or
3 3 excavation in or on the flood plains of ~~any~~ a river or stream.

3 4 Sec. 3. Section 459.303, subsection 1, unnumbered
3 5 paragraph 1, Code 2007, is amended to read as follows:

3 6 The department shall approve or disapprove applications for
3 7 permits for the construction, including the expansion, of
3 8 confinement feeding operation structures, as provided by rules
3 9 adopted pursuant to this chapter. The department's decision
3 10 to approve or disapprove a permit for the construction of a
3 11 confinement feeding operation structure shall be based on
3 12 whether the application is submitted according to procedures
3 13 required by the department and the application meets standards
3 14 established by the department. The department shall not
3 15 approve an application for the construction of a confinement

3 16 feeding operation structure if the construction would be in
3 17 violation of a confinement feeding operations siting ordinance
3 18 adopted pursuant to section 331.304A that is filed with the
3 19 department pursuant to section 459.304. A person shall not

3 20 begin construction of a confinement feeding operation
3 21 structure requiring a permit under this section, unless the
3 22 department first approves the person's application and issues
3 23 to the person a construction permit. The department shall
3 24 provide conditions for requiring when a person must obtain a
3 25 construction permit.

3 26 Sec. 4. Section 459.304, subsection 2, paragraph b, Code
3 27 2007, is amended by adding the following new subparagraph:

3 28 NEW SUBPARAGRAPH. (5) Whether the construction of a
3 29 proposed confinement feeding operation structure violates a
3 30 confinement feeding operations siting ordinance adopted by the
3 31 county board of supervisors pursuant to section 331.304A.

3 32 Sec. 5. Section 459.304, Code 2007, is amended by adding
3 33 the following new subsection:

3 34 NEW SUBSECTION. 2A. A county board of supervisors that
3 35 has adopted a confinement feeding operations siting ordinance



**Iowa General Assembly
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House File 29 continued

4 1 pursuant to section 331.304A shall file the most current
4 2 version of the ordinance with the department according to
4 3 procedures required by the department.

4 4 EXPLANATION

4 5 This bill enacts and amends several provisions relating to
4 6 confinement feeding operations regulated by the department of
4 7 natural resources. The bill includes amendments to provisions
4 8 under the "Animal Agriculture Compliance Act" that were
4 9 amended, enacted, and consolidated in Code chapter 459 during
4 10 the 2002 legislative sessions.

4 11 The bill amends Code sections 331.304A and 335.2, which
4 12 prohibit a county board of supervisors from adopting zoning
4 13 and other types of ordinances that restrict where a
4 14 confinement feeding operation structure may be constructed.
4 15 These structures include confinement buildings (buildings that
4 16 are totally roofed) and manure storage facilities. The bill
4 17 authorizes a county board of supervisors to adopt such an
4 18 ordinance regardless of whether it has adopted county zoning.
4 19 The ordinance is referred to as a confinement feeding
4 20 operations siting ordinance. It applies to confinement
4 21 feeding operations in which swine are kept. It does not apply
4 22 to small animal feeding operations. The bill provides that a
4 23 county board of supervisors can only adopt such an ordinance
4 24 after reviewing recommendations made to it by a special
4 25 commission.

4 26 The bill also amends Code section 459.303, which requires
4 27 the department to issue permits for the construction of
4 28 confinement feeding operation structures. The bill provides
4 29 that the department must disapprove an application for a
4 30 permit to construct a structure if it would violate a
4 31 confinement feeding operations siting ordinance. The bill
4 32 amends Code section 459.304 by requiring the county to file
4 33 its current ordinance with the department, and providing that
4 34 the county may submit comments to the department informing the
4 35 department that the application is in violation of the



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House File 29 continued

5 1 county's ordinance.
5 2 LSB 1180YH 82
5 3 da:rj/sh/8



Iowa General Assembly
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January 16, 2007

House File 30

HOUSE FILE
BY TYMESON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to elections for certain bond issuance
- 2 propositions of a school district.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1340YH 82
- 5 sc/je/5



Iowa General Assembly
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House File 30 continued

PAG LIN

1 1 Section 1. Section 296.3, Code 2007, is amended to read as
1 2 follows:

1 3 296.3 ELECTION CALLED.

1 4 Within ten days of receipt of a petition filed under
1 5 section 296.2, the president of the board of directors shall
1 6 call a meeting of the board. The meeting shall be held within
1 7 thirty days after the petition was received. At the meeting,

1 8 the board shall call the election, ~~fixing the time of the~~

~~1 9 election, which may be at the time and place of holding the~~

~~1 10 regular school election. However, if the board determines by~~

1 11 unanimous vote that the proposition or propositions requested

1 12 by a petition to be submitted at an election are grossly

1 13 unrealistic or contrary to the needs of the school district,

1 14 no election shall be called. If more than one petition has

1 15 been received by the time the board meets to consider the

1 16 petition triggering the meeting, the board shall act upon the

1 17 petitions in the order they were received at the meeting

1 18 called to consider the initial petition. The decision of the

1 19 board may be appealed to the state board of education as

1 20 provided in chapter 290. ~~The~~ If an election is called, the

1 21 president shall notify the county commissioner of elections ~~of~~

~~1 22 the time of the election.~~

1 23 Sec. 2. Section 296.4, Code 2007, is amended by striking

1 24 the section and inserting in lieu thereof the following:

1 25 296.4 CONDUCTING THE ELECTION.

1 26 An election called under this chapter shall be at the time

1 27 and place of holding the regular school election, the general

1 28 election, or the regular city election. Notice of the

1 29 election shall be given by the county commissioner of

1 30 elections by publication in accordance with section 49.53.

1 31 The county commissioner of elections shall conduct the

1 32 election pursuant to the provisions of chapters 39 to 53 and

1 33 certify the results to the board of directors.

1 34 Sec. 3. Section 298.18, unnumbered paragraph 4, Code 2007,

1 35 is amended to read as follows:



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House File 30 continued

2 1 The amount estimated and certified to apply on principal
2 2 and interest for any one year may exceed two dollars and
2 3 seventy cents per thousand dollars of assessed value by the
2 4 amount approved by the voters of the school corporation, but
2 5 not exceeding four dollars and five cents per thousand of the
2 6 assessed value of the taxable property within any school
2 7 corporation, provided that the registered voters of such
2 8 school corporation have first approved such increased amount
2 9 at a special election, which ~~may~~ shall be held at the same
2 10 time as the regular school election, the general election, or
2 11 the regular city election. The proposition submitted to the
2 12 voters ~~at such special election~~ shall be in substantially the
2 13 following form:

2 14 Sec. 4. Section 298.18, unnumbered paragraph 6, Code 2007,
2 15 is amended to read as follows:

2 16 Notice of the election shall be given by the county
2 17 commissioner of elections according to section 49.53. ~~The~~
~~2 18 election shall be held on a date not less than four nor more~~
~~2 19 than twenty days after the last publication of the notice. At~~
2 20 such the election the ballot used for the submission of ~~said~~
2 21 the proposition shall be in substantially the form for
2 22 submitting special questions at general elections. The county
2 23 commissioner of elections shall conduct the election pursuant
2 24 to the provisions of chapters 39 to 53 and certify the results
2 25 to the board of directors. Such proposition shall not be
2 26 deemed carried or adopted unless the vote in favor of such
2 27 proposition is equal to at least sixty percent of the total
2 28 vote cast for and against said proposition at said election.
2 29 Whenever such a proposition has been approved by the voters of
2 30 a school corporation as hereinbefore provided, no further
2 31 approval of the voters of such school corporation shall be
2 32 required as a result of any subsequent change in the
2 33 boundaries of such school corporation.

2 34 EXPLANATION

2 35 This bill provides that propositions relating to issuance



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House File 30 continued

3 1 of bonds by a school district, including the question of
3 2 exceeding the debt limit or the levy rate limit for issuance
3 3 and payment of certain bonds, must be placed on the ballot of
3 4 the regular school election, the general election, or the
3 5 regular city election if the propositions require a 60 percent
3 6 majority for adoption.
3 7 LSB 1340YH 82
3 8 sc:nh/je/5



Iowa General Assembly
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January 16, 2007

House Study Bill 1

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to the hourly reimbursement rate of attorneys
- 2 representing indigent persons.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1324HC 82
- 5 jm/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 16, 2007

House Study Bill 1 continued

PAG LIN

1 1 Section 1. Section 815.7, Code 2007, is amended to read as
1 2 follows:

1 3 815.7 FEES TO ATTORNEYS.

1 4 1. An attorney who has not entered into a contract
1 5 authorized under section 13B.4 and who is appointed by the
1 6 court to represent any person pursuant to section 814.11 or
1 7 815.10 shall be entitled to reasonable compensation and
1 8 expenses.

1 9 2. For appointments made on or after July 1, 1999, through
1 10 June 30, 2006, the reasonable compensation shall be calculated
1 11 on the basis of sixty dollars per hour for class "A" felonies,
1 12 fifty-five dollars per hour for class "B" felonies, and fifty
1 13 dollars per hour for all other cases.

1 14 3. For appointments made on or after July 1, 2006, through
1 15 June 30, 2007, the reasonable compensation shall be calculated
1 16 on the basis of sixty-five dollars per hour for class "A"
1 17 felonies, sixty dollars per hour for all other felonies, sixty
1 18 dollars per hour for misdemeanors, and fifty-five dollars per
1 19 hour for all other cases.

1 20 4. For appointments made on or after July 1, 2007, the
1 21 reasonable compensation shall be calculated on the basis of
1 22 seventy dollars per hour for class "A" felonies, sixty-five
1 23 dollars per hour for class "B" felonies, and sixty dollars per
1 24 hour for all other cases.

1 25 5. The expenses shall include any sums as are necessary
1 26 for investigations in the interest of justice, and the cost of
1 27 obtaining the transcript of the trial record and briefs if an
1 28 appeal is filed. The attorney need not follow the case into
1 29 another county or into the appellate court unless so directed
1 30 by the court. If the attorney follows the case into another
1 31 county or into the appellate court, the attorney shall be
1 32 entitled to compensation as provided in this section. Only
1 33 one attorney fee shall be so awarded in any one case except
1 34 that in class "A" felony cases, two may be authorized.

1 35

EXPLANATION



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House Study Bill 1 continued

2 1 This bill relates to the hourly reimbursement rate for an
2 2 attorney representing indigent persons.
2 3 The bill raises the hourly rate from \$65 to \$70 for class
2 4 "A" felonies, \$60 to \$65 for class "B" felonies, and maintains
2 5 the hourly rate for all other felonies and misdemeanors at
2 6 \$60. The bill also raises the hourly rate for all other cases
2 7 requiring attorney representation from \$55 to \$60.
2 8 LSB 1324HC 82
2 9 jm:rj/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 16, 2007

House Study Bill 2

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to the conveyance or encumbrance of a homestead.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1328HC 82
- 4 rh/sh/8



Iowa General Assembly
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January 16, 2007

House Study Bill 2 continued

PAG LIN

1 1 Section 1. Section 561.13, Code 2007, is amended to read
1 2 as follows:
1 3 561.13 CONVEYANCE OR ENCUMBRANCE.
1 4 A conveyance or encumbrance of, or contract to convey or
1 5 encumber the homestead, if the owner is married, is not valid,
1 6 unless and until the spouse of the owner executes the same or
1 7 a like instrument, or a power of attorney for the execution of
1 8 the same or a like instrument, ~~and the instrument or power of~~
~~1 9 attorney sets out the legal description of the homestead.~~
1 10 However, when the homestead is conveyed or encumbered along
1 11 with or in addition to other real estate, it is not necessary
1 12 to particularly describe or set aside the tract of land
1 13 constituting the homestead, whether the homestead is
1 14 exclusively the subject of the contract or not, but the
1 15 contract may be enforced as to real estate other than the
1 16 homestead at the option of the purchaser or encumbrancer. If
1 17 a spouse who holds only homestead rights and surviving
1 18 spouse's statutory share in the homestead specifically
1 19 relinquishes homestead rights in an instrument, including a
1 20 power of attorney constituting the other spouse as the
1 21 husband's or wife's attorney in fact, as provided in section
1 22 597.5, it is not necessary for the spouse to join in the
1 23 granting clause of the same or a like instrument.
1 24 EXPLANATION
1 25 This bill eliminates the requirement that the married
1 26 spouse of a person who conveys or encumbers a homestead must,
1 27 in the conveyance instrument or through a power of attorney,
1 28 set out the legal description of the homestead.
1 29 LSB 1328HC 82
1 30 rh:nh/sh/8



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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House Study Bill 3

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to the payment of costs of reasonable attorney
- 2 fees related to certain paternity and adoption proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1076HC 82
- 5 pf/sh/8



Iowa General Assembly
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House Study Bill 3 continued

PAG LIN

1 1 Section 1. NEW SECTION. 600B.26 PAYMENT OF ATTORNEY
1 2 FEES.

