



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 18, 2008

House Amendment 8140

PAG LIN

1 1 Amend House File 2633 as follows
1 2 #1. Page 11, line 28, by striking the words <A
1 3 operating> and inserting the following: <An
1 4 operating>.
1 5 #2. Page 16, line 29, by striking the figure
1 6 <489.110> and inserting the following: <489.112>.
1 7 #3. Page 29, line 8, by inserting after the word
1 8 <becomes> the following: <a>.
1 9 #4. Page 49, line 33, by striking the word
1 10 <transferree> the following: <transferee>.
1 11 #5. Page 51, line 10, by striking the word
1 12 <applies> and inserting the following: <apply>.
1 13 #6. Page 101, line 9, by striking the word <"a",>
1 14 and inserting the following: <"a">.
1 15 #7. Page 107, line 27, by striking the word
1 16 <entity> and inserting the following: <entity,>.
1 17 #8. Page 118, line 12, by striking the figure
1 18 <289.108> and inserting the following: <489.108>.
1 19 #9. By renumbering as necessary.
1 20
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1 22
1 23 SWAIM of Davis
1 24 HF 2633.201 82
1 25 da/rj/11159
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House Amendment 8141

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1 1 Amend House File 2645 as follows:
 1 2 #1. Page 13, by inserting after line 33 the
 1 3 following:
 1 4 <Sec. _____. NEW SECTION. 20.32 PUBLIC=PRIVATE
 1 5 SECTOR SALARY STUDY.
 1 6 1. The legislative council shall commission a
 1 7 study by a competent, independent, public accounting
 1 8 service to conduct a comprehensive comparison of the
 1 9 wages and benefits of selected public sector employee
 1 10 positions with equivalent private sector employee
 1 11 positions. The study shall be completed by January 1,
 1 12 2009, and the copies of the report shall be submitted
 1 13 to the board and the general public by January 1,
 1 14 2009.
 1 15 2. During calendar year 2009, and every two years
 1 16 thereafter, the legislative council shall commission a
 1 17 follow-up study to the study described in subsection 1
 1 18 with a report to be submitted to the board and the
 1 19 general public by January 1 of the following year.>
 1 20 #2. By renumbering as necessary.
 1 21
 1 22
 1 23
 1 24 WATTS of Dallas
 1 25 HF 2645.201 82
 1 26 ec/rj/11224
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House Amendment 8142

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1 1 Amend House File 2645 as follows:
 1 2 #1. Page 1, by inserting after line 24 the
 1 3 following:
 1 4 <Sec. _____. Section 20.6, subsection 2, Code 2007,
 1 5 is amended to read as follows:
 1 6 2. Collect, for public employers other than the
 1 7 state and its boards, commissions, departments, and
 1 8 agencies, data and conduct studies relating to wages,
 1 9 hours, benefits and other terms and conditions of
 1 10 public employment, including such information filed
 1 11 with the board pursuant to section 20.29, and make the
 1 12 same available to any interested person or
 1 13 organization.>
 1 14 #2. Page 13, by inserting after line 33 the
 1 15 following:
 1 16 <Sec. _____. Section 20.29, Code 2007, is amended by
 1 17 adding the following new unnumbered paragraph:
 1 18 NEW UNNUMBERED PARAGRAPH. Within ninety days of
 1 19 the completion of a collective bargaining agreement
 1 20 entered into pursuant to this chapter, the public
 1 21 employer shall file two copies of the agreement with
 1 22 the board. In addition, within the same time period,
 1 23 the public employer and the applicable certified
 1 24 employee organization shall file with the board,
 1 25 either jointly or separately, a report on a form
 1 26 prescribed by the board which shall include the number
 1 27 of employees covered by the agreement, the estimated
 1 28 cost of implementing each wage, benefit, and other
 1 29 provision of the agreement having an economic impact
 1 30 and the estimated percentage increase in cost for each
 1 31 item compared to the prior agreement, the estimated
 1 32 total cost of implementing the agreement for the
 1 33 entire term of the agreement, and any other
 1 34 information relating to the agreement as requested by
 1 35 the board.>
 1 36 #3. By renumbering as necessary.
 1 37
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 1 40 WATTS of Dallas
 1 41 HF 2645.202 82
 1 42 ec/rj/11225

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House Amendment 8143

PAG LIN

1 1 Amend House File 2551 as follows:
1 2 #1. Page 1, by striking lines 30 and 31 and
1 3 inserting the following: <the commercial application
1 4 of pesticides.>
1 5
1 6
1 7
1 8 WENTHE of Fayette
1 9 HF 2551.501 82
1 10 da/rj/20595
1 11
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1 13
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1 1 Amend House File 2508 as follows:
1 2 #1. Page 1, line 8, by striking the word <or> and
1 3 inserting the following: <or>.
1 4 #2. Page 1, line 8, by inserting after the words
1 5 <payment insurance> the following: < , or denials of
1 6 coverage not based on medical necessity>.
1 7 #3. Title page, line 1, by striking the words
1 8 <authorizing appeal of denials of dental> and
1 9 inserting the following: <relating to appeals of
1 10 denials of>.
1 11
1 12
1 13
1 14 T. OLSON of Linn
1 15 HF 2508.701 82
1 16 av/nh/11359
1 17
1 18
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House Amendment 8145

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1 1 Amend House File 2570 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. NEW SECTION. 455B.118 EXPIRATION OF
1 5 PERMITS.
1 6 Notwithstanding section 17A.18, subsection 2, a
1 7 permit issued pursuant to this chapter which is not
1 8 renewed by the department expires regardless of
1 9 whether the department has made a final determination
1 10 as to the application for renewal and regardless of
1 11 whether the applicant is seeking judicial review.>
1 12 #2. Title page, line 2, by inserting after the
1 13 word <by> the following: <providing for the
1 14 expiration of certain permits issued by the department
1 15 of natural resources,>.
1 16 #3. By renumbering as necessary.
1 17
1 18
1 19
1 20 TYMESON of Madison
1 21 HF 2570.202 82
1 22 tw/nh/11265
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1 1 Amend House File 2636 as follows:
1 2 #1. Page 5, line 23, by striking the word
1 3 <convictions> and inserting the following:
1 4 <conviction>.
1 5 #2. Page 5, line 32, by inserting after the word
1 6 <has> the following: <a>.
1 7 #3. Page 12, line 16, by striking the words
1 8 <client by> and inserting the following: <client be>.
1 9 #4. Page 15, line 27, by striking the word
1 10 <applicable> and inserting the following:
1 11 <applicable,>.
1 12
1 13
1 14
1 15 QUIRK of Chickasaw
1 16 HF 2636.701 82
1 17 jr/rj/20738
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House Amendment 8147

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1 1 Amend House File 2646 as follows:
1 2 #1. Page 1, line 25, by striking the words
1 3 <subsection 6,>.
1 4 #2. Page 7, by striking lines 16 through 21 and
1 5 inserting the following: <one of the following:
1 6 1. Presentation of a certificate of completion of
1 7 a United States department of labor, office of
1 8 apprenticeship, four-year or five-year apprenticeship
1 9 program.
1 10 2. A passing score on the national inspection,
1 11 testing and certification star fire sprinkler mastery
1 12 exam or an equivalent exam from a nationally
1 13 recognized third-party testing agency.
1 14 3. A passing score on the NICET level I
1 15 examination.>
1 16 #3. Page 8, line 2, by inserting before the word
1 17 <The> the following: <1.>
1 18 #4. Page 8, by inserting after line 6 the
1 19 following:
1 20 <2. The provisions of this chapter shall not be
1 21 construed to apply to a person employed full time as a
1 22 custodian for a school corporation, hospital, or
1 23 public facility, who performs fire sprinkler
1 24 maintenance work involving no more than one sprinkler
1 25 head or nozzle.>
1 26 #5. Page 8, line 17, by striking the words <state
1 27 fire marshal> and inserting the following:
1 28 <department of public safety>.
1 29 #6. Page 9, line 15, by striking the words <shall
1 30 take effect> and inserting the following: <takes
1 31 effect>.
1 32 #7. By renumbering as necessary.
1 33
1 34
1 35
1 36 QUIRK of Chickasaw
1 37 HF 2646.501 82
1 38 jr/nh/20724
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House Amendment 8148

PAG LIN

1 1 Amend House File 2570 as follows:
1 2 #1. Page 8, by inserting after line 16 the
1 3 following:
1 4 <Sec. ____ . COMPREHENSIVE RECYCLING PLANNING TASK
1 5 FORCE.
1 6 1. ESTABLISHMENT AND PURPOSE. A comprehensive
1 7 recycling planning task force is established. The
1 8 task force shall be initially convened by July 1,
1 9 2008, and shall be regularly convened as often as
1 10 necessary. The task force shall be convened for the
1 11 following purposes:
1 12 a. Studying and making recommendations for the
1 13 planning and implementation of comprehensive statewide
1 14 recycling programs, including an evaluation of the
1 15 current beverage container control law commonly
1 16 referred to as the bottle bill.
1 17 b. Making recommendations for reducing the amount
1 18 of recyclable materials contained in the waste stream
1 19 and for reducing litter.
1 20 2. MEMBERSHIP.
1 21 a. The task force shall consist of the following
1 22 voting members:
1 23 (1) One member selected by the Iowa recycling
1 24 association.
1 25 (2) One member selected by the Iowa society of
1 26 solid waste operations.
1 27 (3) Three members selected by the Iowa society of
1 28 solid waste operations representing solid waste
1 29 planning areas of various sizes and from various
1 30 locations across the state.
1 31 (4) One member selected by the Iowa league of
1 32 cities.
1 33 (5) One member selected by the solid waste
1 34 association of north America representing private
1 35 solid waste disposal entities.
1 36 (6) The director of the department of natural
1 37 resources, or the director's designee.
1 38 (7) One member selected by the Iowa environmental
1 39 council.
1 40 (8) One member selected by the league of women
1 41 voters of Iowa.
1 42 (9) One member selected by the Iowa wholesale beer
1 43 distributors association.
1 44 (10) One member selected by the Iowa beverage
1 45 association representing juice and soft drink
1 46 distributors.
1 47 (11) One member selected by the Iowa bottle bill
1 48 coalition representing independent redemption centers.
1 49 (12) One member selected by the Iowa association
1 50 of counties.



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- 2 1 (13) One member selected by the Iowa farm bureau
2 2 federation.
- 2 3 (14) One member selected by the association of
2 4 business and industry.
- 2 5 (15) One member selected by the home builders
2 6 association of Iowa.
- 2 7 (16) The director of the alcoholic beverages
2 8 division of the department of commerce, or the
2 9 director's designee.
- 2 10 (17) One member selected by keep Iowa beautiful.
- 2 11 (18) One member selected by the Iowa grocery
2 12 industry association.
- 2 13 (19) One member selected by the Iowa dairy foods
2 14 association.
- 2 15 (20) One member selected by the petroleum
2 16 marketers and convenience stores of Iowa.
- 2 17 (21) One member selected by the Iowa retail
2 18 federation.
- 2 19 b. Nonvoting members of the task force shall
2 20 include all of the following:
- 2 21 (1) Two members of the senate. One senator shall
2 22 be appointed by the majority leader of the senate and
2 23 one senator shall be appointed by the minority leader
2 24 of the senate.
- 2 25 (2) Two members of the house of representatives.
2 26 One member shall be appointed by the speaker of the
2 27 house of representatives and one member shall be
2 28 appointed by the minority leader of the house of
2 29 representatives.
- 2 30 c. The voting members shall be appointed in
2 31 compliance with the requirements of sections 69.16,
2 32 69.16A, and 69.19, and shall serve for the duration of
2 33 the task force.
- 2 34 d. The members of the task force are entitled to
2 35 receive reimbursement for actual expenses incurred
2 36 while engaged in the performance of official duties.
- 2 37 e. The task force shall elect a chairperson and
2 38 the recommendations of the task force shall be
2 39 approved by a majority of the voting members. A
2 40 majority of the task force constitutes a quorum and an
2 41 affirmative vote of the majority of members is
2 42 necessary to approve the recommendations of the task
2 43 force. A vacancy in the membership does not impair
2 44 the right of a quorum to exercise all rights and
2 45 perform all duties of the task force.
- 2 46 3. DUTIES. The task force shall do all of the
2 47 following:
- 2 48 a. Evaluate in a comprehensive manner the nature,
2 49 extent, and effectiveness of recycling programs
2 50 throughout the state.



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3 1 b. Make recommendations for creating and enhancing
3 2 comprehensive sustainable recycling programs. Such
3 3 recommendations may include methods of collecting and
3 4 paying for the recycling of residential, industrial,
3 5 and commercial waste, mechanisms for increasing the
3 6 recycling of construction and demolition waste, and
3 7 incentives for increasing the recycling of yard waste,
3 8 food or other organic waste, hazardous household
3 9 waste, and electronic waste.

3 10 c. Assess the viability of a statewide curbside
3 11 recycling program and make recommendations regarding
3 12 the manner in which such a program might be
3 13 implemented. If the assessment determines that such a
3 14 program is viable, the task force shall provide an
3 15 evaluation of available funding sources for a
3 16 statewide curbside recycling program and include a
3 17 detailed budget proposal for funding, implementing,
3 18 and conducting such a program. The evaluation of
3 19 funding sources and the proposed budget shall ensure
3 20 adequate funding of recycling efforts throughout this
3 21 state until a transition from the current beverage
3 22 container control system to a statewide curbside
3 23 recycling program can be fully completed and
3 24 implemented.

3 25 d. Make recommendations for facilitating the
3 26 elimination of illegal dumping and littering
3 27 throughout the state, including an evaluation of
3 28 enhanced fines to increase deterrence. If
3 29 appropriate, the recommendations may include an
3 30 examination or incorporation of recommendations made
3 31 by other task forces or government agencies.

3 32 e. Make recommendations for the establishment and
3 33 funding of regional recycling centers.

3 34 f. Develop a plan to assist existing redemption
3 35 and recycling businesses in adapting to any industry
3 36 changes resulting from recommendations of the task
3 37 force.

3 38 g. Make recommendations for marketing programs
3 39 that increase education and awareness of recycling,
3 40 littering, and illegal dumping issues and that enhance
3 41 the understanding of and commitment to effective
3 42 environmental stewardship.

3 43 h. Assess the effectiveness and sustainability of
3 44 the beverage container control law in Code chapter
3 45 455C, commonly referred to as the bottle bill, and
3 46 consider possible alternatives.

3 47 4. REPORT. The task force shall submit a written
3 48 report containing its findings and recommendations to
3 49 the governor and the general assembly by January 1,
3 50 2009.



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House Amendment 8148 continued

4 1 5. DISSOLUTION. The task force shall complete its
4 2 duties no later than January 1, 2009, but may complete
4 3 its duties and dissolve itself prior to that date.>
4 4 #2. Title page, line 4, by inserting after the
4 5 word <council> the following: <and comprehensive
4 6 recycling planning task force>.
4 7 #3. By renumbering as necessary.
4 8
4 9
4 10
4 11 D. OLSON of Boone
4 12 HF 2570.203 82
4 13 tw/nh/11285



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House Amendment 8149

PAG LIN

1 1 Amend the amendment, H=8129, to House File 2620 as
1 2 follows:
1 3 #1. Page 1, by striking lines 4 through 16.
1 4
1 5
1 6
1 7 JACOBS of Polk
1 8 HF 2620.702 82
1 9 sc/nh/11068
1 10
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House Amendment 8150

PAG LIN

1 1 Amend House File 2651 as follows:

1 2 #1. Page 2, by striking lines 11 through 33.

1 3 #2. Page 4, by inserting after line 9 the
1 4 following:

1 5 <Sec. _____. Section 321E.7, subsection 4, Code
1 6 Supplement 2007, is amended to read as follows:

1 7 4. Notwithstanding subsections 1 and 2, a
1 8 self-propelled implement of husbandry traveling under
1 9 a permit issued pursuant to section 321E.8A may exceed
1 10 the maximum axle loads prescribed under section
1 11 321.463 only when operated on a noninterstate highway
1 12 in a county covered under the permit, provided the
1 13 weight on any one axle does not exceed twenty-five
1 14 thousand pounds, and provided the current and valid
1 15 permit is carried in the vehicle. ~~For purposes of~~
~~1 16 this subsection, "noninterstate highway" does not~~
~~1 17 include a bridge. However, a vehicle traveling under~~
1 18 a permit issued pursuant to section 321E.8A is not
1 19 exempt from posted weight limitations on bridges.>

1 20 #3. Page 4, by inserting after line 16 the
1 21 following:

1 22 <Sec. _____. Section 321E.8A, subsection 1, Code
1 23 Supplement 2007, is amended to read as follows:

1 24 1. A self-propelled implement of husbandry
1 25 equipped with flotation tires that is designed to be
1 26 loaded and operated in the field and used exclusively
1 27 for the application of organic or inorganic plant food
1 28 materials, agricultural limestone, or agricultural
1 29 chemicals, and that, as newly manufactured, exceeds
1 30 the axle weight limits under section 321.463 when
1 31 unloaded, may be operated on noninterstate highways,
~~1 32 excluding bridges,~~ in a county pursuant to a permit
1 33 issued by the department for travel within the county,
1 34 provided the vehicle does not violate posted weight
1 35 limitations on bridges. Prior to issuing a permit,
1 36 the department shall collect a fee of six hundred
1 37 dollars for each county in which the vehicle will be
1 38 operated during the period of the permit beginning
1 39 July 1 and ending June 30, provided that a permit
1 40 shall not be issued for a vehicle for operation in
1 41 more than ten counties and the total amount of fees
1 42 collected for a vehicle for the period of the permit
1 43 shall not exceed three thousand five hundred dollars.
1 44 Moneys collected by the department on behalf of the
1 45 counties in which the vehicle will be operated shall
1 46 be allotted equally to those counties and deposited in
1 47 the secondary road funds of those counties. A vehicle
1 48 for which a permit is issued under this section shall
1 49 be assigned a permit number that shall be displayed on
1 50 the door of the vehicle in numbers that contrast



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House Amendment 8150 continued

2 1 sharply in color with the background on which the
2 2 number is placed, be readily legible during daylight
2 3 hours from a distance of fifty feet when the vehicle
2 4 is stationary, and be maintained in a manner that
2 5 retains the legibility. Only vehicles originally
2 6 purchased or ordered prior to February 1, 2007, are
2 7 eligible for a permit. New permits shall not be
2 8 issued on or after July 1, 2007; however, a permit
2 9 issued for a vehicle under this section prior to July
2 10 1, 2007, may be renewed for that vehicle annually upon
2 11 payment of the appropriate county fees.>
2 12 #4. Page 10, line 33, by striking the figure
2 13 <321A.32A,>.
2 14 #5. Page 10, line 34, by striking the word <and>.
2 15 #6. Page 10, line 34, by inserting after the
2 16 figure <321E.9B,> the following: <and>.
2 17 #7. By striking page 10, line 35, through page 11,
2 18 line 3, and inserting the following: <repealing 2007
2 19 Iowa Acts, chapter 167, being deemed of immediate
2 20 importance, take effect upon enactment.
2 21 Sec. _____. CONTINGENT EFFECTIVENESS. The section
2 22 of this Act relating to the defeasance of petroleum
2 23 underground storage tank fund bonds takes effect only
2 24 upon enactment of legislation striking section 423.43,
2 25 subsection 1, paragraph "a", Code Supplement 2007, by
2 26 the Eighty=second General Assembly.>
2 27 #8. Title page, by striking lines 11 and 12 and
2 28 inserting the following: <motor vehicle, access to
2 29 persons with>.
2 30 #9. By renumbering as necessary.
2 31
2 32
2 33
2 34 HUSER of Polk
2 35 HF 2651.703 82
2 36 dea/nh/10695



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House Amendment 8151

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 6 the
1 3 following:
1 4 <Sec. _____. Section 20.3, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
1 7 those employees in a particular class of employees who
1 8 voluntarily agree to be represented by an employee
1 9 organization.>
1 10 #2. Page 4, by inserting after line 22 the
1 11 following:
1 12 <Sec. _____. Section 20.14, subsection 1, Code 2007,
1 13 is amended to read as follows:
1 14 1. Board certification of an employee organization
1 15 as ~~the exclusive~~ a bargaining representative of a
1 16 bargaining unit shall be upon a petition filed with
1 17 the board by a public employer, public employee, or an
1 18 employee organization and an election conducted
1 19 pursuant to section 20.15. However, notwithstanding
1 20 any provision of this chapter to the contrary,
1 21 multiple employee organizations may represent teachers
1 22 who are licensed under chapter 272 and who are
1 23 employed by a public employer which is a school
1 24 district or area education agency.>
1 25 #3. Page 5, line 14, by striking the words <an
1 26 exclusive> and inserting the following: <an exclusive
1 27 a>.
1 28 #4. Page 5, lines 18 and 19, by striking the words
1 29 <employee organization as an exclusive> and inserting
1 30 the following: <exclusive employee organization as
1 31 a>.
1 32 #5. Page 5, line 20, by striking the words <an
1 33 exclusive and inserting the following: <a>.
1 34 #6. Page 5, line 22, by striking the words <an
1 35 exclusive> and inserting the following: <a>.
1 36 #7. Page 5, line 35, by striking the words <an
1 37 exclusive> and inserting the following: <an exclusive
1 38 a>.
1 39 #8. Page 6, by inserting after line 17 the
1 40 following:
1 41 <Sec. _____. Section 20.16, Code 2007, is amended to
1 42 read as follows:
1 43 20.16 DUTY TO BARGAIN.
1 44 Upon the receipt by a public employer of a request
1 45 from an employee organization to bargain on behalf of
1 46 public employees, the duty to engage in collective
1 47 bargaining shall arise if the employee organization
1 48 has been certified by the board as ~~the exclusive~~ a
1 49 bargaining representative for the public employees in
1 50 that bargaining unit.



