House Amendment 1080

PAG LIN

1 1 Amend Senate File 62, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 10, by inserting after line 7 the
1 4 following:
1 5 <Sec. ___. NEW SECTION. 279.65 PARENT AND
1 6 GUARDIAN INVOLVEMENT POLICY.
1 7 1. The board of directors of each school district
1 8 shall adopt a parent and guardian involvement policy
1 9 that meets, at a minimum, the following criteria:
1 10 a. Ensures that communication between home and
1 11 school is regular, two=way, and meaningful.
1 12 b. Promotes and supports parenting skills.
1 13 c. Recognizes and supports the integral role
1 14 parents and guardians play in assisting student
1 15 learning.
1 16 d. Welcomes parents and guardians into the school
1 17 and seeks their support and assistance.
1 18 e. Makes parents and guardians full participants
1 19 in the decisions that affect children and families.
1 20 f. Utilizes community collaborations productively
1 21 and community resources prolifically to strengthen
1 22 schools, families, and student learning.
1 23 2. The policy adopted pursuant to subsection 1
1 24 shall be published in the student handbook and, if the
1 25 school district or its attendance centers maintain a
1 26 website, on the school district or attendance center
1 27 website.>
1 28 #2. By renumbering as necessary.
1 29
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1 31
1 32 TYMESON of Madison
1 33 SF 62.504 82
1 34 kh/je/7126
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House Amendment 1081

PAG LIN

1 1 Amend House File 319 as follows:
1 2 #1. Page 1, by striking lines 1 through 34 and
1 3 inserting the following:
1 4 <Section 1. Section 15.335, subsection 4,
1 5 unnumbered paragraph 2, Code 2007, is amended to read
1 6 as follows:
1 7 For purposes of this section, "Internal Revenue
1 8 Code" means the ~~Internal Revenue Code in effect on~~
1 9 ~~January 1, 2006~~ same as defined in section 422.3.
1 10 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 11 unnumbered paragraph 2, Code 2007, is amended to read
1 12 as follows:
1 13 For purposes of this subsection, "Internal Revenue
1 14 Code" means the ~~Internal Revenue Code in effect on~~
1 15 ~~January 1, 2006~~ same as defined in section 422.3.
1 16 Sec. 3. Section 422.3, subsection 5, Code 2007, is
1 17 amended by striking the subsection and inserting in
1 18 lieu thereof the following:
1 19 5. "Internal Revenue Code" means the Internal
1 20 Revenue Code of 1986, and amendments thereto, and
1 21 other provisions of the laws of the United States
1 22 relating to federal income taxes, as the same may be
1 23 or become effective at any time, or from time to time,
1 24 for the taxable year.
1 25 Sec. 4. NEW SECTION. 422.3A FISCAL IMPACT OF
1 26 INTERNAL REVENUE CODE CHANGES == ANNUAL STATEMENT BY
1 27 DIRECTOR.
1 28 On or before the first day of each regular session
1 29 of the general assembly, the director of revenue shall
1 30 transmit to each member of the general assembly a
1 31 statement detailing the estimated fiscal impact to
1 32 state general fund revenues, over at least a five=year
1 33 period, resulting from the state's incorporating the
1 34 changes made by Congress to the Internal Revenue Code.
1 35 Sec. 5. Section 422.10, subsection 3, unnumbered
1 36 paragraph 2, Code 2007, is amended by striking the
1 37 unnumbered paragraph.
1 38 Sec. 6. Section 422.32, subsection 7, Code 2007,
1 39 is amended by striking the subsection.
1 40 Sec. 7. Section 422.33, subsection 5, paragraph d,
1 41 unnumbered paragraph 2, Code 2007, is amended by
1 42 striking the unnumbered paragraph.>
1 43 #2. Title page, by striking line 1 and inserting
1 44 the following: <An Act relating to coupling Iowa's
1 45 tax laws with the federal Internal Revenue Code>.
1 46
1 47
1 48
1 49 VAN FOSSEN of Scott
1 50 HF 319.301 82

House Amendment 1081 continued

2 1 mg/cf/6083

House Amendment 1082

PAG LIN

1 1 Amend House File 459 as follows:
1 2 #1. Page 1, by inserting after line 7 the
1 3 following: <Expenditures allowed under this
1 4 subsection shall not be made until all facilities
1 5 within a school district have been certified in
1 6 writing as being compliant with state and local fire
1 7 codes, safety codes, and provisions of the federal
1 8 Americans With Disabilities Act, 42 U.S.C. }
1 9 12101=12117, by an architect registered under chapter
1 10 544A or an engineer licensed under chapter 542B.>
1 11 #2. By renumbering as necessary.
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1 15 RAECKER of Polk
1 16 HF 459.501 82
1 17 ak/je/6829
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House Amendment 1083

PAG LIN

1 1 Amend House File 469 as follows:
1 2 #1. Page 1, by inserting after line 7 the
1 3 following:
1 4 <Expenditures allowed under this subsection shall
1 5 not be made until all facilities within a school
1 6 district have been certified in writing as being
1 7 compliant with state and local fire codes, safety
1 8 codes, and provisions of the federal Americans With
1 9 Disabilities Act, 42 U.S.C. } 12101=12117, by an
1 10 architect registered under chapter 544A or an engineer
1 11 licensed under chapter 542B.>
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1 14
1 15 RAECKER of Polk
1 16 HF 469.701 82
1 17 ak/gg/6830
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House Concurrent Resolution 7 - Introduced

PAG LIN

1 1 HOUSE CONCURRENT RESOLUTION NO. ___
1 2 BY FORD
1 3 A Concurrent Resolution requesting establishment of an
1 4 interim study committee by the Legislative Council to
1 5 conduct a study of issues related to accountability
1 6 and fraud in contracts or agreements between private
1 7 contractors and the State of Iowa.
1 8 WHEREAS, the State of Iowa has numerous business
1 9 agreements with private contractors to provide goods
1 10 and services to the state through purchase contracts,
1 11 requests for proposals, and other types of direct or
1 12 indirect relationships; and
1 13 WHEREAS, concern has been expressed by citizens of
1 14 this state regarding oversight of such contracts or
1 15 agreements with private entities in order to ensure
1 16 the quality and efficiency of goods and services
1 17 provided to the state by such private contractors and
1 18 to make the best possible use of taxpayer resources;
1 19 and
1 20 WHEREAS, concern has also been expressed by
1 21 citizens of this state regarding oversight of such
1 22 contracts or agreements with private contractors to
1 23 ensure that fraud does not occur pursuant to such
1 24 contracts or agreements; and
1 25 WHEREAS, the General Assembly believes that a
1 26 comprehensive study of issues related to fraud and
1 27 accountability in contracts or agreements with private
1 28 contractors by the state is necessary and in the best
1 29 interest of the economic health of the citizens of the
1 30 State of Iowa; NOW THEREFORE,

House Concurrent Resolution 7 - Introduced continued

2 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
2 2 SENATE CONCURRING, That the Legislative Council is
2 3 requested to establish an interim study committee to
2 4 conduct a comprehensive study of issues concerning the
2 5 oversight of contracts or agreements with private
2 6 contractors to ensure accountability and to prevent
2 7 fraud in such contracts or agreements; and
2 8 BE IT FURTHER RESOLVED, That the interim study
2 9 committee should be composed of 10 members consisting
2 10 of members from both political parties and both houses
2 11 of the General Assembly; and
2 12 BE IT FURTHER RESOLVED, That the committee shall
2 13 consult with staff in state agencies who have worked
2 14 on accountability measures and antifraud efforts and
2 15 the committee may consult with other groups in the
2 16 state or with staff members in other states or
2 17 national organizations that have worked on
2 18 accountability measures and antifraud efforts; and
2 19 BE IT FURTHER RESOLVED, That the committee shall be
2 20 staffed by the Legislative Services Agency, and shall
2 21 begin its deliberations following the adjournment of
2 22 the 2007 Session of the General Assembly, and shall
2 23 issue its report of recommendations by January 1,
2 24 2008.
2 25 LSB 2633YH 82
2 26 eg:nh/cf/24

House File 524 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

An Act relating to training and other technical assistance to be provided to medical assistance providers.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2567HH 82
pf/gg/14

House File 524 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.29A PROVIDER TRAINING AND
1 2 TECHNICAL ASSISTANCE.
1 3 1. Prior to implementing any new waiver and periodically
1 4 during the duration of the waiver, the department shall
1 5 provide training to the affected providers. The training
1 6 shall be comprehensive, and shall provide instruction that is
1 7 based upon consistent interpretation and uniform communication
1 8 of the program rules, provider manual, and program
1 9 expectations.
1 10 2. The department shall provide technical assistance to
1 11 providers regarding compliance with medical assistance program
1 12 rules and regulations. Medical assistance program auditors
1 13 shall provide assistance to providers, in a nonpunitive
1 14 manner, in understanding program requirements and in applying
1 15 compliance provisions.
1 16 3. For the purpose of this section, "waiver" means waiver
1 17 as defined in section 249A.29.
1 18 EXPLANATION
1 19 This bill directs the department of human services to
1 20 provide training to medical assistance providers prior to
1 21 implementing any new waiver and periodically during the
1 22 duration of the waiver. The training is to be comprehensive,
1 23 provide instruction that is based upon consistent
1 24 interpretation and uniform communication of the program rules,
1 25 provider manual, and program expectations. The bill also
1 26 directs the department to provide technical assistance to
1 27 providers regarding compliance with medical assistance program
1 28 rules and regulations, and medical assistance program auditors
1 29 are to provide assistance to providers, in a nonpunitive
1 30 manner, in understanding program requirements and in applying
1 31 compliance provisions.
1 32 LSB 2567HH 82
1 33 pf:nh/gg/14

House File 525 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 330)

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

A BILL FOR

An Act establishing an interim study committee to study the impact of unemployment on the recidivism rate of persons who have been committed to the custody of the department of corrections or assigned to the judicial district departments of correctional services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1891HV 82
jm/je/5

House File 525 - Introduced continued

PAG LIN

1 1 Section 1. LEGISLATIVE STUDY == UNEMPLOYMENT AND
1 2 RECIDIVISM. The legislative council is requested to establish
1 3 a study committee during the 2007 legislative interim to study
1 4 the impact of unemployment on the recidivism rate of persons
1 5 who have been committed to the custody of the department of
1 6 corrections or assigned to the judicial district departments
1 7 of correctional services. The study committee shall consist
1 8 of legislator members of both political parties, and
1 9 representatives of the judicial branch, the department of
1 10 corrections, the board of parole, and the judicial district
1 11 departments of correctional services. The findings of the
1 12 committee shall be reported to the general assembly by January
1 13 15, 2008.
1 14 EXPLANATION
1 15 This bill establishes an interim study committee to study
1 16 the impact of unemployment on the recidivism rate of persons
1 17 who have been committed to the custody of the department of
1 18 corrections or assigned to the judicial district departments
1 19 of correctional services.
1 20 The study committee shall consist of legislator members of
1 21 both political parties, and representatives of the judicial
1 22 branch, the department of corrections, the board of parole,
1 23 and the judicial district department of correctional services.
1 24 The findings of the committee shall be reported to the
1 25 general assembly by January 15, 2008.
1 26 LSB 1891HV 82
1 27 jm:nh/je/5

House File 526 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 174)

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

A BILL FOR

An Act relating to the department of public safety practices and procedures.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1263HV 82
jm/gg/14

House File 526 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.9, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 ~~They~~ A peace officer shall not exercise ~~their~~ the general
1 4 powers of a peace officer within the limits of any city,
1 5 except:
1 6 Sec. 2. Section 80.9, subsection 2, unnumbered paragraph
1 7 1, Code 2007, is amended to read as follows:
1 8 In more particular, ~~their~~ the duties of a peace officer
1 9 shall be as follows:
1 10 Sec. 3. Section 80.9, subsection 3, Code 2007, is amended
1 11 to read as follows:
1 12 3. ~~They~~ A peace officer may administer oaths, acknowledge
1 13 signatures, and take voluntary testimony pursuant to their
1 14 duties as provided by law.
1 15 Sec. 4. Section 81.2, subsection 6, Code 2007, is amended
1 16 to read as follows:
1 17 6. A person required to register as a sex offender shall
1 18 submit a DNA sample for DNA profiling pursuant to section
1 19 81.4.
1 20 Sec. 5. NEW SECTION. 692.3 REDISSEMINATION OF ARREST
1 21 DATA AND OTHER INFORMATION.
1 22 A criminal or juvenile justice agency may redisseminate
1 23 arrest data, and the name, photograph, physical description,
1 24 and other identifying information concerning a person who is
1 25 wanted or being sought if a warrant for the arrest of that
1 26 person has been issued. Information relating to any threat
1 27 the person may pose to the public may also be redisseminated.
1 28 The information may be redisseminated through any written,
1 29 audio, or visual means utilized by a criminal or juvenile
1 30 justice agency. Any redissemination of information pursuant
1 31 to this section shall also include the statement provided in
1 32 section 692.2, subsection 1, paragraph "b", subparagraph (5).
1 33 Sec. 6. Section 692.6, Code 2007, is amended to read as
1 34 follows:
1 35 692.6 CIVIL REMEDY.

House File 526 - Introduced continued

2 1 Any person may institute a civil action for damages under
2 2 chapter 669 or 670 or to restrain the dissemination of the
2 3 person's criminal history data or intelligence data in
2 4 violation of this chapter~~, and~~. Notwithstanding any
2 5 provisions of chapter 669 or 670 to the contrary, any person,
2 6 agency, or governmental body proven to have disseminated or to
2 7 have requested and received criminal history data or
2 8 intelligence data in violation of this chapter shall be liable
2 9 for actual damages and exemplary damages for each violation
2 10 and shall be liable for court costs, expenses, and reasonable
2 11 attorneys' fees incurred by the party bringing the action. In
2 12 no case shall the award for damages be less than one hundred
2 13 dollars.
2 14 Sec. 7. Section 692.15, subsection 3, Code 2007, is
2 15 amended to read as follows:
2 16 3. The law enforcement agency making an arrest and
2 17 securing fingerprints pursuant to section 690.2 or taking a
2 18 juvenile into custody and securing fingerprints pursuant to
2 19 section 232.148 shall fill out a final disposition report on
2 20 each arrest or taking into custody on a form and in the manner
2 21 prescribed by the commissioner of public safety. The final
2 22 disposition report shall be forwarded to the county attorney,
2 23 or at the discretion of the county attorney, to the clerk of
2 24 the district court, in the county where the arrest or taking
2 25 into custody occurred, or to the juvenile court officer who
2 26 received the referral, whichever is deemed appropriate under
2 27 the circumstances.
2 28 Sec. 8. Section 692.16, Code 2007, is amended to read as
2 29 follows:
2 30 692.16 REVIEW AND REMOVAL.
2 31 At least every year the division shall review and determine
2 32 current status of all Iowa arrests or takings into custody
2 33 reported, which are at least ~~one year~~ four years old with no
2 34 disposition data. Any Iowa arrest or taking of a juvenile
2 35 into custody recorded within a computer data storage system

House File 526 - Introduced continued

which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

Sec. 9. Section 725.9, subsection 2, Code 2007, is amended by striking the subsection.

Sec. 10. Section 725.9, subsection 3, Code 2007, is amended to read as follows:

3. "Gambling device" means a device used or adapted or designed to be used for gambling and includes, but is not limited to, roulette wheels, klondike tables, punchboards, faro layouts, keno layouts, numbers tickets, slot machines, pachislo skill=stop machine or any other similar machine or device, ~~pinball machines,~~ push cards, jar tickets and pull=tabs. However, "gambling device" does not include an antique slot machine, ~~antique pinball machine,~~ or any device regularly manufactured and offered for sale and sold as a toy, except that any use of such a toy~~,~~ or antique slot machine ~~or antique pinball machine~~ for gambling purposes constitutes unlawful gambling.

Sec. 11. Section 809A.3, subsection 4, Code 2007, is amended to read as follows:

4. Notwithstanding subsections 1 through 3, violations of chapter 321 or 321J shall not be considered conduct giving rise to forfeiture, except for violations of the following:

a. Section 321.232.

~~a.~~ b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph "b".

~~b.~~ c. Section 321J.4B, subsection 9.

EXPLANATION

This bill relates to department of public safety practices and procedures.

The amendments to Code section 80.9 enhance the readability of the Code section.

The amendment to Code section 81.2 specifies that a person required to register as a sex offender shall submit a DNA

House File 526 - Introduced continued

4 1 sample for DNA profiling.
4 2 New Code section 692.3 provides that a criminal or juvenile
4 3 justice agency may redisseminate department of public safety
4 4 arrest data, and the name, photograph, physical description,
4 5 and other identifying information concerning a person who is
4 6 wanted or being sought if a warrant for the arrest of that
4 7 person has been issued. Information relating to any threat
4 8 the person may pose to the public may also be redisseminated
4 9 under the bill.
4 10 The amendment to Code section 692.6 provides that a person
4 11 may bring a civil suit to restrain the dissemination of a
4 12 person's criminal history in violation of Code chapter 692 and
4 13 be awarded actual and exemplary damages notwithstanding Code
4 14 chapter 669 (state tort claims) or Code chapter 670 (tort
4 15 liability of governmental subdivisions).
4 16 The amendment to Code section 692.15 grants the county
4 17 attorney discretion to decide whether the final disposition
4 18 report of an arrest made in the county is forwarded to the
4 19 county attorney, or to the clerk of the district court in the
4 20 county where the arrest was made or to a juvenile court
4 21 officer who received the referral, whichever is deemed
4 22 appropriate under the circumstances. Under current law the
4 23 final disposition report shall be forwarded by the law
4 24 enforcement agency making the arrest to the county attorney in
4 25 the county of arrest or to the juvenile court officer who
4 26 received the referral.
4 27 The amendment to Code section 692.16 provides that the
4 28 department of public safety shall annually review all arrests
4 29 or takings into custody which are at least four years old with
4 30 no disposition data. Current law provides the department
4 31 shall annually review all arrests or takings into custody
4 32 which are at least one year old with no disposition data.
4 33 The amendment to Code section 725.9 strikes the definition
4 34 of "antique pinball machine" and defines a pachislo skill=stop
4 35 machine as a "gambling device". The amendment to Code section

House File 526 - Introduced continued

5 1 725.9 also strikes "pinball machine" from the definition of
5 2 gambling device. The definition of "gambling device" in Code
5 3 section 725.9 also applies to Code chapter 99A (possession of
5 4 gambling device) and 99B (games of skill or chance).
5 5 The amendment to Code section 809A.3 provides that a person
5 6 who violates Code section 321.232 (radar jamming devices) may
5 7 be subject to a forfeiture action. Current law prohibits a
5 8 forfeiture action for violations of Code chapter 321 (motor
5 9 vehicles and laws of the road).
5 10 LSB 1263HV 82
5 11 jm:rj/gg/14

House File 527 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 115)

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

A BILL FOR

An Act creating a statewide preschool program for four=year=old children and making appropriations.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1231HV 82
jp/je/5

House File 527 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 STATEWIDE PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD
1 3 CHILDREN
1 4 Section 1. NEW SECTION. 256C.1 DEFINITIONS.
1 5 As used in this chapter:
1 6 1. "Approved local program" means a school district's
1 7 program for four=year=old children approved by the department
1 8 of education to provide high quality preschool instruction.
1 9 2. "Department" means the department of education.
1 10 3. "Director" means the director of the department of
1 11 education.
1 12 4. "Preschool program" means the statewide preschool
1 13 program for four=year=old children created in accordance with
1 14 this chapter.
1 15 5. "School district approved to participate in the
1 16 preschool program" means a school district that meets the
1 17 school district requirements under section 256C.3 and has been
1 18 approved by the department to participate in the preschool
1 19 program.
1 20 6. "State board" means the state board of education.
1 21 Sec. 2. NEW SECTION. 256C.2 STATEWIDE PRESCHOOL PROGRAM
1 22 FOR FOUR=YEAR=OLD CHILDREN == PURPOSE.
1 23 1. A statewide preschool program for four=year=old
1 24 children is established. The purpose of the preschool program
1 25 is to provide an opportunity for all young children in the
1 26 state to enter school ready to learn by expanding voluntary
1 27 access to quality preschool curricula for all children who are
1 28 four years old.
1 29 2. The state board shall adopt rules in accordance with
1 30 chapter 17A as necessary to implement the preschool program as
1 31 provided in this chapter.
1 32 Sec. 3. NEW SECTION. 256C.3 PRESCHOOL PROGRAM
1 33 REQUIREMENTS.
1 34 1. ELIGIBLE CHILDREN. A child who is a resident of Iowa
1 35 and is four years of age by September 15 of a school year

House File 527 - Introduced continued

2 1 shall be eligible to enroll in the preschool program under
2 2 this chapter. If space and funding are available, a school
2 3 district approved to participate in the preschool program may
2 4 enroll a younger or older child in the preschool program;
2 5 however, the child shall not be counted for state funding
2 6 purposes.
2 7 2. TEACHER REQUIREMENTS.
2 8 a. An individual serving as a teacher in the preschool
2 9 program must meet all of the following qualifications:
2 10 (1) The individual is either employed by or under contract
2 11 with the school district implementing the program.
2 12 (2) The individual is appropriately licensed under chapter
2 13 272 and meets requirements under chapter 284.
2 14 (3) The individual possesses a bachelor's or graduate
2 15 degree from an accredited college or university with a major
2 16 in early childhood education or other appropriate major
2 17 identified in rule by the department.
2 18 b. A teacher in the preschool program shall collaborate
2 19 with other agencies, organizations, and boards in the
2 20 community to further the program's capacity to meet the
2 21 diverse needs of the children taught by the teacher and the
2 22 families of the children, such as needs for early care,
2 23 health, and human services. In addition, a teacher in the
2 24 preschool program shall work to maintain relationships with
2 25 each child's family in order to enhance the child's
2 26 development in all settings by collaborating with providers of
2 27 parent education and family support opportunities.
2 28 3. PROGRAM REQUIREMENTS. The state board shall adopt
2 29 rules to further define the following preschool program
2 30 requirements which shall be used to determine whether or not a
2 31 local program implemented by a school district approved to
2 32 implement the preschool program qualifies as an approved local
2 33 program:
2 34 a. Maximum and minimum teacher=to=child ratios and class
2 35 sizes.

House File 527 - Introduced continued

3 1 b. Applicable state and federal program standards.
3 2 c. Student learning standards.
3 3 d. Provisions for the integration of children from other
3 4 state and federally funded preschools.
3 5 e. Collaboration with participating families, early care
3 6 providers, and community partners including but not limited to
3 7 community empowerment area boards, head start programs, shared
3 8 visions and other programs provided under the auspices of the
3 9 child development coordinating council, licensed child care
3 10 centers, registered child development homes, area education
3 11 agencies, child care resource and referral services provided
3 12 under section 237A.26, early childhood special education
3 13 programs, services funded by Title I of the federal Elementary
3 14 and Secondary Education Act of 1965, and family support
3 15 programs.
3 16 f. A minimum of ten hours per week of instruction
3 17 delivered on the skills and knowledge included in the student
3 18 learning standards developed for the preschool program.
3 19 g. Parental involvement in the local program.
3 20 h. Provision for ensuring that children receiving care
3 21 from other child care arrangements can participate in the
3 22 preschool program with minimal disruption due to
3 23 transportation and movement from one site to another.
3 24 4. SCHOOL DISTRICT REQUIREMENTS. The state board shall
3 25 adopt rules to further define the following requirements of
3 26 school districts implementing the preschool program:
3 27 a. Methods of demonstrating community readiness to
3 28 implement high=quality instruction in a local program shall be
3 29 identified. The potential provider shall submit a
3 30 collaborative program proposal that demonstrates the
3 31 involvement of multiple community stakeholders including but
3 32 not limited to, and only as applicable, parents, the school
3 33 district, accredited nonpublic schools and faith=based
3 34 representatives, the area education agency, the community
3 35 empowerment area board, representatives of business, head

House File 527 - Introduced continued

4 1 start programs, shared visions and other programs provided
4 2 under the auspices of the child development coordinating
4 3 council, center=based and home=based providers of child care
4 4 services, human services, public health, and economic
4 5 development programs. The methods may include but are not
4 6 limited to a school district providing evidence of a public
4 7 hearing on the proposed programming and written documentation
4 8 of collaboration agreements between the school district,
4 9 existing community providers, and other community stakeholders
4 10 addressing operational procedures and other critical measures.
4 11 b. Subject to implementation of agreements between a
4 12 school district and community=based providers of services to
4 13 four=year=old children, a four=year=old child who is enrolled
4 14 in a child care center or child development home licensed or
4 15 registered under chapter 237A, or in an existing public or
4 16 private preschool program, shall be eligible for services
4 17 provided by the school district's local preschool program.
4 18 c. A school district shall participate in data collection
4 19 and performance measurement processes and reporting as defined
4 20 by rule.
4 21 d. Career development for school district preschool
4 22 teachers shall be addressed in the school district's career
4 23 development plan implemented in accordance with section 284.6.
4 24 5. DEPARTMENT REQUIREMENTS.
4 25 a. The department shall implement an application and
4 26 selection process for school district participation in the
4 27 preschool program that includes but is not limited to the
4 28 enrollment requirements provided under section 256C.4.
4 29 b. The department shall track the progress of students
4 30 served by a school district preschool program and the
4 31 students' performance in elementary and secondary education.
4 32 c. The department shall implement procedures to monitor
4 33 the quality of the programming provided under the preschool
4 34 program.
4 35 Sec. 4. NEW SECTION. 256C.4 FUNDING PROVISIONS ==

House File 527 - Introduced continued

5 1 ENROLLMENT.
5 2 1. GENERAL.
5 3 a. State funding provided under the preschool program
5 4 shall be based upon the enrollment of eligible students in the
5 5 preschool programming provided by a school district approved
5 6 to participate in the preschool program.
5 7 b. A school district approved to participate in the
5 8 preschool program may authorize expenditures for the
5 9 district's preschool programming from any of the revenue
5 10 sources available to the district from the sources listed in
5 11 chapter 298A, provided the expenditures are within the uses
5 12 permitted for the revenue source. In addition, the use of the
5 13 revenue source for preschool or prekindergarten programming
5 14 must have been approved prior to any expenditure from the
5 15 revenue source for the district's approved local program.
5 16 c. Funding provided under the preschool program is
5 17 intended to supplement, not supplant, existing public funding
5 18 for preschool programming.
5 19 d. Preschool foundation aid funding shall not be
5 20 commingled with the other state aid payments made under
5 21 section 257.16 to a school district and shall be accounted for
5 22 by the local school district separately from the other state
5 23 aid payments. Preschool foundation aid payments made to
5 24 school districts are miscellaneous income for purposes of
5 25 chapter 257. A school district shall maintain a separate
5 26 listing within its budget for preschool foundation aid
5 27 payments received and expenditures made. A school district
5 28 shall certify to the department of education that preschool
5 29 foundation aid funding received by the school district was
5 30 used to supplement, not supplant, moneys otherwise received
5 31 and used by the school district for preschool programming.
5 32 e. Preschool foundation aid funding shall not be used for
5 33 the costs of constructing a facility in connection with an
5 34 approved local program.
5 35 2. ELIGIBLE STUDENT ENROLLMENT.

House File 527 - Introduced continued

6 1 a. To be included as an eligible student in the enrollment
6 2 count of the preschool programming provided by a school
6 3 district approved to participate in the preschool program, a
6 4 child must be four years of age by September 15 in the base
6 5 year and attending the school district's approved local
6 6 program.
6 7 b. The enrollment count of eligible students shall not
6 8 include a child who is included in the enrollment count
6 9 determined under section 257.6 or a child who is served by a
6 10 program already receiving state or federal funds for the
6 11 purpose of the provision of four=year=old preschool
6 12 programming. Such preschool programming includes but is not
6 13 limited to child development assistance programs provided
6 14 under chapter 256A, special education programs provided under
6 15 section 256B.9, school ready children grant programs and other
6 16 programs provided under chapter 28, and federal head start
6 17 programs and the services funded by Title I of the federal
6 18 Elementary and Secondary Education Act of 1965.
6 19 Sec. 5. NEW SECTION. 256C.5 FUNDING FORMULA.
6 20 1. DEFINITIONS. For the purposes of this section and
6 21 section 256C.4:
6 22 a. "Base year", "budget year", "regular program state cost
6 23 per pupil", and "school district" mean the same as defined or
6 24 described in chapter 257.
6 25 b. "Eligible student" means a child who meets eligibility
6 26 requirements under section 256C.4.
6 27 c. "Preschool budget enrollment" means the figure that is
6 28 equal to sixty percent of the actual enrollment of eligible
6 29 students in the preschool programming provided by a school
6 30 district approved to participate in the preschool program on
6 31 October 1 of the base year, or the first Monday in October if
6 32 October 1 falls on a Saturday or Sunday.
6 33 d. "Preschool foundation aid" means the product of the
6 34 regular program state cost per pupil for the budget year
6 35 multiplied by the school district's preschool budget

House File 527 - Introduced continued

7 1 enrollment.
7 2 2. PRESCHOOL FOUNDATION AID DISTRICT AMOUNT.
7 3 a. For the initial school year for which a school district
7 4 approved to participate in the preschool program receives that
7 5 approval and implements the preschool program, the funding for
7 6 the preschool foundation aid payable to that school district
7 7 shall be paid from the appropriation made for that school year
7 8 in section 256C.6. For that school year, the preschool
7 9 foundation aid payable to the school district is the product
7 10 of the regular program state cost per pupil for the school
7 11 year multiplied by sixty percent of the school district's
7 12 eligible student enrollment on the date in the school year
7 13 determined by rule.
7 14 b. For budget years subsequent to the initial school year
7 15 for which a school district approved to participate in the
7 16 preschool program receives that approval and implements the
7 17 preschool program, the funding for the preschool foundation
7 18 aid payable to that school district shall be paid from the
7 19 appropriation made in section 257.16.
7 20 3. AID PAYMENTS. Preschool foundation aid shall be paid
7 21 as part of the state aid payments made to school districts in
7 22 accordance with section 257.16.
7 23 4. ADMINISTRATION AND OVERSIGHT. Except as otherwise
7 24 provided by law for a fiscal year, of the amount appropriated
7 25 for that fiscal year for payment of preschool foundation aid
7 26 statewide, the department may use not more than two and
7 27 one=quarter percent for the costs of administration and
7 28 oversight of the preschool program.
7 29 Sec. 6. NEW SECTION. 256C.6 PHASE=IN == APPROPRIATIONS.
7 30 1. PHASE=IN. For the initial fiscal year in which a
7 31 school district participates in the preschool program pursuant
7 32 to an appropriation provided in subsection 2, the department
7 33 shall apply a modified set of the requirements of the
7 34 provisions of this chapter relating to preschool program
7 35 implementation, preschool enrollment reporting, and

8 1 distribution of funding as necessary to begin the distribution
8 2 in that fiscal year and additional program implementation in
8 3 the next fiscal year. For each month after September 1, in
8 4 the initial fiscal year that a school district approved to
8 5 participate in the preschool program begins programming, the
8 6 department shall reduce the preschool foundation aid payable
8 7 to the school district by one=tenth of the amount that would
8 8 otherwise have been payable to the school district for the
8 9 full school year.
8 10 2. APPROPRIATIONS FOR INITIAL YEARS. There is
8 11 appropriated from the general fund of the state to the
8 12 department of education for the designated fiscal years the
8 13 following amounts, or so much thereof as is necessary, to be
8 14 used for the initial year preschool foundation aid payments to
8 15 school districts approved to participate in the preschool
8 16 program and administrative costs:
8 17 a. For the fiscal year beginning July 1, 2007, and ending
8 18 June 30, 2008, fifteen million dollars.
8 19 b. For the fiscal year beginning July 1, 2008, and ending
8 20 June 30, 2009, fifteen million dollars.
8 21 c. For the fiscal year beginning July 1, 2009, and ending
8 22 June 30, 2010, fifteen million dollars.
8 23 d. For the fiscal year beginning July 1, 2010, and ending
8 24 June 30, 2011, sixteen million one hundred sixty=two thousand
8 25 five hundred dollars.
8 26 3. INSUFFICIENT FUNDING. For the fiscal years in the
8 27 period beginning July 1, 2007, and ending June 30, 2011, if
8 28 the number of requests from school districts for initial
8 29 participation in the preschool program exceeds the funding
8 30 made available for the preschool program, the department shall
8 31 utilize all of the following selection criteria in selecting
8 32 the school districts that will be approved to participate in
8 33 the preschool program:
8 34 a. Priority shall be given to school districts that do not
8 35 have existing preschool programming within the school district
9 1 boundaries.
9 2 b. Priority shall be given to school districts that have a
9 3 high percentage of children in poverty and such children shall
9 4 receive first priority for the programs.
9 5 c. Consideration shall be given to the size of school
9 6 districts in large, medium, and small categories in order for
9 7 there to be equitable statewide distribution of preschool
9 8 program services.
9 9 d. Consideration shall be given to school districts with
9 10 established, high=quality, community partnerships for the
9 11 delivery of preschool programming that are seeking to expand
9 12 access.
9 13 4. REPEAL. This section is repealed July 1, 2011.
9 14 DIVISION II
9 15 CONFORMING AMENDMENTS
9 16 Sec. 7. Section 256.11, subsection 1, Code 2007, is
9 17 amended by adding the following new unnumbered paragraph:
9 18 NEW UNNUMBERED PARAGRAPH. For the purposes of this
9 19 subsection, "prekindergarten program" includes but is not
9 20 limited to a school district's implementation of the preschool
9 21 program established pursuant to chapter 256C.

9 22 Sec. 8. Section 257.16, subsection 1, Code 2007, is
9 23 amended to read as follows:
9 24 1. There is appropriated each year from the general fund
9 25 of the state an amount necessary to pay the foundation aid
9 26 under this chapter, the preschool foundation aid under chapter
9 27 256C, supplementary aid under section 257.4, subsection 2, and
9 28 adjusted additional property tax levy aid under section
9 29 257.15, subsection 4.
9 30 Sec. 9. Section 285.1, subsection 1, paragraph c, Code
9 31 2007, is amended to read as follows:
9 32 c. Children attending prekindergarten programs offered or
9 33 sponsored by the district or nonpublic school and approved by
9 34 the department of education or department of human services or
9 35 children participating in preschool in an approved local

House File 527 - Introduced continued

10 1 program under chapter 256C may be provided transportation
10 2 services. However, transportation services provided nonpublic
10 3 school children are not eligible for reimbursement under this
10 4 chapter.
10 5 Sec. 10. EMERGENCY RULES. The department of education may
10 6 adopt emergency rules under section 17A.4, subsection 2, and
10 7 section 17A.5, subsection 2, paragraph "b", to implement the
10 8 provisions of this Act and the rules shall be effective
10 9 immediately upon filing unless a later date is specified in
10 10 the rules. Any rules adopted in accordance with this section
10 11 shall also be published as a notice of intended action as
10 12 provided in section 17A.4.
10 13 EXPLANATION
10 14 This bill creates a statewide preschool program for
10 15 four=year=old children. The bill is divided into divisions.
10 16 STATEWIDE PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD CHILDREN.
10 17 This division creates the program and makes appropriations in
10 18 new Code chapter 256C. The program is to be administered by
10 19 the department of education and the state board of education.
10 20 New Code section 256C.1 provides definitions.
10 21 New Code section 256C.2 lays out the purpose for the
10 22 program and authorizes the state board to adopt rules to
10 23 implement the program and the state funding for the program.
10 24 New Code section 256C.3 lists the program requirements
10 25 required to be adopted in rule. The requirements address
10 26 child eligibility, teacher requirements, program requirements,
10 27 school district requirements, and departmental requirements.
10 28 New Code section 256C.4 identifies general funding
10 29 provisions and specifies how eligible student enrollment for
10 30 the preschool program is determined. A school district is
10 31 authorized to use various school district funds for the
10 32 program provided the use is permitted for the revenue source
10 33 and the preschool use has been approved in advance.
10 34 The state preschool foundation aid cannot be commingled
10 35 with other state school aid funding and a school district is

House File 527 - Introduced continued

11 1 required to list the preschool program revenues and
11 2 expenditures separately in the district budget.
11 3 New Code section 256C.5 establishes a funding formula for
11 4 the program, based on elements of the school foundation
11 5 formula under Code chapter 257. For the initial school year
11 6 that a school district is approved to participate in the
11 7 preschool program, the school district receives funding based
11 8 on the preschool program enrollment for that school year. For
11 9 subsequent budget years, the aid is based on the prior year's
11 10 preschool enrollment. Not more than 2.25 percent of the
11 11 preschool foundation aid for a fiscal year is set aside for
11 12 department of education administrative costs associated with
11 13 the preschool program. Preschool foundation aid payments are
11 14 required to be made as part of the school aid payments under
11 15 Code chapter 257.
11 16 New Code section 256C.6 provides for phase=in of the
11 17 program beginning during fiscal year 2007=2008 and makes
11 18 standing limited appropriations for four fiscal years. For
11 19 fiscal year 2007=2008, the department is authorized to modify
11 20 other requirements in new Code chapter 256C as necessary to
11 21 distribute funding in that fiscal year. The appropriations
11 22 made in this section are for payment of the initial year a
11 23 school district receives a preschool foundation aid payment.
11 24 In subsequent years, this preschool foundation aid payment
11 25 becomes part of the school foundation formula.
11 26 CONFORMING AMENDMENTS. This division provides conforming
11 27 amendments for the changes made by the bill.
11 28 The bill amends Code section 256.11, relating to
11 29 educational standards for schools adopted by the state board
11 30 of education, to provide that a prekindergarten also includes
11 31 a preschool program implemented in accordance with the bill.
11 32 Code section 285.1, relating to state aid to schools for
11 33 transportation, is amended to include the children
11 34 participating in preschool in an approved local program under
11 35 the preschool program in the state aid funding authorization.

