



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 13, 2009

House Study Bill 3

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON WENDT)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the funding of school district programs for
- 2 returning dropouts and dropout prevention.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1535HC 83
- 5 ak/sc/8



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House Study Bill 3 continued

PAG LIN

1 1 Section 1. Section 257.38, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. Program plans shall identify the parts of the plan that  
1 4 will be implemented first upon approval of the request. If a  
1 5 district is requesting to use modified allowable growth to  
1 6 finance the program, the school district shall not identify  
1 7 more than ~~five~~ seven percent of its budget enrollment for the  
1 8 budget year as returning dropouts and potential dropouts.

1 9 EXPLANATION

1 10 This bill allows a school district to identify up to 7  
1 11 percent of the district's budget enrollment as returning  
1 12 dropouts and potential dropouts when the district is  
1 13 requesting to use modified allowable growth to fund a program  
1 14 for returning dropouts and dropout prevention. A school  
1 15 district is currently allowed to identify only 5 percent of  
1 16 the district's budget enrollment as returning dropouts or  
1 17 potential dropouts.

1 18 LSB 1535HC 83

1 19 ak/sc/8



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House Study Bill 4

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON WENDT)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the disposition of school property and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1538HC 83
- 5 ak/nh/5



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House Study Bill 4 continued

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1 1 Section 1. Section 278.1, subsection 1, paragraph b, Code  
 1 2 2009, is amended to read as follows:  
 1 3 b. ~~Except when restricted by section 297.25, direct~~ Direct  
 1 4 the sale, lease, or other disposition of any schoolhouse or  
 1 5 school site or other property belonging to the corporation,  
 1 6 and the application to be made of the proceeds thereof.  
 1 7 However, nothing in this section shall be construed to prevent  
 1 8 the ~~independent action by the board of directors of the~~  
~~1 9 corporation to sell~~ sale, lease, exchange, gift, or grant, or  
~~1 10 otherwise dispose and acceptance~~ of any interest in real or  
 1 11 other property of the corporation to the extent authorized in  
 1 12 section 297.22. ~~For the purposes of this paragraph, "dispose"~~  
~~1 13 or "disposition" includes the exchange, transfer, demolition,~~  
~~1 14 or destruction of any real or other property of the~~  
~~1 15 corporation.~~

1 16 Sec. 2. Section 297.22, subsection 1, paragraph e, Code  
 1 17 2009, is amended by striking the paragraph.

1 18 Sec. 3. Section 297.25, Code 2009, is amended by striking  
 1 19 the section and inserting in lieu thereof the following:

1 20 297.25 RULE OF CONSTRUCTION.

1 21 Section 297.22 shall be construed as independent of the  
 1 22 power vested in the electors by section 278.1, and as  
 1 23 additional to such power.

1 24 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
 1 25 immediate importance, takes effect upon enactment.

1 26 EXPLANATION

1 27 This bill relates to the disposition of school property.  
 1 28 The bill strikes changes made to Code sections 278.1(1)(b) and  
 1 29 297.25 and strikes Code section 297.22(1)(e), all from House  
 1 30 File 2526, which passed during the 2008 legislative session.

1 31 The bill returns the Code language to how it read prior to  
 1 32 enactment of House File 2526, except for technical changes, to  
 1 33 allow voters to direct the disposition of school property and  
 1 34 the application of the proceeds.

1 35 Currently, Code section 298.1(1)(b) specifies that the



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2 1 board of directors of a school district may take independent  
2 2 action to dispose of any interest in real or other property of  
2 3 the school corporation. Currently, "dispose" or "disposition"  
2 4 includes the exchange, transfer, demolition, or destruction of  
2 5 any real or personal property of the school district. The  
2 6 bill strikes this language.

2 7 Code section 297.25 currently prohibits voters from  
2 8 exercising their power to direct the disposition of school  
2 9 district property for any purpose directly contrary to an  
2 10 action previously approved by the board of directors under  
2 11 current Code section 297.22, regarding real or personal  
2 12 property of the school district. The prohibition on electors  
2 13 exercising their power in regard to an action by the board  
2 14 shall expire at the end of the same calendar year that the  
2 15 board approved an action unless the action itself includes a  
2 16 specific time frame. The bill strikes this prohibition.

2 17 The bill takes effect upon enactment.

2 18 LSB 1538HC 83

2 19 ak/nh/5



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House Study Bill 5

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
ETHICS BILL BY  
CHAIRPERSON H. MILLER)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to registration and reports filed by lobbyists
- 2 and clients of lobbyists.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1101YC 83
- 5 tm/rj/8



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House Study Bill 5 continued

PAG LIN

1 1 Section 1. Section 68B.32A, subsection 5, Code 2009, is  
1 2 amended to read as follows:  
1 3 5. Receive and file registration and reports from  
1 4 lobbyists ~~of the executive branch of state government~~, client  
1 5 disclosure from clients of lobbyists ~~of the executive branch~~  
~~1 6 of state government~~, personal financial disclosure information  
1 7 from officials and employees in the executive branch of state  
1 8 government who are required to file personal financial  
1 9 disclosure information under this chapter, and gift and  
1 10 bequest disclosure information pursuant to section 8.7. The  
1 11 board, upon its own motion, may initiate action and conduct a  
1 12 hearing relating to reporting requirements under this chapter  
1 13 or section 8.7.  
1 14 Sec. 2. Section 68B.36, Code 2009, is amended to read as  
1 15 follows:  
1 16 68B.36 APPLICABILITY == LOBBYIST REGISTRATION REQUIRED.  
1 17 1. All lobbyists before the general assembly and before  
1 18 the office of the governor or any state agency shall, on or  
1 19 before the day their lobbying activity begins, register by  
1 20 filing a lobbyist's registration statement with the board at  
1 21 times and in the manner provided in this section. ~~Lobbyists~~  
~~1 22 engaged in lobbying activities before the general assembly~~  
~~1 23 shall file the statement with the chief clerk of the house of~~  
~~1 24 representatives or the secretary of the senate. Lobbyists~~  
~~1 25 engaged in lobbying activities before the office of the~~  
~~1 26 governor or any state agency shall file the statement with the~~  
~~1 27 board. The chief clerk of the house and the secretary of the~~  
~~1 28 senate shall provide appropriate registration forms to~~  
~~1 29 lobbyists before the general assembly. The board shall~~  
1 30 prescribe appropriate registration forms for lobbyists ~~before~~  
~~1 31 the office of the governor and state agencies.~~  
1 32 2. Registration shall be valid from the date of  
1 33 registration until the expiration of the registration period  
1 34 for the type of lobbying in which the person will be engaging.  
1 35 Any change in or addition to the information shall be



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2 1 ~~registered~~ filed with the board within ten days after the  
2 2 change or addition is known to the lobbyist. ~~Changes or~~  
~~2 3 additions for executive branch lobbyists shall be filed with~~  
~~2 4 the board. Changes or additions for registrations of~~  
~~2 5 lobbyists of the general assembly shall be filed with either~~  
~~2 6 the chief clerk of the house or the secretary of the senate.~~  
2 7 3. For persons registered to lobby before the general  
2 8 assembly, registration expires upon the commencement of the  
2 9 next regular session of the general assembly, except that the  
2 10 ~~chief clerk of the house and the secretary of the senate board~~  
2 11 may adopt and implement a reasonable preregistration procedure  
2 12 in advance of each regular session during which persons may  
2 13 register for that session and the following legislative  
2 14 interim. For persons registered to lobby before the office of  
2 15 the governor or a state agency, registration expires upon the  
2 16 commencement of a new calendar year. The board may adopt and  
2 17 implement a reasonable preregistration procedure in advance of  
2 18 each new calendar year during which persons may register for  
2 19 that year.  
2 20 4. If a lobbyist's service on behalf of all clients,  
2 21 employers, or causes is concluded prior to the end of the  
2 22 calendar year, the lobbyist may cancel the registration ~~on~~ by  
2 23 filing with the board the appropriate forms ~~form~~ as supplied  
2 24 by the board, ~~the chief clerk of the house, or the secretary~~  
~~2 25 of the senate. The cancellation forms shall be filed by the~~  
~~2 26 lobbyist in the place where the lobbyist filed the original~~  
~~2 27 registration.~~ Upon cancellation of registration, a lobbyist  
2 28 is prohibited from engaging in any lobbying activity on behalf  
2 29 of any employer, client, or cause until reregistering and  
2 30 complying with the rules of the board ~~or the general assembly.~~  
2 31 5. All federal, state, and local officials or employees  
2 32 representing the official positions of their departments,  
2 33 commissions, boards, or agencies shall, when lobbying the  
2 34 general assembly or a state agency or the office of the  
2 35 governor, present to the chief clerk of the house or the



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~~3 1 secretary of the senate board a letter of authorization from  
3 2 their department or agency heads prior to the commencement of  
3 3 their lobbying. When lobbying a state agency or the office of  
3 4 the governor, the letter shall be presented to the board. The  
3 5 lobbyist registration statement of these officials and  
3 6 employees shall not be deemed complete until the letter of  
3 7 authorization is attached. Federal, state, and local  
3 8 officials who wish to lobby in opposition to the official  
3 9 position of their departments, commissions, boards, or  
3 10 agencies must indicate this on their lobbyist registration  
3 11 statements.~~

3 12 Sec. 3. Section 68B.37, Code 2009, is amended to read as  
3 13 follows:

3 14 68B.37 LOBBYIST REPORTING.

~~3 15 1. A lobbyist before the general assembly shall file with  
3 16 the general assembly, on forms prescribed by each house of the  
3 17 general assembly, a report disclosing all of the following:~~

~~3 18 a. The lobbyist's clients before the general assembly.~~

~~3 19 b. Contributions made to candidates for state office by  
3 20 the lobbyist during calendar months during the reporting  
3 21 period when the general assembly is not in session.~~

~~3 22 e. The recipient of the campaign contributions.~~

~~3 23 d. Expenditures made by the lobbyist for the purposes of  
3 24 providing the services enumerated under section 68B.2,  
3 25 subsection 13, paragraph "a", before the general assembly.~~

~~3 26 For purposes of this paragraph, "expenditures" does not  
3 27 include expenditures made by any organization for publishing a  
3 28 newsletter or other informational release for its members.~~

3 29 2. 1. A lobbyist before the general assembly or a state

3 30 agency or the office of the governor shall file with the

3 31 board, on forms prescribed by the board, a report disclosing

3 32 all of the following:

3 33 a. The lobbyist's clients before the general assembly or

3 34 the executive branch.

3 35 b. Contributions made to candidates for state office by



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House Study Bill 5 continued

4 1 the lobbyist during calendar months during the reporting  
4 2 period when the general assembly is not in session.  
4 3 c. The recipient of the campaign contributions.  
4 4 d. Expenditures made by the lobbyist for the purposes of  
4 5 providing the services enumerated under section 68B.2,  
4 6 subsection 13, paragraph "a", before the general assembly or  
4 7 the executive branch. For purposes of this paragraph,  
4 8 "expenditures" does not include expenditures made by any  
4 9 organization for publishing a newsletter or other  
4 10 informational release for its members.  
4 11 ~~3.~~ 2. a. The reports by lobbyists before the general  
4 12 assembly shall be filed not later than twenty-five days  
4 13 following any month in which the general assembly is in  
4 14 session and thereafter on or before July 31, October 31, and  
4 15 January 31. The reports filed by a lobbyist before the  
4 16 general assembly shall contain information for the preceding  
4 17 calendar month or quarter or parts thereof during which the  
4 18 person was engaged in lobbying. Reports filed by lobbyists  
4 19 before the office of the governor a state agency shall be  
4 20 filed on or before April 30, July 31, October 31, and January  
4 21 31, for the preceding calendar quarter or parts thereof during  
4 22 which the person was engaged in lobbying.  
4 23 b. If a person cancels the person's lobbyist registration  
4 24 at any time during the calendar year, the reports required by  
4 25 this section are due on the dates required by this section or  
4 26 fifteen days after cancellation, whichever is earlier. The  
4 27 report due January 31 shall include all reportable items for  
4 28 the preceding calendar year in addition to containing the  
4 29 quarterly reportable items. A lobbyist who cancels the  
4 30 person's lobbyist registration before January 1 of a year  
4 31 shall file a report listing all reportable items for the year  
4 32 in which the cancellation was filed. A lobbyist who cancels  
4 33 the person's lobbyist registration between January 1 and  
4 34 January 15 of a year shall file a report listing all  
4 35 reportable items for the preceding year and so much of the



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5 1 month of January as has expired at the time of cancellation.  
5 2 However, if a lobbyist is a person who is designated to  
5 3 represent the interest of an organization as defined in  
5 4 section 68B.2, subsection 13, paragraph "a", subparagraph (2),  
5 5 but is not paid compensation for that representation and does  
5 6 not expend more than one thousand dollars as provided in  
5 7 section 68B.2, subsection 13, paragraph "a", subparagraph (4),  
5 8 the lobbyist shall only be required to file the report  
5 9 specified in this section once annually, which shall be  
5 10 performed at the time of filing the person's lobbyist  
5 11 registration form or forms.

5 12 Sec. 4. Section 68B.38, Code 2009, is amended to read as  
5 13 follows:

5 14 68B.38 LOBBYIST'S CLIENT REPORTING.

5 15 1. On or before July 31 of each year, a lobbyist's client  
5 16 shall file with the ~~general assembly or~~ board a report that  
5 17 contains information on all salaries, fees, retainers, and  
5 18 reimbursement of expenses paid or anticipated to be paid by  
5 19 the lobbyist's client to the lobbyist for lobbying purposes  
5 20 during the preceding twelve calendar months, concluding on  
5 21 June 30 of each year.

~~5 22 2. Reports by a lobbyist's clients shall be filed with the  
5 23 same entity with which the lobbyist filed the lobbyist's  
5 24 registration.~~

~~5 25 3. 2. The secretary of the senate, chief clerk of the  
5 26 house, and the board shall develop forms to implement this  
5 27 section.~~

5 28 EXPLANATION

5 29 This bill relates to registration and reports filed by  
5 30 lobbyists and clients of lobbyists.

5 31 Currently, lobbyists engaged in lobbying activities before  
5 32 the general assembly file lobbyist registrations and lobbyist  
5 33 reports with the chief clerk of the house of representatives  
5 34 or the secretary of the senate. Lobbyists engaged in lobbying  
5 35 activities before the office of the governor or any state



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House Study Bill 5 continued

6 1 agency file lobbyist registrations and lobbyist reports with  
6 2 the ethics and campaign disclosure board. Lobbyist client  
6 3 reports are currently filed with the same entity with which  
6 4 the lobbyist filed the lobbyist's registration.  
6 5 The bill requires lobbyists engaged in lobbying activities  
6 6 before the general assembly to file lobbyist registrations and  
6 7 lobbyist reports with the board. The bill requires lobbyist  
6 8 client reports to also be filed with the board.  
6 9 LSB 1101YC 83  
6 10 tm/rj/8



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House Study Bill 6

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

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act requiring health insurance coverage for costs relating to  
2 mental health conditions, including alcohol or substance abuse  
3 treatment services, and creating a mental health insurance  
4 advisory committee.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1524HC 83  
7 av/nh/8



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House Study Bill 6 continued

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1 1 Section 1. NEW SECTION. 514C.24 MANDATED COVERAGE FOR  
1 2 MENTAL HEALTH CONDITIONS == MENTAL HEALTH INSURANCE ADVISORY  
1 3 COMMITTEE.  
1 4 1. For purposes of this section, unless the context  
1 5 otherwise requires:  
1 6 a. "Mental health condition" means a condition or disorder  
1 7 involving mental illness or alcohol or substance abuse as  
1 8 defined by the commissioner of insurance by rule, consistent  
1 9 with the diagnostic categories listed in the mental disorders  
1 10 section of the most recent version of the diagnostic and  
1 11 statistical manual of mental disorders.  
1 12 b. "Rates, terms, and conditions" means any lifetime  
1 13 payment limits, deductibles, copayments, coinsurance, and any  
1 14 other cost-sharing requirements, out-of-pocket limits, visit  
1 15 limitations, and any other financial component of benefits  
1 16 coverage that affects the covered individual.  
1 17 2. a. Notwithstanding section 514C.6, a policy, contract,  
1 18 or plan providing for third-party payment or prepayment of  
1 19 health or medical expenses shall provide coverage benefits for  
1 20 mental health conditions based on rates, terms, and conditions  
1 21 which are no more restrictive than the rates, terms, and  
1 22 conditions for coverage benefits provided for other health or  
1 23 medical conditions under the policy, contract, or plan.  
1 24 Additionally, any rates, terms, and conditions involving  
1 25 deductibles, copayments, coinsurance, and any other cost=  
1 26 sharing requirements shall be cumulative for coverage of both  
1 27 mental health conditions and other health or medical  
1 28 conditions under the policy, contract, or plan.  
1 29 b. Coverage required under this subsection shall be as  
1 30 follows:  
1 31 (1) For the treatment of mental illness, coverage shall be  
1 32 for services provided by a licensed mental health professional  
1 33 or services provided in a licensed hospital or health  
1 34 facility.  
1 35 (2) For the treatment of alcohol or substance abuse,



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House Study Bill 6 continued

2 1 coverage shall be for services provided by a substance abuse  
2 2 counselor, as approved by the department of human services; a  
2 3 licensed health facility providing a program for the treatment  
2 4 of alcohol or substance abuse approved by the department of  
2 5 human services; or a substance abuse treatment and  
2 6 rehabilitation facility, as licensed by the department of  
2 7 public health pursuant to chapter 125.  
2 8 3. This section applies to the following classes of third=  
2 9 party payment provider policies, contracts, or plans  
2 10 delivered, issued for delivery, continued, or renewed in this  
2 11 state on or after January 1, 2010:  
2 12 a. Individual or group accident and sickness insurance  
2 13 providing coverage on an expense-incurred basis.  
2 14 b. An individual or group hospital or medical service  
2 15 contract issued pursuant to chapter 509, 514, or 514A.  
2 16 c. A plan established pursuant to chapter 509A for public  
2 17 employees.  
2 18 d. An individual or group health maintenance organization  
2 19 contract regulated under chapter 514B.  
2 20 e. An individual or group Medicare supplemental policy,  
2 21 unless coverage pursuant to such policy is preempted by  
2 22 federal law.  
2 23 f. Any other entity engaged in the business of insurance,  
2 24 risk transfer, or risk retention, which is subject to the  
2 25 jurisdiction of the commissioner.  
2 26 g. An organized delivery system licensed by the director  
2 27 of public health.  
2 28 4. The commissioner shall adopt rules to administer this  
2 29 section after consultation with the mental health insurance  
2 30 advisory committee.  
2 31 a. The commissioner shall appoint members to a mental  
2 32 health insurance advisory committee. Members shall include  
2 33 all sectors of society impacted by issues associated with  
2 34 coverage of mental health treatment by third-party payors  
2 35 including but not limited to representatives of the insurance



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3 1 industry, small and large employers, employee representatives  
3 2 including labor, individual consumers, health care providers,  
3 3 and other groups and individuals that may be identified by the  
3 4 insurance division of the department of commerce.

3 5 b. The committee shall meet upon the request of the  
3 6 commissioner to review rules proposed under this section by  
3 7 the commissioner, and to make suggestions as appropriate.

3 8 Sec. 2. Section 514C.22, Code 2009, is repealed effective  
3 9 January 1, 2010.

3 10 EXPLANATION

3 11 This bill creates new Code section 514C.24 and provides  
3 12 that, effective January 1, 2010, a policy, contract, or plan  
3 13 providing for third-party payment or prepayment of health or  
3 14 medical expenses must provide coverage benefits for mental  
3 15 health conditions based on rates, terms, and conditions which  
3 16 are no more restrictive than the rates, terms, and conditions  
3 17 associated with coverage benefits provided for other  
3 18 conditions under the policy, contract, or plan. "Mental  
3 19 health condition" means a condition or disorder involving  
3 20 mental illness or alcohol or substance abuse as defined by the  
3 21 commissioner of insurance, by rule, consistent with the  
3 22 diagnostic categories listed in the mental disorders section  
3 23 of the most recent version of the diagnostic and statistical  
3 24 manual of mental disorders.

3 25 The bill also requires the insurance commissioner to adopt  
3 26 rules to administer the new Code section, after consultation  
3 27 with the new mental health insurance advisory committee, whose  
3 28 members are appointed by the commissioner including  
3 29 representatives from business, insurance, consumer, and health  
3 30 groups.

3 31 Code section 514C.22, which currently mandates coverage for  
3 32 certain biologically based mental illnesses, is repealed  
3 33 effective January 1, 2010.

3 34 LSB 1524HC 83

3 35 av/nh/8



Iowa General Assembly  
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House Study Bill 7

SENATE/HOUSE FILE  
BY (PROPOSED BOARD OF  
PHARMACY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to requiring reports for certain precursor
- 2 substances and extending an information program for drug
- 3 prescribing and dispensing and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1248DP 83
- 6 jm/rj/14



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House Study Bill 7 continued

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1 1 Section 1. Section 124B.2, subsection 1, Code 2009, is  
1 2 amended by adding the following new paragraphs:  
1 3 NEW PARAGRAPH. y. Iodine  
1 4 NEW PARAGRAPH. z. N-phenethyl-4-piperidone (NPP)  
1 5 Sec. 2. 2006 Iowa Acts, chapter 1147, section 10, is  
1 6 repealed.  
1 7 Sec. 3. Sections 124.551 through 124.558, Code 2009, are  
1 8 repealed June 30, 2011.  
1 9 Sec. 4. EFFECTIVE DATE. The section of this Act that  
1 10 repeals 2006 Iowa Acts, chapter 1147, section 10, being deemed  
1 11 of immediate importance, takes effect upon enactment.

1 12 EXPLANATION

1 13 This bill relates to requiring reports for certain  
1 14 precursor substances and extending an information program for  
1 15 drug prescribing and dispensing.

1 16 The bill adds iodine and N-phenethyl-4-piperidone to the  
1 17 list of precursor substances which require a manufacturer,  
1 18 retailer, or other person who transfers such a substance, to  
1 19 report the transfer to the board of pharmacy as provided in  
1 20 Code chapter 124B. "Precursor substance" is defined in Code  
1 21 chapter 124B to mean a substance which may be used as a  
1 22 precursor in the illegal production of a controlled substance  
1 23 and is specified under Code section 124B.2.

1 24 The bill also extends the authorization of the board of  
1 25 pharmacy to establish and administer a prescription drug  
1 26 database program containing a record of the dispensing of  
1 27 prescriptions for identified controlled substances. The  
1 28 purpose of the program extended by the bill is to collect  
1 29 information regarding the dispensing of controlled substance  
1 30 prescriptions by pharmacies in order to improve patient health  
1 31 care by facilitating the early identification of patients who  
1 32 may be at risk for addiction, or who may be using, abusing, or  
1 33 diverting drugs for unlawful or otherwise unauthorized  
1 34 purposes.

1 35 The bill extends the program from June 30, 2009, to June



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House Study Bill 7 continued

2 1 30, 2011.  
2 2 LSB 1248DP 83  
2 3 jm/rj/14.1



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House Study Bill 8

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN RIGHTS/DIVISION OF  
CRIMINAL AND JUVENILE  
JUSTICE PLANNING BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act creating an Iowa collaboration for youth development
- 2 council and state of Iowa youth advisory council in the
- 3 department of human rights.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1264DP 83
- 6 jp/nh/5



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House Study Bill 8 continued

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1 1 Section 1. NEW SECTION. 216A.132A IOWA COLLABORATION FOR  
1 2 YOUTH DEVELOPMENT COUNCIL == STATE OF IOWA YOUTH ADVISORY  
1 3 COUNCIL.  
1 4 1. DEFINITIONS. For the purposes of this section, unless  
1 5 the context otherwise requires:  
1 6 a. "Youth" means children and young persons who are ages  
1 7 six through twenty-one years.  
1 8 b. "Youth advisory council" means the state of Iowa youth  
1 9 advisory council created by this section.  
1 10 c. "Youth development council" means the Iowa  
1 11 collaboration for youth development council created by this  
1 12 section.  
1 13 2. COLLABORATION COUNCIL CREATED. An Iowa collaboration  
1 14 for youth development council is created as an alliance of  
1 15 state agencies that address the needs of youth in Iowa.  
1 16 3. PURPOSE. The purpose of the youth development council  
1 17 is to improve the lives and futures of Iowa's youth by doing  
1 18 all of the following:  
1 19 a. Adopting and applying positive youth development  
1 20 principles and practices at the state and local levels.  
1 21 b. Increasing the quality, efficiency, and effectiveness  
1 22 of opportunities and services and other supports for youth.  
1 23 c. Improving and coordinating state youth policy and  
1 24 programs across state agencies.  
1 25 4. VISION STATEMENT. All youth development activities  
1 26 addressed by the youth development council shall be aligned  
1 27 around the following vision statement: "All Iowa youth will  
1 28 be safe, healthy, successful, and prepared for adulthood."  
1 29 5. MEMBERSHIP. The youth development council membership  
1 30 shall be determined by the council itself and shall include  
1 31 the directors or chief administrators, or their designees,  
1 32 from the following state agencies and programs:  
1 33 a. Child advocacy board.  
1 34 b. Iowa commission on volunteer service in the office of  
1 35 the governor.



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House Study Bill 8 continued

- 2 1 c. Department of education.  
2 2 d. Department of human rights, including the commission on  
2 3 the status of women and the division of criminal and juvenile  
2 4 justice planning.  
2 5 e. Department of human services.  
2 6 f. Department of public health.  
2 7 g. Department of workforce development.  
2 8 h. Governor's office of drug control policy.  
2 9 i. Iowa cooperative extension in agriculture and home  
2 10 economics.  
2 11 j. Office of community empowerment in the department of  
2 12 management.  
2 13 6. PROCEDURE. Except as otherwise provided by law, the  
2 14 youth development council shall determine its own rules of  
2 15 procedure and operating policies, including but not limited to  
2 16 terms of members. The youth development council may form  
2 17 committees or subgroups as necessary to achieve its purpose.  
2 18 The department director, or the director's designee, shall be  
2 19 the chairperson of the youth development council.  
2 20 7. DUTIES. The youth development council's duties shall  
2 21 include but are not limited to all of the following:  
2 22 a. Study, explore, and plan for the best approach to  
2 23 structure and formalize the functions and activities of the  
2 24 youth development council to meet its purpose, and make formal  
2 25 recommendations for improvement to the governor and general  
2 26 assembly.  
2 27 b. Review indicator data and identify barriers to youth  
2 28 success and develop strategies to address the barriers.  
2 29 c. Coordinate across agencies the state policy priorities  
2 30 for youth.  
2 31 d. Strengthen partnerships with the nonprofit and private  
2 32 sectors to gather input, build consensus, and maximize use of  
2 33 existing resources and leverage new resources to improve the  
2 34 lives of youth and their families.  
2 35 e. Oversee the activities of the youth advisory council.



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House Study Bill 8 continued

3 1 f. Seek input from and engage the youth advisory council  
3 2 in the development of more effective policies, practices, and  
3 3 programs to improve the lives and futures of youth.

3 4 g. Report annually by February 1 to the governor and  
3 5 general assembly.

3 6 8. STATE OF IOWA YOUTH ADVISORY COUNCIL. A state of Iowa  
3 7 youth advisory council is created to provide input to the  
3 8 governor, general assembly, and state and local policymakers  
3 9 on youth issues.

3 10 a. The purpose of the youth advisory council is to foster  
3 11 communication among a group of engaged youth and the governor,  
3 12 general assembly, and state and local policymakers regarding  
3 13 programs, policies, and practices affecting youth and  
3 14 families; and to advocate for youth on important issues  
3 15 affecting youth.

3 16 b. The youth advisory council shall consist of no more  
3 17 than twenty=one youth ages fourteen through twenty years who  
3 18 reside in Iowa. Membership shall be for two=year staggered  
3 19 terms. The department director, or the director's designee,  
3 20 shall select council members using an application process.  
3 21 The department director or the director's designee shall  
3 22 strive to maintain a diverse council membership and shall take  
3 23 into consideration race, ethnicity, disabilities, gender, and  
3 24 geographic location of residence of the applicants.

3 25 c. Except as otherwise provided by law, the youth advisory  
3 26 council shall determine its own rules of procedure and  
3 27 operating policies, subject to approval by the department  
3 28 director or the director's designee.

3 29 d. The youth advisory council shall meet at least  
3 30 quarterly.

3 31 9. LEAD AGENCY. The lead agency for support of the Iowa  
3 32 collaboration for youth development council and the state of  
3 33 Iowa youth advisory council is the department. The department  
3 34 shall coordinate activities and, with funding made available  
3 35 to it for such purposes, provide staff support for the youth



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House Study Bill 8 continued

4 1 development council and the youth advisory council.

4 2 EXPLANATION

4 3 This bill creates an Iowa collaboration for youth  
4 4 development council and state of Iowa youth advisory council  
4 5 in the department of human rights.

4 6 The creation of the councils is codified in Code chapter  
4 7 216A, pertaining to the division of criminal and juvenile  
4 8 justice planning.

4 9 The term "youth" is defined to mean children and young  
4 10 persons who are ages six through 21 years.

4 11 For the Iowa collaboration for youth development council,  
4 12 the bill specifies a purpose, vision statement, membership and  
4 13 procedural authority, and duties. The membership is to be  
4 14 determined by the council itself but is required to include  
4 15 staff from various state agencies. The council is authorized  
4 16 to determine its own rules of procedure and operating  
4 17 policies, including but not limited to terms of members. The  
4 18 director of the department of human rights or the director's  
4 19 designee is required to be the council chairperson. The  
4 20 duties of the council include various coordination and  
4 21 analysis functions and include a required annual report to the  
4 22 governor and general assembly.

4 23 The bill also creates a state of Iowa youth advisory  
4 24 council to provide input to the governor, general assembly,  
4 25 and other policymakers regarding youth issues. The membership  
4 26 of not more than 21 persons is to be appointed by the director  
4 27 of the department of human rights or the director's designee.  
4 28 The membership is limited to youth who are age 14 through 20  
4 29 years. Except as otherwise provided by law, the youth  
4 30 advisory council is authorized to determine its own rules of  
4 31 procedure and operating policies, subject to approval by the  
4 32 department director or the director's designee.

4 33 LSB 1264DP 83

4 34 jp/nh/5



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**Senate File 10 - Introduced**

SENATE FILE  
BY JOHNSON

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to soil and water conservation, by providing for  
2 a fund and the deposit into the fund of civil penalties  
3 arising from violations involving storm water discharges.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1313XS 83  
6 da/nh/5



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1 1 Section 1. NEW SECTION. 161A.70A GENERAL SOIL AND WATER  
1 2 CONSERVATION FUND.

1 3 1. A general soil and water conservation fund is created  
1 4 in the state treasury under the control of the division. The  
1 5 fund is composed of moneys appropriated by the general  
1 6 assembly and moneys available to and obtained or accepted by  
1 7 the division from the United States or other public or private  
1 8 sources for placement in the fund.

1 9 2. Moneys in the fund are appropriated to the division  
1 10 exclusively to carry out financial incentive programs as  
1 11 provided in this part in order to carry out the purpose  
1 12 provided in section 161A.70.

1 13 3. Section 8.33 shall not apply to moneys in the fund.  
1 14 Notwithstanding section 12C.7, moneys earned as income or  
1 15 interest from the fund shall remain in the fund until expended  
1 16 as provided in this section.

1 17 Sec. 2. Section 161A.72, subsection 1, Code 2009, is  
1 18 amended to read as follows:

1 19 1. Financial incentives provided under this chapter shall  
1 20 be administered by the division. ~~The incentives shall be~~  
~~1 21 supported with funds appropriated by the general assembly, and~~  
~~1 22 moneys available to or obtained by the division or the~~  
~~1 23 committee from public or private sources, including but not~~  
~~1 24 limited to the United States, other states, or private~~  
~~1 25 organizations.~~ The division shall adopt all rules consistent  
1 26 with chapter 17A necessary to carry out the purpose of this  
1 27 division as provided in section 161A.70.

1 28 Sec. 3. Section 455B.109, subsection 5, paragraph a, Code  
1 29 2009, is amended to read as follows:

1 30 a. Except as otherwise provided in ~~paragraph~~ paragraphs  
1 31 "b" and "c", civil penalties assessed by the department and  
1 32 interest on the penalties shall be deposited in the general  
1 33 fund of the state.