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House Amendment 8151 continued

2 1 Sec. _____. Section 20.17, subsection 1, Code 2007,
2 2 is amended to read as follows:
2 3 1. The employee organization certified as ~~the a~~
2 4 bargaining representative shall be ~~the exclusive a~~
2 5 representative of ~~all~~ public employees in the
2 6 bargaining unit and shall represent ~~all~~ public
2 7 employees fairly. However, any public employee may
2 8 meet and adjust individual complaints with a public
2 9 employer. To sustain a claim that a certified
2 10 employee organization has committed a prohibited
2 11 practice by breaching its duty of fair representation,
2 12 a public employee must establish by a preponderance of
2 13 the evidence action or inaction by the organization
2 14 which was arbitrary, discriminatory, or in bad faith.>
2 15 #9. Page 9, line 8, by striking the word
2 16 <exclusive> and inserting the following: <exclusive>.
2 17 #10. By renumbering as necessary.
2 18
2 19
2 20
2 21 MAY of Dickinson
2 22 HF 2645.705 82
2 23 ec/rj/20751



Iowa General Assembly
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House Amendment 8152

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 6 the
1 3 following:
1 4 <Sec. _____. Section 20.3, subsection 1, Code 2007,
1 5 is amended to read as follows:
1 6 1. "Arbitration" means the procedure whereby the
1 7 parties involved in an impasse submit their
1 8 differences to a third party for a ~~final and binding~~
1 9 decision or as provided in this chapter.>
1 10 #2. Page 7, line 22, by striking the word
1 11 <binding> and inserting the following: <binding>.
1 12 #3. Page 7, line 27, by striking the word
1 13 <binding> and inserting the following: <binding>.
1 14 #4. Page 10, lines 33 and 34, by striking the
1 15 words <, which shall be binding> and inserting the
1 16 following: <, ~~which shall be binding~~>.
1 17 #5. Page 13, line 13, by inserting after the word
1 18 <parties> the following: <subject to the provisions
1 19 of section 20.22A>.
1 20 #6. Page 13, line 16, by inserting after the word
1 21 and figure <subsection 6> the following: <, and
1 22 section 20.22A>.
1 23 #7. Page 13, by inserting after line 19 the
1 24 following:
1 25 <Sec. _____. NEW SECTION. 20.22A STATE EMPLOYEE
1 26 NEGOTIATIONS.
1 27 1. The items of a collective bargaining agreement
1 28 reached pursuant to this chapter between a public
1 29 employer and an employee organization representing
1 30 state employees which require economic adjustments
1 31 shall not take effect and the agreement is not final
1 32 and binding until moneys have been appropriated to
1 33 fund the economic adjustments by the general assembly,
1 34 specifically to fund the economic adjustments of the
1 35 collective bargaining agreement at issue. Items of a
1 36 collective bargaining agreement concerning an employee
1 37 organization representing state employees that are not
1 38 economic adjustments are not subject to approval by
1 39 the general assembly and are final and binding upon
1 40 their determination subject to the provisions of
1 41 section 20.17, subsection 6.
1 42 2. Within ten days following the determination of
1 43 a collective bargaining agreement on all negotiated
1 44 items by agreement of the parties or by an arbitration
1 45 decision, the governor, or the governor's designee,
1 46 shall inform the general assembly the amount of the
1 47 appropriation necessary to fund the economic
1 48 adjustments requires to fund the collective bargaining
1 49 agreement.
1 50 3. The general assembly shall appropriate funds in



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House Amendment 8152 continued

2 1 any amount up to and including the amount indicated by
2 2 the governor, or the governor's designee, under
2 3 subsection 2. If less than the entire amount
2 4 indicated by the governor, or the governor's designee,
2 5 is appropriated by the general assembly, the
2 6 collective bargaining agreement shall be administered
2 7 on the basis of the amounts appropriated by and any
2 8 directions of the general assembly.
2 9 4. The general assembly shall make an
2 10 appropriation as provided by this section prior to the
2 11 date the collective bargaining agreement is to become
2 12 effective.
2 13 5. The items of a collective bargaining agreement
2 14 that require economic adjustments subject to the
2 15 provisions of this section shall become final and
2 16 binding upon an appropriation of funds by the general
2 17 assembly, subject to the provisions of section 20.17,
2 18 subsection 6.>
2 19 #8. By renumbering as necessary.
2 20
2 21
2 22
2 23 WATTS of Dallas
2 24 HF 2645.206 82
2 25 ec/rj/20752



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House Amendment 8153

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 6 the
1 3 following:
1 4 <Sec. _____. Section 20.3, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
1 7 those employees in a particular class of employees who
1 8 have not opted out of representation by an employee
1 9 organization.>
1 10 #2. Page 1, by inserting after line 32 the
1 11 following:
1 12 <Sec. _____. Section 20.8, Code 2007, is amended by
1 13 adding the following new subsection:
1 14 NEW SUBSECTION. 5. Opt out of representation by
1 15 an employee organization by written notice to the
1 16 employee organization and the public employer.>
1 17 #3. By renumbering as necessary.
1 18
1 19
1 20
1 21 WATTS of Dallas
1 22 HF 2645.303 82
1 23 ec/rj/11270
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House Amendment 8154

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 6 the
1 3 following:
1 4 <Sec. _____. Section 20.3, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
1 7 those employees in a particular class of employees who
1 8 have not declared themselves a free agent employee.>
1 9 #2. Page 1, by inserting after line 12 the
1 10 following:
1 11 <Sec. _____. Section 20.3, Code 2007, is amended by
1 12 adding the following new subsection:
1 13 NEW SUBSECTION. 5A. "Free agent employee" means a
1 14 public employee who has signed a release declaring
1 15 that the employee will not be represented by an
1 16 employee organization and that the employee
1 17 understands that signing the release waives any claim
1 18 or right to representation by that employee
1 19 organization.>
1 20 #3. Page 1, by inserting after line 32 the
1 21 following:
1 22 <Sec. _____. Section 20.8, Code 2007, is amended by
1 23 adding the following new subsection:
1 24 NEW SUBSECTION. 5. Declare themselves a free
1 25 agent employee.>
1 26 #4. By renumbering as necessary.
1 27
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1 29
1 30 WATTS of Dallas
1 31 HF 2645.304 82
1 32 ec/rj/11272
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House Amendment 8155

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 32 the
1 3 following:
1 4 <Sec. _____. Section 20.6, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 6. By January 1, 2009, and each
1 7 two years thereafter, submit a report to the general
1 8 assembly providing a comparison of public sector and
1 9 private sector salaries and benefits.>
1 10 #2. By renumbering as necessary.
1 11
1 12
1 13
1 14 LUKAN of Dubuque
1 15 HF 2645.203 82
1 16 ec/rj/11267
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House Amendment 8156

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 32 the
1 3 following:
1 4 <Sec. _____. Section 20.9, unnumbered paragraph 1,
1 5 Code 2007, is amended to read as follows:
1 6 The public employer and the employee organization
1 7 shall meet at reasonable times, including meetings
1 8 reasonably in advance of the public employer's
1 9 budget-making process, to negotiate in good faith with
1 10 respect to wages, hours, vacations, insurance,
1 11 holidays, leaves of absence, shift differentials,
1 12 overtime compensation, supplemental pay, seniority,
1 13 transfer procedures, job classifications, health and
1 14 safety matters, evaluation procedures, procedures for
1 15 staff reduction, in-service training and other matters
1 16 mutually agreed upon. However, negotiations shall not
1 17 include terms authorizing furlough days. Negotiations
1 18 shall also include terms authorizing dues checkoff for
1 19 members of the employee organization and grievance
1 20 procedures for resolving any questions arising under
1 21 the agreement, which shall be embodied in a written
1 22 agreement and signed by the parties. If an agreement
1 23 provides for dues checkoff, a member's dues may be
1 24 checked off only upon the member's written request and
1 25 the member may terminate the dues checkoff at any time
1 26 by giving thirty days' written notice. Such
1 27 obligation to negotiate in good faith does not compel
1 28 either party to agree to a proposal or make a
1 29 concession.>
1 30 #2. By renumbering as necessary.
1 31
1 32
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1 34 HORBACH of Tama
1 35 HF 2645.305 82
1 36 ec/rj/20753

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House Amendment 8157

PAG LIN

1 1 Amend House File 2645 as follows:
 1 2 #1. Page 1, by inserting after line 32 the
 1 3 following:
 1 4 <Sec. _____. Section 20.9, unnumbered paragraph 1,
 1 5 Code 2007, is amended to read as follows:
 1 6 The public employer and the employee organization
 1 7 shall meet at reasonable times, including meetings
 1 8 reasonably in advance of the public employer's
 1 9 budget-making process, to negotiate in good faith with
 1 10 respect to wages, hours, vacations, insurance,
 1 11 holidays, leaves of absence, shift differentials,
 1 12 overtime compensation, supplemental pay, seniority,
 1 13 transfer procedures, job classifications, health and
 1 14 safety matters, evaluation procedures, procedures for
 1 15 staff reduction, in-service training and other matters
 1 16 mutually agreed upon. Negotiations shall also include
 1 17 terms authorizing dues checkoff for members of the
 1 18 employee organization and grievance procedures for
 1 19 resolving any questions arising under the agreement,
 1 20 which shall be embodied in a written agreement and
 1 21 signed by the parties. However, an agreement
 1 22 authorizing dues checkoff shall not permit the
 1 23 deduction of dues or contributions for the benefit of
 1 24 a political organization, as defined in section 13C.1,
 1 25 from an employee's earnings, wages, or compensation.
 1 26 ~~If~~ In addition, if an agreement provides for dues
 1 27 checkoff, a member's dues may be checked off only upon
 1 28 the member's written request and the member may
 1 29 terminate the dues checkoff at any time by giving
 1 30 thirty days' written notice. Such obligation to
 1 31 negotiate in good faith does not compel either party
 1 32 to agree to a proposal or make a concession.>
 1 33 #2. By renumbering as necessary.
 1 34
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 1 36
 1 37 GIPP of Winneshiek
 1 38 HF 2645.207 82
 1 39 ec/rj/20756
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House Amendment 8158

PAG LIN

1 1 Amend House File 2645 as follows:
 1 2 #1. Page 13, by inserting after line 33 the
 1 3 following:
 1 4 <Sec. _____. Section 279.59, Code 2007, is amended
 1 5 to read as follows:
 1 6 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION
 1 7 ASSOCIATIONS.
 1 8 1. The board of directors of a school district
 1 9 shall provide not=for=profit, professional education
 1 10 associations that offer membership to teachers or
 1 11 administrators equal access to teacher or
 1 12 administrator mailboxes for distribution of
 1 13 professional literature.
 1 14 2. Notwithstanding section 20.9, a school district
 1 15 may, upon a teacher's or administrator's written
 1 16 request, deduct from the salary or wages of the
 1 17 teacher or administrator an amount specified by the
 1 18 teacher or administrator for payment of dues or
 1 19 membership fees for the teacher's or administrator's
 1 20 membership in a not=for=profit, professional education
 1 21 association. If a written request is granted, all
 1 22 other written requests for salary or wage deductions
 1 23 for payment of dues or membership fees for membership
 1 24 in the same not=for=profit, professional education
 1 25 association shall also be granted. The teacher or
 1 26 administrator may withdraw the request for the
 1 27 deduction at any time by giving the school district
 1 28 thirty days' written notice.
 1 29 3. For purposes of this section, unless the
 1 30 context otherwise requires, "professional education
 1 31 association" means an association in which the
 1 32 majority of members are practitioners licensed in
 1 33 accordance with chapter 272.>
 1 34 #2. Title page, line 1, by inserting after the
 1 35 word <bargaining> the following: <and payment of
 1 36 professional dues>.
 1 37 #3. By renumbering as necessary.
 1 38
 1 39
 1 40
 1 41 TYMESON of Madison
 1 42 HF 2645.703 82
 1 43 ec/rj/11269
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House Amendment 8159

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 4, line 33, by inserting after the word
1 3 <organization> the following: <and each two years
1 4 thereafter>.
1 5
1 6
1 7
1 8 PAULSEN of Linn
1 9 HF 2645.301 82
1 10 ec/rj/20749
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House Amendment 8160

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 11, line 31, by inserting after the word
1 3 <board.> the following: <The list of five arbitrators
1 4 shall include at least one person who is a private
1 5 sector businessperson registered as a no party voter.>
1 6
1 7
1 8
1 9 MAY of Dickinson
1 10 HF 2645.205 82
1 11 ec/rj/20750
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House Amendment 8161

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 12, by inserting after line 25 the
1 3 following:
1 4 <Sec. _____. Section 20.22, subsection 9, Code 2007,
1 5 is amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. e. Comparison of wages of the
1 7 involved public employees with those of similar
1 8 private sector employees doing comparable work, giving
1 9 consideration to factors peculiar to the area and the
1 10 classifications involved, and providing that the
1 11 maximum wages awarded public sector employees shall be
1 12 no more than five percent greater than comparable
1 13 private sector employees unless the public employees
1 14 are in a merit pay program.>
1 15 #2. By renumbering as necessary.
1 16
1 17
1 18
1 19 MAY of Dickinson
1 20 HF 2645.302 82
1 21 ec/rj/11266
1 22
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House Amendment 8162

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 12 the
1 3 following:
1 4 <Sec. _____. Section 20.5, subsection 1, unnumbered
1 5 paragraph 1, Code Supplement 2007, is amended to read
1 6 as follows:
1 7 There is established a board to be known as the
1 8 "Public Employment Relations Board". The board shall
1 9 consist of three members appointed by the governor,
1 10 subject to confirmation by the senate. No more than
1 11 ~~two members~~ one member shall be of the same political
1 12 affiliation, no more than one member shall be
1 13 registered as a no party voter, no member shall engage
1 14 in any political activity while holding office, and
1 15 the members shall devote full time to their duties.>
1 16 #2. By renumbering as necessary.
1 17
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1 19
1 20 MAY of Dickinson
1 21 HF 2645.704 82
1 22 ec/rj/11271

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House Amendment 8163

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting after line 32 the
1 3 following:
1 4 <Sec. _____. Section 20.9, unnumbered paragraph 1,
1 5 Code 2007, is amended to read as follows:
1 6 The public employer and the employee organization
1 7 shall meet at reasonable times, including meetings
1 8 reasonably in advance of the public employer's
1 9 budget-making process, to negotiate in good faith with
1 10 respect to wages, hours, vacations, insurance,
1 11 holidays, leaves of absence, shift differentials,
1 12 overtime compensation, supplemental pay, seniority,
1 13 transfer procedures, job classifications, health and
1 14 safety matters, evaluation procedures, procedures for
1 15 staff reduction, in-service training and other matters
1 16 mutually agreed upon. Negotiations shall also include
1 17 multicultural diversity policies, harassment policies,
1 18 discipline policies, shift assignments, transfer and
1 19 promotion procedures, participation in workplace
1 20 committees, terms authorizing dues checkoff for
1 21 members of the employee organization, and grievance
1 22 procedures for resolving any questions arising under
1 23 the agreement, which shall be embodied in a written
1 24 agreement and signed by the parties. If an agreement
1 25 provides for dues checkoff, a member's dues may be
1 26 checked off only upon the member's written request and
1 27 the member may terminate the dues checkoff at any time
1 28 by giving thirty days' written notice. Such
1 29 obligation to negotiate in good faith does not compel
1 30 either party to agree to a proposal or make a
1 31 concession.>
1 32 #2. By renumbering as necessary.
1 33
1 34
1 35
1 36 UPMEYER of Hancock
1 37 HF 2645.306 82
1 38 ec/rj/20754

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House Amendment 8164

PAG LIN

1 1 Amend House File 2645 as follows:

1 2 #1. Page 1, by inserting before line 1 the

1 3 following:

1 4 <DIVISION I

1 5 PUBLIC EMPLOYEE COLLECTIVE BARGAINING>

1 6 #2. Page 1, by inserting after line 32 the

1 7 following:

1 8 <Sec. _____. Section 20.9, Code 2007, is amended to

1 9 read as follows:

1 10 20.9 SCOPE OF NEGOTIATIONS.

1 11 1. The public employer and the employee

1 12 organization shall meet at reasonable times, including

1 13 meetings reasonably in advance of the public

1 14 employer's budget-making process, to negotiate in good

1 15 faith with respect to but not limited to the

1 16 following:

1 17 a. ~~wages~~, Wages.

1 18 b. ~~hours~~, Hours, including the establishment of

1 19 work shifts and schedules and procedures and criteria

1 20 for assigning work shifts and schedules.

1 21 c. ~~vacations~~, Vacations.

1 22 d. ~~insurance~~, Insurance, including the

1 23 determination of the health insurance carrier.

1 24 e. ~~holidays~~, Holidays.

1 25 f. ~~leaves~~ Leaves of absence, including cash

1 26 payments for accumulated leave.

1 27 g. ~~shift~~ Shift differentials.

1 28 h. ~~overtime~~ Overtime compensation.

1 29 i. ~~supplemental~~ Supplemental pay, including

1 30 payments and benefits which are other than wages and

1 31 are not paid as compensation for or conditioned upon

1 32 the employees' performance of services in addition to

1 33 their regular services to the public employer.

1 34 j. ~~seniority~~, Seniority.

1 35 k. ~~transfer~~ Transfer procedures.

1 36 l. ~~job~~ Job classifications.

1 37 m. ~~health~~ Health and safety matters.

1 38 n. ~~evaluation~~ Evaluation procedures, including the

1 39 frequency of evaluations, the method of evaluation,

1 40 evaluation forms and other evaluation instruments,

1 41 evaluation criteria, the purposes for and use of

1 42 evaluations, and remedial and employee performances

1 43 improvement plans and procedures.

1 44 o. ~~procedures~~ Procedures for staff reduction.

1 45 p. ~~in-service~~ In-service training and other

1 46 matters mutually agreed upon.

1 47 q. Preparation time.

1 48 r. Class size.

1 49 s. Discipline and discharge, including grounds for

1 50 discharge and imposition of other discipline, levels



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House Amendment 8164 continued

2 1 and types of disciplinary measures, and procedures for
2 2 resolving disputes.

2 3 t. Work uniforms and equipment and other required
2 4 work clothing and equipment, including allowances for
2 5 uniforms and equipment and other required work
2 6 clothing and equipment.

2 7 u. Staffing levels.

2 8 v. Retirement systems not excluded from
2 9 negotiations pursuant to subsection 4.

2 10 w. Other terms and conditions of employment except
2 11 as provided in subsection 4.

2 12 2. Negotiations shall also include terms
2 13 authorizing dues checkoff for members of the employee
2 14 organization and grievance procedures for resolving
2 15 any questions arising under the agreement, which shall
2 16 be embodied in a written agreement and signed by the
2 17 parties. If an agreement provides for dues checkoff,
2 18 a member's dues may be checked off only upon the
2 19 member's written request and the member may terminate
2 20 the dues checkoff at any time by giving thirty days'
2 21 written notice. Such obligation to negotiate in good
2 22 faith does not compel either party to agree to a
2 23 proposal or make a concession.

2 24 3. Nothing in this section shall diminish the
2 25 authority and power of the department of
2 26 administrative services, board of regents' merit
2 27 system, Iowa public broadcasting board's merit system,
2 28 or any civil service commission established by
2 29 constitutional provision, statute, charter or special
2 30 act to recruit employees, prepare, conduct and grade
2 31 examinations, rate candidates in order of their
2 32 relative scores for certification for appointment or
2 33 promotion or for other matters of classification,
2 34 reclassification or appeal rights in the classified
2 35 service of the public employer served.

2 36 4. ~~All retirement systems~~ The following shall be
2 37 excluded from the scope of negotiations--:

2 38 a. All retirement systems established by statute
2 39 except for pension and annuity retirement systems
2 40 established under chapter 412 and except for
2 41 supplemental and additional retirement benefits
2 42 including severance payments, cash payments based on
2 43 accumulated or unused leave time, and insurance for
2 44 retired employees.

2 45 b. Discharge for teachers who are employed
2 46 pursuant to chapter 279. For purposes of this
2 47 paragraph, discharge does not include procedures and
2 48 criteria for staff reduction.>

2 49 #3. Page 9, by striking lines 23 through 30 and
2 50 inserting the following:



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House Amendment 8164 continued

3 1 <Sec. _____. Section 20.19, Code 2007, is amended to
3 2 read as follows:

3 3 20.19 IMPASSE PROCEDURES == AGREEMENT OF PARTIES.

3 4 1. As the first step in the performance of their
3 5 duty to bargain, the public employer and the employee
3 6 organization shall endeavor to agree upon impasse
3 7 procedures. Such agreement shall provide for
3 8 implementation of these impasse procedures not later
3 9 than one hundred twenty days prior to the certified
3 10 budget submission date of the public employer.

3 11 However, if public employees represented by the
3 12 employee organization are teachers licensed under
3 13 chapter 272, and the public employer is a school
3 14 district or area education agency, the agreement shall
3 15 provide for implementation of impasse procedures not
3 16 later than one hundred twenty days prior to May 31 of
3 17 the year when the collective bargaining agreement is
3 18 to become effective. If the public employer is a
3 19 community college, the agreement shall provide for
3 20 implementation of impasse procedures not later than
3 21 one hundred twenty days prior to May 31 of the year
3 22 when the collective bargaining agreement is to become
3 23 effective. If the public employer is not subject to
3 24 the budget certification requirements of section 24.17

3 25 and other applicable sections of the Code, the
3 26 agreement shall provide for implementation of impasse
3 27 procedures not later than one hundred twenty days
3 28 prior to a date agreed upon by the public employer and
3 29 the employee organization or, if no date is agreed
3 30 upon, May 31 of the year when the collective
3 31 bargaining agreement is to be effective. If the
3 32 parties fail to agree upon impasse procedures under
3 33 the provisions of this section, the impasse procedures
3 34 provided in sections 20.20 to 20.22 shall apply.

3 35 2. Parties who by agreement are utilizing a
3 36 cooperative alternative bargaining process shall, at
3 37 the outset of such process, agree upon a method and
3 38 schedule for the completion of impasse procedures
3 39 should they fail to reach a collective bargaining
3 40 agreement through the use of such alternative
3 41 bargaining process.

3 42 Sec. _____. Section 20.20, Code 2007, is amended to
3 43 read as follows:

3 44 20.20 MEDIATION.

3 45 In the absence of an impasse agreement negotiated
3 46 pursuant to section 20.19 or the failure of either
3 47 party to utilize its procedures, one hundred twenty
3 48 days prior to the certified budget submission date, or
3 49 one hundred twenty days prior to May 31 of the year
3 50 when the collective bargaining agreement is to become



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4 1 effective if public employees represented by the
4 2 employee organization are teachers licensed under
4 3 chapter 272 and the public employer is a school
4 4 district or area education agency, the board shall,
4 5 upon the request of either party, appoint an impartial
4 6 and disinterested person to act as mediator. If the
4 7 public employer is a community college or is not
4 8 subject to the budget certification requirements of
4 9 section 24.17 and other applicable sections of the
4 10 Code, and in the absence of an impasse agreement
4 11 negotiated pursuant to section 20.19 or the failure of
4 12 either party to utilize its procedures, one hundred
4 13 twenty days prior to May 31 of the year when the
4 14 collective bargaining agreement is to become
4 15 effective, the board, upon the request of either
4 16 party, shall appoint an impartial and disinterested
4 17 person to act as mediator. It shall be the function
4 18 of the mediator to bring the parties together to
4 19 effectuate a settlement of the dispute, but the
4 20 mediator may not compel the parties to agree.>
4 21 #4. Page 13, by inserting after line 33 the
4 22 following:
4 23 <Sec. _____. Section 412.1, Code 2007, is amended to
4 24 read as follows:
4 25 412.1 AUTHORITY TO ESTABLISH SYSTEM.
4 26 The council, board of waterworks trustees, or other
4 27 board or commission, whichever is authorized by law to
4 28 manage and operate any municipally owned waterworks
4 29 system, or other municipally owned and operated public
4 30 utility, may establish a pension and annuity
4 31 retirement system for the employees of any such
4 32 waterworks system, or other municipally owned and
4 33 operated public utility. A pension and annuity
4 34 retirement system established pursuant to this chapter
4 35 shall not be considered a retirement system
4 36 established by statute for purposes of section 20.9
4 37 and shall not be excluded from the scope of
4 38 negotiations under section 20.9.>
4 39 #5. Page 13, by inserting after line 34 the
4 40 following:
4 41 <DIVISION II
4 42 TEACHER CONTRACTS AND DISCIPLINE
4 43 Sec. _____. Section 260C.39, unnumbered paragraph 3,
4 44 Code 2007, is amended to read as follows:
4 45 The terms of employment of personnel, for the
4 46 academic year following the effective date of the
4 47 agreement to combine the merged areas shall not be
4 48 affected by the combination of the merged areas,
4 49 except in accordance with the procedures under
4 50 sections 279.15 ~~to 279.18~~ through 279.16 and section



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House Amendment 8164 continued

5 1 279.24, to the extent those procedures are applicable,
5 2 or under the terms of the base bargaining agreement.
5 3 The authority and responsibility to offer new
5 4 contracts or to continue, modify, or terminate
5 5 existing contracts pursuant to any applicable
5 6 procedures under chapter 279, shall be transferred to
5 7 the acting, and then to the new, board of the combined
5 8 merged area upon certification of a favorable vote to
5 9 each of the merged areas affected by the agreement.
5 10 The collective bargaining agreement of the merged area
5 11 receiving the greatest amount of general state aid
5 12 shall serve as the base agreement for the combined
5 13 merged area and the employees of the merged areas
5 14 which combined to form the new combined merged area
5 15 shall automatically be accreted to the bargaining unit
5 16 from that former merged area for purposes of
5 17 negotiating the contracts for the following years
5 18 without further action by the public employment
5 19 relations board. If only one collective bargaining
5 20 agreement is in effect among the merged areas which
5 21 are combining under this section, then that agreement
5 22 shall serve as the base agreement, and the employees
5 23 of the merged areas which are combining to form the
5 24 new combined merged area shall automatically be
5 25 accreted to the bargaining unit of that former merged
5 26 area for purposes of negotiating the contracts for the
5 27 following years without further action by the public
5 28 employment relations board. The board of the combined
5 29 merged area, using the base agreement as its existing
5 30 contract, shall bargain with the combined employees of
5 31 the merged areas that have agreed to combine for the
5 32 academic year beginning with the effective date of the
5 33 agreement to combine merged areas. The bargaining
5 34 shall be completed by March 15 prior to the academic
5 35 year in which the agreement to combine merged areas
5 36 becomes effective or within one hundred eighty days
5 37 after the organization of the acting board of the new
5 38 combined merged area, whichever is later. If a
5 39 bargaining agreement was already concluded in the
5 40 former merged area which has the collective bargaining
5 41 agreement that is serving as the base agreement for
5 42 the new combined merged area, between the former
5 43 merged area board and the employees of the former
5 44 merged area, that agreement is void, unless the
5 45 agreement contained multiyear provisions affecting
5 46 academic years subsequent to the effective date of the
5 47 agreement to form a combined merged area. If the base
5 48 collective bargaining agreement contains multiyear
5 49 provisions, the duration and effect of the agreement
5 50 shall be controlled by the terms of the agreement.