House File 527 - Introduced continued

12 1 The department of education is authorized to utilize
12 2 emergency procedures to adopt rules to implement the
12 3 provisions of the bill without public comment periods or
12 4 review by the administrative rules review committee.
12 5 LSB 1231HV 82
12 6 jp:nh/je/5

House File 528 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 93)

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

A BILL FOR

An Act relating to the regulation of hospitals and health care facilities by the department of inspections and appeals, including investigations of complaints against health care facilities and rules relating to authentication of certain orders by practitioners, and providing an immediate effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1380HV 82
nh/je/5

House File 528 - Introduced continued

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1 1 Section 1. Section 135B.7A, Code 2007, is amended to read
1 2 as follows:
1 3 135B.7A PROCEDURES == ORDERS.
1 4 The department shall adopt rules that require hospitals to
1 5 establish procedures for authentication of ~~medication and~~
~~1 6 standing~~ all verbal orders by a practitioner within a period
1 7 not to exceed thirty days following a patient's discharge.
1 8 Sec. 2. Section 135C.38, subsection 1, paragraph a, Code
1 9 2007, is amended to read as follows:
1 10 a. Upon receipt of a complaint made in accordance with
1 11 section 135C.37, the department or resident advocate committee
1 12 shall make a preliminary review of the complaint. Unless the
1 13 department or committee concludes that the complaint is
1 14 intended to harass a facility or a licensee or is without
1 15 reasonable basis, ~~it~~ the department or committee shall ~~within~~
~~1 16 twenty working days of receipt of the complaint~~ make or cause
1 17 to be made an on=site inspection of the health care facility
1 18 which is the subject of the complaint~~.~~ within the time period
1 19 determined pursuant to the following guidelines, which period
1 20 shall commence on the date of receipt of the complaint:
1 21 (1) For nursing facilities, an onsite inspection shall be
1 22 initiated as follows:
1 23 (a) Within two working days for a complaint determined by
1 24 the department or committee to be an alleged immediate
1 25 jeopardy situation.
1 26 (b) Within ten working days for a complaint determined by
1 27 the department or committee to be an alleged high=level,
1 28 nonimmediate jeopardy situation.
1 29 (c) Within forty=five calendar days for a complaint
1 30 determined by the department or committee to be an alleged
1 31 nonimmediate jeopardy situation, other than a high=level
1 32 situation.
1 33 (2) For all other types of health care facilities, an
1 34 onsite inspection shall be initiated as follows:
1 35 (a) Within two working days for a complaint determined by

House File 528 - Introduced continued

2 1 the department or committee to be an alleged immediate
2 2 jeopardy situation.
2 3 (b) Within twenty working days for a complaint determined
2 4 by the department or committee to be an alleged high=level,
2 5 nonimmediate jeopardy situation.
2 6 (c) Within forty=five calendar days for a complaint
2 7 determined by the department or committee to be an alleged
2 8 nonimmediate jeopardy situation, other than a high=level
2 9 situation.
2 10 Sec. 3. 2001 Iowa Acts, chapter 93, section 2, is
2 11 repealed.
2 12 Sec. 4. EFFECTIVE DATE. The section of this Act repealing
2 13 2001 Iowa Acts, chapter 93, section 2, being deemed of
2 14 immediate importance, takes effect upon enactment.
2 15 EXPLANATION
2 16 This bill relates to the regulation of hospitals and health
2 17 care facilities by the department of inspections and appeals.
2 18 The bill amends a provision requiring the department to
2 19 adopt rules requiring hospitals to establish procedures for
2 20 authentication of medication and standing orders by a
2 21 practitioner. The bill specifies that the authentication
2 22 procedure shall be established for all verbal orders.
2 23 The bill modifies the required time frames for initiating
2 24 investigations into complaints against health care facilities.
2 25 The bill removes the requirement that such investigations
2 26 commence within 20 days of receipt of a complaint and makes
2 27 the time frames dependent on the alleged severity of the
2 28 situation and the type of facility.
2 29 The bill repeals a sunset provision that would have
2 30 repealed, as of June 30, 2007, a provision directing the
2 31 department to adopt rules that require hospitals to establish
2 32 procedures for authentication of medication and standing
2 33 orders by a practitioner within a period not to exceed 30 days
2 34 following a patient's discharge. This section of the bill
2 35 takes effect upon enactment.

House File 528 - Introduced continued

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  3  1 LSB 1380HV 82
  3  2 nh:sc/je/5
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House File 529 - Introduced

HOUSE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 179)

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

A BILL FOR

1 An Act relating to cooperative associations, by providing for
2 documentation, including certificates and statements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2264HV 82
5 da/je/5

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House File 528 - Introduced continued

Section 1. Section 499.15, Code 2007, is amended to read as follows:

499.15 CONTENTS OF CERTIFICATES.

The association ~~shall~~ may issue certificates of membership or stock, each of which states the fixed dividend, if any, and the restrictions or limitations upon its ownership, voting, transfer, redemption, or cancellation.

Sec. 2. Section 499.16, Code 2007, is amended to read as follows:

499.16 SUBSCRIPTIONS == ISSUING CERTIFICATES.

If permitted by the association's articles of incorporation, any eligible subscriber for common stock or membership may vote and be treated as a member after making part payment of the amount, if any, required to be paid for the common stock or membership in cash, giving the subscriber's note for the balance, and satisfying any other requirement for the subscription as set forth in the articles. A subscription may be forfeited as provided in section 499.32. Stock or ~~a~~ membership ~~certificate~~ shall not be issued until payment of the amount, if any, required to be paid for the stock or membership ~~certificate~~ is fully made. A subscriber shall not hold office until the ~~subscriber's certificate~~ association has ~~been~~ issued the subscriber stock or membership.

Sec. 3. Section 499.17, Code 2007, is amended to read as follows:

499.17 TRANSFER OF STOCK OR MEMBERSHIP.

No common stock shall be transferable, unless the articles expressly provide for transfer to others eligible for membership. Such provision may require that the transfer be preceded by an offer to the association, or be otherwise restricted. No nonstock membership shall be transferable, and ~~all~~ if the association issues certificates ~~thereof~~ of membership or stock to a member, the certificates shall be surrendered to the association on the member's voluntary

House File 528 - Introduced continued

2 1 withdrawal.
2 2 Sec. 4. Section 499.44, subsection 3, Code 2007, is
2 3 amended to read as follows:
2 4 3. Articles of incorporation, amendments to articles, or
2 5 renewal of articles must be filed with the secretary of state~~,~~
~~2 6 and recorded in the county where the association has its~~
~~2 7 principal place of business, as required by the general~~
~~2 8 corporation laws~~. The association's corporate existence shall
2 9 begin upon approval by the secretary of state of the articles
2 10 and issuance of the certificate of incorporation.
2 11 Sec. 5. Section 499.47, subsection 3, Code 2007, is
2 12 amended to read as follows:
2 13 3. Upon the expiration or voluntary dissolution of an
2 14 association, the members shall designate three of their number
2 15 as trustees to replace the officers and directors and wind up
2 16 its affairs. The trustees shall have all the powers of the
2 17 board, including the power to sell and convey real or personal
2 18 property and execute conveyances. Within the time fixed in
2 19 their designation, or any extension of that time, the trustees
2 20 shall liquidate the association's assets, pay its debts and
2 21 expenses, and distribute remaining funds among the members.
2 22 Upon distribution of remaining assets the association shall
2 23 stand dissolved and cease to exist. The trustees shall make
2 24 and sign a duplicate report of the dissolution. One copy of
2 25 the report shall be filed with the secretary of state ~~and one~~
~~2 26 copy of the report shall be filed with the recorder of the~~
~~2 27 county where the articles were recorded~~.
2 28 Sec. 6. NEW SECTION. 499.73A CHANGE OF PRINCIPAL OFFICE.
2 29 An association may change its principal office by
2 30 delivering to the secretary of state for filing a statement of
2 31 change that sets forth all of the following:
2 32 1. The name of the association.
2 33 2. The street address of its current principal office.
2 34 3. The street address of its new principal office.
2 35 EXPLANATION

House File 528 - Introduced continued

This bill amends provisions relating to cooperative associations organized under Code chapter 499. Code section 499.15 requires that an association issue certificates of membership or stock. The bill permits an association to issue a certificate, but eliminates the requirement. It retains related requirements that prevents a cooperative from issuing stock or a membership until payment for the interest is made, and prevent a subscriber from holding office until the association issues the stock or membership, but eliminates references to certificates.

Code section 499.44 currently requires that articles of incorporation, amendments to articles, or the renewal of articles must be filed with the secretary of state and in the county where the association has its principal place of business. The bill eliminates the requirement that articles of incorporation be filed with a county recorder. Code section 499.47 provides a related requirement that trustees winding up the affairs of an association during dissolution file a report with the secretary of state and the county recorder. The bill eliminates the requirement for filing the report with the county recorder.

Code section 499.40 provides that a cooperative's articles of incorporation must provide the address of its principal office. The bill provides that a cooperative that changes its principal office must notify the secretary of state of the change, instead of presumably amending its articles of incorporation, and filing the amendment with the secretary of state. The process would be similar to a cooperative changing the name of its registered office or agent under Code section 499.73.

LSB 2264HV 82
da:nh/je/5

House File 530 - Introduced

HOUSE FILE
BY COHOON

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

A BILL FOR

An Act requiring school districts to provide school superintendents and other administrators with training to identify gifted and talented students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2337HH 82
ak/es/88

House File 530 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.43, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7A. Training for school superintendents
1 4 and other school administrators to identify gifted and
1 5 talented children as defined in section 257.44.
1 6 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 7 with section 25B.2, subsection 3, the state cost of requiring
1 8 compliance with any state mandate included in this Act shall
1 9 be paid by a school district from state school foundation aid
1 10 received by the school district under section 257.16. This
1 11 specification of the payment of the state cost shall be deemed
1 12 to meet all the state funding=related requirements of section
1 13 25B.2, subsection 3, and no additional state funding shall be
1 14 necessary for the full implementation of this Act by and
1 15 enforcement of this Act against all affected school districts.
1 16 EXPLANATION
1 17 This bill requires school districts to add training for
1 18 school superintendents and other school administrators to
1 19 identify gifted and talented students in the program plans
1 20 that school districts submit as part of the school improvement
1 21 plans required pursuant to Code section 256.7, subsection 21,
1 22 paragraph "a".
1 23 The bill may include a state mandate as defined in Code
1 24 section 25B.3. The bill requires that the state cost of any
1 25 state mandate included in the bill be paid by a school
1 26 district from state school foundation aid received by the
1 27 school district under Code section 257.16. The specification
1 28 is deemed to constitute state compliance with any state
1 29 mandate funding=related requirements of Code section 25B.2.
1 30 The inclusion of this specification is intended to reinstate
1 31 the requirement of political subdivisions to comply with any
1 32 state mandates included in the bill.
1 33 LSB 2337HH 82
1 34 ak:nh/es/88

House File 531 - Introduced

HOUSE FILE
BY SHOMSHOR and WESSEL=KROESCHELL

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

A BILL FOR

An Act relating to the amount of the earned income tax credit under the individual income tax and including a retroactive applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2788HH 82
mg/gg/14

House File 531 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12B, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to ~~six and one-half~~ fifteen percent of the
1 6 federal earned income credit provided in section 32 of the
1 7 Internal Revenue Code. Any credit in excess of the tax
1 8 liability is nonrefundable.
1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 10 retroactively to January 1, 2007, for tax years beginning on
1 11 or after that date.
1 12 EXPLANATION
1 13 This bill increases the state earned income tax credit from
1 14 6.5 percent to 15 percent of the federal earned income tax
1 15 credit.
1 16 The bill applies retroactively to January 1, 2007, for tax
1 17 years beginning on or after that date.
1 18 LSB 2788HH 82
1 19 mg:rj/gg/14

House File 532 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

An Act relating to unfair or discriminatory employment practices based upon a person's marital or family status.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2454HH 82
rh/je/5

House File 532 - Introduced continued

PAG LIN

1 1 Section 1. Section 216.6, subsection 1, paragraphs a and
1 2 c, Code 2007, are amended to read as follows:
1 3 a. Person to refuse to hire, accept, register, classify,
1 4 or refer for employment, to discharge any employee, or to
1 5 otherwise discriminate in employment against any applicant for
1 6 employment or any employee because of the age, race, creed,
1 7 color, sex, marital or family status, national origin,
1 8 religion, or disability of such applicant or employee, unless
1 9 based upon the nature of the occupation. If a person with a
1 10 disability is qualified to perform a particular occupation, by
1 11 reason of training or experience, the nature of that
1 12 occupation shall not be the basis for exception to the unfair
1 13 or discriminating practices prohibited by this subsection.
1 14 c. Employer, employment agency, labor organization, or the
1 15 employees, agents, or members thereof to directly or
1 16 indirectly advertise or in any other manner indicate or
1 17 publicize that individuals of any particular age, race, creed,
1 18 color, sex, marital or family status, national origin,
1 19 religion, or disability are unwelcome, objectionable, not
1 20 acceptable, or not solicited for employment or membership
1 21 unless based on the nature of the occupation. If a person
1 22 with a disability is qualified to perform a particular
1 23 occupation by reason of training or experience, the nature of
1 24 that occupation shall not be the basis for exception to the
1 25 unfair or discriminating practices prohibited by this
1 26 subsection.
1 27 An employer, employment agency, or their employees,
1 28 servants, or agents may offer employment or advertise for
1 29 employment to only persons with disabilities, when other
1 30 applicants have available to them other employment compatible
1 31 with their ability which would not be available to persons
1 32 with disabilities because of their disabilities. Any such
1 33 employment or offer of employment shall not discriminate among
1 34 persons with disabilities on the basis of race, color, creed,
1 35 sex, marital or family status, or national origin.

House File 532 - Introduced continued

EXPLANATION

This bill relates to unfair or discriminatory employment practices based upon a person's marital or family status.

The bill prohibits unfair or discriminatory employment practices relating to the hiring, employment, and discharge of a person based upon the person's marital or family status.

The bill prohibits an employer, employment agency, or labor organization from directly or indirectly advertising or in any other manner indicating or publicizing that persons of any particular marital or family status are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

The bill prohibits an employer or employment agency from discriminating among persons with disabilities on the basis of marital or family status.

LSB 2454HH 82
rh:nh/je/5.1

House File 533 - Introduced

HOUSE FILE
BY SHOMSHOR

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

A BILL FOR

An Act requiring automatic sprinkler systems in school buildings.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2135YH 82
eg/je/5

House File 533 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 100.39A AUTOMATIC SPRINKLER
1 2 SYSTEMS IN SCHOOLS.
1 3 1. a. A school approved for construction after July 1,
1 4 2007, shall have an approved automatic sprinkler system, as
1 5 defined in section 100C.1, designed and installed in
1 6 conformity with rules promulgated by the state fire marshal
1 7 pursuant to this chapter. The rules shall require compliance
1 8 with national fire protection association standards. A
1 9 governmental subdivision shall not issue a certificate of
1 10 occupancy or use absent compliance with this section by the
1 11 school.
1 12 b. For purposes of this section, "school" means a public
1 13 or private school which provides teaching for any grade from
1 14 kindergarten through grade twelve.
1 15 2. A school that is in existence or under construction on
1 16 July 1, 2007 shall have an approved automatic sprinkler system
1 17 designed and installed in conformity with rules promulgated by
1 18 the state fire marshal pursuant to this chapter on or before
1 19 July 1, 2012. A school that has an approved automatic fire
1 20 extinguishing system installed pursuant to section 100.39
1 21 shall be deemed in compliance with this section.
1 22 3. Plans and installation of automatic sprinkler systems
1 23 shall be approved by the state fire marshal, a designee of the
1 24 state fire marshal, or local authorities having jurisdiction.
1 25 Except where local fire protection regulations are more
1 26 stringent, the provisions of this section shall be applicable
1 27 to all schools. The definition of terms shall be in
1 28 conformity, insofar as possible, with definitions found in the
1 29 state building code adopted pursuant to section 103A.7.
1 30 4. The state fire marshal may implement a program of
1 31 inspections to monitor compliance with this section. Upon
1 32 inspection, the state fire marshal shall issue a written
1 33 notice to the school of compliance or noncompliance with this
1 34 section.
1 35 Sec. 2. CONTINGENT EFFECTIVENESS. This Act shall not take

House File 533 - Introduced continued

2 1 effect unless an appropriation is enacted or the state's share
2 2 of the cost of this Act is specified in accordance with
2 3 section 25B.2, subsection 3.
2 4 EXPLANATION
2 5 This bill requires that all school buildings constructed
2 6 after July 1, 2007, have an automatic sprinkler system. The
2 7 bill requires that school buildings in existence on or being
2 8 constructed as of July 1, 2007, have automatic sprinkler
2 9 systems installed on or before July 1, 2012. Schools that
2 10 already have an automatic fire extinguishing system installed
2 11 pursuant to Code section 100.39 are deemed to be in compliance
2 12 with the automatic sprinkler system requirement.
2 13 The bill requires that the automatic sprinkler systems meet
2 14 the national fire protection association standards. The bill
2 15 also requires that the plans and installation of the automatic
2 16 sprinkler systems be approved by the state fire marshal, a
2 17 designee of the state fire marshal, or local authorities
2 18 having jurisdiction. If local fire protection standards are
2 19 more stringent, these standards apply. To the extent
2 20 possible, the definition of terms must conform with the state
2 21 building code.
2 22 The state fire marshal may implement a program of
2 23 inspections to monitor compliance. Upon inspection, the state
2 24 fire marshal is to issue a written notice to the school of
2 25 compliance or noncompliance.
2 26 The bill contains a contingent effectiveness provision
2 27 which states that the bill does not take effect unless the
2 28 state complies with the state mandate funding requirement of
2 29 Code section 25B.2, which requires funding for the cost of the
2 30 state mandate to be provided or specified.
2 31 LSB 2135YH 82
2 32 eg:nh/je/5

House File 534 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 114)

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

A BILL FOR

An Act relating to incentives for school district reorganizations and shared operational functions, and making an appropriation.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1228HV 82
ak/je/5

House File 534 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.3, subsection 2, paragraph d, Code
1 2 2007, is amended to read as follows:
1 3 d. For purposes of this section, a reorganized school
1 4 district is one which absorbs at least thirty percent of the
1 5 enrollment of the school district affected by a reorganization
1 6 or dissolved during a dissolution and in which action to bring
1 7 about a reorganization or dissolution is initiated by a vote
1 8 of the board of directors or jointly by the affected boards of
1 9 directors to take effect on or after July 1, ~~2002~~ 2007, and on
1 10 or before July 1, ~~2006~~ 2014. Each district which initiated,
1 11 by a vote of the board of directors or jointly by the affected
1 12 boards, action to bring about a reorganization or dissolution
1 13 to take effect on or after July 1, ~~2002~~ 2007, and on or before
1 14 July 1, ~~2006~~ 2014, shall certify the date and the nature of
1 15 the action taken to the department of education by January 1
1 16 of the year in which the reorganization or dissolution takes
1 17 effect. For a reorganization or dissolution that took effect
1 18 on or after July 1, 2002, and on or before July 1, 2006, the
1 19 reorganized school district shall continue to receive the
1 20 benefits of paragraphs "a" and "b" of this subsection for the
1 21 time specified in those paragraphs.
1 22 Sec. 2. Section 257.11, subsection 2, paragraph c, Code
1 23 2007, is amended by striking the paragraph and inserting in
1 24 lieu thereof the following:
1 25 c. Pupils attending class for all or a substantial portion
1 26 of a school day pursuant to a whole grade sharing agreement
1 27 executed under sections 282.10 through 282.12 shall be
1 28 eligible for supplementary weighting pursuant to this
1 29 subsection. A school district which executes a whole grade
1 30 sharing agreement and which adopts a resolution jointly with
1 31 other affected boards to study the question of undergoing a
1 32 reorganization or dissolution to take effect on or before July
1 33 1, 2014, shall receive a weighting of one=tenth of the
1 34 percentage of the pupil's school day during which the pupil
1 35 attends classes in another district, attends classes taught by

House File 534 - Introduced continued

a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district. A district shall be eligible for supplementary weighting pursuant to this paragraph for a maximum of three years. Receipt of supplementary weighting for a second and third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress toward the objective of reorganization on or before July 1, 2014.

Sec. 3. Section 257.11, subsection 5, paragraph a, Code 2007, is amended to read as follows:

a. For the school budget year beginning July 1, 2002, ~~and succeeding budget years~~ through the school budget year beginning July 1, 2007, in order to provide additional funds for school districts in which a regional academy is located, a supplementary weighting plan for determining enrollment is adopted.

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

NEW SUBSECTION. 5A. SHARED OPERATIONAL FUNCTIONS == INCREASED STUDENT OPPORTUNITIES.

a. In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a supplementary weighting of two hundredths per pupil shall be assigned to pupils enrolled in a district that shares with a political subdivision one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year. The additional weighting shall be assigned for each discrete operational function shared. For the purposes of this section, "political subdivision" means a city, township, county, school corporation, merged area, area education agency, institution governed by the state board of regents, or

House File 534 - Introduced continued

3 1 any other governmental subdivision.
3 2 b. Supplementary weighting pursuant to this subsection
3 3 shall be available to a school district for a maximum of five
3 4 years during the period commencing with the budget year
3 5 beginning July 1, 2008, through the budget year beginning July
3 6 1, 2013. The minimum amount of additional weighting for which
3 7 a school district shall be eligible is an amount equivalent to
3 8 ten additional pupils, and the maximum amount of additional
3 9 weighting for which a school district shall be eligible is an
3 10 amount equivalent to forty additional pupils. Receipt of
3 11 supplementary weighting by a school district pursuant to this
3 12 subsection for more than one year shall be contingent upon the
3 13 annual submission of information by the district to the
3 14 department documenting cost savings directly attributable to
3 15 the shared operational functions. Criteria for determining
3 16 the number of years for which supplementary weighting shall be
3 17 received pursuant to this subsection, subject to the five=year
3 18 maximum, and for determining qualification of operational
3 19 functions for supplementary weighting shall be determined by
3 20 the department by rule, through consideration of long=term
3 21 savings by the school district or increased student
3 22 opportunities.
3 23 c. Supplementary weighting pursuant to this subsection
3 24 shall be available to an area education agency for a maximum
3 25 of five years during the period commencing with the budget
3 26 year beginning July 1, 2008. The minimum amount of additional
3 27 funding for which an area education agency shall be eligible
3 28 is fifty thousand dollars, and the maximum amount of
3 29 additional funding for which an area education agency shall be
3 30 eligible is two hundred thousand dollars. The department of
3 31 management shall annually set a weighting for each area
3 32 education agency to generate the approved operational sharing
3 33 expense using the area education agency's special education
3 34 cost per pupil amount and foundation level. Receipt of
3 35 supplementary weighting by an area education agency for more

House File 534 - Introduced continued

4 1 than one year shall be contingent upon the annual submission
4 2 of information by the district to the department documenting
4 3 cost savings directly attributable to the shared operational
4 4 functions. Criteria for determining the number of years for
4 5 which supplementary weighting shall be received pursuant to
4 6 this subsection, subject to the five=year maximum, and the
4 7 amount generated by the supplementary weighting, and for
4 8 determining qualification of operational functions for
4 9 supplementary weighting shall be determined by the department
4 10 by rule, through consideration of long=term savings by the
4 11 area educational agency or increased student opportunities.
4 12 d. This subsection is repealed effective July 1, 2014.
4 13 Sec. 5. Section 257.11A, Code 2007, is amended to read as
4 14 follows:
4 15 257.11A SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.
4 16 1. In determining weighted enrollment under section 257.6,
4 17 if the board of directors of a school district has approved a
4 18 contract for sharing pursuant to section 257.11 and the school
4 19 district has approved an action to bring about a
4 20 reorganization to take effect on and after July 1, ~~2002~~ 2007,
4 21 and on or before July 1, ~~2006~~ 2014, the reorganized school
4 22 district shall include, for a period of three years following
4 23 the effective date of the reorganization, additional pupils
4 24 added by the application of the supplementary weighting plan,
4 25 equal to the pupils added by the application of the
4 26 supplementary weighting plan in the year preceding the
4 27 reorganization. For the purposes of this subsection, the
4 28 weighted enrollment for the period of three years following
4 29 the effective date of reorganization shall include the
4 30 supplementary weighting in the base year used for determining
4 31 the combined district cost for the first year of the
4 32 reorganization. However, the weighting shall be reduced by
4 33 the supplementary weighting added for a pupil whose residency
4 34 is not within the reorganized district.
4 35 2. For purposes of this section, a reorganized district is

House File 534 - Introduced continued

one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014. Each district which initiates, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect.

~~3. Notwithstanding subsection 1, a school district which was participating in a whole grade sharing arrangement during the budget year beginning July 1, 2001, and which received a maximum of two years of supplementary weighting pursuant to section 257.11, subsection 2, paragraph "c", shall include additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization, for a period of four years following the effective date of the reorganization.~~

~~4.~~ 3. A school district shall be eligible for a combined maximum total of six years of supplementary weighting under the provisions of this section and section 257.11, subsection 2, paragraph "c". A school district participating in a whole grade sharing arrangement during the budget year beginning July 1, 2001, that adopted a resolution jointly with other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or after July 1, 2002, and on or before July 1, 2006, shall continue to receive the supplementary weighting to which it was entitled pursuant to the provisions of this section and section 257.11, subsection 2, paragraph "c".

Sec. 6. SCHOOL SHARING AND EFFICIENCIES IN OPERATION PROCESS == APPROPRIATION. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, there is appropriated from

House File 534 - Introduced continued

6 1 the general fund of the state to the department of education
6 2 the following amount, or so much thereof as is necessary, to
6 3 be used for the purposes designated in this section:
6 4 ..... $ 400,000
6 5 The amount appropriated pursuant to this section shall be
6 6 utilized by the department to assist school districts in
6 7 implementing shared operational functions.
6 8 EXPLANATION
6 9 This bill makes changes related to incentives for school
6 10 district reorganization and dissolution and shared operational
6 11 functions between school districts and political subdivisions.
6 12 The bill leaves intact the reduced uniform levy for schools
6 13 that reorganized prior to July 1, 2006, allowing school
6 14 districts to utilize the incentive if they reorganize until on
6 15 or before July 1, 2014.
6 16 The bill strikes the current whole grade sharing
6 17 arrangement, and replaces it with a modified and simplified
6 18 version. The new provision allows school districts that
6 19 execute a whole grade sharing agreement and adopt a resolution
6 20 to study the effect of undergoing a reorganization or
6 21 dissolution to take effect on or before July 1, 2014, to
6 22 weight one=tenth of a percentage of a student's school day
6 23 during which the student attends classes in another district,
6 24 is taught by a teacher jointly employed, or attends classes
6 25 taught by a teacher employed by another district. This
6 26 supplementary weighting is available for a total of three
6 27 years. However, the second and third year of supplementary
6 28 weighting funding is dependent upon the school district's
6 29 progress toward reorganization.
6 30 The bill provides an additional funding for regional
6 31 academies through the school budget year beginning July 1,
6 32 2007.
6 33 The bill offers financial and operational support to help
6 34 school districts reorganize, consolidate, or dissolve
6 35 efficiently without allowing fiscal barriers to get in the

House File 534 - Introduced continued

7 1 way. A supplementary weighting of two hundredths per pupil
7 2 will be given to a district that shares with a political
7 3 subdivision one or more of its administrative management,
7 4 business management, human resources, transportation, or
7 5 operational and maintenance functions for at least 20 percent
7 6 of the year. A political subdivision means a city, township,
7 7 county, school corporation, merged area, area education
7 8 agency, board of regents institution, or any other government
7 9 subdivision. This supplementary weighting is available for
7 10 five years, with a minimum equivalent weighting of 10 pupils
7 11 and a maximum equivalent weighting of 40 pupils. After the
7 12 first year of supplementary weighting, the school district
7 13 must submit evidence of cost savings attributable to the
7 14 shared operational functions. This section will be repealed
7 15 on July 1, 2014.
7 16 The bill provides that area education agencies (AEAs) shall
7 17 have supplementary weighting for shared operational functions
7 18 available for a maximum of five years beginning July 1, 2008.
7 19 The minimum amount of additional funding that an AEA shall be
7 20 eligible for is $50,000 and the maximum amount of funding that
7 21 an AEA shall be eligible for is $200,000.
7 22 The bill directs the department of management to annually
7 23 set a weighting for each AEA to generate the approved
7 24 operational sharing expense using the AEA's special education
7 25 cost per pupil amount and foundation level. To receive
7 26 supplementary weighting for more than one year depends on
7 27 annual reports by the district to the department on the cost
7 28 savings attributable to the shared operational functions.
7 29 Criteria for determining the number of years that
7 30 supplementary weighting shall be received, subject to the
7 31 five=year maximum, and the amount generated by the
7 32 supplementary weighting, and for determining qualification of
7 33 operational functions for supplementary weighting shall be
7 34 decided by department rule through consideration of long=term
7 35 savings by the AEA or increased student opportunities.

House File 534 - Introduced continued

8 1 The bill also provides for supplementary weighting funding
8 2 for three years for a reorganized school district that is
8 3 equal to the funding that was received in the year preceding
8 4 the reorganization. The bill amends the definition of
8 5 reorganized school district for purposes of receiving this
8 6 supplementary weighting to include those districts where the
8 7 reorganization takes effect on or before July 1, 2014.
8 8 An appropriation of $400,000 from the general fund is
8 9 provided to assist schools in implementing shared operational
8 10 functions.
8 11 LSB 1228HV 82
8 12 ak:sc/je/5

House File 535 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

An Act providing for increased driver's license sanctions for a person under twenty=one years of age who is convicted of vehicular homicide.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2537HH 82
dea/es/88

House File 535 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.210D, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Upon receiving a record of conviction under section
1 4 321.206, for a violation of section 707.6A, subsection 1 or 2,
1 5 and upon revocation of the person's license or operating
1 6 privileges under section 321.209, the suspension under
1 7 subsection 2 shall automatically terminate in favor of the
1 8 revocation. If the conviction is for a violation of section
1 9 707.6A, subsection 2, and the defendant is under twenty=one
1 10 years of age, the period of revocation shall be at least until
1 11 the defendant reaches twenty=one years of age, and the
1 12 defendant shall not be eligible for a temporary restricted
1 13 license until the defendant reaches twenty=one years of age.
1 14 Sec. 2. Section 321.210D, Code 2007, is amended by adding
1 15 the following new subsection:
1 16 NEW SUBSECTION. 5. Upon receiving a record of conviction
1 17 under section 321.206 of a person under twenty=one years of
1 18 age for a violation of section 707.6A, subsection 3, and upon
1 19 revocation of the defendant's license or operating privileges
1 20 under section 321.209, the period of revocation shall be at
1 21 least until the defendant reaches twenty=one years of age, and
1 22 the defendant shall not be eligible for a temporary restricted
1 23 license until the defendant reaches twenty=one years of age.
1 24 Sec. 3. Section 321.215, subsection 1, unnumbered
1 25 paragraph 2, Code 2007, is amended to read as follows:
1 26 However, a temporary restricted license shall not be issued
1 27 to a person whose license is revoked pursuant to a court order
1 28 issued under section 901.5, subsection 10, or under section
1 29 321.209, subsections 1 through 5 or subsection 7; to a
1 30 juvenile whose license has been suspended or revoked pursuant
1 31 to a dispositional order under section 232.52, subsection 2,
1 32 paragraph "a", for a violation of chapter 124 or 453B or
1 33 section 126.3; to a juvenile whose license has been suspended
1 34 under section 321.213B; ~~or~~ to a person whose license has been
1 35 suspended pursuant to a court order under section 714.7D; or

House File 535 - Introduced continued

2 1 to a person under twenty=one years of age whose license has
2 2 been revoked pursuant to section 321.210D except as provided
2 3 in that section. A temporary restricted license may be issued
2 4 to a person whose license is revoked under section 321.209,
2 5 subsection 6, only if the person has no previous drag racing
2 6 convictions. A person holding a temporary restricted license
2 7 issued by the department under this section shall not operate
2 8 a motor vehicle for pleasure.
2 9 Sec. 4. Section 707.6A, subsection 1, paragraph a, Code
2 10 2007, is amended to read as follows:
2 11 a. Order the state department of transportation to revoke
2 12 the defendant's driver's license or nonresident operating
2 13 privileges for a period of six years. The defendant shall
2 14 surrender to the court any Iowa license or permit and the
2 15 court shall forward the license or permit to the department
2 16 with a copy of the revocation order. The defendant shall not
2 17 be eligible for a temporary restricted license for at least
2 18 two years after the revocation. If the defendant is under
2 19 twenty=one years of age, the revocation period shall be the
2 20 longer of six years or until the defendant reaches twenty=one
2 21 years of age, and the defendant shall not be eligible for a
2 22 temporary restricted license for at least two years or until
2 23 the defendant reaches twenty=one years of age, whichever
2 24 occurs later.
2 25 EXPLANATION
2 26 This bill provides that when the department revokes the
2 27 driver's license of a person under 21 years of age upon
2 28 conviction of vehicular homicide, the period of revocation
2 29 shall be at least until the person reaches age 21, and the
2 30 person shall not be eligible for a temporary restricted
2 31 license until the person reaches age 21. The same
2 32 restrictions apply for a person under age 21 whose driver's
2 33 license is revoked by the court upon conviction of vehicular
2 34 homicide connected with operating while intoxicated.
2 35 LSB 2537HH 82

House File 535 - Introduced continued

3 1 dea:nh/es/88

House File 536 - Introduced

HOUSE FILE
BY SHOMSHOR

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

A BILL FOR

An Act making appropriations to the department of education and the state board of regents to reimburse community colleges and institutions of higher education governed by the board for the costs of providing certain education=related services.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2376YH 82
kh/je/5

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House File 535 - Introduced continued

1 1 Section 1. DEPARTMENT OF EDUCATION == EDUCATIONAL SERVICES
1 2 CLAIMS. There is appropriated from the general fund of the
1 3 state to the department of education for the fiscal year
1 4 beginning July 1, 2007, and ending June 30, 2008, the
1 5 following amount, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 To reimburse community colleges for the costs of providing
1 8 education=related services to hearing=impaired students and
1 9 students with disabilities:
1 10 ..... $ 750,000
1 11 By September 1, 2007, each community college shall submit
1 12 all claims and supporting documentation for the costs for
1 13 providing education=related services to hearing=impaired
1 14 students and students with disabilities during the previous
1 15 fiscal year to the department, which shall reimburse the
1 16 community colleges for established claims by October 15, 2007.
1 17 If funds appropriated under this section are insufficient to
1 18 pay claims in full, the department of education shall prorate
1 19 payments to community colleges in the proportion that each
1 20 community college's claim is to the total amount claimed by
1 21 all community colleges submitting claims.
1 22 Sec. 2. STATE BOARD OF REGENTS == EDUCATIONAL SERVICES
1 23 CLAIMS. There is appropriated from the general fund of the
1 24 state to the state board of regents for the fiscal year
1 25 beginning July 1, 2007, and ending June 30, 2008, the
1 26 following amount, or so much thereof as is necessary, to be
1 27 used for the purposes designated:
1 28 To reimburse institutions of higher education governed by
1 29 the board for the costs of providing education=related
1 30 services to hearing=impaired students and students with
1 31 disabilities:
1 32 ..... $ 750,000
1 33 By September 1, 2007, each institution of higher education
1 34 governed by the board shall submit all claims and supporting
1 35 documentation for the costs for providing education=related

House File 535 - Introduced continued

2 1 services to hearing=impaired students and students with
2 2 disabilities during the previous fiscal year to the board,
2 3 which shall reimburse the institutions for established claims
2 4 by October 15, 2007. If funds appropriated under this section
2 5 are insufficient to pay claims in full, the board shall
2 6 prorate payments to the institutions in the proportion that
2 7 each institution's claim is to the total amount claimed by all
2 8 institutions submitting claims.
2 9 EXPLANATION
2 10 This bill appropriates $750,000 each to the department of
2 11 education and to the state board of regents to pay claims
2 12 submitted by the community colleges and the state universities
2 13 for the costs of providing education=related services to
2 14 hearing=impaired students and students with disabilities. The
2 15 community colleges must submit their claims and supporting
2 16 documentation to the department, and the universities their
2 17 claims and supporting documentation to the board, by September
2 18 1, 2007. The department and the board must pay established
2 19 claims by October 15, 2007.
2 20 If the funds appropriated are insufficient to pay claims in
2 21 full, both the department and the board are directed to
2 22 prorate payments to the community colleges and universities in
2 23 the proportion that each community college's or university's
2 24 claim is to the total amount claimed by all community colleges
2 25 or all universities submitting claims.
2 26 LSB 2376YH 82
2 27 kh:sc/je/5