1 34 Sec. 4. Section 455B.109, subsection 5, Code 2009, is  
1 35 amended by adding the following new paragraph:



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2 1 NEW PARAGRAPH. c. (1) This paragraph applies to civil  
2 2 penalties assessed by the department arising out of violations  
2 3 of this chapter involving the discharge of storm water. A  
2 4 violation includes but is not limited to a discharge which  
2 5 violates a term or condition of a general permit or storm  
2 6 water discharge permit issued by the department pursuant to  
2 7 section 455B.103A or a national pollutant discharge  
2 8 elimination system (NPDES) permit issued by the department  
2 9 pursuant to section 455B.197. The civil penalties and  
2 10 interest on the civil penalties shall be deposited into the  
2 11 general soil and water conservation fund established in  
2 12 section 161A.70A.

2 13 (2) Subparagraph (1) does not apply to civil penalties  
2 14 assessed against an animal feeding operation which are  
2 15 required to be deposited in the animal agriculture compliance  
2 16 fund pursuant to paragraph "b".

2 17 EXPLANATION

2 18 ESTABLISHMENT OF A GENERAL SOIL AND WATER CONSERVATION  
2 19 FUND. This bill establishes a general soil and water  
2 20 conservation fund to support financial incentive programs  
2 21 administered by the division of soil conservation within the  
2 22 department of agriculture and land stewardship. The purpose  
2 23 of the financial incentives is to protect the long-term  
2 24 productivity of the soil and water resources of the state from  
2 25 erosion and sediment damage, and to encourage the adoption of  
2 26 farm management and agricultural practices which are  
2 27 consistent with the capability of the land to sustain  
2 28 agriculture and preserve this state's natural resources (Code  
2 29 section 161A.70). Moneys in the fund are not subject to  
2 30 reversion and moneys earned as income or interest remain in  
2 31 the fund.

2 32 CIVIL PENALTIES FOR STORM WATER DISCHARGE VIOLATIONS  
2 33 DEPOSITED INTO THE FUND. The bill provides that civil  
2 34 penalties assessed by the department of natural resources  
2 35 which arise out of violations of Code chapter 455B involving



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Senate File 10 - Introduced continued

3 1 the discharge of storm water, are to be deposited into the  
3 2 general soil and water conservation fund in lieu of the  
3 3 general fund of the state. This includes civil penalties  
3 4 assessed because of a violation of a general permit or storm  
3 5 water discharge permit or a national pollutant discharge  
3 6 elimination system (NPDES) permit. However, the civil  
3 7 penalties do not include those assessed against an animal  
3 8 feeding operation which are required to be deposited in the  
3 9 animal agriculture compliance fund (see Code section 459.401).  
3 10 LSB 1313XS 83  
3 11 da/nh/5



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**Senate File 11 - Introduced**

SENATE FILE  
BY JOHNSON

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to establishing a process for reimbursement of  
2 nonparticipating providers for eligible services provided to  
3 IowaCare program members.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1407XS 83  
6 pf/nh/14



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1 1 Section 1. NONPARTICIPATING PROVIDER == IOWACARE ==  
1 2 REIMBURSEMENT FOR SERVICES AND TREATMENT PROVIDED TO A MEMBER.  
1 3 The department of human services shall develop a process to  
1 4 reimburse nonparticipating providers under the IowaCare  
1 5 program pursuant to chapter 249J for eligible services  
1 6 provided to expansion population members if the  
1 7 nonparticipating provider documents that the medical status of  
1 8 the expansion population member indicates it is not medically  
1 9 possible to postpone treatment or to transfer the expansion  
1 10 population member to the location of a participating provider  
1 11 for treatment.

1 12 EXPLANATION

1 13 This bill directs the department of human services to  
1 14 develop a process to reimburse nonparticipating providers  
1 15 under the IowaCare program pursuant to Code chapter 249J for  
1 16 eligible services provided to expansion population members if  
1 17 the nonparticipating provider documents that the medical  
1 18 status of the expansion population member indicates it is not  
1 19 medically possible to postpone treatment or to transfer the  
1 20 expansion population member to the location of a participating  
1 21 provider for treatment.

1 22 LSB 1407XS 83

1 23 pf/nh/14



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**Senate File 12**

SENATE FILE  
BY KIBBIE

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the mailing of a certified copy of a  
2 certificate or record by the state registrar of vital  
3 statistics.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1113XS 83  
6 jm/rj/5



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1 1 Section 1. Section 144.13A, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. The state registrar shall charge the parent a separate  
1 4 fee established under section 144.46 for a certified copy of  
1 5 the certificate. The state registrar shall mail the certified  
1 6 copy shall be mailed to the parent by the state registrar  
1 7 certified mail. The mailing of a certified copy of the  
1 8 certificate to a biological parent shall not be precluded by  
1 9 the execution of a release of custody under chapter 600A, and,  
1 10 upon request, a biological parent shall be provided with a  
1 11 certified copy of the certificate unless the parental rights  
1 12 of the biological parent are terminated.  
1 13 Sec. 2. Section 144.45, Code 2009, is amended to read as  
1 14 follows:  
1 15 144.45 CERTIFIED COPIES.  
1 16 1. The state registrar and the county registrar shall,  
1 17 upon written request from any applicant entitled to a record,  
1 18 issue a certified copy of any certificate or record in the  
1 19 registrar's custody or of a part of a certificate or record.  
1 20 Each copy issued shall show the date of registration; and  
1 21 copies issued from records marked "delayed", "amended", or  
1 22 "court order" shall be similarly marked and show the effective  
1 23 date.  
1 24 2. If a certified copy of any certificate or record in the  
1 25 registrar's custody is sent by mail, the certified copy shall  
1 26 be sent by certified mail.  
1 27 3. A certified copy of a certificate, or any part thereof,  
1 28 shall be considered for all purposes the same as the original  
1 29 and shall be prima facie evidence of the facts therein stated,  
1 30 provided that the evidentiary value of a certificate or record  
1 31 filed more than one year after the event, or a record which  
1 32 has been amended, shall be determined by the judicial or  
1 33 administrative body or official before whom the certificate is  
1 34 offered as evidence.  
1 35 4. The national division of vital statistics may be



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2 1 furnished copies or data which it requires for national  
2 2 statistics, provided that the state be reimbursed for the cost  
2 3 of furnishing data, and provided further that data shall not  
2 4 be used for other than statistical purposes by the national  
2 5 division of vital statistics unless so authorized by the state  
2 6 registrar.

2 7 5. Federal, state, local, and other public or private  
2 8 agencies may, upon written request, be furnished copies or  
2 9 data for statistical purposes upon terms or conditions  
2 10 prescribed by the department.

2 11 6. ~~No~~ A person shall not prepare or issue any certificate  
2 12 which purports to be an original, certified copy, or copy of a  
2 13 certificate of birth, death, fetal death, or marriage except  
2 14 as authorized in this chapter.

2 15 EXPLANATION

2 16 This bill relates to the mailing of a certified copy of a  
2 17 certificate or record by the state registrar of vital  
2 18 statistics.

2 19 If a certified copy of a certificate or record is requested  
2 20 from the state registrar of vital statistics and the certified  
2 21 copy is sent by mail, the bill requires that the certified  
2 22 copy be sent by certified mail.

2 23 Certified mail is defined in Code section 618.15 to mean  
2 24 any form of mail service provided by the United States post  
2 25 office where the post office provides the mailer with a  
2 26 receipt to prove mailing.

2 27 The registrar of vital statistics keeps records relating to  
2 28 births, deaths, fetal deaths, adoptions, marriages,  
2 29 dissolutions, and annulments.

2 30 LSB 1113XS 83

2 31 jm/rj/5



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**Senate File 13**

SENATE FILE  
BY HANCOCK

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to consuming and possessing alcohol, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1086XS 83
- 5 jm/nh/8



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1 1 Section 1. NEW SECTION. 123.47A REFUSAL TO SUBMIT TO  
1 2 TEST == NOTIFICATION == CIVIL FINE.  
1 3 1. A peace officer who has probable cause to believe a  
1 4 person under legal age has violated section 123.47 may request  
1 5 that the person under legal age provide a sample of the  
1 6 person's breath for a preliminary screening test using a  
1 7 device approved by the commissioner of public safety.  
1 8 2. If the person under legal age is eighteen years of age  
1 9 or older and refuses the request, the person shall be issued a  
1 10 citation and is subject to a civil penalty pursuant to section  
1 11 805.8C, subsection 7, paragraph "b".  
1 12 3. If the person under legal age is under eighteen years  
1 13 of age and refuses the request, the person shall be issued a  
1 14 citation and is subject to a civil penalty pursuant to section  
1 15 805.8C, subsection 7, paragraph "c".  
1 16 4. A person under legal age who is under eighteen years of  
1 17 age shall not be referred to juvenile court based solely upon  
1 18 the refusal of the request and is exempt from the jurisdiction  
1 19 of chapter 232.  
1 20 5. A peace officer issuing a citation to a person under  
1 21 the age of eighteen for refusing a request shall notify the  
1 22 person's custodial parent or legal guardian of the refusal,  
1 23 unless the officer has reasonable grounds to believe that such  
1 24 notification is not in the best interests of the person or  
1 25 will endanger that person.  
1 26 6. The results of the preliminary screening test or  
1 27 refusal to submit to such a test shall be admissible in any  
1 28 civil proceeding or criminal prosecution under section 123.47.  
1 29 The results of the preliminary screening test shall be  
1 30 evidence from which the court or jury may infer that the  
1 31 person was in possession of alcohol in violation of section  
1 32 123.47.  
1 33 7. A person who has been requested to submit to a  
1 34 preliminary screening test under this section shall be advised  
1 35 by a peace officer of the following:



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2 1 a. The test results or a refusal to submit to such a test  
2 2 may be used as evidence in any civil, criminal, or juvenile  
2 3 proceeding.

2 4 b. Refusal of a test may also result in the assessment of  
2 5 a civil penalty.

2 6 Sec. 2. Section 321J.2B, Code 2009, is amended by adding  
2 7 the following new subsection:

2 8 NEW SUBSECTION. 3. The peace officer shall also make a  
2 9 reasonable effort to identify any person under the age of  
2 10 eighteen who is a passenger in a motor vehicle operated by a  
2 11 person who violates section 321J.2 or 321J.2A, and shall make  
2 12 a reasonable attempt to notify the passenger's custodial  
2 13 parent or legal guardian of the operator's violation, unless  
2 14 the officer has reasonable grounds to believe that  
2 15 notification is not in the best interests of the passenger or  
2 16 will endanger the passenger.

2 17 Sec. 3. Section 321J.5, subsection 2, Code 2009, is  
2 18 amended to read as follows:

2 19 2. The results of this preliminary screening test may be  
2 20 used for the purpose of deciding whether an arrest should be  
2 21 made or whether to request a chemical test authorized in this  
2 22 chapter, but shall not be used in any ~~court action~~ proceeding  
2 23 under this chapter except to prove that a chemical test was  
2 24 properly requested of a person pursuant to this chapter.

2 25 Sec. 4. Section 321J.5, Code 2009, is amended by adding  
2 26 the following new subsection:

2 27 NEW SUBSECTION. 3. This section shall not be construed to  
2 28 prohibit or limit the use of the results of a preliminary  
2 29 screening test or the refusal of such test in any proceeding  
2 30 conducted pursuant to section 123.46, 123.47, 123.47A, or  
2 31 123.49.

2 32 Sec. 5. Section 462A.14A, subsection 2, paragraph b, Code  
2 33 2009, is amended to read as follows:

2 34 b. The results of this preliminary screening test may be  
2 35 used for the purpose of deciding whether an arrest should be



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3 1 made or whether to request a chemical test authorized in this  
3 2 chapter, but shall not be used in any ~~court action~~ proceeding  
3 3 under this chapter except to prove that a chemical test was  
3 4 properly requested of a person pursuant to this section. This  
3 5 paragraph shall not be construed to prohibit or limit the use  
3 6 of the results of a preliminary screening test in any  
3 7 proceeding conducted pursuant to section 123.46, 123.47,  
3 8 123.47A, or 123.49.

3 9 Sec. 6. Section 602.8105, Code 2009, is amended by adding  
3 10 the following new subsection:

3 11 NEW SUBSECTION. 5. The clerk of the district court shall  
3 12 collect a civil penalty assessed against a person for refusing  
3 13 a preliminary screening test under section 123.47A. Any  
3 14 moneys collected from the civil penalty shall be remitted to  
3 15 the general fund of the jurisdiction that brought the  
3 16 enforcement action.

3 17 Sec. 7. Section 805.8C, subsection 7, Code 2009, is  
3 18 amended to read as follows:

3 19 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS UNDER LEGAL  
3 20 AGE.

3 21 a. For first offense violations of section 123.47,  
3 22 subsection 3, the scheduled fine is two hundred dollars.

3 23 b. For violations of section 123.47A, subsection 2, the  
3 24 scheduled fine is one hundred dollars, and is a civil penalty,  
3 25 the criminal penalty surcharge under section 911.1 shall not  
3 26 be added to the penalty, and the court costs pursuant to  
3 27 section 805.9, subsection 6, shall not be imposed. If the  
3 28 civil penalty assessed for a violation of section 123.47A,  
3 29 subsection 2, is not paid in a timely manner, a citation shall  
3 30 be issued for the violation in the manner provided in section  
3 31 804.1. The complainant shall not be charged a filing fee.

3 32 c. For violations of section 123.47A, subsection 3, the  
3 33 scheduled fine is fifty dollars, and is a civil penalty, the  
3 34 criminal penalty surcharge under section 911.1 shall not be  
3 35 added to the penalty, and the court costs pursuant to section



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4 1 805.9, subsection 6, shall not be imposed. If the civil  
4 2 penalty assessed for a violation of section 123.47A is not  
4 3 paid in a timely manner, a citation shall be issued for the  
4 4 violation in the manner provided in section 804.1. However, a  
4 5 person under age eighteen shall not be detained in a secure  
4 6 facility for failure to pay the civil penalty. The  
4 7 complainant shall not be charged a filing fee.

4 8 EXPLANATION

4 9 This bill relates to the consumption and possession of  
4 10 alcohol, and provides penalties.

4 11 The bill provides that a peace officer who has probable  
4 12 cause to believe a person under legal age has possessed  
4 13 alcohol may request the person under legal age to submit a  
4 14 sample of the person's breath for a preliminary screening test  
4 15 to determine if the person possessed alcohol in violation of  
4 16 Code section 123.47. The bill provides that the results of  
4 17 the preliminary screening test or the refusal to submit to  
4 18 such a test shall also be admissible in any civil, criminal,  
4 19 or juvenile proceeding relating to the possession of alcohol.

4 20 Under the bill, if a person under legal age is 18 years of  
4 21 age or older and refuses the request to submit a sample of the  
4 22 person's breath, the person shall be issued a civil citation  
4 23 with a fine of \$100. If the person under legal age is under  
4 24 18 years of age and refuses the request to submit a sample of  
4 25 the person's breath, the person shall be issued a civil  
4 26 citation with a fine of \$50. An arrest warrant may be issued  
4 27 in the same manner as under Code section 804.1 for a person 18  
4 28 years of age or older and who fails to pay the civil fine  
4 29 assessed under the bill.

4 30 The clerk of the district court shall collect any civil  
4 31 penalty assessed pursuant to the bill and shall distribute the  
4 32 moneys to the general fund of the jurisdiction that brought  
4 33 the enforcement action.

4 34 The bill requires the peace officer issuing a civil  
4 35 citation to a person under the age of 18 to notify the



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5 1 person's custodial parent or legal guardian of the refusal,  
5 2 unless the notification will endanger the person or is not in  
5 3 the person's best interests.  
5 4     The bill also provides that the results of the preliminary  
5 5 screening test or the refusal of such a test is admissible in  
5 6 any proceeding pursuant to Code sections 123.46 (consumption  
5 7 or intoxication in public places), 123.47 (persons under legal  
5 8 age), and 123.49 (miscellaneous prohibitions).  
5 9     The bill also requires a peace officer to notify the  
5 10 custodial parent or legal guardian of any person under the age  
5 11 of 18 who is a passenger in a motor vehicle where an operator  
5 12 under the legal age commits a violation of Code section 321J.2  
5 13 (operating while intoxicated) or Code section 321J.2A (under  
5 14 legal age operating .02), unless the notification will  
5 15 endanger the person or it is not in the person's best  
5 16 interests. Current law provides that a peace officer shall  
5 17 notify the custodial parent or legal guardian of a person  
5 18 under the age of 18 who violates Code section 321J.2 or  
5 19 321J.2A, unless the notification will endanger the person or  
5 20 it is not in the person's best interests.  
5 21 LSB 1086XS 83  
5 22 jm/nh/8.1



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**Senate File 6 - Introduced**

SENATE FILE  
BY HECKROTH

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act lowering the compulsory school attendance age and
- 2 providing for properly related matters.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1079XS 83
- 5 kh/nh/5



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Senate File 6 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.17, subsection 1, paragraph a, Code  
1 2 2009, is amended to read as follows:

1 3 a. Except as provided in paragraphs "c" and "d", the  
1 4 parent or guardian of a child enrolled in elementary school  
1 5 shall provide evidence to the school district or accredited  
1 6 nonpublic elementary school in which the child is enrolled of  
1 7 the child having, no earlier than three years of age but prior  
1 8 to reaching ~~six~~ five years of age, at a minimum, a dental  
1 9 screening performed by a licensed physician as defined in  
1 10 chapter 148 or 150, a nurse licensed under chapter 152, a  
1 11 licensed physician assistant as defined in section 148C.1, or  
1 12 a licensed dental hygienist or dentist as defined in chapter  
1 13 153. Except as provided in paragraphs "c" and "d", the parent  
1 14 or guardian of a child enrolled in high school shall provide  
1 15 evidence to the school district or accredited nonpublic high  
1 16 school in which the child is enrolled of the child having, at  
1 17 a minimum, a dental screening performed within the prior year  
1 18 by a licensed dental hygienist or dentist as defined in  
1 19 chapter 153. A school district or accredited nonpublic school  
1 20 shall provide access to a process to complete the screenings  
1 21 described in this paragraph as appropriate.

1 22 Sec. 2. Section 135.102, subsection 7, Code 2009, is  
1 23 amended to read as follows:

1 24 7. Implementation of a requirement that children receive a  
1 25 blood lead test prior to the age of ~~six~~ five and before  
1 26 enrolling in any elementary school in Iowa in accordance with  
1 27 section 135.105D.

1 28 Sec. 3. Section 135.105D, subsection 2, paragraph a, Code  
1 29 2009, is amended to read as follows:

1 30 a. A parent or guardian of a child under the age of two is  
1 31 strongly encouraged to have the child tested for elevated  
1 32 blood lead levels by the age of two. Except as provided in  
1 33 paragraph "b" and subsection 4, a parent or guardian shall  
1 34 provide evidence to the school district elementary attendance  
1 35 center or the accredited nonpublic elementary school in which



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Senate File 6 - Introduced continued

2 1 the parent's or guardian's child is enrolled that the child  
2 2 was tested for elevated blood lead levels by the age of ~~six~~  
2 3 five according to recommendations provided by the department.

2 4 Sec. 4. Section 279.9A, Code 2009, is amended to read as  
2 5 follows:

2 6 279.9A INFORMATION SHARING.

2 7 The rules referred to in section 279.9 shall provide that  
2 8 upon the request of school officials of a school to which the  
2 9 student seeks to transfer or has transferred, school officials  
2 10 of the sending school shall provide an accurate record of any  
2 11 exclusion, suspension, or expulsion actions taken, and the  
2 12 basis for those actions taken, against the student under  
2 13 sections 279.9, 280.19A, 282.3, 282.4, and 282.5. The  
2 14 designated representative shall disclose this information only  
2 15 to those school employees whose duties require them to be  
2 16 involved with the student. For purposes of this section,  
2 17 "school employees" means persons employed by a nonpublic  
2 18 school or school district, or any area education agency staff  
2 19 member who provides services to a school or school district.

2 20 Sec. 5. Section 282.3, subsection 1, Code 2009, is amended  
2 21 to read as follows:

2 22 1. The Notwithstanding section 299.1A, the board of  
2 23 directors of a school district may exclude from school  
2 24 children under the age of six years when in its judgment such  
2 25 children are not sufficiently mature to be benefited by  
2 26 regular instruction, or any child who is found to be  
2 27 physically or mentally unable to attend school under section  
2 28 299.5, or whose presence in school has been found to be  
2 29 injurious to the health of other pupils, or is efficiently  
2 30 taught for the scholastic year at a state institution.  
2 31 However, the board shall provide special education programs  
2 32 and services under chapters 256B, 257, and 273 for all  
2 33 children requiring special education.

2 34 Sec. 6. Section 282.3, subsection 2, unnumbered paragraphs  
2 35 1, 2, and 4, Code 2009, are amended by striking the unnumbered



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Senate File 6 - Introduced continued

3 1 paragraphs.

3 2 Sec. 7. Section 282.3, subsection 2, unnumbered paragraph  
3 3 3, Code 2009, is amended to read as follows:

3 4 ~~No child shall be admitted to school work for the year~~  
~~3 5 immediately preceding the first grade~~ The board of directors  
3 6 of a school district shall not admit a child to kindergarten  
3 7 unless the child is five years of age on or before ~~the~~  
~~3 8 fifteenth of September~~ 15 of the current school year.

3 9 Sec. 8. Section 282.3, subsection 3, Code 2009, is amended  
3 10 by striking the subsection.

3 11 Sec. 9. Section 299.1, unnumbered paragraph 1, Code 2009,  
3 12 is amended to read as follows:

3 13 Except as provided in section 299.2 or when the board of  
3 14 directors excludes a child from school as provided in section  
3 15 282.3, subsection 1, the parent, guardian, or legal or actual  
3 16 custodian of a child who is of compulsory attendance age,  
3 17 shall cause the child to attend some public school, an  
3 18 accredited nonpublic school, or competent private instruction  
3 19 in accordance with the provisions of chapter 299A, during a  
3 20 school year, as defined under section 279.10. The board of  
3 21 directors of a public school district or the governing body of  
3 22 an accredited nonpublic school shall set the number of days of  
3 23 required attendance for the schools under its control.

3 24 Sec. 10. Section 299.1A, Code 2009, is amended to read as  
3 25 follows:

3 26 299.1A COMPULSORY ATTENDANCE AGE.

3 27 A child who has reached the age of ~~six~~ five and is under  
3 28 sixteen years of age by September 15 is of compulsory  
3 29 attendance age. However, if a child enrolled in a school  
3 30 district or accredited nonpublic school reaches the age of  
3 31 sixteen on or after September 15, the child remains of  
3 32 compulsory age until the end of the regular school calendar.

3 33 EXPLANATION

3 34 This bill lowers the compulsory school attendance age from  
3 35 age six to age five. The bill makes a number of conforming



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Senate File 6 - Introduced continued

4 1 changes, including the elimination of language establishing  
4 2 the conditions under which a child may be admitted to  
4 3 kindergarten and first grade in a public school. The bill  
4 4 retains language authorizing a school board to exclude a child  
4 5 under six from school if the board determines the child is  
4 6 unable to benefit from instruction.

4 7 With the lowering of the compulsory attendance age, the  
4 8 bill also requires the Iowa department of public health to  
4 9 implement the requirement that children receive a blood lead  
4 10 test prior to the age of five, rather than six and that the  
4 11 parent or guardian of a child enrolled in elementary school  
4 12 provide evidence to the school district that the child, prior  
4 13 to the age of five rather than six, had a dental screening.  
4 14 The requirement that children receive the test before the time  
4 15 of enrollment remains unchanged.

4 16 The bill includes a technical change in Code section 279.9A  
4 17 to state that the actions which may be taken by school  
4 18 officials under the Code sections referenced in the statute  
4 19 include the exclusion of a student.

4 20 LSB 1079XS 83

4 21 kh/nh/5



Iowa General Assembly  
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**Senate File 7 - Introduced**

SENATE FILE  
BY KETTERING

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to notice of public disclosure of certain
- 2 workers' compensation information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1051SS 83
- 5 av/nh/8



Iowa General Assembly  
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Senate File 7 - Introduced continued

PAG LIN

1 1 Section 1. Section 86.45, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 2A. The workers' compensation  
1 4 commissioner shall provide a conspicuous written notice to  
1 5 each employee or the dependents of an employee whose  
1 6 information is filed with the workers' compensation  
1 7 commissioner, which states that pleadings, motions, decisions,  
1 8 opinions, or applications for settlement that are filed with  
1 9 the workers' compensation commissioner are public records  
1 10 under chapter 22. Such notice shall further specifically  
1 11 describe what other information filed with the workers'  
1 12 compensation commissioner may be disclosed and considered a  
1 13 public record under chapter 22 pursuant to a written waiver of  
1 14 confidentiality that is executed by the employee or the  
1 15 dependents of the employee. The notice shall also be  
1 16 prominently displayed on the internet website of the division  
1 17 of workers' compensation.

1 18

EXPLANATION

1 19 This bill requires the workers' compensation commissioner  
1 20 to provide a conspicuous written notice to each injured  
1 21 employee or the dependents of an employee whose information is  
1 22 filed with the commissioner which informs the reader that  
1 23 pleadings, motions, decisions, opinions, or applications for  
1 24 settlement that are filed with the commissioner are public  
1 25 records under Code chapter 22, and that specifically describes  
1 26 what other information filed with the commissioner may also be  
1 27 considered a public record pursuant to a written waiver of  
1 28 confidentiality that is executed by the employee or the  
1 29 dependents of the employee. The notice must also be  
1 30 prominently displayed on the internet website of the division  
1 31 of workers' compensation.

1 32 LSB 1051SS 83

1 33 av/nh/8



Iowa General Assembly  
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**Senate File 8 - Introduced**

SENATE FILE  
BY KETTERING

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to transportation provided to children attending  
2 a preschool program administered by a community empowerment  
3 area.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1521XS 83  
6 jp/nh/5



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Senate File 8 - Introduced continued

PAG LIN

1 1 Section 1. Section 28.5, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 4. If children attending a preschool  
1 4 program administered by a community empowerment area are  
1 5 regularly transported in order to attend the program in a  
1 6 vehicle provided by a school district in which the preschool  
1 7 is located, the vehicle may transport the children within  
1 8 other school districts without receiving the approval of the  
1 9 other school districts. The authorization provided by this  
1 10 subsection is limited to transportation provided within  
1 11 contiguous school districts to locations that are not more  
1 12 than three linear miles from the boundary of the school  
1 13 district providing the vehicle. The authorization is  
1 14 applicable whether or not the transporting vehicle is a marked  
1 15 school bus.

1 16 EXPLANATION

1 17 This bill relates to transportation provided to children  
1 18 attending a preschool program administered by a community  
1 19 empowerment area.  
1 20 Code section 28.5, outlining general provisions for  
1 21 community empowerment areas, is amended with a new subsection.  
1 22 If children attending a preschool program administered by a  
1 23 community empowerment area are regularly transported in order  
1 24 to attend the program in a vehicle provided by a school  
1 25 district in which the preschool is located, the vehicle may  
1 26 transport the children within other school districts without  
1 27 receiving the approval of the other school districts. The  
1 28 authorization to transport without approval of the other  
1 29 districts is limited to transportation provided within  
1 30 contiguous school districts to locations that are not more  
1 31 than three linear miles from the boundary of the school  
1 32 district providing the vehicle. The authorization is  
1 33 applicable whether or not the transporting vehicle is a marked  
1 34 school bus.  
1 35 LSB 1521XS 83



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Senate File 8 - Introduced continued

2 1 jp/nh/5



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**Senate File 9**

SENATE FILE  
BY RAGAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the disposition of school property and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1538SS 83
- 5 ak/nh/5



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Senate File 9 continued

PAG LIN

1 1 Section 1. Section 278.1, subsection 1, paragraph b, Code  
1 2 2009, is amended to read as follows:  
1 3 b. ~~Except when restricted by section 297.25, direct~~ Direct  
1 4 the sale, lease, or other disposition of any schoolhouse or  
1 5 school site or other property belonging to the corporation,  
1 6 and the application to be made of the proceeds thereof.  
1 7 However, nothing in this section shall be construed to prevent  
1 8 the ~~independent action by the board of directors of the~~  
~~1 9 corporation to sell~~ sale, lease, exchange, gift, or grant, or  
~~1 10 otherwise dispose and acceptance~~ of any interest in real or  
1 11 other property of the corporation to the extent authorized in  
1 12 section 297.22. ~~For the purposes of this paragraph, "dispose"~~  
~~1 13 or "disposition" includes the exchange, transfer, demolition,~~  
~~1 14 or destruction of any real or other property of the~~  
~~1 15 corporation.~~

1 16 Sec. 2. Section 297.22, subsection 1, paragraph e, Code  
1 17 2009, is amended by striking the paragraph.

1 18 Sec. 3. Section 297.25, Code 2009, is amended by striking  
1 19 the section and inserting in lieu thereof the following:

1 20 297.25 RULE OF CONSTRUCTION.

1 21 Section 297.22 shall be construed as independent of the  
1 22 power vested in the electors by section 278.1, and as  
1 23 additional to such power.

1 24 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
1 25 immediate importance, takes effect upon enactment.

1 26 EXPLANATION

1 27 This bill relates to the disposition of school property.  
1 28 The bill strikes changes made to Code sections 278.1(1)(b) and  
1 29 297.25 and strikes Code section 297.22(1)(e), all from House  
1 30 File 2526, which passed during the 2008 legislative session.

1 31 The bill returns the Code language to how it read prior to  
1 32 enactment of House File 2526, except for technical changes, to  
1 33 allow voters to direct the disposition of school property and  
1 34 the application of the proceeds.

1 35 Currently, Code section 298.1(1)(b) specifies that the



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Senate File 9 continued

2 1 board of directors of a school district may take independent  
2 2 action to dispose of any interest in real or other property of  
2 3 the school corporation. Currently, "dispose" or "disposition"  
2 4 includes the exchange, transfer, demolition, or destruction of  
2 5 any real or personal property of the school district. The  
2 6 bill strikes this language.

2 7 Code section 297.25 currently prohibits voters from  
2 8 exercising their power to direct the disposition of school  
2 9 district property for any purpose directly contrary to an  
2 10 action previously approved by the board of directors under  
2 11 current Code section 297.22, regarding real or personal  
2 12 property of the school district. The prohibition on electors  
2 13 exercising their power in regard to an action by the board  
2 14 shall expire at the end of the same calendar year that the  
2 15 board approved an action unless the action itself includes a  
2 16 specific time frame. The bill strikes this prohibition.

2 17 The bill takes effect upon enactment.

2 18 LSB 1538SS 83

2 19 ak/nh/5



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Senate Study Bill 1001

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON RAGAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act to allow physician assistants to form a professional
- 2 corporation or limited liability company.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1197XC 83
- 5 jr/nh/8



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Senate Study Bill 1001 continued

PAG LIN

1 1 Section 1. Section 490A.1501, subsection 4, Code 2009, is  
1 2 amended to read as follows:

1 3 4. "Profession" means the profession of certified public  
1 4 accountancy, architecture, chiropractic, dentistry, physical  
1 5 therapy, practice as a physician assistant, psychology,  
1 6 professional engineering, land surveying, landscape  
1 7 architecture, law, medicine and surgery, optometry,  
1 8 osteopathic medicine and surgery, accounting practitioner,  
1 9 podiatry, real estate brokerage, speech pathology, audiology,  
1 10 veterinary medicine, pharmacy, nursing, and marriage and  
1 11 family therapy, provided that the marriage and family  
1 12 therapist is licensed under chapters 147 and 154D.

1 13 Sec. 2. Section 496C.2, subsection 4, Code 2009, is  
1 14 amended to read as follows:

1 15 4. "Profession" means the profession of certified public  
1 16 accountancy, architecture, chiropractic, dentistry, physical  
1 17 therapy, practice as a physician assistant, psychology,  
1 18 professional engineering, land surveying, landscape  
1 19 architecture, law, medicine and surgery, optometry,  
1 20 osteopathic medicine and surgery, accounting practitioner,  
1 21 podiatry, real estate brokerage, speech pathology, audiology,  
1 22 veterinary medicine, pharmacy, and the practice of nursing.

1 23 EXPLANATION

1 24 This bill allows physician assistants to form a  
1 25 professional corporation or a professional limited liability  
1 26 company.