1 3 In a proceeding to determine custody or visitation, or to
1 4 modify a paternity, custody, or visitation order under this
1 5 chapter, the court may award the prevailing party reasonable
1 6 attorney fees.

1 7 EXPLANATION

1 8 This bill relates to the awarding and allowance of attorney
1 9 fees related to proceedings involving establishment of
1 10 paternity, determination of custody and visitation, and
1 11 modifications of the orders relating to these proceedings and
1 12 those expenses related to the adoption subsidy program. The
1 13 bill provides that in addition to the existing provision which
1 14 allows for the awarding of the reasonable costs of the suit,
1 15 including reasonable attorney fees, to the prevailing party in
1 16 a proceeding to establish paternity, in a proceeding to
1 17 determine custody or visitation, or to modify a paternity,
1 18 custody, or visitation order under the chapter relating to
1 19 paternity and obligation for support, the court may award the
1 20 prevailing party reasonable attorney fees.

1 21 LSB 1076HC 82

1 22 pf:nh/sh/8



Iowa General Assembly
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House Study Bill 4

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 JUDICIARY BILL BY
 CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to the duties of directors of nonprofit
- 2 corporations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1074HC 82
- 5 av/gg/14



Iowa General Assembly
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House Study Bill 4 continued

PAG LIN

1 1 Section 1. Section 504.831, subsections 2 and 4, Code
1 2 2007, are amended to read as follows:
1 3 2. The members of the board of directors or a committee of
1 4 the board, when becoming informed in connection with their
1 5 decision-making functions or when devoting attention to their
1 6 oversight functions, shall discharge their duties with the
1 7 care that a person in a like position would reasonably believe
1 8 appropriate under similar circumstances.

1 9 4. In discharging board or committee duties, a director
1 10 who does not have knowledge that makes reliance unwarranted,
1 11 is entitled to rely on information, opinions, reports, or
1 12 statements, including financial statements and other financial
1 13 data, if prepared or presented by any of the persons specified
1 14 in subsection 5.

1 15 EXPLANATION

1 16 This bill relates to standards for the performance of
1 17 certain duties by directors of nonprofit corporations.

1 18 Code section 504.831 is amended to require directors to
1 19 devote attention to their oversight functions with the care
1 20 that a person in a like position would reasonably believe
1 21 appropriate under similar circumstances. The bill also
1 22 authorizes directors to rely on certain information, opinions,
1 23 reports, or statements presented to them so long as they do
1 24 not have knowledge that makes the reliance unwarranted.

1 25 LSB 1074HC 82

1 26 av:rj/gg/14



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House Study Bill 5

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act allowing a competent adult to execute a written instrument
- 2 directing the final disposition of that person's remains,
- 3 including coordinating provisions, and providing applicability
- 4 dates.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1082HC 82
- 7 av/sh/8



Iowa General Assembly
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House Study Bill 5 continued

PAG LIN

1 1 DIVISION I
1 2 FINAL DISPOSITION DIRECTIVES ACT
1 3 Section 1. NEW SECTION. 144C.1 SHORT TITLE.
1 4 This chapter may be cited as the "Final Disposition
1 5 Directives Act".
1 6 Sec. 2. NEW SECTION. 144C.2 DEFINITIONS.
1 7 As used in this chapter, unless the context otherwise
1 8 requires:
1 9 1. "Adult" means a person who is married or who is
1 10 eighteen years of age or older.
1 11 2. "Ceremony" means a formal act or set of formal acts
1 12 established by custom or authority to commemorate a decedent.
1 13 3. "Child" means a son or daughter of a person, whether by
1 14 birth or adoption.
1 15 4. "Decedent" means a deceased adult.
1 16 5. "Declarant" means an adult who executes a declaration
1 17 pursuant to this chapter.
1 18 6. "Declaration" means a written instrument, executed by a
1 19 declarant in accordance with the requirements of this chapter.
1 20 7. "Designee" means an adult designated under a
1 21 declaration to implement the declarant's wishes contained in
1 22 the declaration.
1 23 8. "Final disposition" means the burial, interment,
1 24 cremation, removal from the state, or other disposition of
1 25 remains.
1 26 9. "Interested person" means a decedent's spouse, parent,
1 27 grandparent, adult child, adult sibling, adult grandchild, or
1 28 a designee.
1 29 10. "Remains" means the body or cremated remains of a
1 30 decedent.
1 31 11. a. "Third party" means a person who is any of the
1 32 following:
1 33 (1) Is requested in a declaration to act in reliance upon
1 34 the declaration.
1 35 (2) Is requested to dispose of remains by a designee



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House Study Bill 5 continued

2 1 having the right to control disposition of the decedent's
2 2 remains under section 144C.5.
2 3 b. "Third party" includes but is not limited to a funeral
2 4 director, funeral establishment, cremation establishment, or
2 5 cemetery.
2 6 Sec. 3. NEW SECTION. 144C.3 DECLARATION == FINAL
2 7 DISPOSITION OF REMAINS.
2 8 1. A declaration shall include one or more of the
2 9 following directives:
2 10 a. What final disposition shall be made of the declarant's
2 11 remains.
2 12 b. Who is designated to direct final disposition of the
2 13 declarant's remains.
2 14 c. What ceremony, if any, shall be performed after the
2 15 declarant's death.
2 16 d. Who is designated to direct arrangements for the
2 17 ceremony to be performed after the declarant's death.
2 18 e. Whether or not an autopsy may be performed, except for
2 19 autopsies performed under the authority of sections 85A.19,
2 20 144.56, 331.802, 331.803, 331.804, and 514A.3, subsection 1,
2 21 paragraph "j".
2 22 f. Any other directives made by the declarant.
2 23 2. A designee and any third party shall act in good faith
2 24 to fulfill the directives of a declaration.
2 25 3. A declaration made pursuant to this chapter shall take
2 26 precedence over any other instructions or designations made in
2 27 any other document.
2 28 Sec. 4. NEW SECTION. 144C.4 RELIANCE == IMMUNITIES.
2 29 1. A designee or third party who relies on a declaration
2 30 is not subject to civil liability, or to criminal prosecution
2 31 or professional disciplinary action for acting to implement a
2 32 declaration.
2 33 2. A designee or third party who relies in good faith on a
2 34 declaration may presume, in the absence of actual knowledge to
2 35 the contrary, all of the following:



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House Study Bill 5 continued

- 3 1 a. That the declaration was validly executed.
- 3 2 b. That the declarant was competent as provided under
- 3 3 section 633A.1102, subsection 4, paragraph "a", at the time
- 3 4 the declaration was executed.
- 3 5 3. A designee or third party who relies on a declaration
- 3 6 is not subject to civil or criminal liability for the proper
- 3 7 application of property delivered or surrendered in compliance
- 3 8 with directives contained in the declaration.
- 3 9 4. A third party who has reasonable cause to question the
- 3 10 authenticity or validity of a declaration may promptly and
- 3 11 reasonably seek additional information from the person
- 3 12 proffering the declaration or from other persons to verify the
- 3 13 validity of the declaration.
- 3 14 Sec. 5. NEW SECTION. 144C.5 FINAL DISPOSITION OF REMAINS
- 3 15 == RIGHT TO CONTROL.
- 3 16 1. The right to control final disposition of a decedent's
- 3 17 remains or to make arrangements for the ceremony after a
- 3 18 decedent's death vests in and devolves upon the following
- 3 19 adults in the following order:
- 3 20 a. A designee acting pursuant to the decedent's
- 3 21 declaration made pursuant to section 144C.3.
- 3 22 b. The surviving spouse of the decedent, if not legally
- 3 23 separated from the decedent.
- 3 24 c. A surviving child of the decedent, or if there are more
- 3 25 than one, a majority of the surviving children whose
- 3 26 whereabouts are reasonably ascertainable.
- 3 27 d. The surviving parents of the decedent whose whereabouts
- 3 28 are reasonably ascertainable.
- 3 29 e. A surviving grandchild of the decedent, or if there are
- 3 30 more than one, a majority of the surviving grandchildren whose
- 3 31 whereabouts are reasonably ascertainable.
- 3 32 f. A surviving sibling of the decedent, or if there are
- 3 33 more than one, a majority of the surviving siblings whose
- 3 34 whereabouts are reasonably ascertainable.
- 3 35 g. A surviving grandparent of the decedent, or if there



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4 1 are more than one, a majority of the surviving grandparents
4 2 whose whereabouts are reasonably ascertainable.
4 3 h. A person in the next degree of kinship to the decedent
4 4 under the rules of inheritance for intestate succession, or if
4 5 there are more than one, a majority of such surviving persons
4 6 whose whereabouts are reasonably ascertainable.
4 7 i. The county medical examiner responsible for the
4 8 decedent's remains, or if there is no county medical examiner,
4 9 the state medical examiner responsible for the decedent's
4 10 remains.
4 11 2. A third party may rely upon the directives of a person
4 12 who represents that the person is a member of a class of
4 13 persons described in subsection 1, paragraph "c", "e", "f",
4 14 "g", or "h", and who confirms in writing that the person has
4 15 received the assent of all members of that class of persons to
4 16 control final disposition of the decedent's remains and to
4 17 make arrangements for the performance of a ceremony for the
4 18 decedent and that no other person exists who is a member of a
4 19 class that has priority as authorized under subsection 1.
4 20 3. A third party may await a court order before proceeding
4 21 with final disposition of a decedent's remains or arrangements
4 22 for the performance of a ceremony for a decedent if the third
4 23 party is aware of a dispute among persons who are members of a
4 24 class of persons described in subsection 1, or a dispute
4 25 between persons who are authorized under subsection 1 and the
4 26 executor named in a decedent's will or a personal
4 27 representative appointed by the court.
4 28 Sec. 6. NEW SECTION. 144C.6 DECLARATION OF FINAL
4 29 DISPOSITION OF REMAINS == FORM == REQUIREMENTS.
4 30 1. A declaration executed pursuant to this chapter shall
4 31 be in substantially the following form:
4 32 I hereby designate as my designee to
4 33 implement my wishes relating to the final disposition of my
4 34 remains and the ceremonies to be performed after my death.
4 35 This declaration hereby revokes all prior declarations or



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House Study Bill 5 continued

5 1 other documents directing final disposition of my remains and
5 2 the ceremonies to be performed after my death. This
5 3 designation becomes effective upon my death.

