



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 15, 2009

House File 13 - Introduced

HOUSE FILE  
BY GASKILL

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

**A BILL FOR**

1 An Act relating to confinement feeding operation structures by  
2 providing separation distance requirements for visitor  
3 attractions and cities, and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1284HH 83  
6 da/nh/5



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1 1 Section 1. Section 459.102, Code 2009, is amended by  
1 2 adding the following new subsections:  
1 3 NEW SUBSECTION. 35A. "Museum" means an institution  
1 4 located in this state which is operated by a nonprofit  
1 5 corporation or a public agency, primarily for educational,  
1 6 scientific, historic preservation, or aesthetic purposes, and  
1 7 which owns or borrows and cares for exhibits, studies,  
1 8 archives, or other real or personal property, or catalogs such  
1 9 property. "Museum" includes but is not limited to historical  
1 10 societies, historic sites or landmarks, property listed in the  
1 11 national register of historic places, parks, monuments, and  
1 12 libraries.  
1 13 NEW SUBSECTION. 47A. "Visitor attraction" means any of  
1 14 the following:  
1 15 a. A portion of real estate located in this state having  
1 16 unique archaeological, cultural, historical, recreational,  
1 17 scenic, or scientific significance, and that tends to attract  
1 18 the visiting public.  
1 19 b. A museum.  
1 20 Sec. 2. Section 459.202, Code 2009, is amended by adding  
1 21 the following new subsection:  
1 22 NEW SUBSECTION. 5A. Except as provided in sections  
1 23 459.203, 459.205, and 459.206, this subsection applies to  
1 24 confinement feeding operation structures constructed on or  
1 25 after the effective date of this Act.  
1 26 a. A confinement feeding operation structure shall not be  
1 27 constructed or expanded within two miles from the corporate  
1 28 limits of a city.  
1 29 b. A confinement feeding operation structure shall not be  
1 30 constructed or expanded within three miles from a visitor  
1 31 attraction.  
1 32 Sec. 3. Section 459.203, subsection 1, Code 2009, is  
1 33 amended to read as follows:  
1 34 1. a. For a confinement feeding operation constructed  
1 35 prior to January 1, 1999, any construction or expansion of a



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2 1 confinement feeding operation structure complies with the  
2 2 distance requirements applying to that structure as provided  
2 3 in section 459.202, subsections 1 and 3. However,  
2 4 notwithstanding section 459.202, subsection 3, the confinement  
2 5 feeding operation structure shall not be constructed or  
2 6 expanded on or after the effective date of this Act, if it  
2 7 would be closer to the corporate limits of a city than  
2 8 provided in section 459.202, subsection 5A.

2 9 b. For a confinement feeding operation constructed on or  
2 10 after January 1, 1999, but prior to March 1, 2003, any  
2 11 construction or expansion of a confinement feeding operation  
2 12 structure complies with the distance requirements applying to  
2 13 that structure as provided in section 459.202, subsections 2  
2 14 and 3. However, notwithstanding section 459.202, subsection  
2 15 3, the confinement feeding operation structure shall not be  
2 16 constructed or expanded on or after the effective date of this  
2 17 Act, if it would be closer to the corporate limits of a city  
2 18 than provided in section 459.202, subsection 5A.

2 19 c. For a confinement feeding operation constructed on or  
2 20 after March 1, 2003, any construction or expansion of a  
2 21 confinement feeding operation structure complies with the  
2 22 distance requirements applying to that structure as provided  
2 23 in section 459.202, subsections 4 and 5. However,  
2 24 notwithstanding section 459.202, subsection 5, the confinement  
2 25 feeding operation structure shall not be constructed or  
2 26 expanded on or after the effective date of this Act, if it  
2 27 would be closer to the corporate limits of a city than  
2 28 provided in subsection 5A.

2 29 Sec. 4. Section 459.204, Code 2009, is amended to read as  
2 30 follows:

2 31 459.204 LIQUID MANURE APPLICATION == SEPARATION DISTANCE.

2 32 Except as provided in section 459.205, a person shall not  
2 33 apply liquid manure from a confinement feeding operation on  
2 34 land located within seven hundred fifty feet from a residence  
2 35 not owned by the titleholder of the land, a commercial



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3 1 enterprise, a bona fide religious institution, an educational  
3 2 institution, ~~or~~ a public use area, a visitor attraction, or  
3 3 the corporate limits of a city.

3 4 Sec. 5. Section 459.205, subsection 2, paragraph a, Code  
3 5 2009, is amended to read as follows:

3 6 a. A confinement feeding operation structure which is  
3 7 constructed or expanded, if the titleholder of the land  
3 8 benefiting from the distance separation requirement executes a  
3 9 written waiver with the titleholder of the land where the  
3 10 structure is located. If a confinement feeding operation  
3 11 structure is constructed or expanded within the separation  
3 12 distance required between a confinement feeding operation  
3 13 structure and a public thoroughfare as required pursuant to  
3 14 section 459.202, the state or a political subdivision  
3 15 constructing or maintaining the public thoroughfare benefiting  
3 16 from the distance separation requirement may execute a written  
3 17 waiver with the titleholder of the land where the structure is  
3 18 located. If a confinement feeding operation structure is  
3 19 constructed or expanded within the separation distance  
3 20 required between a confinement feeding operation structure and  
3 21 the corporate limits of a city as required pursuant to section  
3 22 459.202, the city benefiting from the separation distance  
3 23 requirement must execute a waiver with the titleholder of the  
3 24 land where the structure is located. The waiver executed by  
3 25 the city shall be independent of any waiver required to be  
3 26 executed by the titleholder of land benefited from a  
3 27 separation distance requirement which is located within the  
3 28 corporate limits of the city. The confinement feeding  
3 29 operation structure shall be constructed or expanded under  
3 30 such terms and conditions that the parties negotiate.

3 31 Sec. 6. Section 459.205, subsection 3, is amended to read  
3 32 as follows:

3 33 3. A confinement feeding operation structure which is  
3 34 constructed or expanded within any distance from a residence,  
3 35 educational institution, commercial enterprise, bona fide



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4 1 religious institution, city, ~~or~~ public use area, or visitor  
 4 2 attraction if the residence, educational institution,  
 4 3 commercial enterprise, ~~or~~ bona fide religious institution, or  
 4 4 visitor attraction was constructed or expanded, or the  
 4 5 boundaries of the city or public use area were expanded, after  
 4 6 the date that the confinement feeding operation was  
 4 7 established. The date the confinement feeding operation was  
 4 8 established is the date on which the confinement feeding  
 4 9 operation commenced operating. A change in ownership or  
 4 10 expansion of the confinement feeding operation shall not  
 4 11 change the established date of operation.

4 12 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
 4 13 immediate importance, takes effect upon enactment.

4 14 EXPLANATION

4 15 CONSTRUCTION. This bill provides that a confinement  
 4 16 feeding operation structure (i.e., a confinement building,  
 4 17 manure storage structure, or egg washwater storage structure)  
 4 18 cannot be constructed within three miles of a visitor  
 4 19 attraction or two miles from the corporate limits of a city.  
 4 20 A "visitor attraction" means a portion of real estate having  
 4 21 unique archaeological, cultural, historical, recreational,  
 4 22 scenic, or scientific significance, and that tends to attract  
 4 23 the visiting public; or a museum. Cities and visitor  
 4 24 attractions are added to a list of other benefited objects or  
 4 25 locations, including residences, educational institutions,  
 4 26 commercial enterprises, bona fide religious institutions,  
 4 27 public use areas, and public thoroughfares.

4 28 SEPARATION DISTANCE REQUIREMENTS. Specifically, the bill  
 4 29 amends Code section 459.202 which currently establishes a  
 4 30 number of separation distances between confinement feeding  
 4 31 operation structures and other benefited objects or locations.  
 4 32 There are special separation distance requirements for  
 4 33 commercial enterprises, bona fide religious institutions, and  
 4 34 educational institutions located within and outside the  
 4 35 corporate limits of a city. In addition, different separation



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5 1 distance requirements apply based on: (1) the date that the  
5 2 confinement feeding operation was first established (on or  
5 3 after May 31, 1995, but prior to January 1, 1999; on or after  
5 4 January 1, 1999, but prior to March 1, 2003; and on and after  
5 5 March 1, 2003); (2) the size of the confinement feeding  
5 6 operation; (3) the type of confinement feeding operation being  
5 7 constructed (for bovine or for other species); and (4) the  
5 8 type of object or location benefiting from the separation  
5 9 distance (e.g., a residence or a public use area). The bill  
5 10 provides the new separation distance requirements for  
5 11 confinement feeding operations constructed or expanded on or  
5 12 after the effective date of the bill. It applies to all  
5 13 confinement feeding operations, subject to current exceptions.  
5 14       EXCEPTION FOR PRIOR ESTABLISHED OPERATIONS. The bill  
5 15 amends Code section 459.203 which provides that an existing  
5 16 confinement feeding operation may continue to exist even if it  
5 17 fails to meet the separation distance requirements applicable  
5 18 to its date of establishment, and under certain circumstances  
5 19 may expand based on those separation distance requirements  
5 20 (e.g., the size of the operation when it was established).  
5 21 The same exceptions that apply to those benefited objects or  
5 22 locations would also apply to a visitor attraction and the  
5 23 corporate limits of a city. However, the bill provides that  
5 24 regardless of the date of an operation's establishment, it  
5 25 could not expand within the two-mile limit for cities.  
5 26       EXCEPTIONS BASED ON THE SIZE OF THE OPERATION. The bill  
5 27 amends Code section 459.205 which exempts confinement feeding  
5 28 operation structures that are part of a small animal feeding  
5 29 operation. This exception would apply to allow a small animal  
5 30 feeding operation to be established or expanded within the  
5 31 separation distance requirements applicable to corporate city  
5 32 limits and visitor attractions.  
5 33       EXCEPTION BASED ON WAIVER BY A TITLEHOLDER. The bill  
5 34 amends Code section 459.205 which allows the titleholder of  
5 35 land where a benefited object or location is sited to execute



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6 1 a waiver allowing the confinement feeding operation to be  
6 2 established or expanded within the separation distances  
6 3 applicable under Code section 459.202. This includes the  
6 4 owner of a residence, commercial enterprise, bona fide  
6 5 religious institution, educational institution, public use  
6 6 area, or public thoroughfare. The bill would allow a  
6 7 titleholder of land where a visitor attraction is sited to  
6 8 execute such a waiver. The bill would also allow a city the  
6 9 right to execute a waiver, but would not affect the separation  
6 10 distance required for benefited objects or locations within  
6 11 the city limits (e.g., the owner of a nearby residence within  
6 12 the city limits would also have to execute a waiver).  
6 13 LIQUID MANURE APPLICATION. Code section 459.204 prohibits  
6 14 a person from applying liquid manure from a confinement  
6 15 feeding operation within 750 feet from a residence (not owned  
6 16 by the titleholder of the land), a commercial enterprise, a  
6 17 bona fide religious institution, an educational institution,  
6 18 or a public use area. The bill provides that the same  
6 19 restrictions apply to a city's corporate limits and a visitor  
6 20 attraction.  
6 21 EFFECTIVE DATE. The bill takes effect upon enactment.  
6 22 LSB 1284HH 83  
6 23 da/nh/5



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House File 14

HOUSE FILE  
BY HUNTER

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

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

**A BILL FOR**

- 1 An Act repealing the Iowa English language reaffirmation Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1636HH 83
- 4 ec/rj/5



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1 1 Section 1. Sections 1.18 and 4.14, Code 2009, are  
1 2 repealed.  
1 3 EXPLANATION  
1 4 This bill repeals the Iowa English language reaffirmation  
1 5 Act, which provides that English is the official language of  
1 6 the state of Iowa. The Code section providing for general  
1 7 rules of construction for English language laws is also  
1 8 repealed.  
1 9 LSB 1636HH 83  
1 10 ec/rj/5



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House File 15

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

- 1 An Act relating to mandatory disclosures in certain political
- 2 telephone communications, and applying a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1617HH 83
- 5 jr/rj/8



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1 1 Section 1. NEW SECTION. 68A.407 DISCLOSURES RELATED TO  
1 2 POLITICAL TELEPHONE COMMUNICATIONS.  
1 3 1. For the purposes of this section, unless the context  
1 4 otherwise requires:  
1 5 a. "Legitimate poll" means a telephone communication  
1 6 conducted by a polling firm for the purpose of a scientific  
1 7 poll of respondents concerning public opinion concerning a  
1 8 candidate, public office holder, or ballot issue that is part  
1 9 of a series of like telephone communications that utilizes a  
1 10 scientific sampling technique to produce a random sample of  
1 11 interviewees.  
1 12 b. "Political telemarketing" means the canvassing of  
1 13 persons under the guise of performing a legitimate poll, with  
1 14 the purpose of encouraging support of, or opposition to, a  
1 15 clearly identified candidate for public office or the passage  
1 16 or defeat of a clearly identified ballot issue.  
1 17 2. The general assembly finds that political telephone  
1 18 communication is increasingly used in political campaigns in  
1 19 this state in a deceptive manner, including but not limited to  
1 20 the use of political telemarketing, also known as push=  
1 21 polling, where an anonymous telephone communication is  
1 22 designed to appear as a legitimate poll, but is in fact used  
1 23 as a vehicle to sway opinion through innuendo, by the  
1 24 communication of certain negative information related to a  
1 25 candidate or ballot issue in a manner designed to suggest that  
1 26 such information may be true. The general assembly declares  
1 27 that a compelling public interest exists to identify the  
1 28 source of funding of telephone communications related to  
1 29 elections, in order to prevent corruption and deceit at the  
1 30 expense of the electorate and to preserve accountability for  
1 31 expenditures made in connection with political campaigns.  
1 32 3. A candidate, an authorized representative of a  
1 33 candidate, a candidate's committee, or a political committee  
1 34 that engages either in a telephone communication for the  
1 35 purpose of soliciting contributions or in a telephone



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2 1 communication that has the effect of promoting or opposing the  
2 2 nomination or election of a candidate for public office or the  
2 3 passage of a constitutional amendment or public measure shall  
2 4 disclose all of the following by the end of the telephone  
2 5 communication:

2 6     a. The identity of the individual who is communicating and  
2 7 the entity with which the individual is affiliated, if any.