1 27 LSB 1197XC 83

1 28 jr/nh/8



Iowa General Assembly  
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Senate Study Bill 1002

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON RAGAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act requiring health insurance coverage for costs relating to  
2 mental health conditions, including alcohol or substance abuse  
3 treatment services, and creating a mental health insurance  
4 advisory committee.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1524XC 83  
7 av/nh/8



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Senate Study Bill 1002 continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 MANDATED COVERAGE FOR  
1 2 MENTAL HEALTH CONDITIONS == MENTAL HEALTH INSURANCE ADVISORY  
1 3 COMMITTEE.  
1 4 1. For purposes of this section, unless the context  
1 5 otherwise requires:  
1 6 a. "Mental health condition" means a condition or disorder  
1 7 involving mental illness or alcohol or substance abuse as  
1 8 defined by the commissioner of insurance by rule, consistent  
1 9 with the diagnostic categories listed in the mental disorders  
1 10 section of the most recent version of the diagnostic and  
1 11 statistical manual of mental disorders.  
1 12 b. "Rates, terms, and conditions" means any lifetime  
1 13 payment limits, deductibles, copayments, coinsurance, and any  
1 14 other cost-sharing requirements, out-of-pocket limits, visit  
1 15 limitations, and any other financial component of benefits  
1 16 coverage that affects the covered individual.  
1 17 2. a. Notwithstanding section 514C.6, a policy, contract,  
1 18 or plan providing for third-party payment or prepayment of  
1 19 health or medical expenses shall provide coverage benefits for  
1 20 mental health conditions based on rates, terms, and conditions  
1 21 which are no more restrictive than the rates, terms, and  
1 22 conditions for coverage benefits provided for other health or  
1 23 medical conditions under the policy, contract, or plan.  
1 24 Additionally, any rates, terms, and conditions involving  
1 25 deductibles, copayments, coinsurance, and any other cost=  
1 26 sharing requirements shall be cumulative for coverage of both  
1 27 mental health conditions and other health or medical  
1 28 conditions under the policy, contract, or plan.  
1 29 b. Coverage required under this subsection shall be as  
1 30 follows:  
1 31 (1) For the treatment of mental illness, coverage shall be  
1 32 for services provided by a licensed mental health professional  
1 33 or services provided in a licensed hospital or health  
1 34 facility.  
1 35 (2) For the treatment of alcohol or substance abuse,



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Senate Study Bill 1002 continued

2 1 coverage shall be for services provided by a substance abuse  
2 2 counselor, as approved by the department of human services; a  
2 3 licensed health facility providing a program for the treatment  
2 4 of alcohol or substance abuse approved by the department of  
2 5 human services; or a substance abuse treatment and  
2 6 rehabilitation facility, as licensed by the department of  
2 7 public health pursuant to chapter 125.  
2 8 3. This section applies to the following classes of third=  
2 9 party payment provider policies, contracts, or plans  
2 10 delivered, issued for delivery, continued, or renewed in this  
2 11 state on or after January 1, 2010:  
2 12 a. Individual or group accident and sickness insurance  
2 13 providing coverage on an expense-incurred basis.  
2 14 b. An individual or group hospital or medical service  
2 15 contract issued pursuant to chapter 509, 514, or 514A.  
2 16 c. A plan established pursuant to chapter 509A for public  
2 17 employees.  
2 18 d. An individual or group health maintenance organization  
2 19 contract regulated under chapter 514B.  
2 20 e. An individual or group Medicare supplemental policy,  
2 21 unless coverage pursuant to such policy is preempted by  
2 22 federal law.  
2 23 f. Any other entity engaged in the business of insurance,  
2 24 risk transfer, or risk retention, which is subject to the  
2 25 jurisdiction of the commissioner.  
2 26 g. An organized delivery system licensed by the director  
2 27 of public health.  
2 28 4. The commissioner shall adopt rules to administer this  
2 29 section after consultation with the mental health insurance  
2 30 advisory committee.  
2 31 a. The commissioner shall appoint members to a mental  
2 32 health insurance advisory committee. Members shall include  
2 33 all sectors of society impacted by issues associated with  
2 34 coverage of mental health treatment by third-party payors  
2 35 including but not limited to representatives of the insurance



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Senate Study Bill 1002 continued

3 1 industry, small and large employers, employee representatives  
3 2 including labor, individual consumers, health care providers,  
3 3 and other groups and individuals that may be identified by the  
3 4 insurance division of the department of commerce.

3 5 b. The committee shall meet upon the request of the  
3 6 commissioner to review rules proposed under this section by  
3 7 the commissioner, and to make suggestions as appropriate.

3 8 Sec. 2. Section 514C.22, Code 2009, is repealed effective  
3 9 January 1, 2010.

3 10 EXPLANATION

3 11 This bill creates new Code section 514C.24 and provides  
3 12 that, effective January 1, 2010, a policy, contract, or plan  
3 13 providing for third-party payment or prepayment of health or  
3 14 medical expenses must provide coverage benefits for mental  
3 15 health conditions based on rates, terms, and conditions which  
3 16 are no more restrictive than the rates, terms, and conditions  
3 17 associated with coverage benefits provided for other  
3 18 conditions under the policy, contract, or plan. "Mental  
3 19 health condition" means a condition or disorder involving  
3 20 mental illness or alcohol or substance abuse as defined by the  
3 21 commissioner of insurance, by rule, consistent with the  
3 22 diagnostic categories listed in the mental disorders section  
3 23 of the most recent version of the diagnostic and statistical  
3 24 manual of mental disorders.

3 25 The bill also requires the insurance commissioner to adopt  
3 26 rules to administer the new Code section, after consultation  
3 27 with the new mental health insurance advisory committee, whose  
3 28 members are appointed by the commissioner including  
3 29 representatives from business, insurance, consumer, and health  
3 30 groups.

3 31 Code section 514C.22, which currently mandates coverage for  
3 32 certain biologically based mental illnesses, is repealed  
3 33 effective January 1, 2010.

3 34 LSB 1524XC 83

3 35 av/nh/8



Iowa General Assembly  
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**Senate Study Bill 1003**

SENATE/HOUSE FILE  
BY (PROPOSED BOARD OF  
PHARMACY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to requiring reports for certain precursor
- 2 substances and extending an information program for drug
- 3 prescribing and dispensing and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1248DP 83
- 6 jm/rj/14



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Senate Study Bill 1003 continued

PAG LIN

1 1 Section 1. Section 124B.2, subsection 1, Code 2009, is  
1 2 amended by adding the following new paragraphs:  
1 3 NEW PARAGRAPH. y. Iodine  
1 4 NEW PARAGRAPH. z. N-phenethyl-4-piperidone (NPP)  
1 5 Sec. 2. 2006 Iowa Acts, chapter 1147, section 10, is  
1 6 repealed.  
1 7 Sec. 3. Sections 124.551 through 124.558, Code 2009, are  
1 8 repealed June 30, 2011.  
1 9 Sec. 4. EFFECTIVE DATE. The section of this Act that  
1 10 repeals 2006 Iowa Acts, chapter 1147, section 10, being deemed  
1 11 of immediate importance, takes effect upon enactment.

1 12 EXPLANATION

1 13 This bill relates to requiring reports for certain  
1 14 precursor substances and extending an information program for  
1 15 drug prescribing and dispensing.

1 16 The bill adds iodine and N-phenethyl-4-piperidone to the  
1 17 list of precursor substances which require a manufacturer,  
1 18 retailer, or other person who transfers such a substance, to  
1 19 report the transfer to the board of pharmacy as provided in  
1 20 Code chapter 124B. "Precursor substance" is defined in Code  
1 21 chapter 124B to mean a substance which may be used as a  
1 22 precursor in the illegal production of a controlled substance  
1 23 and is specified under Code section 124B.2.

1 24 The bill also extends the authorization of the board of  
1 25 pharmacy to establish and administer a prescription drug  
1 26 database program containing a record of the dispensing of  
1 27 prescriptions for identified controlled substances. The  
1 28 purpose of the program extended by the bill is to collect  
1 29 information regarding the dispensing of controlled substance  
1 30 prescriptions by pharmacies in order to improve patient health  
1 31 care by facilitating the early identification of patients who  
1 32 may be at risk for addiction, or who may be using, abusing, or  
1 33 diverting drugs for unlawful or otherwise unauthorized  
1 34 purposes.

1 35 The bill extends the program from June 30, 2009, to June



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Senate Study Bill 1003 continued

2 1 30, 2011.  
2 2 LSB 1248DP 83  
2 3 jm/rj/14.1



Iowa General Assembly  
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**Senate Study Bill 1004**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN RIGHTS/DIVISION OF  
CRIMINAL AND JUVENILE  
JUSTICE PLANNING BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act creating an Iowa collaboration for youth development
- 2 council and state of Iowa youth advisory council in the
- 3 department of human rights.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1264DP 83
- 6 jp/nh/5



Iowa General Assembly  
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Senate Study Bill 1004 continued

PAG LIN

1 1 Section 1. NEW SECTION. 216A.132A IOWA COLLABORATION FOR  
1 2 YOUTH DEVELOPMENT COUNCIL == STATE OF IOWA YOUTH ADVISORY  
1 3 COUNCIL.  
1 4 1. DEFINITIONS. For the purposes of this section, unless  
1 5 the context otherwise requires:  
1 6 a. "Youth" means children and young persons who are ages  
1 7 six through twenty-one years.  
1 8 b. "Youth advisory council" means the state of Iowa youth  
1 9 advisory council created by this section.  
1 10 c. "Youth development council" means the Iowa  
1 11 collaboration for youth development council created by this  
1 12 section.  
1 13 2. COLLABORATION COUNCIL CREATED. An Iowa collaboration  
1 14 for youth development council is created as an alliance of  
1 15 state agencies that address the needs of youth in Iowa.  
1 16 3. PURPOSE. The purpose of the youth development council  
1 17 is to improve the lives and futures of Iowa's youth by doing  
1 18 all of the following:  
1 19 a. Adopting and applying positive youth development  
1 20 principles and practices at the state and local levels.  
1 21 b. Increasing the quality, efficiency, and effectiveness  
1 22 of opportunities and services and other supports for youth.  
1 23 c. Improving and coordinating state youth policy and  
1 24 programs across state agencies.  
1 25 4. VISION STATEMENT. All youth development activities  
1 26 addressed by the youth development council shall be aligned  
1 27 around the following vision statement: "All Iowa youth will  
1 28 be safe, healthy, successful, and prepared for adulthood."  
1 29 5. MEMBERSHIP. The youth development council membership  
1 30 shall be determined by the council itself and shall include  
1 31 the directors or chief administrators, or their designees,  
1 32 from the following state agencies and programs:  
1 33 a. Child advocacy board.  
1 34 b. Iowa commission on volunteer service in the office of  
1 35 the governor.



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Senate Study Bill 1004 continued

- 2 1 c. Department of education.
- 2 2 d. Department of human rights, including the commission on
- 2 3 the status of women and the division of criminal and juvenile
- 2 4 justice planning.
- 2 5 e. Department of human services.
- 2 6 f. Department of public health.
- 2 7 g. Department of workforce development.
- 2 8 h. Governor's office of drug control policy.
- 2 9 i. Iowa cooperative extension in agriculture and home
- 2 10 economics.
- 2 11 j. Office of community empowerment in the department of
- 2 12 management.
- 2 13 6. PROCEDURE. Except as otherwise provided by law, the
- 2 14 youth development council shall determine its own rules of
- 2 15 procedure and operating policies, including but not limited to
- 2 16 terms of members. The youth development council may form
- 2 17 committees or subgroups as necessary to achieve its purpose.
- 2 18 The department director, or the director's designee, shall be
- 2 19 the chairperson of the youth development council.
- 2 20 7. DUTIES. The youth development council's duties shall
- 2 21 include but are not limited to all of the following:
- 2 22 a. Study, explore, and plan for the best approach to
- 2 23 structure and formalize the functions and activities of the
- 2 24 youth development council to meet its purpose, and make formal
- 2 25 recommendations for improvement to the governor and general
- 2 26 assembly.
- 2 27 b. Review indicator data and identify barriers to youth
- 2 28 success and develop strategies to address the barriers.
- 2 29 c. Coordinate across agencies the state policy priorities
- 2 30 for youth.
- 2 31 d. Strengthen partnerships with the nonprofit and private
- 2 32 sectors to gather input, build consensus, and maximize use of
- 2 33 existing resources and leverage new resources to improve the
- 2 34 lives of youth and their families.
- 2 35 e. Oversee the activities of the youth advisory council.



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Senate Study Bill 1004 continued

3 1 f. Seek input from and engage the youth advisory council  
3 2 in the development of more effective policies, practices, and  
3 3 programs to improve the lives and futures of youth.

3 4 g. Report annually by February 1 to the governor and  
3 5 general assembly.

3 6 8. STATE OF IOWA YOUTH ADVISORY COUNCIL. A state of Iowa  
3 7 youth advisory council is created to provide input to the  
3 8 governor, general assembly, and state and local policymakers  
3 9 on youth issues.

3 10 a. The purpose of the youth advisory council is to foster  
3 11 communication among a group of engaged youth and the governor,  
3 12 general assembly, and state and local policymakers regarding  
3 13 programs, policies, and practices affecting youth and  
3 14 families; and to advocate for youth on important issues  
3 15 affecting youth.

3 16 b. The youth advisory council shall consist of no more  
3 17 than twenty-one youth ages fourteen through twenty years who  
3 18 reside in Iowa. Membership shall be for two-year staggered  
3 19 terms. The department director, or the director's designee,  
3 20 shall select council members using an application process.  
3 21 The department director or the director's designee shall  
3 22 strive to maintain a diverse council membership and shall take  
3 23 into consideration race, ethnicity, disabilities, gender, and  
3 24 geographic location of residence of the applicants.

3 25 c. Except as otherwise provided by law, the youth advisory  
3 26 council shall determine its own rules of procedure and  
3 27 operating policies, subject to approval by the department  
3 28 director or the director's designee.

3 29 d. The youth advisory council shall meet at least  
3 30 quarterly.

3 31 9. LEAD AGENCY. The lead agency for support of the Iowa  
3 32 collaboration for youth development council and the state of  
3 33 Iowa youth advisory council is the department. The department  
3 34 shall coordinate activities and, with funding made available  
3 35 to it for such purposes, provide staff support for the youth



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Senate Study Bill 1004 continued

4 1 development council and the youth advisory council.

4 2 EXPLANATION

4 3 This bill creates an Iowa collaboration for youth  
4 4 development council and state of Iowa youth advisory council  
4 5 in the department of human rights.

4 6 The creation of the councils is codified in Code chapter  
4 7 216A, pertaining to the division of criminal and juvenile  
4 8 justice planning.

4 9 The term "youth" is defined to mean children and young  
4 10 persons who are ages six through 21 years.

4 11 For the Iowa collaboration for youth development council,  
4 12 the bill specifies a purpose, vision statement, membership and  
4 13 procedural authority, and duties. The membership is to be  
4 14 determined by the council itself but is required to include  
4 15 staff from various state agencies. The council is authorized  
4 16 to determine its own rules of procedure and operating  
4 17 policies, including but not limited to terms of members. The  
4 18 director of the department of human rights or the director's  
4 19 designee is required to be the council chairperson. The  
4 20 duties of the council include various coordination and  
4 21 analysis functions and include a required annual report to the  
4 22 governor and general assembly.

4 23 The bill also creates a state of Iowa youth advisory  
4 24 council to provide input to the governor, general assembly,  
4 25 and other policymakers regarding youth issues. The membership  
4 26 of not more than 21 persons is to be appointed by the director  
4 27 of the department of human rights or the director's designee.  
4 28 The membership is limited to youth who are age 14 through 20  
4 29 years. Except as otherwise provided by law, the youth  
4 30 advisory council is authorized to determine its own rules of  
4 31 procedure and operating policies, subject to approval by the  
4 32 department director or the director's designee.

4 33 LSB 1264DP 83

4 34 jp/nh/5



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Senate Study Bill 1005

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act requiring the department of veterans affairs to prepare a  
2 report related to the activities of county commissions of  
3 veteran affairs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1280SC 83  
6 md/rj/5



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Senate Study Bill 1005 continued

PAG LIN

1 1 Section 1. Section 35A.5, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 15. Annually, by February 1, prepare and  
1 4 submit a report to the governor and the general assembly  
1 5 relating to county commissions of veteran affairs. Copies of  
1 6 the report shall also be provided to each county board of  
1 7 supervisors and to each county commission of veteran affairs.  
1 8 The report shall include all of the following:  
1 9 a. Information related to compliance with the training  
1 10 requirements under section 35B.6 during the previous calendar  
1 11 year.  
1 12 b. The weekly operating schedule of each county commission  
1 13 of veteran affairs office maintained under section 35B.6.  
1 14 c. The number of hours of veterans' services provided by  
1 15 each county commission of veteran affairs executive director  
1 16 or administrator during the previous calendar year.  
1 17 d. Population of each county, including the number of  
1 18 veterans residing in each county.  
1 19 e. The total amount of compensation, disability benefits,  
1 20 or pensions received by the residents of each county under  
1 21 laws administered by the United States department of veterans  
1 22 affairs.  
1 23 f. An analysis of the information contained in paragraphs  
1 24 "a" through "e", including an analysis of such information for  
1 25 the previous ten years.

1 26 EXPLANATION

1 27 This bill requires the department of veterans affairs to  
1 28 prepare and submit a report to the governor and the general  
1 29 assembly by February 1 relating to certain activities of  
1 30 county commissions of veteran affairs. The bill requires the  
1 31 report to include information related to compliance with the  
1 32 training required under Code section 35B.6, the operating  
1 33 schedule of each county commission of veteran affairs office,  
1 34 the number of hours of veterans' services provided by each  
1 35 county executive director or administrator, county population



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Senate Study Bill 1005 continued

2 1 information, including the number of veterans residing in each  
2 2 county, and the total amount of compensation, disability  
2 3 benefits, or pensions received by the residents of each county  
2 4 under laws administered by the United States department of  
2 5 veterans affairs. The bill also requires the report to  
2 6 include an analysis of the information reported, including  
2 7 analysis of such information for the previous 10 years.  
2 8 The report required under the bill includes information  
2 9 resulting from Code provisions that were amended by 2008 Iowa  
2 10 Acts, chapter 1130. 2008 Iowa Acts, chapter 1130 takes effect  
2 11 generally on July 1, 2009.  
2 12 LSB 1280SC 83  
2 13 md/rj/5



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Senate Study Bill 1006

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act relating to the definition of resident for purposes of  
2 tuition and fees for qualified veterans at Iowa's public  
3 universities and community colleges.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1211SC 83  
6 kh/nh/8



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Senate Study Bill 1006 continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 14, Code 2009, is  
1 2 amended to read as follows:

1 3 14. a. In its discretion, adopt rules relating to the  
1 4 classification of students enrolled in the community college  
1 5 who are residents of Iowa's sister states as residents or  
1 6 nonresidents for tuition and fee purposes.

1 7 b. Adopt rules to classify qualified veterans and  
1 8 qualified veterans' spouses and dependent children who are  
1 9 domiciled in this state while enrolled in a community college,  
1 10 as residents for purposes of tuition and fees. A spouse or  
1 11 dependent child of a veteran shall not be deemed a resident  
1 12 under this paragraph "b" unless the veteran meets all of the  
1 13 requirements of subparagraph (2).

1 14 (1) For purposes of this paragraph "b", "dependent child"  
1 15 means a student who was claimed by a qualified veteran as a  
1 16 dependent on the qualified veteran's internal revenue service  
1 17 tax filing for the previous tax year.

1 18 (2) For purposes of this paragraph "b", "qualified  
1 19 veteran" means a person who meets the following requirements:

1 20 (a) Is eligible for benefits, or has exhausted the  
1 21 benefits, under the federal Post-9/11 Veterans Educational  
1 22 Assistance Act of 2008.

1 23 (b) Is domiciled in this state.

1 24 Sec. 2. Section 262.9, subsection 16, Code 2009, is  
1 25 amended to read as follows:

1 26 16. a. In its discretion, adopt rules relating to the  
1 27 classification of students enrolled in institutions of higher  
1 28 education under the board who are residents of Iowa's sister  
1 29 states as residents or nonresidents for fee purposes.

1 30 b. Adopt rules to classify qualified veterans and  
1 31 qualified veterans' spouses and dependent children who are  
1 32 domiciled in this state while enrolled in an institution of  
1 33 higher education under the board, as residents for purposes of  
1 34 tuition and fees. A spouse or dependent child of a veteran  
1 35 shall not be deemed a resident under this paragraph "b" unless



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Senate Study Bill 1006 continued

2 1 the veteran meets all of the requirements of subparagraph (2).

2 2 (1) For purposes of this paragraph "b", "dependent child"

2 3 means a student who was claimed by the qualified veteran as a

2 4 dependent on the qualified veteran's internal revenue service

2 5 tax filing for the previous tax year.

2 6 (2) For purposes of this paragraph "b", "qualified

2 7 veteran" means a person who meets the following requirements:

2 8 (a) Is eligible for benefits, or has exhausted the

2 9 benefits, under the federal Post-9/11 Veterans Educational

2 10 Assistance Act of 2008.

2 11 (b) Is domiciled in this state.

2 12 EXPLANATION

2 13 This bill requires the state board of regents and the

2 14 boards of directors of the state's community colleges to adopt

2 15 rules that classify qualified military veterans and their

2 16 spouses and dependent children, who are domiciled in this

2 17 state while enrolled in a regents university or community

2 18 college, as residents for purposes of tuition and fees.

2 19 The "qualified veteran" must be eligible for benefits under

2 20 the federal Post-9/11 Veterans Educational Assistance Act of

2 21 2008 and be domiciled in this state, whether or not the

2 22 veteran is attending classes, in order for the spouse or

2 23 dependent child to be eligible for status as a resident.

2 24 The bill may create a state mandate as provided in Code

2 25 chapter 25B.

2 26 LSB 1211SC 83

2 27 kh/nh/8



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**Senate Study Bill 1007**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act establishing an Iowa veterans college loan repayment
- 2 program and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1209SC 83
- 5 kh/nh/8



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Senate Study Bill 1007 continued

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1 1 Section 1. NEW SECTION. 261.23A IOWA VETERANS COLLEGE  
1 2 LOAN REPAYMENT PROGRAM == FUND.  
1 3 1. An Iowa veterans college loan repayment program is  
1 4 established to be administered by the college student aid  
1 5 commission, in consultation with the department of veterans  
1 6 affairs, to encourage veterans to establish careers in Iowa.  
1 7 2. A veteran is eligible for the program if the veteran  
1 8 meets all of the following qualifications:  
1 9 a. Is a resident of this state at the time of application  
1 10 for a payment under this section and was a resident of this  
1 11 state for at least three consecutive years immediately prior  
1 12 to the time of application.  
1 13 b. Applies to the commission in a format determined by the  
1 14 commission and submits with the application proof of military  
1 15 service, and, where applicable, proof of residency and a  
1 16 statement from the United States veterans administration that  
1 17 the veteran has exhausted or is not entitled to federal  
1 18 military college loan repayment program benefits.  
1 19 c. Is employed in this state for wages by an employer.  
1 20 3. a. The amount of Iowa veterans college loan repayment  
1 21 an applicant may receive shall not exceed the following:  
1 22 (1) Eighteen thousand dollars or the remainder of the  
1 23 veteran's outstanding college debt, whichever is less, if the  
1 24 veteran was a resident of this state for not less than ten  
1 25 consecutive years immediately prior to the time of application  
1 26 for payment under this section. If the veteran qualified for  
1 27 repayment under subparagraphs (2) and (3), the amount of  
1 28 repayment the veteran is eligible for under this subparagraph  
1 29 (1) shall be reduced by an amount equivalent to the total  
1 30 amount received under subparagraphs (2) and (3).  
1 31 (2) Eight thousand dollars or the remainder of the  
1 32 veteran's outstanding college debt, whichever is less, if the  
1 33 veteran was a resident of this state for not less than five  
1 34 consecutive years immediately prior to the time of application  
1 35 for payment under this section. If the veteran qualified for



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2 1 repayment under subparagraph (3), the amount of repayment the  
2 2 veteran is eligible for under this subparagraph (2) shall be  
2 3 reduced by the amount received under subparagraph (3).

2 4 (3) Three thousand dollars or the remainder of the  
2 5 veteran's outstanding college debt, whichever is less, if the  
2 6 veteran was a resident of this state for not less than three  
2 7 consecutive years immediately prior to the time of application  
2 8 for payment under this section.

2 9 4. Eligible loans include the federally guaranteed loans  
2 10 under the federal family education loan program or the federal  
2 11 direct loan program, and subsidized and unsubsidized Stafford  
2 12 loans and consolidated loans, including principal and  
2 13 interest.

2 14 5. An Iowa veterans college loan repayment fund is created  
2 15 in the state treasury as a separate fund under the control of  
2 16 the commission. The fund is created for deposit of moneys  
2 17 appropriated to or received by the commission for use under  
2 18 the program. Notwithstanding section 8.33, any balance in the  
2 19 fund on June 30 of any fiscal year shall not revert to the  
2 20 general fund of the state but shall remain in the fund for  
2 21 additional loan repayment in accordance with this section.

2 22 Notwithstanding section 12C.7, subsection 2, interest or  
2 23 earnings on moneys in the fund shall be credited to the fund.

2 24 6. The commission shall adopt rules pursuant to chapter  
2 25 17A to administer this section.

2 26 7. For purposes of this section, "veteran" means the same  
2 27 as defined in section 35.1.

2 28 Sec. 2. COLLEGE STUDENT AID COMMISSION == IOWA VETERANS  
2 29 COLLEGE LOAN REPAYMENT PROGRAM. There is appropriated from  
2 30 the general fund of the state to the college student aid  
2 31 commission for the fiscal year beginning July 1, 2009, and  
2 32 ending June 30, 2010, the following amount, or so much thereof  
2 33 as is necessary, to be used for the purposes designated:

2 34 For purposes of the Iowa veterans college loan repayment  
2 35 program established pursuant to section 261.23A, if enacted:



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Senate Study Bill 1007 continued

3 1 ..... \$ 2,000,000

3 2 EXPLANATION

3 3 This bill establishes an Iowa veterans college loan  
3 4 repayment program to be administered by the college student  
3 5 aid commission, in consultation with the department of  
3 6 veterans affairs, to encourage veterans to establish careers  
3 7 in Iowa. The bill appropriates \$2 million for the program for  
3 8 FY 2009=2010.

3 9 A veteran is eligible for the program if the veteran is a  
3 10 resident, was a resident for not less than three years at the  
3 11 time of application, and is employed in Iowa for wages by an  
3 12 employer; and has exhausted, or is not entitled to, benefits  
3 13 under the federal military college loan repayment program.

3 14 The amount of loan repayment an applicant may receive is  
3 15 the lesser of the remainder of the veteran's outstanding  
3 16 college debt or \$3,000 for a veteran who has lived in the  
3 17 state for not less than three years, \$8,000 for a veteran who  
3 18 has lived in the state for not less than five years, and  
3 19 \$18,000 for a veteran who has lived in the state for not less  
3 20 than 10 years.

3 21 The Iowa veterans college loan repayment fund is created in  
3 22 the state treasury under the control of the commission. The  
3 23 fund is created for deposit of moneys appropriated to or  
3 24 received by the commission for use under the program. Moneys  
3 25 in the fund do not revert to the general fund at the end of a  
3 26 fiscal year but remain in the fund for additional loan  
3 27 repayment under the program. Interest or earnings on moneys  
3 28 in the fund are credited to the fund.

3 29 LSB 1209SC 83

3 30 kh/nh/8.1



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**Senate Study Bill 1008**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the duties and operations of library
- 2 districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1590XD 83
- 5 kh/nh/5



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Senate Study Bill 1008 continued

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1 1 Section 1. Section 336.2, unnumbered paragraphs 2 and 6,  
1 2 Code 2009, are amended to read as follows:  
1 3 Eligible electors residing within the proposed district in  
1 4 a number not less than five percent of those voting for  
1 5 president of the United States or governor, as the case may  
1 6 be, within the district at the last general election may  
1 7 petition the board of supervisors of the county, or the city  
1 8 council, for the establishment of the library district. The  
1 9 petition shall clearly designate the area to be included in  
1 10 the district, the total number of board members, and how  
1 11 representation on the board shall be divided among the  
1 12 jurisdictions.

1 13 After the establishment of a library district other areas  
1 14 may be included ~~by mutual agreement~~ subject to the approval of  
1 15 the board of trustees of the library district and the  
1 16 governing body passage of a referendum by the electors of the  
1 17 area sought to be included.

1 18 Sec. 2. Section 336.4, Code 2009, is amended to read as  
1 19 follows:

1 20 336.4 LIBRARY TRUSTEES.

1 21 In any area in which a library district has been  
1 22 established in accordance with this chapter, a board of  
1 23 library trustees, consisting of five, seven, or nine ~~electors~~  
1 24 ~~of members who reside within the library district, shall be~~  
1 25 ~~appointed by the board of supervisors of any county or city~~  
1 26 governing bodies of the jurisdictions comprising the library  
1 27 district. Membership on the library board shall be  
1 28 ~~apportioned between the rural and city areas of the district~~  
1 29 ~~in proportion to the population in each of such areas. In the~~  
1 30 ~~event the library district is composed of two or more~~  
1 31 ~~counties, two or more cities, or any combination of counties~~  
1 32 ~~and cities, representation on the library board shall be~~  
1 33 ~~equitably divided between or among the counties and cities in~~  
1 34 ~~proportion to the population in each of the counties and~~  
1 35 ~~cities.~~



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Senate Study Bill 1008 continued

2 1 Sec. 3. Section 336.5, Code 2009, is amended to read as  
2 2 follows:

2 3 336.5 TERMS == VACANCIES.

2 4 1. Of ~~said~~ the trustees ~~to~~ appointed in accordance with  
2 5 section 336.4 on boards ~~to consist~~ consisting of nine members,  
2 6 three shall hold office for two years, three for four years,  
2 7 and three for six years; on boards ~~to consist~~ consisting of  
2 8 seven members, two shall hold office for two years, two for  
2 9 four years, and three for six years; and on boards ~~to consist~~  
2 10 consisting of five members, one shall hold office for two  
2 11 years, two for four years, and two for six years, from the  
2 12 first day of July following their appointment in each case.  
2 13 At ~~their~~ the first meeting ~~they~~ of the board, members shall  
2 14 cast lots for their respective terms, reporting the result of  
2 15 such lot to ~~the board of supervisors~~ the governing body of  
2 16 each jurisdiction forming the library district. All  
2 17 subsequent appointments, whatever the size of the board, shall  
2 18 be for terms of six years each.

2 19 2. A vacancy exists when a member ceases to be a resident  
2 20 of the jurisdiction the member represents or is absent for six  
2 21 consecutive regular meetings of the board.

2 22 3. Vacancies shall be filled for unexpired terms by the  
2 23 governing body of the ~~taxing unit of the district~~ jurisdiction  
2 24 represented by the ~~retiring member~~ vacancy.

2 25 Sec. 4. Section 336.8, Code 2009, is amended to read as  
2 26 follows:

2 27 336.8 POWERS.

2 28 Said The board of library trustees shall have and exercise  
2 29 the following powers:

2 30 1. To meet and ~~organize by the election of one of their~~  
2 31 ~~number as~~ elect from among its members a president of the  
2 32 board, and ~~by the election of~~ a secretary, and such other  
2 33 officers as the board may deem necessary.