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House Amendment 8164 continued

6 1 The provisions of the base agreement shall apply to
6 2 the offering of new contracts, or the continuation,
6 3 modification, or termination of existing contracts
6 4 between the acting or new board of the combined merged
6 5 area and the combined employees of the new combined
6 6 merged area.

6 7 Sec. _____. Section 273.22, subsection 1, Code 2007,
6 8 is amended to read as follows:

6 9 1. The terms of employment of the administrator
6 10 and staff of affected area education agencies for the
6 11 school year beginning with the effective date of the
6 12 formation of the new area education agency shall not
6 13 be affected by the formation of the new area education
6 14 agency, except in accordance with the provisions of
6 15 sections 279.15 through ~~279.18~~ 279.16, and 279.24, and
6 16 the authority and responsibility to offer new
6 17 contracts or to continue, modify, or terminate
6 18 existing contracts pursuant to sections 279.12,
6 19 279.13, 279.15 through 279.21, 279.23, and 279.24 for
6 20 the school year beginning with the effective date of
6 21 the reorganization shall be transferred from the
6 22 boards of the existing area education agencies to the
6 23 board of the new area education agency following
6 24 approval of the reorganization plan by the state board
6 25 as provided in section 273.21, subsection 4.

6 26 Sec. _____. Section 275.33, subsection 1, Code 2007,
6 27 is amended to read as follows:

6 28 1. The terms of employment of superintendents,
6 29 principals, and teachers, for the school year
6 30 following the effective date of the formation of the
6 31 new district shall not be affected by the formation of
6 32 the new district, except in accordance with the
6 33 provisions of sections 279.15 ~~to 279.18~~ through 279.16
6 34 and 279.24 and the authority and responsibility to
6 35 offer new contracts or to continue, modify, or
6 36 terminate existing contracts pursuant to sections
6 37 279.12, 279.13, 279.15 to 279.21, 279.23, and 279.24
6 38 for the school year beginning with the effective date
6 39 of the reorganization shall be transferred from the
6 40 boards of the existing districts to the board of the
6 41 new district on the third Tuesday of January prior to
6 42 the school year the reorganization is effective.

6 43 Sec. _____. Section 279.13, subsection 3, Code
6 44 Supplement 2007, is amended to read as follows:

6 45 3. If the provisions of a contract executed or
6 46 automatically renewed under this section conflict with
6 47 a collective bargaining agreement negotiated under
6 48 chapter 20 ~~and effective when the contract is executed~~
~~6 49 or renewed~~, the provisions of the collective
6 50 bargaining agreement shall prevail.



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House Amendment 8164 continued

7 1 Sec. _____. Section 279.13, subsection 4, unnumbered
7 2 paragraph 1, Code Supplement 2007, is amended to read
7 3 as follows:

7 4 For purposes of this section, sections 279.14,
7 5 279.15 ~~through 279.17~~, 279.15A, 279.16, 279.19, and
7 6 279.27, unless the context otherwise requires,
7 7 "teacher" includes the following individuals employed
7 8 by a community college:

7 9 Sec. _____. Section 279.14, subsection 2, Code 2007,
7 10 is amended by striking the subsection.

7 11 Sec. _____. Section 279.15, subsection 1, Code 2007,
7 12 is amended to read as follows:

7 13 ~~1-~~ The superintendent or the superintendent's
7 14 designee shall notify the teacher and the board of
7 15 directors not later than April 30 that the

7 16 superintendent will recommend in writing to the board
7 17 at a regular or special meeting of the board, held not
7 18 later than May 15, that the teacher's continuing
7 19 contract be terminated effective at the end of the
7 20 current school year. However, if the district is
7 21 subject to reorganization under chapter 275, the
7 22 notification shall not occur until after the first
7 23 organizational meeting of the board of the newly
7 24 formed district. The procedure for termination shall
7 25 be as provided in sections 279.15A and 279.16.

7 26 Sec. _____. Section 279.15, subsection 2, Code 2007,
7 27 is amended by striking the subsection.

7 28 Sec. _____. NEW SECTION. 279.15A TERMINATION
7 29 PROCEDURES == SCHOOL BOARD MEETING == REQUEST FOR
7 30 PRIVATE HEARING.

7 31 1. Notification of recommendation of termination
7 32 of a teacher's contract shall be in writing and shall
7 33 be personally delivered to the teacher, or sent by
7 34 certified mail. The notification shall be complete
7 35 when personally received by the teacher. The
7 36 notification and the recommendation to terminate shall
7 37 contain a short and plain statement of the reasons,
7 38 which shall be for just cause, why the recommendation
7 39 is being made. The notification shall also indicate
7 40 that the teacher may, within five days of receipt of
7 41 the notice, request in writing to the secretary of the
7 42 board, a private meeting with the board, or a private
7 43 hearing pursuant to section 279.16. If a hearing is
7 44 requested, the board and teacher shall proceed
7 45 according to the provisions of section 279.16.

7 46 2. If the teacher requests a private meeting, the
7 47 board shall, within five days of the receipt of the
7 48 request, deliver to the teacher, in writing, notice of
7 49 declination to meet with the teacher, or notice of a
7 50 time and place for the meeting with the board which



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8 1 meeting shall be exempt from the requirements of
8 2 chapter 21. If the board declines to meet with
8 3 teacher, the parties shall immediately proceed under
8 4 section 279.16. The private meeting, if agreed to by
8 5 the board, shall be held no later than fifteen days
8 6 from receipt of the request for the private meeting.
8 7 At the meeting, the superintendent shall have the
8 8 opportunity to discuss with the board the reasons for
8 9 the issuance of the notice. The teacher, or the
8 10 teacher's representative, shall be given an
8 11 opportunity to respond. At the conclusion of the
8 12 meeting, the board of directors and the teacher may
8 13 enter into a mutually agreeable resolution to the
8 14 recommendation of termination. If no resolution is
8 15 reached by the parties, the board shall immediately
8 16 meet in open session, and, by majority roll call vote,
8 17 either reject or support the superintendent's
8 18 recommendation. If the recommendation is rejected,
8 19 the teacher's continuing contract shall remain in
8 20 force and effect. If the recommendation is supported,
8 21 the parties shall immediately proceed under section
8 22 279.16.

8 23 3. If the teacher does not request a private
8 24 meeting or private hearing pursuant to this section,
8 25 the board may determine the continuance,
8 26 discontinuance, or termination of the contract and, if
8 27 the board determines to continue the teacher's
8 28 contract, whether to suspend the teacher with or
8 29 without pay for a period specified by the board.
8 30 Board action shall be by majority roll call vote
8 31 entered on the minutes of the meeting. The board
8 32 shall make a determination as expeditiously as
8 33 possible, or, for a termination of contract pursuant
8 34 to section 279.15, not later than May 31. Notice of
8 35 board action shall be personally delivered or mailed
8 36 to the teacher.

8 37 4. As a part of the termination proceedings, the
8 38 teacher's complete personnel file of employment by
8 39 that board shall be available to the teacher, which
8 40 file shall contain a record of all periodic
8 41 evaluations between the teacher and appropriate
8 42 supervisors.

8 43 Sec. _____. Section 279.16, Code 2007, is amended to
8 44 read as follows:

8 45 279.16 PRIVATE HEARING == DECISION == RECORD.

8 46 1. If a private hearing is requested pursuant to
8 47 section 279.15A, or if the board declines to meet with
8 48 the teacher after a teacher's request for a meeting
8 49 under section 279.15A, the secretary of the board
8 50 shall immediately forward to the public employment



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House Amendment 8164 continued

9 1 relations board a request that the public employment
9 2 relations board submit a list of five qualified
9 3 adjudicators to the parties for purposes of conducting
9 4 a private hearing. Within three days from receipt of
9 5 the list the parties shall select an adjudicator by
9 6 alternately removing a name from the list until only
9 7 one name remains. The person whose name remains shall
9 8 be the adjudicator. The parties shall determine by
9 9 lot which party shall remove the first name from the
9 10 list. The hearing shall be held no sooner than ten
9 11 days and not later than thirty days following the
9 12 selection of the adjudicator in order to allow the
9 13 teacher reasonable discovery, unless the parties
9 14 otherwise agree.

9 15 2. The adjudicator selected shall notify the
9 16 secretary of the board and the teacher in writing
9 17 concerning the date, time, and location of the
9 18 hearing. The board may be represented by a legal
9 19 representative, and the teacher shall appear and may
9 20 be represented by counsel or by a representative.

9 21 3. The participants at the private hearing
9 22 requested pursuant to section 279.15A shall be at
9 23 least a majority of the members of the board, their
9 24 legal representatives, if any, include the
9 25 superintendent, the superintendent's designated
9 26 representatives, if any, the teacher's immediate
9 27 supervisor, the teacher, the teacher's
9 28 representatives, if any, and the witnesses for the
9 29 parties. The evidence at the private hearing shall be
9 30 limited to the specific reasons stated in the
9 31 superintendent's notice of recommendation of
9 32 termination. ~~No~~ Hearsay evidence shall not form a
9 33 sufficient basis for termination. A participant in
9 34 the hearing shall not be liable for any damages to any
9 35 person if any statement at the hearing is determined
9 36 to be erroneous as long as the statement was made in
9 37 good faith. The superintendent shall present evidence
9 38 and argument on all issues involved and the teacher
9 39 may cross-examine, respond, and present evidence and
9 40 argument in the teacher's behalf relevant to all
9 41 issues involved. Evidence may be by stipulation of
9 42 the parties and informal settlement may be made by
9 43 stipulation, consent, or default or by any other
9 44 method agreed upon by the parties in writing. ~~The~~
9 45 ~~board shall employ a certified shorthand reporter to~~
9 46 ~~keep a record of the private hearing. The proceedings~~
9 47 ~~or any part thereof shall be transcribed at the~~
9 48 ~~request of either party with the expense of~~
9 49 ~~transcription charged to the requesting party.~~

9 50 2. 4. The presiding officer of the board



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10 1 adjudicator may administer oaths in the same manner
10 2 and with like effect and under the same penalties as
10 3 in the case of magistrates exercising criminal or
10 4 civil jurisdiction. The ~~board~~ adjudicator shall cause
10 5 subpoenas to be issued for such witnesses and the
10 6 production of such books and papers as either the
10 7 ~~board~~ adjudicator or the teacher may designate. The
10 8 subpoenas shall be signed by the ~~presiding officer of~~
~~10 9 the board~~ adjudicator.

10 10 ~~3.~~ 5. In case a witness is duly subpoenaed and
10 11 refuses to attend, or in case a witness appears and
10 12 refuses to testify or to produce required books or
10 13 papers, the ~~board~~ adjudicator shall, in writing,
10 14 report such refusal to the district court of the
10 15 county in which the administrative office of the
10 16 school district is located, and the court shall
10 17 proceed with the person or witness as though the
10 18 refusal had occurred in a proceeding legally pending
10 19 before the court.

10 20 ~~4.~~ 6. The ~~board~~ adjudicator shall not be bound by
10 21 common law or statutory rules of evidence or by
10 22 technical or formal rules of procedure, but ~~it~~ shall
10 23 hold the hearing in such manner as is best suited to
10 24 ascertain and conserve the substantial rights of the
10 25 parties. ~~Process and procedure under sections 279.13~~
~~10 26 to 279.19 shall be as summary as reasonably may be.~~

10 27 ~~5.~~ 7. At the conclusion of the private hearing,
10 28 the ~~superintendent board~~ and the teacher may file
10 29 written briefs and arguments with the ~~board~~
10 30 adjudicator within three days or such other time as
10 31 may be agreed upon.

10 32 ~~6.~~ If the teacher fails to timely request a
~~10 33 private hearing or does not appear at the private~~
~~10 34 hearing, the board may proceed and make a~~
~~10 35 determination upon the superintendent's~~
~~10 36 recommendation. If the teacher fails to timely file a~~
~~10 37 request for a private hearing, the determination shall~~
~~10 38 be not later than May 31. If the teacher fails to~~
~~10 39 appear at the private hearing, the determination shall~~
~~10 40 be not later than five days after the scheduled date~~
~~10 41 for the private hearing. The board shall convene in~~
~~10 42 open session and by roll call vote determine the~~
~~10 43 termination or continuance of the teacher's contract~~
~~10 44 and, if the board votes to continue the teacher's~~
~~10 45 contract, whether to suspend the teacher with or~~
~~10 46 without pay for a period specified by the board.~~

10 47 7. Within five days after the private hearing, the
~~10 48 board shall, in executive session, meet to make a~~
~~10 49 final decision upon the recommendation and the~~
~~10 50 evidence as herein provided. The board shall also~~



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~~House Amendment 8164 continued~~

~~11 1 consider any written brief and arguments submitted by
11 2 the superintendent and the teacher.
11 3 8. The record for a private hearing shall include:
11 4 a. All pleadings, motions and intermediate
11 5 rulings.
11 6 b. All evidence received or considered and all
11 7 other submissions.
11 8 c. A statement of all matters officially noticed.
11 9 d. All questions and offers of proof, objections
11 10 and rulings thereon.
11 11 e. All findings and exceptions.
11 12 f. Any decision, opinion, or conclusion by the
11 13 board.
11 14 g. Findings of fact shall be based solely on the
11 15 evidence in the record and on matters officially
11 16 noticed in the record.
11 17 9. 8. The decision of the board adjudicator shall
11 18 be in writing and shall include findings of fact and
11 19 conclusions of law, separately stated contain a
11 20 determination of whether a preponderance of evidence
11 21 supports a finding that just cause exists for the
11 22 termination of the teacher's continuing contract.
11 23 Findings of fact, if set forth in statutory language,
11 24 shall be accompanied by a concise and explicit
11 25 statement of the underlying facts and supporting the
11 26 findings. Each conclusion of law shall be supported
11 27 by cited authority or by reasoned opinion. The
11 28 adjudicator shall issue a decision within a reasonable
11 29 time following the hearing. The adjudicator shall
11 30 make a specific determination of whether the teacher's
11 31 continuing contract should be terminated for just
11 32 cause, or whether a sanction less severe than
11 33 termination of the teacher's contract is appropriate.
11 34 The adjudicator shall immediately mail a copy of the
11 35 decision to the board, the superintendent, and the
11 36 teacher. The decision of the adjudicator is final.
11 37 10. When the board has reached a decision,
11 38 opinion, or conclusion, it shall convene in open
11 39 meeting and by roll call vote determine the
11 40 continuance or discontinuance of the teacher's
11 41 contract and, if the board votes to continue the
11 42 teacher's contract, whether to suspend the teacher
11 43 with or without pay for a period specified by the
11 44 board. The record of the private conference and
11 45 findings of fact and exceptions shall be exempt from
11 46 the provisions of chapter 22. The secretary of the
11 47 board shall immediately mail notice of the board's
11 48 action to the teacher.
11 49 Sec. _____. Section 279.19, Code 2007, is amended by
11 50 striking the section and inserting in lieu thereof the~~



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12 1 following:

12 2 279.19. BEGINNING TEACHERS.

12 3 If a teacher receiving a notice under section
12 4 279.15 is a beginning teacher, as defined in section
12 5 284.2, the provisions of sections 279.15, 279.15A, and
12 6 279.16 shall apply. In addition to the powers and
12 7 duties of the adjudicator as provided in section
12 8 279.16, the adjudicator shall also determine, if the
12 9 teacher is a beginning teacher, whether the teacher
12 10 has sufficiently demonstrated competency under the
12 11 standards listed in section 284.3, subsection 1. If
12 12 the determination of the adjudicator is that such
12 13 competency has been established, the determination
12 14 shall be communicated to the board of educational
12 15 examiners created in section 272.2, which shall then
12 16 issue a standard license to the teacher,
12 17 notwithstanding any provision in section 284.5,
12 18 subsection 6, to the contrary.

12 19 Sec. _____. Section 279.27, Code 2007, is amended to
12 20 read as follows:

12 21 279.27 DISCHARGE OF TEACHER.

12 22 A teacher may be discharged at any time during the
12 23 contract year for just cause. The superintendent or
12 24 the superintendent's designee, shall notify the
12 25 teacher immediately that the superintendent will
12 26 recommend in writing to the board at a regular or
12 27 special meeting of the board held not more than
12 28 fifteen days after notification has been given to the
12 29 teacher that the teacher's continuing contract be
12 30 terminated effective immediately following a decision
12 31 of the board. The procedure for ~~dismissal~~ termination
12 32 shall be as provided in ~~section 279.15, subsection 2,~~
~~12 33 and sections 279.15A and 279.16 to 279.19.~~ The
12 34 superintendent may suspend a teacher under this
12 35 section pending ~~hearing and~~ determination by the board
12 36 under section 279.15A or by the adjudicator under
12 37 section 279.16, whichever is applicable.

12 38 Sec. _____. Section 279.40, unnumbered paragraph 5,
12 39 Code 2007, is amended by striking the unnumbered
12 40 paragraph.

12 41 Sec. _____. Section 279.46, Code 2007, is amended to
12 42 read as follows:

12 43 279.46 RETIREMENT INCENTIVES == TAX.

12 44 ~~The~~ If a school district and an employee
12 45 organization representing employees of the school
12 46 district have not negotiated an early retirement
12 47 incentive plan pursuant to chapter 20, the board of
12 48 directors of a school district may adopt a program for
12 49 payment of a monetary bonus, continuation of health or
12 50 medical insurance coverage, or other incentives for



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13 1 encouraging its employees to retire before the normal
13 2 retirement date as defined in chapter 97B. The
13 3 program is available only to employees who notify the
13 4 board of directors prior to April 1 of the fiscal year
13 5 that they intend to retire not later than the start of
13 6 the next following school calendar. The age at which
13 7 employees shall be designated eligible for the program
13 8 shall be at the discretion of the board. An employee
13 9 retiring under this section may apply for a retirement
13 10 allowance under chapter 97B or chapter 294. The board
13 11 may include in the district management levy an amount
13 12 to pay the total estimated accumulated cost to the
13 13 school district of the health or medical insurance
13 14 coverage, bonus, or other incentives for employees
13 15 within the age range of fifty-five to sixty-five years
13 16 of age who retire under this section.

13 17 Sec. _____. Section 284.3, subsection 2, paragraph
13 18 a, Code Supplement 2007, is amended to read as
13 19 follows:

13 20 a. (1) For purposes of comprehensive evaluations
13 21 for beginning teachers required to allow beginning
13 22 teachers to progress to career teachers, standards and
13 23 criteria that are the Iowa teaching standards
13 24 specified in subsection 1 and the criteria for the
13 25 Iowa teaching standards developed by the department in
13 26 accordance with section 256.9, subsection 50. These
13 27 standards and criteria shall be set forth in an
13 28 instrument provided by the department. The
~~13 29 comprehensive evaluation and instrument are not~~
~~13 30 subject to negotiations or grievance procedures~~
~~13 31 pursuant to chapter 20 or determinations made by the~~
~~13 32 board of directors under section 279.14. A local~~
13 33 school board and its certified bargaining
13 34 representative may negotiate, pursuant to chapter 20,
13 35 evaluation and grievance procedures for beginning
13 36 teachers that are not in conflict with this chapter.

13 37 (2) If a school board determines that a beginning
13 38 teacher fails to demonstrate competence in the Iowa
13 39 teaching standards, the beginning teacher may appeal
13 40 the decision to an adjudicator under the process
13 41 established under section 279.16. If, in accordance
~~13 42 with section 279.19, a beginning teacher appeals the~~
13 43 ~~determination of a school board to an adjudicator~~
13 44 ~~under section 279.17, the adjudicator selected shall~~
13 45 have successfully completed training related to the
13 46 Iowa teacher standards, the criteria adopted by the
13 47 state board of education in accordance with subsection
13 48 3, and any additional training required under rules
13 49 adopted by the public employment relations board in
13 50 cooperation with the state board of education.