2 8     b. The individual or entity that paid for the telephone  
2 9 communication. If a candidate's committee or political  
2 10 committee has paid for or authorized the telephone  
2 11 communication, the name of the candidate's committee or  
2 12 political committee shall be disclosed. If any person other  
2 13 than a candidate's committee or political committee has paid  
2 14 for or authorized the telephone communication, the  
2 15 communication shall also state whether or not the  
2 16 communication has been authorized by the candidate intended to  
2 17 benefit from the communication and shall state whether the  
2 18 communication is an independent expenditure.

2 19     c. The name, telephone number, and address of an  
2 20 individual whom the communication recipient can contact for  
2 21 further information regarding the telephone communication.

2 22     4. An individual who, on behalf of, at the direction of,  
2 23 or in cooperation with a political committee, engages either  
2 24 in a telephone communication for the purpose of soliciting  
2 25 contributions or in a telephone communication that has the  
2 26 effect of promoting or opposing the nomination or election of  
2 27 a candidate for public office or the passage of a  
2 28 constitutional amendment or public measure shall disclose all  
2 29 of the following at the commencement of the telephone  
2 30 communication:

2 31     a. The identity of the individual who is communicating and  
2 32 the entity with which the individual is affiliated, if any.

2 33     b. The individual or entity that paid for the telephone  
2 34 communication. If a political committee has paid for or  
2 35 authorized the telephone communication, the name of the



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3 1 political committee shall be disclosed. If any person other  
3 2 than the candidate, a candidate's committee, or a political  
3 3 committee has paid for or authorized the telephone  
3 4 communication, the communication shall also state whether or  
3 5 not the communication has been authorized by the candidate  
3 6 intended to benefit from the communication.

3 7 c. The name, telephone number, and address of an  
3 8 individual whom the communication recipient can contact for  
3 9 further information regarding the telephone communication.

3 10 5. The board shall adopt rules pursuant to chapter 17A  
3 11 establishing procedures to administer this section.

3 12 EXPLANATION

3 13 This bill creates a new Code section that requires the  
3 14 disclosure of certain information by the end of political  
3 15 telephone communications that solicit contributions or that  
3 16 have the effect of promoting or opposing a candidate or ballot  
3 17 issue. The caller must disclose the name and affiliation of  
3 18 the caller, the name of the individual or entity that paid for  
3 19 the telephone communication, whether a candidate who will  
3 20 benefit from the communication has authorized the  
3 21 communication, and the name, address, and telephone number of  
3 22 an individual whom the person can contact for further  
3 23 information regarding the communication.

3 24 Violations of this provision are punishable under Code  
3 25 section 68A.701 as a serious misdemeanor, which carries a  
3 26 penalty of a fine of \$315 to \$1,875, and may also include a  
3 27 sentence of up to one year in jail.

3 28 The bill also contains definitions of "legitimate poll" and  
3 29 "political telemarketing", and contains a statement of  
3 30 legislative findings regarding political telemarketing and  
3 31 push=polling.

3 32 LSB 1617HH 83

3 33 jr/rj/8



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House File 16

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

- 1 An Act providing for a worker shortage loan forgiveness program.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1619HH 83
- 4 kh/nh/14



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1 1 Section 1. NEW SECTION. 261.115 WORKER SHORTAGE LOAN  
1 2 FORGIVENESS PROGRAM.  
1 3 1. A worker shortage loan forgiveness program is  
1 4 established to be administered by the commission. An  
1 5 individual is eligible for the program if the individual  
1 6 graduated from a school district or accredited nonpublic  
1 7 school in this state on or after January 1, 2008, is a  
1 8 resident of the state, and successfully completed a  
1 9 vocational=technical or career option program or graduated  
1 10 with an associate degree from a community college established  
1 11 pursuant to chapter 260C or graduated with a baccalaureate  
1 12 degree or postbaccalaureate degree from an institution of  
1 13 higher education governed by the state board of regents or  
1 14 from an accredited private institution, and the individual  
1 15 meets either of the following conditions:  
1 16 a. Is employed and residing in this state and has been  
1 17 employed and residing in this state for not less than two  
1 18 consecutive years within three years of successfully  
1 19 completing a vocational=technical or career option program or  
1 20 achieving an associate degree from a community college.  
1 21 b. Is employed and residing in this state and has been  
1 22 employed and residing in this state for not less than four  
1 23 consecutive years within five years of graduating with a  
1 24 baccalaureate degree or postbaccalaureate degree from an  
1 25 institution of higher education governed by the state board of  
1 26 regents or from an accredited private institution.  
1 27 2. Each applicant for loan forgiveness shall, in  
1 28 accordance with the rules of the commission, do the following:  
1 29 a. Complete and file an application for worker shortage  
1 30 loan forgiveness. The individual shall be responsible for the  
1 31 prompt submission of any information required by the  
1 32 commission.  
1 33 b. File a new application and submit information as  
1 34 required by the commission annually on the basis of which the  
1 35 applicant's eligibility for the renewed loan forgiveness will



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2 1 be evaluated and determined.

2 2 c. Complete and return on a form approved by the  
2 3 commission an affidavit of eligibility verifying that the  
2 4 applicant met the requirements of subsection 1.

2 5 3. The annual amount of worker shortage loan forgiveness  
2 6 shall not exceed the following:

2 7 a. For an individual who meets the conditions of  
2 8 subsection 1, paragraph "a", the combined resident tuition  
2 9 rate established for the two years following the individual's  
2 10 successful program completion or graduation from the community  
2 11 college, or one hundred percent of the individual's total  
2 12 federally guaranteed Stafford loan amount under the federal  
2 13 family education loan program or the federal direct loan  
2 14 program and any private student loan issued by a lender that  
2 15 meets standards prescribed by the commission including  
2 16 principal and interest, whichever amount is less.

2 17 b. For an individual who meets the conditions of  
2 18 subsection 1, paragraph "b", the combined resident tuition  
2 19 rate established for institutions of higher learning governed  
2 20 by the state board of regents for the four years following the  
2 21 individual's graduation from the regents university or  
2 22 accredited private institution, or one hundred percent of the  
2 23 individual's total federally guaranteed Stafford loan amount  
2 24 under the federal family education loan program or the federal  
2 25 direct loan program and any private student loan issued by a  
2 26 lender that meets standards prescribed by the commission  
2 27 including principal and interest, whichever amount is less.

2 28 4. The commission shall submit in a report to the general  
2 29 assembly by January 1, annually, the number of individuals who  
2 30 received loan forgiveness pursuant to this section, the  
2 31 postsecondary institutions from which the individuals  
2 32 graduated or successfully completed a vocational=technical or  
2 33 career options program, where in the state program  
2 34 participants are employed, program participants' employment  
2 35 classifications or types of employment, the amount paid to



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3 1 each program participant, and other information identified by  
3 2 the commission as indicators of outcomes from the program.  
3 3 5. The commission shall adopt rules pursuant to chapter  
3 4 17A to administer this section.

3 5 EXPLANATION

3 6 This bill creates a worker shortage loan forgiveness  
3 7 program to be administered by the college student aid  
3 8 commission. The program is open to individuals who graduated  
3 9 from an Iowa high school in 2008 or later, are employed and  
3 10 reside in the state, and successfully completed a  
3 11 vocational=technical or career option program or received a  
3 12 degree from an accredited postsecondary institution in the  
3 13 state.

3 14 The individual must also have been employed and resided in  
3 15 this state for a period of two consecutive years within three  
3 16 years of successfully completing a vocational=technical or  
3 17 career option program or achieving an associate degree from a  
3 18 community college, or must have been employed and resided in  
3 19 this state for a period of four consecutive years within five  
3 20 years of graduating with a baccalaureate degree or  
3 21 postbaccalaureate degree from a regents university or  
3 22 accredited private institution.

3 23 In the case of an individual who attended a community  
3 24 college, the total amount of worker shortage loan forgiveness  
3 25 shall not exceed the combined resident tuition rate  
3 26 established for the two years following the individual's  
3 27 successful program completion or graduation from the community  
3 28 college, or 100 percent of the individual's total federal loan  
3 29 program and private student loan amount including principal  
3 30 and interest, whichever amount is less.

3 31 In the case of an individual who attended a regents  
3 32 university or accredited private institution, the annual  
3 33 amount of worker shortage loan forgiveness shall not exceed  
3 34 the combined resident tuition rate established for regents  
3 35 universities for the four years following the individual's



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4 1 graduation, or 100 percent of the individual's total federal  
4 2 loan program and private student loan amount including  
4 3 principal and interest, whichever amount is less. The  
4 4 individual is eligible for the loan forgiveness program for  
4 5 not more than four consecutive years.  
4 6       The bill requires the commission to submit a report to the  
4 7 general assembly by January 1, annually, with information  
4 8 identified as indicators of outcomes from the program.  
4 9 LSB 1619HH 83  
4 10 kh/nh/14



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House File 17

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

1 An Act prohibiting a person under eighteen years of age from  
2 using a cell phone or other device for remote two-way  
3 communication while operating a motor vehicle on a roadway and  
4 providing a penalty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1624HH 83  
7 dea/nh/14



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1 1 Section 1. NEW SECTION. 321.363A CELL PHONE USE BY  
1 2 DRIVER UNDER EIGHTEEN PROHIBITED.  
1 3 A person under eighteen years of age shall not operate or  
1 4 utilize a mobile telephone, two-way radio, wireless electronic  
1 5 mail device, two-way pager, or any other device used for  
1 6 remote two-way communication while operating a motor vehicle  
1 7 on the roadway.  
1 8 Sec. 2. Section 805.8A, subsection 14, Code 2009, is  
1 9 amended by adding the following new paragraph:  
1 10 NEW PARAGRAPH. j. CELL PHONE VIOLATIONS. For violations  
1 11 under section 321.363A, the scheduled fine is thirty dollars.  
1 12 EXPLANATION  
1 13 This bill prohibits a person under 18 years of age from  
1 14 using a mobile telephone or other device used for remote  
1 15 two-way communication while operating a motor vehicle on the  
1 16 roadway. The prohibition would not apply when the vehicle is  
1 17 stopped on the shoulder of the highway or is otherwise off the  
1 18 highway. A violation is a simple misdemeanor punishable by a  
1 19 scheduled fine of \$30.  
1 20 LSB 1624HH 83  
1 21 dea/nh/14



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House File 18 - Introduced

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

- 1 An Act providing free motor vehicle registration for certain
- 2 disabled veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1641HH 83
- 5 dea/nh/14



Iowa General Assembly  
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House File 18 - Introduced continued

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1 1 Section 1. Section 321.34, subsection 12A, paragraph b,  
1 2 Code 2009, is amended to read as follows:  
1 3 b. An owner of a vehicle referred to in subsection 12 who  
1 4 applies for any type of special registration plates associated  
1 5 with service in the United States armed forces shall be issued  
1 6 one set of the special registration plates at no charge and  
1 7 subject to no annual registration fee if the owner is eligible  
1 8 for, but has relinquished to the department or the county  
1 9 treasurer or has not been issued, medal of honor registration  
1 10 plates under subsection 8 or disabled veteran registration  
1 11 plates under section 321.105, subsection 5 or 6.

1 12 Sec. 2. Section 321.105, Code 2009, is amended by adding  
1 13 the following new subsection:

1 14 NEW SUBSECTION. 6. A veteran with a service-connected  
1 15 disability rated at fifty percent or higher shall be exempt  
1 16 from payment of the annual registration fee provided in this  
1 17 chapter for one vehicle, and shall be provided, without fee,  
1 18 with one set of regular registration plates or one set of any  
1 19 type of special registration plates associated with service in  
1 20 the United States armed forces for which the disabled veteran  
1 21 qualifies under section 321.34. The disabled veteran, to be  
1 22 able to claim the benefit, must be a resident of the state of  
1 23 Iowa. In lieu of the set of regular or special military  
1 24 registration plates available without fee, the disabled  
1 25 veteran may obtain a set of nonmilitary special registration  
1 26 plates or personalized plates issued under section 321.34 by  
1 27 paying the additional fees associated with those plates.

1 28 Sec. 3. Section 321.166, subsection 6, Code 2009, is  
1 29 amended to read as follows:

1 30 6. Registration plates issued to a disabled veteran under  
1 31 the provisions of section 321.105, subsection 5 or 6, shall  
1 32 display the alphabetical characters "DV" which shall precede  
1 33 the registration plate number. The plates may also display a  
1 34 persons with disabilities parking sticker if issued to the  
1 35 disabled veteran by the department under section 321L.2.