5 4 My designee shall act consistently with my directives as
5 5 stated in this declaration, if any. My designee has the
5 6 discretion to determine when my directives are impossible or
5 7 are not lawful or practical. My directives are:

5 8 _____
5 9 _____
5 10 _____
5 11 _____

5 12 I may revoke or amend this declaration at any time. I
5 13 agree that a third party (such as a funeral or cremation
5 14 establishment, funeral director, or cemetery) who receives a
5 15 copy of this declaration may act in reliance on it.
5 16 Revocation of this declaration is not effective as to a third
5 17 party until the third party receives notice of the revocation.
5 18 My estate shall indemnify my designee and any third party for
5 19 costs incurred by them or claims arising against them as a
5 20 result of their good faith reliance on this declaration.

5 21 I execute this declaration as my free and voluntary act.

5 22 Dated this _____ day of _____.

5 23

5 24

Declarant

5 25 The undersigned, on behalf of _____, hereby
5 26 acknowledges receipt of a copy of the declaration under
5 27 section 144C.3, Code of Iowa, executed by
5 28 _____, dated _____.

5 29 2. A declaration executed pursuant to this chapter shall
5 30 be in a written form that substantially complies with the form
5 31 contained in subsection 1, is properly completed, and is dated
5 32 and signed by the declarant or another person acting on the
5 33 declarant's behalf at the direction of the declarant. In
5 34 addition, a declaration shall be either of the following:

5 35 a. Signed by at least two individuals who are not named



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House Study Bill 5 continued

6 1 therein and who, in the presence of each other and the
6 2 declarant, witnessed the signing of the declaration by the
6 3 declarant or another person acting on the declarant's behalf
6 4 at the direction of the declarant, and witnessed the signing
6 5 of the declaration by each other.

6 6 b. Acknowledged before a notarial officer.

6 7 3. A declaration may include specific directives,
6 8 including but not limited to:

6 9 a. Special instructions conveying the declarant's wishes
6 10 for the type of final disposition of the declarant's remains,
6 11 location of the final disposition, type of ceremony, location
6 12 of ceremony, and organ donation consistent with chapter 142C.

6 13 b. Designation of one or more alternate designees.

6 14 c. Contact information of designees and alternate
6 15 designees such as names, addresses, and telephone numbers.

6 16 d. Instructions for distribution of copies of the
6 17 declaration.

6 18 Sec. 7. NEW SECTION. 144C.7 REVOCATION OF DECLARATION.

6 19 1. A declaration or any directive contained in a
6 20 declaration is revocable by a declarant in writing in
6 21 compliance with the provisions of section 144C.6, subsection
6 22 2.

6 23 2. Unless otherwise expressly provided in a declaration:

6 24 a. A dissolution of marriage, annulment of marriage, or
6 25 legal separation between the declarant and the declarant's
6 26 spouse that occurs subsequent to the execution of the
6 27 declaration constitutes an automatic revocation of the spouse
6 28 as a designee.

6 29 b. A designation of a person as a designee pursuant to a
6 30 declaration is ineffective if the designation is revoked by
6 31 the declarant in writing subsequent to the execution of the
6 32 declaration or if the designee is unable or unwilling to serve
6 33 as the designee.

6 34 Sec. 8. NEW SECTION. 144C.8 FORFEITURE OF DESIGNEE'S
6 35 AUTHORITY.



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House Study Bill 5 continued

7 1 A designee shall forfeit all rights and authority under a
7 2 declaration and all rights and authority under the declaration
7 3 shall vest in and devolve upon an alternate designee, or if
7 4 there is none, pursuant to section 144C.5, under either of the
7 5 following circumstances:

7 6 1. The designee is charged with murder in the first or
7 7 second degree or voluntary manslaughter in connection with the
7 8 declarant's death and those charges are known to a third
7 9 party, provided that if the charges against the designee are
7 10 dismissed or the designee is acquitted of the crime charged,
7 11 the authority of the designee under the declaration shall be
7 12 reinstated.

7 13 2. The designee does not exercise the designee's authority
7 14 under the declaration within two days of receiving
7 15 notification of the death of the declarant or within five days
7 16 of the declarant's death, whichever is earlier.

7 17 Sec. 9. NEW SECTION. 144C.9 INTERSTATE EFFECT OF
7 18 DECLARATION.

7 19 Unless otherwise expressly provided in a declaration:

7 20 1. It is presumed that the declarant intended that a
7 21 declaration executed pursuant to this chapter have the full
7 22 force and effect of law regardless of the location of the
7 23 declarant's death.

7 24 2. A declaration or similar instrument executed in another
7 25 state that complies with the requirements of this chapter may
7 26 be relied upon by a third party in this state so long as a
7 27 directive of the declarant is not illegal or unconstitutional
7 28 in this state.

7 29 Sec. 10. NEW SECTION. 144C.10 EFFECT OF DECLARATION.

7 30 1. The designee designated in a declaration shall have the
7 31 sole discretion pursuant to the declaration to determine the
7 32 final disposition of the declarant's remains and ceremonies to
7 33 be performed after the declarant's death.

7 34 2. The provisions of the most recent declaration executed
7 35 by a declarant shall control over any other document



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House Study Bill 5 continued

8 1 concerning final disposition of the declarant's remains and
8 2 the ceremony to be performed after the declarant's death.
8 3 3. The costs incurred in implementing a declaration shall
8 4 be a liability of the declarant's estate.

8 5 4. This chapter applies to a declaration executed or
8 6 exercised in Iowa and to a declaration executed or exercised
8 7 by a person who is a resident of Iowa when the instrument is
8 8 executed or exercised.

8 9 5. This chapter does not prohibit an interested person
8 10 from conducting a separate ceremony not specified in the
8 11 declaration, at the interested person's expense.

8 12 6. The rights of a donee created by an anatomical gift
8 13 pursuant to section 142C.11 are superior to the authority of a
8 14 designee under a declaration executed pursuant to this
8 15 chapter.

DIVISION II

COORDINATING PROVISIONS

8 16 Sec. 11. Section 142.1, Code 2007, is amended to read as
8 17 follows:

8 18 142.1 DELIVERY OF BODIES.

8 19 The body of every person dying in a public asylum,
8 20 hospital, county care facility, penitentiary, or reformatory
8 21 in this state, or found dead within the state, or which is to
8 22 be buried at public expense in this state, except those buried
8 23 under the provisions of chapter 144C or 249, and which is
8 24 suitable for scientific purposes, shall be delivered to the
8 25 medical college of the state university, or some osteopathic
8 26 or chiropractic college or school located in this state, which
8 27 has been approved under the law regulating the practice of
8 28 osteopathy or chiropractic; but no such body shall be
8 29 delivered to any such college or school if the deceased person
8 30 expressed a desire during the person's last illness that the
8 31 person's body should be buried or cremated, nor if such is the
8 32 desire of the person's relatives. Such bodies shall be
8 33 equitably distributed among said colleges and schools

9 1 according to their needs for teaching anatomy in accordance
9 2 with such rules as may be adopted by the ~~Iowa~~ department of
9 3 public health. The expense of transporting said bodies to
9 4 such college or school shall be paid by the college or school
9 5 receiving the same. ~~In the event~~ If the deceased person has
9 6 not expressed a desire during the person's last illness that
9 7 the person's body should be buried or cremated, ~~and should~~
~~9 8 have if no relatives person authorized to control the deceased~~
~~9 9 person's remains under section 144C.5 that request requests~~
9 10 the person's body for burial or cremation, and if a friend
9 11 objects to the use of the deceased person's body for
9 12 scientific purposes, said deceased person's body shall be
9 13 forthwith delivered to such friend for burial or cremation at
9 14 no expense to the state or county. Unless such friend
9 15 provides for burial and burial expenses within five days, the
9 16 body shall be used for scientific purposes under this chapter.

9 17 Sec. 12. Section 142C.4, subsection 1, Code 2007, is
9 18 amended to read as follows:

9 19 1. Any available member of the following classes of
9 20 persons, in the order of priority listed, may make an
9 21 anatomical gift of a decedent's body or parts for an



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9 22 authorized purpose, unless the decedent, at the time of death,
9 23 has made an unrevoked refusal to make an anatomical gift:
9 24 a. A designee acting pursuant to a decedent's declaration
9 25 made under chapter 144C.
9 26 b. The attorney in fact pursuant to a durable power of
9 27 attorney for health care.
9 28 ~~b. The spouse of the decedent.~~
9 29 c. ~~An adult child of the decedent~~ A person authorized to
9 30 control the decedent's remains under section 144C.5.
9 31 ~~d. A parent of the decedent.~~
9 32 ~~e. An adult sibling of the decedent.~~
9 33 ~~f. A grandparent of the decedent.~~
9 34 ~~g.~~ d. A guardian of the decedent at the time of the
9 35 decedent's death.



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House Study Bill 5 continued

10 1 Sec. 13. Section 144.34, Code 2007, is amended to read as
10 2 follows:
10 3 144.34 DISINTERMENT == PERMIT.
10 4 Disinterment of a dead body or fetus shall be allowed for
10 5 the purpose of autopsy or reburial only, and then only if
10 6 accomplished by a funeral director. A permit for such
10 7 disinterment and, thereafter, reinterment shall be issued by
10 8 the state registrar according to rules adopted pursuant to
10 9 chapter 17A or when ordered by the district court of the
10 10 county in which such body is buried. The state registrar,
10 11 without a court order, shall not issue a permit without the
10 12 consent of the ~~surviving spouse or in case of such spouse's~~
~~10 13 absence, death, or incapacity, the next of kin person~~
10 14 authorized to control a decedent's remains under section
10 15 144C.5. Disinterment for the purpose of reburial may be
10 16 allowed by court order only upon a showing of substantial
10 17 benefit to the public. Disinterment for the purpose of
10 18 autopsy or reburial by court order shall be allowed only when
10 19 reasonable cause is shown that someone is criminally or
10 20 civilly responsible for such death, after hearing, upon
10 21 reasonable notice prescribed by the court to the ~~surviving~~
~~10 22 spouse or in the spouse's absence, death, or incapacity, the~~
~~10 23 next of kin person authorized to control a decedent's remains~~
10 24 under section 144C.5. Due consideration shall be given to the
10 25 public health, the dead, and the feelings of relatives.
10 26 Sec. 14. Section 144.56, Code 2007, is amended by striking
10 27 the section and inserting in lieu thereof the following:
10 28 144.56. AUTOPSY.
10 29 An autopsy or postmortem examination may be performed upon
10 30 the body of a deceased person by a physician whenever the
10 31 written consent to the examination or autopsy has been
10 32 obtained from the person authorized to control the deceased
10 33 person's remains under section 144C.5. This section does not
10 34 apply to any death investigated under the authority of
10 35 sections 331.802, 331.803, and 331.804.



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House Study Bill 5 continued

11 1 Sec. 15. Section 331.802, subsection 3, paragraph h, Code
11 2 2007, is amended to read as follows:

11 3 h. Death of a person if the body is not claimed by a
11 4 relative person authorized to control the deceased person's
11 5 remains under section 144C.5 or a friend.

11 6 Sec. 16. Section 331.802, subsection 8, Code 2007, is
11 7 amended to read as follows:

11 8 8. Where donation of the remains of the deceased to a
11 9 medical school or similar institution equipped with facilities
11 10 to perform autopsies is provided by will or directed by ~~the~~
~~11 11 spouse, parents or children of full age, of the deceased a~~
11 12 person authorized to control the deceased person's remains
11 13 under section 144C.5, any autopsy under this section shall be
11 14 performed at the direction of the school or institution, and
11 15 in such a manner as to further the purpose of the donation,
11 16 while serving the public interest.