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House Amendment 8164 continued

14 1 Sec. _____. Section 284.8, subsection 3, Code
14 2 Supplement 2007, is amended to read as follows:
14 3 3. If a teacher is denied advancement to the
14 4 career II or advanced teacher level based upon a
14 5 performance review, the teacher may appeal the
14 6 decision to an adjudicator under the process
14 7 established under section ~~279.17~~ 279.16. However, the
14 8 decision of the adjudicator is final.
14 9 Sec. _____. Section 279.17, Code Supplement 2007, is
14 10 repealed.
14 11 Sec. _____. Section 279.18, Code 2007, is repealed.>
14 12 #6. Title page, line 1, by inserting after the
14 13 word <bargaining> the following: <and teacher
14 14 discipline>.
14 15 #7. By renumbering as necessary.
14 16
14 17
14 18
14 19 R. OLSON of POLK
14 20 HF 2645.702 82
14 21 ec/rj/20678



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House Amendment 8165

PAG LIN

1 1 Amend House File 2645 as follows:
1 2 #1. Page 12, by inserting after line 25 the
1 3 following:
1 4 <Sec. _____. Section 20.22, subsection 9, paragraph
1 5 d, Code 2007, is amended by striking the paragraph and
1 6 inserting in lieu thereof the following:
1 7 d. Whether any proposed increase in wages to
1 8 public employees is justified based upon an increase
1 9 in productivity and performance of the employees and
1 10 based upon the ability of the public employer to pay
1 11 the award using existing resources without any
1 12 increase in taxes.>
1 13 #2. By renumbering as necessary.
1 14
1 15
1 16
1 17 SODERBERG of Plymouth
1 18 HF 2645.204 82
1 19 ec/rj/11268
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House Amendment 8166

PAG LIN

1 1 Amend the amendment, H=8055, to Senate File 348, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 2, line 31, by striking the words
1 4 <calendar year 2011> and inserting the following:
1 5 <the calendar year preceding the year in which the
1 6 contract concerning purses for dog racing is to be
1 7 renewed>.
1 8
1 9
1 10
1 11 JOCHUM of Dubuque
1 12 SF 348.715 82
1 13 ec/nh/20777
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House File 2656 - Introduced

HOUSE FILE
 BY COMMITTEE ON ENVIRONMENTAL
 PROTECTION

(SUCCESSOR TO HSB 742)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to energy efficiency by establishing specified
- 2 standards and goals relating to energy production and
- 3 utilization, and establishing a commission on energy
- 4 efficiency standards and practices.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5711HV 82
- 7 rn/rj/14



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House File 2656 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 103A.27 COMMISSION ON ENERGY
1 2 EFFICIENCY STANDARDS AND PRACTICES.
1 3 1. A commission on energy efficiency standards and
1 4 practices is established within the department of public
1 5 safety. The commission shall be composed of the following
1 6 members:
1 7 a. The state building code commissioner, or the
1 8 commissioner's designee.
1 9 b. The director of the office of energy independence, or
1 10 the director's designee.
1 11 c. A professional engineer licensed pursuant to chapter
1 12 542B.
1 13 d. An architect registered pursuant to chapter 544A.
1 14 e. Two individuals recognized in the construction industry
1 15 as possessing expertise and experience in the construction or
1 16 renovation of energy-efficient residential and commercial
1 17 buildings.
1 18 f. A member of a local planning and zoning commission or
1 19 county board of supervisors.
1 20 g. Three individuals representing gas and electric public
1 21 utilities within this state.
1 22 h. A local building official whose duties include
1 23 enforcement of requirements for energy conservation in
1 24 construction.
1 25 i. Two consumers, one of whom owns and occupies a
1 26 residential building in this state and one of whom owns and
1 27 occupies a building used in commercial business or
1 28 manufacturing.
1 29 2. The commissioner shall appoint all members to the
1 30 commission other than those members designated in subsection
1 31 1, paragraphs "a" and "b". Appointment of members are subject
1 32 to the requirements of sections 69.16 and 69.16A. A vacancy
1 33 on the commission shall be filled for the unexpired portion of
1 34 the regular term in the same manner as regular appointments
1 35 are made. Members appointed by the commissioner shall be



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House File 2656 - Introduced continued

2 1 reimbursed for actual and necessary expenses incurred in
2 2 performance of their duties. Such members may also be
2 3 eligible to receive compensation as provided in section 7E.6.
2 4 A majority of the members shall constitute a quorum.
2 5 3. Duties of the commission shall include but are not
2 6 limited to the following:
2 7 a. Evaluate energy efficiency standards applicable to
2 8 existing or newly constructed residential, commercial, and
2 9 industrial buildings and vertical infrastructure at the state
2 10 and local level and make suggestions for their improvement and
2 11 enforcement. The evaluation of energy efficiency standards
2 12 shall include but not be limited to a review of the following:
2 13 (1) The reduction in energy usage likely to result from
2 14 the adoption and enforcement of the standards.
2 15 (2) The effect of compliance with the standards on indoor
2 16 air quality.
2 17 (3) The relationship of the standards to weatherization
2 18 programs for existing housing stock and to the availability of
2 19 affordable housing, including rental units.
2 20 b. Develop recommendations for new energy efficiency
2 21 standards, specifications, or guidelines applicable to newly
2 22 constructed residential, commercial, and industrial buildings
2 23 and vertical infrastructure.
2 24 c. Develop recommendations for the establishment of
2 25 incentives for energy efficiency construction projects which
2 26 exceed currently applicable state and local building codes.
2 27 d. Develop recommendations for adoption of a statewide
2 28 energy efficiency building labeling or rating system for
2 29 residential, commercial, and industrial buildings and
2 30 complexes.
2 31 e. Obtain input from individuals, groups, associations,
2 32 and agencies in carrying out the duties specified in
2 33 paragraphs "a" through "d", including but not limited to the
2 34 Iowa league of cities regarding local building code adoption
2 35 and enforcement in both large and small communities, the Iowa



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House File 2656 - Introduced continued

3 1 landlord association, the department of transportation, the
3 2 department of public health, the division of community action
3 3 agencies of the department of human rights regarding
3 4 low-income residential customers, and obtain additional input
3 5 from any other source that the commission determines
3 6 appropriate.

3 7 4. The commission shall be formed for the two-year period
3 8 beginning July 1, 2008, and ending June 30, 2010, and shall
3 9 submit a report to the governor and the general assembly by
3 10 January 1, 2011, regarding its activities and recommendations.
3 11 Administrative support shall be furnished by the department of
3 12 public safety, with the assistance of the office of energy
3 13 independence and the department of natural resources.

3 14 Sec. 2. Section 476.6, Code Supplement 2007, is amended by
3 15 adding the following new subsection:

3 16 NEW SUBSECTION. 23. ENERGY SAVINGS STANDARD.

3 17 a. The board shall establish an energy efficiency standard
3 18 of a one and one-half percent annual reduction in projected
3 19 energy use applicable to all gas and electric utilities as a
3 20 statewide average goal. In applying the standard, the board
3 21 shall collaborate with each utility to determine an
3 22 individualized and cost-effective energy efficiency goal,
3 23 taking into consideration the utility service area's historic
3 24 energy load, its projected demand, its consumer base, the
3 25 effectiveness of its previous or current energy efficiency
3 26 plans generating energy savings by consumers or generating
3 27 cost savings or efficiencies in the production and delivery of
3 28 energy, and other relevant factors. The goal applicable to a
3 29 gas and electric utility may be implemented through
3 30 modification of the utility's energy efficiency plan submitted
3 31 pursuant to subsection 14, a plan developed and implemented by
3 32 the board, a plan developed by a utility association and filed
3 33 with and approved by the board, or pursuant to a third-party
3 34 contract entered into by the utility. Any utility that
3 35 implements a board-approved plan filed by an association or



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4 1 developed by the board shall be deemed to have met its energy
4 2 efficiency goal without having to determine an individualized
4 3 goal. Upon application, the board may establish an energy
4 4 efficiency goal for a group or groups of utilities to pool
4 5 their energy use reductions. Any costs attributable to or
4 6 incurred by customers resulting from implementation of a
4 7 utility's energy efficiency goal pursuant to this subsection
4 8 shall be separately itemized on customer utility bills.

4 9 b. The board shall conduct an assessment of the
4 10 feasibility and cost-effectiveness of establishing a standard
4 11 of one and one-half percent annual reduction in projected
4 12 energy use applicable to all gas and electric utilities, and
4 13 may by rule establish intermediate goals during the assessment
4 14 process. A preliminary report of the assessment shall be
4 15 submitted to the governor and the general assembly by January
4 16 1, 2009, and a final report shall be submitted to the governor
4 17 and the general assembly by January 1, 2011.

4 18 Sec. 3. Section 476.44, subsection 2, Code 2007, is
4 19 amended to read as follows:

4 20 2. ~~An electric utility subject to this division, except a~~
~~4 21 utility that elects rate regulation pursuant to section~~
~~4 22 476.1A, shall not be required to own or purchase, at any one~~
~~4 23 time, more than its share of one hundred five megawatts of~~
~~4 24 power from alternative energy production facilities or small~~
~~4 25 hydro facilities at the rates established pursuant to section~~
~~4 26 476.43. The board shall allocate the one hundred five~~
~~4 27 megawatts based upon each utility's percentage of the total~~
~~4 28 Iowa retail peak demand, for the year beginning January 1,~~
~~4 29 1990, of all utilities subject to this section. If a utility~~
~~4 30 undergoes reorganization as defined in section 476.76, the~~
~~4 31 board shall combine the allocated purchases of power for each~~
~~4 32 utility involved in the reorganization.~~

4 33 ~~Notwithstanding the one hundred five megawatt maximum, the~~
~~4 34 board may increase the amount of power that a utility is~~
~~4 35 required to own or purchase at the rates established pursuant~~



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~~House File 2656 — Introduced continued~~

~~5 1 to section 476.43 if the board finds that a utility, including
5 2 a reorganized utility, exceeds its 1990 Iowa retail peak
5 3 demand by twenty percent and the additional power the utility
5 4 is required to purchase will encourage the development of
5 5 alternate energy production facilities and small hydro
5 6 facilities. The increase shall not exceed the utility's
5 7 increase in peak demand multiplied by the ratio of the
5 8 utility's share of the one hundred five megawatt maximum to
5 9 its 1990 Iowa retail peak demand.~~

5 10 a. The board shall establish for each electric utility the
5 11 goal of producing or purchasing twenty-five percent of its
5 12 total annual Iowa retail electric sales from alternative
5 13 energy production facilities by December 31, 2025.

5 14 b. Any goal established by the board shall allow the
5 15 continued sale of renewable energy credits associated with
5 16 those facilities in any market for those credits. The board
5 17 may establish or participate in a program to track, record,
5 18 and verify the trading of credits for electricity generated
5 19 from renewable energy sources among electric generators,
5 20 utilities, and other interested entities, within this state
5 21 and among similar entities in other states.

5 22 EXPLANATION

5 23 This bill relates to improving energy efficiency within
5 24 this state.

5 25 The bill provides for the establishment of an energy
5 26 efficiency standard of a 1.5 percent annual reduction in
5 27 projected energy use applicable to all gas and electric
5 28 utilities as a statewide average goal. The bill directs the
5 29 Iowa utilities board to collaborate with each utility to
5 30 determine an individualized and cost-effective energy
5 31 efficiency goal, taking into consideration the utility service
5 32 area's historic energy load, its projected demand, its
5 33 consumer base, the effectiveness of previous or current energy
5 34 efficiency plans, and other relevant factors. The bill
5 35 specifies that the goal may be implemented through



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House File 2656 - Introduced continued

6 1 modification of a utility's energy efficiency plan submitted
6 2 pursuant to Code section 476.6, subsection 14, a plan
6 3 developed and implemented by the board, a plan developed by a
6 4 utility association and filed with and approved by the board,
6 5 or pursuant to a third-party contract entered into by the
6 6 utility. The bill provides that, upon application, the board
6 7 may establish an energy efficiency goal for a group or groups
6 8 of utilities to pool their energy use reductions, and that a
6 9 utility implementing a board-approved plan filed by an
6 10 association or developed by the board shall be deemed to have
6 11 meet its goal without having to determine an individualized
6 12 goal. The bill provides for itemization of energy efficiency
6 13 plan costs to customers on their utility bills.

6 14 The bill also establishes a goal applicable to electric
6 15 utilities of producing or purchasing 25 percent of their total
6 16 annual Iowa retail electric sales from alternative energy
6 17 production facilities by December 31, 2025. The bill
6 18 specifies that this goal shall not impact renewable energy
6 19 credit trading, and authorizes the board to track and monitor
6 20 such trading.

6 21 The bill provides for the establishment of a commission on
6 22 energy efficiency standards and practices within the
6 23 department of public safety, to be comprised of the state
6 24 building code commissioner or designee, the director of the
6 25 office of energy independence or designee, a licensed
6 26 engineer, a registered architect, two individuals recognized
6 27 in the construction industry as possessing expertise and
6 28 experience in the construction or renovation of
6 29 energy-efficient residential and commercial buildings, a
6 30 member of a local planning and zoning commission or county
6 31 board of supervisors, three representatives of gas and
6 32 electric public utilities, a local building official, and two
6 33 consumers. The commission's duties would include evaluating
6 34 energy efficiency standards applicable to buildings,
6 35 developing recommendations for new energy efficiency



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House File 2656 - Introduced continued

7 1 standards, specifications, or guidelines applicable to new
7 2 construction, developing recommendations for incentives for
7 3 energy efficiency construction projects which exceed currently
7 4 applicable state and local building codes, and developing
7 5 recommendations for adopting a statewide energy efficiency
7 6 building labeling or rating system. An additional duty would
7 7 involve obtaining input from individuals, groups,
7 8 associations, and agencies in carrying out these specified
7 9 duties as the commission determines appropriate. The
7 10 commission would exist for a two-year period, with a report of
7 11 recommendations submitted to the governor and the general
7 12 assembly by January 1, 2011.
7 13 LSB 5711HV 82
7 14 rn/rj/14



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House File 2657 - Introduced

HOUSE FILE
BY HORBACH

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the exemption of medical devices from the
- 2 sales and use taxes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5568YH 82
- 5 mg/sc/5



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House File 2657 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 60, paragraphs c and
 1 2 d, Code Supplement 2007, are amended to read as follows:
 1 3 c. "Mobility enhancing equipment" means equipment,
 1 4 including repair and replacement parts, and including but not
 1 5 limited to equipment or accessories on a motor vehicle,
 1 6 ambulatory aids, manual and powered wheelchairs, stairway
 1 7 lifts, and scooters, but does not include including durable
 1 8 medical equipment, to which all of the following apply:
 1 9 (1) Is primarily and customarily used to provide or
 1 10 increase the ability to move from one place to another and
 1 11 which is appropriate for use either in a home or a motor
 1 12 vehicle.
 1 13 (2) Is not generally used by persons with normal mobility.
 1 14 ~~(3) Does not include any motor vehicle or equipment on a~~
~~1 15 ~~motor vehicle normally provided by a motor vehicle~~~~
~~1 16 ~~manufacturer.~~~~
 1 17 ~~(4)~~ (3) Is prescribed by a practitioner other than in the
 1 18 case of equipment or accessories on motor vehicles.
 1 19 d. "Other medical device" means equipment or a supply that
 1 20 is not a drug, durable medical equipment, mobility enhancing
 1 21 equipment, or prosthetic device. "Other medical devices"
 1 22 includes, but is not limited to, ostomy, urological, and
 1 23 tracheostomy supplies, diabetic testing materials, hypodermic
 1 24 syringes and needles, anesthesia trays, biopsy trays and
 1 25 biopsy needles, cannula systems, catheter trays and invasive
 1 26 catheters, fistula sets, irrigation solutions, intravenous
 1 27 administering solutions and stopcocks, myelogram trays, small
 1 28 vein infusion kits, spinal puncture trays, ~~and~~ venous blood
 1 29 sets, home respiratory equipment and accessories, hospital
 1 30 beds and accessories, braille writers, electronic braille
 1 31 equipment, reading machines, electronic print enlargers and
 1 32 magnifiers, and electronic alternative and augmentative
 1 33 communication devices intended to be dispensed for human use
 1 34 with or without a prescription to an ultimate user.
 1 35 EXPLANATION



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House File 2657 - Introduced continued

2 1 This bill expands the exemption from sales and use taxes of
2 2 certain items that are purchased by or on behalf of a person
2 3 with a disability. These items include equipment or
2 4 accessories on a motor vehicle, home respiratory equipment and
2 5 accessories, ambulatory aids, manual and powered wheelchairs,
2 6 stairway lifts, reading machines, scooters, hospital beds and
2 7 accessories, braille equipment, reading machines, electronic
2 8 print enlargers, and electronic communicative devices.
2 9 LSB 5568YH 82
2 10 mg/sc/5.1



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House Resolution 123 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY ZIRKELBACH and FOEGE
1 3 A Resolution recognizing the Grant Wood Art Festival.
1 4 WHEREAS, Grant DeVolson Wood was born on February
1 5 13, 1891, on his parents' farm four miles east of
1 6 Anamosa, Iowa, where he spent the first 10 years of
1 7 his life; and
1 8 WHEREAS, Grant Wood was an exceptional artist from
1 9 a very young age; at the age of 14 he took third prize
1 10 in a national contest for a crayon drawing of oak
1 11 leaves and said that winning that prize was his
1 12 inspiration to become an artist; and
1 13 WHEREAS, from that beginning, Grant Wood blossomed
1 14 into one of the great artists of the twentieth
1 15 century; and
1 16 WHEREAS, taking inspiration from the work of German
1 17 and Flemish painters, in 1930 Mr. Wood created the
1 18 painting that defines his art and assured his success,
1 19 "American Gothic"; and
1 20 WHEREAS, today we continue to honor this remarkable
1 21 man, his unique talent, and the artist colony he
1 22 founded in Stone City, with the annual Grant Wood Art
1 23 Festival; and
1 24 WHEREAS, the 36th Annual Grant Wood Art Festival
1 25 will be held Sunday, June 8, 2008, in Anamosa, Iowa,
1 26 featuring day=long events and the work of many local
1 27 and regional artists; NOW THEREFORE,
1 28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 29 That the House of Representatives recognizes the
1 30 upcoming 36th annual Grant Wood Art Festival and urges



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House Resolution 123 - Introduced continued

2 1 all Iowans to plan a visit to this celebration as part
2 2 of their summer vacation plans.
2 3 LSB 6556HH 82
2 4 jr/nh/14



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House Resolution 124 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY KELLEY
1 3 A Resolution honoring and commemorating the University
1 4 of Northern Iowa Institute for Decision Making for 20
1 5 years of economic development service in Iowa.
1 6 WHEREAS, the University of Northern Iowa Institute
1 7 for Decision Making has served more than 475
1 8 communities and clients and nine regional economic
1 9 development groups, reaching all of Iowa's 99
1 10 counties; and
1 11 WHEREAS, the institute assists nearly 50 new
1 12 community-partner projects each year, creating 1,500
1 13 to 2,000 jobs annually; and
1 14 WHEREAS, the institute has taken a leadership role
1 15 in the Heartland Economic Development Course, enabling
1 16 more than 500 new professionals to be trained in the
1 17 fundamental strategies of economic development; and
1 18 WHEREAS, the institute has conducted more than 150
1 19 economic impact analyses to help economic developers
1 20 and local government make informed decisions regarding
1 21 support for economic development projects; and
1 22 WHEREAS, the institute continues to be recognized
1 23 nationally as an innovator in the area of economic
1 24 development; and
1 25 WHEREAS, the University of Northern Iowa Institute
1 26 for Decision Making has received national recognition
1 27 for its creation of the laborshed approach and has
1 28 successfully transferred the laborshed model to the
1 29 Iowa Department of Workforce Development and continues
1 30 to provide technical support for the development of a



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House Resolution 124 - Introduced continued

2 1 statewide laborshed model; and
2 2 WHEREAS, the institute has developed a process for
2 3 the practical application of industrial clusters in
2 4 Iowa's rural regions; and
2 5 WHEREAS, the institute has led statewide delivery
2 6 of business retention and expansion training
2 7 throughout Iowa; and
2 8 WHEREAS, the University of Northern Iowa Institute
2 9 for Decision Making has developed active working
2 10 partnerships on economic development projects with
2 11 local developers, utility companies, state agencies,
2 12 community colleges, and regents institutions to meet
2 13 the economic development needs of Iowa communities;
2 14 and
2 15 WHEREAS, the institute has provided nearly 20 years
2 16 of leadership and service to the Professional
2 17 Developers of Iowa; and
2 18 WHEREAS, the institute has engaged students and
2 19 faculty in assisting Iowa communities and has provided
2 20 experiential learning and internship opportunities for
2 21 students entering the economic development profession;
2 22 and
2 23 WHEREAS, the University of Northern Iowa Institute
2 24 for Decision Making has established strong long-term
2 25 relationships with citizens and community leaders
2 26 throughout the state, thereby connecting communities
2 27 to the University of Northern Iowa's services; and
2 28 WHEREAS, after 20 years of planning, technical
2 29 assistance, and training in communities across Iowa,
2 30 the University of Northern Iowa Institute for Decision



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House Resolution 124 - Introduced continued

3 1 Making continues to progress and to lead and guide
3 2 organizations and governments in new projects; NOW
3 3 THEREFORE,
3 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 5 That the House of Representatives congratulates the
3 6 University of Northern Iowa Institute for Decision
3 7 Making for 20 years of innovative economic development
3 8 in Iowa, thanks the institute's staff for the valuable
3 9 services they bring to the State of Iowa and its
3 10 communities, and looks forward to its future services
3 11 to our state; and
3 12 BE IT FURTHER RESOLVED, That, upon adoption, the
3 13 Chief Clerk of the House of Representatives shall
3 14 prepare a copy of this Resolution for presentation to
3 15 Mr. Randy Pilkington, Director of the Institute for
3 16 Decision Making, on behalf of the institute and its
3 17 team members.
3 18 LSB 5672HH 82
3 19 jr/nh/14



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House Resolution 125 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY FORD
1 3 A Resolution requesting the legislative council to
1 4 authorize a study committee for the 2008 interim
1 5 to review the use of psychostimulant medications
1 6 for treating attention-deficit hyperactivity
1 7 disorder (ADHD) in children.
1 8 WHEREAS, ADHD is a chronic disorder afflicting
1 9 children with problems of inattention, hyperactivity,
1 10 and impulsive behavior; and
1 11 WHEREAS, children with ADHD often struggle with low
1 12 self-esteem, troubled personal relationships, and poor
1 13 performance in school or at work; and
1 14 WHEREAS, psychostimulant medications are often
1 15 prescribed for treatment of children with ADHD and
1 16 include methylphenidate (brand names ritalin and
1 17 concerta), dextroamphetamine/amphetamine (brand name
1 18 adderall), and dextroamphetamine (brand name
1 19 dexedrine); and
1 20 WHEREAS, the most common side effects from using
1 21 psychostimulant medications include decreased
1 22 appetite, corresponding weight loss, nervousness, and
1 23 problems sleeping, and some children experience
1 24 irritability and increased activity; and
1 25 WHEREAS, some parents and advocates for children
1 26 have raised concerns that psychostimulant medications
1 27 may be overused and some parents have been pressured
1 28 to seek such a prescription for their child by adults
1 29 who deal with that child; and
1 30 WHEREAS, psychostimulants may cause feelings in



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House Resolution 125 - Introduced continued

2 1 users similar to that of amphetamines and cocaine and
2 2 could lead to addiction to those drugs later in life,
2 3 and there may be permanent brain changes caused by the
2 4 long-term use of psychostimulants that are similar to
2 5 the changes caused by the long-term use of illegal
2 6 stimulants; NOW THEREFORE,
2 7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 8 That the legislative council is requested to authorize
2 9 a study committee for the 2008 interim to review the
2 10 use of psychostimulant medications for treating ADHD
2 11 in children and to identify the extent of the usage of
2 12 the medication among children in Iowa and the
2 13 relationship between that use and diagnoses of ADHD.
2 14 LSB 6358YH 82
2 15 jp/nh/8



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House Resolution 126 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY LENSING, MASCHER, and JACOBY
1 3 A Resolution honoring Iowa City High School's boys' and
1 4 girls' high school basketball teams as the 2008 Class
1 5 4A state basketball champions.
1 6 WHEREAS, on March 1, 2008, the Iowa City High School girls'
1 7 basketball team, the Little Hawks, captured the team's first
1 8 Class 4A championship at the Iowa Girls' High School State
1 9 Basketball Tournament at Wells Fargo Arena, in Des Moines;
1 10 and
1 11 WHEREAS, in the championship game the Little Hawks posted a
1 12 48=46 win over Cedar Rapids Washington High School, for a season
1 13 record of 22 wins and three losses; and
1 14 WHEREAS, one week later, in that same arena, the top-ranked
1 15 Iowa City High School boys' basketball team, won its first Class
1 16 4A state championship since 1989; and
1 17 WHEREAS, the Little Hawks boys' basketball team topped
1 18 Davenport Central High School with a 64=54 win, for a season
1 19 record of 25 wins and one loss; and
1 20 WHEREAS, those twin victories made Iowa City High School the
1 21 second school in state history to win both girls' and boys'
1 22 basketball championships in the same season; NOW THEREFORE,
1 23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House
1 24 of Representatives honors Iowa City High School and the young men
1 25 and women who took both the girls' and the boys' high school
1 26 basketball teams to twin Class 4A victories at the 2008 Iowa High
1 27 School State Basketball Tournaments.
1 28 LSB 6593HH 82
1 29 jr/nh/24



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Senate Amendment 5126

PAG LIN

1 1 Amend Senate File 2312 as follows:
1 2 #1. Page 14, by striking lines 2 through 4 and
1 3 inserting the following: <election held to fill a
1 4 vacancy in the same county, on the first Tuesday in
1 5 March or the first Tuesday in May of each year, or on
1 6 a Tuesday in one other month during the year as
1 7 determined by the board of supervisors.>
1 8 #2. Page 14, by striking lines 7 through 9 and
1 9 inserting the following: <election held to fill a
1 10 vacancy in the same city, on the first Tuesday in
1 11 March or the first Tuesday in May of each year, or on
1 12 a Tuesday in one other month during the year as
1 13 determined by the city council.>
1 14 #3. Page 14, line 12, by striking the words <the
1 15 last Tuesday in June, or>.
1 16 #4. Page 14, line 13, by inserting after the word
1 17 <September> the following: <, or a Tuesday in one
1 18 other month during the year as determined by the
1 19 school district board of directors>.
1 20 #5. Page 14, by striking line 16 and inserting the
1 21 following: <a Tuesday in one other month during the
1 22 year as determined by the school district board of
1 23 directors>.
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1 25
1 26
1 27 HERMAN C. QUIRMBACH
1 28 SF 2312.504 82
1 29 sc/nh/11067
1 30
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Senate Amendment 5127

PAG LIN

1 1 Amend Senate File 2312 as follows:
1 2 #1. By striking page 1, line 1, through page 12,
1 3 line 26.
1 4 #2. By renumbering as necessary.
1 5
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1 7
1 8 ROBERT M. HOGG
1 9 SF 2312.503 82
1 10 sc/nh/20659
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Senate Amendment 5128

PAG LIN

1 1 Amend Senate File 2279 as follows:

1 2 #1. Page 1, lines 7 and 8, by striking the words

1 3 <or accredited nonpublic school>.