Iowa General Assembly  
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House File 18 - Introduced continued

2 1 Sec. 4. Section 321L.2, subsection 1, paragraph a,  
2 2 subparagraph (2), is amended to read as follows:  
2 3 (2) Persons with disabilities parking sticker. An  
2 4 applicant who owns a motor vehicle for which the applicant has  
2 5 been issued registration plates under section 321.34 or  
2 6 registration plates as a ~~seriously~~ disabled veteran under  
2 7 section 321.105, subsection 5 or 6, may apply to the  
2 8 department for a persons with disabilities parking sticker to  
2 9 be affixed to the plates. The persons with disabilities  
2 10 parking stickers shall bear the international symbol of  
2 11 accessibility.

2 12 Sec. 5. Section 321L.2, subsection 5, Code 2009, is  
2 13 amended to read as follows:

2 14 5. A seriously disabled veteran who has been provided with  
2 15 an automobile or other vehicle by the United States government  
2 16 under the provisions of 38 U.S.C. } 1901 et seq. (1970) is not  
2 17 required to apply for a persons with disabilities parking  
2 18 permit under this section unless the veteran has been issued  
2 19 special registration plates or personalized plates for the  
2 20 vehicle. The regular registration plates issued for the  
2 21 disabled veteran's vehicle without fee pursuant to section  
2 22 321.105, subsection 5, entitle the disabled veteran to all of  
2 23 the rights and privileges associated with persons with  
2 24 disabilities parking permits under this chapter.

2 25 EXPLANATION

2 26 This bill provides that a veteran of the United States  
2 27 armed forces with a service-connected disability rated at 50  
2 28 percent or higher is exempt from the payment of annual  
2 29 registration fees for one vehicle. The veteran is entitled to  
2 30 one set of disabled veteran registration plates to be issued  
2 31 free of charge. Currently, disabled veteran registration  
2 32 plates are available only to seriously disabled veterans who  
2 33 have been provided with an automobile or other vehicle by the  
2 34 United States government. The veteran may substitute any of  
2 35 the special plates associated with military service in lieu of



**Iowa General Assembly  
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House File 18 - Introduced continued

3 1 the disabled veteran plates without additional fee, or the  
3 2 veteran may substitute a set of personalized plates or  
3 3 nonmilitary special plates upon payment of the additional fees  
3 4 associated with those plates. The use of the free  
3 5 registration plates passes to the surviving spouse upon the  
3 6 death of the veteran.  
3 7 LSB 1641HH 83  
3 8 dea/nh/14



Iowa General Assembly  
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House File 19

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

- 1 An Act relating to restraint requirements for motor vehicle
- 2 occupants and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1625HH 83
- 5 dea/nh/5



Iowa General Assembly  
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House File 19 continued

PAG LIN

1 1 Section 1. Section 321.445, subsections 2 and 3, Code  
1 2 2009, are amended to read as follows:  
1 3 2. a. The driver and ~~front seat~~ occupants of a type of  
1 4 motor vehicle that is subject to registration in Iowa, except  
1 5 a motorcycle or a motorized bicycle, shall each wear a  
1 6 properly adjusted and fastened safety belt or safety harness  
1 7 any time the vehicle is in forward motion on a street or  
1 8 highway in this state except that a child under eleven years  
1 9 of age shall be secured as required under section 321.446.  
1 10 b. This subsection does not apply to:  
1 11 a. (1) The driver or ~~front seat~~ occupants of a motor  
1 12 vehicle which is not required to be equipped with safety belts  
1 13 or safety harnesses.  
1 14 b. (2) The driver and ~~front seat~~ occupants of a motor  
1 15 vehicle who are actively engaged in work which requires them  
1 16 to alight from and reenter the vehicle at frequent intervals,  
1 17 providing the vehicle does not exceed twenty-five miles per  
1 18 hour between stops.  
1 19 c. (3) The driver of a motor vehicle while performing  
1 20 duties as a rural letter carrier for the United States postal  
1 21 service. This exemption applies only between the first  
1 22 delivery point after leaving the post office and the last  
1 23 delivery point before returning to the post office.  
1 24 d. (4) Passengers on a bus.  
1 25 e. (5) A person possessing a written certification from a  
1 26 health care provider licensed under chapter 148 or 151 on a  
1 27 form provided by the department that the person is unable to  
1 28 wear a safety belt or safety harness due to physical or  
1 29 medical reasons. The certification shall specify the time  
1 30 period for which the exemption applies. The time period shall  
1 31 not exceed twelve months, at which time a new certification  
1 32 may be issued unless the certifying health care provider is  
1 33 from a United States military facility, in which case the  
1 34 certificate may specify a longer period of time or a permanent  
1 35 exemption.



Iowa General Assembly  
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House File 19 continued

2 1 ~~f. (6) Front seat occupants~~ Occupants of an authorized  
2 2 emergency vehicle while they are being transported in an  
2 3 emergency. However, this exemption does not apply to the  
2 4 driver of the authorized emergency vehicle.  
2 5 c. The department, in cooperation with the department of  
2 6 public safety and the department of education, shall establish  
2 7 educational programs to foster compliance with the safety belt  
2 8 and safety harness usage requirements of this subsection.  
2 9 3. The driver and ~~front seat~~ passengers may be each  
2 10 charged separately for improperly used or nonused equipment  
2 11 under subsection 2. The owner of the motor vehicle may be  
2 12 charged for equipment violations under subsection 1.  
2 13 Sec. 2. Section 321.445, subsection 5, Code 2009, is  
2 14 amended to read as follows:  
2 15 5. The department shall adopt rules pursuant to chapter  
2 16 17A providing exceptions from application of subsections 1 and  
2 17 2 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles  
2 18 owned, leased, rented, or primarily used by persons with  
2 19 physical disabilities who use collapsible wheelchairs.  
2 20 EXPLANATION  
2 21 This bill requires the driver and all occupants of a motor  
2 22 vehicle to wear a seat belt or safety harness while the  
2 23 vehicle is in forward motion on a street or highway.  
2 24 Currently, only the driver and front seat passengers are  
2 25 required to wear seat belts or safety harnesses. Restraint  
2 26 requirements do not apply to the driver and occupants of a  
2 27 motor vehicle that is not required to be equipped with seat  
2 28 belts or safety harnesses, persons who are engaged in work  
2 29 that requires frequent stops to exit and reenter the vehicle,  
2 30 letter carriers, bus passengers, persons with a certified  
2 31 physical or medical exemption, and occupants being transported  
2 32 in an emergency vehicle. The department of transportation is  
2 33 required to adopt rules providing exceptions from seat belt  
2 34 requirements for motor vehicles owned, leased, rented, or  
2 35 primarily used by persons who use collapsible wheelchairs.



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House File 19 continued

3 1 Separate restraint requirements that apply for children under  
3 2 11 years of age are not affected by the bill.  
3 3 A violation of seat belt or restraint requirements is a  
3 4 scheduled violation subject to a fine of \$25. Seat belt and  
3 5 restraint violations are not a factor in establishing grounds  
3 6 for license suspension or identifying a person as a habitual  
3 7 violator.  
3 8 LSB 1625HH 83  
3 9 dea/nh/5



Iowa General Assembly  
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House File 20 - Introduced

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

1 An Act providing for reduced automobile insurance premiums for  
2 older adults who complete a certified driver safety education  
3 course.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1632HH 83  
6 dea/nh/14



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House File 20 - Introduced continued

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1 1 Section 1. NEW SECTION. 321.179 DRIVER SAFETY EDUCATION  
1 2 PROGRAM.

1 3 1. The department, in consultation with the department of  
1 4 public safety, shall provide for the establishment of a  
1 5 certified driver safety education course to be offered  
1 6 throughout the state. The department shall establish by rule  
1 7 requirements relating to curriculum, hours of instruction,  
1 8 instructor qualifications, and any other matters deemed  
1 9 appropriate by the department. The rules shall provide for  
1 10 the administration of a written test and issuance of a  
1 11 certificate to demonstrate a person's successful completion of  
1 12 the course for purposes of qualifying for an automobile  
1 13 insurance premium discount under section 516B.4.

1 14 2. The department may establish refresher courses based on  
1 15 the curriculum offered in the driver safety education course.  
1 16 A person who successfully completes a refresher course  
1 17 approved by the department within three years of obtaining a  
1 18 driver safety education certificate under subsection 1 shall  
1 19 be issued a new certificate. For the purpose of maintaining  
1 20 eligibility for an automobile insurance premium discount under  
1 21 section 516B.4, a person may continue to be recertified by  
1 22 successfully completing a refresher course at least every  
1 23 three years.

1 24 Sec. 2. NEW SECTION. 516B.4 SENIOR DRIVER INSURANCE  
1 25 PREMIUM DISCOUNT.

1 26 1. The commissioner shall require that beginning January  
1 27 1, 2010, an insurance company transacting business in this  
1 28 state shall provide a premium reduction of at least ten  
1 29 percent for an automobile insurance policy, as defined in  
1 30 section 515D.2, issued to a person fifty-five years of age or  
1 31 older who has completed a certified driver safety education  
1 32 course or refresher course within the last three years, as  
1 33 evidenced by a certificate issued pursuant to section 321.179.  
1 34 If the person entitled to the discounted rate is insured under  
1 35 a policy covering more than one driver, the amount of the



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House File 20 - Introduced continued

2 1 premium reduction may be prorated according to the number of  
2 2 insureds covered under the policy who qualify for the lowered  
2 3 premium.

2 4 2. The premium reduction required under subsection 1 may  
2 5 be revoked for a person who is involved in a motor vehicle  
2 6 accident during the period of the premium reduction if it is  
2 7 found that the person committed a violation of chapter 321  
2 8 that was a contributing factor in the accident.

2 9 EXPLANATION

2 10 This bill requires the department of transportation, in  
2 11 consultation with the department of public safety, to  
2 12 establish a certified driver safety education course to be  
2 13 offered throughout the state. A person who successfully  
2 14 completes the driver safety education course shall be issued a  
2 15 certificate.

2 16 Beginning January 1, 2010, the commissioner of insurance  
2 17 shall require insurers transacting business in this state to  
2 18 provide a 10 percent automobile insurance premium reduction  
2 19 for persons 55 years of age or older who have obtained a  
2 20 driver safety education course certificate within the last  
2 21 three years. The premium reduction may be prorated, based on  
2 22 the number of insureds under the policy who qualify for the  
2 23 discount. In addition, the insurer may revoke the discount  
2 24 for a person who is involved in a motor vehicle accident if  
2 25 the person committed a violation of the state's motor vehicle  
2 26 laws that was a contributing factor in the accident.

2 27 The bill authorizes the department of transportation to  
2 28 develop refresher courses which may be taken by a person in  
2 29 lieu of the full driver safety education course in order to  
2 30 continue to qualify for the insurance premium reduction.

2 31 LSB 1632HH 83

2 32 dea/nh/14



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House File 21 - Introduced

HOUSE FILE  
BY ZIRKELBACH

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

**A BILL FOR**

1 An Act allowing certain manufacturers of beer to sell higher  
2 alcohol content beer for consumption on the premises of the  
3 manufacturer.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1080HH 83  
6 ec/nh/5



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House File 21 - Introduced continued

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1 1 Section 1. Section 123.130, unnumbered paragraph 3, Code  
1 2 2009, is amended to read as follows:  
1 3 A person who holds a special class "A" permit for the same  
1 4 location at which the person holds a class "C" liquor control  
1 5 license or class "B" beer permit may manufacture and sell beer  
1 6 and high alcohol content beer to be consumed on the premises,  
1 7 and may sell beer to a class "A" permittee for resale  
1 8 purposes. For purposes of this section, "high alcohol content  
1 9 beer" means beer with an alcohol content by weight of more  
1 10 than five percent, but less than twenty percent.

1 11 EXPLANATION  
1 12 This bill allows a person who holds a special class "A"  
1 13 permit for the same location at which the person holds a class  
1 14 "C" liquor control license or class "B" beer permit to  
1 15 manufacture and sell high alcohol content beer to be consumed  
1 16 on the premises. High alcohol content beer is defined as beer  
1 17 with an alcohol content by weight of more than 5 percent but  
1 18 less than 20 percent.  
1 19 LSB 1080HH 83  
1 20 ec/nh/5



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House File 22 - Introduced

HOUSE FILE  
BY WHITAKER

Passed House, Date \_\_\_\_\_ Passed Senate, 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 and for programs  
4 administered by the college student aid commission, and  
5 establishing a veterans educational assistance council.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1029HH 83  
8 kh/nh/8



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House File 22 - Introduced continued

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1 1 Section 1. NEW SECTION. 35A.18 VETERANS EDUCATIONAL  
1 2 ASSISTANCE COUNCIL.  
1 3 1. A veterans educational assistance council is  
1 4 established within the department for purposes of advising  
1 5 veterans throughout the United States about the educational  
1 6 opportunities and student support services available to  
1 7 veterans who meet the residency requirements of the state's  
1 8 public postsecondary educational institutions. The council  
1 9 shall do all of the following:  
1 10 a. Identify resources which can be used to advise veterans  
1 11 throughout the United States about the educational  
1 12 opportunities and services available in this state, and work  
1 13 to improve the quality and quantity of educational  
1 14 opportunities and student support services for veterans. The  
1 15 council shall assess the availability of and need for  
1 16 resources, educational opportunities, and student support  
1 17 services, and shall submit its findings and recommendations  
1 18 relating to potential and available resources, student support  
1 19 services, and educational opportunities for qualified veterans  
1 20 and their families in an annual report to the general assembly  
1 21 and the governor by January 15.  
1 22 b. Work with the state's public universities and community  
1 23 colleges and with the American council on education to ensure  
1 24 that each public postsecondary educational institution in the  
1 25 state is a member of the servicemembers opportunity colleges  
1 26 consortium.  
1 27 2. The council shall consist of seven voting members  
1 28 appointed by the governor to six-year terms beginning on July  
1 29 1 of the year of appointment. However, the governor shall  
1 30 initially appoint two voting members for two-year terms, two  
1 31 voting members for four-year terms, and three voting members  
1 32 for six-year terms. No member shall serve more than two  
1 33 consecutive six-year terms. The council shall elect from  
1 34 among its members a chairperson and vice chairperson who shall  
1 35 serve for two-year terms and may be reelected. Vacancies on



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House File 22 - Introduced continued

2 1 the council shall be filled for the unexpired portion of the  
2 2 term in the same manner as regular appointments are made.  
2 3 3. In addition to the members appointed by the governor,  
2 4 the director of the department, the adjutant general, the  
2 5 chairperson of the state board of regents, and the director of  
2 6 the department of education shall serve as nonvoting, ex  
2 7 officio members of the council.