11 17 Sec. 17. Section 331.804, subsection 1, Code 2007, is
11 18 amended to read as follows:

11 19 1. After an investigation has been completed, including an
11 20 autopsy if one is performed, the body shall be prepared for
11 21 transportation. The body shall be transported by a funeral
11 22 director, ~~if chosen by a relative or friend~~ a person
11 23 authorized to control the remains of the deceased person under
11 24 section 144C.5, for burial or other appropriate disposition.
11 25 A medical examiner shall not use influence in favor of a
11 26 particular funeral director. However, if a person other than
11 27 a funeral director assumes custody of a dead body, the person
11 28 shall secure a burial transit permit pursuant to section
11 29 144.32. If no one claims a body, it shall be disposed of as
11 30 provided in chapter 142.

11 31 Sec. 18. Section 523I.309, Code 2007, is amended to read
11 32 as follows:

11 33 523I.309 INTERMENT, RELOCATION, OR DISINTERMENT OF
11 34 REMAINS.

11 35 ~~1. Any available member of the following classes of~~



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~~House Study Bill 5 continued~~

~~12 1 persons, in the priority listed, shall have the right to
12 2 control the interment, relocation, or disinterment of a
12 3 decedent's remains within or from a cemetery:~~

~~12 4 a. The surviving spouse of the decedent, if not legally
12 5 separated from the decedent.~~

~~12 6 b. The decedent's surviving adult children. If there is
12 7 more than one surviving adult child, any adult child who can
12 8 confirm, in writing, that all other adult children have been
12 9 notified of the proposed interment, relocation, or
12 10 disinterment may authorize the interment, relocation, or
12 11 disinterment, unless the cemetery receives an objection to
12 12 such action from another adult child of the decedent.~~

~~12 13 Alternatively, a majority of the surviving adult children of
12 14 the decedent whose whereabouts are reasonably ascertainable
12 15 shall have such right to control.~~

~~12 16 e. The surviving parents of the decedent whose whereabouts
12 17 are reasonably ascertainable.~~

~~12 18 d. A surviving adult grandchild of the decedent. If there
12 19 is more than one surviving adult grandchild, any adult
12 20 grandchild who can confirm, in writing, that all other adult
12 21 grandchildren have been notified of the proposed interment,
12 22 relocation, or disinterment may authorize the interment,
12 23 relocation, or disinterment, unless the cemetery receives an
12 24 objection to such action from another adult grandchild of the
12 25 decedent. Alternatively, a majority of the surviving adult
12 26 grandchildren of the decedent whose whereabouts are reasonably
12 27 ascertainable shall have such right to control.~~

~~12 28 e. A surviving adult sibling of the decedent. If there is
12 29 more than one surviving adult sibling, any adult sibling who
12 30 can confirm, in writing, that all other adult siblings have
12 31 been notified of the proposed interment, relocation, or
12 32 disinterment may authorize the interment, relocation, or
12 33 disinterment, unless the cemetery receives an objection to
12 34 such action from another adult sibling of the decedent.
12 35 Alternatively, a majority of the surviving adult siblings of~~



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~~House Study Bill 5 continued~~

~~13 1 the decedent whose whereabouts are reasonably ascertainable
13 2 shall have such right to control.~~

~~13 3 f. A surviving grandparent of the decedent. If there is
13 4 more than one surviving grandparent, any grandparent who can
13 5 confirm, in writing, that all other grandparents have been
13 6 notified of the proposed interment, relocation, or
13 7 disinterment may authorize the interment, relocation, or
13 8 disinterment, unless the cemetery receives an objection to
13 9 such action from another grandparent of the decedent.
13 10 Alternatively, a majority of the surviving grandparents of the
13 11 decedent whose whereabouts are reasonably ascertainable shall
13 12 have such right to control.~~

~~13 13 g. An adult person in the next degree of kinship to the
13 14 decedent in the order named by law to inherit the estate of
13 15 the decedent under the rules of inheritance for intestate
13 16 succession.~~

~~13 17 h. The county medical examiner, if responsible for the
13 18 decedent's remains.~~

~~13 19 A cemetery may await a court order before proceeding with
13 20 the interment, relocation, or disinterment of a decedent's
13 21 remains within or from a cemetery if the cemetery is aware of
13 22 a dispute between an authorized person under this section and
13 23 the executor named in the decedent's will or a personal
13 24 representative appointed by a court, or is aware of a dispute
13 25 among authorized persons with the same priority under this
13 26 subsection.~~

~~13 27 2. 1. A person who represents that the person knows the
13 28 identity of a decedent and, in order to procure the interment,
13 29 relocation, or disinterment of the decedent's remains, signs
13 30 an order or statement, other than a death certificate, that
13 31 warrants the identity of the decedent is liable for all
13 32 damages that result, directly or indirectly, from that
13 33 representation.~~

~~13 34 3. A person may provide written directions for the
13 35 interment, relocation, or disinterment of the person's own~~



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~~House Study Bill 5 continued~~

~~14 1 remains in a prepaid funeral or cemetery contract, or written
14 2 instrument signed and acknowledged by the person. The
14 3 directions may govern the inscription to be placed on a grave
14 4 marker attached to any interment space in which the decedent
14 5 had the right of interment at the time of death and in which
14 6 interment space the decedent is subsequently interred. The
14 7 directions may be modified or revoked only by a subsequent
14 8 writing signed and acknowledged by the person. A person other
14 9 than a decedent who is entitled to control the interment,
14 10 relocation, or disinterment of a decedent's remains under this
14 11 section shall faithfully carry out the directions of the
14 12 decedent to the extent that the decedent's estate or the
14 13 person controlling the interment, relocation, or disinterment
14 14 is financially able to do so.~~

~~14 15 4. A cemetery shall not be liable for carrying out the
14 16 written directions of a decedent or the directions of any
14 17 person entitled to control the interment, relocation, or
14 18 disinterment of the decedent's remains.~~

14 19 ~~5-~~ 2. In the event of a dispute concerning the right to
14 20 control the interment, relocation, or disinterment of a
14 21 decedent's remains, the dispute may be resolved by a court of
14 22 competent jurisdiction. A cemetery or entity maintaining a
14 23 columbarium shall not be liable for refusing to accept the
14 24 decedent's remains, relocate or disinter, inter or otherwise
14 25 dispose of the decedent's remains, until the cemetery or
14 26 entity maintaining a columbarium receives a court order or
14 27 other suitable confirmation that the dispute has been resolved
14 28 or settled.

14 29 ~~6-~~ 3. a. If good cause exists to relocate or disinter
14 30 remains interred in a cemetery, the remains may be removed
14 31 from the cemetery pursuant to a disinterment permit as
14 32 required under section 144.34, with the written consent of the
14 33 cemetery, the current interment rights owner, and the person
14 34 entitled ~~by this section~~ to control the interment, relocation,
14 35 or disinterment of the decedent's remains under section



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15 1 144C.5.

15 2 b. If the consent required by this subsection pursuant to
15 3 paragraph "a" is not refused but otherwise cannot be obtained,
15 4 the remains may be relocated or disinterred by permission of
15 5 the district court of the county in which the cemetery is
15 6 located upon a finding by the court that clear and convincing
15 7 evidence of good cause exists to relocate or disinter the
15 8 remains. Before the date of application to the court for
15 9 permission to relocate or disinter remains under this
15 10 subsection, notice must be given to the cemetery in which the
15 11 remains are interred, each person whose consent is required
15 12 for relocation or disinterment of the remains under ~~subsection~~
15 13 ~~1~~ paragraph "a", and any other person that the court requires
15 14 to be served.

15 15 c. For the purposes of this subsection, personal notice
15 16 must be given not later than the eleventh day before the date
15 17 of hearing on an application to the court for permission to
15 18 relocate or disinter the remains, or notice by certified mail
15 19 or restricted certified mail must be given not later than the
15 20 sixteenth day before the date of application hearing.

15 21 d. This subsection does not apply to the removal or
15 22 disinterment of remains from one interment space to another
15 23 interment space in the same cemetery to correct an error, or
15 24 relocation of the remains by the cemetery from an interment
15 25 space for which the purchase price is past due and unpaid, to
15 26 another suitable interment space.

15 27 ~~7.~~ 4. A person who removes remains from a cemetery shall
15 28 keep a record of the removal, and provide a copy to the
15 29 cemetery, that includes all of the following:

15 30 a. The date the remains are removed.

15 31 b. The name of the decedent and age at death if those
15 32 facts can be conveniently obtained.

15 33 c. The place to which the remains are removed.

15 34 d. The name of the cemetery and the location of the
15 35 interment space from which the remains are removed.



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House Study Bill 5 continued

17 1 creates a new Code chapter 144C, titled the "Final Disposition
17 2 Directives Act". The bill allows a competent adult, that is,
17 3 a person who is married or who is 18 years of age or older, to
17 4 execute a written instrument called a declaration which
17 5 expresses the wishes of the person concerning the final
17 6 disposition of that person's remains and the ceremonies to be
17 7 performed after that person's death and designates who should
17 8 oversee those matters.

17 9 The bill requires a declaration to contain one or more of
17 10 the following directives: what final disposition should be
17 11 made of the declarant's remains; who is designated to direct
17 12 the final disposition of the remains; what ceremony, if any,
17 13 should be performed after the declarant's death; who is
17 14 designated to direct arrangements for the ceremony; whether an
17 15 autopsy may be performed; and any other directives made by a
17 16 declarant.

17 17 The bill requires a designee or third party to act in good
17 18 faith to fulfill the directives of a declaration. The bill
17 19 also provides that a declaration made pursuant to the new
17 20 chapter takes precedence over any other instructions or
17 21 designations made in any other document.

17 22 The bill provides immunity from civil or criminal liability
17 23 or professional disciplinary action for a designee or a third
17 24 party, such as a funeral director, funeral establishment,
17 25 cremation establishment, or cemetery, who relies on a
17 26 declaration or acts to implement a declaration.

17 27 The bill sets forth an order of priority for determining
17 28 who has the right to control final disposition of a deceased
17 29 person's remains or to make arrangements for a ceremony after
17 30 a person's death. A designee acting pursuant to a declaration
17 31 has the highest priority, or if there is no designee, then the
17 32 surviving spouse and other relatives of the deceased person or
17 33 the county or state medical examiner.

17 34 The bill allows a third party to await a court order before
17 35 proceeding with final disposition of the body or ceremony



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18 1 arrangements in the event of a dispute among family members or
18 2 between family members and the executor of the decedent's will
18 3 or a personal representative appointed by the court.

18 4 The bill contains a written form for a declaration. A
18 5 declaration must be in writing and substantially comply with
18 6 the form contained in the bill, be properly completed, and be
18 7 signed by the person making the declaration or another person
18 8 acting on that person's behalf at the direction of that
18 9 person.

18 10 The declaration must also either be signed by at least two
18 11 individuals who are not named in the document who, in the
18 12 presence of each other and the declarant, witness the signing
18 13 of the declaration by the declarant or a person acting on the
18 14 declarant's behalf at the direction of the declarant, and
18 15 witness the signing of the declaration by each other, or be
18 16 acknowledged before a notarial officer.

18 17 The bill suggests specific directives that may be included
18 18 in a declaration such as special instructions conveying the
18 19 person's wishes concerning the type and location of the final
18 20 disposition and ceremonies, designation of alternate designees
18 21 and contact information for all designees, and instructions
18 22 for distribution of copies of the declaration.

18 23 The bill provides for revocation of a declaration or any
18 24 directive in the same manner as it was executed. The bill
18 25 provides for automatic revocation of a designation of a spouse
18 26 in the event of dissolution or annulment of marriage or legal
18 27 separation. A designation of a person as a designee is
18 28 ineffective if the person is unable or unwilling to serve as
18 29 the designee.