1 4 #2. Page 2, by striking line 13.

1 5 #3. Page 2, lines 15 and 16, by striking the words

1 6 <and accredited nonpublic schools>.

1 7 #4. Page 2, lines 19 and 20, by striking the words

1 8 <and accredited nonpublic schools>.

1 9 #5. Page 2, line 22, by striking the words <or

1 10 accredited nonpublic school>.

1 11 #6. Page 3, by inserting after line 12 the

1 12 following:

1 13 <d. The requirements of paragraphs "b" and "c"

1 14 shall not apply to students attending accredited

1 15 nonpublic schools.>

1 16 #7. Title page, by striking lines 2 and 3 and

1 17 inserting the following: <resuscitation certification

1 18 requirements for school districts and students.>

1 19 #8. By renumbering as necessary.

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1 23 BRAD ZAUN

1 24 SF 2279.501 82

1 25 kh/nh/9917

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Senate Amendment 5129

PAG LIN

1 1 Amend Senate File 2364 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 232.125, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 6. A petition may contain a
1 7 request for an emancipation order. If the petition
1 8 contains a request for an emancipation order, the
1 9 request shall provide the following:
1 10 a. The child is at least sixteen years of age.
1 11 b. The child is a resident of this state.
1 12 c. The child is not in the care, custody, or
1 13 control of the state.
1 14 Sec. 2. Section 232.127, Code 2007, is amended by
1 15 adding the following new subsection:
1 16 NEW SUBSECTION. 11. If a petition contains a
1 17 request for an emancipation order and the court
1 18 adjudicates the family to be a family in need of
1 19 assistance, the court may enter any dispositional
1 20 order allowed under this section and may proceed as
1 21 provided in section 232.128 in addition to any
1 22 dispositional order entered under this section.
1 23 Sec. 3. NEW SECTION. 232.128 EMANCIPATION ==
1 24 EFFECT.
1 25 1. If after adjudicating the family to be a family
1 26 in need of assistance pursuant to section 232.127 the
1 27 court finds, by clear and convincing evidence, that no
1 28 remedy is available that would result in strengthening
1 29 or maintaining the familial relationship, the court
1 30 may enter an order emancipating the child.
1 31 2. An emancipation order shall have the same
1 32 effect as a child reaching the age of majority with
1 33 respect but not limited to the following:
1 34 a. The ability to sue or be sued in the child's
1 35 own name.
1 36 b. The right to enter into a binding contract.
1 37 c. The right to buy and sell real estate.
1 38 d. The right to establish a legal residence.
1 39 e. The right to incur debts.
1 40 f. The right to consent to medical, dental, or
1 41 psychiatric care.
1 42 3. An emancipation order shall have the same
1 43 effect as the child reaching the age of majority and
1 44 the parents are exempt from the following:
1 45 a. Future child support obligations relating to
1 46 the emancipated child.
1 47 b. An obligation to provide medical support for
1 48 the emancipated child, unless deemed necessary by the
1 49 court.
1 50 c. Tort liability for the actions of the child



Iowa General Assembly
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Senate Amendment 5129 continued

2 1 after emancipation.
2 2 d. A right to the income or property of the
2 3 emancipated child.
2 4 e. A responsibility for the debts of the
2 5 emancipated child.
2 6 4. An emancipated child shall remain subject to
2 7 voting restrictions under chapter 48A, gambling
2 8 restrictions under chapter 99D, 99F, 99G, or 725,
2 9 alcohol restrictions under chapter 123, compulsory
2 10 attendance requirements under chapter 299, and
2 11 cigarette tobacco restrictions under chapter 453A.
2 12 5. An emancipated child shall not be considered an
2 13 adult for prosecution except as provided in section
2 14 232.8.
2 15 6. Notwithstanding section 232.147 through
2 16 232.151, the emancipation order shall be released by
2 17 the court subject to rules prescribed by the supreme
2 18 court.>
2 19
2 20
2 21
2 22 KEITH A. KREIMAN
2 23 SF 2364.301 82
2 24 jm/rj/11264



Iowa General Assembly
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Senate Amendment 5130

PAG LIN

1 1 Amend Senate File 2199 as follows:
1 2 #1. Page 1, line 8, by inserting after the word
1 3 <insurance.> the following: <This chapter does not
1 4 apply to claims made under a policy or contract of
1 5 dental insurance if, throughout the course of
1 6 treatment, the liability to the enrollee for any
1 7 procedure that is the subject of a coverage decision,
1 8 is two hundred fifty dollars or less.>

1 9
1 10
1 11
1 12 THOMAS RIELLY
1 13 SF 2199.701 82
1 14 av/nh/20668
1 15
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5131

PAG LIN

1 1 Amend Senate File 2279 as follows:

1 2 #1. Page 1, by inserting after line 2 the
1 3 following:

1 4 <Sec. _____. Section 256.7, subsection 19,
1 5 unnumbered paragraph 1, Code Supplement 2007, is
1 6 amended to read as follows:

1 7 Define the minimum school day as a day consisting
1 8 of ~~five and one-half~~ six hours of instructional time
1 9 for grades one through twelve. The minimum hours
1 10 shall be exclusive of the lunch period, but may
1 11 include passing time between classes. Time spent on
1 12 parent=teacher conferences shall be considered
1 13 instructional time. A school or school district may
1 14 record a day of school with less than the minimum
1 15 instructional hours as a minimum school day if any of
1 16 the following apply:

1 17 Sec. _____. Section 256.7, subsection 19, paragraph
1 18 b, Code Supplement 2007, is amended to read as
1 19 follows:

1 20 b. If the total hours of instructional school time
1 21 for grades one through twelve for any five consecutive
1 22 school days equal a minimum of ~~twenty-seven and~~
~~1 23 one-half~~ thirty hours, even though any one day of
1 24 school is less than the minimum instructional hours
1 25 because of a staff development opportunity provided
1 26 for the professional instructional staff or because
1 27 parent=teacher conferences have been scheduled beyond
1 28 the regular school day. Furthermore, if the total
1 29 hours of instructional time for the first four
1 30 consecutive days equal at least ~~twenty-seven and~~
~~1 31 one-half~~ thirty hours because parent=teacher
1 32 conferences have been scheduled beyond the regular
1 33 school day, a school or school district may record
1 34 zero hours of instructional time on the fifth
1 35 consecutive school day as a minimum school day."

1 36 #2. By renumbering as necessary.

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1 40 MARK ZIEMAN

1 41 SF 2279.201 82

1 42 kh/nh/9913

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Iowa General Assembly
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Senate Amendment 5132

PAG LIN

1 1 Amend Senate File 2279 as follows:
1 2 #1. Page 2, by inserting after line 14 the
1 3 following:
1 4 <____. The professional educators of Iowa.>
1 5 #2. By renumbering as necessary.
1 6
1 7
1 8
1 9 NANCY J. BOETTGER
1 10 SF 2279.502 82
1 11 kh/nh/9914
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Iowa General Assembly
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Senate Amendment 5133

PAG LIN

1 1 Amend Senate File 2279 as follows:
1 2 #1. Page 1, line 2, by striking the word <Kids>
1 3 and inserting the following: <Schools>.
1 4 #2. Page 2, by striking line 13.
1 5 #3. Page 3, by inserting after line 20 the
1 6 following:
1 7 <Sec. ____ . NEW SECTION. 280.23A CARDIOPULMONARY
1 8 TRAINING FOR PRACTITIONERS.
1 9 The board of directors of each public school
1 10 district and the authorities in charge of each
1 11 nonpublic school shall require every practitioner
1 12 employed by the school district or school to
1 13 successfully complete a certification course for
1 14 cardiopulmonary resuscitation. The board of directors
1 15 or the authorities may waive this requirement if a
1 16 practitioner is physically unable to successfully
1 17 complete the training.>
1 18 #4. By renumbering as necessary.
1 19
1 20
1 21
1 22 NANCY J. BOETTGER
1 23 SF 2279.301 82
1 24 kh/nh/9920
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Iowa General Assembly
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Senate Amendment 5134

PAG LIN

1 1 Amend Senate File 2392 as follows:

1 2 #1. Page 3, by inserting after line 14 the
1 3 following:

1 4 <() Entering into any practice or plan which
1 5 involves stranger-originated life insurance.

1 6 () Failing to disclose to the insurer when
1 7 requested by the insurer that the prospective insured
1 8 has undergone a life expectancy evaluation by any
1 9 person or entity other than the insurer or its
1 10 authorized representative in connection with the
1 11 issuance of the policy.>

1 12 #2. Page 5, by inserting after line 26 the
1 13 following:

1 14 < . "Stranger-originated life insurance" means a
1 15 practice or a plan to initiate a life insurance policy
1 16 for the benefit of a third-party investor who, at the
1 17 time of policy origination, has no insurable interest
1 18 in the insured.

1 19 a. Stranger-originated life insurance practices
1 20 include cases in which life insurance is purchased
1 21 with resources or guarantees from or through a person
1 22 or entity who, at the time of the policy inception,
1 23 could not lawfully initiate the policy by the person
1 24 or entity, and where, at the time of the policy's
1 25 inception, there is an arrangement or agreement,
1 26 whether verbal or written, to directly or indirectly
1 27 transfer the ownership of the policy or the policy
1 28 benefits to a third party. Trusts that are created to
1 29 give the appearance of an insurable interest, and are
1 30 used to initiate policies for investors, violate
1 31 insurable interest laws and the prohibition against
1 32 wagering on life.

1 33 b. Stranger-originated life insurance arrangements
1 34 do not include those practices set forth in subsection
1 35 14, paragraph "d".>

1 36 #3. Page 5, line 32, by striking the word <who>
1 37 and inserting the following: <who,>.

1 38 #4. Page 7, line 26, by inserting after the words
1 39 <provided that> the following: <neither>.

1 40 #5. Page 7, line 27, by striking the words <is
1 41 not> and inserting the following: <nor the transfer
1 42 of the policy in connection with such default is>.

1 43 #6. Page 13, line 15, by striking the words <two
1 44 hundred fifty> and inserting the following: <one
1 45 hundred>.

1 46 #7. Page 13, lines 21 and 22, by striking the
1 47 words <two hundred fifty> and inserting the following:
1 48 <one hundred>.

1 49 #8. Page 17, line 2, by striking the word <Each>
1 50 and inserting the following: <For any policy settled



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Senate Amendment 5134 continued

2 1 within five years of policy issuance, each>.
2 2 #9. Page 17, line 5, by inserting after the word
2 3 <rule.> the following: <In addition to any other
2 4 requirements, the annual statement shall specify the
2 5 total number, aggregate face amount, and life
2 6 settlement proceeds of policies settled during the
2 7 immediately preceding calendar year, together with a
2 8 breakdown of the information by policy issue year.
2 9 The annual statement shall also include the names of
2 10 the insurance companies whose policies have been
2 11 settled and the viatical settlement brokers that have
2 12 settled said policies.>
2 13 #10. Page 40, by inserting after line 7 the
2 14 following:
2 15 <(____). Other circumstances as established as
2 16 eligible exemptions by the commissioner by rule.>
2 17 #11. Page 40, by striking line 18 and inserting
2 18 the following: <508E.2, subsection 14, paragraph
2 19 "d".>
2 20 #12. Page 42, by inserting after line 30 the
2 21 following:
2 22 <____. A person shall not issue, solicit, market,
2 23 or otherwise promote the purchase of an insurance
2 24 policy for the purpose of or with an emphasis on
2 25 settling the policy.
2 26 _____. A person shall not enter into a premium
2 27 finance agreement with any other person or agency, or
2 28 any person affiliated with such person or agency,
2 29 pursuant to which such person shall receive any
2 30 proceeds, fees, or other consideration, directly or
2 31 indirectly, from the policy or owner of the policy or
2 32 any other person with respect to the premium finance
2 33 agreement or any viatical settlement contract or other
2 34 transaction related to such policy that are in
2 35 addition to the amounts required to pay the principal,
2 36 interest, and service charges related to policy
2 37 premiums pursuant to the premium finance agreement or
2 38 subsequent sale of such agreement. Any payments,
2 39 charges, fees, or other amounts in addition to the
2 40 amounts required to pay the principal, interest, and
2 41 service charges related to policy premiums paid under
2 42 the premium finance agreement shall be remitted to the
2 43 original owner of the policy or to the original
2 44 owner's estate if the original owner is not living at
2 45 the time of the determination of overpayment.
2 46 _____. In the solicitation, application for, or
2 47 issuance of a life insurance policy, a person shall
2 48 not employ any device, scheme, or artifice to create
2 49 an insurable interest in the life of a person except
2 50 as provided in sections 511.39 and 511.40.>



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Senate Amendment 5134 continued

3 1 #13. By renumbering as necessary.
3 2
3 3
3 4
3 5 THOMAS RIELLY
3 6 SF 2392.202 82
3 7 da/rj/11162



Iowa General Assembly
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Senate Amendment 5135 continued

2 1 penalties applicable.>
2 2 #5. By renumbering as necessary.
2 3
2 4
2 5
2 6 FRANK B. WOOD
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2 9
2 10 BRAD ZAUN
2 11
2 12
2 13
2 14 DAVE MULDER
2 15 SF 2312.704 82
2 16 sc/nh/20747



**Iowa General Assembly
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Senate Amendment 5136

PAG LIN

1 1 Amend Senate File 2312 as follows:
 1 2 #1. Page 50, by inserting after line 2 the
 1 3 following:
 1 4 <Sec. _____. Section 47.2, subsection 2, Code 2007,
 1 5 is amended to read as follows:
 1 6 2. When an election is to be held as required by
 1 7 law or is called by a political subdivision of the
 1 8 state and the political subdivision is located in more
 1 9 than one county, the county commissioner of elections
 1 10 of the county having the greatest taxable base within
 1 11 the political subdivision shall conduct that election.
 1 12 However, in the case of the regular school election or
 1 13 any election called by a school district, the county
 1 14 commissioner of elections of the county having the
 1 15 greatest number of registered voters within the school
 1 16 district as of January 1 of the year of the election
 1 17 shall conduct that election. The county commissioners
 1 18 of elections of the other counties in which the
 1 19 political subdivision is located shall cooperate with
 1 20 the county commissioner of elections who is conducting
 1 21 the election.>
 1 22 #2. By renumbering as necessary.
 1 23
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 1 26 PAUL McKINLEY
 1 27 KEITH A. KREIMAN
 1 28 SF 2312.501 82
 1 29 sc/nh/11051

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Senate Amendment 5137

PAG LIN

1 1 Amend Senate File 2279 as follows:
1 2 #1. Page 1, line 11, by inserting after the figure
1 3 <283A> the following: <, and exclusive of foods sold
1 4 for fundraising purposes and foods and beverages sold
1 5 at concession stands>.
1 6
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1 8
1 9 NANCY J. BOETTGER
1 10 SF 2279.701 82
1 11 kh/nh/9954
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Senate Amendment 5138

PAG LIN

1 1 Amend the amendment, S=5123, to Senate File 2279 as
1 2 follows:
1 3 #1. Page 1, line 4, by striking the figure <(1)>.
1 4 #2. Page 1, by striking lines 8 through 18.
1 5 #3. By renumbering as necessary.
1 6
1 7
1 8
1 9 DAVE MULDER
1 10 FRANK B. WOOD
1 11 SF 2279.302 82
1 12 kh/nh/9955
1 13
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Senate Amendment 5139

PAG LIN

1 1 Amend Senate File 2353 as follows:
1 2 #1. Page 8, by inserting after line 25 the
1 3 following:
1 4 <Sec. _____. Section 602.9202, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 3A. "Senior judge retirement age"
1 7 means seventy-eight years of age or, if the senior
1 8 judge is reappointed as a senior judge for an
1 9 additional two-year term upon attaining seventy-eight
1 10 years of age pursuant to section 602.9203, eighty
1 11 years of age.
1 12 Sec. _____. Section 602.9203, subsection 5, Code
1 13 2007, is amended to read as follows:
1 14 5. a. A senior judge may be reappointed to
1 15 additional two-year terms, at the discretion of the
1 16 supreme court, if the judicial officer meets the
1 17 requirements of subsection 2.
1 18 b. A senior judge may be reappointed to an
1 19 additional two-year term upon attaining seventy-eight
1 20 years of age, at the discretion of the supreme court,
1 21 if the judicial officer meets the requirements of
1 22 subsection 2.>
1 23 #2. Page 9, line 10, by striking the words
1 24 <seventy-eight years of> and inserting the following:
1 25 <seventy-eight years of senior judge retirement>.
1 26 #3. Page 9, line 22, by striking the words
1 27 <seventy-eight years of> and inserting the following:
1 28 <seventy-eight years of senior judge retirement>.
1 29 #4. Page 9, by striking line 26 and inserting the
1 30 following: <the senior judge retirement age of
1 31 seventy-eight years.>
1 32 #5. Page 9, line 32, by striking the words
1 33 <attains seventy-eight years of> and inserting the
1 34 following: <seventy-eight years of attains senior
1 35 judge retirement>.
1 36 #6. Page 10, line 3, by striking the words
1 37 <seventy-eight years of> and inserting the following:
1 38 <seventy-eight years of senior judge retirement>.
1 39 #7. Page 10, line 15, by striking the words
1 40 <attaining the age of seventy-eight years of> and
1 41 inserting the following: <seventy-eight years of
1 42 attaining senior judge retirement>.
1 43 #8. Page 10, line 24, by striking the words
1 44 <seventy-eight years of> and inserting the following:
1 45 <seventy-eight years of senior judge retirement>.
1 46
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1 48
1 49 ROBERT M. HOGG
1 50 SF 2353.301 82



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Senate Amendment 5139 continued

2 1 jm/rj/11284



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Senate Amendment 5140

PAG LIN

1 1 Amend the amendment, S=5123, to Senate File 2279 as
1 2 follows:
1 3 #1. Page 1, line 17, by striking the word
1 4 <paragraph> and inserting the following:
1 5 <subparagraph>.
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1 8
1 9 STACI APPEL
1 10 SF 2279.205 82
1 11 kh/nh/9959
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Senate Amendment 5141

PAG LIN

1 1 Amend the amendment, S=5123, to Senate File 2279 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 20 the
1 4 following:
1 5 <<Sec. _____. NEW SECTION. 280.23A PHYSICAL
1 6 ACTIVITY FOR TEACHERS AND PERSONNEL.
1 7 1. The board of directors of each public school
1 8 district and the authorities in charge of each
1 9 nonpublic school shall require the following:
1 10 a. All elementary school teachers and school
1 11 service personnel employed by the school district or
1 12 school to engage in a physical activity for a minimum
1 13 of thirty minutes per school day.
1 14 b. All secondary school teachers and school
1 15 service personnel employed by the school district or
1 16 school to engage in a physical activity for a minimum
1 17 of one hundred twenty minutes per week.
1 18 2. The board of directors or the authorities may
1 19 waive the requirements of subsection 1 if a teacher or
1 20 staff person is physically unable to successfully
1 21 participate in the activity.>
1 22 #2. By renumbering as necessary.
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1 25
1 26 BRAD ZAUN
1 27 SF 2279.304 82
1 28 kh/nh/9956
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**Iowa General Assembly
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Senate Amendment 5142

PAG LIN

1 1 Amend Senate File 2328 as follows:
 1 2 #1. Page 4, by inserting after line 11 the
 1 3 following:
 1 4 <Sec. _____. Section 483A.1, subsection 2, paragraph
 1 5 f, Code Supplement 2007, is amended to read as
 1 6 follows:
 1 7 f. Deer hunting license, antlerless deer
 1 8 only, two of which are required with the
 1 9 purchase of an antlered or any sex deer
 1 10 hunting license \$100.00
 1 11 50.00
 1 12 Sec. _____. Section 483A.8, subsection 3, paragraphs
 1 13 b and c, Code Supplement 2007, are amended to read as
 1 14 follows:
 1 15 b. A nonresident who purchases an antlered or any
 1 16 sex deer hunting license pursuant to section 483A.1,
 1 17 subsection 2, paragraph "e", is required to purchase
 1 18 ~~an~~ two antlerless deer only deer hunting ~~license~~
 1 19 licenses at the same time, pursuant to section 483A.1,
 1 20 subsection 2, paragraph "f". A nonresident shall
 1 21 harvest two antlerless deer before harvesting an
 1 22 antlered or any sex deer pursuant to the licenses
 1 23 purchased.
 1 24 c. The commission shall annually limit to ~~six~~
 1 25 twelve thousand the number of nonresidents allowed to
 1 26 have antlered or any sex deer hunting licenses. Of
 1 27 the ~~six~~ twelve thousand nonresident antlered or any
 1 28 sex deer licenses issued, not more than thirty-five
 1 29 percent of the licenses shall be bow season licenses.
 1 30 After the ~~six~~ twelve thousand antlered or any sex
 1 31 nonresident deer licenses have been issued, all
 1 32 additional licenses shall be issued for antlerless
 1 33 deer only. The commission shall annually determine
 1 34 the number of nonresident antlerless deer only deer
 1 35 hunting licenses that will be available for issuance.>
 1 36 #2. Title page, by striking lines 1 through 3 and
 1 37 inserting the following: <An Act relating to deer
 1 38 depredation and hunting, including the deer
 1 39 depredation management program, nonresident deer
 1 40 hunting licenses, and a deer study advisory committee,
 1 41 and providing an effective date.>
 1 42 #3. By renumbering as necessary.
 1 43
 1 44
 1 45
 1 46 BRAD ZAUN
 1 47 SF 2328.701 82
 1 48 av/nh/9771
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Senate Amendment 5143