2 8 Sec. 2. Section 260C.14, subsection 14, Code 2009, is  
2 9 amended to read as follows:

2 10 14. a. In its discretion, adopt rules relating to the  
2 11 classification of students enrolled in the community college  
2 12 who are residents of Iowa's sister states as residents or  
2 13 nonresidents for tuition and fee purposes.

2 14 b. Adopt rules to classify qualified veterans and  
2 15 qualified veterans' spouses and dependent children as  
2 16 residents for purposes of tuition and fees. A spouse or  
2 17 dependent child of a veteran shall not be deemed a resident  
2 18 under this paragraph "b" unless the veteran meets all of the  
2 19 requirements of subparagraph (2).

2 20 (1) For purposes of this paragraph "b", "dependent child"  
2 21 means a student who was claimed by a qualified veteran as a  
2 22 dependent on the qualified veteran's internal revenue service  
2 23 tax filing for the previous tax year.

2 24 (2) For purposes of this paragraph "b", "qualified  
2 25 veteran" means a person who meets the following requirements:

2 26 (a) Is eligible for benefits under the federal "Post-9/11  
2 27 Veterans Educational Assistance Act of 2008".

2 28 (b) Is domiciled in this state during the veteran's course  
2 29 of study at the community college.

2 30 (c) Accepts, during the veteran's course of study at the  
2 31 community college, a community service position approved by  
2 32 the president of the community college; or participates in an  
2 33 internship or cooperative program established by the president  
2 34 of the community college or by the community college in which  
2 35 the veteran is enrolled.



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House File 22 - Introduced continued

3 1 Sec. 3. Section 261.2, Code 2009, is amended by adding the  
3 2 following new subsection:

3 3 NEW SUBSECTION. 10. Adopt rules defining "resident" for  
3 4 purposes of this chapter. The definition adopted by rule  
3 5 shall include but not be limited to a qualified veteran and  
3 6 the qualified veteran's spouse and dependent children as  
3 7 defined for purposes of section 260C.14, subsection 14,  
3 8 paragraph "b", or section 262.9, subsection 16, paragraph "b".

3 9 Sec. 4. Section 262.9, subsection 16, Code 2009, is  
3 10 amended to read as follows:

3 11 16. a. In its discretion, adopt rules relating to the  
3 12 classification of students enrolled in institutions of higher  
3 13 education under the board who are residents of Iowa's sister  
3 14 states as residents or nonresidents for fee purposes.

3 15 b. Adopt rules to classify qualified veterans and  
3 16 qualified veterans' spouses and dependent children as  
3 17 residents for purposes of tuition and fees. A spouse or  
3 18 dependent child of a veteran shall not be deemed a resident  
3 19 under this paragraph "b" unless the veteran meets all of the  
3 20 requirements of subparagraph (2).

3 21 (1) For purposes of this paragraph "b", "dependent child"  
3 22 means a student who was claimed by the qualified veteran as a  
3 23 dependent on the qualified veteran's internal revenue service  
3 24 tax filing for the previous tax year.

3 25 (2) For purposes of this paragraph "b", "qualified  
3 26 veteran" means a person who meets the following requirements:

3 27 (a) Is eligible for benefits under the federal "Post-9/11  
3 28 Veterans Educational Assistance Act of 2008".

3 29 (b) Is domiciled in this state during the veteran's course  
3 30 of study at the institution of enrollment.

3 31 (c) Accepts, during the veteran's course of study at the  
3 32 institution of enrollment, a community service position  
3 33 approved by the president of the institution; or participates  
3 34 in an internship or cooperative program established by the  
3 35 president of the institution or by the college or institution



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House File 22 - Introduced continued

4 1 in which the veteran is enrolled.

4 2 EXPLANATION

4 3 This bill requires the state board of regents and the  
4 4 boards of directors of the state's community colleges to adopt  
4 5 rules that classify qualified military veterans and their  
4 6 spouses and dependent children as residents for purposes of  
4 7 tuition and fees, establishes a veterans educational  
4 8 assistance council to advise veterans throughout the country  
4 9 about the educational opportunities and student support  
4 10 services available to veterans in this state, and requires the  
4 11 college student aid commission to include in its definition of  
4 12 resident a qualified veteran and the qualified veteran's  
4 13 spouse and dependent children.

4 14 The bill defines "qualified veteran" to mean a person who  
4 15 is eligible for benefits under the federal Post-9/11 Veterans  
4 16 Educational Assistance Act of 2008, is domiciled in this state  
4 17 while at a public postsecondary educational institution in  
4 18 Iowa, and accepts a community service position or participates  
4 19 in an internship or cooperative program. The veteran must  
4 20 fulfill all of these requirements in order for the spouse or  
4 21 dependent child to be eligible for status as a resident.

4 22 The veterans educational assistance council is established  
4 23 within the department of veterans affairs and is comprised of  
4 24 seven voting and four nonvoting, ex officio members. The  
4 25 council is charged with identifying resources that can be used  
4 26 to advise veterans throughout the United States about the  
4 27 educational opportunities and services available in this  
4 28 state, and working to improve the quality and quantity of  
4 29 educational opportunities and student support services for  
4 30 veterans. The council is directed to assess the availability  
4 31 of and need for resources, educational opportunities, and  
4 32 student support services, and shall submit its findings and  
4 33 recommendations in an annual report to the General Assembly  
4 34 and the Governor by January 15.

4 35 In addition, the council is directed to work with the



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House File 22 - Introduced continued

5 1 state's public postsecondary educational institutions and the  
5 2 American council on education to ensure that each institution  
5 3 is a member of the servicemembers opportunity colleges  
5 4 consortium. The consortium consists of colleges and  
5 5 universities that provide educational opportunities for  
5 6 servicemembers and their families and its member colleges  
5 7 agree to accept each other's credits in transfer.  
5 8 The college student aid commission is directed to include  
5 9 qualified veterans, their spouses, and dependent children  
5 10 within its definition of resident, in order that they qualify  
5 11 for the scholarship, grant, and loan programs administered by  
5 12 the commission.  
5 13 The bill may create a state mandate as provided in Code  
5 14 chapter 25B.  
5 15 LSB 1029HH 83  
5 16 kh/nh/8.1



Iowa General Assembly  
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House File 23

HOUSE FILE  
BY HUNTER

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

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

**A BILL FOR**

- 1 An Act providing an Iowa individual income tax checkoff for
- 2 qualified Iowa zoos, making an appropriation and providing for
- 3 the Act's implementation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1630HH 83
- 6 ak/sc/14



Iowa General Assembly  
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House File 23 continued

PAG LIN

1 1 Section 1. NEW SECTION. 303.95 IOWA ZOO FUND.  
1 2 1. An Iowa zoo fund is created in the office of the  
1 3 treasurer of state. The fund is composed of moneys  
1 4 appropriated or available to and obtained or accepted by the  
1 5 treasurer of state for deposit in the fund. The fund shall  
1 6 include moneys transferred to the fund as provided in section  
1 7 422.12G. All interest earned on moneys in the fund shall be  
1 8 credited to and remain in the fund. Section 8.33 does not  
1 9 apply to moneys in the fund.  
1 10 2. Moneys in the fund that are authorized by the  
1 11 department of cultural affairs for expenditure are  
1 12 appropriated, and shall be used, to provide grants to  
1 13 qualified zoos located in the state. To be qualified to  
1 14 receive a grant from the Iowa zoo fund, a zoo must not be used  
1 15 primarily as a research institution and must be accredited by  
1 16 the American zoo and aquarium association.  
1 17 3. The department may authorize payment of moneys from the  
1 18 fund upon approval of an application from a private or public  
1 19 organization that maintains and operates a zoo in the state.  
1 20 The applicant shall show proof of accreditation by the  
1 21 American zoo and aquarium association. The applicant shall  
1 22 also indicate the annual attendance at the zoo in the calendar  
1 23 year preceding the calendar year in which the application is  
1 24 filed with the department.  
1 25 4. Moneys distributed from the fund to qualified  
1 26 applicants shall be prorated among the qualified applicants in  
1 27 the proportion that annual attendance at each zoo that is the  
1 28 subject of an application bears to the total annual attendance  
1 29 at all zoos for which an application was received and approved  
1 30 for funding.  
1 31 5. The department shall establish rules relating to the  
1 32 application process.  
1 33 Sec. 2. NEW SECTION. 422.12G INCOME TAX CHECKOFF FOR  
1 34 IOWA ZOO FUND.  
1 35 1. A person who files an individual or a joint income tax



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2 1 return with the department of revenue under section 422.13 may  
2 2 designate one dollar or more to be paid to the Iowa zoo fund  
2 3 as created in section 303.95. If the refund due on the return  
2 4 or the payment remitted with the return is insufficient to pay  
2 5 the additional amount designated by the taxpayer to the Iowa  
2 6 zoo fund, the amount designated shall be reduced to the  
2 7 remaining amount of refund or the remaining amount remitted  
2 8 with the return. The designation of a contribution to the  
2 9 Iowa zoo fund under this section is irrevocable.

2 10 2. The director of revenue shall draft the income tax form  
2 11 to allow the designation of contributions to the Iowa zoo fund  
2 12 on the tax return. The department of revenue, on or before  
2 13 January 31, shall transfer the total amount designated on the  
2 14 tax return forms due in the preceding calendar year to the  
2 15 Iowa zoo fund. However, before a checkoff pursuant to this  
2 16 section shall be permitted, all liabilities on the books of  
2 17 the department of administrative services and accounts  
2 18 identified as owing under section 8A.504 and the political  
2 19 contribution allowed under section 68A.601 shall be satisfied.

2 20 3. The department of cultural affairs may authorize  
2 21 payment of moneys from the Iowa zoo fund, in accordance with  
2 22 section 303.95.

2 23 4. The department of revenue shall adopt rules to  
2 24 administer this section.

2 25 5. This section is subject to repeal under section  
2 26 422.12E.

2 27 Sec. 3. IMPLEMENTATION. The checkoff created in this Act  
2 28 shall be eligible for placement on the individual income tax  
2 29 return form beginning for the tax year beginning January 1,  
2 30 2010.

2 31 EXPLANATION

2 32 This bill provides that taxpayers filing individual income  
2 33 tax returns will be allowed to designate \$1 or more on the  
2 34 return to be paid to the Iowa zoo fund. The bill creates the  
2 35 Iowa zoo fund in the department of cultural affairs. The bill



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House File 23 continued

3 1 requires the department of revenue to annually remit moneys  
3 2 collected from the checkoff to the fund. Moneys in the fund  
3 3 shall be used to provide grants to qualified zoos that submit  
3 4 an application for funding. To be qualified, a zoo must be  
3 5 located in the state, not used primarily for research  
3 6 activities, and accredited by the American zoo and aquarium  
3 7 association.

3 8 The bill provides that the checkoff is eligible for  
3 9 placement on the individual income tax return form for the tax  
3 10 year beginning January 1, 2010.