2 34 2. To ~~direct and control~~ all affairs of the library  
2 35 district, as well as to have charge, and supervision of the



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3 1 public library, ~~and its rooms,~~ appurtenances, and fixtures,  
~~3 2 and rooms containing the same, directing and controlling all~~  
~~3 3 the affairs of such library.~~  
3 4 3. To employ a librarian, and authorize the librarian to  
3 5 employ such assistants and employees as may be necessary for  
3 6 the proper management of ~~said the library, and district.~~ The  
3 7 board shall fix ~~their the~~ compensation; ~~but, prior~~ of such  
3 8 employees. Prior to such employment, the compensation of ~~such~~  
3 9 the librarian, assistants, and employees shall be fixed for  
3 10 the term of employment by a majority of the members of ~~said~~  
3 11 the board voting in favor thereof.  
3 12 4. To remove ~~such,~~ by a two-thirds vote of the board, the  
3 13 librarian, assistants, or employees ~~by a vote of two-thirds of~~  
~~3 14 such board~~ for misdemeanor, incompetency, or inattention to  
3 15 the duties of ~~such employment~~ duty.  
3 16 5. To authorize the librarian to select and make purchases  
3 17 of books, ~~pamphlets,~~ magazines, periodicals, papers, maps,  
3 18 journals, furniture, fixtures, ~~stationery~~ technology, and  
3 19 supplies for ~~such the~~ library district.  
3 20 6. To authorize the use of ~~such libraries by school~~  
~~3 21 corporations or the public library~~ by nonresidents of the area  
3 22 which is taxed to support ~~such libraries~~ the public library  
3 23 and to fix charges ~~therefor~~ for library services.  
3 24 7. To make and adopt, amend, modify, or repeal bylaws,  
3 25 rules, and regulations, not inconsistent with law, for the  
3 26 care, use, government, and management of ~~such the public~~  
3 27 library and the business of ~~said the~~ board, fixing and  
3 28 enforcing penalties for ~~the violation thereof~~ violations. The  
3 29 board shall keep a record of its proceedings.  
3 30 8. To have exclusive control of ~~the expenditures~~ all funds  
3 31 allocated for public library purposes, ~~as provided by law, and~~  
~~3 32 of the expenditures~~ of all moneys available by gift or  
3 33 otherwise for the erection of public library buildings, and  
3 34 all other moneys belonging to the public library, including  
3 35 fines and rental fees collected, under the rules of the board.



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4 1 ~~The board shall keep a record of its proceedings.~~

4 2 9. To accept gifts of any real property, personal

4 3 property, or mixed property, and devises and bequests,

4 4 including trust funds; to take the title to ~~said~~ the property

4 5 in the name of ~~said~~ the public library; to execute deeds and

4 6 bills of sale for the conveyance of ~~said~~ the property; and to

4 7 expend the funds ~~received by them~~ generated from ~~such~~ the

4 8 gifts, for the improvement of ~~said~~ the public library.

4 9 10. To make agreements with local county historical

4 10 associations to set apart the necessary room and to care for

4 11 articles that come into the possession of the association.

4 12 The board may purchase necessary receptacles and materials for

4 13 the preservation and protection of articles which are of an

4 14 historical and educational nature.

4 15 Sec. 5. Section 336.10, Code 2009, is amended to read as

4 16 follows:

4 17 336.10 LIBRARY FUND.

4 18 1. All moneys ~~received and set apart~~ appropriated or

4 19 received for the maintenance of the public library shall be

4 20 deposited in the treasury of the county or city, as determined

4 21 by the board of library trustees, and ~~paid out upon warrants~~

4 22 ~~drawn by the county or city auditor upon requisition~~

4 23 expenditures shall be paid by the treasurer of the county or

4 24 city in which the moneys are deposited on warrants ordered by

4 25 of the board of trustees, signed by ~~its~~ the board's president

4 26 and secretary.

4 27 ~~Provided that where a free public library is maintained~~

4 28 ~~jointly by two or more counties or cities or any combination~~

4 29 ~~of counties and cities, the library trustees may elect a~~

4 30 ~~library treasurer, and it shall be the duty of the city and~~

4 31 ~~county treasurers to pay over to the library treasurer any and~~

4 32 ~~all library taxes that may be collected by them monthly.~~

4 33 2. The library treasurer of the county or city in which

4 34 the public library moneys are deposited pursuant to subsection

4 35 1 shall be required to furnish a bond conditioned as provided



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5 1 by section 64.2 in an amount as agreed upon by the  
5 2 participating boards of supervisors and city councils and the  
5 3 cost shall be paid by the participating counties and cities.

5 4 Sec. 6. Section 336.11, Code 2009, is amended to read as  
5 5 follows:

5 6 336.11 ANNUAL REPORT.

5 7 The board of library trustees shall, ~~immediately after~~  
5 8 within ninety days after the close of each fiscal year, submit  
5 9 a report to the board of supervisors, and the city council, as  
~~5 10 appropriate, a report containing governing bodies of the~~  
5 11 respective jurisdictions comprising the library district. The  
5 12 report shall contain a statement of the condition of the  
5 13 library, the number of books and other resources added  
5 14 thereto, the number of books and other resources circulated,  
5 15 the number of books and other resources not returned or lost,  
5 16 the amount of fines collected, and the amount of money  
5 17 expended in the maintenance thereof of the public library  
5 18 during such the preceding fiscal year, together with such  
~~5 19 further any other information as it may deem the board deems~~  
5 20 important.

5 21 Sec. 7. Section 336.12, Code 2009, is amended to read as  
5 22 follows:

5 23 336.12 REAL ESTATE ACQUIRED.

5 24 ~~In any county or city in which a free library has been~~  
~~5 25 established, the~~ The board of library trustees may purchase  
5 26 real estate in the name of the county or city library district  
5 27 for the location of public library buildings and branch  
5 28 libraries, and for the purpose of enlarging the grounds.

5 29 Sec. 8. Section 336.13, Code 2009, is amended to read as  
5 30 follows:

5 31 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

5 32 1. The maintenance of a public library established in  
5 33 accordance with this chapter shall be on the basis of each  
5 34 participating unit bearing its share of the total cost in  
5 35 proportion to its population as compared to the total



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6 1 population of the library district.

6 2 2. The board of library trustees shall make an estimate of  
6 3 the amount necessary for the maintenance of the public  
6 4 library, the sources of direct library revenue, and the amount  
6 5 to be contributed from taxes or other revenues by the  
6 6 participating city or county and hold a hearing on the  
6 7 estimate after notice of the hearing is published as provided  
6 8 in section 331.305 or section 362.3, as appropriate. On or  
6 9 before January 10 of each year, the board of library trustees  
6 10 shall transmit the estimate in dollars to the ~~board of~~

~~6 11 supervisors and to the cities governing bodies of the~~  
~~6 12 jurisdictions participating in the library district. The~~  
~~6 13 unincorporated area of each county in the library district~~  
~~6 14 shall be considered as a separate supporting unit. Each board~~  
6 15 of supervisors participating shall review the estimate and  
6 16 appropriate for library purposes its share ~~in~~ from the county  
6 17 rural services fund budget. Each city council participating  
6 18 shall review the estimate for the city and appropriate for  
6 19 library purposes its share ~~in~~ from the city general fund  
6 20 budget. Each participating city or county shall contribute  
6 21 its share from taxation or from other sources available for  
6 22 library purposes on an equitable basis. With approval of a  
6 23 city council, the county treasurer may withhold a reasonable  
6 24 portion of the taxes collected for a city to meet the city's  
6 25 contribution for library purposes and deliver a receipt to the  
6 26 city clerk for the amount withheld.

6 27 3. This section shall not affect the taxing authority  
6 28 provided under section 256.69.

6 29 Sec. 9. Section 336.15, Code 2009, is amended to read as  
6 30 follows:

6 31 336.15 EXISTING CONTRACTS ASSUMED.

6 32 Whenever a library district is established in accordance  
6 33 with this chapter, its board of trustees shall assume all the  
6 34 obligations of the existing library service contracts made by  
6 35 ~~cities, townships, school corporations, or counties to receive~~



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~~7 1 library service from free public libraries jurisdictions~~  
~~7 2 participating in the library district.~~

7 3 Sec. 10. Section 336.16, Code 2009, is amended to read as  
7 4 follows:

7 5 336.16 WITHDRAWAL FROM DISTRICT == TERMINATION.

7 6 1. A city may withdraw from the library district upon a  
7 7 majority vote in favor of withdrawal by the electorate of the  
7 8 city in an election held on a motion by the city council. The  
7 9 election shall be held simultaneously with a general or city  
7 10 election. Notice of a favorable vote to withdraw shall be  
7 11 sent by certified mail to the board of library trustees of the  
7 12 library district and the county auditor or city clerk, as  
7 13 appropriate, prior to January 10, and the withdrawal shall be  
7 14 effective on July 1.

7 15 2. A county may withdraw from the district after a  
7 16 majority of the voters of the unincorporated area of the  
7 17 county voting on the issue favor the withdrawal. The board of  
7 18 supervisors shall call for the election which shall be held at  
7 19 the next general election.

7 20 3. A city or county election shall not be called until a  
7 21 hearing has been held on the proposal to submit a proposition  
7 22 of withdrawal to an election. A hearing may be held only  
7 23 after public notice published as provided in section 362.3 in  
7 24 the case of a city or section 331.305 in the case of a county.  
7 25 A copy of the notice submitted for publication shall be mailed  
7 26 to the public library on or before the date of publication.  
7 27 The proposal presented at the hearing must include a plan for  
7 28 continuing adequate library service with or without all  
7 29 participants and the respective allocated costs and levels of  
7 30 service shall be stated. At the hearing, any interested  
7 31 person shall be given a reasonable time to be heard, either  
7 32 for or against the withdrawal or the plan to accompany it.

7 33 4. A library district may be terminated if a majority of  
7 34 the electors of the unincorporated area of the county and the  
7 35 cities included in the library district voting on the issue



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8 1 favor the termination. ~~The election shall be held upon motion~~  
~~8 2 of the board of supervisors and simultaneously with a general~~  
~~8 3 or other county election.~~ If the vote favors termination, the  
8 4 termination shall be effective on the succeeding July 1.

8 5 5. An election for withdrawal from or termination of a  
8 6 library district shall not be held more than once each four  
8 7 years.

8 8 6. If a jurisdiction does not bear its proportionate share  
8 9 of the total cost of operating the library district, the board  
8 10 of library trustees may terminate that jurisdiction's  
8 11 inclusion in the library district and may cease providing  
8 12 library services to the residents of that jurisdiction.

8 13 Sec. 11. Section 336.18, subsection 4, paragraphs c and d,  
8 14 Code 2009, are amended to read as follows:

8 15 c. If a majority of those voting upon the question favors  
8 16 it, the board of supervisors shall ~~within thirty days appoint~~  
~~8 17 a board of library trustees from residents of the petitioning~~  
~~8 18 area. Vacancies shall be filled by the board.~~

8 19 ~~d. The board of trustees may contract with any a library~~  
8 20 for library use or service for the benefit of the residents  
8 21 and area represented by it.

8 22 Sec. 12. NEW SECTION. 336.19 CONTRACTS FOR USE OF PUBLIC  
8 23 LIBRARY.

8 24 1. CONTRACTING. The board of library trustees may  
8 25 contract with any other board of trustees of a free public  
8 26 library or any other city, school corporation, institution of  
8 27 higher learning, township, or county, or with the trustees of  
8 28 any county library district for the use of the library by  
8 29 their respective residents.

8 30 2. TERMINATION. A contract entered into pursuant to  
8 31 subsection 1 may be terminated as follows:

8 32 a. By mutual consent of the contracting parties.

8 33 b. By a majority vote of the electors represented by  
8 34 either of the contracting parties. Upon a written petition of  
8 35 a number of eligible electors equaling five percent or more of



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9 1 the number of electors voting at the last general election  
9 2 within the jurisdiction of the contracting party, a  
9 3 termination proposition shall be submitted to the electors by  
9 4 the governing body of the contracting party. The petition  
9 5 shall be presented to the governing body not less than forty  
9 6 days prior to the next general election or special election  
9 7 held throughout the jurisdiction of the party seeking to  
9 8 terminate the contract. The proposition shall be submitted at  
9 9 the next general election or next special election held  
9 10 throughout the jurisdiction of the party seeking to terminate  
9 11 the contract.

9 12 Sec. 13. Sections 336.6 and 336.17, Code 2009, are  
9 13 repealed.

9 14

EXPLANATION

9 15 This bill makes a number of technical and substantive  
9 16 changes to Code chapter 336 provisions relating to library  
9 17 districts. Library districts are composed of one or more  
9 18 counties, one or more cities, or any combination of cities and  
9 19 counties. The bill amends Code provisions as follows:

9 20 LIBRARY DISTRICTS FORMED. Code section 336.2, unnumbered  
9 21 paragraphs 2 and 6, are amended to add that the petition  
9 22 eligible electors residing within a proposed library district  
9 23 must submit to a jurisdiction for the establishment of the  
9 24 library district must include the total number of board  
9 25 members and how representation on the board will be divided  
9 26 among the jurisdictions. The bill provides that after the  
9 27 establishment of a library district, other areas may be  
9 28 included if the board of library trustees approves and the  
9 29 electors of the area to be added pass a referendum to join the  
9 30 district. Currently, other areas may be added by mutual  
9 31 agreement of the board of library trustees and the governing  
9 32 body of the area to be added.

9 33 LIBRARY TRUSTEES. Code section 336.4 is amended to change  
9 34 references to the boards of supervisors of any county or city  
9 35 to the "governing bodies of the jurisdictions"; to strike



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10 1 language requiring that board membership be apportioned  
10 2 between rural and city areas, and counties and cities, in  
10 3 proportion to or equitably divided between, respectively, the  
10 4 areas served; and to make a technical change.

10 5 MEMBERS' TERMS. Code section 336.5 is amended to refer to  
10 6 jurisdictions rather than to boards of supervisors and to the  
10 7 governing body of the jurisdiction rather than to the taxing  
10 8 unit of the district, and to provide that a vacancy exists if  
10 9 a member no longer resides in the jurisdiction or is absent  
10 10 for six consecutive board meetings.

10 11 BOARD POWERS. Code section 336.8 is amended to authorize  
10 12 the board of trustees to direct and control all affairs of the  
10 13 library district, authorize the librarian it employs to employ  
10 14 personnel as necessary and to purchase technology, and have  
10 15 exclusive control of all funds allocated for library expenses  
10 16 and all moneys belonging to the library. The bill requires  
10 17 the board to keep a record of its proceedings.

10 18 LIBRARY FUND. Code section 336.10 is amended to establish  
10 19 that expenditures paid on order of the board of library  
10 20 trustees will be paid by the city or county treasurer from the  
10 21 treasury of deposit, rather than by the county or city  
10 22 auditor.

10 23 ANNUAL REPORT. Code section 336.11 is amended to give the  
10 24 board of library trustees 90 days after the close of the  
10 25 fiscal year to submit a report to the respective jurisdictions  
10 26 comprising the library district. Currently, the board must  
10 27 submit the report immediately after the close of the fiscal  
10 28 year. The bill makes minor adjustments to the information  
10 29 that must be included in the report.

10 30 REAL ESTATE ACQUIRED. Code section 336.12 is amended to  
10 31 strike language limiting the board of library trustees to  
10 32 purchasing real estate in the county or city in which the  
10 33 public library is established.

10 34 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. Code section  
10 35 336.13 is amended to strike language requiring that



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11 1 unincorporated areas of each county in the library district be  
11 2 considered a separate supporting unit.

11 3 EXISTING CONTRACTS ASSUMED. Code section 336.15 is amended  
11 4 to provide that whenever a library district is established,  
11 5 its board of trustees must assume all the obligations of the  
11 6 existing library service contracts made by jurisdictions  
11 7 participating in the library district. Currently, the board  
11 8 of trustees must assume all the obligations of the existing  
11 9 contracts made by cities, townships, school corporations, or  
11 10 counties to receive library services.

11 11 WITHDRAWAL FROM DISTRICT == TERMINATION. Code section  
11 12 336.16 is amended to provide that if a jurisdiction does not  
11 13 bear its proportionate share of the cost of operating the  
11 14 library district, the board may terminate that jurisdiction's  
11 15 inclusion in the district and cease to provide services to its  
11 16 residents. The bill also strikes language that provides that  
11 17 the election to terminate a library district shall be held  
11 18 upon a motion of the board of supervisors and simultaneously  
11 19 with a general or other county election, but retains language  
11 20 which permits a city or county to withdraw from a library  
11 21 district and permits a library district to be terminated if a  
11 22 majority of the electors of an unincorporated area of a county  
11 23 and the cities included in the library district vote to  
11 24 terminate the district.

11 25 CONTRACTS TO USE CITY LIBRARY. Code section 336.18,  
11 26 subsection 4, paragraphs "c" and "d", are amended to strike  
11 27 language that provides that if a majority of those voting  
11 28 approves the question of requiring the board to provide  
11 29 library services for them and their area by contract, the  
11 30 board of supervisors shall appoint a board of library trustees  
11 31 from the residents of the petitioning area within 30 days,  
11 32 which board of trustees may contract for library service. The  
11 33 provisions are amended to require the board of supervisors,  
11 34 upon such approval, to contract with a library for such  
11 35 services.



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12 1       CONTRACTS TO USE OTHER PUBLIC LIBRARIES. The bill creates  
12 2 new Code section 336.19 to permit the board of library  
12 3 trustees to contract with any other board of trustees of a  
12 4 free public library or any other city, school corporation,  
12 5 institution of higher learning, township, or county, or with  
12 6 the trustees of any county library district for the use of the  
12 7 library by their respective residents. The Code section also  
12 8 establishes two ways in which the contract may be terminated,  
12 9 by mutual consent of the contracting parties or by a majority  
12 10 vote of the electors represented by either of the contracting  
12 11 parties.  
12 12       REPEALS. The bill repeals Code section 336.6, relating to  
12 13 the vacancy of an office of a library trustee due to the  
12 14 removal or absence of the trustee, but modifies and moves the  
12 15 language to Code section 336.5, subsection 2. The bill also  
12 16 repeals Code section 336.17, but moves the language of the  
12 17 provision, which relates to agreements with local county  
12 18 historical associations, to Code section 336.8.  
12 19 LSB 1590XD 83  
12 20 kh/nh/5



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**Senate Study Bill 1009**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the use of certain levy funds for school
- 2 transportation and utility expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1256XD 83
- 5 ak/sc/5



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Senate Study Bill 1009 continued

PAG LIN

1 1 Section 1. Section 298.3, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7A. The payment of utilities expenses.

1 4 Sec. 2. Section 298.3, subsection 9, Code 2009, is amended  
1 5 by striking the subsection and inserting in lieu thereof the  
1 6 following:

1 7 9. Expenditures for transportation.

1 8 Sec. 3. Section 298.4, Code 2009, is amended by adding the  
1 9 following new subsection:

1 10 NEW SUBSECTION. 6. To pay the costs of transporting  
1 11 students.

1 12 EXPLANATION

1 13 This bill allows physical plant and equipment levy funds to  
1 14 be used for school utilities and transportation expenses. The  
1 15 bill also allows district management levy funds to pay for the  
1 16 cost of transporting students.

1 17 LSB 1256XD 83

1 18 ak/sc/5



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Senate Study Bill 1010

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act allowing school districts to count foreign exchange pupils
- 2 in certified enrollment counts for budget and funding
- 3 purposes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1255XD 83
- 6 ak/rj/24



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Senate Study Bill 1010 continued

PAG LIN

1 1 Section 1. Section 257.6, subsection 1, paragraph a, Code  
1 2 2009, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (8) Foreign exchange pupils under the  
1 4 federal exchange visa program enrolled in public schools  
1 5 within the district. The number of foreign exchange students  
1 6 a school district may count is limited to not more than one  
1 7 percent of the school district's actual enrollment from the  
1 8 base year.

1 9 EXPLANATION

1 10 This bill allows school districts to be compensated for  
1 11 services provided to foreign exchange students by including  
1 12 them in the actual student enrollment count each October.  
1 13 These students, who are part of the federal J=1 visa program,  
1 14 are not presently counted in the actual enrollment of a  
1 15 school, which is one factor in determining state and local  
1 16 financial support for schools. The number of students that a  
1 17 school district may count is limited to not more than 1  
1 18 percent of the district's enrollment from the year preceding  
1 19 the year in which the count is made.

1 20 LSB 1255XD 83

1 21 ak/rj/24.1



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**Senate Study Bill 1011**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the duties and operations of the department of
- 2 education and local school boards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1347XD 83
- 5 kh/nh/5



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Senate Study Bill 1011 continued

PAG LIN

1 1 Section 1. Section 22.7, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. Personal information in records regarding a student,  
1 4 prospective student, or former student maintained, created,  
1 5 collected or assembled by or for a school corporation or  
1 6 educational institution maintaining such records. This  
1 7 subsection shall not be construed to prohibit a postsecondary  
1 8 education institution from disclosing to a parent or guardian  
1 9 information regarding a violation of a federal, state, or  
1 10 local law, or institutional rule or policy governing the use  
1 11 or possession of alcohol or a controlled substance if the  
1 12 child is under the age of twenty-one years and the institution  
1 13 determines that the student committed a disciplinary violation  
1 14 with respect to the use or possession of alcohol or a  
1 15 controlled substance regardless of whether that information is  
1 16 contained in the student's education records. This subsection  
1 17 shall not be construed to prohibit a school corporation or  
1 18 educational institution from transferring student records  
1 19 electronically to the department of education, an accredited  
1 20 nonpublic school, an attendance center, a school district, or  
1 21 an accredited postsecondary institution in accordance with  
1 22 section 256.9, subsection 52.  
1 23 Sec. 2. Section 73.1, unnumbered paragraph 1, Code 2009,  
1 24 is amended to read as follows:  
1 25 Every commission, board, committee, officer, or other  
1 26 governing body of the state, or of any county, township,  
1 27 school district, or city, and every person acting as  
1 28 contracting or purchasing agent for any such commission,  
1 29 board, committee, officer, or other governing body shall use  
1 30 only those products and provisions grown and coal produced  
1 31 within the state of Iowa, when they are found in marketable  
1 32 quantities in the state and are of a quality reasonably suited  
1 33 to the purpose intended, and can be secured without additional  
1 34 cost over foreign products or products of other states. This  
1 35 section shall apply to horticultural products grown in this



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2 1 state even if the products are not in the stage of processing  
2 2 that the agency usually purchases the product. However, this  
2 3 section does not apply to a school district purchasing food  
2 4 while the school district is participating in ~~the~~ a federal  
2 5 school lunch or breakfast program.

2 6 Sec. 3. Section 256.5A, Code 2009, is amended to read as  
2 7 follows:

2 8 256.5A NONVOTING MEMBER.

2 9 1. The governor shall appoint the one nonvoting student  
2 10 member of the state board for a term of ~~one year~~ two years  
2 11 beginning and ending as provided in section 69.19. The  
2 12 nonvoting student member shall be appointed from a list of  
2 13 names submitted by the state board of education. Students  
2 14 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school may  
2 15 apply to the state board to serve as a nonvoting student  
2 16 member.

2 17 2. The department shall develop an application process  
2 18 that requires the consent of the student's parent or guardian  
2 19 if the student is a minor, initial application approval by the  
2 20 school district in which the student applicant is enrolled,  
2 21 and submission of approved applications by a school district  
2 22 to the department.

2 23 3. The nonvoting student member's school district of  
2 24 enrollment shall notify the student's parents if the student's  
2 25 grade point average falls during the period in which the  
2 26 student is a member of the state board.

2 27 4. The state board shall adopt rules under chapter 17A  
2 28 specifying criteria for the selection of applicants whose  
2 29 names shall be submitted to the governor. Criteria shall  
2 30 include, but are not limited to, academic excellence,  
2 31 participation in extracurricular and community activities, and  
2 32 interest in serving on the board. Rules adopted by the state  
2 33 board shall also require, if the student is a minor,  
2 34 supervision of the student by the student's parent or guardian  
2 35 while the student is engaged in authorized state board



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3 1 business at a location other than the community in which the  
3 2 student resides, unless the student's parent or guardian  
3 3 submits to the state board a signed release indicating the  
3 4 parent or guardian has determined that supervision of the  
3 5 student by the parent or guardian is unnecessary.

3 6 5. The nonvoting student member appointment is not subject  
3 7 to section 69.16 or 69.16A.

3 8 6. The nonvoting student member shall have been enrolled  
3 9 in a public school in Iowa for at least one year prior to the  
3 10 member's appointment. ~~A nonvoting student member who will not~~  
~~3 11 graduate from high school prior to the end of a second term~~  
~~3 12 may apply to the state board for submission of candidacy to~~  
~~3 13 the governor for a second one-year term.~~

3 14 7. A nonvoting student member shall be paid a per diem as  
3 15 provided in section 7E.6 and the student and the student's  
3 16 parent or guardian shall be reimbursed for actual and  
3 17 necessary expenses incurred in the performance of the  
3 18 student's duties as a nonvoting member of the state board.

3 19 8. A vacancy in the membership of the nonvoting student  
3 20 member shall not be filled until the expiration of the term.

3 21 Sec. 4. Section 256.9, subsection 57, paragraph a, Code  
3 22 2009, is amended to read as follows:

3 23 a. Develop and distribute, in collaboration with the area  
3 24 education agencies, core curriculum technical assistance and  
3 25 implementation strategies that school districts and accredited  
3 26 nonpublic schools shall utilize, including but not limited to  
3 27 the development and delivery of formative and ~~end-of-course~~  
3 28 model end-of-course and additional assessments classroom  
3 29 teachers may use to measure student progress on the core  
3 30 curriculum adopted pursuant to section 256.7, subsection 26.  
3 31 The department shall, in collaboration with the advisory group  
3 32 convened in accordance with paragraph "b" and educational  
3 33 assessment providers, identify and make available to school  
3 34 districts model end-of-course and additional model  
~~3 35 end-of-course~~ and additional assessments to align with the



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4 1 expectations included in the Iowa core curriculum. The model  
4 2 assessments shall be suitable to meet the multiple assessment  
4 3 measures requirement specified in section 256.7, subsection  
4 4 21, paragraph "c".

4 5 Sec. 5. Section 256.10, subsection 2, Code 2009, is  
4 6 amended to read as follows:

4 7 2. Appointments to the professional staff of the  
4 8 department shall be without reference to political party  
4 9 affiliation, religious affiliation, sex, or marital status,  
4 10 but shall be based solely upon fitness, ability, and proper  
4 11 qualifications for the particular position. The professional  
4 12 staff shall serve at the discretion of the director. A member  
4 13 of the professional staff shall not be dismissed for cause  
4 14 without ~~appropriate due process procedures including a hearing~~  
4 15 an opportunity to meet with the director.

4 16 Sec. 6. Section 256.11, subsection 9B, Code 2009, is  
4 17 amended to read as follows:

4 18 9B. ~~Beginning July 1, 2007, each~~ Each school district  
4 19 shall have a school nurse to provide health services to its  
4 20 students. Each school district shall work toward the goal of  
4 21 having one school nurse for every seven hundred fifty students  
4 22 enrolled in the school district. ~~For purposes of this~~  
~~4 23 subsection, "school nurse" means a person who holds an~~  
~~4 24 endorsement or a statement of professional recognition for~~  
~~4 25 school nurses issued by the board of educational examiners~~  
~~4 26 under chapter 272. The scope of practice of a school nurse~~  
4 27 shall be as established by rule by the board of nursing.

4 28 Sec. 7. Section 256.30, Code 2009, is amended to read as  
4 29 follows:

4 30 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

4 31 1. The department of education shall provide moneys to pay  
4 32 the expense of educating American Indian children residing in  
4 33 the Sac and Fox Indian settlement on land held in trust by the  
4 34 secretary of the interior of the United States in excess of  
4 35 federal moneys paid to the tribal council for educating the



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5 1 American Indian children when moneys are appropriated for that  
5 2 purpose. ~~The tribal council shall administer the moneys~~  
~~5 3 distributed to it by the department and shall submit an annual~~  
~~5 4 report and other reports as required by the department to the~~  
~~5 5 department on the expenditure of the moneys.~~

5 6 2. The tribal council shall administer moneys distributed  
5 7 to it by the department of education as provided in subsection  
5 8 1. The tribal council shall first use the moneys distributed  
5 9 ~~to it by the department of education~~ for the purposes of this  
5 10 section to pay the additional costs of salaries for licensed  
5 11 instructional staff for educational attainment and full-time  
5 12 equivalent years of experience to equal the salaries listed on  
5 13 the proposed salary schedule for the school at the Sac and Fox  
5 14 Indian settlement for that school year, but the salary for a  
5 15 licensed instructional staff member employed on a full-time  
5 16 basis shall not be less than eighteen thousand dollars.

5 17 3. The department of management shall approve allotments  
5 18 of moneys appropriated in for purposes of this section when  
~~5 19 the department of education certifies to the department of~~  
~~5 20 management that the requirements of this section have been~~  
~~5 21 met.~~

5 22 Sec. 8. Section 256B.2, subsection 1, Code 2009, is  
5 23 amended to read as follows:

5 24 1. "Children requiring special education" means persons  
5 25 under twenty-one years of age, including children under five  
5 26 years of age, who have a disability in obtaining an education  
5 27 because of a head injury, autism, behavioral disorder, or  
5 28 physical, mental, communication, or learning disability, as  
5 29 defined by the rules of the department of education. If a  
5 30 child requiring special education reaches the age of  
5 31 twenty-one during an academic year, the child may elect to  
5 32 receive special education services until the end of the  
5 33 academic year.

5 34 Sec. 9. Section 256B.6, Code 2009, is amended to read as  
5 35 follows:



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6 1 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

6 2 1. When the school district or area education agency has  
6 3 provided special education services and programs as provided  
6 4 herein for any child requiring special education, either by  
6 5 admission to a special class or by supportive services, it  
6 6 shall be the duty of the parent or guardian to enroll ~~said~~ the  
6 7 child for instruction in such special classes or supportive  
6 8 services as may be established, except in the event a doctor's  
6 9 certificate is filed with the secretary of the school district  
6 10 showing that it is inadvisable for medical reasons for the  
6 11 child requiring special education to receive the special  
6 12 education provided; all the provisions and conditions of  
6 13 chapter 299 ~~and amendments thereto~~ shall be applicable to this  
6 14 section, and any violations shall be punishable as provided in  
6 15 ~~said~~ chapter 299.

6 16 2. A child, or the parent or guardian of the child, or the  
6 17 school district in which the child resides, may obtain a  
6 18 review of an action or omission of state or local authorities  
6 19 pursuant to the procedures established by the state board of  
6 20 education on the ground that the child has been or is about to  
6 21 be:

6 22 ~~1.~~ a. Denied entry or continuance in a program of special  
6 23 education appropriate to the child's condition and needs.

6 24 ~~2.~~ b. Placed in a special education program which is  
6 25 inappropriate to the child's condition and needs.

6 26 ~~3.~~ c. Denied educational services because no suitable  
6 27 program of education or related services is maintained.

6 28 ~~4.~~ d. Provided with special education which is  
6 29 insufficient in quantity to satisfy the requirements of law.

6 30 ~~5.~~ e. Assigned to a program of special education when the  
6 31 child does not have a disability.

6 32 3. When a child requiring special education attains the  
6 33 age of majority or is incarcerated in an adult or juvenile,  
6 34 state or local, correctional institution, all rights accorded  
6 35 to the parent or guardian under this chapter transfer to the



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7 1 child except as provided in this subsection. Any notice  
7 2 required by this chapter shall be provided to both the child  
7 3 who has reached the age of majority or is incarcerated in an  
7 4 adult or juvenile, state or local, correctional institution,  
7 5 and the parent or guardian. If rights under this chapter have  
7 6 transferred to a child and the child has been determined to be  
7 7 incompetent by a court or determined unable to provide  
7 8 informed educational consent by a court or other competent  
7 9 authority, then rights under this chapter shall be exercised  
7 10 by the person who has been appointed to represent the  
7 11 educational interest of the child.

7 12 4. Notwithstanding section 17A.11, the state board of  
7 13 education shall adopt rules for the appointment of an  
7 14 impartial administrative law judge for special education  
7 15 appeals. The rules shall comply with federal statutes and  
7 16 regulations.

7 17 Sec. 10. Section 256B.8, unnumbered paragraph 2, Code  
7 18 2009, is amended to read as follows:

7 19 An area education agency director of special education may  
7 20 request approval from the department of education to continue  
7 21 the special education program of a person beyond the ~~person's~~  
7 22 ~~twenty-first birthday~~ period specified in section 256B.2,  
7 23 subsection 1, if the person had an accident or prolonged  
7 24 illness that resulted in delays in the initiation of or  
7 25 interruptions in that person's special education program.  
7 26 Approval may be granted by the department to continue the  
7 27 special education program of that person for up to three years  
7 28 or until the person's twenty-fourth birthday.