18 30 The bill provides for forfeiture of a designee's rights and
18 31 authority under a declaration if the designee is charged with
18 32 murder in the first or second degree or voluntary manslaughter
18 33 of the deceased person or if the designee's rights and
18 34 authority under the declaration are not exercised within two
18 35 days of receiving notification of the death of the declarant
19 1 or within five days of the declarant's death, whichever is
19 2 earlier.

19 3 The bill provides a presumption that a declaration executed
19 4 pursuant to the new Code chapter is intended to have full
19 5 force and effect regardless of the location of the declarant's
19 6 death, and gives effect to declarations or similar instruments
19 7 executed in other states that comply with the requirements of
19 8 the new Code chapter.

19 9 The bill gives a designee the sole discretion to determine
19 10 the final disposition of the declarant's remains and
19 11 ceremonies to be performed after the declarant's death and to
19 12 implement the provisions of the declaration.

19 13 The bill provides that the provisions of the most recent
19 14 declaration of a declarant control over any other document
19 15 concerning final disposition of that person's body or the
19 16 ceremonies to be performed after that person's death.

19 17 The bill provides that the costs incurred in implementing a
19 18 declaration are a liability of the declarant's estate.

19 19 The bill provides that the new Code chapter applies to a
19 20 declaration executed or exercised in Iowa and to a declaration
19 21 executed or exercised by a person who is a resident of Iowa



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19 22 when the instrument is executed or exercised.

19 23 The bill does not prohibit an "interested person" defined
19 24 as a declarant's spouse, parent, grandparent, adult child,
19 25 adult sibling, adult grandchild, or a designee from conducting
19 26 a separate ceremony not specified in the declaration, at the
19 27 interested person's expense.

19 28 The bill provides that the rights of a donee created by an
19 29 anatomical gift pursuant to Code section 142C.11 are superior
19 30 to the authority of a designee pursuant to a declaration.

19 31 DIVISION II == COORDINATING PROVISIONS. The bill also
19 32 includes coordinating amendments.

19 33 Code section 142.1 is amended to provide that bodies of
19 34 persons that are to be disposed of pursuant to the provisions
19 35 of new Code chapter 144C shall not be delivered to a medical,



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20 1 osteopathic, or chiropractic college for use for scientific
20 2 purposes pursuant to Code section 142.1. Code section 142.1
20 3 is also amended to provide that if there is not a person
20 4 authorized to control the deceased person's remains under new
20 5 Code section 144C.5, a friend may request delivery of the body
20 6 for cremation or burial, at the friend's expense.
20 7 Code section 142C.4, subsection 1, is amended to provide
20 8 that an available member of specified classes of people, in
20 9 the following order of priority, may make an anatomical gift
20 10 of a decedent's body or parts for an authorized purpose: a
20 11 designee acting pursuant to a declaration made under new Code
20 12 chapter 144C, an attorney in fact under a durable power of
20 13 attorney for health care, a person authorized to control the
20 14 deceased person's remains under new Code section 144C.5, or a
20 15 guardian of the decedent at the time of the decedent's death.
20 16 Code section 144.34 is amended to provide that a
20 17 disinterment permit for a dead body shall not be issued by the
20 18 state registrar without the consent of the person authorized
20 19 to control the decedent's remains under new Code section
20 20 144C.5, and that disinterment allowed by court order shall be
20 21 only after hearing, upon reasonable notice to that person.
20 22 Code section 144.56 is amended to provide that an autopsy
20 23 or postmortem examination may be performed upon the body of a
20 24 deceased person whenever written consent has been obtained
20 25 from the person authorized to control the deceased person's
20 26 remains under new Code section 144C.5 or when a death is being
20 27 investigated which affects the public interest under the
20 28 authority of Code sections 331.802 through 331.804.
20 29 Code section 331.802, subsection 3, paragraph "h", is
20 30 amended to provide that a death affecting the public interest
20 31 includes the death of a person whose body is not claimed by a
20 32 person authorized to control the deceased person's remains
20 33 under new Code section 144C.5 or a friend.
20 34 Code section 331.802, subsection 8, is amended to provide
20 35 that where the remains of a deceased person are donated to a



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21 1 medical school or similar institution by a person authorized
21 2 to control the deceased person's remains under new Code
21 3 section 144C.5, any autopsy performed in the public interest
21 4 shall be performed at the direction of the school or
21 5 institution, in a manner furthering the purpose of the
21 6 donation.
21 7 Code section 331.804, subsection 1, is amended to provide
21 8 that after the investigation of a death, the deceased person's
21 9 remains shall be transported for burial or other appropriate
21 10 disposition by a funeral director chosen by a person
21 11 authorized to control the deceased person's remains under new
21 12 Code section 144C.5.
21 13 Code section 523I.309 is amended by removing alternative
21 14 procedures for determining final disposition of a decedent's
21 15 remains that are contained in Code chapter 523I. The section
21 16 is also amended to allow an entity maintaining a columbarium
21 17 to refuse to accept, relocate, disinter, inter, or otherwise
21 18 dispose of a decedent's remains without a court order in the
21 19 event of a dispute.
21 20 DIVISION III == APPLICABILITY DATES. The bill applies to
21 21 all declarations executed on or after the effective date of
21 22 the bill. New Code section 144C.5, which sets forth an order
21 23 of priority for determining who has the right to control final
21 24 disposition and ceremonies for a decedent, applies to all
21 25 deaths occurring on or after the effective date of the bill,
21 26 except that new Code section 144C.5, subsection 1, paragraph
21 27 "a", giving highest priority to a designee in a declaration,
21 28 applies only to a designee designated in a declaration
21 29 executed on or after the effective date of the bill. However,
21 30 the bill provides that any declaration executed prior to the
21 31 effective date of the bill which substantially complies with
21 32 the requirements of new Code chapter 144C shall be given full
21 33 force and effect.
21 34 LSB 1082HC 82
21 35 av:rj/sh/8



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House Study Bill 6

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring invasive pneumococcal disease immunization for
- 2 children enrolling in licensed child care centers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1737HC 82
- 5 jp/es/88



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House Study Bill 6 continued

PAG LIN

1 1 Section 1. Section 139A.8, subsection 2, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. Evidence of adequate immunization against haemophilus
1 4 influenza B and invasive pneumococcal disease shall be
1 5 required prior to enrollment in any licensed child care
1 6 center.

1 7 EXPLANATION

1 8 This bill requires an invasive pneumococcal disease
1 9 immunization for children enrolled in a licensed child care
1 10 center. The bill includes requirement in Code section 139A.8,
1 11 relating to immunization requirements for children
1 12 administered by the Iowa department of public health.
1 13 Existing exemption provisions relating to health risk and
1 14 religious belief remain applicable to the new requirement.
1 15 LSB 1737HC 82
1 16 jp:nh/es/88



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Senate File 24

SENATE FILE
BY ZIEMAN

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

A BILL FOR

- 1 An Act establishing a standing appropriation to support fairs and
- 2 including effective date and applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1527SS 82
- 5 da/je/5



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Senate File 24 continued

PAG LIN

1 1 Section 1. Section 8.57, subsection 6, paragraph g, Code
1 2 2007, is amended to read as follows:

1 3 g. Notwithstanding any other provision to the contrary,
1 4 and prior to the appropriation of moneys from the rebuild Iowa
1 5 infrastructure fund pursuant to paragraph "c", and section
1 6 8.57A, subsection 4, moneys shall first be appropriated from
1 7 the rebuild Iowa infrastructure fund to the vertical
1 8 infrastructure fund as provided in section 8.57B, subsection
1 9 4. After moneys are appropriated to the vertical
1 10 infrastructure fund, the next moneys from the rebuild Iowa
1 11 infrastructure fund shall be appropriated to the treasurer of
1 12 state for general state support of fairs as provided in
1 13 section 174.8A.

1 14 Sec. 2. NEW SECTION. 174.8A GENERAL STATE SUPPORT ==
1 15 STANDING APPROPRIATION.

1 16 There is appropriated from the rebuild Iowa infrastructure
1 17 fund for each fiscal year, one million five hundred ninety
1 18 dollars, to the treasurer of state for general state support.

1 19 1. The moneys paid by the treasurer of state as provided
1 20 in this section must be used only to support the management of
1 21 a fair event or an improvement made to a fairgrounds,
1 22 including the acquisition of land or the maintenance,
1 23 construction, or renovation of facilities located on the
1 24 fairgrounds. The moneys may be used to support any project
1 25 which may be funded by state aid pursuant to section 174.9,
1 26 regardless of whether the fair has received state aid to
1 27 support that project.

1 28 2. The treasurer of state shall allocate the moneys
1 29 appropriated in this section as general state support in equal
1 30 shares to each eligible fair.

1 31 a. In order to be eligible to receive general state
1 32 support, a fair must be a member of the association of Iowa
1 33 fairs as provided in the association's bylaws, have conducted
1 34 a fair event during the fiscal year prior to the allocation of
1 35 general state support, and will conduct a fair event in the



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Senate File 24 continued

2 1 fiscal year in which the general state support is allocated.
2 2 b. The association of Iowa fairs shall maintain a list of
2 3 each fair in a county which is a member of the association and
2 4 conducts a fair event in that county. On or before April 1,
2 5 the association shall submit a list of eligible fairs, as
2 6 certified by the association, to the treasurer of state, as
2 7 required by the treasurer of state.
2 8 3. On or before February 1 of each year, a fair shall
2 9 prepare a report concerning the expenditures of moneys that it
2 10 has received as general state support, and the manner in which
2 11 the general state support was expended or is planned to be
2 12 expended. The fair shall submit the report to the governor,
2 13 the general assembly, and the association of Iowa fairs.
2 14 4. The expenditure of moneys appropriated as general state
2 15 support is subject to an audit by the auditor of state. The
2 16 treasurer may request the auditor of state to conduct the
2 17 audit.
2 18 5. Section 8.33 does not apply to moneys appropriated as
2 19 general state support.
2 20 Sec. 3. EFFECTIVE AND APPLICABILITY DATES.
2 21 1. This Act, being deemed of immediate importance, takes
2 22 effect upon enactment.
2 23 2. Within twenty days after the effective date of this
2 24 Act, the association of Iowa fairs shall submit a list of
2 25 eligible fairs, as certified by the association, to the
2 26 treasurer of state, as required by the treasurer of state.
2 27 3. This Act applies to appropriations for fiscal years
2 28 beginning on and after July 1, 2007.

2 29 EXPLANATION

2 30 This bill provides a standing limited appropriation to the
2 31 treasurer of state from the rebuild Iowa infrastructure fund
2 32 for equal allocation to county and district fairs that are
2 33 members of the association of Iowa fairs. The allocation is
2 34 referred to as "general state support" and the moneys are to
2 35 be used by fairs to support the management of a fair event or



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Senate File 24 continued

3 1 an improvement made to a fairgrounds, including the
3 2 acquisition of land or the maintenance, construction, or
3 3 renovation of facilities located on the fairgrounds. A fair
3 4 must prepare an annual report concerning the expenditures of
3 5 moneys that it received as general state support, and the
3 6 manner in which the general state support was expended or is
3 7 planned to be expended. The fair must submit the report to
3 8 the governor, the general assembly, and the association of
3 9 Iowa fairs.

3 10 The bill takes effect upon enactment.

3 11 LSB 1527SS 82

3 12 da:rj/je/5



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Senate Study Bill 1026

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

- 1 An Act concerning the line of duty death benefit payable to
- 2 public safety providers and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1703XC 82
- 5 ec/je/5



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Senate Study Bill 1026 continued

PAG LIN

1 1 Section 1. Section 97A.6, subsection 16, paragraph b,
1 2 subparagraph (1), Code 2007, is amended to read as follows:
1 3 (1) a. The death resulted from stress, strain,
1 4 occupational illness, or a chronic, progressive, or congenital
1 5 illness, including, but not limited to, a disease of the
1 6 heart, lungs, or respiratory system, unless a traumatic
1 7 personal injury was a substantial contributing factor to the
1 8 member's death.