3 11 LSB 1630HH 83

3 12 ak/sc/14



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House File 24

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

- 1 An Act requiring employers to provide employees with meal periods
- 2 and rest periods and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1627HH 83
- 5 ak/rj/5



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House File 24 continued

PAG LIN

1 1 Section 1. Section 84A.5, subsection 4, Code 2009, is  
1 2 amended to read as follows:  
1 3 4. The division of labor services is responsible for the  
1 4 administration of the laws of this state under chapters 88,  
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,  
1 6 and 94A, and section 85.68. The executive head of the  
1 7 division is the labor commissioner, appointed pursuant to  
1 8 section 91.2.  
1 9 Sec. 2. NEW SECTION. 91F.1 MEAL AND REST PERIODS ==  
1 10 REQUIREMENTS.  
1 11 1. DEFINITIONS:  
1 12 a. "Employee" means a natural person who is employed in  
1 13 this state for wages by an employer.  
1 14 b. "Employer" means a person, as defined in section 4.1,  
1 15 who in this state employs for wages a natural person. An  
1 16 employer does not include a client, patient, customer, or  
1 17 other person who obtains professional services from a licensed  
1 18 person who provides the services on a fee service basis or as  
1 19 an independent contractor.  
1 20 2. An employer shall provide an employee with appropriate  
1 21 meal periods and appropriate rest periods.  
1 22 a. An appropriate meal period shall be a period of not  
1 23 less than thirty minutes during an employee's work period in  
1 24 which an employee works at least seven hours. The meal period  
1 25 shall be taken between the second and fifth hours. If an  
1 26 employee works more than seven hours, the meal period shall be  
1 27 taken between the third and sixth hours.  
1 28 b. An appropriate rest period shall be a paid period of  
1 29 not less than ten minutes during every consecutive four-hour  
1 30 period of work taken by an employee approximately in the  
1 31 middle of each four-hour period. The rest period is in  
1 32 addition to a meal period, if applicable, and shall not be  
1 33 added to a meal period or deducted from the work period to  
1 34 reduce the overall length of the total work period.  
1 35 3. An employer is not required to pay for a meal period if



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2 1 an employee is free from work duties during the employee's  
2 2 entire meal period. An employee shall be paid for the meal  
2 3 period if any of the following occur:  
2 4 a. The employee is required or allowed to remain on duty.  
2 5 b. The employee is required to be on-call at the work  
2 6 premises or designated worksite to be available to return to  
2 7 duty even if the employee is not called back to duty.  
2 8 c. The employee is called back to duty during the  
2 9 employee's meal period even though the employee is not usually  
2 10 on-call during the meal period.  
2 11 Sec. 3. NEW SECTION. 91F.2 MEAL AND REST PERIODS ==  
2 12 EXEMPTIONS.  
2 13 1. Meal and rest period requirements may be modified by  
2 14 the terms of a collective bargaining agreement if the  
2 15 collective bargaining agreement entered into by the employees  
2 16 prescribes specific terms concerning meal periods and rest  
2 17 periods.  
2 18 2. Meal and rest period requirements apply to hourly paid  
2 19 and salary-paid employees. Management or employees involved  
2 20 in agricultural jobs are not required to have breaks or meal  
2 21 breaks. For the purposes of this section, agricultural jobs  
2 22 do not include work in the production of seed, limited to  
2 23 removal of off-type plants and corn tassels and  
2 24 hand-pollinating during the months of June, July, and August  
2 25 by persons ages fourteen and older.  
2 26 3. Meal period requirements may be waived when an employer  
2 27 can show that the ordinary nature and circumstance of the work  
2 28 prevented the employer from establishing and maintaining a  
2 29 regularly scheduled meal period. The circumstances in which  
2 30 the requirements may be waived are limited to the following:  
2 31 a. The safety and health needs of employees, patients,  
2 32 clients, and the public.  
2 33 b. The lack of other employees available to provide relief  
2 34 to an employee.  
2 35 c. The cost involved in shutdown and startup of machinery



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House File 24 continued

3 1 in continuous operation of the industrial process.  
3 2 d. The intermittent and unpredictable workflow not  
3 3 controlled by the employer or employee.  
3 4 e. Unforeseeable equipment failures, emergencies, or acts  
3 5 of nature that require immediate and uninterrupted attention  
3 6 by an employee.  
3 7 Sec. 4. NEW SECTION. 91F.3 CIVIL PENALTIES.  
3 8 1. Any employer who violates the provisions of this  
3 9 chapter or the rules adopted pursuant to this chapter is  
3 10 subject to a civil money penalty of not more than one hundred  
3 11 dollars for each violation. The commissioner may recover the  
3 12 civil penalty according to subsections 2 through 5. Any civil  
3 13 penalty recovered shall be deposited in the general fund of  
3 14 the state.  
3 15 2. The commissioner may propose that an employer be  
3 16 assessed a civil penalty by serving the employer with notice  
3 17 of such proposal in the same manner as an original notice is  
3 18 served under the rules of civil procedure. Upon service of  
3 19 such notice, the proposed assessment shall be treated as a  
3 20 contested case under chapter 17A. However, an employer must  
3 21 request a hearing within thirty days of being served.  
3 22 3. If an employer does not request a hearing pursuant to  
3 23 subsection 2 or if the commissioner determines, after an  
3 24 appropriate hearing, that an employer is in violation of this  
3 25 chapter or the rules adopted pursuant to this chapter, the  
3 26 commissioner shall assess a civil penalty which is consistent  
3 27 with the provisions of subsection 1 and which is rendered with  
3 28 due consideration for the penalty amount in terms of the size  
3 29 of the employer's business, the gravity of the violation, the  
3 30 good faith of the employer, and the history of previous  
3 31 violations.  
3 32 4. An employer may seek judicial review of any assessment  
3 33 rendered under subsection 3 by instituting proceedings for  
3 34 judicial review pursuant to chapter 17A. However, such  
3 35 proceedings must be instituted in the district court of the



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House File 24 continued

4 1 county in which the violation or one of the violations  
4 2 occurred and within thirty days of the day on which the  
4 3 employer was notified that an assessment has been rendered.  
4 4 Also, an employer may be required, at the discretion of the  
4 5 district court and upon instituting such proceedings, to  
4 6 deposit the amount assessed with the clerk of the district  
4 7 court. Any moneys so deposited shall either be returned to  
4 8 the employer or be forwarded to the commissioner for deposit  
4 9 in the general fund of the state, depending on the outcome of  
4 10 the judicial review, including any appeal to the supreme  
4 11 court.

4 12 5. After the time for seeking judicial review has expired  
4 13 or after all judicial review has been exhausted and the  
4 14 commissioner's assessment has been upheld, the commissioner  
4 15 shall request the attorney general to recover the assessed  
4 16 penalties in a civil action.

4 17 Sec. 5. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF  
4 18 COMMISSIONER.

4 19 1. The labor commissioner shall adopt rules to administer  
4 20 and enforce this chapter and shall provide further exemptions  
4 21 from the provisions in this chapter when reasonable.

4 22 2. In order to carry out the purposes of this chapter, the  
4 23 labor commissioner or the commissioner's designee, upon  
4 24 presenting appropriate credentials to the employer or agent of  
4 25 the employer, may do any of the following:

4 26 a. Inspect employment records relating to meal and rest  
4 27 periods for employees.

4 28 b. Interview an employer or an agent of the employer or  
4 29 employee, during working hours or at other reasonable times.

4 30 EXPLANATION

4 31 This bill creates a new Code chapter 91F that requires an  
4 32 employer to provide an employee with appropriate meal periods  
4 33 and appropriate rest periods.

4 34 The bill states that an appropriate meal period shall be  
4 35 not less than 30 minutes during an employee's work period of



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House File 24 continued

5 1 at least seven hours. The meal period is taken between the  
5 2 second and fifth hours of the work or, if the employee works  
5 3 more than seven hours, between the third and sixth hours.  
5 4 The bill states that an appropriate rest period shall be a  
5 5 paid period of not less than 10 minutes during every four-hour  
5 6 work period. The rest period is taken in the middle of the  
5 7 work period. The rest period is in addition to the meal  
5 8 period and cannot be added to the meal period or deducted from  
5 9 the work period to reduce the overall length of the total work  
5 10 period.  
5 11 The bill defines an "employee" as a natural person who is  
5 12 employed in this state for wages by an employer. An  
5 13 "employer" is defined as a person, as defined in Code section  
5 14 4.1, who employs a natural person for wages.  
5 15 The bill provides that an employer is not required to pay  
5 16 for a meal period if an employee is free from work duties  
5 17 during the employee's entire meal period.  
5 18 The bill allows three exemptions to the meal and rest  
5 19 period requirements. The first exemption is if the meal and  
5 20 rest period requirements are modified by the terms of a  
5 21 collective bargaining agreement. However, the exemption is  
5 22 valid only if the collective bargaining agreement entered into  
5 23 by the employees prescribes specific terms concerning meal  
5 24 periods and rest periods.  
5 25 The second exemption states that meal and rest period  
5 26 requirements apply to hourly paid and salary-paid employees.  
5 27 However, management or employees involved in certain  
5 28 agricultural jobs are not required to have breaks or meal  
5 29 breaks.  
5 30 The third exemption is when an employer can show that the  
5 31 ordinary nature and circumstance of the work prevented the  
5 32 employer from establishing and maintaining a regular scheduled  
5 33 meal period.  
5 34 The bill provides civil penalties for violating the new  
5 35 Code chapter. An employer who violates the provisions shall



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House File 24 continued

6 1 be subject to a penalty of up to \$100 for each violation. The  
6 2 labor commissioner may recover the penalties under Code  
6 3 chapter 17A contested case procedures. Any penalties  
6 4 recovered shall be deposited in the general fund of the state.  
6 5 The commissioner may propose that an employer be assessed a  
6 6 penalty by serving the employer with notice of a penalty in  
6 7 the same manner as an original notice is served under the  
6 8 rules of civil procedure.  
6 9 The bill provides the labor commissioner with the authority  
6 10 to adopt rules to administer and enforce the chapter to  
6 11 provide further exemptions from the provisions when  
6 12 reasonable. Also, the labor commissioner or the  
6 13 commissioner's designee may inspect employment records  
6 14 relating to rest periods for employees and interview an  
6 15 employer or an agent of the employer or employee, during  
6 16 working hours or at other reasonable times.  
6 17 LSB 1627HH 83  
6 18 ak/rj/5.1



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House File 25

HOUSE FILE  
BY HUNTER

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

**A BILL FOR**

1 An Act relating to the provision of certain information for  
2 insureds regarding external review of health care coverage  
3 decisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1629HH 83  
6 av/rj/14



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House File 25 continued

PAG LIN

1 1 Section 1. Section 514J.3A, Code 2009, is amended to read  
1 2 as follows:

1 3 514J.3A EXTERNAL REVIEW == NOTICE.

1 4 1. An insurance card issued by a carrier or organized  
1 5 delivery system for a policy or contract providing for third-  
1 6 party payment or prepayment of health or medical expenses  
1 7 subject to this section shall contain a telephone number or  
1 8 internet site information for an insured to obtain more  
1 9 information regarding initiation of the external review  
1 10 process for coverage decisions under this chapter.

1 11 2. The telephone number or internet site information for  
1 12 an insured to obtain more information regarding initiation of  
1 13 the external review process in this chapter shall also be  
1 14 posted in a prominent place in the office of a private  
1 15 practitioner or group of practitioners who are health care  
1 16 providers as defined in section 135.61, or an institutional  
1 17 health care facility as defined in section 135.61.

1 18 3. When a claim is denied in whole or in part based on  
1 19 medical necessity, the carrier or organized delivery system  
1 20 shall provide a notice in writing to the enrollee of the  
1 21 internal appeal mechanism provided under the carrier or  
1 22 organized delivery system's plan or policy.

1 23 4. At the time of a coverage decision, the carrier or  
1 24 organized delivery system shall notify the enrollee in writing  
1 25 of the right to have the coverage decision reviewed under the  
1 26 external review process.

1 27 EXPLANATION

1 28 This bill amends Code section 514J.3A, relating to notice  
1 29 provisions for the external review process for health care  
1 30 coverage decisions under Code chapter 514J. The bill adds a  
1 31 requirement that a telephone number or internet site  
1 32 information allowing for an insured to obtain more information  
1 33 about the external review process be printed on the insured's  
1 34 insurance card, and be posted in a prominent place in health  
1 35 care facilities and health care provider offices.



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House File 25 continued

2 1 LSB 1629HH 83  
2 2 av/rj/14



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House Study Bill 11

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

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

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

A BILL FOR

- 1 An Act relating to the payment of a salary or other compensation
- 2 to a candidate's family member, and making a penalty
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1176DP 83
- 6 jr/rj/5



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House Study Bill 11 continued

PAG LIN

1 1 Section 1. Section 68A.302, subsection 2, Code 2009, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. Payment to a candidate or the  
1 4 candidate's immediate family member as a salary, gratuity, or  
1 5 other compensation. However, reimbursement of expenses as  
1 6 otherwise authorized in this section is permitted. For  
1 7 purposes of this paragraph, "immediate family member" means  
1 8 the spouse or dependent child of a candidate.

1 9 EXPLANATION

1 10 Code section 68A.302, subsection 2, enumerates certain  
1 11 purposes for which campaign funds cannot be used. This bill  
1 12 adds to that enumeration a prohibition against payment to a  
1 13 candidate or the candidate's spouse or dependent child of a  
1 14 salary, gratuity, or other compensation. Reimbursement of  
1 15 enumerated expenses, such as postage stamps or automobile  
1 16 mileage used for campaign purposes, is still allowed. As  
1 17 provided in Code section 68A.701, any person who willfully  
1 18 violates any provisions of Code chapter 68A is guilty of a  
1 19 serious misdemeanor.

1 20 LSB 1176DP 83

1 21 jr/rj/5



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House Study Bill 12

SENATE/HOUSE FILE  
BY (PROPOSED COMMISSION ON  
THE STATUS OF WOMEN BILL)

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

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

A BILL FOR

- 1 An Act providing for gender balance on local boards, commissions,
- 2 committees, and councils, and including an applicability
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1345DP 83
- 6 ec/rj/8



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House Study Bill 12 continued

PAG LIN

1 1 Section 1. Section 69.16A, Code 2009, is amended to read  
1 2 as follows:

1 3 69.16A GENDER BALANCE.