7 29 Sec. 11. Section 257.6, subsection 1, paragraph a,  
7 30 subparagraph (3), Code 2009, is amended to read as follows:

7 31 (3) Shared-time and part-time pupils of school age  
7 32 enrolled in public schools within the district, irrespective  
7 33 of the districts in which the pupils reside, in the proportion  
7 34 that the time for which they are enrolled or receive  
7 35 instruction for the school year is to the time that full-time



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8 1 pupils carrying a normal course schedule, at the same grade  
8 2 level, in the same school district, for the same school year,  
8 3 are enrolled and receive instruction. Tuition charges to the  
8 4 parent or guardian of a shared-time or part-time nonresident  
8 5 pupil shall be reduced by the amount of any increased state  
8 6 aid received by the district by the counting of the pupil.  
8 7 This subparagraph applies to pupils from accredited nonpublic  
8 8 schools accessing classes or services on the accredited  
8 9 nonpublic school premises or the school district site, but  
8 10 excludes accredited nonpublic school pupils receiving classes  
8 11 or services funded by federal grants or allocations.

8 12 Sec. 12. Section 257.11, subsection 8, Code 2009, is  
8 13 amended to read as follows:

8 14 8. PUPILS INELIGIBLE. A pupil eligible for the weighting  
8 15 plan provided in section 256B.9 is not eligible for  
8 16 supplementary weighting pursuant to this section unless it is  
8 17 determined that the course generating the supplemental  
8 18 weighting has no relationship to the pupil's disability. A  
8 19 pupil attending an alternative program or an at-risk pupils'  
8 20 program, including alternative high school programs, is not  
8 21 eligible for supplementary weighting under subsection 2.

8 22 Sec. 13. Section 257.16, subsections 3 and 4, Code 2009,  
8 23 are amended to read as follows:

8 24 3. All moneys received by a school district from the state  
8 25 under this chapter shall be deposited in the general fund of  
8 26 the school district, ~~and may be used for any school general~~  
8 27 ~~fund purpose.~~

8 28 4. Notwithstanding any provision to the contrary, if the  
8 29 governor orders budget reductions in accordance with section  
8 30 8.31, reductions in the appropriations provided in accordance  
8 31 with this section shall be distributed on a per pupil basis  
8 32 calculated with the weighted enrollment determined in  
8 33 accordance with section 257.6, subsection 5, except as  
8 34 follows:

8 35 a. Reductions in preschool foundation aid shall be



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9 1 calculated with the preschool budget enrollment determined in  
9 2 accordance with section 256C.5.

9 3 b. Reductions in the teacher salary supplement,  
9 4 professional development supplement, and early intervention  
9 5 supplement shall be calculated with the budget enrollment.

9 6 c. Reductions in the area education agency teacher salary  
9 7 supplement and area education agency professional development  
9 8 supplement shall be calculated with special education support  
9 9 services weighted enrollment.

9 10 Sec. 14. Section 257.37, subsection 4, Code 2009, is  
9 11 amended to read as follows:

9 12 4. "Enrollment served" means the basic enrollment plus the  
9 13 number of nonpublic school pupils served with media services  
9 14 or educational services, as applicable, except that if a  
9 15 nonpublic school pupil or a pupil attending another district  
9 16 under a whole grade sharing agreement or open enrollment  
9 17 receives services through an area other than the area of the  
9 18 pupil's residence, the pupil shall be deemed to be served by  
9 19 the area of the pupil's residence, which shall by contractual  
9 20 arrangement reimburse the area through which the pupil  
9 21 actually receives services. Each school district shall  
9 22 include in the enrollment report submitted pursuant to section  
9 23 257.6, subsection 1, the number of nonpublic school pupils  
9 24 within each school district for media and educational services  
9 25 served by the area. However, the school district shall not  
9 26 include in the enrollment report nonpublic school pupils  
9 27 receiving classes or services funded by federal grants or  
9 28 allocations.

9 29 Sec. 15. Section 259A.1, Code 2009, is amended to read as  
9 30 follows:

9 31 259A.1 TESTS.

9 32 The department of education shall cause to be made  
9 33 available for qualified individuals a high school equivalency  
9 34 diploma. The diploma shall be issued on the basis of  
9 35 satisfactory competence as shown by tests covering all of the



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10 1 following: ~~reading, arts, language arts, writing~~ language  
10 2 arts=reading, language arts=writing, mathematics, science, and  
10 3 social studies.  
10 4 Sec. 16. Section 261E.8, subsection 5, Code 2009, is  
10 5 amended by striking the subsection.  
10 6 Sec. 17. Section 272.15, subsection 2, Code 2009, is  
10 7 amended to read as follows:  
10 8 2. If, in the course of performing official duties, an  
10 9 employee of the department becomes aware of any alleged  
10 10 misconduct by an individual licensed under this chapter, the  
10 11 employee ~~shall~~ may report the alleged misconduct to the board  
10 12 of educational examiners under rules adopted pursuant to  
10 13 subsection 1.  
10 14 Sec. 18. Section 273.3, subsection 12, Code 2009, is  
10 15 amended to read as follows:  
10 16 12. Prepare an annual budget estimating income and  
10 17 expenditures for programs and services as provided in sections  
10 18 273.1 to 273.9 and chapter 256B within the limits of funds  
10 19 provided under section 256B.9 and chapter 257. The board  
10 20 shall give notice of a public hearing on the proposed budget  
10 21 by publication in an official county newspaper in each county  
10 22 in the territory of the area education agency in which the  
10 23 principal place of business of a school district that is a  
10 24 part of the area education agency is located. The notice  
10 25 shall specify the date, which shall be not later than March 1  
10 26 of each year, the time, and the location of the public  
10 27 hearing. The proposed budget as approved by the board shall  
10 28 then be submitted to the state board of education, on forms  
10 29 provided by the department, no later than March 15 preceding  
10 30 the next fiscal year for approval. The state board shall  
10 31 review the proposed budget of each area education agency and  
10 32 shall before ~~April~~ May 1, either grant approval or return the  
10 33 budget without approval with comments of the state board  
10 34 included. An unapproved budget shall be resubmitted to the  
10 35 state board for final approval not later than ~~April~~ May 15.



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11 1 For the fiscal year beginning July 1, 1999, and each  
11 2 succeeding fiscal year, the state board shall give final  
11 3 approval only to budgets submitted by area education agencies  
11 4 accredited by the state board or that have been given  
11 5 conditional accreditation by the state board.  
11 6 Sec. 19. Section 273.13, Code 2009, is amended to read as  
11 7 follows:  
11 8 273.13 ADMINISTRATIVE EXPENDITURES.  
11 9 ~~During the budget year beginning July 1, 1989, and the~~  
~~11 10 three succeeding budget years, the board of directors of an~~  
~~11 11 area education agency in which the administrative expenditures~~  
~~11 12 as a percent of the area education agency's operating fund for~~  
~~11 13 a base year exceed five percent shall reduce its~~  
~~11 14 administrative expenditures to five percent of the area~~  
~~11 15 education agency's operating fund. During each of the four~~  
~~11 16 years, the board of directors shall reduce administrative~~  
~~11 17 expenditures by twenty-five percent of the reduction in~~  
~~11 18 administrative expenditure required by this section.~~  
~~11 19 Thereafter, the~~ An area education agency's administrative  
11 20 expenditures shall not exceed five percent of the operating  
11 21 general fund. Annually, the board of directors of an area  
11 22 education agency shall certify to the department of education  
11 23 the amounts of the area education agency's expenditures and  
11 24 its operating general fund. For the purposes of this section,  
11 25 "base year" and "budget year" mean the same as defined in  
~~11 26 section 442.6, Code 1989, and section 257.2, and~~  
11 27 "administrative expenditures" means expenditures for executive  
11 28 administration.  
11 29 Sec. 20. Section 279.30, Code 2009, is amended to read as  
11 30 follows:  
11 31 279.30 EXCEPTIONS.  
11 32 Each payment must be made payable to the person entitled to  
11 33 receive the money or direct deposited to an account at a  
11 34 financial institution, as defined in section 527.2, specified  
11 35 by the person entitled to receive the money. The board of



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12 1 directors of a school district or an area education agency may  
12 2 by resolution authorize the secretary, upon approval of the  
12 3 superintendent or designee, or administrator, in the case of  
12 4 an area education agency, to issue payments when the board of  
12 5 directors is not in session in payment of reasonable and  
12 6 necessary expenses, but only upon verified bills filed with  
12 7 the secretary or administrator, and for the payment of  
12 8 salaries pursuant to the terms of a written contract. Each  
12 9 payment must be made payable only to the person performing the  
12 10 service or presenting the verified bill, and must state the  
12 11 purpose for which the payment is issued. All bills and  
12 12 salaries for which payments are issued prior to audit and  
12 13 allowance by the board must be passed upon by the board of  
12 14 directors at the next meeting and be entered in the regular  
12 15 minutes of the secretary.

12 16 Sec. 21. Section 279.42, Code 2009, is amended to read as  
12 17 follows:

12 18 279.42 GIFTS TO SCHOOLS.

12 19 The board of directors of a school district ~~which that~~  
12 20 receives funds through ~~gifts, devises, and bequests~~ a gift,  
12 21 devise, or bequest shall deposit ~~these~~ the funds in a trust  
12 22 ~~and agency or permanent~~ fund and shall use ~~them~~ the funds in  
12 23 accordance with the terms of the gift, devise, or bequest.

12 24 Sec. 22. Section 279.45, Code 2009, is amended to read as  
12 25 follows:

12 26 279.45 ADMINISTRATIVE EXPENDITURES.

~~12 27 For the budget year beginning July 1, 1989, and each of the~~  
~~12 28 following three budget years, the board of directors of a~~  
~~12 29 school district in which the administrative expenditures as a~~  
~~12 30 percent of the school district's operating fund for a base~~  
~~12 31 year exceed five percent, shall reduce its administrative~~  
~~12 32 expenditures so that they are one-half percent less as a~~  
~~12 33 percent of the school district's operating fund than they were~~  
~~12 34 for the base year. However, a~~ A school district is not  
12 35 required to reduce its administrative expenditures below five



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13 1 percent of its operating general fund. ~~Thereafter, a~~ A school  
13 2 district shall not increase the percent of its administrative  
13 3 expenditures compared to its operating general fund.  
13 4 Annually, the board of directors shall certify to the  
13 5 department of education the amounts of the school district's  
13 6 administrative expenditures and its operating general fund.  
13 7 For the purposes of this section, ~~"base year" and "budget~~  
~~13 8 year" mean the same as defined in section 442.6, Code 1989,~~  
~~13 9 and section 257.2, and "administrative expenditures" means~~  
13 10 expenditures for executive administration.  
13 11 Sec. 23. Section 282.1, unnumbered paragraph 1, Code 2009,  
13 12 is amended to read as follows:  
13 13 Persons between five and twenty-one years of age are of  
13 14 school age. Nonresident children shall be charged the maximum  
13 15 tuition rate as determined in section 282.24, subsection 1,  
13 16 with the exception that those residing temporarily in a school  
13 17 corporation may attend school in the corporation upon terms  
13 18 prescribed by the board, ~~and boards~~. A school district  
13 19 discontinuing grades under section 282.7, subsection 1 or  
13 20 subsections 1 and 3, shall be charged tuition as provided in  
13 21 section 282.24, subsection ~~2~~ 1.  
13 22 Sec. 24. Section 282.9, subsection 1, Code 2009, is  
13 23 amended to read as follows:  
13 24 1. Notwithstanding chapter 282 and sections 275.55A, ~~and~~  
13 25 256F.4, ~~and 282.18~~, or any other provision to the contrary,  
13 26 prior to knowingly enrolling an individual who is required to  
13 27 register as a sex offender under chapter 692A, but who is  
13 28 otherwise eligible to enroll in a public school, the board of  
13 29 directors of a school district shall determine the educational  
13 30 placement of the individual. Upon receipt of notice that a  
13 31 student who is enrolled in the district is required to  
13 32 register as a sex offender under chapter 692A, the board shall  
13 33 determine the educational placement of the student. The  
13 34 tentative agenda for the meeting of the board of directors at  
13 35 which the board will consider such enrollment or educational



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14 1 placement shall specifically state that the board is  
14 2 considering the enrollment or educational placement of an  
14 3 individual who is required to register as a sex offender under  
14 4 chapter 692A. If the individual is denied enrollment in a  
14 5 school district under this section, the school district of  
14 6 residence shall provide the individual with educational  
14 7 services in an alternative setting.

14 8 Sec. 25. Section 282.18, subsection 4, Code 2009, is  
14 9 amended by adding the following new paragraph:

14 10 NEW PARAGRAPH. bb. If a transfer is requested after March  
14 11 1 of the preceding school year on behalf of a pupil whose  
14 12 sibling is already participating in open enrollment to the  
14 13 receiving district, the receiving district shall take action  
14 14 to approve the request.

14 15 Sec. 26. Section 282.18, subsection 5, Code 2009, is  
14 16 amended to read as follows:

14 17 5. Open enrollment applications filed after March 1 of the  
14 18 preceding school year that do not qualify for ~~good cause~~  
14 19 approval as provided in subsection 4 shall be subject to the  
14 20 approval of the board of the resident district and the board  
14 21 of the receiving district. The parent or guardian shall send  
14 22 notification to the district of residence and the receiving  
14 23 district that the parent or guardian seeks to enroll the  
14 24 parent's or guardian's child in the receiving district. A  
14 25 decision of either board to deny an application filed under  
14 26 this subsection involving repeated acts of harassment of the  
14 27 student or serious health condition of the student that the  
14 28 resident district cannot adequately address is subject to  
14 29 appeal under section 290.1. The state board shall exercise  
14 30 broad discretion to achieve just and equitable results that  
14 31 are in the best interest of the affected child or children.

14 32 Sec. 27. Section 284.10, subsection 2, Code 2009, is  
14 33 amended to read as follows:

14 34 2. An administrator licensed under chapter 272 who  
14 35 conducts evaluations of teachers for purposes of this chapter



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15 1 shall complete the evaluator training program. A practitioner  
15 2 licensed under chapter 272 who is not an administrator may  
15 3 enroll in the evaluator training program. Enrollment  
15 4 preference shall be given to administrators and to other  
15 5 practitioners who are not beginning teachers. Upon successful  
15 6 completion, the provider shall certify that the administrator  
15 7 or other practitioner is qualified to conduct evaluations for  
15 8 employment, make recommendations for licensure, and make  
15 9 recommendations that a teacher is qualified to advance from  
15 10 one career path level to the next career path level pursuant  
15 11 to this chapter. Certification is for a period of five years  
15 12 and may be renewed.

15 13 Sec. 28. Section 285.9, Code 2009, is amended by adding  
15 14 the following new subsection:

15 15 NEW SUBSECTION. 5. Review all transportation disputes  
15 16 between districts. If the affected districts are located in  
15 17 more than one area education agency, the area education agency  
15 18 in which the larger of the districts is located shall be the  
15 19 reviewing agency. In resolving disputes between districts,  
15 20 the reviewing agency board shall, after receiving all facts,  
15 21 make such alterations or changes as necessary to make the  
15 22 arrangements, designations, and contracts conform to the legal  
15 23 and established requirements and shall notify each affected  
15 24 local school board of such action. An affected district may  
15 25 appeal the decision of the agency board to the director of the  
15 26 department of education by following the timelines and  
15 27 procedures in section 285.12.

15 28 Sec. 29. Section 291.1, Code 2009, is amended to read as  
15 29 follows:

15 30 291.1 PRESIDENT == DUTIES.

15 31 The president of the board of directors shall preside at  
15 32 all of its meetings, sign all contracts made by the board, and  
15 33 appear ~~in~~ on behalf of the corporation in all actions brought  
15 34 by or against it, unless individually a party, in which case  
15 35 this duty shall be performed by the secretary. The president



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16 1 or the president's designee shall sign, using an original or  
16 2 facsimile signature, all school district ~~warrants~~ payments  
16 3 drawn and authorize electronic funds transfers as provided by  
16 4 law. The board of directors, by resolution, may designate an  
16 5 individual, who shall not be the secretary, to sign ~~warrants~~  
16 6 payments or authorize electronic funds transfers on behalf of  
16 7 the president.

16 8 Sec. 30. Section 291.6, subsection 3, Code 2009, is  
16 9 amended by striking the subsection and inserting in lieu  
16 10 thereof the following:

16 11 3. ACCOUNTING RECORDS. Keep an accurate accounting record  
16 12 of each payment or electronic funds transfer from each fund  
16 13 which shall be provided monthly to the board of directors.  
16 14 The secretary of the creditor district shall prepare and  
16 15 deliver to debtor districts an itemized statement of tuition  
16 16 fees charged in accordance with sections 275.55A and 282.11,  
16 17 and section 282.24, subsection 1.

16 18 Sec. 31. Section 291.6, subsection 4, Code 2009, is  
16 19 amended to read as follows:

16 20 4. CLAIMS. Keep an accurate ~~account~~ accounting of all  
16 21 expenses incurred by the corporation, and present the same to  
16 22 the board for audit and payment.

16 23 Sec. 32. Section 291.7, Code 2009, is amended to read as  
16 24 follows:

16 25 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

16 26 The secretary of each district shall file monthly with the  
16 27 board of directors a complete statement of all receipts and  
16 28 disbursements from ~~the various funds~~ each individual fund  
16 29 during the preceding month, and also the balance remaining on  
16 30 hand in ~~the various funds~~ each individual fund at the close of  
16 31 the period covered by the statement, which monthly statements  
16 32 shall be open to public inspection.

16 33 Sec. 33. Section 291.8, Code 2009, is amended by striking  
16 34 the section and inserting in lieu thereof the following:

16 35 291.8 PAYMENTS.



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17 1 The secretary shall make each authorized payment,  
17 2 countersign using an original or facsimile signature, and  
17 3 maintain accounting records of the payments or electronic  
17 4 funds transfers, showing the number, date, payee, originating  
17 5 fund, the purpose, and the amount; and shall provide to the  
17 6 board at each regular annual meeting a copy of the accounting  
17 7 records maintained by the secretary.

17 8 Sec. 34. Section 291.12, Code 2009, is amended to read as  
17 9 follows:

17 10 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~  
17 11 PAYMENTS.

17 12 The treasurer shall receive all moneys belonging to the  
17 13 corporation, pay the same out only upon the order of the  
17 14 president countersigned by the secretary, ~~keeping~~ and shall  
17 15 keep an accurate ~~account~~ accounting record of all receipts and  
17 16 expenditures in a book provided for that purpose. The  
17 17 treasurer shall register all ~~orders drawn~~ payments and  
17 18 electronic funds transfers made and reported to the treasurer  
17 19 by the secretary, showing the number, date, to whom drawn, the  
17 20 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,  
17 21 the purpose and amount.

17 22 Sec. 35. Section 291.14, Code 2009, is amended to read as  
17 23 follows:

17 24 291.14 FINANCIAL STATEMENT.

17 25 The treasurer shall render a statement of the finances of  
17 26 the corporation whenever required by the board, and the  
17 27 treasurer's ~~books~~ accounting records shall always be open for  
17 28 inspection.

17 29 Sec. 36. Section 298.3, subsection 9, Code 2009, is  
17 30 amended to read as follows:

17 31 9. Purchase of transportation equipment for transporting  
17 32 students. For purposes of this subsection, "transportation  
17 33 equipment" means any component of a school bus.

17 34 Sec. 37. 298A.13, Code 2009, is amended to read as  
17 35 follows:



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18 1 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

18 2 Trust, permanent, or agency funds shall be established by  
18 3 any school corporation to account for gifts it receives to be  
18 4 used for a particular purpose or to account for money and  
18 5 property received and administered by the district as trustee  
18 6 or custodian or in the capacity of an agent. Boards may  
18 7 establish trust ~~and~~, permanent, or agency funds as necessary.

18 8 Sec. 38. Section 299.1, unnumbered paragraph 2, Code 2009,  
18 9 is amended to read as follows:

18 10 The board of directors of a public school district or the  
18 11 governing body of an accredited nonpublic school may, by  
18 12 resolution, require attendance for the entire time when the  
18 13 schools are in session in any school year and adopt a policy  
18 14 or rules relating to the reasons considered to be valid or  
18 15 acceptable excuses for absence from school.

18 16 Sec. 39. Section 299A.11, Code 2009, is amended to read as  
18 17 follows:

18 18 299A.11 STUDENT RECORDS CONFIDENTIAL.

18 19 Notwithstanding any provision of law or rule to the  
18 20 contrary, personal information in records regarding a child  
18 21 receiving competent private instruction pursuant to this  
18 22 chapter, which are maintained, created, collected, or  
18 23 assembled by or for a state agency, shall be kept confidential  
18 24 in the same manner as personal information in student records  
18 25 maintained, created, collected, or assembled by or for a  
18 26 school corporation or educational institution in accordance  
18 27 with section 22.7, subsection 1. For purposes of this  
18 28 section, "personal information in records regarding a child  
18 29 receiving competent private instruction" shall include the  
18 30 child's name and home address, as well as all other  
18 31 information that personally identifies the child.

18 32 Sec. 40. Section 321.1, subsection 69, unnumbered  
18 33 paragraph 1, Code 2009, is amended to read as follows:

18 34 "School bus" means every vehicle operated for the  
18 35 transportation of children to or from school or school



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19 1 activities, except vehicles which are:

19 2 Sec. 41. Section 321.1, subsection 69, paragraph d, Code  
19 3 2009, is amended to read as follows:

19 4 d. Designed to carry not more than nine persons as  
19 5 passengers, either school owned or privately owned, which are  
19 6 used to transport pupils to activity events in which the  
~~19 7 pupils are participants or used to transport pupils to their~~  
19 8 homes in case of illness or other emergency situations. The  
19 9 vehicles operated under the provisions of this paragraph shall  
19 10 be operated by employees of the school district who are  
19 11 specifically approved by the local superintendent of schools  
19 12 for the assignment.

19 13 Sec. 42. Section 321.373, subsection 1, Code 2009, is  
19 14 amended to read as follows:

19 15 1. Every school bus ~~except private passenger vehicles used~~  
~~19 16 as school buses as defined in section 321.1, subsection 69,~~  
19 17 shall be constructed and equipped to meet safety standards  
19 18 prescribed in rules adopted by the state board of education.  
19 19 Such rules shall conform to safety standards set forth in  
19 20 federal laws and regulations and shall conform, insofar as  
19 21 practicable, to the minimum standards for school buses  
19 22 recommended by the national conference on school  
19 23 transportation administered by the national commission on  
19 24 safety education and published by the national education  
19 25 association.

19 26 Sec. 43. Section 321.376, Code 2009, is amended by adding  
19 27 the following new subsection:

19 28 NEW SUBSECTION. 3. The provisions of this section  
19 29 relating to a certificate of qualification and approved course  
19 30 of instruction shall not apply to a person driving a vehicle  
19 31 designed to carry not more than nine persons as passengers,  
19 32 either school-owned or privately owned, used to transport  
19 33 pupils to activity events.

19 34 Sec. 44. Section 321J.3, subsection 1, paragraph c, Code  
19 35 2009, is amended to read as follows:



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20 1 c. The court may prescribe the length of time for the  
20 2 evaluation and treatment or it may request that the community  
20 3 college or other approved provider conducting the course for  
20 4 drinking drivers which the person is ordered to attend or the  
20 5 treatment program to which the person is committed immediately  
20 6 report to the court when the person has received maximum  
20 7 benefit from the course for drinking drivers or treatment  
20 8 program or has recovered from the person's addiction,  
20 9 dependency, or tendency to chronically abuse alcohol or drugs.

20 10 Sec. 45. Section 321J.17, subsection 2, paragraph b, Code  
20 11 2009, is amended to read as follows:

20 12 b. The court or department may request that the community  
20 13 college or substance abuse treatment providers licensed under  
20 14 chapter 125 or other approved provider conducting the course  
20 15 for drinking drivers that the person is ordered to attend  
20 16 immediately report to the court or department that the person  
20 17 has successfully completed the course for drinking drivers.  
20 18 The court or department may request that the treatment program  
20 19 which the person attends periodically report on the  
20 20 defendant's attendance and participation in the program, as  
20 21 well as the status of treatment or rehabilitation.

20 22 Sec. 46. Section 321J.22, subsection 1, Code 2009, is  
20 23 amended by adding the following new paragraph:

20 24 NEW PARAGRAPH. 0a. "Approved provider" means a provider  
20 25 of a course offered out of state for drinking drivers which  
20 26 has been approved by the department of education.

20 27 Sec. 47. Section 321J.22, subsection 2, Code 2009, is  
20 28 amended by adding the following new paragraph:

20 29 NEW PARAGRAPH. cc. The department of education may  
20 30 approve a provider of a course offered out of state for  
20 31 drinking drivers upon proof to the department's satisfaction  
20 32 that the course is comparable to those offered by community  
20 33 colleges, substance abuse treatment programs licensed under  
20 34 chapter 125, and state correctional facilities as provided in  
20 35 this section. The department shall comply with the



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21 1 requirements of subsection 5 regarding such approved  
21 2 providers.  
21 3 Sec. 48. Section 331.756, subsection 7, Code 2009, is  
21 4 amended to read as follows:  
21 5 7. Give advice or a written opinion, without compensation,  
21 6 to the board and other county officers and to ~~school and~~  
21 7 township officers, when requested by an officer, upon any  
21 8 matters in which the state, county, ~~school~~, or township is  
21 9 interested, or relating to the duty of the officer in any  
21 10 matters in which the state, county, ~~school~~, or township may  
21 11 have an interest, but the county attorney shall not appear  
21 12 before the board at a hearing in which the state or county is  
21 13 not interested.

21 14 Sec. 49. Sections 256.20, 256.23, 297.2, and 297.3, Code  
21 15 2009, are repealed.

21 16 EXPLANATION

21 17 This bill makes miscellaneous education-related changes to  
21 18 Code provisions as follows:

21 19 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is  
21 20 amended to establish that the provision does not prohibit a  
21 21 school corporation or educational institution from  
21 22 transferring student records electronically to other school  
21 23 corporations or educational institutions in accordance with  
21 24 the department of education's comprehensive management  
21 25 information system and uniform coding and reporting system.  
21 26 Code section 299A.11 is amended to provide that "personal  
21 27 information in records regarding a child receiving competent  
21 28 private instruction" includes the child's name and home  
21 29 address, and any other information that personally identifies  
21 30 the child.

21 31 PREFERENCES. Code section 73.1 is amended to include  
21 32 school districts participating in a federal school breakfast  
21 33 program within an exemption from a provision that requires  
21 34 governing bodies in the state to use only those products and  
21 35 provisions grown and coal produced within the state of Iowa



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22 1 when they are found in marketable quantities, are of a  
22 2 suitable quality, and are no more costly than products from  
22 3 other states and countries. Currently, school districts  
22 4 participating in the federal school lunch program are exempt.  
22 5 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section  
22 6 256.5A is amended to increase the term of the nonvoting  
22 7 student member of the state board of education from one year  
22 8 to two years, and provides that the student must be enrolled  
22 9 in grade 10 when applying for the appointment. Currently, a  
22 10 student may be enrolled in grade 10 or 11 at the time the  
22 11 student applies.

22 12 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code  
22 13 section 256.10, subsection 2, is amended by striking a  
22 14 provision that prohibits the dismissal of a member of the  
22 15 professional staff for cause without appropriate due process  
22 16 procedures, but adds that the person must not be dismissed  
22 17 without an opportunity to meet with the director of education.  
22 18 The bill also adds that appointments to the professional staff  
22 19 must be made without reference to sexual orientation or gender  
22 20 identity.

22 21 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.  
22 22 Code section 256.11 is amended to replace language defining  
22 23 "school nurse" with language providing that the scope of  
22 24 practice of a school nurse shall be as established by the  
22 25 board of nursing.

22 26 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30  
22 27 provides for the distribution and administration of moneys in  
22 28 excess of federal moneys to pay the expense of educating  
22 29 American Indian children residing in the Sac and Fox Indian  
22 30 settlement. The bill eliminates language that requires the  
22 31 tribal council to submit an annual report to the department of  
22 32 education accounting for expenditure of the moneys and  
22 33 requires the department of education to certify compliance  
22 34 before the department of management can approve allotment of  
22 35 the moneys.



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23 1       SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2  
23 2 is amended to add to the definition of "children requiring  
23 3 special education" a provision allowing such a child who  
23 4 reaches age 21 during an academic year to elect to continue to  
23 5 receive special education services until the academic year  
23 6 ends. A conforming change is made to Code section 256B.8.  
23 7       Code section 256B.6 is amended to provide that when a child  
23 8 requiring special education attains the age of majority or is  
23 9 incarcerated in a correctional institution, the rights of the  
23 10 child's parent or guardian transfers to the child, and any  
23 11 notice to that child's parent or guardian must also be  
23 12 provided to the child. If the child is determined to be  
23 13 incompetent, these rights shall be exercised by the person  
23 14 appointed to represent the educational interest of the child.  
23 15       ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section  
23 16 257.6 is amended to specify that accredited nonpublic school  
23 17 pupils receiving classes or services funded by federal grants  
23 18 or allocations shall not be counted in a school district's  
23 19 enrollment as shared-time or part-time pupils. The bill makes  
23 20 a conforming change to Code section 257.37, subsection 4.  
23 21       SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to  
23 22 provide that a pupil who is eligible for special education  
23 23 weighting is not also eligible for supplementary weighting  
23 24 unless the course generating the supplementary weighting has  
23 25 no relationship to the pupil's disability.  
23 26       SCHOOL AID APPROPRIATIONS ADJUSTMENTS. Code section  
23 27 257.16, subsection 3, is amended to strike language permitting  
23 28 school districts to use all moneys received under Code chapter  
23 29 257 and deposited in the general fund of the school district  
23 30 to be used for any school general fund purpose. Code section  
23 31 257.16, subsection 4, is amended to provide that if the  
23 32 governor orders budget reductions, reductions in the  
23 33 appropriations provided in the Code section for preschool  
23 34 foundation aid will be calculated with the preschool budget  
23 35 determined in accordance with the funding formula in Code



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24 1 section 256C.5; for the teacher salary supplement,  
24 2 professional development supplement, and the early  
24 3 intervention supplement will be calculated with the budget  
24 4 enrollment; and for the area education agency (AEA) teacher  
24 5 salary supplement and AEA professional development supplement  
24 6 will be calculated with special education support services  
24 7 weighted enrollment.

24 8       REPORTING ALLEGED MISCONDUCT. Code section 272.15,  
24 9 subsection 2, is amended to allow, rather than require, an  
24 10 employee of the department of education to report alleged  
24 11 misconduct by an individual licensed by the board of  
24 12 educational examiners, that the employee becomes aware of in  
24 13 the course of performing official duties.

24 14       AEA BUDGET DEADLINES. Code section 273.3 is amended to  
24 15 extend the dates by which area education agency proposed  
24 16 budgets must be reviewed, approved, or returned by the state  
24 17 board and resubmitted to the state board if not approved.

24 18       ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45  
24 19 are amended by striking obsolete language, including replacing  
24 20 the word "operating" with the word "general" to refer to the  
24 21 fund an AEA can use for administrative expenditures.

24 22       SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section  
24 23 279.30 is amended to allow the board of directors of a school  
24 24 district or of an AEA to direct deposit a payment at a  
24 25 financial institution specified by the person entitled to the  
24 26 money. Code section 291.1; Code section 291.6, subsections 3  
24 27 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are  
24 28 amended to replace references to "books", "registers", and  
24 29 "warrants" with references to payments, electronic funds  
24 30 transfers, and "accounting records" and to make related  
24 31 changes.

24 32       SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13  
24 33 are amended to give school districts the option of  
24 34 establishing a permanent fund for gifts received and to allow  
24 35 school districts to deposit funds received from gifts,



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25 1 devises, and bequests into a trust or permanent fund; and to  
25 2 strike the word "agency" from Code section 279.42 as agency  
25 3 funds are not used for deposit of gifts.

25 4 CODE CORRECTIONS. The bill makes corrections to Code  
25 5 section 256.9 to change references to model end-of-course  
25 6 assessments, to Code section 259A.1 to change references to  
25 7 subjects covered by high school equivalency diploma tests, to  
25 8 Code section 282.1 to change a reference, and to Code section  
25 9 299.1 to refer to the board of directors of a public school  
25 10 district.

25 11 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY. Code  
25 12 section 282.9, subsection 1, is amended to notwithstanding Code  
25 13 chapter 282, relating to school attendance and tuition, rather  
25 14 than notwithstanding only Code section 282.18, the Code  
25 15 section relating to open enrollment. The language of Code  
25 16 section 282.9, subsection 1, provides that prior to knowingly  
25 17 enrolling a student who is required to register as a sex  
25 18 offender, the school district's board of directors must  
25 19 determine the educational placement of the individual and  
25 20 place notice of that consideration on the board's tentative  
25 21 meeting agenda. If the board denies enrollment to the  
25 22 individual, the school district of residence must provide the  
25 23 individual with educational services in an alternative  
25 24 setting.