PAG LIN

1 1 Amend Senate File 2353 as follows:
1 2 #1. Page 4, line 4, by inserting after the word
1 3 <children.> the following: <Prior to the entry of any
1 4 temporary order pursuant to this subsection related to
1 5 a child=custody determination as defined in section
1 6 598B.102, the plaintiff shall comply with the
1 7 provisions of section 598B.209.>
1 8 #2. Page 4, line 23, by inserting after the word
1 9 <children.> the following: <Prior to the entry of any
1 10 temporary order pursuant to this subsection related to
1 11 a child=custody determination as defined in section
1 12 598B.102, the plaintiff and defendant shall comply
1 13 with the provisions of section 598B.209.>
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1 16
1 17 ROBERT M. HOGG
1 18 SF 2353.201 82
1 19 jm/rj/11208
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Senate Amendment 5144

PAG LIN

1 1 Amend the amendment, S=5123, to Senate File 2279 as
1 2 follows:
1 3 #1. Page 1, line 17, by inserting after the word
1 4 <paragraph.> the following: <A student is not
1 5 required to meet the requirements of this paragraph if
1 6 the student's parent or guardian files with the school
1 7 principal a written statement excusing the student
1 8 from the activity.>
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1 11
1 12 PAUL McKINLEY
1 13 SF 2279.702 82
1 14 kh/nh/9958
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Senate Amendment 5145

PAG LIN

1 1 Amend Senate File 2328 as follows:
1 2 #1. Page 1, line 12, by inserting after the word
1 3 <association,> the following: <the Iowa nursery and
1 4 landscape association,>.
1 5 #2. Page 5, by inserting after line 2 the
1 6 following:
1 7 <(17) Iowa nursery and landscape association.>
1 8
1 9
1 10
1 11 MARY A. LUNDBY
1 12 SF 2328.702 82
1 13 av/nh/20768
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5146

PAG LIN

1 1 Amend the amendment, S=5123, to Senate File 2279 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 18 and
1 4 inserting the following:
1 5 <#____. By striking page 2, line 27, through page
1 6 3, line 12.>
1 7 #2. Page 1, by striking lines 39 through 44.
1 8 #3. By renumbering as necessary.
1 9
1 10
1 11
1 12 DAVID JOHNSON
1 13 SF 2279.209 82
1 14 kh/nh/9961
1 15
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Senate Amendment 5147

PAG LIN

1 1 Amend House File 2392, as passed by the House, as
1 2 follows:
1 3 #1. Page 3, by striking lines 19 and 20 and
1 4 inserting the following: <written notice shall
1 5 contain the name of the tenant responsible for
1 6 charges, address of the residential rental>.
1 7 #2. Page 3, line 21, by striking the word
1 8 <occupy~~r~~> and inserting the following: <occupy,>.
1 9
1 10
1 11
1 12 RICH OLIVE
1 13
1 14
1 15
1 16 ROBERT E. DVORSKY
1 17 HF 2392.301 82
1 18 sc/rj/20774
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**Iowa General Assembly
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Senate Amendment 5148

PAG LIN

1 1 Amend Senate File 2392 as follows:
 1 2 #1. Page 16, line 34, by inserting after the word
 1 3 <material.> the following: <The commissioner's
 1 4 approval of any of the materials shall not be a
 1 5 defense or otherwise preclude a civil action for
 1 6 fraud.>
 1 7 #2. Page 22, line 16, by inserting after the word
 1 8 <duties.> the following: <All examination reports,
 1 9 working papers, recorded information, documents, and
 1 10 their copies produced by, obtained by, or disclosed to
 1 11 the commissioner or any other person in the course of
 1 12 an examination made under this chapter, or in the
 1 13 course of an analysis or investigation by the
 1 14 commissioner of the financial condition or market
 1 15 conduct of a licensee shall be privileged and
 1 16 confidential in any judicial or administrative
 1 17 proceeding except for any of the following:
 1 18 (1) An administrative proceeding brought by the
 1 19 insurance division under chapter 17A.
 1 20 (2) A judicial review proceeding under chapter 17A
 1 21 brought by an insurer to whom the records relate.
 1 22 (3) An action or proceeding which arises out of
 1 23 the criminal provisions of the laws of this state or
 1 24 the United States.>
 1 25 #3. Page 23, by striking lines 2 through 8.
 1 26 #4. Page 26, line 7, by inserting after the word
 1 27 <performed> the following: <reasonably and>.
 1 28 #5. Page 26, line 14, by inserting after the word
 1 29 <performed> the following: <reasonably and>.
 1 30 #6. Page 26, by striking lines 19 through 27.
 1 31 #7. Page 50, line 1, by striking the words
 1 32 <person's furnishing> and inserting the following:
 1 33 <person, who acting reasonably and in good faith,
 1 34 furnishes>.
 1 35 #8. Page 50, line 22, by inserting after the word
 1 36 <made> the following: <in bad faith or>.
 1 37 #9. Page 50, line 28, by inserting after the words
 1 38 <did so> the following: <in bad faith or>.
 1 39 #10. By renumbering as necessary.
 1 40
 1 41
 1 42
 1 43 THOMAS RIELLY
 1 44 SF 2392.303 82
 1 45 da/rj/11165

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 2398 - Introduced

SENATE FILE
BY BEALL

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

A BILL FOR

1 An Act providing an individual income tax checkoff for the
2 spaying and neutering of dogs and cats, and providing an
3 appropriation and for the Act's implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6394XS 82
6 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 18, 2008

Senate File 2398 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 162.21 SPAYING AND NEUTERING OF
1 2 DOGS AND CATS COMMITTEE AND FUND.
1 3 1. a. A spaying and neutering of dogs and cats committee
1 4 is established. The committee shall consist of three members:
1 5 an animal warden appointed to a two-year term by the governor;
1 6 the executive director or executive director's designee of the
1 7 animal rescue league of Iowa; and a veterinarian appointed to
1 8 a two-year term by the president of the Iowa veterinary
1 9 medical association.
1 10 b. The committee shall determine the distribution of funds
1 11 to animal shelters and pounds for the purposes of spaying and
1 12 neutering dogs and cats. The committee shall distribute all
1 13 available funds each year, and present an annual report to the
1 14 general assembly and the governor by January 1 detailing how
1 15 the funds were distributed.
1 16 2. a. A spaying and neutering of dogs and cats fund is
1 17 created in the state treasury under the control of the spaying
1 18 and neutering of dogs and cats committee. The fund is
1 19 composed of moneys appropriated or available to and obtained
1 20 or accepted by the treasurer of state for deposit in the fund.
1 21 The fund shall include moneys transferred to the fund as
1 22 provided in section 422.12K. All interest earned on moneys in
1 23 the fund shall be credited to and remain in the fund. Section
1 24 8.33 does not apply to moneys in the fund.
1 25 b. Moneys in the fund as authorized by the committee for
1 26 expenditure are appropriated and shall be used for purposes
1 27 described in this section.
1 28 Sec. 2. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR
1 29 SPAYING AND NEUTERING OF ANIMALS FUND.
1 30 1. A person who files an individual or a joint income tax
1 31 return with the department of revenue under section 422.13 may
1 32 designate one dollar or more to be paid to the spaying and
1 33 neutering of dogs and cats fund created in section 162.21. If
1 34 the refund due is insufficient to pay the additional amount
1 35 designated by the taxpayer to the spaying and neutering of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 2398 - Introduced continued

2 1 dogs and cats fund, the amount designated shall be reduced to
2 2 the remaining amount remitted with the return. The
2 3 designation of a contribution to the spaying and neutering of
2 4 dogs and cats fund under this section is irrevocable.

2 5 2. The director of revenue shall draft the income tax form
2 6 to allow the designation of contributions to the spaying and
2 7 neutering of dogs and cats fund on the tax return. The
2 8 department of revenue, on or before January 31, shall transfer
2 9 the total amount designated on the tax return forms due in the
2 10 preceding calendar year to the spaying and neutering of dogs
2 11 and cats fund. However, before a checkoff pursuant to this
2 12 section shall be permitted, all liabilities on the books of
2 13 the department of revenue and accounts identified as owing
2 14 under section 8A.504 and the political contribution allowed
2 15 under section 68A.601 shall be satisfied.

2 16 3. The spaying and neutering of dogs and cats committee
2 17 shall authorize payment of moneys from the spaying and
2 18 neutering of dogs and cats fund, in accordance with section
2 19 162.21.

2 20 4. The department of revenue shall adopt rules to
2 21 administer this section.

2 22 5. This section is subject to repeal under section
2 23 422.12E.

2 24 Sec. 3. IMPLEMENTATION. The checkoff created in this Act
2 25 is eligible for placement on the individual income tax return
2 26 form commencing with the tax year beginning January 1, 2009,
2 27 provided the conditions for placement on the return form set
2 28 out in section 422.12E are met.

2 29 EXPLANATION

2 30 This bill provides that taxpayers filing individual income
2 31 tax returns will be allowed to designate \$1 or more on the
2 32 return to be paid to the spaying and neutering of dogs and
2 33 cats fund created in Code section 162.21. The bill requires
2 34 the department of revenue to annually remit moneys collected
2 35 from the checkoff to the fund. Moneys in the fund shall be



**Iowa General Assembly
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Senate File 2398 - Introduced continued

3 1 used by the spaying and neutering of dogs and cats committee,
3 2 as described in Code section 162.21. The committee shall
3 3 distribute all the moneys available each year and prepare an
3 4 annual report for the general assembly and the governor
3 5 explaining how the moneys were distributed.
3 6 The bill provides that the checkoff is eligible for
3 7 placement on the individual income tax return for the tax year
3 8 beginning January 1, 2009, provided the conditions for
3 9 placement of multiple checkoffs on the return form set out in
3 10 Code section 422.12E are met.
3 11 LSB 6394XS 82
3 12 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 18, 2008

Senate Resolution 117 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY LUNDBY
1 3 A Resolution celebrating the 100th birthday of the
1 4 United States Army Reserve, honoring the commitment,
1 5 dedication, and service to America, and wishing for
1 6 its continued support to our soldiers.
1 7 WHEREAS, in 1908, the nation's leaders, knowing
1 8 that the most up-to-date medical experience resided in
1 9 the civilian sector, created the first reservoir of
1 10 trained officers in a reserve status known as the
1 11 Medical Reserve Corps; and
1 12 WHEREAS, today, over 67 percent of the Army's
1 13 medical assets lie within the Army Reserve; and
1 14 WHEREAS, in 1916, Congress passed the National
1 15 Defense Act, creating the Officers' Reserve Corps, the
1 16 Enlisted Reserve Corps, and the Reserve Officers'
1 17 Training Corps, later named the Organized Reserve
1 18 Corps (ORC), all of which are forerunners of the
1 19 current Army Reserve; and
1 20 WHEREAS, in World War I, 89,500 reserve officers
1 21 were mobilized and during World War II, 200,000
1 22 members of the ORC participated, with reserve officers
1 23 providing 29 percent of the Army's officers; and
1 24 WHEREAS, in 1952, legislation renamed the ORC as
1 25 the Army Reserve and then divided it into three
1 26 reserves, a Ready Reserve, a Standby Reserve, and a
1 27 Retired Reserve, and also provided reserve units with
1 28 24 initial training days and up to 17 days of annual
1 29 training; and
1 30 WHEREAS, the Army Reserve has been an integral part



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Senate Resolution 117 - Introduced continued

2 1 of numerous conflicts with more than 70 Army Reserve
2 2 units deployed to the Korean Peninsula, more than
2 3 84,000 soldiers providing combat support and combat
2 4 service support during Operation Desert Shield/Storm,
2 5 and others providing support in Somalia, Haiti,
2 6 Bosnia, Kosovo, Operation Enduring Freedom, Operation
2 7 Noble Eagle, and Operation Iraqi Freedom; and
2 8 WHEREAS, the role of the Army Reserve has changed
2 9 over time, moving from a Strategic Reserve to an
2 10 Operational Force, providing resources and training to
2 11 first-responder organizations across the nation,
2 12 training soldiers, implementing national objectives,
2 13 keeping the Army mobile, and enabling the Army to do
2 14 more with fewer resources; and
2 15 WHEREAS, the Army Reserve makes up 20 percent of
2 16 the Army's organized units, but provides one-half of
2 17 the Army's combat support and one-fourth of its
2 18 mobilization base expansion capabilities; NOW
2 19 THEREFORE,
2 20 BE IT RESOLVED BY THE SENATE, That the members of
2 21 the Senate, by this resolution, celebrate the 100th
2 22 birthday of the United States Army Reserve, honor its
2 23 service to America, and wish them another century of
2 24 continued support.
2 25 LSB 5758SS 82
2 26 jr/rj/8



**Iowa General Assembly
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Senate Resolution 118 - Introduced continued

2 1 2007 Pan American Games, and winning the 2007 Visa
2 2 National Championships; and
2 3 WHEREAS, in September 2007, along with teammates
2 4 Nastia Liukin, Shayla Worley, Alicia Sacramone, Ivana
2 5 Hong, and Samantha Peszek, Ms. Johnson placed first in
2 6 the team competition in the 40th World Artistic
2 7 Gymnastics Championships held in Stuttgart, Germany,
2 8 and individually placed first in the all-around and
2 9 the floor competition; and
2 10 WHEREAS, as the 2007 World All-Around Champion, Ms.
2 11 Johnson is now training in the hope of joining the
2 12 United States women's gymnastic team at the 2008
2 13 Beijing Olympics; NOW THEREFORE,
2 14 BE IT RESOLVED BY THE SENATE, That on behalf of all
2 15 Iowans, the Senate honors Shawn Johnson, a remarkable
2 16 young athlete whose dedication, skill, poise, and
2 17 grace have taken her to the world stage and will take
2 18 her farther still in the future.
2 19 LSB 5127SS 82
2 20 jr/rj/5.2



Iowa General Assembly
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March 18, 2008

Senate Study Bill 3285

SENATE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to energy independence initiatives, specifying
- 2 procedures applicable to Iowa power fund applications,
- 3 authorizing allocations from the fund, authorizing increased
- 4 allocations for administrative costs, and providing an
- 5 effective date and applicability provision.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLBS 6604SC 82
- 8 rn/nh/8



Iowa General Assembly
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Senate Study Bill 3285 continued

PAG LIN

1 1 Section 1. Section 22.7, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 60. Information possessed by the office
1 4 of energy independence, the Iowa power fund board, or the due
1 5 diligence committee associated with the office and the board,
1 6 relating to a prospective applicant with which the office,
1 7 board, or committee is currently negotiating, or an award
1 8 recipient, to the extent authorized pursuant to section 469.6,
1 9 subsection 6.

1 10 Sec. 2. Section 469.6, subsection 5, paragraph d, Code
1 11 Supplement 2007, is amended to read as follows:

1 12 d. Direct moneys from the fund to be used to purchase
1 13 private or public technical assistance needed to conduct due
1 14 diligence activities, to facilitate a technical, scientific,
1 15 or financial review relating to an application for financial
1 16 assistance to the extent not financed by the applicant and if
1 17 recommended by the due diligence committee, and to develop an
1 18 Iowa energy independence plan, pursuant to section 469.10,
1 19 subsection 3A. Other than applicant financing of a technical,
1 20 scientific, or financial review of an application for
1 21 financial assistance if agreed to by an applicant and the due
1 22 diligence committee, an application fee shall not be imposed.

1 23 Sec. 3. Section 469.6, Code Supplement 2007, is amended by
1 24 adding the following new subsection:

1 25 NEW SUBSECTION. 6. a. In establishing guidelines,
1 26 procedures, and policies for the awarding of financial
1 27 assistance, the board shall give due regard to the
1 28 confidentiality of certain information disclosed during the
1 29 financial assistance application process and the contract
1 30 administration process.

1 31 b. All information contained in an application for
1 32 financial assistance submitted to the board shall remain
1 33 confidential while the board is reviewing the application,
1 34 processing requests for confidentiality, negotiating with the
1 35 applicant, and preparing the application for consideration by



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Senate Study Bill 3285 continued

2 1 the board. After the board has considered a request for
2 2 confidentiality, any information not deemed confidential by
2 3 the board shall be made publicly available. Any information
2 4 deemed confidential by the board shall also be kept
2 5 confidential by the office and board during administration of
2 6 a contract executed pursuant to a successful application.
2 7 c. The board shall consider the written request of an
2 8 applicant or award recipient to keep confidential certain
2 9 details of an application, a contract, or the materials
2 10 submitted in support of an application or a contract. If the
2 11 request includes a sufficient explanation as to why the public
2 12 disclosure of such details would give an unfair advantage to
2 13 competitors, the board may keep certain details confidential.
2 14 If the board elects to keep certain details confidential, the
2 15 board shall release only the nonconfidential details in
2 16 response to a request for records pursuant to chapter 22. If
2 17 confidential details are withheld from a request for records
2 18 pursuant to chapter 22, the board shall release an explanation
2 19 of why the information was deemed confidential and a summary
2 20 of the nature of the information withheld. In considering
2 21 requests for confidential treatment, the board shall narrowly
2 22 construe the provisions of this paragraph and paragraphs "a",
2 23 "b", "d", and "e" in order to appropriately balance an
2 24 applicant's need for confidentiality against the public's
2 25 right to information about the board's activities.
2 26 d. If a request for confidentiality is denied by the
2 27 board, an applicant may withdraw an application and any
2 28 supporting materials, and the board shall not retain any
2 29 copies of the application. Upon notice that an application
2 30 has been withdrawn, the board shall not release a copy in
2 31 response to a request for records pursuant to chapter 22.
2 32 e. The board shall adopt by rule a process for considering
2 33 requests to keep information confidential pursuant to this
2 34 paragraph and paragraphs "a" through "d". The board may adopt
2 35 emergency rules pursuant to chapter 17A. The rules shall



Iowa General Assembly
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Senate Study Bill 3285 continued

3 1 include a reasonable period of time for keeping information
3 2 confidential. At the end of such period of time, the board
3 3 may reevaluate its decision to keep information confidential.
3 4 When reevaluating a decision to keep information confidential,
3 5 the board shall use the same standard used to make the initial
3 6 decision. The rules shall also include criteria for guiding
3 7 the board's decisions about the confidential treatment of
3 8 applicant information. The criteria may include, but are not
3 9 limited to the following:

3 10 (1) The nature and extent of competition in the
3 11 applicant's industry sector.

3 12 (2) The likelihood of adverse financial impact to the
3 13 applicant if the information were to be released.

3 14 (3) The risk that the applicant would locate in another
3 15 state if the request is denied.

3 16 (4) Any other factor the board reasonably considers
3 17 relevant.

3 18 Sec. 4. Section 469.10, subsection 1, Code Supplement
3 19 2007, is amended to read as follows:

3 20 1. There is appropriated from the general fund of the
3 21 state to the office of energy independence for each fiscal
3 22 year of the fiscal period beginning July 1, 2008, and ending
3 23 June 30, 2011, the sum of twenty-five million dollars to be
3 24 used for awarding grants and making loans from the Iowa power
3 25 fund, and for all other purposes specified in and consistent
3 26 with this subchapter.

3 27 Sec. 5. Section 469.10, subsection 2, Code Supplement
3 28 2007, is amended to read as follows:

3 29 2. Of the moneys appropriated to the office and deposited
3 30 in the fund, the office shall utilize up to ~~one and~~
~~3 31 five-tenths~~ five percent of the amount appropriated from the
3 32 fund for a fiscal year for administrative costs. From the
3 33 funds available for administrative costs, the office shall not
3 34 employ more than four full-time equivalent positions.

3 35 Sec. 6. Section 469.10, Code Supplement 2007, is amended



**Iowa General Assembly
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Senate Study Bill 3285 continued

4 1 by adding the following new subsection:

4 2 NEW SUBSECTION. 3A. Of the moneys appropriated to the
4 3 office and deposited in the fund, the board may make
4 4 allocations for the purchase of private or public technical
4 5 assistance needed to conduct due diligence activities, to
4 6 facilitate a technical, scientific, or financial review
4 7 relating to an application for financial assistance to the
4 8 extent not financed by the applicant and if recommended by the
4 9 due diligence committee, and to develop an Iowa energy
4 10 independence plan, in amounts and in instances as approved by
4 11 the due diligence committee.

4 12 Sec. 7. 2007 Iowa Acts, chapter 209, section 2, is amended
4 13 to read as follows:

4 14 SEC. 2. IOWA POWER FUND. There is appropriated from the
4 15 general fund of the state to the office of energy
4 16 independence, if enacted by 2007 Iowa Acts, House File 918, or
4 17 its successor, for the fiscal year beginning July 1, 2006, and
4 18 ending June 30, 2007, the following amount, or so much thereof
4 19 as is necessary, to be used for the purposes designated:

4 20 For deposit in the Iowa power fund, if enacted by 2007 Iowa
4 21 Acts, House File 918, or its successor, to be used for
4 22 awarding grants and making loans from the Iowa power fund, and
4 23 for all other purposes specified in and consistent with the
4 24 provisions of House File 918, or its successor:

4 25 \$ 24,670,000

4 26 1. Of the moneys appropriated to the office and deposited
4 27 in the fund, the office shall utilize up to one and
4 28 five-tenths percent of the amount appropriated from the fund
4 29 for administrative purposes.

4 30 2. Of the moneys appropriated to the office and deposited
4 31 in the fund, there shall be allocated two million five hundred
4 32 thousand dollars to the department of economic development for
4 33 deposit into the workforce training and economic development
4 34 funds of the community colleges created pursuant to section
4 35 260C.18A. Of the funds so deposited into the workforce



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Senate Study Bill 3285 continued

5 1 training and economic development funds of the community
5 2 colleges, two million five hundred thousand dollars shall be
5 3 used each year in the development and expansion of energy
5 4 industry areas and for the department's north American
5 5 industrial classification system for targeted industry areas
5 6 established pursuant to section 260C.18A.

5 7 2A. Of the moneys appropriated to the office and deposited
5 8 in the fund, the board may allocate moneys for the purchase of
5 9 private or public technical assistance needed to conduct due
5 10 diligence activities, to facilitate a technical, scientific,
5 11 or financial review relating to an application for financial
5 12 assistance to the extent not financed by the applicant and if
5 13 recommended by the due diligence committee, and to develop an
5 14 Iowa energy independence plan.

5 15 3. Notwithstanding section 8.33, amounts appropriated
5 16 pursuant to this section shall not revert but shall remain
5 17 available for the purposes designated for the following fiscal
5 18 year. Notwithstanding section 12C.7, subsection 2, interest
5 19 or earnings on moneys in the funds shall be credited to the
5 20 fund.

5 21 Sec. 8. APPLICABILITY. The section of this Act amending
5 22 section 22.7, relating to an exception to the open records
5 23 law, and enacting section 469.6, subsection 6, relating to
5 24 board determination of confidentiality upon a request for
5 25 records pursuant to chapter 22, shall apply to requests in
5 26 relation to applications that are in process on the effective
5 27 date of this Act.

5 28 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
5 29 immediate importance, takes effect upon enactment.

5 30 EXPLANATION

5 31 This bill relates to energy independence initiatives,
5 32 specifying procedures applicable to applications for
5 33 distributions from the Iowa power fund, and modifying
5 34 provisions regarding authorized allocations from the fund.