1 4 All appointive boards, commissions, committees, and  
1 5 councils of the state, or of a political subdivision of the  
1 6 state, that are established by the Code, if not otherwise  
1 7 provided by law, shall be gender balanced. No person shall be  
1 8 appointed or reappointed to any board, commission, committee,  
1 9 or council established by the Code if that appointment or  
1 10 reappointment would cause the number of members of the board,  
1 11 commission, committee, or council of one gender to be greater  
1 12 than one-half the membership of the board, commission,  
1 13 committee, or council plus one if the board, commission,  
1 14 committee, or council is composed of an odd number of members.  
1 15 If the board, commission, committee, or council is composed of  
1 16 an even number of members, not more than one-half of the  
1 17 membership shall be of one gender. If there are multiple  
1 18 appointing authorities for a board, commission, committee, or  
1 19 council, they shall consult each other to avoid a violation of  
1 20 this section. ~~This section shall not prohibit an individual~~  
1 21 ~~from completing a term being served on June 30, 1987.~~

1 22 Sec. 2. APPLICABILITY. This Act is applicable to  
1 23 appointive boards, commissions, committees, and councils of a  
1 24 political subdivision of the state on and after January 1,  
1 25 2012.

1 26 EXPLANATION

1 27 This bill requires appointive boards, commissions,  
1 28 committees, and councils of a political subdivision of the  
1 29 state that are established by the Iowa Code to be gender  
1 30 balanced. Current law only applies the gender balance  
1 31 requirement to state boards, commissions, committees, and  
1 32 councils. The bill provides that the gender balance  
1 33 requirement for political subdivisions applies beginning on  
1 34 and after January 1, 2012.

1 35 LSB 1345DP 83



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House Study Bill 12 continued

2 1 ec/rj/8



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House Study Bill 13

SENATE/HOUSE FILE  
BY (PROPOSED IOWA TELECOMMUNICATIONS  
AND TECHNOLOGY COMMISSION  
BILL)

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

A BILL FOR

1 An Act relating to the provision of services over certain Iowa  
2 communications network connection facilities under specified  
3 circumstances.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1296XD 83  
6 rn/nh/8



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House Study Bill 13 continued

PAG LIN

1 1 Section 1. Section 8D.13, subsection 5, Code 2009, is  
1 2 amended to read as follows:  
1 3 5. a. The Except as provided in paragraph "b", the state  
1 4 shall lease all fiberoptic cable facilities or facilities with  
1 5 minimum DS=3 capacity for Part III connections for which state  
1 6 funding is provided. The state shall lease all fiberoptic  
1 7 cable facilities or facilities with minimum DS=3 or DS=1  
1 8 capacity for the judicial branch, judicial district department  
1 9 of correctional services, and state agency connections for  
1 10 which state funding is provided. Such facilities shall be  
~~1 11 leased from qualified providers. The state shall not own such~~  
~~1 12 facilities, except for those facilities owned by the state as~~  
~~1 13 of January 1, 1994.~~  
1 14 The lease provisions of this ~~subsection~~ paragraph "a" do  
1 15 not apply to a school district ~~which~~ that elects to provide  
1 16 one hundred percent of the financing for the district's  
1 17 connection.  
1 18 b. (1) Notwithstanding paragraph "a", the state may  
1 19 provide fiberoptic cable facilities or other facilities with  
1 20 minimum DS=3 or DS=1 capacity in a manner other than pursuant  
1 21 to a lease if any of the following apply:  
1 22 (a) An incumbent provider providing a leased connection  
1 23 terminates ownership of an existing leased connection.  
1 24 (b) An incumbent provider providing a leased connection  
1 25 ceases to provide the necessary level of maintenance service  
1 26 to an existing leased connection.  
1 27 (c) The commission determines that it is in the long-term  
1 28 best interest of the state to provide an existing or otherwise  
1 29 authorized network connection in a manner other than pursuant  
1 30 to a lease. In making this determination, the commission, at  
1 31 a minimum, shall consider the cost to taxpayers and the  
1 32 ability of the network to provide a level of service necessary  
1 33 to meet the demands of network users.  
1 34 (2) Prior to proceeding as permitted under subparagraph  
1 35 (1), the commission shall make a determination that an



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House Study Bill 13 continued

2 1 alternative cost-effective solution other than proceeding  
2 2 under subparagraph (1) is not available from a private sector  
2 3 qualified provider. For purposes of state ownership of a  
2 4 network connection, the commission shall also make a  
2 5 determination that utilization of a competitive bidding  
2 6 process would not be effective and is not in the best interest  
2 7 of the state.  
2 8 (3) The commission shall by rule establish procedures and  
2 9 criteria for proceeding as permitted under subparagraph (1).  
2 10 The commission shall publish network connection changes made  
2 11 pursuant to this paragraph "b" in the commission's annual  
2 12 report related to the network.

2 13 EXPLANATION

2 14 This bill relates to the provision of services over  
2 15 presently leased Iowa communications network connection  
2 16 facilities. Currently, the state is required to lease all  
2 17 connections that apply to part III connections, the judicial  
2 18 branch, the judicial district department of correctional  
2 19 services, and state agencies that are paid for with state  
2 20 funding from qualified providers and is prohibited from owning  
2 21 such connections except for facilities owned by the state as  
2 22 of January 1, 1994. The bill authorizes the state to provide  
2 23 fiberoptic cable facilities or other facilities supplying a  
2 24 minimum of DS=3 or DS=1 capacity in a manner other than  
2 25 through a lease under specified circumstances. Provision  
2 26 other than through leasing will be permitted when an incumbent  
2 27 connection qualified provider terminates ownership of a leased  
2 28 connection, or ceases to provide the necessary level of  
2 29 maintenance service to an existing leased connection.  
2 30 Provision other than through leasing will also be permitted  
2 31 when the state telecommunications and technology commission  
2 32 determines that such provision is in the best interest of the  
2 33 state.

2 34 Prior to proceeding with an alternative connection to an  
2 35 existing or otherwise authorized network connection, the



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House Study Bill 13 continued

3 1 commission shall determine that an alternate cost-effective  
3 2 solution is not available from a private sector qualified  
3 3 provider. The commission shall also determine that  
3 4 utilization of a competitive bidding process will not be  
3 5 effective and is not in the best interest of the state for  
3 6 providing an existing or otherwise authorized network  
3 7 connection. The commission is directed to establish by rule  
3 8 procedures and criteria for the process and to publish notice  
3 9 of the changes contained in the bill in the commission's  
3 10 annual report related to the network.  
3 11 The bill additionally changes references to DS=3 and DS=1  
3 12 facility capacity to refer to such capacity as minimum DS=3 or  
3 13 DS=1 in nature.  
3 14 LSB 1296XD 83  
3 15 rn/nh/8



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House Study Bill 14

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

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

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

A BILL FOR

- 1 An Act relating to electronic filing of campaign finance
- 2 disclosure statements and reports by certain political
- 3 committees and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1175DP 83
- 6 jr/rj/5



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House Study Bill 14 continued

PAG LIN

1 1 Section 1. Section 68A.401, subsection 1, paragraph a,  
1 2 Code 2009, is amended to read as follows:  
1 3 a. A state statutory political committee, a political  
1 4 committee expressly advocating for or against the nomination,  
1 5 election, or defeat of a candidate for statewide office or the  
1 6 general assembly, and a candidate's committee of a candidate  
1 7 for statewide office or the general assembly shall file all  
1 8 statements and reports in an electronic format by 4:30 p.m. of  
1 9 the day the filing is due and according to rules adopted by  
1 10 the board. Any other candidate or ~~political~~ committee may  
1 11 submit the statements and reports in an electronic format as  
1 12 prescribed by rule.

1 13 Sec. 2. EFFECTIVE DATE. The amendment in this Act to  
1 14 section 68A.401 takes effect May 1, 2010.

1 15 EXPLANATION

1 16 Under current law, beginning in 2010 or 2012 according to  
1 17 filings of statements of organization, a candidate's committee  
1 18 of a candidate for statewide office or the general assembly  
1 19 must file campaign finance statements and reports in an  
1 20 electronic format by 4:30 p.m. of the day the filing is due.  
1 21 This bill extends the requirement to include a state statutory  
1 22 political committee, a political committee expressly  
1 23 advocating for or against the nomination, election, or defeat  
1 24 of a candidate for statewide office or the general assembly  
1 25 and makes the requirement effective May 1, 2010.

1 26 LSB 1175DP 83

1 27 jr/rj/5



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House Study Bill 15

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

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

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

A BILL FOR

- 1 An Act relating to express advocacy disseminated through mass
- 2 media for campaign finance disclosure purposes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1234XD 83
- 5 jr/rj/8



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House Study Bill 15 continued

PAG LIN

1 1 Section 1. Section 68A.102, subsection 14, Code 2009, is  
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. c. A communication that does all of the  
1 4 following:

1 5 (1) Is disseminated by radio, television, or print. For  
1 6 purposes of this paragraph, "print" does not include an  
1 7 individual's internet site unless the site is owned or  
1 8 controlled by a political party, political committee, or  
1 9 candidate.

1 10 (2) Refers to a clearly identified candidate for the  
1 11 general assembly or statewide office.

1 12 (3) Is made within a period of twenty days before a  
1 13 primary election, special election, or a general election in  
1 14 which the clearly identified candidate is on the ballot.

1 15 (4) Costs seven hundred fifty dollars or more to produce  
1 16 and distribute.

1 17 (5) Does not appear in a news story, commentary, or  
1 18 editorial distributed through a media organization, unless  
1 19 such organization is owned or controlled by a political party,  
1 20 political committee, or candidate.

1 21 (6) Does not constitute a candidate debate or forum  
1 22 conducted pursuant to rules adopted by the board, or that  
1 23 solely promotes such a debate or forum and is made by or on  
1 24 behalf of the person sponsoring the debate or forum.

1 25 Sec. 2. Section 68B.32A, subsection 1, Code 2009, is  
1 26 amended to read as follows:

1 27 1. Adopt rules pursuant to chapter 17A as necessary to  
1 28 interpret and carry out the purposes of this chapter, chapter  
1 29 68A, and section 8.7, to implement any judicial rulings, and  
1 30 to conduct hearings under sections 68B.32B and 68B.32C and  
1 31 chapter 17A, as necessary to carry out the purposes of this  
1 32 chapter, chapter 68A, and section 8.7.

1 33 EXPLANATION

1 34 Under current law, the term "express advocacy" is defined  
1 35 as political speech made in the form of a contribution or



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2 1 specifically advocates either the election or defeat of a  
2 2 clearly identified candidate, or the passage or defeat of a  
2 3 clearly identified ballot issue.  
2 4 This bill adds a third type of express advocacy. This new  
2 5 definition of express advocacy is met if all of the following  
2 6 six specified criteria apply to the communication:  
2 7 1. The communication is disseminated by radio, television,  
2 8 or print.  
2 9 2. The communication refers to a clearly identified  
2 10 candidate for the general assembly or statewide office.  
2 11 3. The communication is made within a period of 20 days  
2 12 before a primary election, special election, or a general  
2 13 election in which the clearly identified candidate is on the  
2 14 ballot.  
2 15 4. The communication costs \$750 or more to produce and  
2 16 distribute.  
2 17 5. The communication does not appear in a news story,  
2 18 commentary, or editorial distributed through a media  
2 19 organization, unless such organization is owned or controlled  
2 20 by a political party, political committee, or candidate.  
2 21 6. The communication does not constitute a candidate  
2 22 debate or forum conducted pursuant to rules adopted by the  
2 23 board, or that solely promotes such a debate or forum and is  
2 24 made by or on behalf of the person sponsoring the debate or  
2 25 forum.  
2 26 The bill also adds some detail to the current rulemaking  
2 27 authority of the ethics and campaign disclosure board.  
2 28 LSB 1234XD 83  
2 29 jr/rj/8



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House Study Bill 16

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

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

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

A BILL FOR

- 1 An Act relating to the administration of campaign disclosure
- 2 laws.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1177DP 83
- 5 jr/rj/5



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House Study Bill 16 continued

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1 1 Section 1. Section 68A.101, Code 2009, is amended to read  
1 2 as follows:

1 3 68A.101 CITATION AND ADMINISTRATION.

1 4 This chapter may be cited as the "Campaign

1 5 Disclosure==Income Tax Checkoff Act". The Iowa ethics and

1 6 campaign disclosure board shall administer this chapter as

1 7 provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and

1 8 68B.32D.

1 9 Sec. 2. Section 68A.301, subsection 1, Code 2009, is  
1 10 amended to read as follows:

1 11 1. A candidate's committee shall not accept contributions  
1 12 from, or make contributions to, any other candidate's

1 13 committee including candidate's committees from other states

1 14 or for federal office, unless the candidate for whom each

1 15 committee is established is the same person. For purposes of

1 16 this section, "contributions" includes monetary and in-kind

1 17 contributions but does not include travel costs incurred by a

1 18 candidate in attending a campaign event of another candidate

1 19 and does not include the sharing of information in any format.

1 20 Sec. 3. Section 68A.303, subsection 6, Code 2009, is

1 21 amended to read as follows:

1 22 6. ~~An individual or a political committee~~ A person shall

1 23 not knowingly make transfers or contributions to a candidate

1 24 or candidate's committee for the purpose of transferring the

1 25 funds to another candidate or candidate's committee to avoid

1 26 the disclosure of the source of the funds pursuant to this

1 27 chapter. A candidate or candidate's committee shall not

1 28 knowingly accept transfers or contributions from ~~an individual~~

1 29 ~~or political committee~~ any person for the purpose of

1 30 transferring funds to another candidate or candidate's

1 31 committee as prohibited by this subsection. A candidate or

1 32 candidate's committee shall not accept transfers or

1 33 contributions which have been transferred to another candidate

1 34 or candidate's committee as prohibited by this subsection.