25 25 OPEN ENROLLMENT BY SIBLING. Code section 282.18,  
25 26 subsection 4, is amended to require that a receiving district  
25 27 approve a transfer request submitted after March 1 of the  
25 28 preceding school year if the sibling of the pupil for whom the  
25 29 request is made is already participating in open enrollment to  
25 30 the receiving district. The bill makes a conforming change to  
25 31 Code section 282.18, subsection 5.

25 32 EVALUATOR TRAINING PROGRAM. Code section 284.10,  
25 33 subsection 2, is amended to give program enrollment preference  
25 34 to other practitioners who are not beginning teachers.  
25 35 Currently, only school administrators are given preference.



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26 1       AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new  
26 2 provision to Code section 285.9 to assign the duty of  
26 3 reviewing and resolving all transportation disputes between  
26 4 districts to the AEA boards.

26 5       SCHOOL BUS AND TRANSPORTATION EQUIPMENT DEFINITIONS. Code  
26 6 section 298.3, subsection 9, is amended to define  
26 7 "transportation equipment" to mean any component of a school  
26 8 bus. Code section 321.1, subsection 69, is amended to strike  
26 9 from an exemption to the definition of "school bus", language  
26 10 that includes a vehicle operated for the transportation of  
26 11 children to or from school activities. Currently, the  
26 12 definition is limited to transportation of children to or from  
26 13 school. The bill makes a conforming amendment to Code section  
26 14 321.373 to provide that every school bus, including those used  
26 15 to transport students to school activities, must be  
26 16 constructed and equipped to meet specified safety standards.  
26 17 However, the bill amends Code section 321.376 to provide that  
26 18 certificate of qualification and approved course of  
26 19 instruction requirements do not apply to persons driving  
26 20 pupils to activities in nine-passenger vehicles.

26 21       APPROVED COURSES FOR DRINKING DRIVERS. Code sections  
26 22 321J.3 and 321J.17 are amended to expand the providers of  
26 23 drinking driver courses supervised and approved by the  
26 24 department of education to include "other approved providers",  
26 25 which the bill defines in Code section 321J.22, as providers  
26 26 of courses offered out of state. The out-of-state providers  
26 27 must prove to the department's satisfaction that the course is  
26 28 comparable to those offered by community colleges and  
26 29 substance abuse treatment programs. The bill establishes that  
26 30 other approved providers may be requested to meet the same  
26 31 reporting requirements as the community colleges and substance  
26 32 abuse treatment programs.

26 33       DUTIES OF THE COUNTY ATTORNEY. The bill amends Code  
26 34 section 331.756, subsection 7, which specifies the duties of  
26 35 county attorneys, to eliminate a requirement that county



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27 1 attorneys give advice or a written opinion, without  
27 2 compensation, to school officers upon request.  
27 3 CODE SECTIONS REPEALED. The bill repeals the following:  
27 4 1. Code section 256.20, which permits school districts to  
27 5 request approval from the state board of education for a pilot  
27 6 project for a year-around three-semester school year.  
27 7 2. Code section 256.23, which establishes a recruitment  
27 8 and advancement program to provide for the allocation of  
27 9 grants to school corporations for pilot projects that  
27 10 encourage the advancement of women and minorities to  
27 11 administrative positions.  
27 12 3. Code section 297.2, which permits school districts to  
27 13 take and hold so much real estate as may be required for the  
27 14 location or construction of schoolhouses, up to a limit of 10  
27 15 acres.  
27 16 4. Code section 297.3, which permits any school district,  
27 17 including a city or village, to take and hold an area equal to  
27 18 two blocks for a schoolhouse site, up to a limit of 30 acres,  
27 19 for a school playground, stadium, or field house, or other  
27 20 purposes.  
27 21 LSB 1347XD 83  
27 22 kh/nh/5



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**Senate Study Bill 1012**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the compulsory school attendance age and
- 2 providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1224XD 83
- 5 kh/rj/5



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PAG LIN

1 1 Section 1. Section 299.1A, Code 2009, is amended to read  
1 2 as follows:  
1 3 299.1A COMPULSORY ATTENDANCE AGE.  
1 4 A child who has reached the age of six and is under ~~sixteen~~  
1 5 seventeen years of age by September 15 is of compulsory  
1 6 attendance age. However, if a child enrolled in a school  
1 7 district or accredited nonpublic school reaches the age of  
1 8 ~~sixteen~~ seventeen on or after September 15, the child remains  
1 9 of compulsory age until the end of the regular school  
1 10 calendar.  
1 11 Sec. 2. NEW SECTION. 299.14 SCHOOL DISTRICT DROPOUT  
1 12 PREVENTION MEASURES.  
1 13 1. The board of directors of each school district shall  
1 14 take every opportunity to prevent students from dropping out  
1 15 of school. Actions which a school district may take to  
1 16 prevent students from dropping out of school include but are  
1 17 not limited to general education interventions, alternative  
1 18 program placement, alternative school placement, provision of  
1 19 support and supplemental services, individual and family  
1 20 intervention or therapy, truancy mediation, and coordination  
1 21 with other student support services.  
1 22 2. The board of directors of each school district shall  
1 23 make every effort to align and maximize funding streams that  
1 24 may be used to support students who have the potential to drop  
1 25 out of school.  
1 26 Sec. 3. Section 299A.8, Code 2009, is amended to read as  
1 27 follows:  
1 28 299A.8 DUAL ENROLLMENT.  
1 29 If a parent, guardian, or legal custodian of a child who is  
1 30 receiving competent private instruction under this chapter ~~or~~  
~~1 31 a child over compulsory age who is receiving private~~  
~~1 32 instruction~~ submits a request, the child shall also be  
1 33 registered in a public school for dual enrollment purposes.  
1 34 If the child is enrolled in a public school district for dual  
1 35 enrollment purposes, the child shall be permitted to



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2 1 participate in any academic activities in the district and  
2 2 shall also be permitted to participate on the same basis as  
2 3 public school children in any extracurricular activities  
2 4 available to children in the child's grade or group, and the  
2 5 parent, guardian, or legal custodian shall not be required to  
2 6 pay the costs of any annual evaluation under this chapter. If  
2 7 the child is enrolled for dual enrollment purposes, the child  
2 8 shall be included in the public school's basic enrollment  
2 9 under section 257.6. A pupil who is participating only in  
2 10 extracurricular activities shall be counted under section  
2 11 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil  
2 12 enrolled in grades nine through twelve under this section  
2 13 shall be counted in the same manner as a shared-time pupil  
2 14 under section 257.6, subsection 1, paragraph "a", subparagraph  
2 15 (3).

2 16 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 17 with section 25B.2, subsection 3, the state cost of requiring  
2 18 compliance with any state mandate included in this Act shall  
2 19 be paid by a school district from state school foundation aid  
2 20 received by the school district under section 257.16. This  
2 21 specification of the payment of the state cost shall be deemed  
2 22 to meet all the state funding-related requirements of section  
2 23 25B.2, subsection 3, and no additional state funding shall be  
2 24 necessary for the full implementation of this Act by and  
2 25 enforcement of this Act against all affected school districts.

2 26 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1,  
2 27 2010.

2 28 EXPLANATION

2 29 This bill raises the compulsory school attendance age from  
2 30 16 to 17. The bill requires each school district to take  
2 31 every effort to prevent students from dropping out of school,  
2 32 and to align and maximize funding streams that may be used to  
2 33 support students who have the potential to drop out of school.

2 34 The bill includes technical amendments to eliminate a  
2 35 reference to the compulsory attendance age for purposes of



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3 1 dual enrollment.

3 2       The bill may include a state mandate as defined in Code  
3 3 section 25B.3. The bill requires that the state cost of any  
3 4 state mandate included in the bill be paid by a school  
3 5 district from state school foundation aid received by the  
3 6 school district under Code section 257.16. The specification  
3 7 is deemed to constitute state compliance with any state  
3 8 mandate funding-related requirements of Code section 25B.2.  
3 9 The inclusion of this specification is intended to reinstate  
3 10 the requirement of political subdivisions to comply with any  
3 11 state mandates included in the bill.

3 12       The bill takes effect July 1, 2010.

3 13 LSB 1224XD 83

3 14 kh/rj/5.1



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**Senate Study Bill 1013**

SENATE/HOUSE FILE  
 BY (PROPOSED DEPARTMENT OF  
 EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to assisting schools to recover from disaster by  
 2 changing the approval method for transfers of emergency fund  
 3 moneys, by modifying certain funding provisions to relate to  
 4 disaster recovery, and by allowing area education agency  
 5 boards greater authority to purchase and lease-purchase  
 6 property.  
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 8 TLSB 1254XD 83  
 9 ak/sc/14



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Senate Study Bill 1013 continued

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1 1 Section 1. Section 24.6, Code 2009, is amended to read as  
1 2 follows:

1 3 24.6 EMERGENCY FUND == LEVY.

1 4 1. A municipality may include in the estimate required, an  
1 5 estimate for an emergency fund. A municipality may assess and  
1 6 levy a tax for the emergency fund at a rate not to exceed  
1 7 twenty-seven cents per thousand dollars of assessed value of  
1 8 taxable property of the municipality, ~~provided that.~~ However,  
1 9 an emergency tax levy shall not be made until the municipality  
1 10 has first petitioned the state board and received its  
1 11 approval.

1 12 2. a. Transfers of moneys may be made from the emergency  
1 13 fund to any other fund of the municipality for the purpose of  
1 14 meeting deficiencies in a fund arising from any cause,  
~~1 15 provided that.~~ However, a transfer shall not be made except  
1 16 upon the written approval of the state board, and then only  
1 17 when that approval is requested by a two-thirds vote of the  
1 18 governing body of the municipality.

1 19 b. Notwithstanding the requirements of paragraph "a", if  
1 20 the municipality is a school corporation, the school  
1 21 corporation may transfer money from the emergency fund to any  
1 22 other fund of the school corporation for the purpose of  
1 23 meeting deficiencies in a fund arising from any cause.  
1 24 However, a transfer shall not be made without the written  
1 25 approval of the school budget review committee.

1 26 Sec. 2. Section 256.9, Code 2009, is amended by adding the  
1 27 following new subsection:

1 28 NEW SUBSECTION. 61. Grant to public school districts and  
1 29 accredited nonpublic schools waivers from statutory  
1 30 obligations with which the entities cannot reasonably comply  
1 31 due to a disaster as defined in section 29C.2, subsection 1.

1 32 Sec. 3. Section 257.31, subsection 7, paragraph a, Code  
1 33 2009, is amended to read as follows:

1 34 a. The committee may authorize a district to spend a  
1 35 reasonable and specified amount from its unexpended cash



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2 1 balance for ~~either~~ of the following purposes:

2 2 (1) Furnishing, equipping, and contributing to the  
2 3 construction of a new building or structure for which the  
2 4 voters of the district have approved a bond issue as provided  
2 5 by law or the tax levy provided in section 298.2.

2 6 (2) The costs associated with the demolition of an unused  
2 7 school building, or the conversion of an unused school  
2 8 building for community use, in a school district involved in a  
2 9 dissolution or reorganization under chapter 275, if the costs  
2 10 are incurred within three years of the dissolution or  
2 11 reorganization.

2 12 (3) The costs associated with the demolition or repair of  
2 13 a building or structure in a school district if such costs are  
2 14 necessitated by, and incurred within two years of, a disaster  
2 15 as defined in section 29C.2, subsection 1.

2 16 Sec. 4. Section 273.2, subsection 2, Code 2009, is amended  
2 17 to read as follows:

2 18 2. An area education agency established under this chapter  
2 19 is a body politic as a school corporation for the purpose of  
2 20 exercising powers granted under this chapter, and may sue and  
2 21 be sued. An area education agency may hold property and  
2 22 execute purchase and lease=purchase agreements pursuant to  
2 23 section 273.3, subsection 7, and if the lease lease=purchase  
2 24 agreement exceeds ten years or the purchase price of the  
2 25 property to be acquired pursuant to a purchase or  
2 26 lease=purchase agreement exceeds twenty=five thousand dollars,  
2 27 the area education agency shall conduct a public hearing on  
2 28 the proposed purchase or lease=purchase agreement and receive  
2 29 approval from the area education agency board of directors and  
2 30 the director of the department of education before entering  
2 31 into the agreement.

2 32 Sec. 5. Section 273.3, subsection 7, Code 2009, is amended  
2 33 to read as follows:

2 34 7. Be authorized to lease, purchase, or lease=purchase,  
2 35 subject to the approval of the director of the department of



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Senate Study Bill 1013 continued

3 1 education and to receive by gift and operate and maintain  
3 2 facilities and buildings necessary to provide authorized  
3 3 programs and services. However, a lease for less than ten  
3 4 years and with an annual cost of less than twenty-five  
3 5 thousand dollars does not require the approval of the  
3 6 director. ~~If a lease requires approval, the~~ The director  
3 7 shall not approve ~~the~~ a lease, purchase, or lease-purchase  
3 8 until the director is satisfied by investigation that public  
3 9 school corporations within the area do not have suitable  
3 10 facilities available.

3 11 Sec. 6. Section 298.3, Code 2009, is amended by adding the  
3 12 following new subsection:

3 13 NEW SUBSECTION. 13. Demolition, clean up, and other costs  
3 14 if such costs are necessitated by, and incurred within  
3 15 eighteen months of, a disaster as defined in section 29C.2,  
3 16 subsection 1.

3 17 Sec. 7. Section 423F.3, subsection 3, paragraph b, Code  
3 18 2009, is amended to read as follows:

3 19 b. (1) If the board of directors intends to use funds for  
3 20 purposes other than those listed in paragraph "a", or change  
3 21 the use of funds to purposes other than those listed in  
3 22 paragraph "a", the board shall adopt a revenue purpose  
3 23 statement, subject to approval of the electors, listing the  
3 24 proposed use of the funds.

3 25 (2) School districts shall submit the statement to the  
3 26 voters no later than sixty days prior to the expiration of any  
3 27 existing revenue purpose statement or change in use not  
3 28 included in the existing revenue purpose statement.

3 29 (3) If a school district has been affected by a disaster,  
3 30 as defined in section 29C.2, subsection 1, the district may  
3 31 submit the statement to the voters no later than eighteen  
3 32 months after the disaster occurred and subject to all other  
3 33 requirements in this section.

3 34 EXPLANATION

3 35 This bill assists school districts and accredited nonpublic



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4 1 schools to recover from a disaster as defined in Code section  
4 2 29C.2(1).  
4 3 Code section 24.6(2) is amended to allow a school  
4 4 corporation to transfer funds from its emergency fund when the  
4 5 school corporation has monetary deficiencies due to any cause.  
4 6 However, the transfer must first be approved by the school  
4 7 budget review committee.  
4 8 Code section 256.9(61) is amended to allow the director of  
4 9 the department of education to waive statutory obligations  
4 10 that school districts and accredited nonpublic schools cannot  
4 11 reasonably comply with due to a disaster.  
4 12 Code section 257.31(7) is amended to allow the school  
4 13 budget review committee to authorize a school district to  
4 14 spend a reasonable and specified amount from its unexpended  
4 15 cash balance for the costs of demolishing or repairing a  
4 16 building or structure if such costs are necessitated by, and  
4 17 incurred within two years of, a disaster.  
4 18 Code sections 273.2(2) and 273.3(7) are amended to give  
4 19 area education agencies the authorization to purchase and  
4 20 lease-purchase facilities and buildings with the approval of  
4 21 the director of the department of education.  
4 22 Code section 298.3(13) is amended to permit funds from the  
4 23 physical plant and equipment levy to be used for demolition,  
4 24 clean up, and other costs necessitated by, and incurred within  
4 25 18 months of, a disaster.  
4 26 Code section 423F.3(3)(b) is amended to allow school  
4 27 districts affected by a disaster to submit a revenue purpose  
4 28 statement to the voters no more than 18 months after the  
4 29 disaster in order to use funds from the secure an advanced  
4 30 vision for education fund to recover from the disaster.  
4 31 School districts submitting such a statement are still bound  
4 32 by all the requirements of Code chapter 423F concerning the  
4 33 secure an advanced vision for education fund.  
4 34 LSB 1254XD 83  
4 35 ak/sc/14.1



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**Senate Study Bill 1014**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act providing for the establishment of a school district
- 2 innovation grant program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1299XD 83
- 5 kh/nh/8



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1 1 Section 1. NEW SECTION. 256.24 SCHOOL DISTRICT  
1 2 INNOVATION GRANT PROGRAM == LEGISLATIVE INTENT.  
1 3 1. The department shall establish a school district  
1 4 innovation grant program, subject to an appropriation by the  
1 5 general assembly for that purpose, to promote innovation in  
1 6 the delivery of instruction related to the Iowa core  
1 7 curriculum and twenty-first century skills.  
1 8 2. It is the intent of the general assembly that the  
1 9 school district innovation grants be used to capture promising  
1 10 new practice and innovation for the delivery of instruction.  
1 11 3. Grant moneys, in amounts to be determined by the  
1 12 department, shall be distributed by the department to  
1 13 qualifying school districts not later than October 15 of the  
1 14 fiscal year for which the funds were appropriated.  
1 15 4. By February 15 of the fiscal year for which the funds  
1 16 were appropriated, a school district or collaboration of  
1 17 school districts receiving grant moneys under this section  
1 18 shall submit an interim report to the department describing  
1 19 the innovations made by the school district or the  
1 20 collaboration of school districts and providing preliminary  
1 21 conclusions. By June 1 of the fiscal year for which the funds  
1 22 were appropriated, the school district or collaboration of  
1 23 school districts shall submit a final report to the  
1 24 department. The department shall summarize the school  
1 25 district reports in a final report to the general assembly by  
1 26 January 15 of the fiscal year following the fiscal year for  
1 27 which funds were appropriated for purposes of this section.  
1 28 5. Notwithstanding section 8.33, unencumbered or  
1 29 unobligated funds remaining on June 30 of the fiscal year for  
1 30 which the funds were appropriated shall not revert but shall  
1 31 be available for expenditure for the following fiscal year for  
1 32 purposes of this section.

1 33 EXPLANATION  
1 34 This bill directs the department of education to establish  
1 35 a school district innovation grant program, if the general



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2 1 assembly appropriates funds for that purpose, to promote  
2 2 innovation in the delivery of instruction related to the Iowa  
2 3 core curriculum and twenty-first century skills. The bill  
2 4 provides legislative intent that the school district  
2 5 innovation grants be used to capture promising new practice  
2 6 and innovation for the delivery of instruction.  
2 7 Grant moneys, in amounts to be determined by the  
2 8 department, must be distributed by the department to  
2 9 qualifying school districts not later than October 15 of the  
2 10 fiscal year for which the funds were appropriated.  
2 11 The bill establishes dates by which a school district or  
2 12 collaboration of school districts receiving grant moneys must  
2 13 submit an interim report, then a final report, to the  
2 14 department. The department is directed to summarize the  
2 15 school district reports in a final report to the general  
2 16 assembly by January 15 of the following fiscal year.  
2 17 LSB 1299XD 83  
2 18 kh/nh/8



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Senate Study Bill 1015

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to certain reporting requirements or actions
- 2 required of the department of education, school districts,
- 3 accredited nonpublic schools, and community colleges.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1232XD 83
- 6 kh/nh/5



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1 1 Section 1. Section 256.7, subsection 21, paragraph c, Code  
1 2 2009, is amended to read as follows:  
1 3 c. A requirement that all school districts and accredited  
1 4 nonpublic schools annually report to the department and the  
1 5 local community the district-wide progress made in attaining  
1 6 student achievement goals on the academic and other core  
1 7 indicators and the district-wide progress made in attaining  
1 8 locally established student learning goals. The school  
1 9 districts and accredited nonpublic schools shall demonstrate  
1 10 the use of multiple assessment measures in determining student  
1 11 achievement levels. The school districts and accredited  
1 12 nonpublic schools shall also report the number of students who  
1 13 graduate, ~~utilizing the definition of graduation rate~~  
~~1 14 specified by the national governors association; the number of~~  
1 15 students who drop out of school; ~~the number of students~~  
~~1 16 pursuing a high school equivalency diploma pursuant to chapter~~  
~~1 17 259A; the number of students who were enrolled in the district~~  
~~1 18 within the past five years and who received a high school~~  
~~1 19 equivalency diploma; the percentage of students who receive a~~  
~~1 20 high school diploma and who were not proficient in reading,~~  
~~1 21 mathematics, and science in grade eleven; the number of~~  
~~1 22 students in the prior year who were enrolled as high school~~  
~~1 23 juniors who are within four units of meeting the district's~~  
~~1 24 graduation requirements; the number of students who are tested~~  
1 25 and the percentage of students who are so tested annually; and  
1 26 the percentage of students who graduated during the prior  
1 27 school year and who completed a core curriculum. The board  
1 28 shall develop and adopt uniform definitions consistent with  
1 29 the federal No Child Left Behind Act of 2001, Pub. L. No.  
1 30 107=110 and any federal regulations adopted pursuant to the  
1 31 federal Act. The school districts and accredited nonpublic  
1 32 schools may report on other locally determined factors  
1 33 influencing student achievement. The school districts and  
1 34 accredited nonpublic schools shall also report to the local  
1 35 community their results by individual attendance center.



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2 1 Sec. 2. Section 256.9, subsections 24, 28, and 43, Code  
2 2 2009, are amended by striking the subsections.

2 3 Sec. 3. Section 256.18, subsection 3, Code 2009, is  
2 4 amended by striking the subsection.

2 5 Sec. 4. Section 256D.1, subsection 1, paragraph b,  
2 6 subparagraph (1), Code 2009, is amended to read as follows:

2 7 (1) A school district shall at a minimum biannually inform  
2 8 parents of their individual child's performance on the  
2 9 diagnostic assessments in kindergarten through grade three.  
2 10 If intervention is appropriate, the school district shall  
2 11 inform the parents of the actions the school district intends  
2 12 to take to improve the child's reading skills and provide the  
2 13 parents with strategies to enable the parents to improve their  
2 14 child's skills. ~~If the diagnostic assessments administered in~~  
~~2 15 accordance with this subsection indicate that a child is~~  
~~2 16 reading below grade level, the school district shall submit a~~  
~~2 17 report of the assessment results to the parent, which the~~  
~~2 18 parent shall sign and return to the school district. If the~~  
~~2 19 parent does not sign or return the report, the school district~~  
~~2 20 shall note in the student's record the inaction on the part of~~  
~~2 21 the parent.~~ The board of directors of each school district  
2 22 shall adopt a policy indicating the methods the school  
2 23 district will use to inform parents of their individual  
2 24 child's performance.

2 25 Sec. 5. Section 257.30, unnumbered paragraph 1, Code 2009,  
2 26 is amended to read as follows:

2 27 A school budget review committee is established in the  
2 28 department of education and consists of the director of the  
2 29 department of education, the director of the department of  
2 30 management, and three members who are knowledgeable in the  
2 31 areas of Iowa school finance or public finance issues  
2 32 appointed by the governor to represent the public. At least  
2 33 one of the public members shall possess a master's or doctoral  
2 34 degree in which areas of school finance, economics, or  
2 35 statistics are an integral component, or shall have equivalent



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3 1 experience in an executive administrative or senior research  
3 2 position in the education or public administration field. The  
3 3 members appointed by the governor shall serve staggered  
3 4 three-year terms beginning and ending as provided in section  
3 5 69.19 and are subject to senate confirmation as provided in  
3 6 section 2.32. The committee shall meet and hold hearings each  
3 7 year and shall continue in session until it has reviewed  
3 8 budgets of school districts, as provided in section 257.31.  
3 9 ~~It~~ The committee may call in school board members and  
3 10 employees as necessary for the hearings. ~~Legislators shall be~~  
~~3 11 notified of hearings concerning school districts in their~~  
~~3 12 constituencies~~ An agenda of the committee's scheduled hearings  
3 13 and the minutes of such hearings shall be posted on the  
3 14 department of education's internet website.

3 15 Sec. 6. Section 257.31, subsections 2 and 9, Code 2009,  
3 16 are amended to read as follows:

3 17 2. The committee shall ~~report to each session of the~~  
~~3 18 general assembly, which report shall include any recommended~~  
~~3 19 changes in laws relating to school districts, and shall~~  
3 20 specify the number of hearings held annually, the reasons for  
3 21 the committee's recommendations, information about the amounts  
3 22 of property tax levied by school districts for a cash reserve,  
3 23 and other information the committee deems advisable on the  
3 24 department of education's internet website.

3 25 9. When the committee makes a decision under subsections 3  
3 26 through 8, it shall make all necessary changes in the district  
3 27 cost, budget, and tax levy. ~~It shall give written notice of~~  
~~3 28 its decision, including all such changes, to the school board~~  
~~3 29 through the department of education.~~

3 30 Sec. 7. Section 260C.14, subsection 21, Code 2009, is  
3 31 amended by striking the subsection.

3 32 Sec. 8. Section 279.56, unnumbered paragraph 1, Code 2009,  
3 33 is amended to read as follows:

3 34 If funds are appropriated by the general assembly, the  
3 35 board of directors of a school district may obtain permission



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4 1 to participate in the teacher exchange program by making  
4 2 application in writing to the department of education, on  
4 3 forms provided by the department, by November 1 of the school  
4 4 year preceding the year that the district wishes to  
4 5 participate. Each district participating in the program shall  
4 6 prescribe standards and procedures explaining the district's  
4 7 expectations and requirements for each participating teacher.  
4 8 The district's standards and procedures shall also prescribe  
4 9 the method and form by which teachers within the district may  
4 10 apply to the board for permission to participate in the  
4 11 program. Each participating district shall continue to  
4 12 compensate the program participant at the same rate that the  
4 13 participant would be compensated if the participant had  
4 14 continued the participant's instructional or other duties  
4 15 within the home district. Each participating district shall  
4 16 report to the department the number and performance of  
4 17 exchange teachers from other districts that are included in  
4 18 the district's instructional staff during the relevant periods  
4 19 during the school year. ~~The department shall summarize the~~  
~~4 20 information and include it in the report submitted under~~  
~~4 21 section 256.9, subsection 28.~~

4 22 Sec. 9. Section 279.63, subsection 2, paragraph e, Code  
4 23 2009, is amended by striking the paragraph.

4 24 Sec. 10. Section 279.63, subsection 3, Code 2009, is  
4 25 amended to read as follows:

4 26 3. Copies of a school district's financial report for the  
4 27 previous school year shall be posted on an internet website  
4 28 maintained by the school district ~~at the beginning~~ by January  
4 29 1 of the each school year. If the school district does not  
4 30 maintain or develop ~~a~~ an internet website, the school district  
4 31 shall either distribute or post written copies of the  
4 32 financial report at specified locations throughout the school  
4 33 district.

4 34 Sec. 11. Section 282.24, subsection 1, unnumbered  
4 35 paragraphs 2 and 3, Code 2009, are amended to read as follows:



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5 1 A school corporation which owns facilities used as  
5 2 attendance centers for students shall maintain an itemized  
5 3 statement of the appraised value of all buildings owned by the  
5 4 school corporation. ~~Beginning July 1, 1976, the~~ The appraisal  
5 5 shall be updated at least ~~one time~~ once every five years.

~~5 6 The director of the department of education shall, after  
5 7 July 1 but before September 1 of each year, notify every  
5 8 school in the state, affected by this section, what the  
5 9 computed maximum tuition rate shall be for the ensuing year.~~

5 10 Sec. 12. Section 298.6, Code 2009, is amended to read as  
5 11 follows:

5 12 298.6 PUBLIC DISCLOSURE OF OUTSTANDING LEVIES.

5 13 The board of directors of a school district shall, prior to  
5 14 certifying any levy by board approval, or submitting a levy  
5 15 for voter approval, facilitate public access to a complete  
5 16 listing of all outstanding levies within the school district  
5 17 by rate, amount, duration, and the applicable maximum levy  
5 18 limitations. The information relating to outstanding levies  
5 19 shall be posted on an internet website maintained by the  
5 20 school district ~~at the beginning~~ by January 1 of the each  
5 21 school year, and updated prior to board approval or submission  
5 22 for voter approval of any levy during the school year. If the  
5 23 school district does not maintain or develop ~~a~~ an internet  
5 24 website, the school district shall either distribute or post  
5 25 written copies of the listing at specified locations  
5 26 throughout the school district.

5 27 Sec. 13. Section 299.16, Code 2009, is amended to read as  
5 28 follows:

5 29 299.16 FAILURE TO ATTEND == REPORT.

5 30 School officers shall ascertain the number of children who  
5 31 are of compulsory attendance age, in their respective  
5 32 districts, the number of those children who are truant under  
5 33 section 299.8 or who have accumulated fifteen unexcused  
5 34 absences during a three-year period, and so far as possible  
5 35 the cause of the failure to attend. School officers shall,



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6 1 until July 1, 1999, biennially report this information to the  
6 2 department of education on forms provided by the department.  
6 3 ~~The department shall attach a summary of the reports, an  
6 4 analysis of the data, and policy recommendations based on the  
6 5 data analysis, along with the department's annual report under  
6 6 section 256.9, subsection 28.~~

6 7 Sec. 14. Section 301.28, Code 2009, is amended to read as  
6 8 follows:

6 9 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND  
6 10 SUPPLIES == PENALTY.

6 11 ~~It shall be unlawful for any A school director, officer,  
6 12 area education director, or teacher to shall not act as an  
6 13 agent or dealer for any school textbooks or school supplies in  
6 14 any transaction with a director, officer, or other staff  
6 15 member of the school district or a director, officer, or other  
6 16 staff member of the area education agency in which the school  
6 17 district is located, during such term of office or employment,  
6 18 and any. A school director, officer, area education director,  
6 19 or teacher, who shall act acts as an agent or dealer in school  
6 20 textbooks or school supplies, during the term of such office  
6 21 or employment, shall be deemed in violation of this section is  
6 22 guilty of a serious misdemeanor.~~

6 23 Sec. 15. Section 669.14, subsection 14, Code 2009, is  
6 24 amended by striking the subsection.

6 25 Sec. 16. Sections 258.13 and 279.14A, Code 2009, are  
6 26 repealed.

EXPLANATION

6 28 This bill reduces or eliminates certain paperwork and  
6 29 reporting requirements for the department of education, school  
6 30 districts, and accredited nonpublic schools.

6 31 The bill makes changes to Code provisions as follows:

6 32 REPORTING STUDENT ACHIEVEMENT. The bill amends Code  
6 33 section 256.7, subsection 21, paragraph c, to eliminate  
6 34 requirements that school districts and accredited nonpublic  
6 35 schools report graduation rates based on the definition



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7 1 specified by the national governors association; and the  
7 2 number of students pursuing and receiving a high school  
7 3 equivalency diploma, the percentage of students receiving a  
7 4 high school diploma who were not proficient in core areas by  
7 5 grade 11, and the number of high school juniors who, in the  
7 6 prior year, were within four units of meeting graduation  
7 7 requirements.

7 8 DUTIES OF THE DIRECTOR. The bill strikes Code section  
7 9 256.9, subsection 24, which requires the director of the  
7 10 department of education to report biennially to the governor  
7 11 the condition of public schools and school districts. The  
7 12 director was also required to include in the report a review  
7 13 of the department's programs and services.

7 14 The bill strikes Code section 256.9, subsection 28, which  
7 15 requires the director to prepare and submit to the general  
7 16 assembly a report containing the recommendations of the state  
7 17 board as to revisions, amendments, and new provisions of  
7 18 school laws. The bill includes a conforming amendment to Code  
7 19 section 279.56, subsection 1, to strike language requiring the  
7 20 department to summarize teacher exchange program information  
7 21 and include it in the report to the general assembly; and  
7 22 another conforming amendment to Code section 299.16, in order  
7 23 to strike a requirement that the department annually submit a  
7 24 compulsory attendance age report to the general assembly.

7 25 The bill strikes Code section 256.9, subsection 43, which  
7 26 requires the director to prepare a plan and a report for  
7 27 ensuring that all Iowa children will be able to satisfy the  
7 28 requirements for high school graduation.

7 29 CHARACTER EDUCATION INITIATIVE. The bill strikes Code  
7 30 section 256.18, subsection 3, which requires the department to  
7 31 report to the state board and the general assembly regarding  
7 32 the success of any character education initiative.