House File 537 - Introduced

HOUSE FILE
BY TOMENGA

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

A BILL FOR

An Act establishing the position of state historian and providing an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2150YH 82
ak/es/88

House File 537 - Introduced continued

PAG LIN

1 1 Section 1. Section 303.17, subsection 3, paragraph b, Code
1 2 2007, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (4A) The state historian.
1 4 Sec. 2. NEW SECTION. 303.19 STATE HISTORIAN.
1 5 1. The position of state historian is created to encourage
1 6 Iowans to understand and celebrate the history of the state.
1 7 2. The state historian shall have the following duties:
1 8 (a) Advise the governor of anniversaries of important
1 9 events and developments in Iowa history and of ways to
1 10 increase public understanding of state history.
1 11 (b) Consult with the director of the department of
1 12 cultural affairs, the board of trustees of the state
1 13 historical society of Iowa, the executive director of
1 14 humanities Iowa, and other state officials regularly about
1 15 matters relating to Iowa history.
1 16 (c) Assist the board of trustees of the state historical
1 17 society in its administration of the Iowa heritage fund
1 18 pursuant to section 303.9A.
1 19 (d) Assist the historical division of the department of
1 20 cultural affairs with administration of the historical
1 21 resource development program pursuant to section 303.16.
1 22 (e) Serve on the Iowa studies committee pursuant to
1 23 section 303.17.
1 24 (f) Promote and engage in public educational programs that
1 25 assist Iowans in understanding state history, develop
1 26 community, and promote tourism.
1 27 (g) Submit a plan of work and an annual review of the past
1 28 year's activities to the governor, the director of the
1 29 department of cultural affairs, and the board of trustees of
1 30 the state historical society.
1 31 3. The state historian shall possess an advanced degree in
1 32 history or closely related field, a strong background in Iowa
1 33 history, and a demonstrated competence in programs involving
1 34 the general public.
1 35 4. a. A candidate for the position of state historian

House File 537 - Introduced continued

2 1 shall be nominated by a public or private Iowa university,
2 2 college, or community college where the candidate holds
2 3 faculty status.
2 4 b. The chairperson of the board of trustees of the state
2 5 historical society of Iowa and the executive director of
2 6 humanities Iowa shall review candidates nominated for the
2 7 position and shall together recommend no more than three names
2 8 to the governor for consideration. The governor shall appoint
2 9 the state historian for a three=year term that will begin on
2 10 July 1 and end on June 30. A candidate may be reappointed to
2 11 the position at the governor's discretion.
2 12 5. During the period of appointment as state historian,
2 13 the state historian shall retain faculty status at the
2 14 nominating institution and shall remain an employee of the
2 15 institution, rather than an employee of the state. The
2 16 institution shall pay all expenses of the state historian
2 17 except salary, benefits, and travel. The department of
2 18 cultural affairs shall contract annually with the institution
2 19 at which the state historian holds faculty status to pay
2 20 salary, benefits, and travel expenses during the period of
2 21 appointment.
2 22 Sec. 3. STATE HISTORIAN == APPROPRIATION. There is
2 23 appropriated from the general fund of the state to the
2 24 department of cultural affairs for the fiscal year beginning
2 25 July 1, 2007, and ending June 30, 2008, the following amount,
2 26 or so much thereof as is necessary, to be used for the
2 27 purposes designated:
2 28 For the position of state historian, including salary,
2 29 benefits, and travel expenses:
2 30 ..... $ 117,500
2 31 EXPLANATION
2 32 This bill creates the position of state historian to
2 33 encourage Iowans to understand and celebrate the history of
2 34 the state.
2 35 The bill provides the following duties for the state

House File 537 - Introduced continued

3 1 historian: advise the governor of anniversaries of important
3 2 events and development in Iowa history and increase public
3 3 understanding of state history; consult with the director of
3 4 the department of cultural affairs, the board of trustees of
3 5 the state historical society, the executive director of
3 6 humanities Iowa, and other state officials as requested about
3 7 Iowa history; promote and engage in public educational
3 8 programs to assist Iowans in understanding public history,
3 9 develop community, and promote tourism; and submit a plan of
3 10 work and an annual review to the governor, the director of the
3 11 department of cultural affairs, and the board of trustees of
3 12 the state historical society.
3 13 Additionally, the state historian shall assist the state
3 14 historical board of trustees in administrating the Iowa
3 15 heritage fund and shall assist the historical division of the
3 16 department of cultural affairs with administration of the
3 17 historical resource development program. The state historian
3 18 shall also serve on the Iowa studies committee.
3 19 The bill requires that the state historian possess an
3 20 advanced degree in history or in a closely related field, have
3 21 a strong background in Iowa history, and demonstrate
3 22 competence in programs involving the general public. An Iowa
3 23 university, college, or community college will nominate for
3 24 state historian a candidate who holds a faculty position at
3 25 the nominating institution.
3 26 The chairperson of the board of trustees of the state
3 27 historical society of Iowa and the executive director of
3 28 humanities Iowa shall recommend to the governor the names of
3 29 three candidates nominated for the position of state
3 30 historian. The governor shall appoint one of the three
3 31 candidates for a term of three years that will begin on July 1
3 32 and end on June 30. A candidate may be reappointed to the
3 33 position at the governor's discretion.
3 34 The bill requires that the department of cultural affairs
3 35 contract annually with the institution at which the state

House File 537 - Introduced continued

4 1 historian holds faculty status for compensation and expenses
4 2 during the period of appointment. The state historian shall
4 3 remain an employee of the institution, which shall provide all
4 4 expenses for the state historian except salary, benefits, and
4 5 travel.
4 6 The bill appropriates $117,500 from the general fund of the
4 7 state to the department of cultural affairs for FY 2007=2008
4 8 for the position of state historian to pay for salary,
4 9 benefits, and travel expenses.
4 10 LSB 2150YH 82
4 11 ak:sc/es/88

House File 538 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 300)

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

A BILL FOR

An Act concerning the licensure, operation, and taxation of card game tournaments by organizations representing veterans.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1815HV 82
ec/es/88

House File 538 - Introduced continued

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1 1 Section 1. NEW SECTION. 99B.7B CARD GAME TOURNAMENTS
1 2 CONDUCTED BY QUALIFIED ORGANIZATIONS REPRESENTING VETERANS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Card game" means only poker, pinochle, pitch, gin
1 6 rummy, bridge, euchre, hearts, or cribbage.
1 7 b. "Qualified organization representing veterans" means
1 8 any licensed organization representing veterans, which is a
1 9 post, branch, or chapter of a national association of veterans
1 10 of the armed forces of the United States which is a federally
1 11 chartered corporation, dedicates the net receipts of a game of
1 12 skill, game of chance, or raffle as provided in section 99B.7,
1 13 is exempt from federal income taxes under section 501(c)(19)
1 14 of the Internal Revenue Code as defined in section 422.3, has
1 15 an active membership of not less than twelve persons, and does
1 16 not have a self=perpetuating governing body and officers.
1 17 2. Notwithstanding any provision of this chapter to the
1 18 contrary, card game tournaments lawfully may be conducted by a
1 19 qualified organization representing veterans if all of the
1 20 following are complied with:
1 21 a. The organization conducting the card game tournament
1 22 has been issued a license pursuant to subsection 4 and
1 23 prominently displays that license in the playing area of the
1 24 card game tournament.
1 25 b. The card games to be conducted during a card game
1 26 tournament, including the rules of each card game and how
1 27 winners are determined, shall be displayed prominently in the
1 28 playing area of the card game tournament. Each card game
1 29 shall be conducted in a fair and honest manner and shall not
1 30 be operated on a build=up or pyramid basis. Every participant
1 31 in a card game tournament must be given the same chances of
1 32 winning the tournament and shall not be allowed any second
1 33 chance entries or multiple entries in the card game
1 34 tournament.
1 35 c. Participation in a card game tournament conducted by a

House File 538 - Introduced continued

2 1 qualified organization representing veterans shall only be
2 2 open to members of the qualified organization representing
2 3 veterans and guests of members of the qualified organization
2 4 participating in the tournament. The cost to participate in a
2 5 card game tournament shall be limited to one hundred dollars
2 6 and shall be the same for every participant in the card game
2 7 tournament. Participants in a card game tournament shall be
2 8 at least twenty=one years of age.
2 9 d. Cash or merchandise prizes may be awarded during a card
2 10 game tournament and shall not exceed one thousand dollars and
2 11 no participant shall win more than a total of five hundred
2 12 dollars. A qualified organization representing veterans shall
2 13 distribute amounts awarded as prizes on the day they are won
2 14 and merchandise prizes shall not be repurchased. An
2 15 organization conducting a card game tournament shall only
2 16 display prizes in the playing area of the card game tournament
2 17 that can be won.
2 18 e. The qualified organization representing veterans shall
2 19 conduct each card game tournament and any card game conducted
2 20 during the tournament and shall not contract with or permit
2 21 another person to conduct the card game tournament or any card
2 22 game during the tournament.
2 23 f. No person receives or has any fixed or contingent right
2 24 to receive, directly or indirectly, any profit, remuneration,
2 25 or compensation from or related to a game in a card game
2 26 tournament, except any amount which the person may win as a
2 27 participant on the same basis as the other participants.
2 28 g. A qualified organization representing veterans licensed
2 29 under this section shall not hold more than one card game
2 30 tournament per week. Card game tournaments held under an
2 31 annual game night license shall not count toward the limit of
2 32 one card game tournament per week for a license holder. A
2 33 qualified organization representing veterans shall be allowed
2 34 to hold only one card game tournament during any
2 35 twenty=four=hour period.

House File 538 - Introduced continued

3 1 h. At the conclusion of each card game tournament, the
3 2 person conducting the card game tournament shall announce the
3 3 gross receipts received, the total amount of money withheld
3 4 for expenses, and the amount withheld for state taxes.
3 5 i. The person conducting the card game tournament does
3 6 none of the following:
3 7 (1) Hold, currently, another license issued under this
3 8 section.
3 9 (2) Own or control, directly or indirectly, any class of
3 10 stock of another person who has been issued a license to
3 11 conduct games under this section.
3 12 (3) Have, directly or indirectly, an interest in the
3 13 ownership or profits of another person who has been issued a
3 14 license to conduct games under this section.
3 15 3. The qualified organization representing veterans
3 16 licensed to hold card game tournaments under this section
3 17 shall keep a journal of all dates of events, amount of gross
3 18 receipts, amount given out as prizes, expenses, amount
3 19 collected for taxes, and the amount collected as revenue.
3 20 a. The amount collected by the qualified organization
3 21 representing veterans as revenue shall be no less than ten
3 22 percent of the gross receipts collected from each event.
3 23 b. Each qualified organization representing veterans shall
3 24 withhold that portion of the gross receipts subject to
3 25 taxation pursuant to section 423.2, subsection 4, which shall
3 26 be kept in a separate account and sent to the state along with
3 27 the organization's quarterly report.
3 28 c. A qualified organization representing veterans licensed
3 29 to conduct card game tournaments is allowed to withhold no
3 30 more than five percent of the gross receipts from each card
3 31 game tournament for qualified expenses. Qualified expenses
3 32 include but are not limited to the purchase of supplies and
3 33 materials used in conducting card games. Any money collected
3 34 for expenses and not used by the end of the calendar year
3 35 shall be donated for educational, civic, public, charitable,

House File 538 - Introduced continued

4 1 patriotic, or religious uses as described in section 99B.7,
4 2 subsection 3, paragraph "b". The qualified organization
4 3 representing veterans shall attach a receipt for any donation
4 4 made to the fourth quarter quarterly report required to be
4 5 submitted pursuant to section 99B.2.
4 6 d. Each qualified organization representing veterans
4 7 licensed under this section shall make recordkeeping and all
4 8 deposit receipts available as provided in section 99B.2,
4 9 subsection 2.
4 10 4. An organization wishing to conduct card game
4 11 tournaments pursuant to this section as a qualified
4 12 organization representing veterans shall submit an application
4 13 and annual license fee of one hundred dollars to the
4 14 department.
4 15 Sec. 2. Section 99B.9, subsection 1, unnumbered paragraph
4 16 1, Code 2007, is amended to read as follows:
4 17 Except as otherwise permitted by section 99B.3, 99B.5,
4 18 99B.6, 99B.7, 99B.7B, 99B.8, 99B.11, or 99B.12A, it is
4 19 unlawful to permit gambling on any premises owned, leased,
4 20 rented, or otherwise occupied by a person other than a
4 21 government, governmental agency, or governmental subdivision,
4 22 unless all of the following are complied with:
4 23 Sec. 3. Section 99B.12, subsection 1, unnumbered paragraph
4 24 1, Code 2007, is amended to read as follows:
4 25 Except in instances where because of the location of the
4 26 game or the circumstances of the game section 99B.3, section
4 27 99B.5, section 99B.6, section 99B.7, section 99B.7B, section
4 28 99B.8, or section 99B.9 is applicable, individuals may
4 29 participate in gambling specified in subsection 2, but only if
4 30 all of the following are complied with:
4 31 Sec. 4. Section 423.2, subsection 4, Code 2007, is amended
4 32 to read as follows:
4 33 4. A tax of five percent is imposed upon the sales price
4 34 derived from the operation of all forms of amusement devices
4 35 and games of skill, games of chance, raffles, and bingo games

House File 538 - Introduced continued

5 1 as defined in chapter 99B, and card game tournaments conducted
5 2 under section 99B.7B, that are operated or conducted within
5 3 the state, the tax to be collected from the operator in the
5 4 same manner as for the collection of taxes upon the sales
5 5 price of tickets or admission as provided in this section.
5 6 Nothing in this subsection shall legalize any games of skill
5 7 or chance or slot=operated devices which are now prohibited by
5 8 law.
5 9 The tax imposed under this subsection covers the total
5 10 amount from the operation of games of skill, games of chance,
5 11 raffles, and bingo games as defined in chapter 99B, card game
5 12 tournaments conducted under section 99B.7B, and musical
5 13 devices, weighing machines, shooting galleries, billiard and
5 14 pool tables, bowling alleys, pinball machines, slot=operated
5 15 devices selling merchandise not subject to the general sales
5 16 taxes and on the total amount from devices or systems where
5 17 prizes are in any manner awarded to patrons and upon the
5 18 receipts from fees charged for participation in any game or
5 19 other form of amusement, and generally upon the sales price
5 20 from any source of amusement operated for profit, not
5 21 specified in this section, and upon the sales price from which
5 22 tax is not collected for tickets or admission, but tax shall
5 23 not be imposed upon any activity exempt from sales tax under
5 24 section 423.3, subsection 78. Every person receiving any
5 25 sales price from the sources described in this section is
5 26 subject to all provisions of this subchapter relating to
5 27 retail sales tax and other provisions of this chapter as
5 28 applicable.
5 29 EXPLANATION
5 30 This bill provides for the operation of card game
5 31 tournaments by qualified organizations representing veterans.
5 32 The bill establishes new Code section 99B.7B, providing for
5 33 card game tournaments conducted by a qualified organization
5 34 representing veterans. The bill defines "card game" to mean
5 35 only poker, pinochle, pitch, gin rummy, bridge, euchre,

House File 538 - Introduced continued

6 1 hearts, or cribbage. The bill provides that only qualified
6 2 organizations representing veterans can conduct a card game
6 3 tournament and provides for a $100 annual license fee. The
6 4 bill requires the organization to display the card games to be
6 5 conducted during a tournament, including the rules and manner
6 6 of determining winners for each game. The bill provides that
6 7 participation in a tournament shall be open to members and
6 8 guests of the qualified organization and the cost to
6 9 participate shall not be more than $100. A person under age
6 10 21 cannot participate.
6 11 The bill provides that cash or merchandise of up to $1,000
6 12 can be awarded at a tournament and no participant shall win
6 13 more than a total of $500. The bill also provides that an
6 14 organization holding a license can hold no more than one
6 15 tournament a week and only one tournament can be conducted by
6 16 a qualified organization in any 24=hour period. Card game
6 17 tournaments held under an annual game night license shall not
6 18 count toward the number of tournaments allowed. The bill also
6 19 provides that the qualified organization licensed to conduct
6 20 card game tournaments shall keep records of the dates of
6 21 events, the amount of gross receipts, the amount of prizes
6 22 awarded, expenses, amount collected for taxes, and revenue
6 23 collected for conducting card game tournaments. The bill
6 24 requires qualified organizations to collect at least 10
6 25 percent of gross receipts collected from each event as revenue
6 26 and to withhold no more than 5 percent of gross receipts for
6 27 expenses incurred in holding card game tournaments. Of the
6 28 amount withheld for expenses, any amounts collected but unused
6 29 for expenses by the end of a calendar year shall be donated
6 30 for charitable purposes. Any amounts donated shall be
6 31 indicated on the quarterly reports required to be submitted to
6 32 the department of inspection and appeals pursuant to Code
6 33 section 99B.2.
6 34 The bill further amends Code section 423.2, concerning
6 35 sales taxes, to specifically provide that sales taxes shall be

House File 538 - Introduced continued

7 1 imposed on card game tournaments in the same manner as for
7 2 other games as defined in Code chapter 99B.
7 3 LSB 1815HV 82
7 4 ec:nh/es/88

House Study Bill 232

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY (PROPOSED COMMITTEE ON ADMINISTRATION AND
1 3 RULES RESOLUTION BY CHAIRPERSON QUIRK)
1 4 A Resolution relating to an annual budget for the
1 5 daily operations of the House of Representatives.
1 6 WHEREAS, the legislative authority of this state is vested
1 7 in the General Assembly consisting of the House of
1 8 Representatives and the Senate; and
1 9 WHEREAS, the House of Representatives necessarily incurs
1 10 substantial expenses for its daily operations; and
1 11 WHEREAS, the House of Representatives is authorized to
1 12 expend funds from the state treasury necessary to pay for its
1 13 expenses and for expenses incurred jointly by the House of
1 14 Representatives and the Senate; and
1 15 WHEREAS, it is deemed advisable and proper for the House of
1 16 Representatives to make expenditures in accordance with a
1 17 budgetary plan; NOW THEREFORE,
1 18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:
1 19 Section 1. Expenditures of the House of Representatives
1 20 payable pursuant to Iowa Code sections 2.10 through 2.14 for
1 21 the regular legislative session and the interim period during
1 22 the fiscal year beginning July 1, 2007, and ending June 30,
1 23 2008, are budgeted to be as follows:
1 24 1. Members' salary, per diem, and expenses, $5,901,500.
1 25 2. Staff compensation, $5,488,000.
1 26 3. Operations expenses, $540,500.
1 27 Sec. 2. The Chief Clerk of the House of Representatives
1 28 shall immediately provide written notice to the Speaker and
1 29 Minority Leader of the House of Representatives and to the
1 30 Chair and Ranking Member of the House Committee on
1 31 Appropriations if actual expenditures payable pursuant to Iowa
1 32 Code sections 2.10 through 2.14 exceed the maximum amount
1 33 allocated for any category of the budget provided by section 1
1 34 of this Resolution. The written notice shall specify the
1 35 amount of and reasons for any excess expenditure.

House Study Bill 232 continued

2 1 Sec. 3. Joint expenditures by the House of Representatives
2 2 and the Senate or by the Legislative Council, special
2 3 expenditures approved by the Committee on Administration and
2 4 Rules, and special session expenses are not included in the
2 5 budget set forth in this Resolution.
2 6 LSB 2429HC 82
2 7 rj:nh/cf/24

House Study Bill 233

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON WHITEAD)

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

A BILL FOR

An Act concerning veterans by providing for regional veterans affairs offices, providing for the duties of the department of veterans affairs and the commission on veterans affairs, and establishing a counseling program for veterans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2111YC 82
ec/je/5

House Study Bill 233 continued

PAG LIN

1 1 Section 1. Section 7E.5, subsection 1, paragraph v, Code
1 2 2007, is amended to read as follows:
1 3 v. The department of veterans affairs. ~~However, the~~
~~1 4 commission of veterans affairs created in section 35A.2 shall~~
~~1 5 have primary responsibility for state veterans affairs.~~
1 6 Sec. 2. NEW SECTION. 35.12 VETERANS COUNSELING PROGRAM.
1 7 1. The department shall establish and administer a
1 8 counseling program for veterans. The program shall provide
1 9 assistance to veterans and their families to reduce the
1 10 incidence of alcohol and chemical dependency and suicide among
1 11 veterans and to make mental health counseling available to
1 12 at=risk veterans. The department shall coordinate with United
1 13 States veterans administration hospitals, health care
1 14 facilities, and clinics in this state and the department of
1 15 public health in developing the program.
1 16 2. The program established by the department shall include
1 17 but not be limited to the following:
1 18 a. Public education and awareness programs for veterans,
1 19 health care professionals, and the public, relative to
1 20 recognizing and responding to at=risk veterans.
1 21 b. Referral services to identify appropriate counseling
1 22 and treatment programs for at=risk veterans.
1 23 Sec. 3. Section 35A.2, subsection 1, Code 2007, is amended
1 24 to read as follows:
1 25 1. A commission of veterans affairs is created consisting
1 26 of nine persons who shall be appointed by the governor,
1 27 subject to confirmation by the senate. Members shall be
1 28 appointed to staggered terms of four years beginning and
1 29 ending as provided in section 69.19. The governor shall fill
1 30 a vacancy for the unexpired portion of the term. In addition
1 31 to the members appointed by the governor, the director of the
1 32 department shall serve as a nonvoting, ex officio member of
1 33 the commission.
1 34 Sec. 4. Section 35A.3, subsections 2 and 3, Code 2007, are
1 35 amended by striking the subsections and inserting in lieu

House Study Bill 233 continued

2 1 thereof the following:
2 2 2. Advise and make recommendations to the department, the
2 3 general assembly, and the governor, concerning issues
2 4 involving and impacting veterans in this state.
2 5 Sec. 5. Section 35A.5, Code 2007, is amended by adding the
2 6 following new subsections:
2 7 NEW SUBSECTION. 0A. Maintain and disseminate information
2 8 to veterans and the public regarding facilities, benefits, and
2 9 services available to veterans and their families and assist
2 10 veterans and their families in obtaining such benefits and
2 11 services.
2 12 NEW SUBSECTION. 0B. Establish and maintain regional
2 13 veterans affairs offices pursuant to section 35A.6.
2 14 NEW SUBSECTION. 12. Adopt rules pursuant to chapter 17A
2 15 and establish policy for the management and operation of the
2 16 department.
2 17 Sec. 6. Section 35A.5, subsection 8, Code 2007, is amended
2 18 to read as follows:
2 19 8. Provide training to executive directors of county
2 20 commissions of veteran affairs pursuant to section 35B.6. The
2 21 ~~commission~~ department may adopt rules in accordance with
2 22 chapter 17A to provide for training of county veteran affairs
2 23 executive directors.
2 24 Sec. 7. NEW SECTION. 35A.6 REGIONAL VETERANS AFFAIRS
2 25 OFFICES.
2 26 1. The department shall establish and maintain regional
2 27 veterans affairs offices. A regional veterans affairs office,
2 28 to the extent practicable, shall be located in each service
2 29 delivery area, as defined by section 84B.2, and colocated with
2 30 the workforce development center which is located in each
2 31 service delivery area.
2 32 2. The duties of a regional veterans affairs office shall
2 33 include but not be limited to the following:
2 34 a. Assist the department in providing assistance, advice,
2 35 and training to executive directors of county commissions of

House Study Bill 233 continued

3 1 veteran affairs and to county commissions of veteran affairs
3 2 located in the service delivery area of the regional veterans
3 3 affairs office.
3 4 b. Provide assistance to veterans and their families in
3 5 obtaining available services and benefits for veterans and
3 6 their families.
3 7 Sec. 8. Section 35A.8, subsection 4, paragraph a, Code
3 8 2007, is amended to read as follows:
3 9 a. The executive director shall provide for the
3 10 administration of the bonus authorized in this subsection.
3 11 The ~~commission~~ department shall adopt rules, pursuant to
3 12 chapter 17A, as necessary to administer this subsection
3 13 including, but not limited to, application procedures,
3 14 investigation, approval or disapproval, and payment of claims.
3 15 Sec. 9. Section 35A.11, Code 2007, is amended to read as
3 16 follows:
3 17 35A.11 VETERANS LICENSE FEE FUND.
3 18 A veterans license fee fund is created in the state
3 19 treasury under the control of the ~~commission~~ department. The
3 20 fund shall include the fees credited by the treasurer of state
3 21 from the sale of special veteran license plates pursuant to
3 22 section 321.34, subsection 13, paragraph "d". Notwithstanding
3 23 section 12C.7, interest or earnings on moneys in the veterans
3 24 license fee fund shall be credited to the veterans license fee
3 25 fund. Moneys in the fund are appropriated to the ~~commission~~
3 26 department to be used to fulfill the responsibilities of the
3 27 ~~commission~~ department.
3 28 Sec. 10. Section 35A.13, subsections 2, 5, and 6, Code
3 29 2007, are amended to read as follows:
3 30 2. A veterans trust fund is created in the state treasury
3 31 under the control of the ~~commission~~ department.
3 32 5. The minimum balance of the trust fund required prior to
3 33 expenditure of moneys from the trust fund is fifty million
3 34 dollars. However, for the fiscal period beginning July 1,
3 35 2006, and ending June 30, 2009, the minimum balance of the

House Study Bill 233 continued

4 1 trust fund required prior to expenditure of moneys from the
4 2 trust fund is five million dollars. Once the minimum balance
4 3 is reached, the interest and earnings on the fund and any
4 4 moneys received under subsection 3, paragraph "a", are
4 5 appropriated to the ~~commission~~ department to be used to
4 6 achieve the purposes of this section.
4 7 6. It is the intent of the general assembly that beginning
4 8 with the fiscal year beginning July 1, 2007, appropriations be
4 9 made annually to the veterans trust fund. Prior to any
4 10 additional appropriations to this fund, the ~~commission~~
4 11 department shall provide the general assembly with information
4 12 identifying immediate and long=term veteran services
4 13 throughout the state and a plan for delivering those services.
4 14 Sec. 11. Section 35A.13, subsection 7, unnumbered
4 15 paragraph 1, Code 2007, is amended to read as follows:
4 16 Moneys appropriated to the ~~commission~~ department under this
4 17 section shall not be used to supplant funding provided by
4 18 other sources. The moneys may be expended ~~upon a majority~~
~~4 19 vote of~~ by the ~~commission membership~~ department for the
4 20 benefit of veterans and the spouses and dependents of
4 21 veterans, for any of the following purposes:
4 22 Sec. 12. Section 35A.13, subsections 8 and 9, Code 2007,
4 23 are amended to read as follows:
4 24 8. If the ~~commission~~ department identifies other purposes
4 25 for which the moneys appropriated under this section may be
4 26 used for the benefit of veterans and the spouses and
4 27 dependents of veterans, the ~~commission~~ department shall submit
4 28 recommendations for the addition of such purposes to the
4 29 general assembly for review.
4 30 9. The ~~commission~~ department shall submit an annual report
4 31 to the general assembly by January 15 of each year concerning
4 32 the veterans trust fund created by this section. The annual
4 33 report shall include financial information concerning the
4 34 moneys in the trust fund and shall also include information on
4 35 the number, amount, and type of expenditures, if any, from the

House Study Bill 233 continued

5 1 fund during the prior calendar year for the purposes described
5 2 in subsection 7.
5 3 Sec. 13. Section 36.1, subsection 3, Code 2007, is amended
5 4 by striking the subsection.
5 5 Sec. 14. Section 36.8, Code 2007, is amended to read as
5 6 follows:
5 7 36.8 RULES.
5 8 The ~~commission~~ department shall adopt rules pursuant to
5 9 chapter 17A to implement this chapter.
5 10 Sec. 15. Section 36.9, Code 2007, is amended to read as
5 11 follows:
5 12 36.9 APPROPRIATIONS.
5 13 This chapter shall be implemented by the ~~commission~~
5 14 department each fiscal year that appropriations are made to
5 15 the ~~commission~~ department for the implementation.
5 16 Sec. 16. Section 135.20, subsection 2, unnumbered
5 17 paragraph 1, Code 2007, is amended to read as follows:
5 18 The information to be distributed shall be determined by
5 19 the department by rule, in consultation with the ~~commission~~
5 20 department of veterans affairs. The information shall, at a
5 21 minimum, contain statements indicating that:
5 22 Sec. 17. Section 135.20, subsection 2, unnumbered
5 23 paragraph 2, Code 2007, is amended to read as follows:
5 24 The information shall also present treatment options and
5 25 shall specify a procedure to be followed for veterans desiring
5 26 a medical consultation for screening and treatment purposes.
5 27 The department shall cooperate with the ~~state commission~~
5 28 department of veterans affairs regarding distribution of the
5 29 information to the veterans home, the county commissions of
5 30 veteran affairs, veterans hospitals, and other appropriate
5 31 points of distribution.
5 32 Sec. 18. VETERANS COUNSELING PROGRAM REPORT. The director
5 33 of the department of veterans affairs shall submit a report to
5 34 the members of the general assembly by January 15, 2008,
5 35 regarding the development and implementation of the veterans

House Study Bill 233 continued

6 1 counseling program established pursuant to section 35.12, as
6 2 enacted by this Act.
6 3 EXPLANATION
6 4 This bill makes several changes relative to veterans
6 5 affairs.
6 6 New Code section 35.12 requires the department of veterans
6 7 affairs to establish a veterans counseling program. The bill
6 8 provides that the program shall focus on reducing alcohol and
6 9 chemical dependency and suicide and providing mental health
6 10 counseling for veterans. The bill provides that the
6 11 department shall coordinate with U.S. veterans administration
6 12 hospitals, health care facilities, and clinics in this state
6 13 and the department of public health in establishing the
6 14 program. The bill provides that the program shall include
6 15 public education and awareness programs and referral services
6 16 to appropriate counseling and treatment relative to at=risk
6 17 veterans. The bill requires the department of veterans
6 18 affairs to submit a report to the general assembly by January
6 19 15, 2008, concerning the development and implementation of the
6 20 program.
6 21 New Code section 35A.6 establishes regional veterans
6 22 affairs offices. The bill provides that the offices shall be
6 23 colocated with workforce development centers and serve the
6 24 same regional area that the workforce development center
6 25 serves. The bill provides that the duties of each office are
6 26 to assist the department of veterans affairs in assisting,
6 27 advising, and training county commissions of veteran affairs
6 28 and the executive directors of the county commissions. In
6 29 addition, the bill provides that each regional office shall
6 30 provide assistance to veterans and their families in receiving
6 31 veterans benefits.
6 32 The bill also makes changes relative to the duties and
6 33 responsibilities of the department of veterans affairs and the
6 34 commission.
6 35 Code section 7E.5 is amended to eliminate the provision

House Study Bill 233 continued

that the commission of veterans affairs has primary responsibility for state veterans affairs.

Code section 35A.2 is amended to provide that the executive director of the department of veterans affairs is a nonvoting, ex officio member of the commission of veterans affairs.

Code section 35A.3, concerning the duties of the commission, is amended by striking the provision that the commission is responsible for adopting rules and establishing policy for the management and operation of the department and the requirement that the commission prescribe the duties of an executive director and other employees of the department. The Code section is further amended to provide that a duty of the commission is to advise and make recommendations to the department, governor, and the general assembly on issues involving veterans. The commission's current responsibility relative to the Iowa veterans home is unchanged by the bill.

Code section 35A.5, concerning the duties of the department of veterans affairs, is amended to require the department to provide information to and assist veterans and their families in receiving veterans benefits. In addition, the Code section is amended to require that the department provide and maintain regional veterans affairs offices, and adopt rules for the management of the department.

The bill also provides that the department, and not the commission, has primary responsibility for the veterans license fee fund created in Code section 35A.11, the veterans trust fund created in Code section 35A.13, programs relative to exposure to chemicals by veterans under Code chapter 36, and the hepatitis C awareness program for veterans created under Code section 135.20.

LSB 2111YC 82
ec:nh/je/5.1

House Study Bill 234

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

A BILL FOR

An Act relating to animal feeding operations by providing for reports alleging violations of state law.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1824YC 82
da/je/5

House Study Bill 234 continued

PAG LIN

1 1 Section 1. Section 455B.103, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. The director shall only investigate a
1 4 report against an animal feeding operation which is the
1 5 subject of multiple reports of violations of this chapter or
1 6 chapter 459 by the same person as provided in section 459.511.
1 7 Sec. 2. NEW SECTION. 459.511 REPORTS ALLEGING
1 8 VIOLATIONS.
1 9 1. As used in this section, "enforcement authority" means
1 10 the department or a county.
1 11 2. If a person filing a report with an enforcement
1 12 authority alleging a violation of this chapter or chapter 455B
1 13 against an animal feeding operation has filed three or more
1 14 reports alleging a violation of this chapter or chapter 455B
1 15 against the same animal feeding operation in the preceding
1 16 two=year period with an enforcement authority and the reported
1 17 allegations were not violations of this chapter or chapter
1 18 455B, the enforcement authority shall refrain from conducting
1 19 an investigation of the current reported allegation until the
1 20 person files a form of financial responsibility in the form of
1 21 cash or approved sureties to pay all of the following:
1 22 a. Administrative costs incurred by the enforcement
1 23 authority relating to conducting an investigation.
1 24 b. Costs incurred by the owner of the animal feeding
1 25 operation which is being investigated or damages to the owner
1 26 of the animal feeding operation proximately caused by the
1 27 enforcement authority's investigation.
1 28 3. If after an investigation the enforcement authority
1 29 determines that the reported allegation is a violation of this
1 30 chapter or chapter 455B, the enforcement authority shall
1 31 return the form of financial responsibility to the person or
1 32 cancel it. However, if the enforcement authority determines
1 33 that the reported allegation is not a violation of this
1 34 chapter or chapter 455B, the enforcement authority shall
1 35 redeem and use the form of financial responsibility to pay for

House Study Bill 234 continued

2 1 costs as provided in this section, and return any remaining
2 2 amount to the person.
2 3 EXPLANATION
2 4 This bill adds a provision to Code chapter 459, the "Animal
2 5 Agriculture Compliance Act", which regulates animal feeding
2 6 operations and primarily confinement feeding operations. The
2 7 bill applies to a person who has filed a report with a county
2 8 or the department of natural resources (referred to as an
2 9 enforcement authority) alleging a violation of the Code
2 10 chapter or Code chapter 455B. According to the bill, if that
2 11 person has filed three or more such reports with the
2 12 enforcement authority in the last two=year period and those
2 13 allegations were not violations, the person must file a form
2 14 of financial responsibility (cash or a surety) with the
2 15 enforcement authority, pending the outcome of the
2 16 investigation of the animal feeding operation. If the
2 17 person's latest reported allegation is a violation, the cash
2 18 is returned or the surety canceled. However, if the reported
2 19 allegation is not a violation, the financial responsibility is
2 20 to be used to reimburse the enforcement authority for the
2 21 costs of the investigation and the owner of the animal feeding
2 22 operation for costs or damages arising from the investigation.
2 23 LSB 1824YC 82
2 24 da:nh/je/5.2

House Study Bill 235

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

An Act relating to dogs, including the right to kill a tagged dog and the liability of a dog's owner for damages caused by the dog.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2497YC 82
da/es/88

House Study Bill 235 continued

PAG LIN

1 1 Section 1. Section 351.27, Code 2007, is amended to read
1 2 as follows:
1 3 351.27 RIGHT TO KILL TAGGED DOG.
1 4 It shall be lawful for any person to kill a dog, wearing a
1 5 collar with a rabies vaccination tag attached, when the dog is
1 6 caught in the act of ~~worrying,~~ chasing, maiming, or killing
1 7 any domestic animal or fowl, or when such dog is attacking or
1 8 attempting to bite a person.
1 9 Sec. 2. Section 351.28, Code 2007, is amended to read as
1 10 follows:
1 11 351.28 LIABILITY FOR DAMAGES.
1 12 The owner of a dog shall be liable to an injured party for
1 13 all damages done by the dog, when the dog is caught in the
1 14 action of ~~worrying~~ chasing, maiming, or killing a domestic
1 15 animal, or the dog is attacking or attempting to bite a
1 16 person, except when the party damaged is doing an unlawful
1 17 act, directly contributing to the injury. This section does
1 18 not apply to damage done by a dog affected with hydrophobia
1 19 unless the owner of the dog had reasonable grounds to know
1 20 that the dog was afflicted with hydrophobia and by reasonable
1 21 effort might have prevented the injury.
1 22 EXPLANATION
1 23 This bill relates to dogs, including the right to kill a
1 24 tagged dog and the liability of an owner of a dog for damages
1 25 caused by the dog. The bill removes the ability of a person
1 26 to kill a dog that is wearing a collar with a rabies
1 27 vaccination tag when the dog is caught in the act of worrying
1 28 a domestic animal or fowl. The bill removes the liability of
1 29 an owner of a dog to an injured party for damages done by the
1 30 dog when the dog is caught in the act of worrying a domestic
1 31 animal. The bill provides that an owner of a dog is liable to
1 32 an injured party for damages done by the dog when the dog is
1 33 caught in the act of chasing a domestic animal.
1 34 LSB 2497YC 82
1 35 da:nh/es/88

House Study Bill 236

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

A BILL FOR

An Act relating to the duties and powers of the state entomologist, and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1988HC 82
da/es/88

House Study Bill 236 continued

PAG LIN

1 1 Section 1. Section 177A.9, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 1. ~~It shall be unlawful for any person to sell, give away,~~
~~1 4 carry, ship, or deliver for carriage or shipment, within this~~
~~1 5 state, any plants or plant products listed in the rules unless~~
~~1 6 such plants or plant products have been officially inspected~~
~~1 7 and a certificate issued by an inspector of the state~~
~~1 8 entomologist's office stating that such plants or plant~~
~~1 9 products have~~ A person shall not sell, offer for sale, or
1 10 distribute a plant or plant product which has not been
1 11 inspected and certified as required by the state entomologist.
1 12 2. The state entomologist may provide for the inspection
1 13 and certification of a plant or plant product for any use,
1 14 including a plant or plant product for sale, offer for sale,
1 15 or distribution within this state or outside this state.
1 16 a. The state entomologist may enter into and oversee
1 17 agreements, including compliance agreements and memorandums of
1 18 understanding, with other persons to provide for the
1 19 certification of a plant or plant product for purposes
1 20 relating to facilitating trade and determining the infestation
1 21 status of a plant or plant product.
1 22 b. A certification shall provide that the plant or plant
1 23 product has been inspected and found to be apparently free
1 24 from dangerously injurious insect pests and diseases~~, and~~
~~1 25 giving any~~. The certification may include other facts as
1 26 provided for in the department's rules.
1 27 3. ~~For the issuance of such certificate, the state~~
~~1 28 entomologist may require the payment of a reasonable fee to~~
~~1 29 cover the expense of such inspection and certification.~~
~~1 30 Provided, that if such plants~~ If a plant or plant ~~products~~
~~1 31 were~~ product was brought into this state in compliance with
1 32 section 177A.8, the certificate required by that section may
1 33 be accepted in lieu of the inspection and certificate required
1 34 by this section~~, in such cases as shall~~ as may be provided for
1 35 in the department's rules.