1 35 The board shall notify candidates of the prohibition of such



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2 1 transfers and contributions under this subsection.

2 2 Sec. 4. Section 68A.402, subsection 1, Code 2009, is  
2 3 amended to read as follows:

2 4 1. FILING METHODS. Each committee shall file with the  
2 5 board reports disclosing information required under this  
2 6 section on forms prescribed by rule. Reports Except as set  
2 7 out in section 68A.401, reports shall be filed on or before  
2 8 the required due dates by using any of the following methods:  
2 9 mail bearing a United States postal service postmark,  
2 10 hand-delivery, facsimile transmission, electronic mail  
2 11 attachment, or electronic filing as prescribed by rule. Any  
2 12 report that is required to be filed five days or less prior to  
2 13 an election must be physically received by the board to be  
2 14 considered timely filed. For purposes of this section,  
2 15 "physically received" means the report is either  
2 16 electronically filed using the board's electronic filing  
2 17 system or is received by the board prior to 4:30 p.m. on the  
2 18 report due date.

2 19 Sec. 5. Section 68A.402A, subsection 1, paragraph g, Code  
2 20 2009, is amended to read as follows:

2 21 g. Disbursements made to a consultant or subvendor and  
2 22 disbursements made by the consultant or subvendor during the  
2 23 reporting period disclosing the name and address of the  
2 24 recipient, amount, purpose, and date. "Subvendor" means a  
2 25 person working under the control, direction, or on behalf of a  
2 26 consultant.

2 27 Sec. 6. Section 68A.404, subsection 2, paragraph b, Code  
2 28 2009, is amended to read as follows:

2 29 b. This section does not apply to a candidate, candidate's  
2 30 committee, state statutory political committee, county  
2 31 statutory political committee, or a political committee. This  
2 32 section does not apply to a federal committee or an  
2 33 out-of-state committee that makes an independent expenditure.

2 34 Sec. 7. Section 68A.503, subsection 4, paragraph c, Code  
2 35 2009, is amended to read as follows:



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3 1 c. The placement of campaign signs as permitted under  
3 2 section 68A.406.

3 3 EXPLANATION

3 4 This bill specifies that the campaign finance disclosure  
3 5 laws are administered by the Iowa ethics and campaign  
3 6 disclosure board citing authority currently set out in Code  
3 7 sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

3 8 The bill provides that the term "contribution" includes  
3 9 both monetary and in-kind contributions with respect to  
3 10 restrictions on receipt of contributions by a candidate's  
3 11 committee from another candidate's committee.

3 12 The bill also provides that disbursements to a subvendor  
3 13 must be reported; current law provides for reporting  
3 14 disbursements to consultants.

3 15 The bill substitutes the term "person" for the phrase  
3 16 "individual or political committee" in relation to certain  
3 17 disclosures of campaign contributions.

3 18 The bill excludes from reporting requirements an  
3 19 independent expenditure made by a federal committee or an  
3 20 out-of-state committee.

3 21 LSB 1177DP 83

3 22 jr/rj/5



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House Study Bill 17

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

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

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

A BILL FOR

- 1 An Act relating to ethics regulations for the executive branch,
- 2 legislative branch, and local officials and employees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1185XD 83
- 5 tm/rj/14



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1 1 Section 1. Section 68B.2A, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. Any person who serves or is employed by the state or a  
1 4 political subdivision of the state shall not engage in any  
1 5 ~~outside employment or activity which is in conflict with the~~  
1 6 ~~person's official duties and responsibilities. In determining~~  
1 7 ~~whether particular outside employment or activity creates an~~  
1 8 ~~unacceptable conflict of interest, situations in which an~~  
1 9 ~~unacceptable conflict shall be deemed to exist shall include,~~  
1 10 ~~but not to be limited to, any of the following conduct:~~  
1 11 a. ~~The outside~~ Outside employment or an activity that  
1 12 involves the use of the state's or the political subdivision's  
1 13 time, facilities, equipment, and supplies or the use of the  
1 14 state or political subdivision badge, uniform, business card,  
1 15 or other evidences of office or employment to give the person  
1 16 or member of the person's immediate family an advantage or  
1 17 pecuniary benefit that is not available to other similarly  
1 18 situated members or classes of members of the general public.  
1 19 This paragraph does not apply to off-duty peace officers who  
1 20 provide private duty security or fire fighters or emergency  
1 21 medical care providers certified under chapter 147A who  
1 22 provide private duty fire safety or emergency medical services  
1 23 while carrying their badge or wearing their official uniform,  
1 24 provided that the person has secured the prior approval of the  
1 25 agency or political subdivision in which the person is  
1 26 regularly employed to engage in the activity. For purposes of  
1 27 this paragraph, a person is not "similarly situated" merely by  
1 28 being or being related to a person who serves or is employed  
1 29 by the state or a political subdivision of the state.  
1 30 b. ~~The outside~~ Outside employment or an activity that  
1 31 involves the receipt of, promise of, or acceptance of money or  
1 32 other consideration by the person, or a member of the person's  
1 33 immediate family, from anyone other than the state or the  
1 34 political subdivision for the performance of any act that the  
1 35 person would be required or expected to perform as a part of



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2 1 the person's regular duties or during the hours during which  
2 2 the person performs service or work for the state or political  
2 3 subdivision of the state.

2 4 c. ~~The outside~~ Outside employment or an activity that is  
2 5 subject to the official control, inspection, review, audit, or  
2 6 enforcement authority of the person, during the performance of  
2 7 the person's duties of office or employment.

2 8 Sec. 2. Section 68B.2A, subsection 2, unnumbered paragraph  
2 9 1, Code 2009, is amended to read as follows:

2 10 If the outside employment or activity is employment or  
2 11 activity described in subsection 1, paragraph "a" or "b", the  
2 12 person shall immediately cease the employment or activity. If  
2 13 the outside employment or activity is employment or activity  
2 14 described in subsection 1, paragraph "c", or constitutes ~~any~~  
~~2 15 other unacceptable conflict of interest~~ outside employment or  
2 16 an activity prohibited under rules adopted pursuant to  
2 17 subsection 4 or under the senate or house codes of ethics,  
2 18 unless otherwise provided by law, the person shall take one of  
2 19 the following courses of action:

2 20 Sec. 3. Section 68B.7, subsections 1 and 2, Code 2009, are  
2 21 amended to read as follows:

2 22 1. A person who has served as an official, state employee  
2 23 of a state agency, member of the general assembly, or  
2 24 legislative employee shall not within a period of two years  
2 25 after the termination of such service or employment ~~appear~~  
~~2 26 before the agency or~~ receive compensation for any services  
2 27 rendered on behalf of any person, firm, corporation, or  
2 28 association in relation to any case, proceeding, or  
2 29 application with respect to which the person was directly  
2 30 concerned and personally participated during the period of  
2 31 service or employment.

2 32 2. A person who has served as the head of or on a  
2 33 commission or board of a regulatory agency or as a deputy  
2 34 thereof, shall not, within a period of two years after the  
2 35 termination of such service ~~accept~~ do any of the following:



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3 1 a. Accept employment with that commission, board, or  
3 2 agency ~~or receive.~~  
3 3 b. Receive compensation for any services rendered on  
3 4 behalf of any person, firm, corporation, or association in any  
3 5 case, proceedings, or application before the department with  
3 6 which the person so served wherein the person's compensation  
3 7 is to be dependent or contingent upon any action by such  
3 8 agency with respect to any license, contract, certificate,  
3 9 ruling, decision, opinion, rate schedule, franchise, or other  
3 10 benefit, or in promoting or opposing, directly or indirectly,  
3 11 the passage of bills or resolutions before either house of the  
3 12 general assembly.

3 13 Sec. 4. Section 68B.26, Code 2009, is amended to read as  
3 14 follows:

3 15 68B.26 ACTIONS COMMENCED.

3 16 1. Complaints ~~regarding~~ alleging conduct of local  
3 17 officials or local employees which violates this chapter,  
3 18 except for sections 68B.36, 68B.37, and 68B.38, shall be filed  
3 19 with the county attorney in the county where the accused  
3 20 resides. However, if the county attorney is the person  
3 21 against whom the complaint is filed, or if the county attorney  
3 22 otherwise has a personal or legal conflict of interest, the  
3 23 complaint shall be referred to another county attorney.

3 24 2. Complaints alleging conduct of local officials or local  
3 25 employees which violates section 68B.36, 68B.37, or 68B.38,  
3 26 shall be filed with the ethics committee of the appropriate  
3 27 house of the general assembly if the conduct involves lobbying  
3 28 activities before the general assembly or with the board if  
3 29 the conduct involves lobbying activities before the executive  
3 30 branch.

3 31 Sec. 5. Section 68B.35, subsection 5, Code 2009, is  
3 32 amended to read as follows:

3 33 5. a. A candidate for statewide office shall file a  
3 34 financial statement with the ethics and campaign disclosure  
3 35 board, a candidate for the office of state representative



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4 1 shall file a financial statement with the chief clerk of the  
4 2 house of representatives, and a candidate for the office of  
4 3 state senator shall file a financial statement with the  
4 4 secretary of the senate. Statements shall contain information  
4 5 concerning the year preceding the year in which the election  
4 6 is to be held. ~~The statement shall be filed no later than~~  
~~4 7 thirty days after the date on which a person is required to~~  
~~4 8 file nomination papers for state office under section 43.11,~~  
~~4 9 or, if the person is a candidate in a special election, as~~  
~~4 10 soon as practicable after the certification of the name of the~~  
~~4 11 nominee under section 43.88, but the statement shall be~~  
~~4 12 postmarked no later than seven days after certification.~~

4 13 b. The ethics and campaign disclosure board shall adopt  
4 14 rules pursuant to chapter 17A providing for the filing of the  
4 15 financial statements with the board and for the deposit,  
4 16 retention, and availability of the financial statements. The  
4 17 ethics committees of the house of representatives and the  
4 18 senate shall recommend rules for adoption by the respective  
4 19 houses providing for the filing of the financial statements  
4 20 with the chief clerk of the house or the secretary of the  
4 21 senate and for the deposit, retention, and availability of the  
4 22 financial statements. Rules adopted shall also include a  
4 23 procedure for notification of candidates of the duty to file  
4 24 disclosure statements under this section.

4 25 Sec. 6. CODE EDITOR DIRECTIVES.

4 26 1. The Code editor shall create a new subchapter in  
4 27 chapter 68B and move sections 68B.25 and 68B.26 into the new  
4 28 subchapter.

4 29 2. The Code editor shall consider modifying the headnote  
4 30 to section 68B.2A to read, "Prohibited Outside Employment and  
4 31 Activities == Conflicts of Interest".

4 32 3. The Code editor shall consider modifying the headnote  
4 33 to section 68B.7 to read, "Prohibited Use of Influence".

4 34 EXPLANATION

4 35 This bill relates to ethics regulations for the executive



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5 1 branch, legislative branch, and local officials and employees.  
5 2 The bill eliminates a general prohibition that any person  
5 3 who serves or is employed by the state or a political  
5 4 subdivision of the state shall not engage in any outside  
5 5 employment or activity which is in conflict with the person's  
5 6 official duties and responsibilities. The bill identifies as  
5 7 prohibited outside employment or activities, certain outside  
5 8 employment and activities that are currently identified in the  
5 9 Code as examples of conflicts of interest.

5 10 The bill eliminates a requirement that persons  
5 11 participating in undefined unacceptable conflicts of interest  
5 12 must take certain courses of action. The bill provides that  
5 13 persons conducting activities or outside employment that are  
5 14 prohibited under rules adopted by the ethics and campaign  
5 15 disclosure board or under the senate or house codes of ethics  
5 16 must take certain courses of action.

5 17 Currently, a person who has served as an official, state  
5 18 employee of a state agency, member of the general assembly, or  
5 19 legislative employee is prohibited within a period of two  
5 20 years after the termination of such service or employment from  
5 21 appearing before the agency or receiving compensation for any  
5 22 services rendered on behalf of any person, firm, corporation,  
5 23 or association in relation to any case, proceeding, or  
5 24 application with respect to which the person was directly  
5 25 concerned and personally participated during the period of  
5 26 service or employment. The bill eliminates the prohibition  
5 27 against appearing before the agency.

5 28 Currently, complaints regarding conduct of local officials  
5 29 or local employees which violates provisions included in Code  
5 30 chapter 68B are filed with the county attorney. The bill  
5 31 provides that complaints alleging conduct of local officials  
5 32 or local employees which violates certain lobbying-related  
5 33 provisions of Code chapter 68B shall be filed with the ethics  
5 34 committee of the appropriate house of the general assembly if  
5 35 the conduct involves lobbying activities before the general



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6 1 assembly or with the ethics and campaign disclosure board if  
6 2 the conduct involves lobbying activities before the executive  
6 3 branch.

6 4     The bill eliminates statutory filing deadlines for  
6 5 financial statements of candidates for statewide office and  
6 6 candidates for the general assembly. Such deadlines could be  
6 7 included in rules adopted by the senate and house of  
6 8 representatives and by the ethics and campaign disclosure  
6 9 board.