1 9 (b) However, if the death was the direct and proximate
1 10 result of a heart attack or stroke, the member shall be
1 11 presumed to have died as a result of a traumatic personal
1 12 injury if the member engaged in a nonroutine stressful or
1 13 strenuous physical activity within the scope of the member's
1 14 duties and the death resulted while engaging in that activity,
1 15 while still on duty after engaging in that activity, or not
1 16 later than twenty-four hours after engaging in that activity,
1 17 and the presumption is not overcome by competent medical
1 18 evidence to the contrary. For purposes of this subparagraph
1 19 subdivision, "nonroutine stressful or strenuous physical
1 20 activity" includes, but is not limited to, nonroutine
1 21 stressful or strenuous physical law enforcement, fire
1 22 suppression, rescue, hazardous material response, emergency
1 23 medical services, prison security, disaster relief, emergency
1 24 response, and training exercise activities. "Nonroutine
1 25 stressful or strenuous physical activity" does not include
1 26 activities of a clerical, administrative, or nonmanual nature.

1 27 Sec. 2. Section 97B.52, subsection 2, paragraph b,
1 28 subparagraph (1), Code 2007, is amended to read as follows:
1 29 (1) a. The death resulted from stress, strain,
1 30 occupational illness, or a chronic, progressive, or congenital
1 31 illness, including, but not limited to, a disease of the
1 32 heart, lungs, or respiratory system, unless a traumatic
1 33 personal injury was a substantial contributing factor to the
1 34 special service member's death.

1 35 (b) However, if the death was the direct and proximate



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2 1 result of a heart attack or stroke, the special service member
2 2 shall be presumed to have died as a result of a traumatic
2 3 personal injury if the special service member engaged in a
2 4 nonroutine stressful or strenuous physical activity within the
2 5 scope of the member's duties and the death resulted while
2 6 engaging in that activity, while still on duty after engaging
2 7 in that activity, or not later than twenty-four hours after
2 8 engaging in that activity, and the presumption is not overcome
2 9 by competent medical evidence to the contrary. For purposes
2 10 of this subparagraph subdivision, "nonroutine stressful or
2 11 strenuous physical activity" includes, but is not limited to,
2 12 nonroutine stressful or strenuous physical law enforcement,
2 13 fire suppression, rescue, hazardous material response,
2 14 emergency medical services, prison security, disaster relief,
2 15 emergency response, and training exercise activities.
2 16 "Nonroutine stressful or strenuous physical activity" does not
2 17 include activities of a clerical, administrative, or nonmanual
2 18 nature.

2 19 Sec. 3. NEW SECTION. 100B.32 SUPPLEMENTAL PUBLIC SAFETY
2 20 PROVIDER DEATH BENEFIT == APPROPRIATION == ELIGIBILITY.

2 21 1. There is appropriated annually from the general fund of
2 22 the state to the department of administrative services an
2 23 amount sufficient to pay supplemental death benefit claims
2 24 under this section. The director of the department of
2 25 administrative services shall issue warrants for payment of
2 26 the supplemental death benefit claims approved for payment by
2 27 the department of public safety under subsection 2. A
2 28 supplemental line of duty death benefit payable under this
2 29 section shall be in addition to any other death benefit
2 30 payable on behalf of an eligible public safety provider.

2 31 2. Upon written application with appropriate
2 32 documentation, a supplemental line of duty death benefit shall
2 33 be paid to the beneficiary of an eligible public safety
2 34 provider in a lump sum equal to the supplemental benefit
2 35 amount. The application shall include documentation of the



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3 1 line of duty death benefit otherwise payable on behalf of an
3 2 eligible public safety provider.

3 3 3. For purposes of this section:

3 4 a. "Eligible public safety provider" is the person whose
3 5 beneficiary is entitled to receive a line of duty death
3 6 benefit pursuant to section 97A.6, subsection 16, section
3 7 97B.52, subsection 2, or section 411.6, subsection 15.

3 8 b. "Supplemental benefit amount" is the amount, if any,
3 9 equal to one hundred thousand dollars less the amount payable
3 10 on behalf of an eligible public safety provider pursuant to
3 11 section 97A.6, subsection 16, section 97B.52, subsection 2, or
3 12 section 411.6, subsection 15.

3 13 Sec. 4. Section 411.6, subsection 15, paragraph b,
3 14 subparagraph (1), Code 2007, is amended to read as follows:

3 15 (1) a. The death resulted from stress, strain,
3 16 occupational illness, or a chronic, progressive, or congenital
3 17 illness, including, but not limited to, a disease of the
3 18 heart, lungs, or respiratory system, unless a traumatic
3 19 personal injury was a substantial contributing factor to the
3 20 member's death.

3 21 (b) However, if the death was the direct and proximate
3 22 result of a heart attack or stroke, the member shall be
3 23 presumed to have died as a result of a traumatic personal
3 24 injury if the member engaged in a nonroutine stressful or
3 25 strenuous physical activity within the scope of the member's
3 26 duties and the death resulted while engaging in that activity,
3 27 while still on duty after engaging in that activity, or not
3 28 later than twenty-four hours after engaging in that activity,
3 29 and the presumption is not overcome by competent medical
3 30 evidence to the contrary. For purposes of this subparagraph
3 31 subdivision, "nonroutine stressful or strenuous physical
3 32 activity" includes, but is not limited to, nonroutine
3 33 stressful or strenuous physical law enforcement, fire
3 34 suppression, rescue, hazardous material response, emergency
3 35 medical services, prison security, disaster relief, emergency



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4 1 response, and training exercise activities. "Nonroutine
4 2 stressful or strenuous physical activity" does not include
4 3 activities of a clerical, administrative, or nonmanual nature.

4 4 EXPLANATION

4 5 This bill concerns the \$100,000 line of duty death benefit
4 6 payable to eligible public safety employees under the peace
4 7 officers' retirement system (PORS) in Code chapter 97A, the
4 8 Iowa public employees' retirement system (IPERS) in Code
4 9 chapter 97B, and the statewide fire and police retirement
4 10 system (MFPRSI) established by Code chapter 411.

4 11 The bill provides under each retirement system (PORS,
4 12 IPERS, and MFPRSI), that if the death of an otherwise eligible
4 13 public safety provider was the result of a heart attack or
4 14 stroke, the death will be presumed to have been as a result of
4 15 a traumatic personal injury and compensable as a line of duty
4 16 death benefit if the provider had engaged in nonroutine
4 17 stressful or strenuous physical activity and the death
4 18 occurred while engaging in that activity, while still on duty
4 19 after that activity, or within 24 hours after the activity,
4 20 and the presumption cannot be overcome by medical evidence.

4 21 The bill also provides that if the line of duty death benefit
4 22 payable under any of the retirement systems is less than
4 23 \$100,000, a supplemental line of duty death benefit equal to
4 24 the difference shall be paid to the beneficiary and payable by
4 25 the department of public safety from the general fund of the
4 26 state.

4 27 LSB 1703XC 82

4 28 ec:nh/je/5



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Senate Study Bill 1027

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON CONNOLLY)

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

A BILL FOR

1 An Act concerning the responsibility for providing medical care
2 to members of the statewide fire and police retirement system
3 for injuries incurred in the performance of their duties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1702XC 82
6 ec/gg/14



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Senate Study Bill 1027 continued

PAG LIN

1 1 Section 1. Section 411.15, Code 2007, is amended to read
1 2 as follows:
1 3 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.
1 4 Cities shall ~~provide be responsible for any~~ hospital,
1 5 nursing, and medical attention for the members of the police
1 6 and fire departments of the cities, when injured while in the
1 7 performance of their duties as members of such department, and
1 8 shall continue to ~~provide be responsible for any~~ hospital,
1 9 nursing, and medical attention for injuries or diseases
1 10 incurred while in the performance of their duties for members
1 11 receiving a retirement allowance under section 411.6,
1 12 subsection 6. Cities may ~~provide fund the cost of the~~
1 13 hospital, nursing, and medical attention required by this
1 14 section through the purchase of insurance, by self-insuring
1 15 the obligation, or through payment of moneys into a local
1 16 government risk pool established for the purpose of covering
1 17 the costs associated with the requirements of this section.
1 18 However, the cost of the hospital, nursing, and medical
1 19 attention required by this section shall not be funded through
1 20 an employee-paid health insurance policy. The cost of
1 21 ~~providing~~ the hospital, nursing, and medical attention
1 22 required by this section shall be paid from moneys held in a
1 23 trust and agency fund established pursuant to section 384.6,
1 24 or out of the appropriation for the department to which the
1 25 injured person belongs or belonged; provided that any amounts
1 26 received by the injured person ~~under the workers' compensation~~
1 27 ~~law of the state, or~~ from any other source for such specific
1 28 purposes, shall be deducted from the amount paid by the city
1 29 under the provisions of this section.

1 30 EXPLANATION

1 31 This bill makes a change to the statewide fire and police
1 32 retirement system. The bill may include a state mandate as
1 33 defined in Code section 25B.3. The state mandate funding
1 34 requirement in Code section 25B.2, however, does not apply to
1 35 public employee retirement systems.



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2 1 Code section 411.15, concerning hospitalization and medical
2 2 attention for members who are injured in the performance of
2 3 their duties, is amended. The bill provides that the city
2 4 shall be responsible for any medical attention and shall fund
2 5 the medical attention. In addition, the bill requires that
2 6 the cost of the medical attention shall not be funded through
2 7 an employee-paid health insurance policy.
2 8 LSB 1702XC 82
2 9 ec:nh/gg/14



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Senate Study Bill 1028

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of ethical conduct by
- 2 governmental entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1249XD 82
- 5 tm/je/5



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Senate Study Bill 1028 continued

PAG LIN

1 1 Section 1. Section 68B.3, Code 2007, is amended to read as
1 2 follows:

1 3 68B.3 WHEN PUBLIC BIDS REQUIRED == DISCLOSURE OF INCOME
1 4 FROM OTHER SALES.

1 5 1. An official, a state employee, a member of the general
1 6 assembly, or a legislative employee shall not sell, in any one
1 7 occurrence, any goods or services having a value in excess of
1 8 two thousand dollars to any state agency unless the sale is
1 9 made pursuant to an award or contract let after public notice
1 10 and competitive bidding.

1 11 ~~2. This subsection shall section does not apply to the~~
1 12 ~~publication of resolutions, advertisements, or other legal~~
1 13 ~~propositions or notices in newspapers designated pursuant to~~
1 14 ~~law for the publication of legal propositions or notices and~~
1 15 ~~for which rates are fixed pursuant to law. This subsection~~
~~1 16 shall also not apply to sales of services by persons subject~~
~~1 17 to the requirements of this section to state executive branch~~
~~1 18 agencies or subunits of departments or independent agencies as~~
~~1 19 defined under section 7E.4 that are not the subunit of the~~
~~1 20 department or independent agency in which the person serves or~~
~~1 21 is employed or are not a subunit of a department or~~
~~1 22 independent agency with which the person has substantial and~~
~~1 23 regular contact as part of the person's duties.~~

1 24 ~~For purposes of this section, "services" does not include~~
~~1 25 instruction at an accredited education institution if the~~
~~1 26 person providing the instruction meets the minimum education~~
~~1 27 and licensing requirements established for instructors at the~~
~~1 28 education institution.~~

1 29 ~~2.~~ 3. An official or member of the general assembly who
1 30 sells goods or services to a political subdivision of the
1 31 state shall disclose whether income has been received from
1 32 commissions from the sales in the manner provided under
1 33 section 68B.35.