House Study Bill 236 continued

4. If it shall be found at any time that a certificate ~~of inspection~~, issued or accepted under the provisions of this section, is being used in connection with ~~plants and~~ a plant ~~products~~ or plant product which ~~are~~ is infested or infected with a dangerously injurious insect ~~pests~~ pest or ~~diseases~~ disease or is used in connection with an uninspected ~~plants, its~~ plant or plant product, the state entomologist may prohibit its further use ~~may be prohibited~~, subject to ~~such~~ the inspection and disposition of the ~~plants and~~ plant or plant ~~products involved~~ product as may be provided for by the state entomologist.

5. All moneys collected under the provisions of this chapter shall be ~~turned over to the secretary who shall deposit them~~ deposited in the state treasury.

EXPLANATION

This bill amends Code section 177A.9, which prohibits a person from selling, offering for sale, or distributing a plant or plant product unless it has been inspected and certified by the state entomologist within the department of agriculture and land stewardship. The bill provides that the state entomologist may provide for the inspection and certification of a plant or plant product for destinations in or out of this state. It also provides that the state entomologist may enter into and oversee agreements, including compliance agreements and memorandums of understanding, with other persons to provide for the certification of a plant or plant product. Code section 177A.16 provides that a person who violates a provision of the Code chapter, including Code section 177A.9, is guilty of a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least $65 but not more than $625 or by both.

LSB 1988HC 82
da:nh/es/88

Senate File 277

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1118)

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

A BILL FOR

An Act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1227SV 82
kh/gg/14

Senate File 277 continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 25, Code 2007, is
1 2 amended to read as follows:
1 3 25. Adopt rules establishing standards for school district
1 4 and area education agency ~~career~~ professional development
1 5 programs and for individual teacher ~~career~~ professional
1 6 development plans in accordance with section 284.6.
1 7 Sec. 2. Section 256.7, Code 2007, is amended by adding the
1 8 following new subsection:
1 9 NEW SUBSECTION. 27. Adopt by rule the Iowa standards for
1 10 school administrators, including the knowledge and skill
1 11 criteria developed by the director in accordance with section
1 12 256.9, subsection 55.
1 13 Sec. 3. Section 256.9, Code 2007, is amended by adding the
1 14 following new subsection:
1 15 NEW SUBSECTION. 55. Develop Iowa standards for school
1 16 administrators, including knowledge and skill criteria, and
1 17 develop, based on the Iowa standards for administrators,
1 18 mentoring and induction, evaluation processes, and career
1 19 development plans pursuant to chapter 284A. The criteria
1 20 shall further define the characteristics of quality
1 21 administrators as established by the Iowa standards for school
1 22 administrators.
1 23 Sec. 4. Section 256.11, Code 2007, is amended by adding
1 24 the following new subsections:
1 25 NEW SUBSECTION. 9A. Beginning July 1, 2007, each school
1 26 district shall have a qualified guidance counselor who shall
1 27 be licensed by the board of educational examiners under
1 28 chapter 272. Each school district shall work toward the goal
1 29 of having one qualified guidance counselor for every three
1 30 hundred fifty students enrolled in the school district. The
1 31 state board shall establish in rule a definition of and
1 32 standards for an articulated sequential kindergarten through
1 33 grade twelve guidance and counseling program.
1 34 NEW SUBSECTION. 9B. Beginning July 1, 2007, each school
1 35 district shall have a school nurse to provide health services

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2 1 to its students. For purposes of this subsection, "school
2 2 nurse" means a person who holds an endorsement or a statement
2 3 of professional recognition for school nurses issued by the
2 4 board of educational examiners under chapter 272.
2 5 Sec. 5. Section 256.11A, subsection 1, Code 2007, is
2 6 amended to read as follows:
2 7 1. The board of directors of a school district may, not
2 8 later than August 1~~, 2006,~~ for the current school year
2 9 ~~beginning July 1, 2006~~, file a written request to the
2 10 department of education ~~that~~ for the department to waive the
2 11 requirement adopted by the state board pursuant to section
2 12 256.11, subsection 9, that the school district have a
2 13 qualified teacher librarian, the requirement adopted by the
2 14 state board pursuant to section 256.11, subsection 9A, that
2 15 the school district have a qualified guidance counselor, or
2 16 the requirement adopted by the state board pursuant to section
2 17 256.11, subsection 9B, that the school district have not less
2 18 than one school nurse. The procedures specified in subsection
2 19 2 apply to the request. Not later than August 1~~, 2007, for~~ of
2 20 the following school year ~~beginning July 1, 2007~~, for that
2 21 following school year, the board of directors of a school
2 22 district may request a one=year extension of the waiver. A
2 23 school district cannot request a waiver of a requirement under
2 24 section 256.11, subsection 9, 9A, or 9B, if it met the
2 25 requirements of section 256.11, subsection 9, 9A, or 9B, as
2 26 applicable, in the previous school year.
2 27 Sec. 6. Section 257.31, subsection 5, Code 2007, is
2 28 amended by adding the following new paragraph:
2 29 NEW PARAGRAPH. m. The addition of one or more teacher
2 30 librarians pursuant to section 256.11, subsection 9, or one or
2 31 more guidance counselors pursuant to section 256.11,
2 32 subsection 9A.
2 33 Sec. 7. Section 272.9A, Code 2007, is amended by striking
2 34 the section and inserting in lieu thereof the following:
2 35 272.9A ADMINISTRATOR LICENSES.

Senate File 277 continued

3 1 1. Beginning July 1, 2007, requirements for administrator
3 2 licensure beyond an initial license shall include completion
3 3 of a beginning administrator mentoring and induction program
3 4 provided by the department pursuant to section 284A.2,
3 5 subsection 2, as amended in this Act, and demonstration of
3 6 competence on the administrator standards adopted pursuant to
3 7 section 284A.3.
3 8 2. The board shall adopt rules for administrator licensure
3 9 renewal that include credit for individual administrator
3 10 career development plans developed in accordance with section
3 11 284A.6.
3 12 3. An administrator formerly employed by an accredited
3 13 nonpublic school or formerly employed as an administrator in
3 14 another state or country is exempt from the mentoring and
3 15 induction requirement under subsection 1 if the administrator
3 16 can document two years of successful administrator experience
3 17 and meet or exceed the requirements contained in rules adopted
3 18 pursuant to this chapter for endorsement and licensure.
3 19 However, if an administrator cannot document two years of
3 20 successful administrator experience when hired by a school
3 21 district, the administrator shall meet the requirements of
3 22 subsection 1.
3 23 Sec. 8. Section 284.1, subsection 4, Code 2007, is amended
3 24 by striking the subsection.
3 25 Sec. 9. Section 284.2, subsection 9, Code 2007, is amended
3 26 to read as follows:
3 27 9. "School board" means the board of directors of a school
3 28 district, ~~or~~ a collaboration of boards of directors of school
3 29 districts, or the board of directors of an area education
3 30 agency, as the context requires.
3 31 Sec. 10. Section 284.2, subsection 11, Code 2007, is
3 32 amended to read as follows:
3 33 11. "Teacher" means an individual ~~holding~~ who holds a
3 34 practitioner's license issued under chapter 272, or who holds
3 35 a practitioner's license with a school nurse endorsement or a

Senate File 277 continued

4 1 statement of professional recognition for school nurses issued
4 2 under chapter 272, who is employed in a nonadministrative
4 3 position ~~as a teacher, teacher librarian, preschool teacher,~~
~~4 4 or counselor~~ by a school district or area education agency
4 5 pursuant to a contract issued by a board of directors under
4 6 section 279.13. A teacher may be employed in both an
4 7 administrative and a nonadministrative position by a board of
4 8 directors and shall be considered a part=time teacher for the
4 9 portion of time that the teacher is employed in a
4 10 nonadministrative position. "Teacher" includes a licensed
4 11 individual employed on a less than full=time basis by a school
4 12 district through a contract between the school district and an
4 13 institution of higher education with a practitioner
4 14 preparation program in which the licensed teacher is enrolled.
4 15 Sec. 11. Section 284.3, subsection 2, paragraph b, Code
4 16 2007, is amended to read as follows:
4 17 b. ~~By July 1, 2005, for~~ For purposes of performance
4 18 reviews for teachers other than beginning teachers,
4 19 evaluations that contain, at a minimum, the Iowa teaching
4 20 standards specified in subsection 1, as well as the criteria
4 21 for the Iowa teaching standards developed by the department in
4 22 accordance with section 256.9, subsection 50. A local school
4 23 board and its certified bargaining representative may
4 24 negotiate, pursuant to chapter 20, additional teaching
4 25 standards and criteria. A local school board and its
4 26 certified bargaining representative ~~may~~ shall negotiate,
4 27 pursuant to chapter 20, evaluation and grievance procedures
4 28 for teachers other than beginning teachers that are not in
4 29 conflict with this chapter.
4 30 Sec. 12. Section 284.4, subsection 1, unnumbered paragraph
4 31 1, Code 2007, is amended to read as follows:
4 32 A school district or area education agency is eligible to
4 33 receive moneys appropriated for purposes specified in this
4 34 chapter if the school board applies to the department to
4 35 participate in the student achievement and teacher quality

Senate File 277 continued

5 1 program and submits a written statement declaring the school
5 2 district's or agency's willingness to do all of the following:
5 3 Sec. 13. Section 284.4, subsection 1, paragraph c, Code
5 4 2007, is amended by striking the paragraph and inserting in
5 5 lieu thereof the following:
5 6 c. Create a teacher quality committee. The committee
5 7 shall have equal representation of administrators and
5 8 teachers. The teacher members shall be appointed by the
5 9 certified employee organization if one exists, and if not, by
5 10 the school district's or agency's administration. The
5 11 administrator members shall be appointed by the school board.
5 12 The committee shall do all of the following:
5 13 (1) Monitor the implementation of the requirements of
5 14 statutes and administrative code provisions relating to this
5 15 chapter, including requirements that affect any agreement
5 16 negotiated pursuant to chapter 20.
5 17 (2) Monitor the evaluation requirements of this chapter to
5 18 ensure evaluations are conducted in a fair and consistent
5 19 manner throughout the school district or agency. In addition
5 20 to any negotiated evaluation procedures, develop model
5 21 evidence for the Iowa teaching standards and criteria. The
5 22 model evidence will minimize paperwork and focus on teacher
5 23 improvement. The model evidence will determine which
5 24 standards and criteria can be met with observation and which
5 25 evidence meets multiple standards and criteria.
5 26 (3) Make recommendations, upon consideration of the Iowa
5 27 professional development model, on the use and distribution of
5 28 professional development funds distributed to the school
5 29 district or agency.
5 30 (4) Monitor the professional development in each
5 31 attendance center to ensure that the professional development
5 32 meets school district or agency, attendance center, and
5 33 individual professional development plans.
5 34 (5) Ensure the agreement negotiated pursuant to chapter 20
5 35 determines the compensation for teachers on the committee for

Senate File 277 continued

work responsibilities required beyond the normal work day.

Sec. 14. Section 284.4, subsection 1, paragraphs d and e, Code 2007, are amended to read as follows:

d. Adopt school district, attendance center, and teacher ~~career~~ professional development plans in accordance with this chapter.

e. Adopt a teacher evaluation plan that, at minimum, requires a performance review of teachers in the district at least once every three years based upon the Iowa teaching standards and individual ~~career~~ professional development plans, and requires administrators to complete evaluator training in accordance with section 284.10.

Sec. 15. Section 284.4, subsection 1, paragraph g, Code 2007, is amended by striking the paragraph.

Sec. 16. Section 284.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall coordinate a statewide network of ~~career~~ professional development for Iowa teachers. A school district or ~~career~~ professional development provider that offers a ~~career~~ professional development program in accordance with section 256.9, subsection 50, shall demonstrate that the program contains the following:

Sec. 17. Section 284.6, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. Support that meets the ~~career~~ professional development needs of individual teachers and is aligned with the Iowa teaching standards.

Sec. 18. Section 284.6, subsections 2 through 6, Code 2007, are amended to read as follows:

2. The department shall identify models of ~~career~~ professional development practices that produce evidence of the link between teacher training and improved student learning.

3. A school district shall incorporate a district ~~career~~ professional development plan into the district's

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7 1 comprehensive school improvement plan submitted to the
7 2 department in accordance with section 256.7, subsection 21.
7 3 The district ~~career~~ professional development plan shall
7 4 include a description of the means by which the school
7 5 district will provide access to all teachers in the district
7 6 to ~~career~~ professional development programs or offerings that
7 7 meet the requirements of subsection 1. The plan shall align
7 8 all ~~career~~ professional development with the school district's
7 9 long=range student learning goals and the Iowa teaching
7 10 standards. The plan shall indicate the school district's
7 11 approved ~~career~~ professional development provider or
7 12 providers. The plan shall include the use and distribution of
7 13 the professional development funds in accordance with the
7 14 negotiated agreement as provided in subsection 8.
7 15 4. In cooperation with the teacher's evaluator, the career
7 16 teacher employed by a school district shall develop an
7 17 individual teacher ~~career~~ professional development plan. The
7 18 evaluator shall consult with the teacher's supervisor on the
7 19 development of the individual teacher ~~career~~ professional
7 20 development plan. The purpose of the plan is to promote
7 21 individual and group ~~career~~ professional development. The
7 22 individual plan shall be based, at minimum, on the needs of
7 23 the teacher, the Iowa teaching standards, and the student
7 24 achievement goals of the attendance center and the school
7 25 district as outlined in the comprehensive school improvement
7 26 plan. The individual plan shall include goals for the
7 27 individual which are beyond those required under the
7 28 attendance center professional development plan developed
7 29 pursuant to subsection 7.
7 30 5. The teacher's evaluator shall annually meet with the
7 31 teacher to review progress in meeting the goals in the
7 32 teacher's individual plan. The teacher shall present to the
7 33 evaluator evidence of progress. The purpose of the meeting
7 34 shall be to review the teacher's progress in meeting ~~career~~
7 35 professional development goals in the plan and to review

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8 1 collaborative work with other staff on student achievement
8 2 goals and to modify as necessary the teacher's individual plan
8 3 to reflect the individual teacher's and the school district's
8 4 needs and the individual's progress in meeting the goals in
8 5 the plan. The teacher's supervisor and the evaluator shall
8 6 review, modify, or accept modifications made to the teacher's
8 7 individual plan.
8 8 6. School districts, a consortium of school districts,
8 9 area education agencies, higher education institutions, and
8 10 other public or private entities including professional
8 11 associations may be approved by the state board to provide
8 12 teacher ~~career~~ professional development. The ~~career~~
8 13 professional development program or offering shall, at
8 14 minimum, meet the requirements of subsection 1. The state
8 15 board shall adopt rules for the approval of ~~career~~
8 16 professional development providers and standards for the
8 17 district ~~career~~ development plan.
8 18 Sec. 19. Section 284.6, Code 2007, is amended by adding
8 19 the following new subsections:
8 20 NEW SUBSECTION. 7. Each attendance center shall develop
8 21 an attendance center professional development plan. The
8 22 purpose of the plan is to promote group professional
8 23 development. The attendance center plan shall be based, at a
8 24 minimum, on the needs of the teachers, the Iowa teaching
8 25 standards, district professional development plans, and the
8 26 student achievement goals of the attendance center and the
8 27 school district as set forth in the comprehensive school
8 28 improvement plan.
8 29 NEW SUBSECTION. 8. For each year in which a school
8 30 district receives funds allocated for distribution to school
8 31 districts for professional development pursuant to section
8 32 284.13, subsection 1, paragraph "d", the school district shall
8 33 create quality professional development opportunities. If the
8 34 licensed employees of the school district are organized under
8 35 chapter 20 for collective bargaining purposes, the use and
9 1 distribution of the funds received shall be determined by the
9 2 collective bargaining agreement negotiated under chapter 20 by
9 3 the school board and its certified bargaining representative.
9 4 The use of the funds is limited to providing professional
9 5 development to teachers, including additional salaries for
9 6 time beyond the normal negotiated agreement, pay for
9 7 substitute teachers, professional development materials,
9 8 speakers, professional development content, and costs
9 9 associated with implementing the individual professional
9 10 development plans. The use of the funds shall be balanced
9 11 between school district, attendance center, and individual
9 12 professional development plans, making every reasonable effort
9 13 to provide equal access to all teachers.
9 14 NEW SUBSECTION. 9. The distribution of funds allocated
9 15 for professional development pursuant to section 284.13,
9 16 subsection 1, paragraph "d", shall be made in one payment on
9 17 or about October 15 of the fiscal year for which the
9 18 appropriation is made, taking into consideration the relative
9 19 budget and cash position of the state resources. Moneys
9 20 received pursuant to section 284.13, subsection 1, paragraph
9 21 "d", shall not be commingled with state aid payments made

9 22 under section 257.16 to a school district, shall be accounted
9 23 for by the local school district separately from state aid
9 24 payments, and are miscellaneous income for purposes of chapter
9 25 257. A school district shall maintain a separate listing
9 26 within its budget for funds received and expenditures made
9 27 pursuant to this subsection. A school district shall certify
9 28 to the department of education how the school district
9 29 allocated the funds and that moneys received under this
9 30 subsection were used to supplement, not supplant, the
9 31 professional development opportunities the school district
9 32 would otherwise make available.
9 33 NEW SUBSECTION. 10. If funds are allocated for purposes
9 34 of professional development pursuant to section 284.13,
9 35 subsection 1, paragraph "e", the department shall, in

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collaboration with the area education agencies, establish teacher development academies for school=based teams of teachers and instructional leaders. Each academy shall include an institute and shall provide follow=up training and coaching.

Sec. 20. Section 284.7, subsection 1, paragraph a, subparagraph (2), Code 2007, is amended to read as follows:

(2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a beginning teacher shall be ~~twenty=five~~ twenty=six thousand five hundred dollars.

Sec. 21. Section 284.7, subsection 1, paragraph b, subparagraph (1), subparagraph subdivision (d), Code 2007, is amended to read as follows:

(d) Participates in teacher ~~career~~ professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

Sec. 22. Section 284.7, subsection 1, paragraph b, subparagraph (2), Code 2007, is amended to read as follows:

(2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a first=year career teacher shall be ~~twenty=six~~ twenty=seven thousand five hundred dollars and the minimum salary for all other career teachers shall be ~~twenty=seven~~ twenty=eight thousand five hundred dollars.

Sec. 23. Section 284.7, subsection 2, paragraph b, subparagraph (1), subparagraph subdivision (c), Code 2007, is amended to read as follows:

(c) Participates in teacher ~~career~~ professional development as outlined in this chapter and demonstrates continuous improvement in teaching.

Sec. 24. Section 284.7, subsection 4, Code 2007, is amended by striking the subsection.

Sec. 25. Section 284.7, subsection 6, paragraphs a and b, Code 2007, are amended to read as follows:

a. If the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13,

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11 1 subsection 1, paragraph "h" or "i", for purposes of this
11 2 section, are organized under chapter 20 for collective
11 3 bargaining purposes, the board of directors and the certified
11 4 bargaining representative for the licensed employees shall
11 5 mutually agree upon a formula for distributing the funds among
11 6 the teachers employed by the school district or area education
11 7 agency. However, the school district must comply with the
11 8 salary minimums provided for in this section. The parties
11 9 shall follow the negotiation and bargaining procedures
11 10 specified in chapter 20 except that if the parties reach an
11 11 impasse, neither impasse procedures agreed to by the parties
11 12 nor sections 20.20 through 20.22 shall apply and the funds
11 13 shall be paid as provided in paragraph "b". Negotiations
11 14 under this section are subject to the scope of negotiations
11 15 specified in section 20.9. If a board of directors and the
11 16 certified bargaining representative for licensed employees
11 17 have not reached mutual agreement for the distribution of
11 18 funds received pursuant to section 284.13, subsection 1,
11 19 paragraph "h" or "i", by ~~July~~ September 15 of the fiscal year
11 20 for which the funds are distributed, paragraph "b" of this
11 21 subsection shall apply.
11 22 b. If, once the minimum salary requirements of this
11 23 section have been met by the school district or area education
11 24 agency, and the school district or area education agency
11 25 receiving funds pursuant to section 284.13, subsection 1,
11 26 paragraph "h" or "i", for purposes of this section, and the
11 27 certified bargaining representative for the licensed employees
11 28 have not reached an agreement for distribution of the funds
11 29 remaining, in accordance with paragraph "a", the board of
11 30 directors shall divide the funds remaining among full=time
11 31 teachers employed by the district or area education agency
11 32 whose regular compensation is equal to or greater than the
11 33 minimum ~~career teacher~~ salary specified in this section. The
11 34 payment amount for teachers employed on less than a full=time
11 35 basis shall be prorated.

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12 1 Sec. 26. Section 284.7, subsection 6, Code 2007, is
12 2 amended by adding the following new paragraph:
12 3 NEW PARAGRAPH. d. For the school year beginning July 1,
12 4 2008, if the licensed employees of a school district or area
12 5 education agency receiving funds pursuant to section 284.13,
12 6 subsection 1, paragraph "h" or "i", for purposes of this
12 7 section, are organized under chapter 20 for collective
12 8 bargaining purposes, the school board and the certified
12 9 bargaining representative for the licensed employees shall
12 10 negotiate a formula for distributing the funds among the
12 11 teachers employed by the school district or area education
12 12 agency according to chapter 20. Paragraphs "a" and "b" shall
12 13 apply to any increases in the funds provided above the base
12 14 year.
12 15 Sec. 27. Section 284.8, subsections 1 and 2, Code 2007,
12 16 are amended to read as follows:
12 17 1. A school district shall review a teacher's performance
12 18 at least once every three years for purposes of assisting
12 19 teachers in making continuous improvement, documenting
12 20 continued competence in the Iowa teaching standards,
12 21 identifying teachers in need of improvement, or to determine
12 22 whether the teacher's practice meets school district
12 23 expectations for career advancement in accordance with section
12 24 284.7. The review shall include, at minimum, classroom
12 25 observation of the teacher, the teacher's progress, and
12 26 implementation of the teacher's individual ~~career~~ professional
12 27 development plan, subject to the level of funding provided to
12 28 implement the plan; and shall include supporting documentation
12 29 from other evaluators, teachers, parents, and students~~; and
12 30 may include video portfolios as evidence of teaching
12 31 practices~~.
12 32 2. If a supervisor or an evaluator determines, at any
12 33 time, as a result of a teacher's performance that the teacher
12 34 is not meeting district expectations under the Iowa teaching
12 35 standards specified in section 284.3, subsection 1, paragraphs

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13 1 "a" through ~~"g"~~ "h", the criteria for the Iowa teaching
13 2 standards developed by the department in accordance with
13 3 section 256.9, subsection 50, and any other standards or
13 4 criteria established in the collective bargaining agreement,
13 5 the evaluator shall, at the direction of the teacher's
13 6 supervisor, recommend to the district that the teacher
13 7 participate in an intensive assistance program. The intensive
13 8 assistance program and its implementation are ~~not~~ subject to
13 9 negotiation or grievance procedures established pursuant to
13 10 chapter 20. ~~By July 1, 2005, all~~ All school districts ~~must~~
13 11 shall be prepared to offer an intensive assistance program.
13 12 Sec. 28. Section 284.8, Code 2007, is amended by adding
13 13 the following new subsection:
13 14 NEW SUBSECTION. 4. Until given an opportunity to
13 15 participate in an intensive assistance program, a teacher
13 16 shall not suffer any adverse employment consequences for not
13 17 meeting the standards and criteria specified in subsection 3.
13 18 Sec. 29. Section 284.11, Code 2007, is amended to read as
13 19 follows:
13 20 284.11 MARKET FACTOR TEACHER ~~SALARIES~~ INCENTIVES.
13 21 1. The general assembly finds that Iowa school districts
13 22 need to be more competitive in recruiting and retaining
13 23 talented professionals into the teaching profession. To
13 24 ensure that school districts in all areas of the state have
13 25 the ability to attract highly qualified teachers, it is the
13 26 intent of the general assembly to encourage school districts
13 27 to ~~establish teacher compensation opportunities that recognize~~
~~13 28 the need for geographic or other locally determined wage~~
~~13 29 differentials and~~ provide incentives for traditionally
13 30 hard=to=staff schools and subject=area shortages. This
13 31 section provides for state assistance to allow school
13 32 districts to add a market factor ~~to teacher salaries~~ incentive
13 33 paid by the school districts.
13 34 2. A school district shall be paid annually, from moneys
13 35 allocated for market factor ~~salaries~~ incentives pursuant to

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14 1 section 284.13, subsection 1, paragraph "f", an amount of
14 2 state assistance to create market factor incentives for
14 3 classroom teachers in the school district. Market factor
14 4 incentives may include but are not limited to ~~improving~~
~~14 5 salaries due to geographic differences,~~ educational
14 6 opportunities and support, moving expenses, and housing
14 7 expenses for the recruitment and retention needs of the school
14 8 district in such areas as hard=to=staff schools~~,~~ and
14 9 subject=area shortages, ~~or improving the racial or ethnic~~
~~14 10 diversity on local teaching staffs~~ funding to prepare a
14 11 teacher to attain a license or endorsement in a shortage area,
14 12 or funds to support educational support personnel in pursuing
14 13 a license in a shortage area. ~~The school district shall have~~
~~14 14 the sole discretion to award funds received by the school~~
~~14 15 district in accordance with section 284.13, subsection 1,~~
~~14 16 paragraph "f", to classroom teachers on an annual basis. The~~
~~14 17 funds shall supplement, but not supplant, wages and salaries~~
~~14 18 paid as a result of a collective bargaining agreement reached~~
~~14 19 pursuant to chapter 20 or as a result of funds appropriated~~
~~14 20 elsewhere in this chapter, in chapter 256D, or in chapter~~
~~14 21 294A.~~ The teacher quality committee established pursuant to
14 22 section 284.4, subsection 1, paragraph "c", shall make
14 23 recommendations to the school board and the certified
14 24 bargaining representative regarding the expenditures of market
14 25 factor incentives.
14 26 3. The allocations to each school district shall be made
14 27 in one payment on or about October 15 of the fiscal year for
14 28 which the appropriation is made, taking into consideration the
14 29 relative budget and cash position of the state resources.
14 30 Moneys received under this section shall not be commingled
14 31 with state aid payments made under section 257.16 to a school
14 32 district and shall be accounted for by the local school
14 33 district separately from state aid payments. Payments made to
14 34 school districts under this section are miscellaneous income
14 35 for purposes of chapter 257. A school district shall maintain

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15 1 a separate listing within its budget for payments received and
15 2 expenditures made pursuant to this section. A school district
15 3 shall certify to the department of education how the school
15 4 district allocated the funds and ~~that~~ how the moneys received
15 5 under this section were used ~~to supplement, not supplant, the~~
~~15 6 salary the school district would otherwise pay the teacher~~.
15 7 4. The department shall include market factor ~~salaries~~
15 8 incentives when reporting ~~teacher salaries~~ in the annual
15 9 condition of education report on the use of funds allocated
15 10 for purposes of this section. The department shall review the
15 11 use and effectiveness of the use of funds allocated for
15 12 purposes of this section and shall submit its findings and
15 13 recommendations in a report to the general assembly by January
15 14 15, 2008. It is the intent of the general assembly to
15 15 reevaluate the fiscal year allocations made pursuant to
15 16 section 284.13, subsection 1, paragraph "f", subparagraphs (2)
15 17 and (3), based upon this report.
15 18 Sec. 30. Section 284.12, subsection 1, paragraph c, Code
15 19 2007, is amended by striking the paragraph.
15 20 Sec. 31. Section 284.12, subsection 3, Code 2007, is
15 21 amended by striking the subsection.
15 22 Sec. 32. Section 284.13, subsection 1, paragraphs c and d,
15 23 Code 2007, are amended to read as follows:
15 24 c. For each fiscal year of the fiscal period beginning
15 25 July 1, 2006, and ending June 30, 2009, up to six hundred
15 26 ninety=five thousand dollars to the department ~~of education~~
15 27 for purposes of implementing the ~~career~~ professional
15 28 development program requirements of section 284.6, ~~the review~~
~~15 29 panel requirements of section 284.9~~ assistance in developing
15 30 model evidence for teacher quality committees established
15 31 pursuant to section 284.4, subsection 1, paragraph "c", and
15 32 the evaluator training program in section 284.10. A portion
15 33 of the funds allocated to the department for purposes of this
15 34 paragraph may be used by the department for administrative
15 35 purposes.

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16 1 d. For the fiscal year beginning July 1, ~~2006~~ 2007, and
16 2 ending June 30, ~~2007~~ 2008, up to ~~ten~~ twenty million dollars to
16 3 the department ~~of education~~ for use by school districts ~~to add~~
~~16 4 one additional teacher contract day to the school calendar~~ for
16 5 professional development as provided in section 284.6. The
16 6 department shall distribute funds allocated for the purpose of
16 7 this paragraph based on the average per diem contract salary
16 8 for each district as reported to the department for the school
16 9 year beginning July 1, ~~2005~~ 2006, multiplied by the total
16 10 number of full=time equivalent teachers in the base year. The
16 11 department shall adjust each district's average per diem
16 12 salary by the allowable growth rate established under section
16 13 257.8 for the fiscal year beginning July 1, ~~2006~~ 2007. The
16 14 contract salary amount shall be the amount paid for their
16 15 regular responsibilities but shall not include pay for
16 16 extracurricular activities. ~~School districts shall distribute~~
~~16 17 funds to teachers based on individual teacher per diem~~
~~16 18 amounts.~~ These funds shall not supplant existing funding for
16 19 professional development activities. Notwithstanding any
16 20 provision to the contrary, moneys received by a school
16 21 district under this paragraph shall not revert but shall
16 22 remain available for the same purpose in the succeeding fiscal
16 23 year. A school district shall submit a report to the
16 24 department in a manner determined by the department describing
16 25 its use of the funds received under this paragraph. The
16 26 department shall submit a report on school district use of the
16 27 moneys distributed pursuant to this paragraph to the
16 28 ~~chairpersons and ranking members of the house and senate~~
~~16 29 standing committees on education, the joint appropriations~~
~~16 30 subcommittee on education,~~ general assembly and the
16 31 legislative services agency not later than January 15~~, 2007~~ of
16 32 the fiscal year for which moneys are allocated for purposes of
16 33 this paragraph.
16 34 Sec. 33. Section 284.13, subsection 1, paragraph e, Code
16 35 2007, is amended by striking the paragraph and inserting in

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17 1 lieu thereof the following:
17 2 e. For the fiscal year beginning July 1, 2007, and ending
17 3 June 30, 2008, an amount up to one million eight hundred
17 4 forty=five thousand dollars to the department for the
17 5 establishment of teacher development academies in accordance
17 6 with section 284.6, subsection 10. A portion of the funds
17 7 allocated to the department for purposes of this paragraph may
17 8 be used for administrative purposes.
17 9 Sec. 34. Section 284.13, subsection 1, paragraph f,
17 10 unnumbered paragraph 1, Code 2007, is amended to read as
17 11 follows:
17 12 For purposes of market factor teacher ~~salaries~~ incentives
17 13 pursuant to section 284.11, the following amounts are
17 14 allocated to the department for the following fiscal years:
17 15 Sec. 35. Section 284.13, subsection 1, paragraph f,
17 16 subparagraphs (1), (2), and (3), Code 2007, are amended to
17 17 read as follows:
17 18 (1) For ~~the~~ each fiscal year of the fiscal period
17 19 beginning July 1, 2006, and ending June 30, ~~2007~~ 2008, the sum
17 20 of three million three hundred ninety thousand dollars.
17 21 (2) For the fiscal year beginning July 1, ~~2007~~ 2008, and
17 22 ending June 30, ~~2008~~ 2009, the sum of seven million five
17 23 hundred thousand dollars.
17 24 (3) For the fiscal year beginning July 1, ~~2008~~ 2009, and
17 25 ending June 30, ~~2009~~ 2010, the sum of ~~ten~~ six million six
17 26 hundred ten thousand dollars.
17 27 Sec. 36. Section 284.13, subsection 1, paragraph g,
17 28 subparagraphs (2) and (3), Code 2007, are amended to read as
17 29 follows:
17 30 (2) For the fiscal year beginning July 1, 2007, and ending
17 31 June 30, 2008, the sum of ~~two~~ one million ~~five hundred~~
~~17 32 thousand~~ dollars. From the amount allocated under this
17 33 subparagraph, an amount up to ten thousand dollars shall be
17 34 used for purposes of the pay=for=performance commission's
17 35 expenses, an amount up to one hundred thousand dollars shall

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18 1 be distributed to the department of education for oversight
18 2 and administration of the planning projects as provided in
18 3 section 284.14, and an amount up to two hundred thousand
18 4 dollars shall be used for the employment of an external
18 5 evaluator.
18 6 (3) For ~~the~~ each fiscal year of the fiscal period
18 7 beginning July 1, 2008, and ending June 30, ~~2009~~ 2010, the sum
18 8 of ~~five~~ two million five hundred thousand dollars. From the
18 9 amount allocated for each fiscal year under this subparagraph,
18 10 an amount up to ten thousand dollars shall be used for
18 11 purposes of the pay=for=performance commission's expenses, an
18 12 amount up to one hundred thousand dollars shall be distributed
18 13 to the department of education for oversight and
18 14 administration of the planning and implementation projects as
18 15 provided in section 284.14, and an amount up to two hundred
18 16 thousand dollars shall be used for the employment of an
18 17 external evaluator.
18 18 Sec. 37. Section 284.13, subsection 1, paragraph h,
18 19 unnumbered paragraph 1, Code 2007, is amended to read as
18 20 follows:
18 21 For each fiscal year in which funds are appropriated for
18 22 purposes of this chapter, the moneys remaining after
18 23 distribution as provided in paragraphs "a" through "g" shall
18 24 be allocated to school districts for salaries ~~and career~~
~~18 25 development~~ in accordance with the following formula:
18 26 Sec. 38. Section 284.13, subsection 1, paragraph i, Code
18 27 2007, is amended to read as follows:
18 28 i. From moneys available under paragraph "h", the
18 29 department shall allocate to area education agencies an amount
18 30 per ~~classroom~~ teacher employed by an area education agency
18 31 that is approximately equivalent to the average per teacher
18 32 amount allocated to the districts. The average per teacher
18 33 amount shall be calculated by dividing the total number of
18 34 ~~classroom~~ teachers employed by school districts and the
18 35 ~~classroom~~ teachers employed by area education agencies into
19 1 the total amount of moneys available under paragraph "h".
19 2 Sec. 39. Section 284.13, subsection 1, paragraph j, Code
19 3 2007, is amended to read as follows:
19 4 j. Notwithstanding section 8.33, any moneys remaining
19 5 unencumbered or unobligated from the moneys allocated for
19 6 purposes of paragraph "a", "b", ~~or~~ "c", or "g" shall not
19 7 revert but shall remain available in the succeeding fiscal
19 8 year for expenditure for the purposes designated. The
19 9 provisions of section 8.39 shall not apply to the funds
19 10 appropriated pursuant to this subsection.
19 11 Sec. 40. Section 284.14, Code 2007, is amended by adding
19 12 the following new subsection:
19 13 NEW SUBSECTION. 0A. INTENT. The intent of this section
19 14 is to create a process by which select Iowa school districts
19 15 research, develop, and implement projects designed to identify
19 16 promising practices related to enhanced teacher compensation
19 17 career ladders and performance pay models. If successful
19 18 pilot processes are developed and implemented by local school
19 19 districts, it is the intent of the general assembly to
19 20 establish sustained long=term funding of successful planning
19 21 or implementation projects.