5 35 The bill provides with reference to the duties of the Iowa



**Iowa General Assembly
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Senate Study Bill 3285 continued

6 1 power fund board that the board may direct moneys from the
6 2 fund to facilitate a technical, scientific, or financial
6 3 review relating to an application to the extent that such a
6 4 review is not financed by an applicant and if utilizing the
6 5 funds for this purpose is recommended by the due diligence
6 6 committee. The bill states that beyond applicant financing of
6 7 such a review if agreed to by an applicant and the board, no
6 8 application fee for fund distribution applications will be
6 9 imposed. Utilization of fund moneys for this purpose,
6 10 together with currently authorized expenditures by the board
6 11 for the purchase of private or public technical assistance
6 12 needed to conduct due diligence activities and to develop an
6 13 Iowa energy independence plan, is added as an authorized
6 14 allocation from amounts appropriated to the fund pursuant to
6 15 Code section 469.10. More generally, the bill provides that
6 16 allocations of appropriated amounts may be made for all
6 17 purposes specified in and consistent with the subchapter of
6 18 the Code relating to the office of energy independence, the
6 19 power fund board, the due diligence committee, the power fund,
6 20 and related provisions.

6 21 The bill accomplishes the foregoing by amending Code
6 22 section 469.6, relating to the duties of the Iowa power fund
6 23 board, by amending Code section 469.10, subsection 1,
6 24 regarding appropriations for the fiscal period beginning July
6 25 1, 2008, and ending June 30, 2011, and amending the 2007 Iowa
6 26 Acts for the one-year appropriation beginning July 1, 2006,
6 27 and ending June 30, 2007.

6 28 The bill also provides an exception from open records law
6 29 provisions of Code chapter 22, for information possessed by
6 30 the office of energy independence, the Iowa power fund board,
6 31 and the due diligence committee associated with the office and
6 32 the board relating to a prospective applicant with which the
6 33 office, board, or committee is currently negotiating, or an
6 34 award recipient, to the extent authorized by the board. In
6 35 connection with this exception, the bill provides that all



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Senate Study Bill 3285 continued

7 1 information contained in an application for financial
7 2 assistance submitted to the board shall remain confidential
7 3 while the board is reviewing an application, processing
7 4 confidentiality requests, negotiating with an applicant, and
7 5 preparing an application for consideration. The bill further
7 6 provides that the board shall consider a written request by an
7 7 applicant or award recipient to keep certain details of an
7 8 application, contract, or supporting materials confidential,
7 9 and may honor that request if convinced that public disclosure
7 10 may give an unfair advantage to competitors. In that event,
7 11 the board will only make publicly available information not
7 12 deemed confidential by the board, and shall release an
7 13 explanation of why certain information is deemed confidential
7 14 and a summary of the nature of the withheld information. If a
7 15 request for confidentiality is denied, an applicant may
7 16 withdraw an application and supporting materials, and the
7 17 board shall not retain a copy or release any material in
7 18 response to an open records request. The bill directs the
7 19 board by rule to develop a process for considering
7 20 confidentiality requests, confers emergency rulemaking
7 21 authority on the board, and requires the board to determine a
7 22 reasonable time frame for maintaining the confidential status
7 23 of materials deemed such, after which the board may reevaluate
7 24 the determination of confidentiality. The bill also specifies
7 25 criteria the board may use in making confidentiality
7 26 determinations.
7 27 Additionally, the bill increases the amount the office is
7 28 authorized to utilize for administrative costs from amounts
7 29 appropriated to the fund for a fiscal year from 1.5 percent to
7 30 5 percent.
7 31 The bill takes effect upon enactment.
7 32 LSB 6604SC 82
7 33 rn/nh/8



Iowa General Assembly
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March 18, 2008

Senate Study Bill 3286

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to wage payment collection and employment
- 2 classification issues arising between employers and
- 3 individuals who provide services to employers and including an
- 4 appropriation and an effective date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 6589SC 82
- 7 ak/rj/8



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1 1 DIVISION I
1 2 WAGE PAYMENT COLLECTION
1 3 Section 1. Section 91A.2, subsection 3, unnumbered
1 4 paragraph 1, Code 2007, is amended to read as follows:
1 5 "Employee" means a natural person who is employed in this
1 6 state ~~for wages~~ by an employer, including a natural person who
1 7 is in receipt of or is entitled to any compensation for labor
1 8 performed for any employer. Whether a natural person who
1 9 performs labor is an employee or an independent contractor
1 10 shall be determined according to the standards of the federal
1 11 Fair Labor Standards Act; however, the burden of proof shall
1 12 be on the party for whom the work is performed to show
1 13 independent contractor status by clear and convincing
1 14 evidence. Employee also includes a commission salesperson who
1 15 takes orders or performs services on behalf of a principal and
1 16 who is paid on the basis of commissions but does not include
1 17 persons who purchase for their own account for resale. For
1 18 the purposes of this chapter, the following persons engaged in
1 19 agriculture are not employees:
1 20 Sec. 2. Section 91A.2, subsection 4, Code 2007, is amended
1 21 to read as follows:
1 22 4. "Employer" means a person, ~~as defined in chapter 4, who~~
1 23 ~~in this state employs for wages a natural person. An employer~~
1 24 ~~does not include a client, patient, customer, or other person~~
1 25 ~~who obtains professional services from a licensed person who~~
1 26 ~~provides the services on a fee service basis or as an~~
1 27 ~~independent contractor~~ firm or corporation, agent, manager,
1 28 representative, contractor, subcontractor, or principal, or
1 29 other person acting directly or indirectly in the interest of
1 30 an employer to suffer or permit a natural person to work.
1 31 Sec. 3. Section 91A.6, subsections 1 and 2, Code 2007, are
1 32 amended to read as follows:
1 33 1. An employer shall ~~after being notified by the~~
1 34 ~~commissioner pursuant to subsection 2~~ do the following:
1 35 a. Notify its employees in writing at the time of hiring



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2 1 what wages and regular paydays are designated by the employer.
2 2 b. Notify, at least one pay period prior to the initiation
2 3 of any changes, its employees of any changes in the
2 4 arrangements specified in this subsection ~~1~~ that reduce wages
2 5 or alter the regular paydays. The notice shall either be in
2 6 writing or posted at a place where employee notices are
2 7 routinely posted.

2 8 c. Make available to its employees upon written request, a
2 9 written statement enumerating employment agreements and
2 10 policies with regard to vacation pay, sick leave,
2 11 reimbursement for expenses, retirement benefits, severance
2 12 pay, or other comparable matters with respect to wages.
2 13 Notice of such availability shall be given to each employee in
2 14 writing or by a notice posted at a place where employee
2 15 notices are routinely posted.

2 16 d. Establish, maintain, and preserve for three calendar
2 17 years the payroll records showing the hours worked, wages
2 18 earned, and deductions made for each employee and any
2 19 employment agreements entered into between an employer and
2 20 employee. Failure to do so shall raise a rebuttable
2 21 presumption that the employer did not pay the required minimum
2 22 wage under section 91D.1.

~~2 23 2. The commissioner shall notify an employer to comply
2 24 with subsection 1 if the employer has paid a claim for unpaid
2 25 wages or nonreimbursed authorized expenses and liquidated
2 26 damages under section 91A.10 or if the employer has been
2 27 assessed a civil money penalty under section 91A.12. However,
2 28 a court may, when rendering a judgment for wages or
2 29 nonreimbursed authorized expenses and liquidated damages or
2 30 upholding a civil money penalty assessment, order that an
2 31 employer shall not be required to comply with the provisions
2 32 of subsection 1 or that an employer shall be required to
2 33 comply with the provisions of subsection 1 for a particular
2 34 period of time.~~

2 35 Sec. 4. Section 91A.8, Code 2007, is amended to read as



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3 1 follows:

3 2 91A.8 VIOLATIONS BY EMPLOYER, DAMAGES RECOVERABLE BY AN
3 3 EMPLOYEE.

3 4 1. A violation of this chapter shall occur any week when
3 5 an individual employee was not paid the legally required wages
3 6 under this chapter, state taxes were not withheld, or in the
3 7 case of improper discharge, discrimination, or retaliation
3 8 against an employee, every week after the improper discharge,
3 9 discrimination, or retaliation has occurred until compensation
3 10 is finally made.

3 11 2. When it has been shown that an employer has
3 12 intentionally failed to pay an employee wages or reimburse
3 13 expenses pursuant to section 91A.3, whether as the result of a
3 14 wage dispute or otherwise, the employer shall be liable to the
3 15 employee for any wages or expenses that are so intentionally
3 16 failed to be paid or reimbursed, plus liquidated damages,
3 17 court costs, and any attorney's attorney fees incurred in
3 18 recovering the unpaid wages and determined to have been usual
3 19 and necessary. In other instances the employer shall be
~~3 20 liable only for unpaid wages or expenses, court costs and~~
~~3 21 usual and necessary attorney's fees incurred in recovering the~~
~~3 22 unpaid wages or expenses.~~

3 23 Sec. 5. Section 91A.9, subsection 2, Code 2007, is amended
3 24 to read as follows:

3 25 2. The commissioner may, consistent with due process of
3 26 law, enter any place of employment to inspect records
3 27 concerning wages and payrolls, to question the employer and
3 28 employees, and to investigate such facts, conditions, or
3 29 matters as are deemed appropriate in determining whether any
3 30 person has violated the provisions of this chapter. ~~However,~~
~~3 31 such entry by the commissioner shall only be in response to a~~
~~3 32 written complaint. The name of any employee identified in a~~
3 33 complaint to the commissioner shall be kept confidential. If
3 34 the commissioner determines that an employee's name must be
3 35 disclosed in order to investigate a complaint further, the



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4 1 commissioner may do so only with the employee's consent.
4 2 Sec. 6. Section 91A.10, subsection 5, Code 2007, is
4 3 amended to read as follows:
4 4 5. ~~An employer shall not discharge or in any other manner~~
4 5 ~~discriminate against any employee because the employee has~~
4 6 ~~filed a complaint, assigned a claim, or brought an action~~
4 7 ~~under this section or has cooperated in bringing any action~~
4 8 ~~against an employer. An employer or other person shall not~~
4 9 ~~discharge or in any other manner discriminate or retaliate~~
4 10 ~~against an employee or other person for exercising any right~~
4 11 ~~provided under this chapter or any rules adopted pursuant to~~
4 12 ~~this chapter, or against another employee or person for~~
4 13 ~~providing assistance to an employee or providing information~~
4 14 ~~regarding the employee or person, or for testifying or~~
4 15 ~~planning to testify in any investigation or proceeding~~
4 16 ~~regarding the employee or person. Taking adverse action~~
4 17 ~~against an employee or other person within ninety days of an~~
4 18 ~~employee's or other person's engaging in the foregoing~~
4 19 ~~activities raises a presumption that such action was~~
4 20 ~~retaliation, which may be rebutted by clear and convincing~~
4 21 ~~evidence that such action was taken for other permissible~~
4 22 ~~reasons. Any employee may file a complaint with the~~
4 23 ~~commissioner alleging discharge, ~~or~~ discrimination, or~~
4 24 ~~retaliation within thirty days after such violation occurs.~~
4 25 Upon receipt of the complaint, the commissioner shall cause an
4 26 investigation to be made to the extent deemed appropriate. If
4 27 the commissioner determines from the investigation that the
4 28 provisions of this subsection have been violated, the
4 29 commissioner shall bring an action in the appropriate district
4 30 court against such person. The district court shall have
4 31 jurisdiction, for cause shown, to restrain violations of this
4 32 subsection and order all appropriate relief including rehiring
4 33 or reinstatement of the employee to the former position with
4 34 back pay.
4 35 Sec. 7. Section 91A.10, Code 2007, is amended by adding



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5 1 the following new subsection:

5 2 NEW SUBSECTION. 6. A civil action to enforce this section
5 3 may also be maintained in any court of competent jurisdiction
5 4 by the commissioner or by any party injured by a violation of
5 5 this section. An employer or other person who retaliates
5 6 against an employee or other person in violation of this
5 7 section shall be required to pay the person an amount set by
5 8 the commissioner or a court sufficient to compensate the
5 9 employee or other person and deter future violations, but not
5 10 less than one hundred fifty dollars for each day that the
5 11 violation continued.

5 12 Sec. 8. Section 91A.12, subsection 1, Code 2007, is
5 13 amended to read as follows:

5 14 1. Any employer who violates the provisions of this
5 15 chapter or the rules ~~promulgated under it~~ adopted pursuant to
5 16 this chapter shall be subject to a civil money penalty of not
5 17 more than ~~one~~ five hundred dollars for each violation. The
5 18 commissioner may recover such civil money penalty according to
5 19 the provisions of subsections 2 ~~to~~ through 5. Any civil money
5 20 penalty recovered shall be ~~deposited in the general fund of~~
5 21 ~~the state~~ deposited in the fund created in section 91A.12A and
5 22 dedicated to enforcement of this chapter.

5 23 Sec. 9. NEW SECTION. 91A.12A WAGE PAYMENT COLLECTION
5 24 FUND.

5 25 1. A wage payment collection fund is created in the state
5 26 treasury under the control of the division of labor services
5 27 of the department of workforce development for the purpose of
5 28 providing funding to support enforcement of this chapter.
5 29 Moneys in the fund are appropriated to the division for the
5 30 purposes described in this chapter.

5 31 2. Notwithstanding section 12C.7, subsection 2, interest
5 32 or earnings on moneys deposited in the wage payment collection
5 33 fund shall be credited to the wage payment collection fund.
5 34 Notwithstanding section 8.33, moneys appropriated to and
5 35 moneys remaining in the wage payment collection fund at the



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6 1 end of a fiscal year shall not revert to the general fund of
6 2 the state.

6 3 Sec. 10. NEW SECTION. 91A.15 TRANSPORTATION PROHIBITION.

6 4 1. It shall be unlawful for any person to transport, offer
6 5 for transportation, ship, deliver, or sell in commerce, or to
6 6 ship, deliver, or sell with knowledge that shipment or
6 7 delivery or sale thereof in commerce is intended, any goods in
6 8 the production of which any employee was employed in violation
6 9 of this chapter, or in violation of any rules adopted or order
6 10 of the commissioner issued under this chapter.

6 11 2. a. This chapter does not impose any liability upon any
6 12 common carrier for the transportation in commerce in the
6 13 regular course of its business of any goods not produced by
6 14 such common carrier.

6 15 b. This section does not excuse any common carrier from
6 16 its obligation to accept any goods for transportation.

6 17 3. Any transportation, offer, shipment, delivery, or sale
6 18 of goods by a purchaser who acquired the goods in good faith
6 19 in reliance on written assurance from the producer that the
6 20 goods were produced in compliance with the requirements of
6 21 this chapter, and who acquired such goods for value without
6 22 notice of any such violation, shall not be deemed unlawful.

6 23 4. The division, any aggrieved employee, or any employer
6 24 or organization suffering unfair competition from the sale or
6 25 transport of such illegal goods may seek injunctive relief to
6 26 stop such sale or transport. A prevailing plaintiff is
6 27 entitled to recover the costs of the suit and reasonable
6 28 attorney fees.

6 29 Sec. 11. NEW SECTION. 91A.16 LIABILITY OF SHAREHOLDERS.

6 30 The ten largest shareholders, as determined by the fair
6 31 value of their beneficial interest as of the beginning of the
6 32 period during which the unpaid services referred to in this
6 33 chapter are performed, of a corporation other than an
6 34 investment company registered under the federal Investment
6 35 Company Act of 1940, no shares of which are listed on a



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7 1 national securities exchange or regularly quoted in an
7 2 over-the-counter market by one or more member of a national or
7 3 an affiliated securities association, shall jointly and
7 4 severally, be personally liable for all debts, wages, or
7 5 salaries due and owing to any of the employees for services
7 6 performed by the employees for such corporation. Civil action
7 7 may be brought against a shareholder liable for wages due
7 8 under this chapter instead of or and in addition to the
7 9 employer.

7 10 DIVISION II

7 11 EMPLOYEE CLASSIFICATION

7 12 Sec. 12. NEW SECTION. 91G.1 PURPOSE.

7 13 The purpose of this chapter is to address the practice of
7 14 misclassifying employees as independent contractors.

7 15 Sec. 13. NEW SECTION. 91G.2 DEFINITIONS.

7 16 1. "Commissioner" means the labor commissioner appointed
7 17 pursuant to section 91.2 or the labor commissioner's designee.

7 18 2. "Construction" means any constructing, altering,
7 19 reconstructing, repairing, rehabilitating, refinishing,
7 20 refurbishing, remodeling, remediating, renovating, custom
7 21 fabricating, maintenance, landscaping, improving, wrecking,
7 22 painting, decorating, demolishing, and adding to or
7 23 subtracting from any building, structure, airport facility,
7 24 highway, roadway, street, alley, bridge, sewer, drain, ditch,
7 25 sewage disposal plant, water works, parking facility,
7 26 railroad, excavation or other project, development, real
7 27 property, or improvement, or to do any part thereof, whether
7 28 or not the performance of the work described in this
7 29 subsection involves an addition to, or fabrication into, any
7 30 structure, project, development, real property, or improvement
7 31 described in this subsection of any material or article of
7 32 merchandise.

7 33 3. "Contractor" means any person, as defined in section
7 34 4.1, engaged in construction. "Contractor" includes general
7 35 contractors, subcontractors, and the state of Iowa and its



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8 1 officers, agencies, and political subdivisions.

8 2 4. "Division" means the division of labor services of the
8 3 department of workforce development.

8 4 5. "Interested party" means an individual performing
8 5 services for a contractor who alleges a violation of this
8 6 chapter.

8 7 6. "Performing services" means any constructing, altering,
8 8 reconstructing, repairing, rehabilitating, refinishing,
8 9 refurbishing, remodeling, remediating, renovating, custom
8 10 fabricating, maintenance, landscaping, improving, wrecking,
8 11 painting, decorating, demolishing, and adding to or
8 12 subtracting from any building, structure, airport facility,
8 13 highway, roadway, street, alley, bridge, sewer, drain, ditch,
8 14 sewage disposal plant, water works, parking facility,
8 15 railroad, excavation or other project, development, real
8 16 property, or improvement, or to do any part thereof, whether
8 17 or not the performance of the work described in this
8 18 subsection involves an addition to, or fabrication into, any
8 19 structure, project, development, real property, or improvement
8 20 described in this subsection of any material or article of
8 21 merchandise.

8 22 Sec. 14. NEW SECTION. 91G.3 STATUS OF INDIVIDUALS
8 23 PERFORMING SERVICES.

8 24 1. An individual performing services shall be classified
8 25 as an employee if all of the following conditions in relation
8 26 to a contractor apply:

8 27 a. The individual performs services under the control or
8 28 direction of the contractor.

8 29 b. The contractor is responsible for the payment of the
8 30 individual's wages.

8 31 c. The right to discharge or terminate the working
8 32 relationship lies between the individual and the contractor.

8 33 d. The contractor is the authority in charge of the work
8 34 or for whose benefit the work is being performed.

8 35 2. An individual classified as an employee under this



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9 1 section shall also be classified as an employee pursuant to
9 2 chapters 85, 85A, 85B, 88, 91A, and 96. A contractor commits
9 3 a violation of this chapter by not treating the individual so
9 4 classified under this chapter as an employee pursuant to
9 5 chapters 85, 85A, 85B, 88, 91A, and 96.

9 6 3. An individual who is an owner-operator as described in
9 7 section 85.61, subsection 11, and not deemed an employee under
9 8 that subsection shall not be classified as an employee under
9 9 this section.

9 10 Sec. 15. NEW SECTION. 91G.4 NOTICE OF LAW.

9 11 1. The commissioner shall create posters in both English
9 12 and Spanish summarizing the requirements of this chapter. The
9 13 English and Spanish versions of the poster shall be posted on
9 14 the division's internet site and on bulletin boards in the
9 15 workforce centers.

9 16 2. The commissioner shall provide the posters without
9 17 charge to contractors upon request.

9 18 3. If a contractor violates section 916.3 or 916.8 or
9 19 rules adopted pursuant to any of those sections, the
9 20 contractor shall post the English and Spanish versions of the
9 21 poster created by the commissioner. The posters shall be
9 22 posted in conspicuous locations at the places where notices to
9 23 employees are normally posted at each job site and office of
9 24 the contractor.

9 25 Sec. 16. NEW SECTION. 91G.5 ENFORCEMENT.

9 26 1. An interested party may file a complaint with the
9 27 commissioner alleging a violation of section 91G.3, 91G.4, or
9 28 91G.8 or rules adopted pursuant to any of those sections. An
9 29 interested party who makes a complaint when the interested
9 30 party knows such representation to be false commits a simple
9 31 misdemeanor.

9 32 2. The commissioner shall adopt rules pursuant to and
9 33 consistent with chapter 17A regarding investigations to
9 34 determine whether a contractor has violated any provisions of
9 35 this chapter or any rules adopted pursuant to this chapter.



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10 1 3. The commissioner shall enforce the provisions of this
10 2 chapter. The commissioner may conduct investigations in
10 3 connection with the administration and enforcement of this
10 4 chapter and may visit and inspect, at all reasonable times,
10 5 any places where individuals are performing services for a
10 6 contractor and may inspect, at all reasonable times, documents
10 7 related to the determination of whether an individual is an
10 8 employee under section 91G.3.

10 9 4. The commissioner and an employee of the commissioner
10 10 shall be indemnified for any damages and legal expenses
10 11 incurred as a result of the good-faith performance of the
10 12 employee's official duties under this chapter, in regard to
10 13 any claim for civil damages not specifically covered by the
10 14 Iowa tort claims Act, chapter 669.

10 15 5. The commissioner may compel by subpoena the attendance
10 16 and testimony of witnesses and the production of books,
10 17 payrolls, records, papers, and other evidence in an
10 18 investigation and may administer oaths to witnesses.

10 19 6. Upon the failure or refusal of any person to obey a
10 20 subpoena, the commissioner may petition a district court of
10 21 competent jurisdiction, and upon proper showing, the court may
10 22 enter an order compelling the witness to appear and testify or
10 23 produce documentary evidence. Failure to obey the court order
10 24 is punishable as contempt of court.

10 25 7. A determination by the commissioner as to whether a
10 26 violation of section 91G.3, 91G.4, or 91G.8 or rules adopted
10 27 pursuant to any of those sections has occurred shall be
10 28 considered final agency action under chapter 17A.

10 29 8. If the commissioner determines upon investigation that
10 30 a violation of section 91G.3, 91G.4, or 91G.8 or rules adopted
10 31 pursuant to any of those sections has occurred, the
10 32 commissioner may do any of the following:

10 33 a. Issue and cause to be served on any party an order to
10 34 cease and desist from any further violation.

10 35 b. Take affirmative or other action as deemed reasonable



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11 1 to eliminate the effect of any violation.

11 2 c. Collect the amount of any wages, salary, employment
11 3 benefits, or other compensation denied or lost to an
11 4 individual.

11 5 d. Assess any civil penalty allowed by this chapter.

11 6 e. Refer matters to the county attorney upon determining
11 7 that a criminal violation may have occurred.

11 8 9. Judicial review of any final agency action of the
11 9 commissioner taken pursuant to this section may be sought in
11 10 accordance with the terms of chapter 17A. If a petition for
11 11 judicial review is not filed within thirty days after service
11 12 of the determination of the commissioner, the commissioner's
11 13 determination shall be conclusive in connection with any
11 14 petition for enforcement filed by the commissioner and in such
11 15 case, the clerk of court, unless otherwise ordered by the
11 16 court, shall forthwith enter a decree enforcing the
11 17 commissioner's determination and shall transmit a copy of the
11 18 decree to the commissioner and the contractor named in the
11 19 petition.