1 34 4. For purposes of this section, "services" does not
1 35 include instruction at an accredited education institution if



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Senate Study Bill 1028 continued

2 1 the person providing the instruction meets the minimum
2 2 education and licensing requirements established for
2 3 instructors at the education institution.
2 4 Sec. 2. Section 68B.22, subsection 3, Code 2007, is
2 5 amended to read as follows:
2 6 3. A restricted donor may give, and a public official,
2 7 public employee, or candidate, or the person's immediate
2 8 family member, may accept an otherwise prohibited nonmonetary
2 9 gift or a series of otherwise prohibited nonmonetary gifts and
2 10 not be in violation of this section if the nonmonetary gift or
2 11 series of nonmonetary gifts is donated within thirty days to a
2 12 public body, the department of administrative services, or a
2 13 bona fide educational or charitable organization, if no part
2 14 of the net earnings of the educational or charitable
2 15 organization inures to the benefit of any private stockholder
2 16 or other individual. All such items donated to the department
2 17 of administrative services shall be disposed of by assignment
2 18 to state agencies for official use or by public sale. A
2 19 person subject to section 8.7 that receives a gift pursuant to
2 20 this subsection shall file a report pursuant to section 8.7.
2 21 Sec. 3. Section 68B.32A, subsection 6, Code 2007, is
2 22 amended to read as follows:
2 23 6. Assure that the statements and reports which have been
2 24 filed in accordance with this chapter, chapter 68A, and
2 25 section 8.7 are available for public inspection and copying
2 26 during the regular office hours of the office in which they
2 27 are filed and not later than by the end of the day during
2 28 which a report or statement was received. Rules adopted
2 29 relating to public inspection and copying of statements and
2 30 reports may include a charge for any copying and mailing of
2 31 the reports and statements, shall provide for the mailing of
2 32 copies upon the request of any person and upon prior receipt
2 33 of payment of the costs by the board, and shall prohibit the
2 34 use of the information copied from reports and statements ~~for~~
~~2 35 soliciting contributions or~~ for any commercial purpose by any



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3 1 person ~~other than statutory political committees.~~

3 2 EXPLANATION

3 3 This bill relates to the regulation of ethical conduct by
3 4 governmental entities.

3 5 The bill provides that prohibited gifts received from a
3 6 restricted donor and donated within 30 days to a person that
3 7 is subject to Code section 8.7 must meet the reporting
3 8 requirements of Code section 8.7.

3 9 Currently, an official, a state employee, a member of the
3 10 general assembly, or a legislative employee is prohibited from
3 11 selling, in any one occurrence, any goods or services having a
3 12 value in excess of \$2,000 to any state agency unless the sale
3 13 is made pursuant to an award or contract let after public
3 14 notice and competitive bidding. The bill eliminates an
3 15 exception to the prohibition for sales of services by an
3 16 official, a state employee, a member of the general assembly,
3 17 or a legislative employee to state executive branch agencies
3 18 or subunits of departments or independent agencies that are
3 19 not the subunit of the department or independent agency in
3 20 which the person serves or is employed or are not a subunit of
3 21 a department or independent agency with which the person has
3 22 substantial and regular contact as part of the person's
3 23 duties.

3 24 Currently, the Iowa ethics and campaign disclosure board is
3 25 required to adopt rules to prohibit the use of information
3 26 copied from reports and statement filed with the board from
3 27 being used for soliciting contributions or for any commercial
3 28 purpose by any person other than statutory political
3 29 committees. The bill allows such information to be used for
3 30 soliciting contributions and prohibits the use for any
3 31 commercial purpose by any person including statutory political
3 32 committees.

3 33 LSB 1249XD 82

3 34 tm:rj/je/5



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Senate Study Bill 1029

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS/
IOWA RACING AND GAMING
COMMISSION BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the racing and gaming commission by modifying
- 2 provisions regulating horses involved in horse racing and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1388XD 82
- 6 ec/je/5



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PAG LIN

1 1 Section 1. Section 99D.25, subsections 5 and 9, Code 2007,
1 2 are amended to read as follows:

1 3 5. Every horse which suffers a breakdown on the racetrack,
1 4 in training, or in competition, and is destroyed, and every
1 5 other horse which expires while stabled on the racetrack under
1 6 the jurisdiction of the commission, shall undergo a postmortem
1 7 examination by a veterinarian or a veterinary pathologist at a
1 8 time and place acceptable to the commission veterinarian to
1 9 determine the injury or sickness which resulted in euthanasia
1 10 or natural death. Test samples ~~shall~~ may be obtained from the
1 11 carcass upon which the postmortem examination is conducted and
1 12 shall be sent to a laboratory approved by the commission for
1 13 testing for foreign substances and natural substances at
1 14 abnormal levels. When practical, blood and urine test samples
1 15 should be procured prior to euthanasia. The owner of the
1 16 deceased horse is responsible for payment of any charges due
1 17 to conduct the postmortem examination. A record of every
1 18 postmortem shall be filed with the commission by the
1 19 veterinarian or veterinary pathologist who performed the
1 20 postmortem within seventy-two hours of the death. Each owner
1 21 and trainer accepts the responsibility for the postmortem
1 22 examination provided herein as a requisite for maintaining the
1 23 occupational license issued by the commission.

1 24 9. The commission shall conduct random tests of bodily
1 25 substances of horses entered to race each day of a race
1 26 meeting to aid in the detection of any unlawful drugging. The
1 27 tests may be conducted both prior to and after a race. The
1 28 commission ~~shall~~ may also test any horse that breaks down
1 29 during a race and shall perform an autopsy on any horse that
1 30 is killed or subsequently destroyed as a result of an accident
1 31 during a race. When practical, blood and urine test samples
1 32 should be procured prior to euthanasia.

1 33 Sec. 2. Section 99D.25A, subsection 1, paragraph a, Code
1 34 2007, is amended to read as follows:

1 35 a. "Bleeder" means, according to its context, ~~either~~ any



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2 1 of the following:

2 2 (1) A horse which, during a race or exercise, is observed
2 3 by the commission veterinarian or ~~designee~~ a licensed
2 4 practicing veterinarian to be shedding blood from one or both
2 5 nostrils and in which no upper airway injury is noted during
2 6 an examination by the commission veterinarian or a licensed
2 7 practicing veterinarian immediately following such a race or
2 8 exercise;.

2 9 (2) A horse which, within one and one-half hours of such a
2 10 race or exercise, is observed by the commission veterinarian
2 11 or a licensed practicing veterinarian, through visual or
2 12 endoscopic examination, to be shedding blood from the lower
2 13 airway; ~~or~~.

2 14 (3) A horse which has been certified as a bleeder in
2 15 another state.

2 16 (4) A horse which has furosemide listed on its most recent
2 17 past performance.

2 18 (5) A horse which, by recommendation of a licensed
2 19 practicing veterinarian, is prescribed furosemide to control
2 20 or prevent bleeding from the lungs.

2 21 Sec. 3. Section 99D.25A, subsection 2, Code 2007, is
2 22 amended to read as follows:

2 23 2. Phenylbutazone shall not be administered to a horse in
2 24 dosages which would result in concentrations of more than ~~two~~
2 25 ~~point two five~~ micrograms of the substance or its metabolites
2 26 per milliliter of blood.

2 27 Sec. 4. Section 99D.25A, subsection 4, Code 2007, is
2 28 amended to read as follows:

2 29 4. If a test detects concentrations of phenylbutazone in
2 30 the system of a horse in excess of the level permitted in this
2 31 section, the commission shall assess a civil penalty against
2 32 the trainer of at least two hundred dollars for the first
2 33 offense and at least five hundred dollars for a second
2 34 offense. The penalty for a third or subsequent offense shall
2 35 be in the discretion of the commission. ~~A penalty assessed~~



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~~3 1 under this subsection shall not affect the placing of the
3 2 horse in the race.~~

3 3 Sec. 5. Section 99D.25A, subsection 7, Code 2007, is
3 4 amended to read as follows:

3 5 7. A horse entered to race with furosemide must be treated
3 6 at least four hours prior to post time. The furosemide shall
3 7 be administered intravenously by a veterinarian employed by
3 8 the owner or trainer of the horse. The commission shall adopt
3 9 rules to ensure that furosemide is administered as provided in
3 10 this section. The commission shall require that the
3 11 practicing veterinarian deliver an affidavit signed by the
3 12 veterinarian which certifies information regarding the
3 13 treatment of the horse. The affidavit must be delivered to a
3 14 commission veterinarian within twenty minutes following the
3 15 treatment. The statement must at least include the name of
3 16 the practicing veterinarian, the tattoo number of the horse,
3 17 the location of the barn and stall where the treatment
3 18 occurred, the race number of the horse, the name of the
3 19 trainer, and the time that the furosemide was administered.
3 20 Furosemide shall only be administered in a dose level of ~~two~~
3 21 no less than one hundred fifty milligrams and no more than
3 22 five hundred milligrams.

3 23 Sec. 6. Section 99F.6, subsection 8, paragraph a, Code
3 24 2007, is amended to read as follows:

3 25 a. The licensee or a holder of an occupational license
3 26 shall consent to the search, without a warrant, by agents of
3 27 the division of criminal investigation of the department of
3 28 public safety or commission employees designated by the
3 29 ~~secretary~~ administrator of the commission, of the licensee's
3 30 or holder's person, personal property, and effects, and
3 31 premises which are located on the excursion gambling boat or
3 32 adjacent facilities under control of the licensee, in order to
3 33 inspect or investigate for violations of this chapter or rules
3 34 adopted by the commission pursuant to this chapter. The
3 35 department or commission may also obtain administrative search



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Senate Study Bill 1029 continued

4 1 warrants under section 808.14.

4 2 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
4 3 immediate importance, takes effect upon enactment.

4 4 EXPLANATION

4 5 This bill primarily makes changes relative to horses
4 6 involved in horse racing.

4 7 The bill provides that certain drug tests currently
4 8 required to be conducted on horses that suffer a breakdown on
4 9 the racetrack are discretionary and no longer mandatory. The
4 10 bill also provides that when practical, blood and urine

4 11 samples should be obtained prior to euthanasia of a horse.

4 12 The bill increases the maximum allowable concentration of
4 13 phenylbutazone per milliliter of blood in a horse from two
4 14 point two micrograms of the substance to five micrograms.

4 15 The bill also modifies the definition of a bleeder for
4 16 purposes of determining whether a horse can be given certain
4 17 drugs. The bill provides that a horse can be determined to be
4 18 a bleeder if any licensed practicing veterinarian observes
4 19 bleeding. Current law only allows this determination if
4 20 bleeding is observed by a racing and gaming commission
4 21 veterinarian or designee. In addition, the bill provides that
4 22 a horse can be determined to be a bleeder if the horse has
4 23 furosemide listed on its most recent performance or is
4 24 prescribed furosemide to control bleeding by a veterinarian.

4 25 The bill eliminates the provision that the placing of a
4 26 horse in a race cannot be affected even if the racing and
4 27 gaming commission assesses a civil penalty for excessive
4 28 concentrations of phenylbutazone in the system of the horse.

4 29 The bill modifies the acceptable dose level of furosemide
4 30 that can be administered to a horse prior to a race. The bill
4 31 provides that furosemide shall only be administered in a dose
4 32 of no less than 150 milligrams and no more than 500
4 33 milligrams. Current law sets the dose level at 250
4 34 milligrams.