19 22 Sec. 41. Section 284.14, subsections 1, 2, and 3, Code
19 23 2007, are amended to read as follows:
19 24 1. COMMISSION. A pay=for=performance commission is
19 25 established to design and implement a pay=for=performance
19 26 ~~program~~ pilot project and provide a study relating to teacher
19 27 and staff compensation containing a pay=for=performance
19 28 component. The study shall measure the cost and effectiveness
19 29 in raising student achievement of a compensation system that
19 30 provides financial incentives based on student performance.
19 31 The commission is part of the executive branch of government.
19 32 2. DEVELOPMENT OF PROGRAM. Beginning July 1, 2006, the
19 33 commission shall gather sufficient information to identify a
19 34 pay=for=performance program based upon student achievement
19 35 gains and global content standards where student achievement

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20 1 gains cannot be easily measured. The commission shall review
20 2 pay=for=performance programs in both the public and private
20 3 sector. ~~Based on this information, the commission shall~~
~~20 4 design a program utilizing both individual and group incentive~~
~~20 5 components. At least half of any available funding identified~~
~~20 6 by the commission shall be designated for individual~~
~~20 7 incentives.~~
20 8 a. Commencing with the school year beginning July 1, 2007,
20 9 the commission shall initiate ~~demonstration~~ planning projects,
20 10 in selected kindergarten through grade twelve schools, to test
20 11 the effectiveness of the pay=for=performance program. The
20 12 purpose of the ~~demonstration~~ planning projects is to identify
20 13 the strengths and weaknesses of ~~the~~ various
20 14 pay=for=performance program ~~design~~ career ladder designs,
20 15 including the career path levels of the student achievement
20 16 and teacher quality program pursuant to section 284.7,
20 17 evaluate cost effectiveness, analyze student achievement ~~gains~~
20 18 needs, select formative and summative student achievement
20 19 measures that align to identify needs, consider necessary
20 20 supports related to the student achievement goals in the
20 21 school district's comprehensive school improvement plan, ~~test~~
~~20 22 assessments~~ review assessment needs, identify mechanisms to
20 23 account for existing teacher contract provisions within the
20 24 proposed career ladder salary increments, allow thorough
20 25 review of data, and make necessary adjustments before
20 26 ~~implementing~~ proposing implementation of the
20 27 pay=for=performance program statewide.
20 28 b. ~~The~~ For the school year beginning July 1, 2007, and
20 29 ending June 30, 2008, the commission shall select up to ten
20 30 school districts as ~~demonstration~~ planning projects, with one
20 31 or more selected projects demonstrating a regional approach.
20 32 ~~To the extent practicable, participants shall represent~~
~~20 33 geographically distinct rural, urban, and suburban areas of~~
~~20 34 the state.~~ Participants shall provide reports or other
20 35 information as required by the commission.

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c. ~~Commencing with~~ For the school year beginning July 1, 2008, and ending June 30, 2009, the commission shall select up to twenty additional school districts as ~~demonstration~~ planning or implementation projects.

3. REPORTS AND FINAL STUDY. Based on the information generated by the ~~demonstration~~ planning or implementation projects, the commission shall prepare an interim report by January ~~15~~ 14, ~~2007~~ 2008, followed by interim progress reports annually, followed by a final study report analyzing the effectiveness of pay=for=performance in raising student achievement levels. The final study report shall be completed no later than six months after the completion of the ~~demonstration~~ planning or implementation projects. The commission shall provide copies of the final study report to the department of education and to the ~~chairpersons and ranking members of the senate and house standing committees on education~~ general assembly.

Sec. 42. Section 284.14, subsection 4, Code 2007, is amended by striking the subsection.

Sec. 43. Section 284A.1, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Comprehensive evaluation" means a summative evaluation of a beginning administrator conducted by an evaluator in accordance with section 284A.3 for purposes of determining a beginning administrator's level of competency for recommendation for licensure based on the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.

NEW SUBSECTION. 3A. "Director" means the director of the department of education.

NEW SUBSECTION. 3B. "Evaluation" means a summative evaluation of an administrator used to determine whether the administrator's practice meets school district expectations and the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.

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22 1 Sec. 44. Section 284A.2, subsection 3, Code 2007, is
22 2 amended to read as follows:
22 3 3. Each school board shall establish an administrator
22 4 mentoring program for all beginning administrators. The
22 5 school board may adopt the model program developed by the
22 6 department pursuant to subsection 2. Each school board's
22 7 beginning administrator mentoring and induction program shall,
22 8 at a minimum, provide for one year of programming to support
22 9 the Iowa standards for school administrators adopted pursuant
22 10 to section 256.7, subsection 27, and beginning administrators'
22 11 professional and personal needs. Each school board shall
22 12 develop an initial beginning administrator mentoring and
22 13 induction plan. The plan shall describe the mentor selection
22 14 process, describe supports for beginning administrators,
22 15 describe program organizational and collaborative structures,
22 16 provide a budget, provide for sustainability of the program,
22 17 and provide for program evaluation. The school board
22 18 employing an administrator shall determine the conditions and
22 19 requirements of an administrator participating in a program
22 20 established pursuant to this section. A school board shall
22 21 include its plan in the school district's comprehensive school
22 22 improvement plan submitted pursuant to section 256.7,
22 23 subsection 21.
22 24 Sec. 45. Section 284A.2, Code 2007, is amended by adding
22 25 the following new subsection:
22 26 NEW SUBSECTION. 3A. A beginning administrator shall be
22 27 informed by the school district or the area education agency,
22 28 prior to the beginning administrator's participation in a
22 29 mentoring and induction program, of the criteria upon which
22 30 the administrator will be evaluated and of the evaluation
22 31 process utilized by the school district or area education
22 32 agency.
22 33 Sec. 46. Section 284A.2, subsection 4, Code 2007, is
22 34 amended to read as follows:
22 35 4. By the end of a beginning administrator's ~~second~~ first

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23 1 year of employment, the beginning administrator may be
23 2 comprehensively evaluated ~~at the discretion of the school~~
~~23 3 board~~ to determine if the administrator meets expectations to
23 4 move to a standard administrator license. The school district
23 5 or area education agency that employs a beginning
23 6 administrator shall recommend the beginning administrator for
23 7 a standard license if the beginning administrator is
23 8 determined through a comprehensive evaluation to demonstrate
23 9 competence in the Iowa standards for school administrators
23 10 adopted pursuant to section 256.7, subsection 27. A school
23 11 district or area education agency may allow a beginning
23 12 administrator a second year to demonstrate competence in the
23 13 Iowa standards for school administrators if, after conducting
23 14 a comprehensive evaluation, the school district or area
23 15 education agency determines that the administrator is likely
23 16 to successfully demonstrate competence in the Iowa standards
23 17 for school administrators by the end of the second year. Upon
23 18 notification by the school district or area education agency,
23 19 the board of educational examiners shall grant a beginning
23 20 administrator who has been allowed a second year to
23 21 demonstrate competence a one=year extension of the beginning
23 22 administrator's initial license. An administrator granted a
23 23 second year to demonstrate competence shall undergo a
23 24 comprehensive evaluation at the end of the second year.
23 25 Sec. 47. NEW SECTION. 284A.1 ADMINISTRATOR QUALITY
23 26 PROGRAM.
23 27 An administrator quality program is established to promote
23 28 high student achievement and enhanced educator quality. The
23 29 program shall consist of the following three major components:
23 30 1. Mentoring and induction programs that provide support
23 31 for administrators in accordance with section 284A.2, as
23 32 amended in this Act.
23 33 2. Professional development designed to directly support
23 34 best practices for leadership.
23 35 3. Evaluation of administrators against the Iowa standards

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24 1 for school administrators.
24 2 Sec. 48. NEW SECTION. 284A.3 IOWA STANDARDS FOR SCHOOL
24 3 ADMINISTRATORS EVALUATIONS.
24 4 By July 1, 2008, each school board shall provide for
24 5 evaluations for administrators under individual career
24 6 development plans developed in accordance with section
24 7 279.23A, and the Iowa standards for school administrators and
24 8 related criteria adopted by the state board in accordance with
24 9 section 256.7, subsection 27. A local school board may
24 10 establish additional administrator standards and related
24 11 criteria.
24 12 Sec. 49. NEW SECTION. 284A.4 PARTICIPATION.
24 13 Effective July 1, 2007, each school district shall
24 14 participate in the administrator quality program, and the
24 15 board of directors of each school district shall do all of the
24 16 following:
24 17 1. Implement a beginning administrator mentoring and
24 18 induction program as provided in this chapter.
24 19 2. Adopt individual administrator career development plans
24 20 in accordance with this chapter.
24 21 3. Adopt an administrator evaluation plan that, at a
24 22 minimum, requires an evaluation of administrators in the
24 23 school district annually pursuant to section 279.23A and based
24 24 upon the Iowa standards for school administrators and
24 25 individual administrator career development plans.
24 26 Sec. 50. NEW SECTION. 284A.6 ADMINISTRATOR CAREER
24 27 DEVELOPMENT.
24 28 1. Each school district shall be responsible for the
24 29 provision of professional growth programming for individuals
24 30 employed in a school district administrative position by the
24 31 school district or area education agency as deemed appropriate
24 32 by the board of directors of the school district or area
24 33 education agency. School districts may collaborate with other
24 34 educational stakeholders including other school districts,
24 35 area education agencies, professional organizations, higher

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25 1 education institutions, and private providers, regarding the
25 2 provision of professional development for school district
25 3 administrators. Professional development programming for
25 4 school district administrators may include support that meets
25 5 the career development needs of individual administrators
25 6 aligned to the Iowa standards for school administrators
25 7 adopted pursuant to section 256.7, subsection 27, and meets
25 8 individual administrator career development plans.
25 9 2. In cooperation with the administrator's evaluator, the
25 10 administrator who has a standard administrator's license
25 11 issued by the board of educational examiners pursuant to
25 12 chapter 272 and is employed by a school district or area
25 13 education agency in a school district administrative position,
25 14 shall develop an individual administrator career development
25 15 plan. The purpose of the plan is to promote individual and
25 16 group career development. The individual plan shall be based,
25 17 at a minimum, on the needs of the administrator, the Iowa
25 18 standards for school administrators adopted pursuant to
25 19 section 256.7, subsection 27, and the student achievement
25 20 goals of the attendance center and the school district as
25 21 outlined in the comprehensive school improvement plan.
25 22 3. The administrator's evaluator shall meet annually as
25 23 provided in section 279.23A with the administrator to review
25 24 progress in meeting the goals in the administrator's
25 25 individual plan. The purpose of the meeting shall be to
25 26 review collaborative work with other staff on student
25 27 achievement goals and to modify as necessary the
25 28 administrator's individual plan to reflect the individual
25 29 administrator's and the school district's needs and the
25 30 individual's progress in meeting the goals in the plan. The
25 31 administrator shall present to the evaluator evidence of
25 32 progress. The administrator's supervisor and the evaluator
25 33 shall review and the supervisor may modify the administrator's
25 34 individual plan.
25 35 Sec. 51. NEW SECTION. 284A.7 EVALUATION REQUIREMENTS FOR

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26 1 ADMINISTRATORS.
26 2 A school district shall conduct an evaluation of an
26 3 administrator who holds a standard license issued under
26 4 chapter 272 at least once every three years for purposes of
26 5 assisting the administrator in making continuous improvement,
26 6 documenting continued competence in the Iowa standards for
26 7 school administrators adopted pursuant to section 256.7,
26 8 subsection 27, or to determine whether the administrator's
26 9 practice meets school district expectations. The review shall
26 10 include, at a minimum, an assessment of the administrator's
26 11 competence in meeting the Iowa standards for school
26 12 administrators and the goals of the administrator's individual
26 13 career development plan, including supporting documentation or
26 14 artifacts aligned to the Iowa standards for school
26 15 administrators and the individual administrator's career
26 16 development plan.
26 17 Sec. 52. 2006 Iowa Acts, chapter 1182, section 1,
26 18 unnumbered paragraph 2, is amended to read as follows:
26 19 For purposes, as provided in law, of the student
26 20 achievement and teacher quality program established pursuant
26 21 to chapter 284:
26 22 FY 2006=2007..... $104,343,894
26 23 FY 2007=2008..... $~~139,343,894~~
26 24 174,343,894
26 25 FY 2008=2009..... $~~174,343,894~~
26 26 249,343,894
26 27 Sec. 53. Section 284A.1, Code 2007, is transferred to
26 28 section 284A.2.
26 29 Sec. 54. Section 284A.2, Code 2007, is transferred to
26 30 section 284A.5.
26 31 Sec. 55. Section 284A.3, Code 2007, is transferred to
26 32 section 284A.8.
26 33 Sec. 56. CODE EDITOR DIRECTIVE. The Code editor is
26 34 directed to correct internal references in the Code as
26 35 necessary due to enactment of the sections of this Act that

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27 1 relocate sections 284A.1, 284A.2, and 284A.3.
27 2 Sec. 57. EFFECTIVE DATE. The section of this Act amending
27 3 section 284.13, subsection 1, paragraph "j", relating to the
27 4 nonreversion of funds, being deemed of immediate importance,
27 5 takes effect upon enactment.
27 6 Sec. 58. STATE MANDATE FUNDING SPECIFIED. In accordance
27 7 with section 25B.2, subsection 3, the state cost of requiring
27 8 compliance with any state mandate included in this Act shall
27 9 be paid by a school district from state school foundation aid
27 10 received by the school district under section 257.16 and
27 11 moneys appropriated in this Act. This specification of the
27 12 payment of the state cost shall be deemed to meet all the
27 13 state funding=related requirements of section 25B.2,
27 14 subsection 3, and no additional state funding shall be
27 15 necessary for the full implementation of this Act by and
27 16 enforcement of this Act against all affected school districts.
27 17 EXPLANATION
27 18 This bill increases appropriations made for FY 2007=2008
27 19 and FY 2008=2009 for the student achievement and teacher
27 20 quality program, requires school districts to have qualified
27 21 guidance counselors, but permits school districts to request a
27 22 waiver from the department of education, makes changes to the
27 23 student achievement and teacher quality program including
27 24 increasing minimum teacher salaries, establishes an
27 25 administrator quality program, and requires the state board of
27 26 education to adopt Iowa standards for school administrators.
27 27 The bill adds new elements to the student achievement and
27 28 teacher quality program, including teacher development
27 29 programs and evaluation of teachers against the Iowa teaching
27 30 standards.
27 31 QUALIFIED GUIDANCE COUNSELORS, SCHOOL NURSES, AND TEACHER
27 32 LIBRARIANS. While requiring school districts to have
27 33 qualified guidance counselors and school nurses, the bill
27 34 authorizes school districts to seek supplemental aid from the
27 35 school budget review committee for the cost of adding these

Senate File 277 continued

28 1 guidance counselors as well as teacher librarians. A guidance
28 2 counselor=to=student ratio of one to 350 is established as a
28 3 goal. The bill also updates a provision to allow districts to
28 4 seek up to a two=year waiver of the requirements from the
28 5 department. A school district that has met the requirement in
28 6 the previous school year cannot seek a waiver from that
28 7 requirement for the current school year.
28 8 ADMINISTRATOR LICENSURE RENEWAL REQUIREMENT OPTION. The
28 9 bill directs the board of educational examiners to include in
28 10 its administrator licensure renewal requirements an option
28 11 that allows credit for administrators' individual career
28 12 development plans.
28 13 STUDENT ACHIEVEMENT AND TEACHER QUALITY == TEACHER
28 14 DEFINITIONS. The bill changes the definition of "teacher" to
28 15 include a person who holds a practitioner's license and a
28 16 statement of professional recognition for school nurses. The
28 17 bill strikes references to positions teachers are required to
28 18 be employed in by a school district or an area education
28 19 agency.
28 20 COLLECTIVE BARGAINING. The bill requires local school
28 21 boards and their certified bargaining representatives to
28 22 negotiate evaluation and grievance procedures for teachers
28 23 other than beginning teachers. If the licensed employees of a
28 24 school district or area education agency receiving funds
28 25 allocated for salaries under the student achievement and
28 26 teacher quality program are organized for collective
28 27 bargaining purposes, the local board and the certified
28 28 bargaining representative must agree on a formula for
28 29 distributing the funds. The Code provides for distribution if
28 30 the parties reach an impasse.
28 31 AREA EDUCATION AGENCIES. The bill makes certain persons
28 32 employed by area education agencies and the agencies eligible
28 33 to receive moneys under the student achievement and teacher
28 34 quality program.
28 35 TEACHER QUALITY COMMITTEE. The bill strikes language that
29 1 required school districts to provide an extra day of contract
29 2 days beginning in the fifth year of participation in the
29 3 student achievement and teacher quality program, and replaces
29 4 it with a requirement that school districts, and area
29 5 education agencies that wish to participate in the program,
29 6 create a teacher quality committee to monitor implementation
29 7 of the program, monitor the evaluation requirements of the
29 8 program and develop model evidence for the Iowa teaching
29 9 standards and criteria, make recommendations on the use and
29 10 distribution of professional development funds, monitor the
29 11 professional development in each attendance center, and ensure
29 12 that the agreement negotiated pursuant to Code chapter 20
29 13 determines compensation for teachers on the committee for work
29 14 responsibilities beyond the normal workday.
29 15 INTENSIVE ASSISTANCE PROGRAM. Each school district shall
29 16 be prepared to offer an intensive assistance program, which is
29 17 subject to negotiation and grievance procedures under Code
29 18 chapter 20. A teacher shall not suffer adverse employment
29 19 consequences for not meeting standards and criteria until
29 20 given an opportunity to participate in an intensive assistance
29 21 program.

29 22 PROFESSIONAL DEVELOPMENT. The bill requires that school
29 23 districts develop attendance center professional development
29 24 plans, requires that school district professional development
29 25 plans include the use and distribution of professional
29 26 development plans in accordance with the collective bargaining
29 27 agreement, and requires school districts to create quality
29 28 professional development opportunities and balance the use of
29 29 professional development funds between the school district,
29 30 attendance center, and individual professional development
29 31 plans. The bill allocates $20 million from the student
29 32 achievement and teacher quality program funds for purposes of
29 33 professional development.
29 34 TEACHER DEVELOPMENT ACADEMIES AND TEACHER TRAINERS. The
29 35 bill directs the department of education to establish, with

Senate File 277 continued

30 1 funds appropriated for such a purpose in the bill, teacher
30 2 development academies, including an institute and follow=up
30 3 training and coaching.
30 4 MINIMUM SALARY CHANGES. The bill provides that the minimum
30 5 salary for a first=year beginning teacher is $26,500, for a
30 6 first=year career teacher is $27,500, and for a second=year
30 7 career teacher is $28,500. Currently, the Code provides for
30 8 beginning and career teacher salaries of $25,500, $26,500, and
30 9 $27,500, respectively.
30 10 MARKET FACTOR TEACHER SALARIES. The bill amends the Code
30 11 section that provides for state assistance to allow school
30 12 districts to add a market factor to teacher salaries paid by
30 13 the school districts to replace the word "salaries" with
30 14 "incentives"; provides that incentives may include educational
30 15 opportunities and support, moving expenses, and housing
30 16 expenses; funding to prepare education personnel to attain a
30 17 license or endorsement in a shortage area; and requires the
30 18 teacher quality committee make recommendations to the school
30 19 board and collective bargaining representative regarding the
30 20 expenditure of market factor incentives. The bill also
30 21 requires the department to submit a report on the use and
30 22 effectiveness of the funds allocated for incentives, and
30 23 states legislative intent to reevaluate future appropriations
30 24 for the incentives based on the report.
30 25 TEAM=BASED VARIABLE PAY. The bill strikes references to
30 26 team=based variable pay.
30 27 PAY=FOR=PERFORMANCE PROGRAM. The pay=for=performance
30 28 program is changed to reflect the recommendations from the
30 29 final report of the pay=for=performance commission. The
30 30 commission will no longer be responsible for designing a
30 31 program utilizing both the individual and group incentive
30 32 components, nor will the funding be designated for individual
30 33 incentives. The commission is charged with initiating up to
30 34 10 planning projects in FY 2007=2008 and up to 20 additional
30 35 planning and implementation projects in FY 2008=2009. The

Senate File 277 continued

31 1 purpose of the planning projects is to identify the strengths
31 2 and weaknesses of various career ladder designs, select
31 3 formative and summative student achievement measures, consider
31 4 supports related to student achievement goals, review
31 5 assessment needs, identify mechanisms to account for existing
31 6 teacher contract provisions within the proposed career ladder
31 7 salary increments, and make necessary adjustments before
31 8 proposing implementation of the program statewide.
31 9 ADMINISTRATOR QUALITY PROGRAM. During the 2006 Legislative
31 10 Session, the general assembly established the beginning
31 11 administrator mentoring program. The program now becomes a
31 12 component of a new administrator quality program under the
31 13 bill. The administrator quality program established by the
31 14 bill is designed to function much like the teacher quality,
31 15 career development, and evaluation provisions of the student
31 16 achievement and teacher quality program. The program's other
31 17 two components include professional development designed to
31 18 directly support best practices for leadership, and evaluation
31 19 of administrators against Iowa standards for school
31 20 administrators, which the director of the department of
31 21 education is directed to develop, and the state board to
31 22 adopt. The standards are to include knowledge and skill
31 23 criteria, and based upon the standards, mentoring and
31 24 induction, evaluation processes, and administrator career
31 25 development plans.
31 26 Under current Code, a beginning administrator is
31 27 comprehensively evaluated at the end of the administrator's
31 28 first year. Under the bill, if the administrator demonstrates
31 29 competence, the employer must recommend the administrator for
31 30 a standard license. A beginning administrator who fails to
31 31 demonstrate competence at the end of the first year may be
31 32 allowed a second year and given a one=year extension of the
31 33 administrator's initial license in order to demonstrate
31 34 competence.
31 35 The bill requires each school board, by July 1, 2008, to

Senate File 277 continued

32 1 provide annual evaluations that assess administrators, at a
32 2 minimum, against the Iowa standards for school administrators
32 3 and the criteria for the standards developed by the
32 4 department. A local school board may establish additional
32 5 evaluation and grievance procedures. The bill also requires
32 6 school districts to adopt individual career development plans
32 7 for administrators and adopt an administrator evaluation plan.
32 8 Each school district must provide for the professional
32 9 growth programming for individuals employed in an
32 10 administrative position in the school district. Each school
32 11 district administrator must develop an individual career
32 12 development plan. The administrator's evaluator shall
32 13 annually meet with the administrator to review progress in
32 14 meeting the goals in the administrator's individual plan.
32 15 A school district shall review an administrator's
32 16 performance annually for purposes of assisting the
32 17 administrator in making continuous improvement, documenting
32 18 continued competence in the Iowa standards for school
32 19 administrators, or to determine whether the administrator's
32 20 practice meets school district expectations. An administrator
32 21 from another state or country is exempt from the mentoring and
32 22 induction requirements if the administrator can document two
32 23 years of successful administrator experience and meet or
32 24 exceed the board of educational examiners licensure
32 25 requirements.
32 26 The bill directs the Code editor to relocate sections in
32 27 Code chapter 284A to incorporate the new sections added by the
32 28 bill.
32 29 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
32 30 APPROPRIATIONS. The bill increases the appropriations made
32 31 for purposes of the student achievement and teacher quality
32 32 program for FY 2007=2008 by $35 million and for FY 2008=2009
32 33 by $75 million. The bill makes appropriations and allocations
32 34 to the department of education to continue providing funding
32 35 to school districts and area education agencies for salaries

Senate File 277 continued

33 1 and career development purposes, and to fund the establishment
33 2 of teacher development academies. The bill readjusts the
33 3 allocations for market factor teacher incentives and extends
33 4 the appropriations to FY 2009=2010. The bill also decreases
33 5 funding for the pay=for=performance program, but extends the
33 6 program to FY 2009=2010. Moneys for the program are allowed
33 7 to carry over, effective upon enactment.
33 8 The bill may include a state mandate as defined in Code
33 9 section 25B.3. The bill requires that the state cost of any
33 10 state mandate included in the bill be paid by a school
33 11 district from state school foundation aid received by the
33 12 school district under Code section 257.16 and moneys
33 13 appropriated in the bill. The specification is deemed to
33 14 constitute state compliance with any state mandate funding=
33 15 related requirements of Code section 25B.2. The inclusion of
33 16 this specification is intended to reinstate the requirement of
33 17 political subdivisions to comply with any state mandates
33 18 included in the bill.
33 19 LSB 1227SV 82
33 20 kh:rj/gg/14

Senate File 278 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1060)

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

A BILL FOR

An Act relating to changes in the utility replacement tax law by redefining a new electric power generating plant, extending the life of the utility replacement tax task force, and requiring notification by the taxpayer to the department of revenue and local taxing district upon transfer of utility property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1282SV 82
mg/je/5

Senate File 278 - Introduced continued

PAG LIN

1 1 Section 1. Section 437A.3, subsection 11, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 "New electric power generating plant" means ~~an~~ any of the
1 4 following:
1 5 a. An electric power generating plant that is owned by or
1 6 leased to an electric company, electric cooperative, or
1 7 municipal utility, and that initially generates electricity
1 8 subject to replacement generation tax under section 437A.6 on
1 9 or after January 1, 2003.
1 10 b. An electric power generating plant that is owned by or
1 11 leased to an electric company, electric cooperative, or
1 12 municipal utility, that initially generated electricity
1 13 subject to replacement generation tax under section 437A.6
1 14 before January 1, 2003, and that is sold, leased, or
1 15 transferred, in full or in part, on or after January 1, 2003.
1 16 If any portion of an electric power generating plant is sold,
1 17 the entire plant shall be treated as if it were a new electric
1 18 power generating plant.
1 19 Sec. 2. Section 437A.15, subsection 7, unnumbered
1 20 paragraph 2, Code 2007, is amended to read as follows:
1 21 The task force shall study the effects of the replacement
1 22 tax on local taxing authorities, local taxing districts,
1 23 consumers, and taxpayers through January 1, ~~2007~~ 2010. If the
1 24 task force recommends modifications to the replacement tax
1 25 that will further the purposes of tax neutrality for local
1 26 taxing authorities, local taxing districts, taxpayers, and
1 27 consumers, consistent with the stated purposes of this
1 28 chapter, the department of management shall transmit those
1 29 recommendations to the general assembly.
1 30 Sec. 3. Section 437A.19, subsection 1, paragraph a, Code
1 31 2007, is amended to read as follows:
1 32 a. A taxpayer whose property is subject to the statewide
1 33 property tax shall report to the director by July 1, 1999, and
1 34 by May 1 of each subsequent tax year, on forms prescribed by
1 35 the director, the book value, as of the beginning and end of

Senate File 278 - Introduced continued

the preceding calendar year, of all of the following:
(1) The local amount of any major addition by local taxing district.
(2) The statewide amount of any major addition without notation of location.
(3) Any building in Iowa at acquisition cost of more than ten million dollars ~~which~~ that was originally placed in service by the taxpayer prior to January 1, 1998, and ~~which~~ that was transferred or disposed of in the preceding calendar year, ~~without notation of location~~ by local taxing district.
(4) Any electric power generating plant in Iowa at acquisition cost of more than ten million dollars ~~which~~ that was originally placed in service by the taxpayer prior to January 1, 1998, and ~~which~~ that was transferred or disposed of in the preceding calendar year, ~~without notation of location~~ by local taxing district.
(5) All other taxpayer property without notation of location.
(6) The local amount of any major addition eligible for the urban revitalization exemption provided for in chapter 404, by situs.
(7) All other transferred taxpayer property, in addition to any transferred property reported under subparagraphs (3) and (4), by local taxing district.
Sec. 4. Section 437A.19, subsection 2, paragraphs b and c, Code 2007, are amended to read as follows:
b. ~~(1)~~ Adjust the assessed value of taxpayer property in each local taxing district by allocating the change in book value during the preceding calendar year of the statewide amount and all other taxpayer property described in subsection 1, paragraph "a", subparagraph (5), to the assessed value of all taxpayer property in the state pro rata according to its preadjustment value. Any value for a taxpayer owning, or owning an interest in, a new electric power generating plant in excess of a local amount, where such taxpayer owns no other

Senate File 278 - Introduced continued

3 1 taxpayer property in this state, shall not be allocated to any
3 2 local taxing districts.
3 3 ~~(2) If, during the preceding calendar year, a taxpayer~~
~~3 4 transferred an electric power generating plant or an interest~~
~~3 5 in an electric power generating plant to a taxpayer who owned~~
~~3 6 no other taxpayer property in this state as of the end of such~~
~~3 7 preceding calendar year, in lieu of the adjustment provided in~~
~~3 8 subparagraph (1), the director shall allocate the transferee~~
~~3 9 taxpayer's change in book value of the statewide amount during~~
~~3 10 such preceding calendar year, if any, among local taxing~~
~~3 11 districts in proportion to the allocation of the transferor's~~
~~3 12 assessed value among local taxing districts as of the end of~~
~~3 13 such preceding calendar year.~~
3 14 c. In the case of taxpayer property described in
3 15 subsection 1, paragraph "a", subparagraphs (3), ~~and~~ (4), and
3 16 (7), decrease the assessed value of taxpayer property in each
3 17 local taxing district by the ~~taxable~~ assessed value ~~of such~~
~~3 18 property within each such local taxing district on January 1,~~
~~3 19 1998~~ reported within such local taxing district.
3 20 EXPLANATION
3 21 This bill contains recommendations made by the utility
3 22 replacement tax task force.
3 23 The bill adds to the definition of "new electric power
3 24 generating plant" an electric power generating plant that was
3 25 subject to the utility replacement tax prior to January 1,
3 26 2003, and that is sold or transferred in whole or in part on
3 27 or after January 1, 2003. By operation of the definition of
3 28 "local amount", this will result in the first $44,444,445 of
3 29 taxable value and associated taxes on such a power generating
3 30 plant remaining with the local taxing authorities where the
3 31 site of the plant is located. Current law would have kept
3 32 only a fraction of that amount with the local taxing
3 33 authorities where the site is located. Taxes owed by such a
3 34 taxpayer, with no other Iowa operating property, that are in
3 35 excess of the local amount will be deposited into the property

Senate File 278 - Introduced continued

4 1 tax relief fund created in Code chapter 426B, the same as
4 2 currently happens with new electric power generating plants
4 3 initially subject to replacement generation tax on or after
4 4 January 1, 2003, where such owner has no other Iowa operating
4 5 property.
4 6 The bill also provides that for a taxpayer, with no other
4 7 Iowa operating property, owning an interest in a new electric
4 8 power generating plant valued in excess of $44,444,445, such
4 9 excess valuation is not to be allocated to any local taxing
4 10 district.
4 11 The bill also requires that, as part of the notification
4 12 reporting requirements, a taxpayer notify the department of
4 13 revenue, with notation of the local taxing district, of
4 14 property sold or transferred.
4 15 The bill also extends the statutory existence of the
4 16 utility replacement tax task force for an additional three
4 17 years until January 1, 2010.
4 18 LSB 1282SV 82
4 19 mg:rj/je/5

Senate File 279 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1059)

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

A BILL FOR

An Act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1273SV 82
mg/je/5

Senate File 279 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 4, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 For purposes of this section, "Internal Revenue Code" means
1 4 the Internal Revenue Code in effect on January 1, ~~2006~~ 2007.
1 5 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 6 unnumbered paragraph 2, Code 2007, is amended to read as
1 7 follows:
1 8 For purposes of this subsection, "Internal Revenue Code"
1 9 means the Internal Revenue Code in effect on January 1, ~~2006~~
1 10 2007.
1 11 Sec. 3. Section 422.3, subsection 5, Code 2007, is amended
1 12 to read as follows:
1 13 5. "Internal Revenue Code" means the Internal Revenue Code
1 14 of 1954, prior to the date of its redesignation as the
1 15 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 16 or means the Internal Revenue Code of 1986 as amended to and
1 17 including January 1, ~~2006~~ 2007.
1 18 Sec. 4. Section 422.10, subsection 3, unnumbered paragraph
1 19 2, Code 2007, is amended to read as follows:
1 20 For purposes of this section, "Internal Revenue Code" means
1 21 the Internal Revenue Code in effect on January 1, ~~2006~~ 2007.
1 22 Sec. 5. Section 422.32, subsection 7, Code 2007, is
1 23 amended to read as follows:
1 24 7. "Internal Revenue Code" means the Internal Revenue Code
1 25 of 1954, prior to the date of its redesignation as the
1 26 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 27 or means the Internal Revenue Code of 1986 as amended to and
1 28 including January 1, ~~2006~~ 2007.
1 29 Sec. 6. Section 422.33, subsection 5, paragraph d,
1 30 unnumbered paragraph 2, Code 2007, is amended to read as
1 31 follows:
1 32 For purposes of this subsection, "Internal Revenue Code"
1 33 means the Internal Revenue Code in effect on January 1, ~~2006~~
1 34 2007.
1 35 Sec. 7. RETROACTIVE APPLICABILITY. This Act applies

Senate File 279 - Introduced continued

retroactively to January 1, 2006, for tax years beginning on or after that date.

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 2006 applicable for Iowa income tax purposes. Code sections 422.3 and 422.32, general definition sections in the income tax chapter of the Code, are amended to update the reference to the Internal Revenue Code.

Code sections 15.335, 15A.9, 422.10 and 422.33 are amended to update the Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 2006 federal changes in the research activities credit and the alternative incremental research credit.

The bill takes effect upon enactment and applies retroactively to January 1, 2006, for tax years beginning on or after that date.