7 33 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM. The bill  
7 34 strikes a provision in Code section 256D.1, subsection 1,  
7 35 paragraph b, subparagraph (1), which requires, if a child's



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8 1 performance on diagnostic assessments in kindergarten through  
8 2 grade three indicate the child is reading below grade level, a  
8 3 school district to submit a report to the child's parent or  
8 4 guardian and requires the parent or guardian to sign and  
8 5 return the report.

8 6 SCHOOL BUDGET REVIEW COMMITTEE. The bill amends Code  
8 7 section 257.30, unnumbered paragraph 1, to strike language  
8 8 requiring the school budget review committee to notify  
8 9 legislators of hearings concerning school districts in their  
8 10 constituencies, and adds a requirement that the department  
8 11 post on its internet website an agenda of the committee's  
8 12 scheduled hearings and minutes.

8 13 The bill also amends Code section 257.31, subsections 2 and  
8 14 9, to strike a requirement that the committee report to each  
8 15 session of the general assembly, and provide written notice of  
8 16 certain decisions to the affected school district's school  
8 17 board; and to add a requirement that the committee provide  
8 18 certain information on the department's internet website.

8 19 COMMUNITY COLLEGE GED STUDENT INFORMATION REQUESTS. The  
8 20 bill strikes Code section 260C.14, subsection 21, which  
8 21 requires that the board of directors of a community college  
8 22 request students pursuing or receiving a high school  
8 23 equivalency diploma to identify their school districts of  
8 24 residence and the last year in which they were enrolled in  
8 25 their school district. The stricken provision requires the  
8 26 community college to annually report the information to the  
8 27 school districts.

8 28 ANNUAL SCHOOL DISTRICT FINANCIAL REPORT. The bill strikes  
8 29 Code section 279.63, subsection 2, paragraph e, which requires  
8 30 the board of directors of each school district to include  
8 31 teacher and administrator health insurance and other  
8 32 alternative health benefit information in its annual financial  
8 33 report.

8 34 The bill amends Code section 279.63, subsection 3, to  
8 35 require that copies of the previous school year's financial



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9 1 report be posted on the school district's internet website by  
9 2 January 1 rather than the beginning of the school year.

9 3 NOTIFICATION OF THE MAXIMUM SCHOOL DISTRICT TUITION FEE.  
9 4 The bill amends Code section 282.24, subsection 1, unnumbered  
9 5 paragraphs 2 and 3, to eliminate a requirement that the  
9 6 director of the department notify every school district what  
9 7 the computed maximum tuition rate will be for the ensuing  
9 8 year, and to make a nonsubstantive change in the language.

9 9 PUBLIC DISCLOSURE OF OUTSTANDING LEVIES. The bill amends  
9 10 Code section 298.6, to change the date by which outstanding  
9 11 levies must be posted on a school district's internet website  
9 12 from the beginning of the school year to January 1 of each  
9 13 school year.

9 14 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES ==  
9 15 PENALTY. The bill amends Code section 301.28, which makes it  
9 16 unlawful for any school director, officer, area education  
9 17 director, or teacher to act as agent for any textbooks or  
9 18 school supplies during their term of office or employment.  
9 19 The bill prohibits a school director, officer, area education  
9 20 director, or teacher from acting as an agent or dealer for any  
9 21 school textbooks or school supplies in any transaction with  
9 22 any other director, officer, or other staff member of the  
9 23 school district or area education agency in which the school  
9 24 district is located. As in the current Code language, a  
9 25 person who violates the Code section is guilty of a serious  
9 26 misdemeanor.

9 27 REPEALS. The bill repeals Code section 258.13, which  
9 28 requires the director of the department of education to make a  
9 29 full report of all receipts and expenditures under the  
9 30 vocational education chapter, together with such observations  
9 31 relative to vocational education as may be deemed of value.

9 32 The bill also repeals Code section 279.14A, which requires  
9 33 the director to establish and implement a voluntary  
9 34 practitioner performance improvement program to provide  
9 35 technical assistance to teachers and administrators from each



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10 1 school district and area education agency. The bill includes  
10 2 a conforming amendment to strike Code section 669.14,  
10 3 subsection 14.  
10 4 LSB 1232XD 83  
10 5 kh/nh/5



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**Senate Study Bill 1016**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment and implementation of a  
2 statewide writing assessment for public school students in  
3 grades three, six, and ten.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1261XD 83  
6 kh/nh/24



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1 1 Section 1. Section 256.7, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 30. Adopt rules establishing a statewide  
1 4 writing assessment for students in grade levels three, six,  
1 5 and ten. The assessment shall measure the essential writing  
1 6 skills identified in the Iowa core curriculum, including but  
1 7 not limited to effective writing process; knowledge of  
1 8 purpose, audience, and format; writing in a variety of genres;  
1 9 using writing as a tool for learning; and writing on demand.

1 10 a. The rules shall require school districts to administer  
1 11 the assessment to all students at the grade levels three, six,  
1 12 and ten who are also administered the regular statewide  
1 13 assessments in reading, mathematics, and science. School  
1 14 districts shall begin administering the assessments to  
1 15 students in grades three, six, and ten in the 2010=2011 school  
1 16 year.

1 17 b. The department shall collaborate with appropriate  
1 18 stakeholders on the development of the statewide writing  
1 19 assessment. The department shall create a mechanism for  
1 20 collecting and reporting data resulting from the  
1 21 administration of the statewide writing assessment and shall  
1 22 include the data in the next following annual condition of  
1 23 education report.

1 24 EXPLANATION

1 25 This bill requires the state board of education to  
1 26 establish a statewide writing assessment for students in  
1 27 grades three, six, and 10, and requires school districts to  
1 28 begin administering the assessments to students in grades 3,  
1 29 6, and 10 in the 2010=2011 school year.

1 30 The assessment must be designed to measure the essential  
1 31 writing skills identified in the Iowa core curriculum,  
1 32 including but not limited to effective writing process;  
1 33 knowledge of purpose, audience, and format; writing in a  
1 34 variety of genres; using writing as a tool for learning; and  
1 35 writing on demand.



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2 1 The department of education is directed to collaborate with  
2 2 appropriate stakeholders on the development of the assessment,  
2 3 create a mechanism for collecting data and reporting the data  
2 4 resulting from administration of the assessments, and to  
2 5 include the data in the next following annual condition of  
2 6 education report published by the department.  
2 7 LSB 1261XD 83  
2 8 kh/nh/24.1





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2 1 lobbyist's registration form with the person or persons  
2 2 designated by the chief clerk of the house and the secretary  
2 3 of the senate to receive lobbyist registration statements.  
2 4 Lobbyist registration forms shall be available in the office  
2 5 of the chief clerk of the house and the secretary of the  
2 6 senate. In addition, the lobbyist shall file with the  
2 7 secretary of the senate a statement of the general subjects of  
2 8 legislation in which the lobbyist is or may be interested, the  
2 9 numbers of the bills and resolutions and the bill number of  
2 10 study bills (if known) which will be lobbied, whether the  
2 11 lobbyist intends to lobby for or against each bill,  
2 12 resolution, or study bill (if known), and on whose behalf the  
2 13 lobbyist is lobbying the bill, resolution, or study bill.  
2 14 Any change in or addition to the foregoing information  
2 15 shall be registered with the person or persons designated by  
2 16 the chief clerk of the house and the secretary of the senate  
2 17 to receive lobbyist registration statements within ten days  
2 18 after the change or addition is known to the lobbyist.  
2 19 Registration expires upon the commencement of the next  
2 20 regular session of the general assembly, except that the  
2 21 secretary of the senate may adopt and implement a reasonable  
2 22 preregistration procedure in advance of each regular session  
2 23 during which persons may register for that session and the  
2 24 following legislative interim.  
2 25 4. CANCELLATION OF REGISTRATION. If a lobbyist's service  
2 26 on behalf of a particular employer, client, or cause is  
2 27 concluded prior to the end of the calendar year, the lobbyist  
2 28 may cancel the registration on appropriate forms supplied by  
2 29 the secretary of the senate. Upon cancellation of  
2 30 registration, a lobbyist is prohibited from engaging in any  
2 31 lobbying activity on behalf of that particular employer,  
2 32 client, or cause until reregistering and complying with these  
2 33 rules. A lobbyist's registration is valid for only one  
2 34 session of a general assembly.  
2 35 5. AMENDMENT OF REGISTRATION. If a registered lobbyist



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3 1 represents more than one employer, client, or cause and the  
3 2 lobbyist's services are concluded on behalf of a particular  
3 3 employer, client, or cause after the lobbyist registers but  
3 4 before the first day of the next legislative session, the  
3 5 lobbyist shall file an amendment to the lobbyist's  
3 6 registration indicating which employer, client, or cause is no  
3 7 longer represented by the lobbyist and the date upon which the  
3 8 representation concluded.

3 9 If a lobbyist is retained by one or more additional  
3 10 employers, clients, or causes after the lobbyist registers but  
3 11 before the first day of the next legislative session, the  
3 12 lobbyist shall file an amendment to the lobbyist's  
3 13 registration indicating the employer, client, or cause to be  
3 14 added and the date upon which the representation begins.

3 15 Amendments to a lobbyist's registration regarding changes  
3 16 which occur during the time that the general assembly is in  
3 17 session shall be filed within one working day after the date  
3 18 upon which the change in the lobbyist's representation becomes  
3 19 effective.

3 20 6. PUBLIC ACCESS. All information filed by a lobbyist or  
3 21 a client of a lobbyist under chapter 68B of the Code is a  
3 22 public record and open to public inspection at any reasonable  
3 23 time.

3 24 7. LOBBYIST AND CLIENT REPORTING. Each lobbyist  
3 25 registered with the senate and each lobbyist's client shall  
3 26 file the reports required under sections 68B.37 and 68B.38  
3 27 with the secretary of the senate.

3 28 For purposes of this rule, and the reports required under  
3 29 sections 68B.37 and 68B.38, "services enumerated under section  
3 30 68B.2, subsection 13, paragraph "a" and "lobbying purposes"  
3 31 include, but are not limited to, the following:

3 32 a. Time spent by the lobbyist at the state capitol  
3 33 building commencing with the first day of a legislative  
3 34 session and ending with the day of final adjournment of each  
3 35 legislative session as indicated by the journals of the house



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4 1 and senate.

4 2     b. Time spent by the lobbyist attending meetings or  
4 3 hearings which results in the lobbyist communicating with  
4 4 members of the general assembly or legislative employees about  
4 5 current or proposed legislation.

4 6     c. Time spent by the lobbyist researching and drafting  
4 7 proposed legislation with the intent to submit the legislation  
4 8 to a member of the general assembly or a legislative employee.

4 9     d. Time spent by the lobbyist actually communicating with  
4 10 members of the general assembly and legislative employees  
4 11 about current or proposed legislation.

4 12     8. GOVERNMENT OFFICIALS. All federal, state, and local  
4 13 officials or employees representing their departments,  
4 14 commissions, boards, or agencies shall present to the  
4 15 secretary of the senate a letter of authorization from their  
4 16 department or agency heads prior to the commencement of their  
4 17 lobbying. The lobbyist registration statement of these  
4 18 officials and employees shall not be deemed complete until the  
4 19 letter of authorization is attached. Federal, state, and  
4 20 local officials who wish to lobby in opposition to their  
4 21 departments, commissions, boards, or agencies must indicate  
4 22 such on their lobbyist registration statements.

4 23     9. CHARGE ACCOUNTS AND LOANS. Lobbyists and the  
4 24 organizations they represent shall not allow any senators to  
4 25 charge any amounts or items to any charge account to be paid  
4 26 for by those lobbyists or by the organizations they represent.  
4 27 A lobbyist shall not make a loan to a senator unless the loan  
4 28 is made in the ordinary course of business, the lobbyist is in  
4 29 the business of making loans, and the terms and conditions of  
4 30 the loan are the same or substantially similar to the finance  
4 31 charges and loan terms that are available to members of the  
4 32 general public.

4 33     10. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an  
4 34 employer of a lobbyist, or a political action committee shall  
4 35 not offer economic or investment opportunity or promise of



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5 1 employment to any senator with intent to influence the  
5 2 senator's conduct in the performance of official duties.

5 3 A lobbyist shall not take action intended to negatively  
5 4 affect the economic interests of a senator.

5 5 For purposes of this rule, supporting or opposing a  
5 6 candidate for office or supporting or opposing a bill,  
5 7 amendment, or resolution shall not be considered to be action  
5 8 intended to negatively affect the economic interests of a  
5 9 senator.

5 10 11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or employer of  
5 11 a lobbyist, shall not pay for membership in or contributions  
5 12 to clubs or organizations on behalf of a senator.

5 13 12. ACCESS TO SENATE FLOOR. Lobbyists shall not be  
5 14 permitted on the floor of the senate while the senate is in  
5 15 session. Elected state officials, except the governor,  
5 16 lieutenant governor, and the members of the house of  
5 17 representatives, shall not be permitted on the floor of the  
5 18 senate while the senate is in session to encourage the  
5 19 passage, defeat, or modification of legislation.

5 20 13. EFFECTIVE PERIOD. These rules governing lobbyists  
5 21 shall be in effect throughout the calendar year, whether or  
5 22 not the general assembly is in session.

5 23 14. GIFTS. A lobbyist or the client of a lobbyist shall  
5 24 not, directly or indirectly, offer or make a gift or a series  
5 25 of gifts to a senator, except as otherwise provided in section  
5 26 68B.22.

5 27 15. HONORARIA. A lobbyist or client of a lobbyist shall  
5 28 not give an honorarium to a member or employee of the senate,  
5 29 except as otherwise provided in section 68B.23.

5 30 16. COMPLAINTS. Rules 15 through ~~23~~ 25 of the senate code  
5 31 of ethics apply to complaints and procedures regarding  
5 32 violations of these rules.

5 33 LSB 1531SC 83

5 34 tm/rj/14





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2 1 performance of official duties.

2 2     2. DIVESTITURE. Where a senator learns that an economic  
2 3 or investment opportunity previously accepted was offered with  
2 4 the intent of influencing the senator's conduct in the  
2 5 performance of official duties, the senator shall take steps  
2 6 to divest that senator of that investment or economic  
2 7 opportunity, and shall report the facts of the situation to  
2 8 the senate ethics committee.

2 9     3. CHARGES FOR SERVICES. A senator shall not charge to or  
2 10 accept from a person, corporation, partnership, or association  
2 11 known to have a legislative interest a price, fee,  
2 12 compensation, or other consideration for the sale or lease of  
2 13 any property or the furnishing of services which is in excess  
2 14 of that which the senator would charge another.

2 15     4. USE OF CONFIDENTIAL INFORMATION. A senator in order to  
2 16 further the senator's own economic or other interests, or  
2 17 those of any other person, shall not disclose or use  
2 18 confidential information acquired in the course of official  
2 19 duties.

2 20     5. HONORARIA. A senator shall not accept an honorarium  
2 21 from a restricted donor for a speech, writing for publication,  
2 22 or other similar activity, except as otherwise provided in  
2 23 section 68B.23.

2 24     6. EMPLOYMENT. A senator shall not accept employment,  
2 25 either directly or indirectly, from a political action  
2 26 committee. A senator may accept employment from a political  
2 27 party, but shall disclose the employment relationship in  
2 28 writing to the secretary of the senate within ten days after  
2 29 the beginning of each legislative session. If a senator  
2 30 accepts employment from a political party during a legislative  
2 31 session, the senator shall disclose the employment  
2 32 relationship within ten days after acceptance of the  
2 33 employment.

2 34     For the purpose of this rule, a political action committee  
2 35 means a committee, but not a candidate's committee, which



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3 1 accepts contributions, makes expenditures, or incurs  
3 2 indebtedness in the aggregate of more than seven hundred fifty  
3 3 dollars in any one calendar year to expressly advocate the  
3 4 nomination, election, or defeat of a candidate for public  
3 5 office or to expressly advocate the passage or defeat of a  
3 6 ballot issue or influencing legislative action, or an  
3 7 association, lodge, society, cooperative, union, fraternity,  
3 8 sorority, educational institution, civic organization, labor  
3 9 organization, religious organization, or professional  
3 10 organization which makes contributions in the aggregate of  
3 11 more than seven hundred fifty dollars in any one calendar year  
3 12 to expressly advocate the nomination, election, or defeat of a  
3 13 candidate for public office or ballot issue or influencing  
3 14 legislative action.

3 15 7. ECONOMIC INTERESTS OF LOBBYIST. With the exception of  
3 16 exercising unfettered discretion in supporting or refusing to  
3 17 support proposed legislation, a senator shall not take action  
3 18 intended to affect the economic interests of a lobbyist or  
3 19 citizen supporting or opposing proposed legislation.

3 20 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may  
3 21 appear before a governmental agency or board in any  
3 22 representation case, except that the senator shall not act as  
3 23 a lobbyist. Whenever a senator appears before a governmental  
3 24 agency or board, the senator shall carefully avoid all conduct  
3 25 which might in any way lead members of the general public to  
3 26 conclude that the senator is using the senator's official  
3 27 position to further the senator's professional success or  
3 28 personal financial interest.

3 29 9. CONFLICTS OF INTERESTS. In order to permit the general  
3 30 assembly to function effectively, a senator will sometimes be  
3 31 required to vote on bills and participate in committee work  
3 32 which will affect the senator's employment and other monetary  
3 33 interests. In making a decision relative to the senator's  
3 34 activity on given bills or committee work which are subject to  
3 35 the code, the following factors shall be considered:



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4 1 a. Whether a substantial threat to the senator's  
4 2 independence of judgment has been created by the conflict  
4 3 situation.

4 4 b. The effect of the senator's participation on public  
4 5 confidence in the integrity of the legislature.

4 6 c. The need for the senator's particular contribution,  
4 7 such as special knowledge of the subject matter, to the  
4 8 effective functioning of the legislature.

4 9 A senator with a conflict of interest may participate in  
4 10 floor debate if prior to debate the senator indicates the  
4 11 conflict of interest.

4 12 10. GIFTS. Except as otherwise provided in section  
4 13 68B.22, a senator, or that person's immediate family member,  
4 14 shall not, directly or indirectly, accept or receive any gift  
4 15 or series of gifts from a restricted donor.

4 16 11. DISCLOSURE REQUIRED. Each senator shall file with the  
4 17 secretary of the senate within ten days after the adoption of  
4 18 the code of ethics by the senate, and within ten days after  
4 19 the convening of the second session of the general assembly, a  
4 20 statement under section 68B.35 on forms provided by the  
4 21 secretary of the senate setting forth the following  
4 22 information:

4 23 The nature of each business in which the senator is engaged  
4 24 and the nature of the business of each company in which the  
4 25 senator has a financial interest. A senator shall not be  
4 26 required to file a report or be assumed to have a financial  
4 27 interest if the annual income derived from the investment in  
4 28 stocks, bonds, bills, notes, mortgages, or other securities  
4 29 offered for sale through recognized financial brokers is less  
4 30 than one thousand dollars.

4 31 Disclosures required under this rule shall be as of the  
4 32 date filed unless provided to the contrary, and shall be  
4 33 amended to include interests and changes encompassed by this  
4 34 rule that occur while the general assembly is in session. All  
4 35 filings under this rule shall be open to public inspection in



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5 1 the office of the secretary of the senate at all reasonable  
5 2 times.

5 3 The secretary of the senate shall inform the ethics  
5 4 committee of the statements which are filed and shall report  
5 5 to the ethics committee the names of any senators who appear  
5 6 not to have filed complete statements. The chairperson of the  
5 7 ethics committee shall request in writing that a senator who  
5 8 has failed to complete the report or appears to have filed an  
5 9 incomplete report do so within five days, and, upon the  
5 10 failure of the senator to comply, the ethics committee shall  
5 11 require the senator to appear before the committee.

5 12 12. STATUTORY VIOLATIONS. Members of the general assembly  
5 13 are urged to familiarize themselves with chapters 68B, 721,  
5 14 and 722.

5 15 13. CHARGE ACCOUNTS. Senators shall not charge any amount  
5 16 or item to any charge account to be paid for by any lobbyist  
5 17 or any client the lobbyist represents.

5 18 14. TRAVEL EXPENSES. A senator shall not charge to the  
5 19 state of Iowa amounts for travel and expenses unless the  
5 20 senator actually has incurred those mileage and expense costs.  
5 21 Senators shall not file the vouchers for weekly mileage  
5 22 reimbursement required by section 2.10, subsection 1, unless  
5 23 the travel was actually incurred at commensurate expense to  
5 24 the senator.

5 25 15. COMPLAINTS. Complaints or charges against any senator  
5 26 or any lobbyist shall be in writing, made under oath, and  
5 27 filed with the secretary of the senate or the chairperson of  
5 28 the ethics committee. If filed with the secretary of the  
5 29 senate, the secretary shall immediately advise the chairperson  
5 30 of the ethics committee of the receipt of the complaint.

5 31 Complaint forms shall be available from the secretary of  
5 32 the senate, or the chairperson of the ethics committee, but a  
5 33 complaint shall not be rejected for failure to use an approved  
5 34 form if the complaint substantially complies with senate  
5 35 requirements.



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6 1 A complainant may submit exhibits and affidavits attached  
6 2 to the complaint.

6 3 16. FILING OF COMPLAINTS.

6 4 a. Persons entitled. Complaints may be filed by any  
6 5 person believing that a senator or lobbyist has violated the  
6 6 senate ethics code, the senate rules governing lobbyists, or  
6 7 chapter 68B of the Iowa Code. A violation of the criminal law  
6 8 may be considered to be a violation of this code of ethics if  
6 9 the violation constitutes a serious misdemeanor or greater, or  
6 10 a repetitive and flagrant violation of the law.

6 11 b. Committee complaint. The ethics committee may, upon  
6 12 its own motion, initiate a complaint, investigation, or  
6 13 disciplinary action.

6 14 c. Timeliness of filing. A complaint will be considered  
6 15 to be timely filed if it is filed within three years of the  
6 16 occurrence of the alleged violation of the ethics code.

6 17 17. PERMANENT RECORD. The secretary of the senate shall  
6 18 maintain a permanent record of all complaints filed, evidence  
6 19 received by the committee, and any transcripts or other  
6 20 recordings made of committee proceedings, including a separate  
6 21 card file containing the date filed, name and address of the  
6 22 complainant, name and address of the respondent, a brief  
6 23 statement of the charges made, and ultimate disposition of the  
6 24 complaint. The secretary shall keep each such complaint  
6 25 confidential until public disclosure is made by the ethics  
6 26 committee.

6 27 18. PREHEARING PROCEDURE.

6 28 a. Defective complaint. Upon receipt of a complaint, the  
6 29 chairperson and ranking member of the ethics committee shall  
6 30 determine whether the complaint substantially complies with  
6 31 the requirements of this code of ethics and section 68B.31,  
6 32 subsection 6. If the complaint does not substantially comply  
6 33 with the requirements for formal sufficiency under the code of  
6 34 ethics, the complaint may be returned to the complainant with  
6 35 a statement that the complaint is not in compliance with the



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7 1 code and a copy of the code. If the complainant fails to  
7 2 amend the complaint to comply with the code within a  
7 3 reasonable time, the chair and ranking member may dismiss the  
7 4 complaint with prejudice for failure to prosecute.  
7 5     b. Service of complaint on respondent. Upon receipt of  
7 6 any complaint substantially complying with the requirements of  
7 7 this code of ethics, the chairperson of the ethics committee  
7 8 shall cause a copy of the complaint and any supporting  
7 9 information to be delivered promptly to the respondent,  
7 10 requesting a written response to be filed within ten days.  
7 11 The response may do any of the following:  
7 12     (1) Admit or deny the allegation or allegations.  
7 13     (2) Object that the allegation fails to allege a violation  
7 14 of chapter 68B or the code of ethics.  
7 15     (3) Object to the jurisdiction of the committee.  
7 16     (4) Request a more specific statement of the allegation or  
7 17 allegations.  
7 18     c. Objection to member. In addition to the items which  
7 19 may be included in a response pursuant to paragraph "b", the  
7 20 response may also include an objection to the participation of  
7 21 any member of the committee in the consideration of the  
7 22 allegation or allegations on the grounds that the member  
7 23 cannot render an impartial and unbiased decision.  
7 24     d. Extension of time. At the request of the respondent  
7 25 and upon a showing of good cause, the committee, or the  
7 26 chairperson and ranking member, may extend the time for  
7 27 response, not to exceed ten additional days.  
7 28     e. Confidentiality. If a complaint is not otherwise made  
7 29 public, the members of the committee shall treat the complaint  
7 30 and all supporting information as confidential until the  
7 31 written response is received from the respondent.  
7 32     f. Communications with ethics committee. After a  
7 33 complaint has been filed or an investigation has been  
7 34 initiated, a party to the complaint or investigation shall not  
7 35 communicate, or cause another to communicate, as to the merits



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8 1 of the complaint or investigation with a member of the  
8 2 committee, except under the following circumstances:  
8 3 (1) During the course of any meetings or other official  
8 4 proceedings of the committee regarding the complaint or  
8 5 investigation.  
8 6 (2) In writing, if a copy of the writing is delivered to  
8 7 the adverse party or the designated representative for the  
8 8 adverse party.  
8 9 (3) Orally, if adequate prior notice of the communication  
8 10 is given to the adverse party or the designated representative  
8 11 for the adverse party.  
8 12 (4) As otherwise authorized by statute, the senate code of  
8 13 ethics, the senate rules governing lobbyists, or vote of the  
8 14 committee.  
8 15 g. Scheduling hearing. Upon receipt of the response, the  
8 16 committee shall schedule a public meeting to review the  
8 17 complaint and available information, and shall:  
8 18 (1) Notify the complainant that no further action will be  
8 19 taken, unless further substantiating information is produced,  
8 20 or  
8 21 (2) Dismiss the complaint for failure to meet the  
8 22 statutory and code of ethics requirements for valid  
8 23 complaints, or  
8 24 (3) Request that the chief justice of the supreme court  
8 25 appoint an independent special counsel to conduct an  
8 26 investigation of the complaint and supporting information, to  
8 27 make a determination of probable cause, and to report the  
8 28 findings to the committee, which shall be received within a  
8 29 reasonable time.  
8 30 h. Public hearing. If independent special counsel is  
8 31 appointed, upon receipt of the report of independent special  
8 32 counsel's findings, the committee shall schedule a public  
8 33 meeting to review the report and shall do either of the  
8 34 following:  
8 35 (1) Cause the complaint to be scheduled for a public



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9 1 hearing.

9 2 (2) Dismiss the complaint based upon a determination by  
9 3 independent special counsel and the committee that  
9 4 insufficient evidence exists to support a finding of probable  
9 5 cause.

9 6 19. HEARING PROCEDURE.

9 7 a. Notice of hearing. If the committee causes a complaint  
9 8 to be scheduled for a public hearing, notice of the hearing  
9 9 date and time shall be given to the complainant and respondent  
9 10 in writing, and of the respondent's right to appear in person,  
9 11 be represented by legal counsel, present statements and  
9 12 evidence, and examine and cross-examine witnesses. The  
9 13 committee shall not be bound by formal rules of evidence, but  
9 14 shall receive relevant evidence, subject to limitations on  
9 15 repetitiveness. Any evidence taken shall be under oath.

9 16 b. Subpoena power. The committee may require, by subpoena  
9 17 or otherwise, the attendance and testimony of witnesses and  
9 18 the production of such books, records, correspondence,  
9 19 memoranda, papers, documents, and any other things it deems  
9 20 necessary to the conduct of the inquiry.

9 21 c. Ex post facto. An investigation shall not be  
9 22 undertaken by the committee of a violation of a law, rule, or  
9 23 standard of conduct that is not in effect at the time of  
9 24 violation.

9 25 d. Disqualification of member. Members of the committee  
9 26 may disqualify themselves from participating in any  
9 27 investigation of the conduct of another person upon submission  
9 28 of a written statement that the member cannot render an  
9 29 impartial and unbiased decision in a case. A member may also  
9 30 be disqualified by a unanimous vote of the remaining eligible  
9 31 members of the committee.

9 32 A member of the committee is ineligible to participate in  
9 33 committee meetings, as a member of the committee, in any  
9 34 proceeding relating to the member's own official conduct.

9 35 If a member of the committee is disqualified or ineligible



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10 1 to act, the majority or minority leader who appointed the  
10 2 member shall appoint a replacement member to serve as a member  
10 3 of the committee during the period of disqualification or  
10 4 ineligibility.

10 5 e. Hearing. At the hearing, the chairperson shall open  
10 6 the hearing by stating the charges, the purpose of the  
10 7 hearing, and its scope. The burden of proof rests upon the  
10 8 complainant to establish the facts as alleged, by clear and  
10 9 convincing evidence. However, questioning of witnesses shall  
10 10 be conducted by the members of the committee, by independent  
10 11 special counsel, or by a senator. The chairperson shall also  
10 12 permit questioning by legal counsel representing the  
10 13 complainant or respondent.

10 14 The chairperson or other member of the committee presiding  
10 15 at a hearing shall rule upon procedural questions or any  
10 16 question of admissibility of evidence presented to the  
10 17 committee. Rulings may be reversed by a majority vote of the  
10 18 committee members present.

10 19 The committee may continue the hearing to a future date if  
10 20 necessary for appropriate reasons or purposes.

10 21 f. Committee action. Upon receipt of all relevant  
10 22 evidence and arguments, the committee shall consider the same  
10 23 and recommend to the senate:

10 24 (1) That the complaint be dismissed, or

10 25 (2) That the senator or lobbyist be censured or  
10 26 reprimanded, and recommend the appropriate form of censure or  
10 27 reprimand, or

10 28 (3) Any other appropriate sanction, including suspension  
10 29 or expulsion from membership in the senate, or suspension of  
10 30 lobbying privileges.

10 31 g. Disposition resolution. By appropriate resolution, the  
10 32 senate may amend, adopt, or reject the report of the ethics  
10 33 committee, including the committee's recommendations regarding  
10 34 disciplinary action.

10 35 20. COMMITTEE AUTHORIZED TO MEET. The senate ethics



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11 1 committee is authorized to meet at the discretion of the  
11 2 chairperson to conduct hearings and other business that  
11 3 properly may come before it. If the committee submits a  
11 4 report seeking senate action against a senator or lobbyist  
11 5 after the second regular session of a general assembly has  
11 6 adjourned sine die, the report shall be submitted to and  
11 7 considered by the subsequent general assembly. However, the  
11 8 report may be submitted to and considered during any special  
11 9 session which may take place after the second regular session  
11 10 of a general assembly has adjourned sine die, but before the  
11 11 convening of the next general assembly.

11 12 ~~20A.~~ 21. ADVISORY OPINIONS.

11 13 a. Requests for formal opinions. A request for a formal  
11 14 advisory opinion may be filed by any person who is subject to  
11 15 the authority of the ethics committee. The ethics committee  
11 16 may also issue a formal advisory opinion on its own motion,  
11 17 without having previously received a formal request for an  
11 18 opinion, on any issue that is within the jurisdiction of the  
11 19 committee. Requests shall be filed with either the secretary  
11 20 of the senate or the chairperson of the ethics committee.

11 21 b. Form and contents of requests. A request for a formal  
11 22 advisory opinion shall be in writing and may pertain to any  
11 23 subject matter that is related to the application of the  
11 24 senate code of ethics, the senate rules governing lobbyists,  
11 25 or chapter 68B of the Code to any person who is subject to the  
11 26 authority of the ethics committee. Requests shall contain one  
11 27 or more specific questions and shall relate either to future  
11 28 conduct or be stated in the hypothetical. A request for an  
11 29 advisory opinion shall not specifically name any individual or  
11 30 contain any other specific identifying information, unless the  
11 31 request relates to the requester's own conduct. However, any  
11 32 request may contain information which identifies the kind of  
11 33 individual who may be affected by the subject matter of the  
11 34 request. Examples of this latter kind of identifying  
11 35 information may include references to conduct of a category of



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12 1 individuals, such as but not limited to conduct of  
 12 2 legislators, legislative staff, or lobbyists.  
 12 3 c. Confidentiality of formal requests and opinions.  
 12 4 Requests for formal opinions are not confidential and any  
 12 5 deliberations of the committee regarding a request for a  
 12 6 formal opinion shall be public. Opinions issued in response  
 12 7 to requests for formal opinions are not confidential, shall be  
 12 8 in writing, and shall be placed on file in the office of the  
 12 9 secretary of the senate. Persons requesting formal opinions  
 12 10 shall personally receive a copy of the written formal opinion  
 12 11 that is issued in response to the request.