4 35 The bill also amends Code section 99F.6 to provide that the



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5 1 administrator of the racing and gaming commission, and not the
5 2 secretary, has the authority under that Code section.
5 3 The bill takes effect upon enactment.
5 4 LSB 1388XD 82
5 5 ec:nh/je/5.1



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Senate Study Bill 1030

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the registration of associate real estate
- 2 appraisers, prohibiting improper influence over an appraiser's
- 3 evaluation opinion, and imposing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1181DP 82
- 6 jr/gg/14



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Senate Study Bill 1030 continued

PAG LIN

1 1 Section 1. Section 543D.3, Code 2007, is amended to read
1 2 as follows:

1 3 543D.3 PURPOSES ~~== VOLUNTARY CERTIFICATION.~~

1 4 The purpose of this chapter is to establish standards for
1 5 real estate appraisals and a procedure for the voluntary
1 6 certification of real estate appraisers and the mandatory
1 7 registration of associate real estate appraisers.

1 8 A person who is not a certified real estate appraiser under
1 9 this chapter may appraise real estate for compensation if
1 10 certification is not required by this chapter or by federal or
1 11 state law, rule, or policy. However, an employee of the state
1 12 department of transportation whose duties include appraisals
1 13 of property pursuant to chapter 6B must be a certified real
1 14 estate appraiser under this chapter or a registered associate
1 15 real estate appraiser acting under the direct supervision of a
1 16 certified real estate appraiser.

1 17 Sec. 2. Section 543D.9, Code 2007, is amended to read as
1 18 follows:

1 19 543D.9 EDUCATION AND EXPERIENCE REQUIREMENT.

1 20 The board shall determine what real estate appraisal or
1 21 real estate appraisal review experience and what education
1 22 shall be required to provide appropriate assurance that an
1 23 applicant for certification is competent to perform the
1 24 certified appraisal work which is within the scope of practice
1 25 defined by the board. All experience required for initial
1 26 certification shall be performed as a registered associate
1 27 real estate appraiser acting under the direct supervision of a
1 28 certified real estate appraiser, except as the board may
1 29 provide by rule. The board shall prescribe a required minimum
1 30 number of tested hours of education relating to the provisions
1 31 of this chapter, the uniform appraisal standards, and other
1 32 rules issued in accordance with this chapter.

1 33 Sec. 3. Section 543D.18, subsection 1, Code 2007, is
1 34 amended to read as follows:

1 35 1. A certified real estate appraiser shall comply with the



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2 1 uniform appraisal standards adopted under this chapter. The
2 2 reliance of the public in general and of the financial
2 3 business community in particular on sound, reliable real
2 4 estate appraisal practices imposes on persons engaged in the
2 5 practice of real estate appraising as certified real estate
2 6 appraisers or as registered associate real estate appraisers
2 7 certain obligations both to their clients and to the public.
2 8 These obligations include the obligation to maintain
2 9 independence in thought and action, to adhere to the uniform
2 10 appraisal standards adopted under this chapter, and to
2 11 maintain high standards of personal conduct in all matters
2 12 impacting one's fitness to practice real estate appraising. A
2 13 certified real estate appraiser and a registered associate
2 14 real estate appraiser acting under the direct supervision of a
2 15 certified real estate appraiser shall perform all appraisal
2 16 assignments in an honest, disinterested and impartial manner,
2 17 with objectivity and independence, and without accommodation
2 18 to the personal interests or objectives of the appraiser, the
2 19 client, or any third person.

2 20 Sec. 4. Section 543D.18, Code 2007, is amended by adding
2 21 the following new subsection:

2 22 NEW SUBSECTION. 7. A certified real estate appraiser who
2 23 receives significant real property appraisal assistance in the
2 24 development or reporting of an appraisal assignment shall
2 25 disclose such assistance in accordance with the uniform
2 26 appraisal standards adopted under this chapter.

2 27 Sec. 5. NEW SECTION. 543D.18A PENALTIES FOR IMPROPER
2 28 INFLUENCE OF AN APPRAISAL ASSIGNMENT.

2 29 1. A mortgage lender, mortgage broker or originator, real
2 30 estate broker or salesperson, client, party, appraiser, or any
2 31 other person with an interest in a real estate transaction or
2 32 the financing or any loan secured by real estate involving an
2 33 appraisal assignment shall not improperly influence or attempt
2 34 to improperly influence the development, reporting, result, or
2 35 review of a real estate appraisal through coercion, extortion,



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3 1 or bribery, or through any other means that impairs or may
3 2 impair the independent judgment of the appraiser including but
3 3 not limited to the withholding or threatened withholding of
3 4 payment for an appraisal fee, or the conditioning of the
3 5 payment of an appraisal fee upon the opinion, conclusion, or
3 6 valuation to be reached, or a request that the appraiser
3 7 report a predetermined opinion, conclusion, or valuation, or
3 8 the desired valuation of any person.

3 9 2. A violation of this section is an unlawful practice
3 10 under section 714.16, subsection 2, paragraph "a".

3 11 3. A violation of this section is a ground for discipline
3 12 against any person holding a certificate or registration under
3 13 this chapter or another license issued under the laws of the
3 14 state of Iowa, as license is defined in section 17A.2,
3 15 subsection 6, if the practice of the profession, occupation,
3 16 or business regulated by the license relates to real estate
3 17 transactions or the financing of loans secured by real estate.

3 18 4. A person does not violate this section solely by asking
3 19 an appraiser to consider additional, appropriate property
3 20 information, or to provide further detail, substantiation, or
3 21 explanation for the appraiser's value conclusion, or to
3 22 correct errors in the appraisal report, or by withholding
3 23 payment of an appraisal fee based on a bona fide dispute
3 24 regarding the appraiser's compliance with the appraisal
3 25 standards adopted by the board under this chapter.

3 26 Sec. 6. NEW SECTION. 543D.20 REGISTRATION OF ASSOCIATE
3 27 REAL ESTATE APPRAISERS.

3 28 1. A person shall not assist a certified real estate
3 29 appraiser in the development or reporting of an appraisal
3 30 assignment that is required by this chapter, or by federal or
3 31 state law, rule, or policy to be performed by a certified real
3 32 estate appraiser, unless the person meets one or more of the
3 33 following conditions:

3 34 a. The person is certified under this chapter.

3 35 b. The person is registered as an associate real estate



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4 1 appraiser and is acting under the direct supervision of a
4 2 certified real estate appraiser.
4 3 c. The person is solely providing administrative services,
4 4 such as taking photographs, preparing charts, or typing
4 5 reports, and is not providing real estate appraisal assistance
4 6 in developing the analysis, valuation, opinions, or
4 7 conclusions associated with the appraisal assignment.
4 8 d. The person is providing professional consultation that
4 9 does not constitute real property appraisal assistance, such
4 10 as the assistance of a professional engineer or certified
4 11 public accountant.
4 12 2. The board shall establish by rule the terms and
4 13 conditions of the registration of associate real estate
4 14 appraisers, including the educational and other prerequisites
4 15 to registration, the fees for registration and the renewal of
4 16 registration, and the continuing education requirements for
4 17 renewal of registration. The board shall consider and may
4 18 incorporate any guidelines recommended by the appraisal
4 19 qualifications board of the appraisal foundation relating to
4 20 associate real estate appraisers.
4 21 3. The board shall adopt rules governing the manner in
4 22 which certified real estate appraisers shall directly
4 23 supervise associate real estate appraisers, the standards of
4 24 conduct for associate real estate appraisers, and the grounds
4 25 for imposing discipline against an associate real estate
4 26 appraiser which shall include all of the grounds provided in
4 27 section 543D.17.
4 28 4. Associate real estate appraisers shall be bound by the
4 29 uniform appraisal standards adopted by the board under this
4 30 chapter.
4 31 Sec. 7. NEW SECTION. 543D.21 VIOLATIONS == INJUNCTIONS
4 32 == CIVIL PENALTIES.
4 33 1. If, as the result of a complaint or otherwise, the
4 34 board believes that a person has engaged, or is about to
4 35 engage, in an act or practice that constitutes or will



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5 1 constitute a violation of this chapter, the board may make
5 2 application to the district court for an order enjoining such
5 3 act or practice. Upon a showing by the board that such person
5 4 has engaged, or is about to engage, in any such act or
5 5 practice, an injunction, restraining order, or other order as
5 6 may be appropriate shall be granted by the district court.

5 7 2. The board may investigate complaints or initiate
5 8 complaints against persons who are not certified or registered
5 9 under this chapter, and in connection with such complaints or
5 10 investigations may issue subpoenas to compel witnesses to
5 11 testify or persons to produce evidence consistent with the
5 12 provisions of section 272C.6, subsection 3, as needed to
5 13 determine whether probable cause exists to initiate
5 14 proceedings under this section or to make application to the
5 15 district court for an order enjoining violations of this
5 16 chapter.

5 17 3. In addition to or as an alternative to making
5 18 application to the district court for an injunction, the board
5 19 may issue an order to a person who is not certified or
5 20 registered under this chapter to require compliance with this
5 21 chapter and may impose a civil penalty against such person for
5 22 any violation of subsection 4 in an amount up to one thousand
5 23 dollars for each violation. All civil penalties collected
5 24 pursuant to this subsection shall be deposited in the housing
5 25 trust fund created in section 16.181. An order issued
5 26 pursuant to this section may prohibit a person from applying
5 27 for certification or registration under this chapter.

5 28 4. The board may impose civil penalties against a person
5 29 who is not certified or registered under this chapter for any
5 30 of the following acts:

- 5 31 a. A violation of section 543D.15.
- 5 32 b. A violation of section 543D.18A, subsection 1.
- 5 33 c. A violation of section 543D.20, subsection 1.
- 5 34 d. Developing or communicating an appraisal assignment in
5 35 a deceptive or dishonest manner or in a manner inconsistent



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6 1 with a direct or indirect representation to the public that
6 2 such assignment was completed as a disinterested, unbiased,
6 3 objective, or independent appraiser.

6 4 e. Fraud, deceit, or deception, through act or omission,
6 5 in connection with an application for certification or
6 6 registration under this chapter.

6 7 5. The board, before issuing an order under this section,
6 8 shall provide the person written notice and the opportunity to
6 9 request a hearing. The hearing must be requested within
6 10 thirty days after receipt of the notice and shall be conducted
6 11 in the same manner as provided for disciplinary proceedings
6 12 involving a licensee under this chapter.

6 13 6. A person aggrieved by the imposition of a civil penalty
6 14 under this section may seek judicial review pursuant to
6 15 section 17A.19.

6 16 7. If a person fails to pay a civil penalty within thirty
6 17 days after entry of an order imposing the civil penalty, or if
6 18 the order is stayed pending an appeal, within ten days after
6 19 the court enters a final judgment in favor of the board, the
6 20 board shall notify the attorney general. The attorney general
6 21 may commence an action to recover the amount of the penalty,
6 22 including reasonable attorney fees and costs.

6 23 8. An action to enforce an order under this section may be
6 24 joined with an action for an injunction.

6 25 EXPLANATION

6 26 This bill requires registration of associate real estate
6 27 appraisers who may appraise real estate under the direct
6 28 supervision of a certified real estate appraiser. Associate
6 29 real estate appraisers must also train under the direct
6 30 supervision of a certified real estate appraiser. The bill
6 31 requires that when a certified real estate appraiser receives
6 32 significant assistance in preparing an appraisal, that
6 33 assistance must be disclosed. The bill establishes a specific
6 34 standard which requires that appraisals be performed in an
6 35 honest, disinterested, and impartial manner, with objectivity



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7 1 and independence. Penalties are imposed on persons who
7 2 attempt to impose improper influence on an appraisal. The
7 3 bill sets out a variety of penalties that range from judicial
7 4 action to enjoin an act or a practice to a civil penalty up to
7 5 \$1,000 for each violation.
7 6 LSB 1181DP 82
7 7 jr:rj/gg/14.1