LSB 1273SV 82
mg:rj/je/5

Senate File 280 - Introduced

SENATE FILE
BY HANCOCK

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

A BILL FOR

1 An Act relating to youth deer hunting licenses.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2536SS 82
4 av/je/5

Senate File 280 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.8, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. A person who is issued a youth deer
1 4 hunting license and does not take a deer during the youth deer
1 5 hunting season may use the deer hunting license and unused tag
1 6 during any other firearm season that is established by the
1 7 commission to take a deer of either sex.
1 8 EXPLANATION
1 9 This bill allows a person who is issued a youth deer
1 10 hunting license for the youth deer hunting season and does not
1 11 take a deer, to use that license and the unused tag during any
1 12 other firearm season that is established by the natural
1 13 resource commission to take either an antlered or antlerless
1 14 deer.
1 15 Youth deer hunting licenses are available for issuance to
1 16 any resident who is not over 15 years old on the day the
1 17 license is obtained, to take a deer of either sex, pursuant to
1 18 IAC 571=106.10. The youth deer hunting season is a 16=day
1 19 period that ends on the first Sunday in October.
1 20 LSB 2536SS 82
1 21 av:nh/je/5

Senate File 281 - Introduced

SENATE FILE
BY BOETTGER and HATCH

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

A BILL FOR

1 An Act relating to the licensing of naturopathic physicians.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2534SS 82
4 jr/je/5

Senate File 281 - Introduced continued

PAG LIN

1 1 Section 1. Section 147.1, subsection 2, paragraphs c and
1 2 f, Code 2007, are amended to read as follows
1 3 c. "Licensed" or "certified" when applied to a physician
1 4 and surgeon, podiatric physician, osteopath, osteopathic
1 5 physician and surgeon, physician assistant, psychologist or
1 6 associate psychologist, chiropractor, nurse, dentist, dental
1 7 hygienist, optometrist, speech pathologist, audiologist,
1 8 pharmacist, physical therapist, occupational therapist,
1 9 respiratory care practitioner, practitioner of cosmetology
1 10 arts and sciences, practitioner of barbering, funeral
1 11 director, dietitian, marital and family therapist, mental
1 12 health counselor, social worker, massage therapist, athletic
1 13 trainer, acupuncturist, ~~or~~ interpreter for the hearing
1 14 impaired, or naturopathic physician means a person licensed
1 15 under this subtitle.
1 16 f. "Profession" means medicine and surgery, podiatry,
1 17 osteopathy, osteopathic medicine and surgery, practice as a
1 18 physician assistant, psychology, chiropractic, nursing,
1 19 dentistry, dental hygiene, optometry, speech pathology,
1 20 audiology, pharmacy, physical therapy, occupational therapy,
1 21 respiratory care, cosmetology arts and sciences, barbering,
1 22 mortuary science, marital and family therapy, mental health
1 23 counseling, social work, dietetics, massage therapy, athletic
1 24 training, acupuncture, ~~or~~ interpreting for the hearing
1 25 impaired, or naturopathic medicine.
1 26 Sec. 2. Section 147.2, unnumbered paragraph 1, Code 2007,
1 27 is amended to read as follows:
1 28 A person shall not engage in the practice of medicine and
1 29 surgery, podiatry, osteopathy, osteopathic medicine and
1 30 surgery, psychology, chiropractic, physical therapy, nursing,
1 31 dentistry, dental hygiene, optometry, speech pathology,
1 32 audiology, occupational therapy, respiratory care, pharmacy,
1 33 cosmetology, barbering, social work, dietetics, marital and
1 34 family therapy or mental health counseling, massage therapy,
1 35 mortuary science, athletic training, acupuncture, ~~or~~

Senate File 281 - Introduced continued

2 1 interpreting for the hearing impaired, or naturopathic
2 2 medicine, or shall not practice as a physician assistant as
2 3 defined in the following chapters of this subtitle, unless the
2 4 person has obtained from the department a license for that
2 5 purpose.
2 6 Sec. 3. Section 147.13, Code 2007, is amended by adding
2 7 the following new subsection:
2 8 NEW SUBSECTION. 24. For naturopathic medicine,
2 9 naturopathic medicine.
2 10 Sec. 4. Section 147.14, Code 2007, is amended by adding
2 11 the following new subsection:
2 12 NEW SUBSECTION. 22. For naturopathic medicine, three
2 13 members licensed as naturopathic physicians, one member who is
2 14 licensed under chapter 148, 150, 150A, or 152, and one member
2 15 who is not a naturopathic physician or licensed health care
2 16 professional, who shall represent the general public.
2 17 Sec. 5. Section 147.74, Code 2007, is amended by adding
2 18 the following new subsection:
2 19 NEW SUBSECTION. 22A. A naturopathic physician licensed
2 20 under chapter 154F may use the words "naturopathic physician"
2 21 or the initials "N.D." or "N.M.D." after the person's name.
2 22 Sec. 6. Section 147.80, Code 2007, is amended by adding
2 23 the following new subsection:
2 24 NEW SUBSECTION. 29A. License to practice naturopathic
2 25 medicine upon the basis of an examination administered by the
2 26 board of naturopathic medicine, license to practice
2 27 naturopathic medicine under a reciprocal agreement, and
2 28 renewal of a license to practice naturopathic medicine.
2 29 Sec. 7. NEW SECTION. 154F.1 DEFINITIONS.
2 30 As used in this chapter, unless the context otherwise
2 31 requires:
2 32 1. "Board" means the board of naturopathic medicine
2 33 established in section 147.13.
2 34 2. "Department" means the department of public health.
2 35 3. "Naturopathic medicine" means a system of primary

Senate File 281 - Introduced continued

3 1 health care for the prevention, diagnosis, and treatment of
3 2 human health conditions, injury, and disease; the promotion or
3 3 restoration of health; and the support and stimulation of a
3 4 patient's inherent self=healing processes through patient
3 5 education and the use of naturopathic therapies and
3 6 therapeutic substances.
3 7 4. "Naturopathic physician" means a person who is licensed
3 8 to practice naturopathic medicine under chapter 147 and this
3 9 chapter.
3 10 5. "Therapeutic substances" includes food, extracts of
3 11 food, nutraceuticals, vitamins, amino acids, minerals,
3 12 enzymes, botanicals and their extracts, botanical medicines,
3 13 homeopathic medicines, all dietary supplements,
3 14 nonprescription drugs as defined by the federal Food, Drug,
3 15 and Cosmetic Act and prescription drugs consistent with
3 16 naturopathic education that naturopathic physicians use in the
3 17 practice of the profession, as determined by the board.
3 18 Sec. 8. NEW SECTION. 154F.2 LICENSURE == NATUROPATHIC
3 19 MEDICINE.
3 20 An applicant for a license to practice naturopathic
3 21 medicine shall be granted a license by the board if the
3 22 applicant satisfies all of the following requirements:
3 23 1. At least two years' satisfactory liberal arts or
3 24 sciences study in a college or university accredited by either
3 25 the northwest association of schools and colleges or a like
3 26 regional association approved by the board.
3 27 2. Graduation from a naturopathic school or college as
3 28 approved by the board and meeting one or more of the following
3 29 requirements:
3 30 a. A naturopathic medical education program in the United
3 31 States providing the degree of doctor of naturopathy or doctor
3 32 of naturopathic medicine. Such program shall offer
3 33 graduate=level, full=time didactic and supervised clinical
3 34 training and shall be accredited, or shall have achieved
3 35 candidacy status for accreditation by the council on

Senate File 281 - Introduced continued

4 1 naturopathic medical education or by an equivalent federally
4 2 recognized accrediting body for naturopathic medical programs
4 3 also recognized by the board. Additionally, the program shall
4 4 be an institution, or part of an institution of higher
4 5 education that is either accredited or is a candidate for
4 6 accreditation by a regional or national institutional
4 7 accrediting agency recognized by the United States secretary
4 8 of education.
4 9 b. A degree granting college or university that, prior to
4 10 the existence of the council on naturopathic medicinal
4 11 education, offered a full=time, structured curriculum in basic
4 12 sciences and supervised patient care comprising a doctoral
4 13 naturopathic medical education; such curriculum, as a
4 14 prerequisite to graduation, consisted of not less than one
4 15 hundred thirty=two weeks of study and required completion
4 16 within a period of not less than thirty=five months; such
4 17 college or university of naturopathic medicine shall have been
4 18 reputable and in good standing in the judgment of the board,
4 19 and if still in existence, shall have current programmatic
4 20 accreditation by the council on naturopathic medical education
4 21 or equivalent federally recognized accrediting agency.
4 22 c. A diploma granting, degree=equivalent college or
4 23 university in Canada, that prior to accreditation by the
4 24 council on naturopathic medical education, had provincial
4 25 approval for participation in government=funded student aid
4 26 programs, and that offered a full=time, structured curriculum
4 27 in basic sciences and supervised patient care comprising a
4 28 doctoral naturopathic medical education; such curriculum, as a
4 29 prerequisite to graduation, consisted of not less than one
4 30 hundred thirty=two weeks of study and required completion
4 31 within a period of not less than thirty=five months; such
4 32 college or university of liberal arts and naturopathic
4 33 medicine shall have been reputable and in good standing in the
4 34 judgment of the board, and if still in existence shall have
4 35 current programmatic accreditation by the council of

Senate File 281 - Introduced continued

5 1 naturopathic medical education or equivalent federally
5 2 recognized accrediting agency. Additionally, the college or
5 3 university currently shall have provincial approval for
5 4 participation in government=funded student aid programs.
5 5 d. A diploma granting, degree=equivalent college or
5 6 university in Canada that offers graduate=level, full=time
5 7 didactic and supervised clinical training and is accredited,
5 8 or has achieved candidacy status for accreditation by the
5 9 council on naturopathic medical education or an equivalent
5 10 federally recognized accrediting body for naturopathic medical
5 11 programs also recognized by the board; and the college or
5 12 university has provincial approval for participation in
5 13 government=funded student aid.
5 14 3. Has passed a competency=based national naturopathic
5 15 licensing examination administered by the north American board
5 16 of naturopathic examiners or successor agency, that has been
5 17 nationally recognized to administer a naturopathic examination
5 18 representing federal standards of education and training. For
5 19 an approved program described in section 154F.2, subsection 2,
5 20 paragraph "c" or "d", eligibility for licensure may be granted
5 21 with evidence of successful passage of a board=approved state
5 22 or Canadian provincial competency examination.
5 23 Sec. 9. NEW SECTION. 154F.3 BOARD ORGANIZATION AND
5 24 AUTHORITY.
5 25 In addition to duties and responsibilities provided in
5 26 chapters 147 and 272C, the board and the department shall
5 27 adopt rules relating to:
5 28 1. Standards required for persons engaging in the practice
5 29 of naturopathic medicine.
5 30 2. Standards for professional conduct of persons licensed
5 31 under this chapter.
5 32 3. The administration of this chapter.
5 33 4. Procedures for the issuance, renewal, and removal of
5 34 persons licensed under this chapter based on qualifications,
5 35 standards, and scope of practice established by the board.

Senate File 281 - Introduced continued

6 1 5. The maintenance of a registry of licensed naturopathic
6 2 physicians.
6 3 6. A naturopathic formulary enumerating the substances
6 4 that may be prescribed by a naturopathic physician. This
6 5 chapter does not allow a naturopathic physician to dispense,
6 6 administer, or prescribe any legend drug or device as defined
6 7 in chapter 124, unless such prescription or drug or device is
6 8 specifically included in the naturopathic formulary determined
6 9 by the board.
6 10 Sec. 10. NEW SECTION. 154F.4 EXCEPTIONS.
6 11 1. The practice of naturopathic medicine by a naturopathic
6 12 physician licensed pursuant to this chapter does not
6 13 constitute the practice of medicine and surgery under chapter
6 14 148, the practice of osteopathy under chapter 150, the
6 15 practice of osteopathic medicine and surgery under chapter
6 16 150A, or the practice of nursing under chapter 152.
6 17 2. This chapter and chapter 147 do not prevent qualified
6 18 members of other professions including but not limited to
6 19 individuals licensed under chapter 148, 150, 150A, or 152 from
6 20 providing services consistent with the nature of naturopathic
6 21 medicine, but these persons shall not use a title or
6 22 description denoting that they are licensed naturopathic
6 23 physicians.
6 24 Sec. 11. NEW SECTION. 154F.5 TRANSITION PROVISIONS.
6 25 To be granted a license by the board, an applicant for a
6 26 license to practice naturopathic medicine applying prior to
6 27 July 1, 2008, shall meet the education, graduation, and
6 28 curriculum requirements contained in section 154F.2. The
6 29 applicant shall not be required to pass the national, state,
6 30 or provincial licensing examination referred to in section
6 31 154F.2.
6 32 Sec. 12. Section 272C.1, subsection 6, Code 2007, is
6 33 amended by adding the following new paragraph:
6 34 NEW PARAGRAPH. ae. The board of naturopathic medical
6 35 examiners, created pursuant to chapter 147.

Senate File 281 - Introduced continued

7 1 Sec. 13. INITIAL BOARD.
7 2 1. Notwithstanding section 147.14, initial professional
7 3 appointees to the board of naturopathic medicine shall either
7 4 hold a license in another state or have been engaged in the
7 5 practice or instruction of naturopathic medicine for at least
7 6 five years.
7 7 2. Notwithstanding section 147.14, of the initial
7 8 appointments to the board, one member shall be appointed for a
7 9 one=year term, one member shall be appointed for a two=year
7 10 term, and one member shall be appointed for a three=year term.
7 11 The member who is licensed under chapter 148, 150, 150A, or
7 12 152 shall be appointed for a two=year term and the member
7 13 representing the general public shall be appointed to a
7 14 three=year term.
7 15 EXPLANATION
7 16 This bill requires the licensing of naturopathic
7 17 physicians. The bill provides that the practice of
7 18 naturopathic medicine means the provision of naturopathic
7 19 medical services including physiotherapy, natural healing
7 20 processes, and minor surgery and has as its objective the
7 21 maintaining of the body in, or of restoring it to, a state of
7 22 normal health. The bill establishes educational and testing
7 23 requirements as a condition of licensure.
7 24 The bill provides for the establishment of a board of
7 25 naturopathic medicine responsible for establishing rules
7 26 regarding the licensing and practice of naturopathic medicine,
7 27 and makes changes in Code chapter 147 consistent with the
7 28 establishment of the new board.
7 29 The bill provides that qualified members of other
7 30 professions, including physicians and nurses, are not
7 31 prevented from providing services consistent with naturopathic
7 32 medicine, but these persons shall not use a title or
7 33 description denoting that they are naturopathic physicians.
7 34 The bill provides for the appointment of the initial board
7 35 and a transitional licensing provision for persons seeking

Senate File 281 - Introduced continued

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  8  1 licensure prior to July 1, 2008.
  8  2 LSB 2534SS 82
  8  3 jr:rj/je/5.1
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Senate File 282 - Introduced

SENATE FILE
BY BOETTGER

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

A BILL FOR

An Act providing for the ongoing existence of a disaster behavioral health responder ready reserve and providing an appropriation.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2096SS 82
jp/je/5

Senate File 282 - Introduced continued

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1 1 Section 1. NEW SECTION. 29C.23 DISASTER BEHAVIORAL
1 2 HEALTH RESPONDER READY RESERVE.
1 3 1. The administrator of the homeland security and
1 4 emergency management division shall provide for the ongoing
1 5 existence of a disaster behavioral health responder ready
1 6 reserve in accordance with this section. The purpose of the
1 7 reserve is to maintain a group of trained individuals to work
1 8 with state and local officials and others in providing crisis
1 9 counseling assistance in response to crises, disasters, and
1 10 public disorder emergencies.
1 11 2. The ready reserve shall be considered to be a homeland
1 12 security and emergency response team for purposes of section
1 13 29C.8, and the members of the ready reserve shall be subject
1 14 to section 29C.8 when the ready reserve is acting as a
1 15 homeland security and emergency response team upon the
1 16 directive of the administrator or pursuant to a governor's
1 17 disaster emergency proclamation as provided in section 29C.6.
1 18 3. The membership of the ready reserve may include but is
1 19 not limited to nurses, social workers, teachers, farmers,
1 20 mental health professionals, college students, and other
1 21 persons trained to serve as a disaster behavioral health
1 22 responder.
1 23 4. Functions associated with maintaining the existence of
1 24 the ready reserve shall include administration, project
1 25 activities, provision of information through the internet,
1 26 initial and ongoing training of ready reserve members, and
1 27 other related activities. The administrator may contract for
1 28 the performance of all or a part of the functions described in
1 29 this subsection.
1 30 5. Implementation of the ready reserve is subject to the
1 31 funding appropriated or made available for purposes of the
1 32 ready reserve.
1 33 Sec. 2. READY RESERVE == APPROPRIATION. There is
1 34 appropriated from the general fund of the state to the
1 35 department of public defense for the fiscal year beginning

Senate File 282 - Introduced continued

2 1 July 1, 2007, and ending June 30, 2008, the following amount,
2 2 or so much thereof as is necessary, to be used for the
2 3 purposes designated:
2 4 For initial implementation of the disaster behavioral
2 5 health responder ready reserve by the homeland security and
2 6 emergency management division in accordance with section
2 7 29C.23, as enacted by this Act:
2 8 ..... $ 75,000
2 9 EXPLANATION
2 10 This bill provides for the ongoing existence of a disaster
2 11 behavioral health responder ready reserve.
2 12 New Code section 29C.23 requires the department of public
2 13 defense's homeland security and emergency management division
2 14 administrator to provide for the ongoing existence of the
2 15 ready reserve. The purpose of the reserve is to maintain a
2 16 group of trained individuals to work with state and local
2 17 officials and others in providing crisis counseling assistance
2 18 in response to crises, disasters, and public disorder
2 19 emergencies.
2 20 The ready reserve is considered to be a homeland security
2 21 and emergency response team for purposes of Code section 29C.8
2 22 when acting as such a team upon the directive of the
2 23 administrator or pursuant to a governor's disaster emergency
2 24 proclamation. When this status applies, the ready reserve
2 25 members are considered to be state employees and are afforded
2 26 tort liability protection as a state employee as well as
2 27 disability, workers' compensation, and death benefits.
2 28 The bill describes the individuals who may serve as members
2 29 of the ready reserve and functions associated with maintaining
2 30 the existence of the ready reserve. The administrator may
2 31 contract for performance of all or part of these functions.
2 32 Implementation of the ready reserve is subject to the
2 33 availability of funding. The bill provides an appropriation
2 34 from the general fund of the state of $75,000 for initial
2 35 implementation costs for FY 2007=2008.

Senate File 282 - Introduced continued

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  3  1 LSB 2096SS 82
  3  2 jp:nh/je/5.1
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Senate File 283 - Introduced

SENATE FILE
BY QUIRMBACH, BOLKCOM, STEWART, HATCH, BEALL, KREIMAN, RAGAN, CONNOLLY, DVORSKY, DANIELSON, DOTZLER, SENG, SCHOENJAHN, GRONSTAL, COURTNEY, McCOY, FRAISE, APPEL, SCHMITZ, DEARDEN, HECKROTH, HANCOCK, KIBBIE, and WOODS

(COMPANION TO HF 216 BY FORD)

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

A BILL FOR

An Act prohibiting the use of credit information for underwriting or rating risks for personal insurance and providing penalties and an applicability date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1627SS 82
av/gg/14

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Senate File 282 - Introduced continued

1 1 Section 1. Section 507B.4, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 19. USE OF CREDIT INFORMATION. Any
1 4 violation of section 515.109A.
1 5 Sec. 2. Section 515.109A, subsections 1 and 2, Code 2007,
1 6 are amended to read as follows:
1 7 1. DEFINITIONS. As used in this section unless the
1 8 context otherwise requires:
1 9 a. "Adverse action" means a denial of issuance,
1 10 cancellation, or refusal to renew, an increase in any charge
1 11 for, or a reduction or other unfavorable change in the terms
1 12 of coverage or amount of any personal insurance existing or
1 13 applied for, or in connection with the underwriting of
1 14 personal insurance.
1 15 ~~b. "Affiliate" means any company that controls, is~~
~~1 16 controlled by, or is under common control with another~~
~~1 17 company.~~
1 18 ~~c.~~ b. "Applicant" means an individual who has applied to
1 19 be covered by a personal insurance policy with an insurer.
1 20 ~~d.~~ c. "Consumer" means an insured whose credit
1 21 information is used or whose insurance score is calculated in
1 22 the underwriting or rating of a personal insurance policy or
1 23 an applicant for such a personal insurance policy.
1 24 ~~e.~~ d. "Consumer reporting agency" means any person that,
1 25 for monetary fees, dues, or on a cooperative nonprofit basis,
1 26 regularly engages in whole or in part in the practice of
1 27 assembling or evaluating consumer credit information or other
1 28 information concerning consumers for the purpose of furnishing
1 29 consumer credit reports to third parties.
1 30 ~~f.~~ e. "Credit information" means any information related
1 31 to credit that is contained in or derived from a credit
1 32 report, or provided in an application for personal insurance.
1 33 Information that is not related to credit shall not be
1 34 considered "credit information" regardless of whether the
1 35 information is contained in or derived from a credit report or

Senate File 282 - Introduced continued

an application for credit or is used to calculate an insurance score.

~~g.~~ f. "Credit report" means any written, oral, or other communication of information by a consumer reporting agency that relates to a consumer's creditworthiness, credit standing, or credit capacity and that is used or expected to be used or is collected, in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums, eligibility for personal insurance coverage, or tier placement.

~~h.~~ g. "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of a consumer.

~~i.~~ h. "Insured" means an individual who is covered by a personal insurance policy.

~~j.~~ i. "Personal insurance" means personal insurance and not commercial insurance and is limited to private passenger automobile, homeowners, farm owners, personal farm liability, motorcycle, mobile home owners, noncommercial dwelling fire, boat, personal watercraft, snowmobile, and recreational vehicle insurance policies, that are individually underwritten for personal, family, farm, or household use. No other type of insurance is included as personal insurance for the purposes of this section.

2. USE OF CREDIT INFORMATION == PROHIBITED. An insurer authorized to do business in Iowa ~~that uses~~ shall not use credit information to underwrite or rate risks for a policy of personal insurance ~~shall not do~~ including but not limited to doing any of the following:

a. ~~Use~~ Using an insurance score ~~that is calculated using income, gender, address, zip code, ethnic group, religion, marital status, race, or nationality of a consumer as a factor~~.

Senate File 282 - Introduced continued

3 1 b. ~~Deny~~ Denying issuance, ~~cancel~~ canceling, or ~~refuse~~
3 2 refusing to renew a policy of personal insurance ~~solely~~ based
3 3 on ~~the basis~~ any consideration of credit information~~, without~~
~~3 4 consideration of any other applicable underwriting factors~~
~~3 5 independent of credit information that are not otherwise~~
~~3 6 prohibited under paragraph "a"~~.
3 7 c. ~~Base~~ Basing a consumer's renewal rates for personal
3 8 insurance ~~solely~~ on ~~the basis~~ any consideration of credit
3 9 information~~, without consideration of any other applicable~~
~~3 10 underwriting factors independent of credit information that~~
~~3 11 are not otherwise prohibited under paragraph "a"~~.
3 12 d. ~~Take~~ Taking adverse action against a consumer ~~solely~~
~~3 13 because~~ based on any consideration of the fact that the
3 14 consumer does not have a credit card account~~, without~~
~~3 15 consideration of any other applicable underwriting factors~~
~~3 16 independent of credit information that are not otherwise~~
~~3 17 prohibited under paragraph "a"~~.
3 18 e. ~~Consider~~ Considering an absence of credit information
3 19 or an inability to calculate an insurance score in
3 20 underwriting or rating personal insurance ~~unless the insurer~~
~~3 21 does one of the following:~~.
3 22 ~~(1) Treats the consumer as if the consumer has neutral~~
~~3 23 credit information, as defined by the insurer.~~
3 24 ~~(2) Excludes the use of credit information as an~~
~~3 25 underwriting factor and only uses other underwriting criteria.~~
3 26 f. ~~Take~~ Taking adverse action against a consumer based on
3 27 credit information~~, unless the insurer obtains and uses a~~
~~3 28 credit report issued or an insurance score calculated within~~
~~3 29 ninety days before the date a personal insurance policy is~~
~~3 30 first written or a renewal is issued~~.
3 31 ~~g. Use credit information unless not later than every~~
~~3 32 thirty-six months following the last time that the insurer~~
~~3 33 obtained current credit information for the insured, the~~
~~3 34 insurer recalculates the insurance score or obtains an updated~~
~~3 35 credit report for the insured. Regardless of the requirements~~

~~Senate File 282 - Introduced continued~~

~~4 1 of this paragraph:~~
4 2 ~~(1) At annual renewal, upon the request of the consumer or~~
~~4 3 the consumer's agent, the insurer shall re=underwrite and~~
~~4 4 re=rate the personal insurance policy based upon a current~~
~~4 5 credit report or insurance score. An insurer is not required~~
~~4 6 to recalculate an insurance score or obtain a current credit~~
~~4 7 report more than once in a twelve=month period.~~
4 8 ~~(2) The insurer shall have the discretion to obtain~~
~~4 9 current credit information for a consumer more frequently than~~
~~4 10 every thirty=six months, if consistent with the insurer's~~
~~4 11 underwriting guidelines.~~
4 12 ~~(3) Notwithstanding subparagraph (1), an insurer is not~~
~~4 13 required to obtain current credit information for a consumer~~
~~4 14 if any of the following applies:~~
4 15 ~~(a) The insurer is treating the consumer as otherwise~~
~~4 16 approved by the commissioner of insurance.~~
4 17 ~~(b) The consumer is in the most favorably priced tier of~~
~~4 18 the insurer, within a group of affiliated insurers. However,~~
~~4 19 the insurer shall have the discretion to obtain current credit~~
~~4 20 information, if consistent with the insurer's underwriting~~
~~4 21 guidelines.~~
4 22 ~~(c) Credit information was not used for underwriting or~~
~~4 23 rating the insured when the personal insurance policy was~~
~~4 24 initially written. However, the insurer shall have the~~
~~4 25 discretion to use current credit information for underwriting~~
~~4 26 or rating the insured upon renewal of the policy, if~~
~~4 27 consistent with the insurer's underwriting guidelines.~~
4 28 ~~(d) The insurer reevaluates the insured beginning no later~~
~~4 29 than thirty=six months after the personal insurance policy was~~
~~4 30 initially written and thereafter, based on other underwriting~~
~~4 31 or rating factors, excluding credit information.~~
4 32 ~~h.~~ g. ~~Use~~ Using any of the following as a negative factor
4 33 in any ~~insurance scoring~~ methodology ~~or in reviewing credit~~
~~4 34 information~~ used for the purpose of underwriting or rating a
4 35 personal insurance policy:

Senate File 282 - Introduced continued

5 1 (1) Credit inquiries not initiated by the consumer or
5 2 inquiries requested by the consumer for the consumer's own
5 3 credit information.
5 4 (2) Inquiries relating to insurance coverage, if so
5 5 identified on a consumer's credit report.
5 6 (3) Collection accounts with a medical industry code, if
5 7 so identified on a consumer's credit report.
5 8 (4) Multiple lender inquiries, if coded by a consumer
5 9 reporting agency on the consumer's credit report as being from
5 10 the home mortgage industry and made within thirty days of one
5 11 another, unless only one inquiry is considered.
5 12 (5) Multiple lender inquiries, if coded by a consumer
5 13 reporting agency on the consumer's credit report as being from
5 14 the automobile lending industry and made within thirty days of
5 15 one another, unless only one inquiry is considered.
5 16 Sec. 3. Section 515.109A, subsections 3 through 8, Code
5 17 2007, are amended by striking the subsections.
5 18 Sec. 4. Section 515.109A, subsection 9, Code 2007, is
5 19 amended by striking the subsection and inserting in lieu
5 20 thereof the following:
5 21 9. VIOLATIONS. A violation of this section is an unfair
5 22 insurance practice as provided in chapter 507B.
5 23 Sec. 5. Section 515.109A, subsection 10, Code 2007, is
5 24 amended to read as follows:
5 25 10. APPLICABILITY DATE. This section applies to personal
5 26 insurance contracts or policies delivered, issued for
5 27 delivery, continued, or renewed in this state on or after
5 28 October 1, ~~2004~~ 2007.
5 29 EXPLANATION
5 30 This bill amends Code section 515.109A to prohibit the use
5 31 of credit information by insurers for underwriting or rating
5 32 risks for personal insurance. Currently, the use of credit
5 33 information for such purposes is allowed under certain
5 34 circumstances.
5 35 Uses of credit information prohibited by the bill include

Senate File 282 - Introduced continued

6 1 using an insurance score; denying issuance, canceling, or
6 2 refusing to renew a personal insurance policy based on any
6 3 consideration of credit information; basing a consumer's
6 4 insurance renewal rates on any consideration of credit
6 5 information; taking any adverse action against a consumer
6 6 based on any consideration of the fact that the consumer does
6 7 not have a credit card account; considering an absence of
6 8 credit information or an inability to calculate an insurance
6 9 score in underwriting or rating personal insurance; and taking
6 10 any adverse action against a consumer based on credit
6 11 information. For purposes of the bill, "adverse action" means
6 12 a denial of issuance, cancellation, or refusal to renew, an
6 13 increase in any charge for, or a reduction or other
6 14 unfavorable change in the terms of coverage or amount of any
6 15 personal insurance existing or applied for, or in connection
6 16 with, the underwriting of personal insurance.
6 17 The bill provides that a violation of Code section 515.109A
6 18 is an unfair insurance practice as provided in Code chapter
6 19 507B and the proceedings, orders, and penalties contained in
6 20 Code chapter 507B are applicable to violations of the bill.
6 21 The bill is applicable to personal insurance contracts or
6 22 policies delivered, issued for delivery, continued, or renewed
6 23 in this state on or after October 1, 2007.
6 24 LSB 1627SS 82
6 25 av:rj/gg/14

Senate File 284 - Introduced

SENATE FILE
BY DEARDEN

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

A BILL FOR

An Act concerning employees subject to unannounced drug or alcohol testing.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2578XS 82
ec/gg/14

Senate File 284 - Introduced continued

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1 1 Section 1. Section 730.5, subsection 8, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. Employers may conduct unannounced drug or alcohol
1 4 testing of employees who are selected from any of the
1 5 following pools of employees:
1 6 (1) The entire employee population at a particular work
1 7 site of the employer except for employees not subject to
1 8 testing pursuant to a collective bargaining agreement, or
1 9 employees who are not scheduled to be at work at the time the
1 10 testing is conducted because of the status of the employees or
1 11 who have been excused from work pursuant to the employer's
1 12 work policy prior to the time the testing is announced to
1 13 employees.
1 14 (2) The entire full=time active employee population at a
1 15 particular work site except for employees not subject to
1 16 testing pursuant to a collective bargaining agreement, or
1 17 employees who are not scheduled to be at work at the time the
1 18 testing is to be conducted because of the status of the
1 19 employee~~.~~ or who have been excused from work pursuant to the
1 20 employer's working policy.
1 21 (3) All employees at a particular work site who are in a
1 22 pool of employees in a safety=sensitive position and who are
1 23 scheduled to be at work at the time testing is conducted,
1 24 other than employees not subject to testing pursuant to a
1 25 collective bargaining agreement, or employees who are not
1 26 scheduled to be at work at the time the testing is to be
1 27 conducted or who have been excused from work pursuant to the
1 28 employer's work policy prior to the time the testing is
1 29 announced to employees.
1 30 EXPLANATION
1 31 This bill concerns the conducting of unannounced drug or
1 32 alcohol testing of employees by an employer. Current law
1 33 provides that random testing must be conducted from a pool of
1 34 employees that include all the employees subject to testing
1 35 unless the employee is not scheduled for work or excused from

Senate File 284 - Introduced continued

2 1 work at the time of testing. The bill provides that employees
2 2 not subject to testing pursuant to a collective bargaining
2 3 agreement are excluded from the pools of employees from which
2 4 a random drug or alcohol test may be conducted.
2 5 LSB 2578XS 82
2 6 ec:nh/gg/14

Senate File 285 - Introduced

SENATE FILE
BY HOGG

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

A BILL FOR

An Act relating to energy efficiency in schools, and making appropriations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1611XS 82
rn/es/88

Senate File 285 - Introduced continued

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1 1 Section 1. NEW SECTION. 279.65 NET METERING == ENERGY
1 2 COST AGGREGATION.
1 3 A school district may aggregate the electric energy costs
1 4 of one or more school buildings or school building complexes
1 5 located within the district, and may enter into an agreement
1 6 under chapter 28E to aggregate the purchasing of electricity
1 7 and conducting net metering of one or more school buildings or
1 8 school building complexes located within the district or
1 9 another school district within the state. For purposes of
1 10 this section, "net metering" means the monthly offset in
1 11 electric energy costs payable to an electric utility by the
1 12 excess of the amount of electricity produced over the monthly
1 13 amount consumed, as an alternative to the sale or transfer of
1 14 excess electricity produced beyond the needs of the school.
1 15 The utilities board shall adopt rules to administer this
1 16 section for individual generators up to two and one=half
1 17 megawatts, and in the aggregate up to the kilowatt hour
1 18 consumption of all participants.
1 19 Sec. 2. NEW SECTION. 286.1 BIODIESEL SCHOOL
1 20 TRANSPORTATION GRANT PROGRAM.
1 21 1. The Iowa energy center created under section 266.39C,
1 22 in coordination with the department of education, shall
1 23 establish and administer a biodiesel school transportation
1 24 grant program to assist school districts and nonpublic schools
1 25 in acquiring, converting to, or operating fuel=efficient
1 26 school buses utilizing biodiesel or biodiesel blended fuel, as
1 27 those terms are defined in section 214A.1.
1 28 2. A biodiesel school transportation grant fund is created
1 29 in the office of the treasurer of state to be administered by
1 30 the Iowa energy center. The fund shall include moneys
1 31 appropriated or otherwise directed to the fund. Section 8.33
1 32 shall not apply to the moneys in the fund.
1 33 3. A school board, authorities in charge of a nonpublic
1 34 school, or a not=for=profit statewide school energy entity may
1 35 apply to the Iowa energy center for a grant under this section

Senate File 285 - Introduced continued

2 1 by filing a completed application as directed by the Iowa
2 2 energy center that includes plans for utilization of the
2 3 funding received and an estimate of transportation cost
2 4 savings to be achieved. The Iowa energy center, in
2 5 coordination with the department of education, shall develop
2 6 grant approval criteria by rule.
2 7 4. A school district, nonpublic school, or entity
2 8 receiving a grant pursuant to this section shall assess the
2 9 impact of biodiesel or biodiesel blended fuel utilization on
2 10 school transportation costs, and report results on an annual
2 11 basis to the department of education. The department of
2 12 education shall prepare a report based on this information and
2 13 shall submit the report to the senate and house of
2 14 representatives standing committees on education by January 1
2 15 annually.
2 16 Sec. 3. NEW SECTION. 286.2 BIODIESEL SCHOOL
2 17 TRANSPORTATION == APPROPRIATION.
2 18 1. There is appropriated from the general fund of the
2 19 state each fiscal year for the fiscal period beginning July 1,
2 20 2007, and ending June 30, 2010, to the Iowa energy center
2 21 established pursuant to section 266.39C, the sum of five
2 22 hundred thousand dollars, to be used for the biodiesel school
2 23 transportation grant program established in section 286.1.
2 24 Notwithstanding section 8.33, moneys appropriated in this
2 25 section that remain unencumbered or unobligated at the close
2 26 of each fiscal year shall not revert but shall remain
2 27 available for expenditure for the purposes designated.
2 28 2. This section is repealed June 30, 2010.
2 29 Sec. 4. Section 298.21, Code 2007, is amended by adding
2 30 the following new subsection:
2 31 NEW SUBSECTION. 4. To make improvements designed to
2 32 increase energy efficiency, including but not limited to the
2 33 installation of renewable, geothermal, and stored energy
2 34 systems.
2 35 Sec. 5. NEW SECTION. 473.21 GREEN SCHOOL BUILDINGS ==

Senate File 285 - Introduced continued

3 1 APPROPRIATION.
3 2 1. There is appropriated from the general fund of the
3 3 state each fiscal year for the fiscal period beginning July 1,
3 4 2007, and ending June 30, 2010, to the energy loan fund
3 5 contained in section 473.20 the sum of one million dollars to
3 6 be used exclusively for loans to school districts, nonpublic
3 7 schools, or a not=for=profit statewide school energy entity to
3 8 implement energy conservation measures as defined in section
3 9 473.19 and green building design standards. For the purposes
3 10 of this section, "green building design standards" means
3 11 standards which conform to the United States green building
3 12 council leadership in energy and environmental design green
3 13 building rating standard, referred to as the silver standard.
3 14 The provisions of section 473.20 shall apply to loans made
3 15 pursuant to this section. Preference in making loans pursuant
3 16 to this section shall be given to school districts and
3 17 nonpublic schools containing schools which have been
3 18 determined to be experiencing a relatively high rate of energy
3 19 consumption based on the school district energy consumption
3 20 data collection efforts undertaken by the department of
3 21 education for the fiscal year beginning July 1, 2007. Amounts
3 22 appropriated pursuant to this section shall be in addition to,
3 23 and shall not replace, funds otherwise appropriated to the
3 24 energy loan fund. Notwithstanding section 8.33, moneys
3 25 appropriated in this section that remain unencumbered or
3 26 unobligated at the close of each fiscal year shall not revert
3 27 but shall remain available for expenditure for the purposes
3 28 designated.
3 29 2. A school district, nonpublic school, or entity
3 30 receiving a loan pursuant to this section shall monitor energy
3 31 utilization, assess the impact of energy conservation measures
3 32 which are implemented, and report results on an annual basis
3 33 to the department of education. The department shall by rule
3 34 establish a procedure for submission of energy bills for
3 35 consolidated billing analysis in coordination with a

Senate File 285 - Introduced continued

4 1 not=for=profit statewide school energy entity. The department
4 2 of education shall prepare a report based on this information
4 3 and shall submit the report to the senate and house of
4 4 representatives standing committees on education by January 1
4 5 annually.
4 6 3. This section is repealed June 30, 2010.
4 7 Sec. 6. NEW SECTION. 476.48 RENEWABLE ENERGY FOR SCHOOLS
4 8 GRANT PROGRAM.
4 9 1. The Iowa energy center created under section 266.39C
4 10 shall establish and administer a renewable energy for schools
4 11 grant program to assist schools in this state in installing
4 12 renewable energy systems to provide electricity, energy
4 13 savings, energy production, building heat, and educational
4 14 opportunities to students in this state.
4 15 2. A renewable energy for schools grant fund is created in
4 16 the office of the treasurer of state to be administered by the
4 17 Iowa energy center. The fund shall include moneys
4 18 appropriated or otherwise directed to the fund. Section 8.33
4 19 shall not apply to the moneys in the fund.
4 20 3. A school board, authorities in charge of a nonpublic
4 21 school, or a not=for-profit statewide school energy entity may
4 22 apply to the Iowa energy center for a grant under this section
4 23 if all of the following apply:
4 24 a. The school board, authorities, or entity file a
4 25 completed application with the Iowa energy center as directed
4 26 by the Iowa energy center that includes all of the following:
4 27 (1) Written approval and agreement by the school board,
4 28 authorities, or entity to accept funds granted under this
4 29 section and to utilize funds granted only as provided in this
4 30 section.
4 31 (2) A description of the renewable energy system to be
4 32 installed and an estimate of the costs of the renewable energy
4 33 equipment, delivery, installation, and technical assistance.
4 34 (3) A plan to finance future maintenance to the renewable
4 35 energy system purchased pursuant to this section.