11 20 10. A contractor shall not be liable under this chapter
11 21 for any other contractor's failure to properly classify
11 22 individuals.

11 23 11. In any civil action to enforce the provisions of this
11 24 chapter, the commissioner may be represented by an attorney
11 25 employed by the division or, at the commissioner's request, by
11 26 the attorney general.

11 27 Sec. 17. NEW SECTION. 91G.6 PENALTIES.

11 28 1. A contractor who violates section 91G.3, 91G.4, or
11 29 91G.8 or rules adopted pursuant to one of those sections is
11 30 subject to a civil penalty not to exceed one thousand two
11 31 hundred fifty dollars for a first violation as determined by
11 32 the commissioner. A contractor is subject to a civil penalty
11 33 not to exceed one thousand eight hundred seventy-five dollars
11 34 for a second violation occurring within six years of a first
11 35 violation as determined by the commissioner. A contractor



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12 1 shall be subject to a civil penalty not to exceed three
12 2 thousand one hundred twenty-five dollars for a third or
12 3 successive violation occurring within six years of a first
12 4 violation as determined by the commissioner.
12 5 2. A contractor who violates any provision of section
12 6 91G.3, 91G.4, or 91G.8 or rules adopted pursuant to one of
12 7 those sections commits a simple misdemeanor. A contractor who
12 8 commits such a second violation within six years of a first
12 9 violation commits a serious misdemeanor. A contractor who
12 10 commits such a third or subsequent violation within six years
12 11 of a first violation commits an aggravated misdemeanor.
12 12 3. A contractor who obstructs the commissioner, the
12 13 employee of the commission, or another person authorized to
12 14 inspect places where individuals are performing services for a
12 15 contractor is subject to a civil penalty not to exceed one
12 16 thousand eight hundred seventy-five dollars.
12 17 4. Each violation described in this section for each
12 18 individual and for each day the violation continues
12 19 constitutes a separate and distinct violation. In determining
12 20 the amount of a civil penalty, the commissioner shall consider
12 21 the appropriateness of the civil penalty to the contractor and
12 22 the gravity of the violation.
12 23 Sec. 18. NEW SECTION. 91G.7 STATE CONTRACT PROHIBITION.
12 24 For a second or subsequent violation of section 916.3 or
12 25 916.4 determined by the commissioner to have occurred within
12 26 six years of an earlier violation or for a first or subsequent
12 27 violation of section 91G.8, the commissioner shall add the
12 28 contractor's name to a list to be posted on the division's
12 29 internet site and notify the violating contractor of the
12 30 posting. A state contract shall not be awarded to a
12 31 contractor whose name appears on the list until three years
12 32 have elapsed from the date of the determination of the last
12 33 violation.
12 34 Sec. 19. NEW SECTION. 91G.8 RETALIATION.
12 35 1. A contractor or contractor's agent shall not retaliate



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13 1 through discharge or in any other manner against an individual
13 2 for any of the following:

13 3 a. Making a good-faith complaint to the commissioner or to
13 4 a state or federal agency regarding a violation of section
13 5 91G.3 or 91G.4.

13 6 b. Testifying or otherwise cooperating in an investigation
13 7 or proceeding under this chapter.

13 8 2. Such retaliation shall subject a contractor or
13 9 contractor's agent to civil penalties and a prohibition on
13 10 being awarded state contracts pursuant to this chapter and may
13 11 give rise to a private right of action.

13 12 Sec. 20. NEW SECTION. 91G.9 DISPOSITION OF PENALTIES.

13 13 Any penalties assessed and collected by the commissioner
13 14 pursuant to this chapter shall be deposited in the general
13 15 fund of the state.

13 16 Sec. 21. NEW SECTION. 91G.10 PRIVATE RIGHT OF ACTION.

13 17 1. An individual, who has not received compensatory
13 18 damages under section 91G.5, alleging a contractor's violation
13 19 of this chapter or a rule adopted pursuant to this chapter and
13 20 damages may file suit in district court against the
13 21 contractor, in the county where the alleged violation
13 22 occurred, or where any person who is party to the action
13 23 resides, without regard to exhaustion of any alternative
13 24 administrative remedies provided in this chapter. Actions may
13 25 be brought by one or more aggrieved individuals for and on
13 26 behalf of themselves and other individuals similarly situated.

13 27 2. If it is established that an individual has been
13 28 damaged through a proceeding under subsection 1 by a
13 29 contractor who has violated a provision of this chapter or a
13 30 rule adopted pursuant to this chapter, the individual shall be
13 31 entitled to collect the following:

13 32 a. The amount of any wages, salary, employment benefits,
13 33 or other compensation denied or lost to the individual due to
13 34 the violation or a retaliatory action, and court costs and
13 35 interest at the statutory rate from the date of filing.



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14 1 b. Punitive damages, not to exceed five times the amount
14 2 awarded in paragraph "a".

14 3 3. The right of a damaged individual to bring an action
14 4 under this section terminates five years from the date of the
14 5 alleged violation by the contractor.

14 6 Sec. 22. NEW SECTION. 91G.11 COOPERATION.

14 7 1. The commissioner, the division of the department of
14 8 workforce development that administers unemployment insurance
14 9 services, the division of workers' compensation, and the
14 10 department of revenue shall cooperate under this chapter by
14 11 sharing information concerning possible misclassification by a
14 12 contractor of one or more of the contractor's employees as
14 13 independent contractors.

14 14 2. Upon determining that a contractor misclassified one or
14 15 more employees as independent contractors in violation of this
14 16 chapter, the commissioner shall notify the division
14 17 administering unemployment insurance services, the division of
14 18 workers' compensation, and the department of revenue, each of
14 19 which shall investigate the contractor's compliance with
14 20 applicable laws.

14 21 3. Cooperation under this chapter shall be considered a
14 22 duty of office for the commissioner or the commissioner's
14 23 designee and the heads of the state agencies named in
14 24 subsection 1 or their designees. Failure to so cooperate
14 25 constitutes a violation of section 721.2, subsection 6.

14 26 Sec. 23. Section 84A.5, subsection 4, Code Supplement
14 27 2007, is amended to read as follows:

14 28 4. The division of labor services is responsible for the
14 29 administration of the laws of this state under chapters 88,
14 30 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91G, 92,
14 31 and 94A, and section 85.68. The executive head of the
14 32 division is the labor commissioner, appointed pursuant to
14 33 section 91.2.

14 34 Sec. 24. Section 85.61, subsection 11, paragraph b, Code
14 35 Supplement 2007, is amended to read as follows:



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15 1 b. (1) "Worker" or "employee" includes an inmate as
15 2 defined in section 85.59 and a person described in section
15 3 85.60.

15 4 (2) "Worker" or "employee" includes an individual who is
15 5 classified as an employee pursuant to section 91G.3.

15 6 Sec. 25. Section 86.45, subsection 2, Code 2007, is
15 7 amended by adding the following new paragraph:

15 8 NEW PARAGRAPH. j. To cooperate with the division of labor
15 9 services, the division of the department of workforce
15 10 development that administers unemployment insurance services,
15 11 and the department of revenue pursuant to chapter 91G by
15 12 sharing information concerning possible misclassification of
15 13 one or more employees as independent contractors.

15 14 Sec. 26. Section 88.3, subsection 4, Code 2007, is amended
15 15 to read as follows:

15 16 4. "Employee" means an employee of an employer who is
15 17 employed in a business of the employer. "Employee" also means
15 18 an inmate as defined in section 85.59, when the inmate works
15 19 in connection with the maintenance of the institution, in an
15 20 industry maintained in the institution, or while otherwise on
15 21 detail to perform services for pay. "Employee" also means a
15 22 volunteer involved in responses to hazardous waste incidences.
15 23 The employer of a volunteer is that entity which provides or
15 24 which is required to provide workers' compensation coverage
15 25 for the volunteer. "Employee" includes an individual who is
15 26 classified as an employee pursuant to section 91G.3.

15 27 Sec. 27. Section 91.4, subsection 5, Code Supplement 2007,
15 28 is amended to read as follows:

15 29 5. The director of the department of workforce
15 30 development, in consultation with the labor commissioner,
15 31 shall, at the time provided by law, make an annual report to
15 32 the governor setting forth in appropriate form the business
15 33 and expense of the division of labor services for the
15 34 preceding year, the number of disputes or violations processed
15 35 by the division and the disposition of the disputes or



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16 1 violations, and other matters pertaining to the division which
16 2 are of public interest, together with recommendations for
16 3 change or amendment of the laws in this chapter and chapters
16 4 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91G, 92,
16 5 and 94A, and section 85.68, and the recommendations, if any,
16 6 shall be transmitted by the governor to the first general
16 7 assembly in session after the report is filed.

16 8 Sec. 28. Section 91A.2, subsection 3, unnumbered paragraph
16 9 1, Code 2007, is amended to read as follows:

16 10 "Employee" means a natural person who is employed in this
16 11 state for wages by an employer. Employee also includes a
16 12 commission salesperson who takes orders or performs services
16 13 on behalf of a principal and who is paid on the basis of
16 14 commissions but does not include persons who purchase for
16 15 their own account for resale. "Employee" includes an
16 16 individual who is classified as an employee pursuant to
16 17 section 91G.3. For the purposes of this chapter, the

16 18 following persons engaged in agriculture are not employees:

16 19 Sec. 29. Section 96.11, Code Supplement 2007, is amended
16 20 by adding the following new subsection:

16 21 NEW SUBSECTION. 17. INTERAGENCY COOPERATION.

16 22 a. The director and the department shall cooperate with
16 23 the division of labor services, the division of workers'
16 24 compensation, and the department of revenue pursuant to
16 25 chapter 91G by sharing information concerning possible
16 26 misclassification of employees as independent contractors.

16 27 b. Cooperation under this chapter shall be considered a
16 28 duty of office for the heads of the state agencies named in
16 29 subsection 1 or their designees. Failure to so cooperate
16 30 constitutes a violation of section 721.2, subsection 6.

16 31 Sec. 30. Section 96.19, subsection 18, paragraph a,
16 32 subparagraph (2), Code 2007, is amended to read as follows:

16 33 (2) Any individual who, under the usual common law rules
16 34 applicable in determining the employer=employee relationship,
16 35 has the status of an employee, or any individual who is



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17 1 classified as an employee pursuant to section 91G.3, or

17 2 DIVISION III

17 3 SEVERABILITY AND EFFECTIVE DATE

17 4 Sec. 31. SEVERABILITY. The provisions of this Act are
17 5 severable in the manner provided by section 4.12.

17 6 Sec. 32. EFFECTIVE DATE. This Act takes effect January 1,
17 7 2009.

17 8 EXPLANATION

17 9 This bill relates to employers and individuals who perform
17 10 labor in wage payment collection and employment classification
17 11 areas.

17 12 DIVISION I. In Code section 91A.2, two definitions are
17 13 changed. "Employee" is amended to include a natural person
17 14 who is in receipt of or entitled to compensation for labor.
17 15 The definition includes a statement that the determination of
17 16 whether an individual is an employee or independent contractor
17 17 will be decided according to the federal Fair Labor Standards
17 18 Act. "Employer" is amended to specifically include some
17 19 entities.

17 20 Code section 91A.6(1) and (2) are amended to remove the
17 21 requirement that an employer has violated certain provisions
17 22 of Code chapter 91A and has been notified by the division of
17 23 labor services of the department of workforce development
17 24 before the employer is required to fulfill the requirements in
17 25 subsection 1 relating to employee wage and benefit
17 26 information. Additionally, Code section 91A.6(1)(d) is
17 27 amended to establish a rebuttable presumption that an employer
17 28 did not pay the minimum wage if the employer does not maintain
17 29 proper payroll records.

17 30 In Code section 91A.8(1), a violation of this Code chapter
17 31 occurs any week when an individual employee is not paid wages,
17 32 state taxes are not withheld, in each week that an employee is
17 33 improperly discharged, discriminated against, or retaliated
17 34 against until compensation is made. In Code section 91A.8(2),
17 35 language that relates to the damages that an employer shall be



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18 1 liable for in other instances, is deleted.
18 2 Code section 91A.9(2) has two changes. The first is to
18 3 eliminate language limiting the commissioner to entry into a
18 4 place of employment only in response to a written complaint.
18 5 The second change is to add a requirement to keep any
18 6 employee's name in a complaint confidential. If it is
18 7 necessary to reveal an employee's name, the commissioner must
18 8 have the employee's consent.
18 9 Code section 91A.10(5), which is the subsection covering
18 10 retaliatory actions by employers or others, is expanded to
18 11 cover persons other than employees who act under this Code
18 12 chapter against an employee. A 90-day period is established
18 13 during which any action against an employee or other person is
18 14 rebuttably presumed to be retaliatory. New Code section
18 15 91A.10(6) is created to allow the commissioner to maintain a
18 16 civil action in any court of proper jurisdiction. An employer
18 17 who retaliates against an employee or other person shall
18 18 compensate the injured party an amount set by the commissioner
18 19 or the court, but not less than \$150 for each day of the
18 20 violation.
18 21 In new Code section 91A.12 and new Code section 91A.12A,
18 22 the civil penalty that the commissioner may assess is raised
18 23 to \$500 per violation and is deposited into the wage payment
18 24 collection fund, which is established in the state treasury.
18 25 The funds are appropriated to be used to assist in the
18 26 enforcement of Code chapter 91A.
18 27 New Code section 91A.15 prohibits knowingly transporting,
18 28 delivering, or selling, or offering to do the same of any
18 29 goods produced in violation of Code chapter 91A. This Code
18 30 section does not impose liability on a common carrier. Nor
18 31 does it prohibit a purchaser from accepting goods in good
18 32 faith with written assurance that the goods were produced
18 33 without violation. A party suffering unfair competition from
18 34 the sale or transport of illegal goods may seek injunctive
18 35 relief.



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19 1 New Code section 91A.16 establishes liability of
19 2 shareholders for wages owed to employees. The Code section
19 3 states that the 10 largest shareholders of every corporation
19 4 are jointly and severally personally liable for all debts,
19 5 wages, or salaries due to any corporation employees. A civil
19 6 action may be brought against a shareholder instead of or in
19 7 addition to the employer.
19 8 DIVISION II. This division of the bill creates new Code
19 9 chapter 91G and relates to the classification of individuals
19 10 as employees or independent contractors.
19 11 New Code section 91G.1 addresses the purpose of the Code
19 12 chapter.
19 13 New Code section 91G.2 includes definitions pertinent to
19 14 the Code chapter.
19 15 New Code section 91G.3 classifies the status of individuals
19 16 performing services. New Code section 91G.3(1) provides the
19 17 criteria for determining the status of an individual as an
19 18 employee. New Code section 91G.3(2) provides that an
19 19 individual classified as an employee under this Code section
19 20 also qualifies as an employee for the purposes of Code
19 21 chapters 85, 85A, and 85B (workers' compensation),
19 22 (occupational safety and health), 91A (wage payment
19 23 collection), and 96 (unemployment compensation). It is a
19 24 violation of new Code chapter 91G to fail to properly classify
19 25 an individual as an employee under these Code chapters. New
19 26 Code section 91G.3(3) provides that an individual who is an
19 27 owner-operator as described in Code section 85.61(11) shall
19 28 not be classified as an employee under new Code section 91G.3.
19 29 New Code section 91G.4 requires the commissioner to create
19 30 posters in both English and Spanish that summarize the Code
19 31 chapter requirements. If a contractor is found to have
19 32 violated new Code sections 91G.3 or 91G.8, the contractor must
19 33 post the posters in both languages in conspicuous places at
19 34 all job sites and offices.
19 35 New Code section 91G.5 provides enforcement provisions. In



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20 1 new Code section 91G.5(1), an interested party may file a
20 2 complaint alleging a violation of this Code chapter. However,
20 3 a party who knowingly makes a false complaint commits a simple
20 4 misdemeanor, which is punishable by confinement for no more
20 5 than 30 days or a fine of at least \$65 but not more than \$625
20 6 or by both. Under new Code section 91G.5(2), the commissioner
20 7 is charged with establishing rules consistent with Code
20 8 chapter 17A. In new Code section 91G.5(3), the commissioner
20 9 is charged with investigating complaints and conducting
20 10 investigations.

20 11 Under new Code section 91G.5(4), the commissioner and
20 12 employees are indemnified for damages and legal expenses
20 13 incurred as a result of the good-faith performance of their
20 14 job duties against any claims not covered by Code chapter 669,
20 15 the Iowa tort claims Act. Under new Code section 91G.5(5),
20 16 the commissioner may administer oaths and issue subpoenas to
20 17 access witnesses and documents, payroll records, and other
20 18 evidence in order to advance an investigation. New Code
20 19 section 91G.5(6) allows the commissioner or the commissioner's
20 20 investigators to commence a contempt action in court
20 21 commanding a person to obey the order of the commissioner
20 22 issued under new Code chapter 91G or be adjudged guilty of
20 23 contempt of court.

20 24 Under new Code section 91G.5(7), a determination by the
20 25 commissioner about whether a violation has occurred is final
20 26 agency action. Under new Code section 91G.5(8), when the
20 27 commissioner determines there has been a violation, the
20 28 commissioner may take specific actions, including cease and
20 29 desist, individual compensatory, and civil penalty remedies.

20 30 Under new Code section 91G.5(9), judicial review of a final
20 31 agency action by the commissioner may be instituted within 30
20 32 days according to the terms of Code chapter 17A. If no
20 33 petition of review is filed within 30 days, the commissioner's
20 34 findings are considered conclusive for any petition for
20 35 enforcement that the commissioner may file. Upon petition by



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21 1 the commissioner, the clerk of the court, unless otherwise
21 2 ordered by the court, shall enter a decree enforcing the
21 3 order.

21 4 In new Code section 91G.5(10), a contractor is not
21 5 responsible for any other contractor's failure to properly
21 6 classify individuals who perform services for the contractor.
21 7 In new Code section 91G.5(11), in a civil action, the
21 8 commissioner may choose to be represented by a departmental
21 9 attorney or the attorney general.

21 10 New Code section 91G.6 deals with the penalties. In new
21 11 Code section 91G.6(1), a contractor who violates this Code
21 12 chapter or any rule adopted pursuant to this Code chapter
21 13 shall be subject to a civil penalty not to exceed \$1,250 for
21 14 the first violation, up to \$1,875 for a second violation
21 15 within six years of the first, and up to \$3,125 for a third or
21 16 successive violation within six years of the first violation.

21 17 Under new Code section 91G.6(2), a contractor who violates
21 18 any provision of this Code chapter or any rule adopted
21 19 pursuant to this Code chapter commits a simple misdemeanor,
21 20 which is punishable by confinement for no more than 30 days or
21 21 a fine of at least \$65 but not more than \$625 or by both. A
21 22 contractor who commits a second violation within a six-year
21 23 period commits a serious misdemeanor, which is punishable by
21 24 confinement for no more than one year and a fine of at least
21 25 \$315 but not more than \$1,875. A contractor who commits a
21 26 third or subsequent violation within a six-year period commits
21 27 an aggravated misdemeanor, which is punishable by confinement
21 28 for no more than two years and a fine of at least \$625 but not
21 29 more than \$6,250. Under new Code section 91G.6(3), any
21 30 contractor who obstructs the commissioner's inspection of
21 31 places of employment shall be liable for a civil penalty of up
21 32 to \$1,875. Under new Code section 91G.6(4), each violation
21 33 for each individual and for each day the violation continues
21 34 constitutes a separate and distinct violation. In determining
21 35 the amount of a penalty, the commissioner shall consider the



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22 1 appropriateness of the penalty to the contractor and the
22 2 gravity of the violation.

22 3 New Code section 91G.7 provides that if a contractor is
22 4 found to have violated a provision of new Code section 91G.3
22 5 or 91G.4 a second or subsequent time within six years of an
22 6 earlier violation or is found to have violated, for a first or
22 7 subsequent time, new Code section 91G.8, the contractor's name
22 8 shall be posted on the division's internet site. A state
22 9 contract shall not be awarded to a contractor whose name
22 10 appears on the posting until three years have passed from the
22 11 date of the last violation determination.

22 12 New Code section 91G.8 makes it a violation of the Code
22 13 chapter for a contractor or a contractor's agent to retaliate
22 14 in any way against an individual for making a good-faith
22 15 complaint or cooperating in an investigation. Retaliation
22 16 subjects the contractor to civil penalties, to being banned
22 17 from state contracts, and a possible private right of action.

22 18 Under new Code section 91G.9, any civil penalties collected
22 19 by the commissioner shall be deposited in the general fund of
22 20 the state.

22 21 In new Code section 91G.10, if an individual has not
22 22 received compensatory damages under new Code section 91G.5,
22 23 then the individual who is damaged by an alleged new Code
22 24 chapter 91G violation may file suit in district court in the
22 25 county where the alleged violation occurred or where any
22 26 person who is party to the violation resides and may do so
22 27 without exhausting any alternative administrative remedies in
22 28 new Code chapter 91G. If it is established that an individual
22 29 has been damaged through a proceeding under new Code section
22 30 91G.10, remedies include compensatory damages, court costs and
22 31 interest, and punitive damages up to five times the amount of
22 32 the compensatory damages and court costs. The right to bring
22 33 a private action terminates five years after the date of the
22 34 alleged violation.

22 35 New Code section 91G.11(1) requires the commissioner, the



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23 1 division of unemployment insurance, the division of workers'
23 2 compensation, and the department of revenue to all cooperate
23 3 by sharing information about possible misclassifications by
23 4 contractors. Under Code section 91G.11(2), the commissioner
23 5 shall notify the other agencies when a misclassification
23 6 violation is determined, and the other agencies shall
23 7 investigate. New Code section 91G.11(3) makes cooperation and
23 8 investigation among the commissioner and the heads of the
23 9 state agencies a duty of office; failing to cooperate,
23 10 pursuant to new Code section 721.2(6), results in a simple
23 11 misdemeanor, which is punishable by confinement for no more
23 12 than 30 days or a fine of at least \$65 but not more than \$625
23 13 or by both.

23 14 The definition of "employee" in new Code section 91G.3 is
23 15 essentially incorporated as part of the definitions of
23 16 "employee" in the following amended Code sections: 85.61,
23 17 86.45, 88.3, 91A.2, and 96.19.

23 18 In Code sections 84A.5 and 91.4 the division of labor of
23 19 the department of workforce development is given
23 20 responsibility for administration for new Code chapter 91G and
23 21 filing of annual reports about matters pertaining to these
23 22 Code chapters, respectively.

23 23 Code section 96.11 is amended by adding a new subsection
23 24 for interagency cooperation. The subsection requires the
23 25 director of the department of workforce development and the
23 26 department of workforce development, the divisions of labor
23 27 and workers' compensation, and the department of revenue to
23 28 all cooperate by sharing information about possible
23 29 misclassifications of employees by contractors. Cooperation
23 30 and investigation among the heads of the state agencies is
23 31 considered a duty of office; failing to cooperate, pursuant to
23 32 Code section 721.2(6), results in a simple misdemeanor, which
23 33 is punishable by confinement for no more than 30 days or a
23 34 fine of at least \$65 but not more than \$625 or by both.

23 35 DIVISION III. The provisions of the bill are severable as



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24 1 provided by Code section 4.12.
24 2 The bill takes effect January 1, 2009.
24 3 LSB 6589SC 82
24 4 ak/rj/8