12 12 ~~20B.~~ 22. CALCULATION OF TIME == DAYS. For purposes of  
 12 13 these rules, unless the context otherwise requires, the word  
 12 14 "day" or "days" shall mean a calendar day except that if the  
 12 15 day is the last day of a specific time period and falls upon a  
 12 16 Saturday, Sunday, or legal holiday, the time prescribed shall  
 12 17 be extended so as to include the whole of the next day in  
 12 18 which the offices of the senate and the general assembly are  
 12 19 open for official business.

12 20 ~~21.~~ 23. COMPLAINT FILING FORM. The following form shall  
 12 21 be used to file a complaint under these rules:

12 22 THE SENATE  
 12 23 Ethics Complaint Form  
 12 24 Re: \_\_\_\_\_ (Senator/Lobbyist),  
 12 25 of \_\_\_\_\_, Iowa.  
 12 26 I, \_\_\_\_\_ (Complainant), residing  
 12 27 at \_\_\_\_\_, in the City of \_\_\_\_\_,  
 12 28 State of \_\_\_\_\_, hereby complain that  
 12 29 \_\_\_\_\_ (Senator/Lobbyist), whose  
 12 30 address is \_\_\_\_\_,  
 12 31 has violated the Senate Code of Ethics or Senate  
 12 32 Rules Governing Lobbyists in that:  
 12 33 (Explain the basis for the complaint here. Use addi-  
 12 34 tional pages, if necessary.)  
 12 35 Under penalty of perjury, I certify that the above



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13 1 complaint is true and correct as I verily believe.  
 13 2 \_\_\_\_\_  
 13 3 Signature of Complainant  
 13 4 SUBSCRIBED AND AFFIRMED to before me this \_\_\_\_\_  
 13 5 day of \_\_\_\_\_, \_\_\_\_\_.  
 13 6 \_\_\_\_\_  
 13 7 Notary Public in and for the  
 13 8 State of \_\_\_\_\_  
 13 9 ~~22.~~ 24. COMPLAINT NOTICE FORM. The following form shall  
 13 10 be used for notice of a complaint under these rules:  
 13 11 STATE OF IOWA  
 13 12 THE SENATE  
 13 13 COMMITTEE ON ETHICS )  
 13 14 IOWA STATE SENATE )  
 13 15 )  
 13 16 On The Complaint Of ) NOTICE OF COMPLAINT  
 13 17 )  
 13 18 \_\_\_\_\_ )  
 13 19 )  
 13 20 And Involving )  
 13 21 )  
 13 22 \_\_\_\_\_ )  
 13 23 )  
 13 24 TO \_\_\_\_\_,  
 13 25 Senator or Lobbyist named above:  
 13 26 You are hereby notified that there is now on file with the  
 13 27 Secretary of the Senate, State Capitol, Des Moines, Iowa, a  
 13 28 complaint which alleges that you have committed a violation of  
 13 29 the Senate's Code of Ethics or Senate Rules Governing  
 13 30 Lobbyists.  
 13 31 A copy of the complaint and the Senate rules for processing  
 13 32 the same are attached hereto and made a part of this notice.  
 13 33 You are further notified and requested to file your  
 13 34 written answer to the complaint within ten days of the  
 13 35 date upon which the notice was caused to be delivered



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14 1 to you, (date) \_\_\_\_\_, \_\_\_\_\_. Your  
 14 2 answer is to be filed with the Secretary of the Senate,  
 14 3 State Capitol, Des Moines, Iowa.  
 14 4 Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
 14 5 \_\_\_\_\_  
 14 6 Chair, Senate Ethics Committee,  
 14 7 or Secretary of the Senate  
 14 8 ~~23.~~ 25. HEARING NOTICE FORM. The following form shall be  
 14 9 used for notice of a hearing under these rules:

14 10 STATE OF IOWA  
 14 11 THE SENATE  
 14 12 COMMITTEE ON ETHICS )  
 14 13 IOWA STATE SENATE )  
 14 14 )  
 14 15 On The Complaint Of ) NOTICE OF HEARING  
 14 16 )  
 14 17 \_\_\_\_\_ )  
 14 18 )  
 14 19 And Involving )  
 14 20 )  
 14 21 \_\_\_\_\_ )  
 14 22 )

14 23 TO \_\_\_\_\_,  
 14 24 Senator or Lobbyist named above:  
 14 25 You are hereby notified that there is now on file with the  
 14 26 Secretary of the Senate, State Capitol, Des Moines, Iowa, a  
 14 27 complaint which alleges that you have committed a violation of  
 14 28 the Senate's Code of Ethics or Senate Rules Governing  
 14 29 Lobbyists.  
 14 30 A copy of the complaint and the Senate rules for processing  
 14 31 the same are attached hereto and made a part of this notice.  
 14 32 You are further notified that, after preliminary  
 14 33 review, the committee has caused a public hearing to  
 14 34 be scheduled on (date) \_\_\_\_\_,  
 14 35 \_\_\_\_\_, at (hour) \_\_\_\_\_ (a.m.) (p.m.),



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15 1 in Room \_\_\_\_\_, State Capitol, Des Moines, Iowa.  
 15 2 At the hearing, you will have the right to appear in  
 15 3 person, be represented by legal counsel at your own expense,  
 15 4 present statements and evidence, and examine and cross-examine  
 15 5 witnesses. The committee shall not be bound by formal rules  
 15 6 of evidence, but shall receive relevant evidence, subject to  
 15 7 limitations on repetitiveness. Any evidence taken shall be  
 15 8 under oath.

15 9 The committee may continue the hearing to a future date if  
 15 10 necessary for appropriate reasons or purposes.

15 11 You are further notified that the committee will receive  
 15 12 such evidence and take such action as warranted by the  
 15 13 evidence.

15 14 Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

15 15 \_\_\_\_\_  
 15 16 Chair, Senate Ethics Committee,  
 15 17 or Secretary of the Senate

15 18 ~~24.~~ 26. PERSONAL FINANCIAL DISCLOSURE FORM. The  
 15 19 following form shall be used for disclosure of economic  
 15 20 interests under these rules and section 68B.35:

15 21 STATEMENT OF ECONOMIC INTERESTS  
 15 22 Name: \_\_\_\_\_  
 15 23 (Last) (First) (Middle Initial)  
 15 24 Address: \_\_\_\_\_  
 15 25 (Street Address, Apt.# == P.O. Box)  
 15 26 \_\_\_\_\_  
 15 27 (City) (State) (Zip)  
 15 28 Phone: (Home) \_\_\_-\_\_\_-\_\_\_\_ (Business) \_\_\_-\_\_\_-\_\_\_\_  
 15 29 \*\*\*\*\*

15 30 a. Please list each business, occupation, or profession in  
 15 31 which you are engaged. In listing the business, occupation,  
 15 32 or profession, it is not necessary that your employer or the  
 15 33 name of the business be listed, although all businesses,  
 15 34 occupations, or professions must be listed, regardless of the  
 15 35 amount of income derived or time spent participating in the



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16 1 activity. (Examples of types of businesses, occupations, or  
16 2 professions that may be listed: teacher, lawyer, legislator,  
16 3 real estate agent, insurance adjuster, salesperson....)

- 16 4 (1) \_\_\_\_\_
- 16 5 (2) \_\_\_\_\_
- 16 6 (3) \_\_\_\_\_
- 16 7 (4) \_\_\_\_\_
- 16 8 (5) \_\_\_\_\_

16 9     b. Please list the nature of each of the businesses,  
16 10 occupations, or professions which you listed in paragraph "a",  
16 11 above, unless the nature of the business, occupation, or  
16 12 profession is already apparent from the information indicated  
16 13 above. The descriptions in this paragraph should correspond  
16 14 by number to the numbers for each of the businesses,  
16 15 occupations, or professions listed in paragraph "a".  
16 16 (Examples: If you indicated, for example, that you were a  
16 17 salesperson in subparagraph (1) of paragraph "a", you should  
16 18 list in subparagraph (1) of this paragraph the types of goods  
16 19 or services sold in this item. If you indicated that you were  
16 20 a teacher in subparagraph (2) of paragraph "a", you should  
16 21 indicate in subparagraph (2) of this paragraph the type of  
16 22 school or institution in which you provide instruction or  
16 23 whether the instruction is provided on a private basis. If  
16 24 you indicated that you were a lawyer in subparagraph (3) of  
16 25 paragraph "a", you should indicate your areas of practice and  
16 26 whether you are in private, corporate, or government practice  
16 27 in subparagraph (3) of this paragraph. If you indicated in  
16 28 subparagraph (4) of paragraph "a" that you were a consultant,  
16 29 in subparagraph (4) of this paragraph you should indicate the  
16 30 kind of services provided and types of clients served.)

- 16 31 (1) \_\_\_\_\_
- 16 32 (2) \_\_\_\_\_
- 16 33 (3) \_\_\_\_\_
- 16 34 (4) \_\_\_\_\_
- 16 35 (5) \_\_\_\_\_



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17 1 c. Please list each source, by general description, from  
 17 2 which you receive, or which generates, more than one thousand  
 17 3 dollars in gross annual income in the categories listed below.  
 17 4 For purposes of this item, a source produces gross annual  
 17 5 income if the revenue produced by the source is subject to  
 17 6 federal or state income taxes. In completing this item, it is  
 17 7 not necessary to list the name of the company, business,  
 17 8 financial institution, corporation, partnership, or other  
 17 9 entity which constitutes the source of the income and the  
 17 10 amount or value of the holding should not be listed.

17 11 (1) Securities (Here for example, you need not state that  
 17 12 you own X number of shares of any specific company by brand or  
 17 13 corporate name, or that the stock is of a certain value, but  
 17 14 may instead state that you possess stock in a company and  
 17 15 indicate the nature of the company's business.):

17 16 \_\_\_\_\_  
 17 17 \_\_\_\_\_  
 17 18 \_\_\_\_\_  
 17 19 \_\_\_\_\_  
 17 20 \_\_\_\_\_

17 21 (2) Instruments of Financial Institutions (You need not  
 17 22 indicate, for example, in which institutions you hold  
 17 23 certificates of deposit that produce annual income over the  
 17 24 one thousand dollar threshold, but simply listing the nature  
 17 25 of the institution will suffice, e.g., bank, credit union, or  
 17 26 savings and loan association.):

17 27 \_\_\_\_\_  
 17 28 \_\_\_\_\_  
 17 29 \_\_\_\_\_  
 17 30 \_\_\_\_\_  
 17 31 \_\_\_\_\_

17 32 (3) Trusts (The name of the particular trust need not be  
 17 33 listed. However, if the income is received from a charitable  
 17 34 trust/foundation, such as the Pugh Charitable Trust, in the  
 17 35 form of a grant, the fact that the trust is a charitable trust



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18 1 should be noted here.):

18 2 \_\_\_\_\_  
 18 3 \_\_\_\_\_  
 18 4 \_\_\_\_\_  
 18 5 \_\_\_\_\_  
 18 6 \_\_\_\_\_

18 7 (4) Real Estate (When listing real estate, it is not  
 18 8 necessary to list the location of the property, but the  
 18 9 general nature of the real estate interest should be  
 18 10 indicated, e.g., residential leasehold interest or farm  
 18 11 leasehold interest.):

18 12 \_\_\_\_\_  
 18 13 \_\_\_\_\_  
 18 14 \_\_\_\_\_  
 18 15 \_\_\_\_\_  
 18 16 \_\_\_\_\_

18 17 (5) Retirement Systems (When listing retirement benefits,  
 18 18 it is not necessary to list the name of the particular pension  
 18 19 system or company, but rather the type of benefit should be  
 18 20 listed, e.g., health benefits, life insurance benefits,  
 18 21 private pension, or government pension.):

18 22 \_\_\_\_\_  
 18 23 \_\_\_\_\_  
 18 24 \_\_\_\_\_  
 18 25 \_\_\_\_\_  
 18 26 \_\_\_\_\_

18 27 (6) Other Income Categories Specified in State or Federal  
 18 28 Income Tax Regulations (List description of other sources of  
 18 29 income producing over one thousand dollars in annual income  
 18 30 not previously reported above, but which must be reported for  
 18 31 income tax purposes.):

18 32 \_\_\_\_\_  
 18 33 \_\_\_\_\_  
 18 34 \_\_\_\_\_  
 18 35 \_\_\_\_\_



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19 1 \_\_\_\_\_  
19 2 \_\_\_\_\_  
19 3 \_\_\_\_\_  
19 4 (Signature of filer) \_\_\_\_\_ (Date) \_\_\_\_\_  
19 5 LSB 1533SC 83  
19 6 tm/rj/14



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Senate Study Bill 1019

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON WARNSTADT)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act requiring health care benefit coverage for certain
- 2 prosthetic devices and providing an applicability date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1285XC 83
- 5 av/rj/14



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1 1 Section 1. NEW SECTION. 514C.24 COVERAGE FOR PROSTHETIC  
1 2 DEVICES.  
1 3 1. Notwithstanding the uniformity of treatment  
1 4 requirements of section 514C.6, a policy, contract, or plan  
1 5 providing for third-party payment or prepayment of health or  
1 6 medical expenses shall provide coverage benefits for medically  
1 7 necessary prosthetic devices when prescribed by a physician  
1 8 licensed under chapter 148. Such coverage benefits for  
1 9 medically necessary prosthetic devices shall provide coverage  
1 10 for medically necessary prosthetic devices, as defined by the  
1 11 commissioner of insurance by rule, that is consistent with at  
1 12 a minimum, the coverage and payment for medically necessary  
1 13 prosthetic devices provided under the most recent federal laws  
1 14 for health insurance for the aged and disabled pursuant to 42  
1 15 U.S.C. } 1395k, 1395l, and 1395m, and 42 C.F.R. } 410.100,  
1 16 414.202, 414.210, and 414.228, as applicable. For the  
1 17 purposes of this section, "prosthetic device" means an  
1 18 artificial limb device to replace, in whole or in part, an arm  
1 19 or leg.  
1 20 2. a. This section applies to the following classes of  
1 21 third-party payment provider policies, contracts, or plans  
1 22 delivered, issued for delivery, continued, or renewed in this  
1 23 state on or after July 1, 2009:  
1 24 (1) Individual or group accident and sickness insurance  
1 25 providing coverage on an expense-incurred basis.  
1 26 (2) An individual or group hospital or medical service  
1 27 contract issued pursuant to chapter 509, 514, or 514A.  
1 28 (3) An individual or group health maintenance organization  
1 29 contract regulated under chapter 514B.  
1 30 (4) A plan established pursuant to chapter 509A for public  
1 31 employees.  
1 32 (5) An organized delivery system licensed by the director  
1 33 of public health.  
1 34 b. This section shall not apply to accident only,  
1 35 specified disease, short-term hospital or medical, hospital



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2 1 confinement indemnity, credit, dental, vision, Medicare  
2 2 supplement, long-term care, basic hospital and medical=  
2 3 surgical expense coverage as defined by the commissioner,  
2 4 disability income insurance coverage, coverage issued as a  
2 5 supplement to liability insurance, workers' compensation or  
2 6 similar insurance, or automobile medical payment insurance.

2 7 EXPLANATION

2 8 This bill provides that despite the uniformity of treatment  
2 9 requirements of Code section 514C.6, an individual or group  
2 10 policy, contract, or plan providing for third-party payments  
2 11 of health or medical expenses is required to provide coverage  
2 12 benefits for medically necessary prosthetic devices, as  
2 13 defined by the commissioner of insurance by rule, that is  
2 14 consistent with at a minimum, coverage and payment for  
2 15 medically necessary prosthetic devices that is provided for  
2 16 under the most recent federal laws for health insurance for  
2 17 the aged and disabled. The bill applies to such policies,  
2 18 contracts, or plans delivered, issued for delivery, continued,  
2 19 or renewed in this state on or after July 1, 2009.

2 20 LSB 1285XC 83

2 21 av/rj/14



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Senate Study Bill 1020

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON WARNSTADT)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to indemnity provisions in construction
- 2 contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1584XC 83
- 5 ak/rj/5



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1 1 Section 1. NEW SECTION. 537A.5 INDEMNITY AGREEMENTS ==  
1 2 CONSTRUCTION CONTRACTS.  
1 3 1. As used in this section:  
1 4 a. "Construction contract" means a public, private,  
1 5 foreign, or domestic contract or agreement relating to the  
1 6 construction, alteration, repair, or maintenance of any real  
1 7 property in this state and includes agreements for  
1 8 architectural services, demolition, design services,  
1 9 development, engineering services, excavation, or other  
1 10 improvement relating to real property, including buildings,  
1 11 shafts, wells, and structures, whether on, above, or  
1 12 underground.  
1 13 b. "Indemnify" or "hold harmless" includes any requirement  
1 14 to name the indemnified party as an additional insured in the  
1 15 indemnitor's insurance coverage.  
1 16 c. "Lower=tier party" means a party to the contract that  
1 17 acts as a subcontractor, specialty contractor, or supplier.  
1 18 d. "Upper=tier party" means a party to the contract that  
1 19 acts as a general contractor.  
1 20 2. A provision in a construction contract that requires  
1 21 one party to the contract to indemnify, hold harmless, insure,  
1 22 or defend the other party to the contract, including the other  
1 23 party's officers, employees, or agents, against liability,  
1 24 claims, damages, losses, or expenses, including attorney fees,  
1 25 arising out of bodily injury to persons or damage to property  
1 26 caused by or resulting from, in whole or in part, the  
1 27 negligence, act, or omission of the indemnitee or the  
1 28 officers, employees, or agents of the indemnitee, is void and  
1 29 unenforceable as against the public policy of this state.  
1 30 3. A construction contract may contain a provision and  
1 31 shall be enforced only to the extent that the provision  
1 32 requires either of the following:  
1 33 a. One party to the contract to indemnify, hold harmless,  
1 34 or insure the other party to the contract, including the other  
1 35 party's officers, employees, or agents, against liability,



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2 1 claims, damages, losses, or expenses, including attorney fees,  
2 2 only to the extent that the liability, claims, damages,  
2 3 losses, or expenses are caused by, or arise out of, the acts  
2 4 or omissions of the indemnitor or the officers, employees, or  
2 5 agents of the indemnitor.

2 6     b. A party to the contract to purchase a project-specific  
2 7 insurance policy, including an owner's or contractor's  
2 8 protective insurance, project management protective liability  
2 9 insurance, or builder's risk insurance.

2 10     4. This section does not apply to the indemnity of a  
2 11 surety by a principal on any surety bond or to an insurer's  
2 12 obligation to its insureds.

2 13     5. If an upper-tier party to a construction contract is  
2 14 named as an additional insured or additionally named insured  
2 15 on a commercial general liability or similar liability policy  
2 16 of insurance of a lower-tier party to a construction contract,  
2 17 the coverage to the upper-tier party shall be limited to the  
2 18 cost of defense and vicarious liability, and the policy shall  
2 19 not extend coverage for the upper-tier party's own negligence,  
2 20 whether sole or partial.

2 21     6. If a court action or other binding dispute resolution  
2 22 proceeding is brought or initiated against an upper-tier party  
2 23 for personal injury by an employee of a lower-tier party to a  
2 24 construction contract, and it is ultimately determined that  
2 25 the upper-tier party to the construction contract has no  
2 26 liability to the employee other than vicarious liability, the  
2 27 upper-tier party has a claim of indemnity for all costs,  
2 28 including costs of experts and attorney fees, associated with  
2 29 defending such action against any party in the contractual  
2 30 chain determined to have any liability for the personal  
2 31 injury. Any liability of the employee for the employee's own  
2 32 personal injury shall be attributed to the employee's employer  
2 33 for purposes of this subsection. This indemnification  
2 34 obligation shall be joint and several among the parties found  
2 35 liable for the personal injury.



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3 1 EXPLANATION  
3 2 This bill relates to the use of indemnity provisions in  
3 3 construction contracts. The bill prohibits the use of a  
3 4 provision in a construction contract that requires one party  
3 5 of the contract to indemnify or hold harmless the other party  
3 6 to the contract for damages arising out of the negligence,  
3 7 act, or omission of the indemnitee or the officers, employees,  
3 8 or agents of the indemnitee as void and unenforceable as  
3 9 against public policy.  
3 10 The bill provides that a construction contract may either  
3 11 contain a provision requiring a party to the contract to  
3 12 purchase a project-specific insurance policy, or a provision  
3 13 that requires one party of the contract to indemnify or hold  
3 14 harmless the other party to the contract for damages arising  
3 15 out of the negligence, act, or omission of the indemnitor or  
3 16 the officers, employees, or agents of the indemnitor. The  
3 17 bill does not apply to the indemnity of a surety by a  
3 18 principal on a surety bond.  
3 19 The bill provides that if an upper-tier party to a  
3 20 construction contract is named as an additional insured on a  
3 21 liability policy of a lower-tier party to a construction  
3 22 contract, the coverage of the policy to the upper-tier party  
3 23 shall be limited to the cost of defense and vicarious  
3 24 liability and not to the upper-tier party's own negligence.  
3 25 The bill also provides that if a court action or binding  
3 26 dispute proceeding is brought by an employee of a lower-tier  
3 27 party against an upper-tier party to a construction contract  
3 28 and the upper-tier party is found to be without liability  
3 29 other than vicarious liability, the upper-tier party shall  
3 30 have a claim of indemnity for all costs of the court action or  
3 31 dispute resolution proceeding.  
3 32 The bill provides definitions of the terms "construction  
3 33 contract", "indemnify" or "hold harmless", "lower-tier party",  
3 34 and "upper-tier party".  
3 35 LSB 1584XC 83



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4 1 ak/rj/5



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Senate Study Bill 1021

SENATE/HOUSE FILE  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to the consumer credit code by increasing dollar  
2 amount limitations for transactions governed by the consumer  
3 credit code and providing for periodic adjustment of those  
4 amounts pursuant to changes in the consumer price index, and  
5 establishing an exemption from the definition of a consumer  
6 loan for specified debts secured by real property.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1367DP 83  
9 rn/nh/5



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1 1 Section 1. Section 537.1301, subsection 13, paragraph a,  
1 2 subparagraph (5), Code 2009, is amended to read as follows:  
1 3 (5) With respect to a sale of goods or services, the  
1 4 amount financed does not exceed ~~twenty-five~~ seventy-five  
1 5 thousand dollars, adjusted periodically to reflect changes in  
1 6 the consumer price index as provided in section 537.1304.

1 7 Sec. 2. Section 537.1301, subsection 14, paragraph a,  
1 8 subparagraph (4), Code 2009, is amended to read as follows:  
1 9 (4) The amount payable under the lease does not exceed  
1 10 ~~twenty-five~~ seventy-five thousand dollars, adjusted  
1 11 periodically to reflect changes in the consumer price index as  
1 12 provided in section 537.1304.

1 13 Sec. 3. Section 537.1301, subsection 15, paragraph a,  
1 14 subparagraph (5), Code 2009, is amended to read as follows:  
1 15 (5) The amount financed does not exceed ~~twenty-five~~  
1 16 seventy-five thousand dollars, adjusted periodically to  
1 17 reflect changes in the consumer price index as provided in  
1 18 section 537.1304.

1 19 Sec. 4. Section 537.1301, subsection 15, paragraph b, Code  
1 20 2009, is amended by adding the following new subparagraph:  
1 21 NEW SUBPARAGRAPH. (5) A debt which is secured by a lien  
1 22 on real property with an amount financed that exceeds  
1 23 twenty-five thousand dollars.

1 24 Sec. 5. NEW SECTION. 537.1304 DEFINED TERMS == CONSUMER  
1 25 PRICE INDEX ADJUSTMENTS.

1 26 1. The designated dollar amounts specified in section  
1 27 537.1301, subsections 13 through 15, in relation to consumer  
1 28 credit sales, consumer leases, and consumer loans with regard  
1 29 to amounts financed or leased, and in section 537.3604,  
1 30 subsection 8, with regard to the amount payable under a  
1 31 consumer rental purchase agreement, shall be subject to  
1 32 periodic adjustment as provided in this section according to  
1 33 and to the extent of changes in the consumer price index for  
1 34 urban wage earners and clerical workers, United States city  
1 35 average, all items, 1967=100, as published in the federal



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2 1 register by the federal department of labor, bureau of labor  
2 2 statistics, and hereafter referred to as the index. The index  
2 3 for December of 1976 shall serve as the reference base index  
2 4 for purposes of this section.

2 5 2. The designated dollar amounts shall change on the first  
2 6 day of July in each even-numbered year if the percentage of  
2 7 change, calculated to the nearest whole percentage point,  
2 8 between the index at the end of the preceding year and the  
2 9 reference base index is ten percent or more, but the portion  
2 10 of the percentage change in the index in excess of a multiple  
2 11 of ten percent shall be disregarded and the dollar amounts  
2 12 shall change only in multiples of ten percent of the amounts  
2 13 designated in the applicable sections.

2 14 3. If the index is revised, the percentage of change  
2 15 pursuant to this section shall be calculated on the basis of  
2 16 the revised index. If a revision of the index changes the  
2 17 reference base index, a revised reference base index shall be  
2 18 determined by multiplying the reference base index then  
2 19 applicable by the rebasing factor furnished by the bureau of  
2 20 labor statistics. If the index is superseded, the index  
2 21 referred to in this section shall be the one represented by  
2 22 the bureau of labor statistics as reflecting most accurately  
2 23 changes in the purchasing power of the dollar for consumers.

2 24 4. The administrator, as defined in section 537.6103,  
2 25 shall publish a notice of the amount of the change in the Iowa  
2 26 administrative bulletin on or before the thirtieth day of  
2 27 April of each year in which dollar amounts are to change as  
2 28 required pursuant to subsection 2. Within thirty days after  
2 29 the changes occur, the administrator shall publish changes in  
2 30 the index required pursuant to subsection 3, including, if  
2 31 applicable, the numerical equivalent of the reference base  
2 32 index under a revised reference base index and the designation  
2 33 or title of any index superseding the index.

2 34 Sec. 6. Section 537.3604, subsection 8, paragraph e, Code  
2 35 2009, is amended to read as follows:



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3 1 e. The amount payable under the consumer rental purchase  
3 2 agreement does not exceed ~~twenty-five~~ seventy-five thousand  
3 3 dollars, adjusted periodically to reflect changes in the  
3 4 consumer price index as provided in section 537.1304.

3 5 EXPLANATION

3 6 This bill provides for increases in dollar amount  
3 7 limitations specified in certain sections of the consumer  
3 8 credit code, and also provides for periodic adjustment of  
3 9 those limitations pursuant to changes in the consumer price  
3 10 index.

3 11 The increases relate to limitations contained in Code  
3 12 sections concerning consumer credit sales, consumer leases,  
3 13 and consumer loans with regard to amounts financed or leased,  
3 14 and regarding the amount payable under a consumer rental  
3 15 purchase agreement, with an increase in the limitations from  
3 16 currently specified levels of \$25,000 to \$75,000.

3 17 The bill additionally provides that these dollar amounts  
3 18 shall be subject to periodic adjustment according to and to  
3 19 the extent of changes in the consumer price index for all  
3 20 urban consumers, United States city average, as published in  
3 21 the federal register by the federal department of labor,  
3 22 bureau of labor statistics, pursuant to a formula specified in  
3 23 the bill. The bill provides for published notice of the  
3 24 changes.

3 25 Further, the bill establishes an additional exemption from  
3 26 the definition of "consumer loan" applicable to the consumer  
3 27 credit code contained in Code chapter 537, providing that a  
3 28 consumer loan does not include a debt secured by a lien on  
3 29 real property with an amount financed in excess of \$25,000.

3 30 LSB 1367DP 83

3 31 rn/nh/5



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Senate Study Bill 1022

SENATE/HOUSE FILE  
BY (PROPOSED ATTORNEY GENERAL BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act specifying a duty of agency applicable to licensed
- 2 mortgage brokers and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1295DP 83
- 5 rn/nh/5



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1 1 Section 1. NEW SECTION. 535B.18 DUTY OF AGENCY.  
1 2 1. A licensee or individual registrant acting in the  
1 3 capacity of a mortgage broker pursuant to section 535B.1,  
1 4 subsection 5, shall be considered to have created an agency  
1 5 relationship with the borrower in all cases and shall perform  
1 6 all of the following duties:  
1 7 a. Act in good faith and with fair dealing toward  
1 8 borrowers and place the borrower's interest ahead of the  
1 9 interest of any other party, including the interest of the  
1 10 licensee or individual registrant.  
1 11 b. Not accept, give, or charge any undisclosed  
1 12 compensation or realize any undisclosed remuneration, either  
1 13 through direct or indirect means, that inures to the benefit  
1 14 of the licensee or individual registrant in connection with  
1 15 the licensee's or individual registrant's relationship with  
1 16 the borrower.  
1 17 c. Carry out all lawful instructions provided or issued by  
1 18 the borrower.  
1 19 d. Affirmatively disclose to a borrower all material facts  
1 20 of which the licensee or individual registrant has knowledge  
1 21 which might reasonably affect the borrower's rights,  
1 22 interests, or ability to receive the borrower's intended  
1 23 benefit from the mortgage loan.  
1 24 e. Use reasonable care in the performance of duties.  
1 25 f. Account to the borrower for all the borrower's money  
1 26 and property received as agent.  
1 27 2. a. This section shall not be construed to prohibit a  
1 28 licensee or individual registrant from contracting for or  
1 29 collecting a fee after services have been rendered which was  
1 30 disclosed and agreed to by the borrower in advance of the  
1 31 provision of such services.  
1 32 b. This section shall not be construed as requiring a  
1 33 licensee or individual registrant to obtain a loan for the  
1 34 borrower containing terms or conditions not available in the  
1 35 usual course of business to the licensee or individual



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2 1 registrant, or to obtain a loan for the borrower from a  
2 2 mortgage lender with whom the licensee or individual  
2 3 registrant does not have a business relationship.  
2 4 3. The duties and standards of care established in this  
2 5 section shall not be waived or modified by contract or  
2 6 otherwise.

2 7 EXPLANATION

2 8 This bill confers upon licensed mortgage brokers and  
2 9 individual registrants a duty of agency.

2 10 The bill provides that a licensee or individual registrant  
2 11 acting in the capacity of a mortgage broker pursuant to Code  
2 12 section 535B.1, subsection 5, shall be considered to have  
2 13 created an agency relationship with a borrower in all cases.  
2 14 The bill specifies duties a licensee or individual registrant  
2 15 shall perform pursuant to the agency relationship, including  
2 16 acting in a borrower's best interest, in good faith, and with  
2 17 fair dealing, and not accepting, giving, or charging any  
2 18 undisclosed compensation or realizing any undisclosed  
2 19 remuneration that inures to the licensee's or individual  
2 20 registrant's benefit in connection with their relationship  
2 21 with the borrower. Additional duties include carrying out all  
2 22 lawful instructions provided or issued by a borrower,  
2 23 affirmatively disclosing all material facts of which the  
2 24 licensee or individual registrant has knowledge which might  
2 25 reasonably affect a borrower's rights, interests, or ability  
2 26 to receive the intended benefit from the mortgage loan, using  
2 27 reasonable care in the performance of duties, and accounting  
2 28 for all the borrower's money and property received as agent.

2 29 The bill states that the duty of agency shall not be  
2 30 construed to prohibit a licensee or individual registrant from  
2 31 contracting for or collecting a fee after services have been  
2 32 rendered which was disclosed and agreed to by the borrower in  
2 33 advance of the provision of the services, and shall also not  
2 34 be construed to require a licensee or individual registrant to  
2 35 obtain a loan for the borrower containing terms or conditions



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3 1 not available to the licensee or individual registrant in the  
3 2 usual course of business, or to obtain a loan for the borrower  
3 3 from a mortgage lender with whom the licensee or individual  
3 4 registrant does not have a business relationship. The bill  
3 5 provides that the duty of agency and standards of care cannot  
3 6 be waived or modified by contract or otherwise.

3 7 A violation of the bill's provisions subjects a licensee to  
3 8 the disciplinary provisions of Code chapter 535B, including  
3 9 license suspension and revocation, and imposition of civil  
3 10 penalties in an amount not to exceed \$5,000 per violation.

3 11 LSB 1295DP 83

3 12 rn/nh/5.1