Senate File 285 - Introduced continued

5 1 (4) Information concerning existing costs of electricity
5 2 for the school.
5 3 (5) An estimate of the cost or energy savings the
5 4 installation of the proposed renewable energy system may have
5 5 for the school.
5 6 (6) Any other information deemed necessary.
5 7 b. The school board or authorities designate a liaison or
5 8 responsible party who is an employee of the school or a
5 9 not=for=profit statewide school energy entity to coordinate
5 10 the application process with the Iowa energy center.
5 11 c. The school board or authorities agree to integrate
5 12 renewable energy education into the curriculum of the school,
5 13 with a particular emphasis on mathematics and science
5 14 instruction.
5 15 4. The Iowa energy center may approve up to ten
5 16 applications per fiscal year beginning July 1, 2007, but shall
5 17 not approve more than one million dollars in grants in any
5 18 fiscal year. The Iowa energy center shall give priority to
5 19 schools based on timeliness of application, the adequacy of
5 20 the plan regarding future maintenance, the general financial
5 21 need of the school based on existing costs of electricity of
5 22 the school and the cost savings that could result from
5 23 installation, and whether the school board, authorities, or
5 24 entity has demonstrated its ability to sell excess electricity
5 25 generated by the proposed renewable energy system.
5 26 5. A grant issued to a school pursuant to this section
5 27 shall only be used for the purchase of solar energy conversion
5 28 system equipment, wind energy conversion system equipment,
5 29 geothermal energy system equipment, and expenses incurred for
5 30 delivery and installation of such equipment including
5 31 technical assistance.
5 32 6. A school receiving a grant pursuant to this section may
5 33 sell or otherwise transfer excess electricity that is
5 34 generated by the renewable energy system that is beyond the
5 35 needs of the school.

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6 1 7. A school receiving a grant pursuant to this section, or
6 2 a not=for=profit statewide school energy entity, shall monitor
6 3 energy utilization, assess the impact of the installation of a
6 4 renewable energy system, and report results on an annual basis
6 5 to the department of education. The department of education
6 6 shall prepare a report based on this information and shall
6 7 submit the report to the senate and house of representatives
6 8 standing committees on education by January 1 annually.
6 9 8. As used in this section, unless the context otherwise
6 10 requires:
6 11 a. "Geothermal energy system" means a system that collects
6 12 and converts the geothermal properties of the ground into
6 13 building heat, water heating, or energy to generate
6 14 electricity.
6 15 b. "Not=for=profit statewide school energy entity" means
6 16 an entity that receives and analyzes energy usage data from
6 17 school districts and authorities in charge of a nonpublic
6 18 school to assist school districts and schools with the
6 19 assessment of the data for utilization in energy efficiency
6 20 efforts.
6 21 c. "Renewable energy system" means a solar energy system,
6 22 wind energy conversion system, or geothermal energy system.
6 23 d. "School" means a public or nonpublic school or that
6 24 portion of a public or nonpublic school that provides teaching
6 25 for any grade from kindergarten through grade twelve.
6 26 e. "Solar energy conversion system" means a system that
6 27 collects and converts incident solar radiation into energy to
6 28 generate electricity.
6 29 f. "Wind energy conversion system" means a system that
6 30 collects and converts wind into energy to generate
6 31 electricity.
6 32 Sec. 7. NEW SECTION. 476.48A RENEWABLE ENERGY FOR
6 33 SCHOOLS == APPROPRIATION.
6 34 1. There is appropriated from the general fund of the
6 35 state each fiscal year for the fiscal period beginning July 1,

Senate File 285 - Introduced continued

7 1 2007, and ending June 30, 2012, to the Iowa energy center
7 2 established pursuant to section 266.39C, the sum of one
7 3 million dollars to be used for the renewable energy for
7 4 schools grant program established in section 476.48. Amounts
7 5 appropriated pursuant to this section shall be in addition to,
7 6 and shall not replace, funds otherwise appropriated to the
7 7 Iowa energy center. Notwithstanding section 8.33, moneys
7 8 appropriated in this section that remain unencumbered or
7 9 unobligated at the close of each fiscal year shall not revert
7 10 but shall remain available for expenditure for the purposes
7 11 designated.
7 12 2. This section is repealed June 30, 2012.
7 13 Sec. 8. SCHOOL DISTRICT ENERGY CONSUMPTION == DATA
7 14 COLLECTION. There is appropriated from the general fund of
7 15 the state to the department of education for the fiscal year
7 16 beginning July 1, 2007, and ending June 30, 2008, the
7 17 following amount, or so much thereof as is necessary, to be
7 18 used for the purposes designated:
7 19 For the collection of data relating to school energy
7 20 consumption:
7 21 ..... $ 300,000
7 22 The department shall coordinate with a not=for=profit
7 23 statewide school energy entity as defined in section 476.48 to
7 24 develop a web=based procedure for maintaining and analyzing
7 25 information on energy consumption by school district and
7 26 nonpublic school, including consumption by individual school
7 27 buildings or school building complexes, using data from
7 28 utility bills, with the intent of minimizing school district
7 29 submission efforts. The procedure shall include reporting
7 30 requirements applicable to school districts and nonpublic
7 31 schools regarding annual energy consumption. The report shall
7 32 be submitted to the senate and house of representatives
7 33 standing committees on education by January 1, 2009.
7 34 EXPLANATION
7 35 This bill provides several sources of grant and loan

Senate File 285 - Introduced continued

8 1 funding for utilization by school districts, nonpublic
8 2 schools, and a not=for=profit statewide energy entity as
8 3 defined in the bill to maximize and monitor energy efficiency.
8 4 The bill establishes a mechanism whereby a school district
8 5 may aggregate electric energy costs of one or more buildings
8 6 or complexes within the district or with another school
8 7 district, in conducting net metering. Net metering is defined
8 8 in the bill as the monthly offset in electric energy costs
8 9 payable to an electric utility by the excess of the amount of
8 10 electricity produced over the monthly amount consumed. The
8 11 bill directs the utilities board to adopt rules to administer
8 12 the aggregation and net metering process.
8 13 The bill creates a biodiesel school transportation grant
8 14 program to be administered by the Iowa energy center
8 15 established in Code section 266.39C, in coordination with the
8 16 department of education. The objective of the program shall
8 17 be to assist school districts, nonpublic schools, or a
8 18 not=for=profit statewide energy entity in acquiring,
8 19 converting to, or operating fuel=efficient school buses
8 20 utilizing biodiesel or biodiesel blended fuel. The bill
8 21 provides that a school district, nonpublic school, or entity
8 22 shall submit plans for utilization of the funding received and
8 23 an estimate of transportation cost savings to be achieved when
8 24 submitting an application, and if awarded a grant shall report
8 25 the impact of biodiesel or biodiesel blended fuel utilization
8 26 on school transportation costs annually to the department of
8 27 education. The department of education shall prepare a report
8 28 based on this information and shall submit the report to the
8 29 senate and house of representatives standing committees on
8 30 education by January 1 annually. The bill establishes a
8 31 biodiesel school transportation grant fund, and appropriates
8 32 annually from the general fund of the state to the Iowa energy
8 33 center $500,000 for the grant program.
8 34 The bill expands school bonding authority to include
8 35 improvements designed to increase energy efficiency, including
9 1 but not limited to the installation of renewable, geothermal,
9 2 and stored energy systems.
9 3 The bill appropriates $1 million annually for three fiscal
9 4 years beginning July 1, 2007, to the energy loan fund
9 5 contained in Code section 473.20, to be used exclusively for
9 6 loans to school districts, nonpublic schools, or a
9 7 not=for=profit statewide energy entity to implement energy
9 8 conservation measures and green building design standards.
9 9 The bill defines "green building design standards" to refer to
9 10 standards which conform to the United States green building
9 11 council leadership in energy and environmental design green
9 12 building rating standard, referred to as the silver standard.
9 13 The bill specifies that preference in making the loans shall
9 14 be given to school districts and nonpublic schools containing
9 15 schools which have been determined to be experiencing a
9 16 relatively high rate of energy consumption based on the school
9 17 district energy consumption data. A reporting process similar
9 18 to that previously explained with reference to the biodiesel
9 19 school transportation grant and renewable energy for schools
9 20 grant is provided.
9 21 The bill provides for a renewable energy for schools grant

9 22 program to assist public and nonpublic schools, or a
9 23 not=for=profit statewide school energy entity, in the
9 24 installation of renewable energy systems to generate
9 25 electricity, energy savings, energy production, building heat,
9 26 and provide education. The Iowa energy center shall
9 27 administer the program and approve grants up to $1 million per
9 28 fiscal year beginning July 1, 2007. The bill makes an
9 29 appropriation of $1 million each fiscal year for five years to
9 30 the Iowa energy center for deposit into a renewable energy for
9 31 schools grant fund to administer the program.
9 32 Application criteria are specified, and include among other
9 33 criteria a description of the renewable energy system to be
9 34 installed and an estimate of the costs of the renewable energy
9 35 equipment, delivery, installation, and technical assistance, a

Senate File 285 - Introduced continued

10 1 plan to finance future maintenance to the renewable energy
10 2 system purchased, information concerning existing costs of
10 3 electricity for the school, and an estimated cost or energy
10 4 savings. The bill states that agreement shall also be made by
10 5 an applicant to integrate renewable energy education into the
10 6 curriculum of the school, with a particular emphasis on
10 7 mathematics and science instruction. The bill specifies a
10 8 prioritization process for grant approvals, and restricts
10 9 utilization of grant funds to the purchase of solar energy
10 10 conversion system equipment, wind energy conversion system
10 11 equipment, geothermal energy conversion system equipment, and
10 12 contains a reporting process similar to that applicable to the
10 13 biodiesel school transportation grant program.
10 14 The bill additionally appropriates $300,000 for the fiscal
10 15 year beginning July 1, 2007, to the department of education
10 16 for use in collecting data relating to school district energy
10 17 consumption. The bill directs the department to coordinate
10 18 with a not=for=profit statewide school energy entity to
10 19 develop a web=based procedure for maintaining and analyzing
10 20 information on energy consumption by school districts and
10 21 nonpublic schools, including consumption by individual school
10 22 buildings or school building complexes, utilizing data from
10 23 utility bills, with the intent of minimizing school district
10 24 submission efforts and specifying reporting requirements
10 25 applicable to school districts and nonpublic schools.
10 26 LSB 1611XS 82
10 27 rn:rj/es/88.2

Senate File 286 - Introduced

SENATE FILE
BY HOGG and BOLKCOM

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

A BILL FOR

An Act establishing energy efficiency performance standards applicable to specified public utilities.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2481XS 82
rn/es/88

Senate File 286 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.6, subsection 16, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. A gas and electric utility required to be
1 4 rate=regulated under this chapter shall assess potential
1 5 energy and capacity savings available from actual and
1 6 projected customer usage by applying commercially available
1 7 technology and improved operating practices to energy=using
1 8 equipment and buildings. The utility shall submit the
1 9 assessment to the board. Upon receipt of the assessment, the
1 10 board shall consult with the department of natural resources
1 11 to develop specific capacity and energy savings performance
1 12 standards for each utility. The standards shall provide for a
1 13 minimum of a twelve percent reduction in the consumption of
1 14 electricity and natural gas attributable to utilization of
1 15 energy savings technology and improved operating practices by
1 16 2012 when compared to consumption levels on July 1, 2007, and
1 17 a twenty percent reduction in consumption attributable to
1 18 utilization of energy savings technology and improved
1 19 operating practices by 2020 when compared to consumption
1 20 levels on July 1, 2007. A utility may include energy savings
1 21 achieved through implementation of energy efficiency measures
1 22 and programs prior to the effective date of this Act in
1 23 achieving the percentage reduction in consumption standards
1 24 pursuant to this paragraph. The utility shall submit an
1 25 energy efficiency plan which shall include economically
1 26 achievable programs designed to attain these energy and
1 27 capacity performance standards.
1 28 EXPLANATION
1 29 This bill relates to the development of energy savings
1 30 performance standards applicable to an electric and natural
1 31 gas utility required to be rate=regulated pursuant to Code
1 32 chapter 476. Code section 476.6, subsection 16, currently
1 33 requires utilities to develop specific capacity and energy
1 34 savings performance standards. The bill quantifies this
1 35 requirement, providing for a minimum of a 12 percent reduction

Senate File 286 - Introduced continued

2 1 in the consumption of electricity and natural gas attributable
2 2 to utilization of energy savings technology and improved
2 3 operating practices by 2012, and a 20 percent reduction by
2 4 2020 when compared to energy consumption levels in existence
2 5 on July 1, 2007. The bill provides that to achieve these
2 6 percentages a utility may include energy savings achieved
2 7 through implementation of energy efficiency measures and
2 8 programs prior to the effective date of the Act.
2 9 LSB 2481XS 82
2 10 rn:nh/es/88

Senate File 287 - Introduced

SENATE FILE
BY HOGG, QUIRMBACH, MULDER,
HANCOCK, OLIVE, and NOBLE

(COMPANION TO HF 56 BY REASONER)

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

A BILL FOR

An Act relating to the sales of beer kegs by requiring an identification number on each keg of beer, recording of the purchase of beer by the keg, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1029SS 82
ec/sh/8

Senate File 287 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.50, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Any person who violates any of the provisions of
1 4 section 123.49, except subsection 2, paragraph "h", or who
1 5 fails to affix upon sale, defaces, or fails to record a keg
1 6 identification sticker or produce a record of keg
1 7 identification stickers pursuant to section 123.138, shall be
1 8 guilty of a simple misdemeanor. A person who violates section
1 9 123.49, subsection 2, paragraph "h", commits a simple
1 10 misdemeanor punishable as a scheduled violation under section
1 11 805.8C, subsection 2.
1 12 Sec. 2. Section 123.138, Code 2007, is amended to read as
1 13 follows:
1 14 123.138 BOOKS OF ACCOUNT REQUIRED == KEG IDENTIFICATION
1 15 STICKER.
1 16 1. Each class "A" or special class "A" permittee shall
1 17 keep proper books of account and records showing the amount of
1 18 beer sold by the permittee, and these books of account shall
1 19 be at all times open to inspection by the administrator and to
1 20 other persons pursuant to section 123.30, subsection 1. Each
1 21 class "B" and class "C" permittee shall keep proper books of
1 22 account and records showing each purchase of beer made by the
1 23 permittee, and the date and the amount of each purchase and
1 24 the name of the person from whom each purchase was made, which
1 25 books of account and records shall be open to inspection
1 26 pursuant to section 123.30, subsection 1, during normal
1 27 business hours of the permittee.
1 28 2. a. Each class "B", "C", or special class "C" liquor
1 29 control licensee and class "B" or "C" beer permittee who sells
1 30 beer for off=premises consumption shall affix to each keg of
1 31 beer an identification sticker provided by the administrator.
1 32 For the purposes of this subsection, "keg" means all durable
1 33 and disposable containers with a liquid capacity of five
1 34 gallons or more. Each class "B", "C", or special class "C"
1 35 liquor control licensee and class "B" or "C" beer permittee

Senate File 287 - Introduced continued

2 1 shall also keep a record of the identification sticker number
2 2 of each keg of beer sold by the licensee or permittee with the
2 3 name and address of the purchaser and the number of the
2 4 purchaser's driver's license, nonoperator's identification
2 5 card, or military identification card, if the military
2 6 identification card contains a picture and signature. This
2 7 information shall be retained by the licensee or permittee for
2 8 a minimum of ninety days. The records kept pursuant to this
2 9 subsection shall be available for inspection by any law
2 10 enforcement officer during normal business hours.
2 11 b. The division shall provide the keg identification
2 12 stickers described in paragraph "a". Each sticker shall
2 13 contain a number and the following statement: "It is unlawful
2 14 to sell, give, or otherwise supply any alcoholic beverage,
2 15 wine, or beer to any person under legal age. Any person who
2 16 defaces this sticker shall be guilty of criminal mischief
2 17 punishable pursuant to section 716.6 and shall cause the
2 18 forfeiture of any deposit, if applicable." The identification
2 19 sticker shall be placed on the keg at the time of retail sale.
2 20 The licensee or permittee shall purchase the stickers referred
2 21 to in this subsection from the division and shall remit to the
2 22 division deposits forfeited pursuant to this lettered
2 23 paragraph due to defacement. The cost of the stickers to
2 24 licensees and permittees shall not exceed the division's cost
2 25 of producing and distributing the stickers. The moneys
2 26 collected by the division relating to the sale of stickers and
2 27 forfeited deposits shall be credited to the beer and liquor
2 28 control fund.
2 29 c. Enforcement of this subsection shall be implemented
2 30 uniformly throughout the state. For purposes of uniform
2 31 implementation, a county or municipality shall not set
2 32 requirements or establish a penalty which is higher or more
2 33 stringent than the requirements or penalties enumerated in
2 34 this subsection, section 123.50, and section 716.6. The
2 35 division shall establish by rule procedures relating to the

Senate File 287 - Introduced continued

3 1 forfeiture and remittance of deposits pursuant to paragraph
3 2 "b".
3 3 EXPLANATION
3 4 This bill provides that specified liquor control licensees
3 5 and beer permittees who sell beer for off=premises consumption
3 6 shall affix to each keg of beer an identification sticker
3 7 provided by the administrator of the alcoholic beverages
3 8 division of the department of commerce. The bill provides
3 9 that a "keg" of beer shall refer to all durable and disposable
3 10 containers with a liquid capacity of five gallons or more.
3 11 The bill also provides that each of the specified licensees
3 12 and permittees shall keep a record of the identification
3 13 sticker number of each keg of beer sold by the licensee or
3 14 permittee with the name and address of the purchaser and the
3 15 number of the purchaser's driver's license, nonoperator's
3 16 identification card, or military identification card. The
3 17 bill provides that this information shall be retained for a
3 18 minimum of 90 days, and shall be available for inspection by
3 19 any law enforcement officer during normal business hours. The
3 20 bill provides that the identification sticker shall be affixed
3 21 to the keg at the time of the retail sale.
3 22 The bill provides that the alcoholic beverages division
3 23 shall provide the keg identification stickers, and that each
3 24 sticker shall display an identification number and a statement
3 25 that it is unlawful to sell, give, or otherwise supply any
3 26 alcoholic beverage, wine, or beer to any person under legal
3 27 age, and that any person who defaces the sticker shall be
3 28 guilty of criminal mischief and shall forfeit a deposit, if
3 29 applicable. The bill provides that the licensee or permittee
3 30 shall purchase the stickers from the division, that the
3 31 licensee or permittee shall be authorized to retain a
3 32 forfeited deposit, that the cost of the stickers shall not
3 33 exceed the division's production and distribution cost, and
3 34 that the moneys collected by the division from the sale of the
3 35 stickers or from forfeited deposits shall be credited to the

Senate File 287 - Introduced continued

4 1 beer and liquor control fund.
4 2 The bill provides that penalty provisions contained in Code
4 3 section 123.50, regarding violations being punishable as a
4 4 simple misdemeanor, shall be applicable to a licensee or
4 5 permittee who fails to affix upon sale, defaces, or fails to
4 6 record a keg identification sticker or produce a record of keg
4 7 identification stickers. The bill provides that the
4 8 provisions of the bill shall be enforced and implemented
4 9 uniformly across the state, and that a county or municipality
4 10 shall not set requirements or establish a penalty which is
4 11 higher or more stringent than the requirements or penalty
4 12 provisions made applicable in Code section 123.50 or 716.6.
4 13 LSB 1029SS 82
4 14 ec:nh/sh/8

Senate File 288 - Introduced

SENATE FILE
BY HOGG

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

A BILL FOR

An Act relating to the adoption, application, and enforcement of energy conservation requirements as a part of the state building code.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2368XS 82
eg/je/5

Senate File 288 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.8A, Code 2007, is amended to read
1 2 as follows:
1 3 103A.8A ENERGY CONSERVATION REQUIREMENTS.
1 4 1. The state building code commissioner shall adopt as a
1 5 part of the state building code a requirement that ~~new~~
1 6 ~~single=family or two=family residential~~ all construction shall
1 7 comply with energy conservation requirements. The
1 8 requirements adopted by the commissioner shall be based upon a
1 9 nationally recognized standard or code for energy
1 10 conservation. The requirements shall ~~only~~ apply to
1 11 ~~single=family or two=family residential~~ construction commenced
1 12 after the adoption of the requirements. This chapter shall
1 13 not be construed to prohibit a governmental subdivision from
1 14 adopting or enacting a minimum energy standard which is
1 15 substantially in accordance and consistent with energy codes
1 16 and standards developed by a nationally recognized
1 17 organization in effect on or after July 1, 2002. A
1 18 governmental subdivision that adopts or enacts a minimum
1 19 energy standard which is substantially in accordance and
1 20 consistent with energy codes and standards developed by a
1 21 nationally recognized organization shall adopt or enact any
1 22 update or revision to the energy codes and standards.
1 23 2. The state building code commissioner may provide
1 24 training to builders, contractors, and other interested
1 25 persons on the adopted energy conservation requirements.
1 26 Sec. 2. Section 103A.10, subsection 4, Code 2007, is
1 27 amended to read as follows:
1 28 4. Notwithstanding the provisions of section 103A.22,
1 29 subsection 1~~:~~
1 30 ~~a. Provisions~~, provisions of the state building code
1 31 establishing thermal and lighting efficiency energy
1 32 conservation standards shall be applicable to all new
1 33 construction owned by the state, an agency of the state, or a
1 34 political subdivision of the state, to all new construction
1 35 located in a governmental subdivision which has adopted either

Senate File 288 - Introduced continued

the state building code or a local building code or compilation of requirements for building construction, and to all other new construction in the state ~~which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled~~.

~~b. Provisions of the state building code establishing lighting efficiency standards shall be applicable to all new construction owned by the state, an agency of the state or a political subdivision of the state and to all new construction, in the state, of buildings which are open to the general public during normal business hours.~~

Sec. 3. Section 103A.19, unnumbered paragraph 3, Code 2007, is amended to read as follows:

The specifications for all buildings to be constructed after July 1, ~~1977~~ 2008, ~~and which exceed a total volume of one hundred thousand cubic feet of enclosed space that is heated or cooled~~ shall be reviewed by a registered architect or registered engineer for compliance with applicable energy efficiency standards. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or registered engineer. This statement shall be filed with the commissioner prior to construction. If the specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged. On or before December 31, 2008, each governmental subdivision of the state shall report to the commissioner on the status of the governmental subdivision's efforts to enforce applicable energy efficiency standards.

Senate File 288 - Introduced continued

EXPLANATION

This bill requires the state building code commissioner to adopt as part of the state building code a requirement that all construction must comply with energy conservation requirements. The bill allows the state building code commissioner to provide training to builders, contractors, and other interested persons on the adopted energy conservation requirements.

The bill consolidates the thermal and lighting efficiency standards provisions. Provisions of the state building code establishing thermal and lighting efficiency energy conservation standards shall be applicable to all new construction owned by the state, an agency of the state, or a political subdivision of the state, to all new construction located in a governmental subdivision which has adopted either the state building code or a local building code or compilation of requirements for building construction, and to all other new construction in the state.

The bill requires that all buildings constructed after July 1, 2008, comply with applicable energy efficiency standards. A registered architect or registered engineer must review the specifications for compliance with applicable energy efficiency standards. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards must be signed and sealed by the responsible registered architect or registered engineer. This statement must be filed with the commissioner prior to construction.

The bill also requires that on or before December 31, 2008, each city and county report to the state building code commissioner on the status of efforts taken to enforce applicable energy efficiency standards.

LSB 2368XS 82
eg:nh/je/5.1

Senate File 289 - Introduced

SENATE FILE
BY QUIRMBACH, BEALL, BLACK, WARNSTADT, FRAISE, DEARDEN, WOOD, OLIVE, HANCOCK, SENG, HORN, DVORSKY, DOTZLER, KREIMAN, SCHMITZ, RAGAN, STEWART, CONNOLLY, McCOY, KIBBIE, SEYMOUR, McKINLEY, HARTSUCH, and DANIELSON

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

A BILL FOR

An Act relating to special motor vehicle registration plates associated with military service, providing for special gold star plates and distinguished service cross, navy cross, air force cross, soldier's medal, sailor's medal, and airman's medal special plates, establishing fees, and crediting fees from the sale of certain special plates to the veterans license fee fund.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2144XS 82
dea/je/5

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1 1 Section 1. Section 35A.11, Code 2007, is amended to read
1 2 as follows:
1 3 35A.11 VETERANS LICENSE FEE FUND.
1 4 A veterans license fee fund is created in the state
1 5 treasury under the control of the commission. ~~The fund shall~~
~~1 6 include the fees credited by the treasurer of state from the~~
~~1 7 sale of special veteran license plates pursuant to section~~
~~1 8 321.34, subsection 13, paragraph "d".~~ Notwithstanding section
1 9 12C.7, interest or earnings on moneys in the veterans license
1 10 fee fund shall be credited to the veterans license fee fund.
1 11 Moneys in the fund are appropriated to the commission to be
1 12 used to fulfill the responsibilities of the commission. The
1 13 fund shall include the fees credited by the treasurer of state
1 14 from the sale of the following special motor vehicle
1 15 registration plates:
1 16 1. Veteran special plates issued pursuant to section
1 17 321.34, subsection 13, paragraph "d".
1 18 2. National guard special plates issued pursuant to
1 19 section 321.34, subsection 16.
1 20 3. Pearl Harbor special plates issued pursuant to section
1 21 321.34, subsection 17.
1 22 4. Purple heart special plates issued pursuant to section
1 23 321.34, subsection 18.
1 24 5. United States armed forces retired special plates
1 25 issued pursuant to section 321.34, subsection 19.
1 26 6. Silver star and bronze star special plates issued
1 27 pursuant to section 321.34, subsection 20.
1 28 7. Distinguished service cross, navy cross, and air force
1 29 cross special plates issued pursuant to section 321.34,
1 30 subsection 20A.
1 31 8. Soldier's medal, sailor's medal, and airman's medal
1 32 special plates issued pursuant to section 321.34, subsection
1 33 20B.
1 34 Sec. 2. Section 321.34, subsection 8, Code 2007, is
1 35 amended to read as follows:

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2 1 8. ~~CONGRESSIONAL~~ MEDAL OF HONOR PLATES. The owner of a
2 2 motor vehicle subject to registration under section 321.109,
2 3 subsection 1, motorcycle, trailer, or motor truck who has been
2 4 awarded the ~~congressional~~ medal of honor may, upon written
2 5 application to the department, order special registration
2 6 plates which shall be red, white, and blue in color and shall
2 7 bear an emblem of the ~~congressional~~ medal of honor and an
2 8 identifying number. Each applicant applying for special
2 9 registration plates under this subsection may purchase only
2 10 one set of registration plates under this subsection. The
2 11 application is subject to approval by the department and the
2 12 special registration plates shall be issued to the applicant
2 13 in exchange for the registration plates previously issued to
2 14 the person. The special plates are subject to an annual
2 15 registration fee of fifteen dollars. The department shall
2 16 validate the special plates in the same manner as regular
2 17 registration plates are validated under this section. The
2 18 department shall not issue special registration plates until
2 19 service organizations in the state have furnished the
2 20 department either the special dies or the cost of the special
2 21 dies necessary for the manufacture of the special registration
2 22 plate.
2 23 The surviving spouse of a person who was issued special
2 24 plates under this subsection may continue to use the special
2 25 plates subject to registration of the special plates in the
2 26 surviving spouse's name and upon payment of the fifteen dollar
2 27 annual registration fee. If the surviving spouse remarries,
2 28 the surviving spouse shall return the special plates to the
2 29 department and the department shall issue regular registration
2 30 plates to the surviving spouse.
2 31 Sec. 3. Section 321.34, subsection 12A, paragraph a, Code
2 32 2007, is amended to read as follows:
2 33 a. The owner is eligible for, but has relinquished to the
2 34 department or the county treasurer or has not been issued,
2 35 ~~congressional~~ medal of honor, ex=prisoner of war, or legion of

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3 1 merit special registration plates under this section, or
3 2 disabled veteran registration plates under section 321.105.
3 3 Sec. 4. Section 321.34, subsections 16, 17, 18, 19, and
3 4 20, Code 2007, are amended to read as follows:
3 5 16. NATIONAL GUARD SPECIAL PLATES. An owner referred to
3 6 in subsection 12 who is a member of the national guard, as
3 7 defined in chapter 29A, may, upon written application to the
3 8 department, order special registration plates with a national
3 9 guard processed emblem with the emblem designed by the
3 10 department in cooperation with the adjutant general which
3 11 emblem signifies that the applicant is a member of the
3 12 national guard. The application shall be approved by the
3 13 department in consultation with the adjutant general. The
3 14 special plate fees collected by the director under subsection
3 15 12, paragraph "a", from the issuance and annual validation of
3 16 letter=number designated and personalized national guard
3 17 plates shall be paid monthly to the treasurer of state and
3 18 credited to the road use tax fund. Notwithstanding section
3 19 423.43, and prior to the crediting of revenues to the road use
3 20 tax fund under section 423.43, subsection 1, paragraph "b",
3 21 the treasurer of state shall transfer monthly from those
3 22 revenues to the veterans license fee fund created in section
3 23 35A.11 the amount of the special fees collected in the
3 24 previous month for national guard plates. Special
3 25 registration plates with a national guard processed emblem
3 26 shall be surrendered, as provided in subsection 12, in
3 27 exchange for regular registration plates upon termination of
3 28 the owner's membership in the active national guard.
3 29 17. PEARL HARBOR SPECIAL PLATES. An owner referred to in
3 30 subsection 12 who was at Pearl Harbor, Hawaii, as a member of
3 31 the armed services of the United States on December 7, 1941,
3 32 may, upon written application to the department, order special
3 33 registration plates with a Pearl Harbor processed emblem. The
3 34 emblem shall be designed by the department in consultation
3 35 with service organizations. The application is subject to

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4 1 approval by the department. The special plate fees collected
4 2 by the director under subsection 12, paragraph "a", from the
4 3 issuance and annual validation of letter=number designated and
4 4 personalized Pearl Harbor plates shall be paid monthly to the
4 5 treasurer of state and credited to the road use tax fund.
4 6 Notwithstanding section 423.43, and prior to the crediting of
4 7 revenues to the road use tax fund under section 423.43,
4 8 subsection 1, paragraph "b", the treasurer of state shall
4 9 transfer monthly from those revenues to the veterans license
4 10 fee fund created in section 35A.11 the amount of the special
4 11 fees collected in the previous month for Pearl Harbor plates.
4 12 18. PURPLE HEART SPECIAL PLATES. An owner referred to in
4 13 subsection 12 who was awarded a purple heart medal by the
4 14 United States government for wounds received in military or
4 15 naval combat against an armed enemy of the United States may,
4 16 upon written application to the department and presentation of
4 17 satisfactory proof of the award of the purple heart medal,
4 18 order special registration plates with a purple heart
4 19 processed emblem. The design of the emblem shall include a
4 20 representation of a purple heart medal and ribbon. The
4 21 application is subject to approval by the department in
4 22 consultation with the adjutant general. The special plate
4 23 fees collected by the director under subsection 12, paragraph
4 24 "a", from the issuance and annual validation of letter=number
4 25 designated and personalized purple heart plates shall be paid
4 26 monthly to the treasurer of state and credited to the road use
4 27 tax fund. Notwithstanding section 423.43, and prior to the
4 28 crediting of revenues to the road use tax fund under section
4 29 423.43, subsection 1, paragraph "b", the treasurer of state
4 30 shall transfer monthly from those revenues to the veterans
4 31 license fee fund created in section 35A.11 the amount of the
4 32 special fees collected in the previous month for purple heart
4 33 plates.
4 34 19. UNITED STATES ARMED FORCES RETIRED SPECIAL PLATES. An
4 35 owner referred to in subsection 12 who is a retired member of

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5 1 the United States armed forces may, upon written application
5 2 to the department and upon presentation of satisfactory proof
5 3 of membership, order special registration plates with a United
5 4 States armed forces retired processed emblem. The emblem
5 5 shall be designed by the department in consultation with
5 6 service organizations. The application is subject to approval
5 7 by the department. For purposes of this subsection, a person
5 8 is considered to be retired if the person is recognized by the
5 9 United States armed forces as retired from the United States
5 10 armed forces. The special plate fees collected by the
5 11 director under subsection 12, paragraph "a", from the issuance
5 12 and annual validation of letter=number designated and
5 13 personalized armed forces retired plates shall be paid monthly
5 14 to the treasurer of state and credited to the road use tax
5 15 fund. Notwithstanding section 423.43, and prior to the
5 16 crediting of revenues to the road use tax fund under section
5 17 423.43, subsection 1, paragraph "b", the treasurer of state
5 18 shall transfer monthly from those revenues to the veterans
5 19 license fee fund created in section 35A.11 the amount of the
5 20 special fees collected in the previous month for armed forces
5 21 retired plates.
5 22 20. SILVER OR BRONZE STAR PLATES. An owner referred to in
5 23 subsection 12 who was awarded a silver or a bronze star by the
5 24 United States government, may, upon written application to the
5 25 department and presentation of satisfactory proof of the award
5 26 of the silver or bronze star, order special registration
5 27 plates with a silver or bronze star processed emblem. The
5 28 emblem shall be designed by the department in consultation
5 29 with the adjutant general. The special plate fees collected
5 30 by the director under subsection 12, paragraph "a", from the
5 31 issuance and annual validation of letter=number designated and
5 32 personalized silver star and bronze star plates shall be paid
5 33 monthly to the treasurer of state and credited to the road use
5 34 tax fund. Notwithstanding section 423.43, and prior to the
5 35 crediting of revenues to the road use tax fund under section

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6 1 423.43, subsection 1, paragraph "b", the treasurer of state
6 2 shall transfer monthly from those revenues to the veterans
6 3 license fee fund created in section 35A.11 the amount of the
6 4 special fees collected in the previous month for silver star
6 5 and bronze star plates.
6 6 Sec. 5. Section 321.34, Code 2007, is amended by adding
6 7 the following new subsections:
6 8 NEW SUBSECTION. 20A. DISTINGUISHED SERVICE, NAVY, OR AIR
6 9 FORCE CROSS PLATES. An owner referred to in subsection 12 who
6 10 was awarded a distinguished service cross, a navy cross, or an
6 11 air force cross by the United States government may, upon
6 12 written application to the department and presentation of
6 13 satisfactory proof of the award, order special registration
6 14 plates with a distinguished service cross, navy cross, or air
6 15 force cross processed emblem. The emblem shall be designed by
6 16 the department in consultation with the adjutant general. The
6 17 special plate fees collected by the director under subsection
6 18 12, paragraph "a", from the issuance and annual validation of
6 19 letter=number designated and personalized distinguished
6 20 service cross, navy cross, and air force cross plates shall be
6 21 paid monthly to the treasurer of state and credited to the
6 22 road use tax fund. Notwithstanding section 423.43, and prior
6 23 to the crediting of revenues to the road use tax fund under
6 24 section 423.43, subsection 1, paragraph "b", the treasurer of
6 25 state shall transfer monthly from those revenues to the
6 26 veterans license fee fund created in section 35A.11 the amount
6 27 of the special fees collected in the previous month for
6 28 distinguished service cross, navy cross, and air force cross
6 29 plates.
6 30 NEW SUBSECTION. 20B. SOLDIER'S, SAILOR'S, OR AIRMAN'S
6 31 MEDAL PLATES. An owner referred to in subsection 12 who was
6 32 awarded a soldier's medal, a sailor's medal, or an airman's
6 33 medal by the United States government may, upon written
6 34 application to the department and presentation of satisfactory
6 35 proof of the award, order special registration plates with a

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7 1 soldier's medal, sailor's medal, or airman's medal processed
7 2 emblem. The emblem shall be designed by the department in
7 3 consultation with the adjutant general. The special plate
7 4 fees collected by the director under subsection 12, paragraph
7 5 "a", from the issuance and annual validation of letter=number
7 6 designated and personalized soldier's medal, sailor's medal,
7 7 and airman's medal plates shall be paid monthly to the
7 8 treasurer of state and credited to the road use tax fund.
7 9 Notwithstanding section 423.43, and prior to the crediting of
7 10 revenues to the road use tax fund under section 423.43,
7 11 subsection 1, paragraph "b", the treasurer of state shall
7 12 transfer monthly from those revenues to the veterans license
7 13 fee fund created in section 35A.11 the amount of the special
7 14 fees collected in the previous month for soldier's medal,
7 15 sailor's medal, and airman's medal plates.
7 16 NEW SUBSECTION. 24. GOLD STAR PLATES. An owner referred
7 17 to in subsection 12 who is the surviving spouse or surviving
7 18 parent of a deceased member of the United States armed forces
7 19 who died during a time of military conflict may order special
7 20 registration plates bearing a gold star emblem upon written
7 21 application to the department accompanied by satisfactory
7 22 supporting documentation as determined by the department. The
7 23 gold star emblem shall be designed by the department in
7 24 cooperation with the commission of veterans affairs. Letter
7 25 number designated gold star plates shall be issued at no
7 26 charge and shall be validated annually by the county treasurer
7 27 upon payment of the regular annual registration fee. The fee
7 28 for issuance of personalized gold star plates is twenty=five
7 29 dollars, and the annual fee for personalized gold star plates
7 30 is five dollars, which is in addition to the regular annual
7 31 registration fee.
7 32 Sec. 6. Section 321.166, subsections 2 and 9, Code 2007,
7 33 are amended to read as follows:
7 34 2. Every registration plate or pair of plates shall
7 35 display a registration plate number which shall consist of

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8 1 alphabetical or numerical characters or a combination thereof
8 2 and the name of this state, which may be abbreviated. Every
8 3 registration plate issued by the county treasurer shall
8 4 display the name of the county, including any plate issued
8 5 pursuant to section 321.34, except Pearl Harbor and purple
8 6 heart registration plates issued prior to January 1, 1997, and
8 7 collegiate, fire fighter, and ~~congressional~~ medal of honor
8 8 registration plates. Special truck registration plates shall
8 9 display the word "special".
8 10 9. Special registration plates issued pursuant to section
8 11 321.34 beginning January 1, 1997, other than ~~congressional~~
8 12 medal of honor, collegiate, fire fighter, and natural
8 13 resources registration plates, shall be consistent with the
8 14 design and color of regular registration plates but shall
8 15 provide a space on a portion of the plate for the purpose of
8 16 allowing the placement of a distinguishing processed emblem.
8 17 Special registration plates shall also comply with the
8 18 requirements for regular registration plates as provided in
8 19 this section to the extent the requirements are consistent
8 20 with the section authorizing a particular special vehicle
8 21 registration plate.
8 22 EXPLANATION
8 23 This bill requires the department of transportation to make
8 24 available special registration plates for recipients of the
8 25 distinguished service cross, the navy cross, the air force
8 26 cross, the soldier's medal, the sailor's medal, and the
8 27 airman's medal. Emblems for the plates shall be designed by
8 28 the department in consultation with the adjutant general.
8 29 The bill directs the treasurer of state to credit fees from
8 30 the sale of the new special plates and the existing special
8 31 national guard, Pearl Harbor veteran, purple heart, armed
8 32 forces retired, bronze star, and silver star plates to the
8 33 veterans license fee fund. The plates are all subject to a
8 34 special initial fee of $25 and are renewed annually for a
8 35 special fee of $5 in addition to the regular annual
9 1 registration fee. Currently, the special fees from the
9 2 existing plates are deposited in the road use tax fund.
9 3 The bill also establishes a new special motor vehicle
9 4 registration plate to be issued to a surviving spouse or
9 5 surviving parent of a deceased member of the United States
9 6 armed forces who died during a time of military conflict. The
9 7 special gold star registration plates shall be issued at no
9 8 charge to the applicant and renewed upon payment of the annual
9 9 registration fees for the vehicle. Personalized gold star
9 10 plates shall be issued for a fee of $25 and renewed upon
9 11 payment of the annual registration fees for the vehicle plus a
9 12 $5 personalized plate renewal fee.
9 13 The bill makes corrective amendments to references to the
9 14 medal of honor.
9 15 LSB 2144XS 82
9 16 dea:nh/je/5.1

Senate Resolution 18 - Introduced

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1 1 SENATE RESOLUTION NO.
1 2 BY APPEL and WARD
1 3 A Resolution designating March 2007 as Iowa Women's
1 4 History Month.
1 5 WHEREAS, Iowa women of every race, class, and
1 6 ethnic background have made historic contributions to
1 7 the growth and strength of our state and nation in
1 8 countless recorded and unrecorded ways, including
1 9 through the struggle for women's rights; and
1 10 WHEREAS, Iowa women have played and continue to
1 11 play a critical economic, cultural, and social role by
1 12 constituting a significant portion of the labor force
1 13 working inside and outside the home despite being
1 14 underpaid; and
1 15 WHEREAS, Iowa women were particularly important in
1 16 the establishment of early charitable, philanthropic,
1 17 and cultural institutions in our state and nation; and
1 18 WHEREAS, Iowa women and men amended the
1 19 Constitution of the State of Iowa to provide that "All
1 20 men and women are, by nature, free and equal, and have
1 21 certain inalienable rights. . ."; and
1 22 WHEREAS, Iowa women have been leaders in the
1 23 abolitionist movement, the emancipation movement, the
1 24 industrial labor movement, the civil rights movement,
1 25 the peace movement, and the women's suffrage movement,
1 26 which have created a more fair and just society for
1 27 all people; and
1 28 WHEREAS, despite these contributions, and those of
1 29 women throughout the world, the role of women has been
1 30 consistently overlooked and undervalued in the

Senate Resolution 18 - Introduced continued

2 1 literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE SENATE, That the Senate
2 4 designates the month of March 2007 as Iowa Women's
2 5 History Month and invites the citizens of Iowa to
2 6 continue to uncover the roles women have played
2 7 throughout history.
2 8 LSB 2422SS 82
2 9 jr:nh/cf/24

Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 26, 2007

Senate Study Bill 1274

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

A BILL FOR

An Act relating to trusts and estates including fiduciaries and beneficiaries and including applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1083SC 82
rh/je/5

Senate Study Bill 1274 continued

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1 1 Section 1. Section 421.27, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. m. The failure to file a timely
1 4 inheritance tax return resulting solely from a disclaimer that
1 5 required the personal representative to file an inheritance
1 6 tax return. The penalty shall be waived if such return is
1 7 filed and any tax due is paid within the later of nine months
1 8 from the date of death or sixty days from the delivery or
1 9 filing of the disclaimer pursuant to section 633E.12.
1 10 Sec. 2. Section 450.4, Code 2007, is amended by adding the
1 11 following new subsection:
1 12 NEW SUBSECTION. 9. On the value of tangible personal
1 13 property as defined in section 633.276 which is distributed in
1 14 kind from the estate if the aggregate of all tangible personal
1 15 property in the estate does not exceed five thousand dollars.
1 16 Sec. 3. Section 561.1, Code 2007, is amended to read as
1 17 follows:
1 18 561.1 "HOMESTEAD" DEFINED.
1 19 1. The homestead must embrace the house used as a home by
1 20 the owner, and, if the owner has two or more houses thus used,
1 21 the owner may select which the owner will retain. It may
1 22 contain one or more contiguous lots or tracts of land, with
1 23 the building and other appurtenances thereon, habitually and
1 24 in good faith used as part of the same homestead.
1 25 2. As used in this chapter, "owner" includes but is not
1 26 limited to the person, or the surviving spouse of the person,
1 27 occupying the homestead as a beneficiary of a trust that
1 28 includes the property in the trust estate.
1 29 Sec. 4. NEW SECTION. 598.20A BENEFICIARY REVOCATION ==
1 30 LIFE INSURANCE.
1 31 1. Except as preempted by federal law, if a decree of
1 32 dissolution, annulment, or separate maintenance is issued
1 33 after an insured has designated the insured's spouse or one or
1 34 more relatives of the insured's spouse as a beneficiary under
1 35 a life insurance policy in effect on the date of the decree, a

Senate Study Bill 1274 continued

2 1 provision in the life insurance policy making such a
2 2 designation is voided by the issuance of the decree unless any
2 3 of the following apply:
2 4 a. The decree designates the insured's former spouse or
2 5 one or more relatives of the insured's spouse as beneficiary.
2 6 b. After issuance of the decree, the insured executes a
2 7 designation of beneficiary form provided by the insurance
2 8 company naming the insured's former spouse or one or more
2 9 relatives of the insured's former spouse as beneficiary.
2 10 c. The insured and the insured's former spouse remarry.
2 11 2. If a beneficiary designation is not effective pursuant
2 12 to subsection 1, the benefits or proceeds of the life
2 13 insurance policy are payable to an alternate beneficiary, or
2 14 if there is no alternate beneficiary, to the estate of the
2 15 insured.
2 16 3. An insurer who pays benefits or proceeds of a life
2 17 insurance policy to a beneficiary under a designation that is
2 18 void pursuant to subsection 1 is not liable for payment to an
2 19 alternative beneficiary as provided under subsection 2 unless
2 20 both of the following apply:
2 21 a. At least ten days prior to payment of the benefits or
2 22 proceeds of the life insurance policy to the designated
2 23 beneficiary, the insurer receives written notice at the home
2 24 office of the insurer that the designation of the beneficiary
2 25 is not effective pursuant to subsection 1.
2 26 b. The insurer has failed to interplead the benefits or
2 27 proceeds of the life insurance policy in a court of competent
2 28 jurisdiction in accordance with the rules of civil procedure.
2 29 4. This section does not limit the right of a beneficiary
2 30 to seek recovery from any person or entity that erroneously
2 31 receives or collects the benefits or proceeds from a life
2 32 insurance policy.
2 33 5. This section does not affect the right of an insured's
2 34 former spouse to assert an ownership interest in a life
2 35 insurance policy that is not disclosed to the insured's spouse

Senate Study Bill 1274 continued

3 1 prior to the decree of dissolution, annulment, or separate
3 2 maintenance and that is not addressed by the decree.
3 3 6. For purposes of this section, "relative of the
3 4 insured's spouse" means a person who is related to the
3 5 insured's former spouse by blood, adoption, or affinity, and
3 6 who, subsequent to a decree of dissolution, annulment, or
3 7 separate maintenance, ceases to be related to the insured by
3 8 blood, adoption, or affinity.
3 9 Sec. 5. NEW SECTION. 598.20B BENEFICIARY REVOCATION ==
3 10 OTHER CONTRACTS.
3 11 1. Except as preempted by federal law, if a decree of
3 12 dissolution, annulment, or separate maintenance is issued
3 13 after a participant, annuitant, or account holder has
3 14 designated the participant's, annuitant's, or account holder's
3 15 spouse or one or more relatives of the participant's,
3 16 annuitant's, or account holder's spouse as beneficiary under
3 17 any individual retirement account, stock option plan, transfer
3 18 on death account, payable on death account, or annuity in
3 19 force at the date of the decree, a provision in the retirement
3 20 account, stock option plan, transfer on death account, payable
3 21 on death account, or annuity designating the participant's,
3 22 annuitant's, or account holder's spouse or one or more
3 23 relatives of the participant's, annuitant's, or account
3 24 holder's spouse as beneficiary is voided by the issuance of
3 25 the decree unless any of the following apply:
3 26 a. The decree designates the participant's, annuitant's,
3 27 or account holder's spouse or one or more relatives of the
3 28 participant's, annuitant's, or account holder's spouse as
3 29 beneficiary.
3 30 b. After issuance of the decree, the participant,
3 31 annuitant, or account holder executes a designation of
3 32 beneficiary form provided by the plan or company naming the
3 33 participant's, annuitant's, or account holder's former spouse
3 34 or one or more relatives of the participant's, annuitant's, or
3 35 account holder's former spouse as the beneficiary.

Senate Study Bill 1274 continued

4 1 c. The participant, annuitant, or account holder and the
4 2 participant's, annuitant's, or account holder's former spouse
4 3 remarry.
4 4 2. If a beneficiary designation is not effective pursuant
4 5 to subsection 1, the benefits or proceeds from the individual
4 6 retirement account, stock option plan, transfer on death
4 7 account, payable on death account, or annuity are payable to
4 8 an alternate beneficiary, or if there is no alternate
4 9 beneficiary, to the estate of the participant, annuitant, or
4 10 account holder.
4 11 3. A business entity, employer, insurer, financial
4 12 institution, or other person or entity obligated to pay the
4 13 benefits or proceeds from an individual retirement account,
4 14 stock option plan, transfer on death account, payable on death
4 15 account, or annuity to a beneficiary under a designation that
4 16 is void pursuant to subsection 1 is not liable for payment of
4 17 the benefits or proceeds to a beneficiary as provided under
4 18 subsection 2 unless both of the following apply:
4 19 a. At least ten days prior to payment of the benefits or
4 20 proceeds to the designated beneficiary, the business entity,
4 21 employer, insurer, financial institution, or other person or
4 22 entity obligated to pay the benefits or proceeds receives
4 23 written notice at the home office of the business entity,
4 24 employer, insurer, financial institution, or other person or
4 25 entity that the designation of the beneficiary is not
4 26 effective pursuant to subsection 1.
4 27 b. The business entity, employer, insurer, financial
4 28 institution, or other person or entity has failed to
4 29 interplead the benefits or proceeds in a court of competent
4 30 jurisdiction in accordance with the rules of civil procedure.
4 31 4. This section does not limit the right of a beneficiary
4 32 to seek recovery from any person or entity that erroneously
4 33 receives or collects the benefits or proceeds of an individual
4 34 retirement account, stock option plan, transfer on death
4 35 account, payable on death account, or annuity.

Senate Study Bill 1274 continued

5 1 5. This section does not affect the right of the
5 2 participant's, annuitant's, or account holder's former spouse
5 3 to assert an ownership interest in an individual retirement
5 4 account, stock option plan, transfer or payable on death
5 5 account, or annuity that is not disclosed to the
5 6 participant's, annuitant's, or account holder's spouse prior
5 7 to the issuance of the decree of dissolution, annulment, or
5 8 separate maintenance and that is not addressed by the decree.
5 9 6. For purposes of this section, "relative of the
5 10 participant's, annuitant's, or account holder's spouse" means
5 11 a person who is related to the participant's, annuitant's, or
5 12 account holder's former spouse by blood, adoption, or
5 13 affinity, and who, subsequent to a decree of dissolution,
5 14 annulment, or separate maintenance ceases to be related to the
5 15 participant, annuitant, or account holder by blood, adoption,
5 16 or affinity.
5 17 Sec. 6. Section 602.8102, subsection 106, Code 2007, is
5 18 amended to read as follows:
5 19 106. Carry out duties relating to the administration of
5 20 small estates as provided in ~~sections 635.1, 635.7, and 635.9~~
5 21 chapter 635.
5 22 Sec. 7. NEW SECTION. 633.123 PRUDENT INVESTMENTS ==
5 23 FIDUCIARIES.
5 24 1. When investing, reinvesting, purchasing, acquiring,
5 25 exchanging, selling, or managing property for the benefit of
5 26 another, a fiduciary shall consider all of the following
5 27 circumstances along with the circumstances identified in
5 28 section 633A.4302, if applicable:
5 29 a. The length of time the fiduciary will have control over
5 30 the estate assets and the anticipated costs of complying with
5 31 the provisions of this section.
5 32 b. The unique nature of all of the following:
5 33 (1) The duties of a personal representative or
5 34 conservator.
5 35 (2) The assets, income, expenses, and distribution

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6 1 requirements of the estate.
6 2 (3) The needs and rights of the beneficiaries or the ward.
6 3 c. The express provisions of a will, codicil, or other
6 4 controlling instrument.
6 5 2. The standards identified in this section shall be
6 6 applied differently than similar standards for investment and
6 7 management of trust property. Special consideration shall be
6 8 given to the expected term of estates. Because some estates
6 9 will have limited duration, there may be situations where an
6 10 investment or a change in an investment is not warranted.
6 11 Sec. 8. Section 633.168, Code 2007, is amended to read as
6 12 follows:
6 13 633.168 OATH == CERTIFICATION.
6 14 Every fiduciary, before entering upon the duties of the
6 15 fiduciary's office ~~and within such time as the court or clerk~~
~~6 16 directs,~~ shall subscribe an oath or certify under penalties of
6 17 perjury that the fiduciary will faithfully discharge the
6 18 duties imposed by law, according to the best of the
6 19 fiduciary's ability.
6 20 Sec. 9. Section 633.178, Code 2007, is amended to read as
6 21 follows:
6 22 633.178 LETTERS.
6 23 Upon the filing of an oath of office or certification and a
6 24 bond, if any is required, the clerk shall issue letters under
6 25 the seal of the court, giving the fiduciary the powers
6 26 authorized by law.
6 27 Sec. 10. Section 633.199, Code 2007, is amended to read as
6 28 follows:
6 29 633.199 EXPENSES AND EXTRAORDINARY SERVICES.
6 30 Such further allowances as are just and reasonable may be
6 31 made by the court to personal representatives and their
6 32 attorneys for actual necessary and extraordinary expenses ~~or~~
6 33 and services. Necessary and extraordinary services shall be
6 34 construed to ~~also~~ include but not be limited to services in
6 35 connection with real estate, tax ~~matters, and litigated~~

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7 1 issues, disputed matters, nonprobate assets, reopening the
7 2 estate, location of unknown and lost heirs and beneficiaries,
7 3 and management and disposition of unusual assets. Relevant
7 4 factors to be considered in determining the value of such
7 5 services shall include but not be limited to the following:
7 6 1. Time necessarily spent by the personal representatives
7 7 and their attorneys.
7 8 2. Nature of the matters or issues and the extent of the
7 9 services provided.
7 10 3. Complexity of the issues and the importance of the
7 11 issues to the estate.
7 12 4. Responsibilities assumed.
7 13 5. Resolution.
7 14 6. Experience and expertise of the personal
7 15 representatives and their attorneys.
7 16 Sec. 11. Section 633.272, Code 2007, is amended to read as
7 17 follows:
7 18 633.272 PARTIAL INTESTACY.
7 19 If part but not all of the estate of a decedent is validly
7 20 disposed of by will, the part not disposed of by will shall be
7 21 distributed as provided herein for intestate estates. If the
7 22 testator left a surviving spouse, and the spouse does not
7 23 ~~elect to take against the will~~ take an elective share, the
7 24 spouse shall receive, in addition to the property given to the
7 25 spouse by the will, ~~all~~ so much of the intestate property
7 26 ~~which shall be~~ subject to the payment of its proportionate
7 27 share of debts and charges ~~against the estate~~ as the spouse
7 28 would receive pursuant to section 633.211 or 633.212.
7 29 Sec. 12. Section 633.551, Code 2007, is amended by adding
7 30 the following new subsection:
7 31 NEW SUBSECTION. 5. Except as otherwise provided in
7 32 sections 633.672 and 633.673, in proceedings to establish a
7 33 guardianship or conservatorship, the costs, including attorney
7 34 fees and expert witness fees, shall be assessed against the
7 35 ward or the ward's estate unless the proceeding is dismissed

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8 1 either voluntarily or involuntarily, in which case fees and
8 2 costs may be assessed against the petitioner.
8 3 Sec. 13. Section 633.669, subsection 1, paragraph b, Code
8 4 2007, is amended to read as follows:
8 5 b. An annual report, within ninety days of the close of
8 6 the reporting period, unless the court otherwise orders on
8 7 good cause shown.
8 8 Sec. 14. Section 633.670, subsection 1, paragraph b,
8 9 subparagraph (1), Code 2007, is amended to read as follows:
8 10 (1) Annually, within ninety days of the close of the
8 11 reporting period, unless the court otherwise orders on good
8 12 cause shown.
8 13 Sec. 15. Section 633.700, unnumbered paragraph 1, Code
8 14 2007, is amended to read as follows:
8 15 Unless specifically relieved from so doing, by the
8 16 instrument creating the trust, or by order of the court, the
8 17 trustee shall make a written report, under oath, to the court,
8 18 once each year, within ninety days of the close of the
8 19 reporting period, and more often, if required by the court.
8 20 Such report shall state:
8 21 Sec. 16. Section 633A.4703, unnumbered paragraph 1, Code
8 22 2007, is amended to read as follows:
8 23 Except as otherwise provided by the governing instrument,
8 24 where necessary to abate shares of the beneficiaries of a
8 25 trust for the payment of debts and charges, federal and state
8 26 estate taxes, bequests, the share of the surviving spouse who
8 27 takes an elective share, and the shares of children born or
8 28 adopted after the execution of the trust, abatement shall
8 29 occur in the following order:
8 30 Sec. 17. Section 633A.4703, subsection 4, Code 2007, is
8 31 amended to read as follows:
8 32 4. Notwithstanding subsections 1, 2, or 3, a disposition
8 33 in favor of the ~~grantor's~~ settlor's surviving spouse who does
8 34 not take an elective share shall not be abated where such
8 35 abatement would have the effect of increasing the amount of
9 1 federal estate or federal gift taxes payable by a person or an
9 2 entity.
9 3 Sec. 18. Section 635.1, Code 2007, is amended by striking
9 4 the section and inserting in lieu thereof the following:
9 5 635.1 WHEN APPLICABLE.
9 6 When the gross value of the probate assets of a decedent
9 7 subject to the jurisdiction of this state does not exceed one
9 8 hundred thousand dollars, and upon a petition as provided in
9 9 section 635.2 of an authorized petitioner in accordance with
9 10 section 633.227, 633.228, or 633.290, the clerk shall issue
9 11 letters of appointment for administration to the proposed
9 12 personal representative named in the petition, if qualified to
9 13 serve. Unless otherwise provided in this chapter, the
9 14 provisions of chapter 633 apply to an estate probated pursuant
9 15 to this chapter.
9 16 Sec. 19. Section 635.2, Code 2007, is amended to read as
9 17 follows:
9 18 635.2 PETITION REQUIREMENTS.
9 19 The petition for administration of a small estate must
9 20 contain the following:
9 21 1. The name, domicile, and date of death of the decedent.

9 22 2. The name and address of the surviving spouse, if any~~,~~
~~9 23 the name and address of each child of the decedent, the name~~
~~9 24 and address of each parent of the decedent, if the parent is~~
~~9 25 an heir or beneficiary of the decedent, and the name and~~
~~9 26 address of each grandchild of the decedent if the grandchild~~
~~9 27 is an heir or beneficiary of the decedent, unless none are~~
~~9 28 beneficiaries under the will of the decedent, and the name and~~
~~9 29 address of each relative within the fourth degree of~~
~~9 30 consanguinity of the decedent who is an heir or beneficiary of~~
~~9 31 the decedent, unless none are beneficiaries under the will of~~
~~9 32 the decedent~~.
9 33 3. Whether the decedent died intestate or testate, and, if
9 34 testate, the date ~~of~~ the will was executed.
9 35 4. A statement that the probate ~~and nonprobate~~ property of

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10 1 the decedent subject to the jurisdiction of this state does
10 2 not have an aggregate gross value of more than the amount
10 3 permitted under the provisions of section 635.1.
10 4 5. The name and address of the proposed ~~executor or~~
~~10 5 administrator~~ personal representative.
10 6 Sec. 20. Section 635.7, Code 2007, is amended to read as
10 7 follows:
10 8 635.7 REPORT AND INVENTORY == ~~EXCESS~~ VALUE AND ~~TERMINATION~~
10 9 CONVERSION.
10 10 1. The ~~executor or administrator~~ personal representative
10 11 is required to file the report and inventory for which
10 12 provision is made in section 633.361, including all probate
10 13 and nonprobate assets. ~~Nothing in sections 635.1 to 635.3~~
~~10 14 shall~~ This chapter does not exempt the ~~executor or~~
~~10 15 administrator~~ personal representative from complying with the
10 16 requirements of section 422.27, 450.22, 450.58, 633.480, or
10 17 633.481, and the administration of an estate whether converted
10 18 to or from a small estate shall be considered one proceeding
10 19 pursuant to section 633.330.
10 20 2. If the inventory and report shows the gross value of
10 21 probate assets subject to the jurisdiction of this state which
10 22 exceed ~~the total gross value of~~ the amount permitted ~~the~~ a
10 23 small estate under ~~the applicable provision of~~ section 635.1,
10 24 ~~the clerk shall terminate the letters issued under section~~
~~10 25 635.1 without prejudice to the rights of persons who delivered~~
~~10 26 property as permitted under section 635.3. The executor or~~
~~10 27 administrator shall then be required to petition for~~
~~10 28 administration of~~ the estate shall be administered as provided
10 29 in chapter 633.
10 30 3. If the inventory report in an estate probated pursuant
10 31 to chapter 633 indicates the gross value of the probate assets
10 32 subject to the jurisdiction of this state does not exceed the
10 33 amount permitted under section 635.1, the estate shall be
10 34 administered as a small estate upon the filing of a statement
10 35 by the personal representative that the estate is a small

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11 1 estate.
11 2 4. Other interested parties may convert proceedings from a
11 3 small estate to a regular estate or from a regular estate to a
11 4 small estate only upon good cause shown with approval from the
11 5 court.
11 6 Sec. 21. Section 635.8, Code 2007, is amended to read as
11 7 follows:
11 8 635.8 CLOSING BY SWORN STATEMENT.
11 9 ~~1. Unless an interested person petitions for~~
~~11 10 administration of the estate on a basis other than for a small~~
~~11 11 estate within four months after letters of administration for~~
~~11 12 a small estate are issued, if those letters of administration~~
~~11 13 are not terminated under the provisions of section 635.7, any~~
~~11 14 property of the estate shall then be free of debts and~~
~~11 15 charges, unless a claim has been filed as provided in section~~
~~11 16 635.13. The executor or administrator is personally liable~~
~~11 17 for the payment of debts and charges against the estate to the~~
~~11 18 extent the assets of the estate would be subject to the~~
~~11 19 payment of those debts and charges under estate administration~~
~~11 20 other than a small estate.~~
11 21 ~~2.~~ 1. The ~~executor or administrator~~ personal
11 22 representative shall file with the court a closing statement
11 23 within ~~six months~~ a reasonable time from the date of issuance
11 24 of the letters of appointment, and the closing statement shall
11 25 be verified or affirmed under penalty of perjury, stating all
11 26 of the following:
11 27 a. To the best knowledge of the ~~person~~ personal
11 28 representative, the gross value of the ~~estate~~ probate assets
11 29 subject to the jurisdiction of this state does not exceed the
11 30 amount permitted ~~the small estate~~ under ~~the applicable~~
~~11 31 provision of~~ section 635.1.
11 32 b. The estate has been fully administered~~, dispersed,~~ and
11 33 will be disbursed and distributed to persons entitled to the
11 34 estate ~~and a~~ if no objection is filed to the closing statement
11 35 after the requisite time period has expired as provided in

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12 1 subsection 2.
12 2 c. A description of the disbursement and distribution of
12 3 the estate including an accurate description of all the real
12 4 estate of which the decedent died seized, stating the nature
12 5 and extent of the interest in the real estate and its
12 6 disposition.
12 7 ~~c.~~ d. A copy of the closing statement and an opportunity
12 8 to object and request a hearing has been sent ~~to all~~
~~12 9 distributees of the estate and to all known creditors and a~~
~~12 10 full account in writing of the administration of the estate~~
~~12 11 has been furnished to the distributees whose interests are~~
~~12 12 affected~~ by proper notice, as provided in section 633.40, to
12 13 all interested parties.
12 14 e. The personal representative has complied with all
12 15 statutory requirements pertaining to taxes, including whether
12 16 federal estate tax was paid or a return was filed, whether
12 17 Iowa inheritance tax was paid or a return was filed, whether
12 18 the decedent's final personal income taxes were filed, whether
12 19 fiduciary income tax returns for the estate were filed, and
12 20 whether a lien continues to exist for any federal or state
12 21 tax.
12 22 ~~3.~~ 2. If no actions or proceedings involving the estate
12 23 are pending in the court ~~sixty~~ thirty days after notice of the
12 24 closing statement is filed, the estate shall close after
12 25 distribution and the ~~clerk shall discharge the administrator~~
~~12 26 or executor~~ personal representative shall be discharged.
12 27 ~~4.~~ 3. The closing statement shall include a statement as
12 28 to the amount of fees to be paid for services rendered by the
12 29 ~~executor or administrator~~ personal representative and the
12 30 ~~executor's or administrator's~~ personal representative's
12 31 attorney in administration of the estate. The fees for the
12 32 ~~executor or administrator and the executor's or~~
~~12 33 administrator's attorney shall not be in excess of the fees~~
~~12 34 permitted by section 633.197~~ personal representative shall not
12 35 exceed three percent of the gross value of the probate assets

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13 1 of the estate, unless the personal representative itemizes the
13 2 personal representative's services to the estate. The
13 3 personal representative's attorney shall be paid reasonable
13 4 fees as agreed to in writing by the personal representative at
13 5 or before the time of filing the probate inventory or as
13 6 approved by the court. All interested parties shall have the
13 7 opportunity to object and request a hearing as to all fees
13 8 reported in the closing statement.
13 9 ~~5.~~ 4. If a closing statement is not filed within twelve
13 10 months of the date of issuance of a letter of appointment, an
13 11 interlocutory report shall be filed within such time period.
13 12 Such report shall be provided to all interested parties at
13 13 least once every six months until the closing statement has
13 14 been filed unless excused by the court for good cause shown.
13 15 A closing statement filed under this section has the same
13 16 effect as final settlement of the estate under chapter 633.
13 17 Sec. 22. Section 635.13, Code 2007, is amended to read as
13 18 follows:
13 19 635.13 NOTICE == CLAIMS.
13 20 If a petition for administration of a small estate ~~of a~~
~~13 21 decedent~~ is granted, the notice as provided in section
13 22 633.237, and either sections 633.230 and 633.231 or ~~section~~
13 23 sections 633.304 and 633.304A shall ~~indicate administration as~~
~~13 24 a small estate~~ be given. Creditors having claims against the
13 25 estate must file them with the clerk within ~~four months from~~
~~13 26 the second publication of the notice~~ the applicable time
13 27 periods provided in such notices. The notice has the same
13 28 force and effect as in chapter 633. Claimants of the estate
13 29 shall be interested parties of the estate as long as the
13 30 claims are pending in the estate.
13 31 Sec. 23. Sections 635.3, 635.4, 635.5, 635.6, 635.9,
13 32 635.10, 635.11, 635.12, and 635.14, Code 2007, are repealed.
13 33 Sec. 24. CODE EDITOR DIRECTIVE. The Code editor is
13 34 directed to transfer and renumber sections 635.7, 635.8, and
13 35 635.13, as amended in this Act, to enhance the readability of

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14 1 Code chapter 635.
14 2 Sec. 25. APPLICABILITY.
14 3 1. The sections of this Act amending sections 633.168 and
14 4 633.178 apply to fiduciaries appointed on or after July 1,
14 5 2007.
14 6 2. The sections of this Act amending sections 421.27,
14 7 450.4, 602.8102, 633.199, 633.272, 633A.4703, 635.1, 635.2,
14 8 635.7, 635.8, and 635.13 apply to estates of decedents dying
14 9 on or after July 1, 2007.
14 10 3. The section of this Act amending section 561.1 applies
14 11 retroactively to beneficiaries of trusts in existence on or
14 12 after July 1, 1997.
14 13 4. The sections of this Act enacting sections 598.20A and
14 14 598.20B apply to all decrees of dissolution, annulment, or
14 15 separation entered on or after July 1, 2007.
14 16 5. The section of this Act enacting section 633.123
14 17 applies to all estates, conservatorships, and trusts under
14 18 court supervision in existence on or after July 1, 2007.
14 19 6. The section of this Act amending section 633.551
14 20 applies to petitions filed on or after July 1, 2007.
14 21 7. The sections of this Act amending sections 633.669,
14 22 633.670, and 633.700 apply to annual reports of guardians,
14 23 conservators, and court=supervised trusts due on or after July
14 24 1, 2007.
14 25 8. The section of this Act repealing sections 635.3,
14 26 635.4, 635.5, 635.6, 635.9, 635.10, 635.11, 635.12, and 635.14
14 27 applies to estates of decedents dying on or after July 1,
14 28 2007.
14 29 EXPLANATION
14 30 This bill relates to trusts and estates including
14 31 fiduciaries and beneficiaries and includes applicability
14 32 provisions.
14 33 The bill allows the department of revenue to waive the
14 34 imposition of a penalty involving an estate with a disclaimer
14 35 that is filed more than nine months from the date of the

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15 1 decedent's death if, solely due to the disclaimer, the
15 2 personal representative is required to file an inheritance tax
15 3 return and such return is filed and any tax due is paid within
15 4 the later of nine months from the date of death or 60 days
15 5 from the filing of the disclaimer.
15 6 The bill eliminates inheritance tax on tangible personal
15 7 property that is distributed in kind to beneficiaries if the
15 8 aggregate total value of all tangible personal property in the
15 9 estate is $5,000 or less.
15 10 The bill preserves the homestead status for trust=owned
15 11 property occupied by the beneficiary of the trust or the
15 12 beneficiary's spouse. This provision applies retroactively to
15 13 beneficiaries of trusts in existence on or after July 1, 1997.
15 14 The bill provides that, unless preempted by federal law, if
15 15 a decree of dissolution, annulment, or separate maintenance is
15 16 issued after a person has designated the person's spouse or a
15 17 relative of the person's spouse a beneficiary under a life
15 18 insurance policy, individual retirement account, stock option
15 19 plan, transfer on death account, payable on death account, or
15 20 annuity in effect on the date of the decree, such a
15 21 beneficiary designation is revoked by the issuance of the
15 22 decree unless the decree or the person provides otherwise or
15 23 the person and the person's spouse remarry. The bill provides
15 24 that upon revocation of a beneficiary designation in such
15 25 cases, the proceeds or benefits shall be paid to an alternate
15 26 beneficiary or to the person's estate if there is no alternate
15 27 beneficiary. The bill provides that an insurer, business
15 28 entity, employer, financial institution, or other person who
15 29 mistakenly pays proceeds or benefits to a beneficiary is not
15 30 liable unless at least 10 days prior to payment, the insurer,
15 31 business entity, employer, financial institution, or other
15 32 person receives written notice that the designation of the
15 33 beneficiary is revoked and such persons failed to interplead
15 34 the proceeds or benefits before the court. The bill does not
15 35 limit the right of a beneficiary to seek recovery from any

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16 1 person or entity that erroneously collects such proceeds or
16 2 benefits and does not affect the right of a former spouse to
16 3 assert an ownership interest in a nondisclosed life insurance
16 4 policy, individual retirement account, stock option plan,
16 5 transfer on death account, payable on death account, or
16 6 annuity in effect on the date of the decree. These provisions
16 7 apply to all decrees of dissolution, annulment, or separate
16 8 maintenance entered on or after July 1, 2007.
16 9 The bill establishes investment management standards for
16 10 conservators and personal representatives of estates,
16 11 consistent with current investment management practices, and
16 12 provides that when managing and investing an account, a
16 13 fiduciary shall consider, among other factors, the length of
16 14 time the fiduciary will have control over the estate assets
16 15 and the anticipated costs of complying with the provisions of
16 16 the bill, the unique nature of the duties of the personal
16 17 representative or conservator, the assets, income, expenses,
16 18 and distribution requirements of the estate, and the needs and
16 19 rights of the beneficiaries or the ward. This provision
16 20 applies to all estates, conservatorships, and trusts in
16 21 existence on or after July 1, 2007.
16 22 The bill allows a fiduciary in a probate matter to accept a
16 23 fiduciary appointment by signing an oath of office in the
16 24 presence of a notary public or to certify under penalty of
16 25 perjury a promise to perform the fiduciary's duties. The bill
16 26 also authorizes a clerk of court to issue a letter of
16 27 appointment consistent with this new procedure for fiduciary
16 28 appointments.
16 29 The bill provides certain factors to be considered by the
16 30 probate court when determining the value of extraordinary
16 31 services of a personal representative and a personal
16 32 representative's attorneys, including but not limited to the
16 33 time spent on the case, the nature and complexity of the
16 34 issues in the case, the responsibilities assumed, the
16 35 resolution obtained, and the experience and expertise of the

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17 1 personal representative and the attorney.
17 2 The bill provides a surviving spouse with the same share in
17 3 partial intestacy as would be received in full intestacy
17 4 consistent with spousal elective share amendments enacted in
17 5 2005.
17 6 The bill authorizes a court to assess attorney and expert
17 7 witness fees and other costs against the petitioner instead of
17 8 the proposed ward if a guardianship or conservatorship
17 9 petition is dismissed or denied.
17 10 The bill allows a conservator, guardian, or trustee of a
17 11 trust subject to ongoing court supervision under the probate
17 12 code to avoid delinquency notices if the conservator,
17 13 guardian, or trustee files an annual report within 90 days of
17 14 the close of the requisite reporting period.
17 15 The bill amends the trust code abatement provisions to
17 16 specify that a surviving spouse who does not take an elective
17 17 share will be protected from abatement if such abatement would
17 18 increase applicable federal estate or gift taxes.
17 19 The bill amends Code chapter 635 relating to a personal
17 20 representative's administration of a small estate with probate
17 21 assets less than or equal to $100,000 including provisions
17 22 which allow for less court involvement and reasonable fees for
17 23 a personal representative and an attorney of a personal
17 24 representative. The bill repeals provisions in Code chapter
17 25 635 consistent with this purpose.
17 26 Unless otherwise indicated, the bill applies to estates of
17 27 decedents dying on or after July 1, 2007.
17 28 LSB 1083SC 82
17 29 rh:rj/je/5.1