6 10     The bill includes Code editor directives for the  
6 11 reorganization of Code chapter 68B and the titling of Code  
6 12 sections in Code chapter 68B.

6 13 LSB 1185XD 83

6 14 tm/rj/14



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House Study Bill 18

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON MASCHER)

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

A BILL FOR

- 1 An Act relating to the licensing of persons installing fire
- 2 protection systems.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1571HC 83
- 5 jr/nh/14



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1 1 Section 1. 2008 Iowa Acts, chapter 1094, section 2,  
1 2 subsection 1, is amended to read as follows:

1 3 1. "Apprentice sprinkler fitter" means a person who, ~~as a~~  
1 4 ~~principal occupation,~~ is engaged in learning the fire  
1 5 protection system industry trade under the direct supervision  
1 6 of a certified fire extinguishing system contractor or  
1 7 licensed fire sprinkler installer and maintenance worker and  
1 8 who is registered with the United States department of labor,  
1 9 office of apprenticeship.

1 10 Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is  
1 11 amended by adding the following new subsection:

1 12 NEW SUBSECTION. 2A. "Division" means division of the  
1 13 state fire marshal in the department.

1 14 Sec. 3. 2008 Iowa acts, chapter 1094, section 2,  
1 15 subsection 7, is amended by to read as follows:

1 16 7. "Fire sprinkler installer and maintenance worker" means  
1 17 a person who, ~~as a principal occupation,~~ and having the  
1 18 necessary qualifications, training, experience, and technical  
1 19 knowledge, conducts fire protection system installation and  
1 20 maintenance, and who is licensed by the department.

1 21 Sec. 4. 2008 Iowa Acts, chapter 1094, section 3,  
1 22 subsection 2, is amended to read as follows:

1 23 2. A licensed fire sprinkler installer and maintenance  
1 24 worker must be present at all locations and at all times when  
1 25 fire protection system installation work is being performed.  
1 26 At least one licensed fire sprinkler installer and maintenance  
1 27 worker must be present for every three apprentice sprinkler  
1 28 fitters, ~~or any other employees~~ performing work related to  
1 29 fire protection system installation.

1 30 Sec. 5. 2008 Iowa Acts, chapter 1094, section 4, is  
1 31 amended to read as follows:

1 32 SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE  
1 33 WORKER LICENSE.

1 34 1. The state fire marshal shall issue a fire sprinkler  
1 35 installer and maintenance worker license to an applicant who



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2 1 ~~possesses~~ meets all of the following requirements:

2 2 a. Possesses a minimum of four years of employment  
2 3 experience as an apprentice sprinkler fitter ~~and.~~

2 4 b. Has completed a United States department of labor  
2 5 apprenticeship program ~~and is.~~

2 6 c. Is employed by a fire extinguishing system contractor,  
~~2 7 who either receives.~~

2 8 d. Has received a passing score on the national  
2 9 inspection, testing, and certification star fire sprinkler  
2 10 mastery exam or on an equivalent exam from a nationally  
2 11 recognized third-party testing agency that is approved by the  
2 12 state fire marshal, or ~~who~~ is certified at level one in fire  
2 13 protection technologies by the national institute for  
2 14 certification in engineering technologies, as specified by  
2 15 rule by the state fire marshal.

2 16 2. The holder of a fire sprinkler installer and  
2 17 maintenance worker license shall be responsible for license  
2 18 fees, renewal fees, and continuing education hours.

2 19 Sec. 6. 2008 Iowa Acts, chapter 1094, section 6,  
2 20 subsection 5, is amended to read as follows:

2 21 5. Adopt rules specifying a violation reporting procedure  
2 22 ~~applicable to division employees, deputy fire marshals,~~  
~~2 23 division inspectors, and municipal fire departments.~~

2 24 Sec. 7. 2008 Iowa Acts, chapter 1094, section 10,  
2 25 subsections 2 and 3, are amended to read as follows:

2 26 2. A passing score on the national inspection, testing and  
2 27 certification star fire sprinkler mastery exam or an  
2 28 equivalent exam from a nationally recognized third-party  
2 29 testing agency that is approved by the state fire marshal.

2 30 3. A passing score on the ~~NICET~~ national institute for  
2 31 certification in engineering technologies level I examination  
2 32 in fire protection technologies.

2 33 Sec. 8. 2008 Iowa Acts, chapter 1094, section 10, is  
2 34 amended by adding the following new unnumbered paragraph:

2 35 NEW UNNUMBERED PARAGRAPH. After July 31, 2011, a person



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3 1 licensed pursuant to this section shall renew or obtain a  
3 2 license pursuant to section 100D.3.

3 3 EXPLANATION

3 4 In 2008, the general assembly enacted House File 2646 to  
3 5 license persons performing fire protection system  
3 6 installations or fire protection system maintenance. This  
3 7 bill amends that Act, which takes effect August 1, 2009. The  
3 8 bill eliminates a requirement limiting licensure to only those  
3 9 working in the business "as a principal occupation"; this  
3 10 change requires licensure for those working only part-time in  
3 11 the profession.

3 12 The bill provides that the term "division" means the  
3 13 division of state fire marshal in the department of public  
3 14 safety.

3 15 The bill clarifies certain testing requirements including  
3 16 by specifying that required examinations must relate to fire  
3 17 protection technologies and provides that examinations must be  
3 18 approved by the fire marshal.

3 19 The bill provides that after July 31, 2011, a person  
3 20 licensed pursuant to the transition provisions in new Code  
3 21 chapter 100D shall renew or obtain a license pursuant to the  
3 22 regular licensure requirements in that chapter.

3 23 LSB 1571HC 83

3 24 jr/nh/14



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House Study Bill 19

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

1 An Act establishing a lifelong learning accounts program within  
2 the educational savings plan trust and providing tax credits  
3 for contributions made by employers to lifelong learning  
4 accounts and including an applicability date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1411DP 83  
7 tw/nh/8



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House Study Bill 19 continued

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1 1 Section 1. NEW SECTION. 12D.12 LIFELONG LEARNING  
1 2 ACCOUNTS PROGRAM.  
1 3 1. As used in this section and section 12D.13:  
1 4 a. "Department" means the Iowa department of workforce  
1 5 development.  
1 6 b. "Employee" means an individual who works for an  
1 7 employer on the average of twenty hours or more a week based  
1 8 on the previous six months.  
1 9 c. "Employer" means the same as defined in section 422.4.  
1 10 2. The trust shall establish, in coordination with the  
1 11 department, a lifelong learning accounts program to encourage  
1 12 employees and employers to save for training and retraining  
1 13 through the trust.  
1 14 3. Participants entering into an agreement with the trust  
1 15 may designate the account established pursuant to the  
1 16 agreement as a lifelong learning account.  
1 17 4. The department shall document the process and outcomes  
1 18 in the establishment of lifelong learning accounts, and  
1 19 prepare a report thereon, to be submitted to the general  
1 20 assembly twenty days prior to the convening of the regular  
1 21 session biennially with the first report submitted prior to  
1 22 the 2011 regular session.  
1 23 5. The treasurer of state, after consultation with the  
1 24 department, shall adopt rules necessary to effectively carry  
1 25 out the provisions of this section.  
1 26 Sec. 2. NEW SECTION. 12D.13 LIFELONG LEARNING ACCOUNT  
1 27 TAX CREDIT.  
1 28 1. An employer shall be entitled to a lifelong learning  
1 29 account tax credit equal to fifty percent of the employer's  
1 30 annual aggregate lifelong learning account contributions made  
1 31 in the employer's tax year to the lifelong learning accounts  
1 32 established on behalf of the employer's employees. The  
1 33 maximum annual contribution which qualifies for the credit is  
1 34 five hundred dollars per employee.  
1 35 2. Any credit in excess of the tax liability shall be



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2 1 refunded with interest computed under section 422.25. In lieu  
2 2 of claiming a refund, a taxpayer may elect to have the  
2 3 overpayment shown on the taxpayer's final, completed return  
2 4 credited to the tax liability for the following tax year.

2 5 3. An individual may claim the tax credit allowed a  
2 6 partnership, limited liability company, S corporation, estate,  
2 7 or trust electing to have the income taxed directly to an  
2 8 individual. The amount claimed by the individual shall be  
2 9 based upon the pro rata share of the individual's earnings of  
2 10 a partnership, limited liability company, S corporation,  
2 11 estate, or trust.

2 12 Sec. 3. NEW SECTION. 422.11X LIFELONG LEARNING ACCOUNT  
2 13 TAX CREDIT.

2 14 The taxes imposed under this division, less the credits  
2 15 allowed under section 422.12, shall be reduced by a lifelong  
2 16 learning account tax credit authorized pursuant to section  
2 17 12D.13.

2 18 Sec. 4. Section 422.33, Code 2009, is amended by adding  
2 19 the following new subsection:

2 20 NEW SUBSECTION. 27. The taxes imposed under this division  
2 21 shall be reduced by a lifelong learning account tax credit  
2 22 authorized pursuant to section 12D.13.

2 23 Sec. 5. Section 422.60, Code 2009, is amended by adding  
2 24 the following new subsection:

2 25 NEW SUBSECTION. 15. The taxes imposed under this division  
2 26 shall be reduced by a lifelong learning account tax credit  
2 27 authorized pursuant to section 12D.13.

2 28 Sec. 6. NEW SECTION. 432.12M LIFELONG LEARNING ACCOUNT  
2 29 TAX CREDIT.

2 30 The tax imposed under this chapter shall be reduced by a  
2 31 lifelong learning account tax credit authorized pursuant to  
2 32 section 12D.13.

2 33 Sec. 7. Section 533.329, subsection 2, Code 2009, is  
2 34 amended by adding the following new paragraph:

2 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



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3 1 under this section shall be reduced by a lifelong learning  
3 2 account tax credit authorized pursuant to section 12D.13.  
3 3 Sec. 8. APPLICABILITY DATE. This Act applies to tax years  
3 4 ending after July 1, 2009.

3 5 EXPLANATION

3 6 This bill directs the treasurer of state, in coordination  
3 7 with the department of workforce development, to establish a  
3 8 lifelong learning accounts program within the Iowa educational  
3 9 savings plan trust. The purpose of the program is to  
3 10 encourage employees and their employers to save for worker  
3 11 training and retraining.

3 12 The bill provides a refundable tax credit for the employer  
3 13 for contributions to an employee's account equal to 50 percent  
3 14 of the first \$500 of the employer's contributions made during  
3 15 the employer's tax year.

3 16 The tax credit may be used to reduce the tax liability  
3 17 under the individual and corporate income, franchise,  
3 18 insurance premiums, and moneys and credits taxes.

3 19 The bill applies to tax years ending after July 1, 2009.

3 20 LSB 1411DP 83

3 21 tw/nh/8.1



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House Study Bill 20

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act changing the eligibility requirements of web search portal
- 2 businesses and information technology facilities for certain
- 3 sales, use, and property tax exemptions and refunds.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1435DP 83
- 6 tw/mg:sc/8



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House Study Bill 20 continued

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1 1 Section 1. Section 423.3, subsection 92, paragraph b, Code  
1 2 2009, is amended to read as follows:

1 3 b. For the purpose of claiming this exemption, all of the  
1 4 following requirements shall be met:

1 5 (1) The business of the purchaser or renter shall be as a  
1 6 provider of a web search portal.

1 7 (2) The web search portal business shall have a physical  
1 8 location in the state that is used for the operations and  
1 9 maintenance of the web search portal site on the internet  
1 10 including but not limited to research and development to  
1 11 support capabilities to organize information and to provide  
1 12 internet access, navigation, and search.

1 13 (3) The web search portal business shall make a minimum  
1 14 investment in an Iowa physical location of ~~two~~ one hundred  
1 15 million dollars within the first six years of operation in  
1 16 Iowa beginning with the date the web search portal business  
1 17 initiates site preparation activities. The minimum investment  
1 18 includes the initial investment, including land and subsequent  
1 19 acquisition of additional adjacent land and subsequent  
1 20 investment at the Iowa location.

~~1 21 (4) The web search portal business shall purchase, option,  
1 22 or lease Iowa land not later than December 31, 2008, for any  
1 23 initial investment. However, the December 31, 2008, date  
1 24 shall not affect the future purchases of adjacent land and  
1 25 additional investment in the initial or adjacent land to  
1 26 qualify as part of the minimum investment for purposes of this  
1 27 exemption.~~

1 28 Sec. 2. Section 423.3, subsection 93, paragraph b, Code  
1 29 2009, is amended to read as follows:

1 30 b. For the purpose of claiming this exemption, all of the  
1 31 following requirements shall be met:

1 32 (1) The purchaser or renter shall be a web search portal  
1 33 business.

1 34 (2) The web search portal business shall have a physical  
1 35 location in the state that is used for the operations and



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2 1 maintenance of the web search portal business.

2 2 (3) The web search portal business shall make a minimum  
2 3 investment in an Iowa physical location of ~~two~~ one hundred  
2 4 million dollars within the first six years of operation in  
2 5 Iowa beginning with the date the web search portal business  
2 6 initiates site preparation activities. The minimum investment  
2 7 includes the initial investment, including land and subsequent  
2 8 acquisition of additional adjacent land and subsequent  
2 9 investment at the Iowa location.

~~2 10 (4) The web search portal business shall purchase, option,  
2 11 or lease Iowa land not later than December 31, 2008, for any  
2 12 initial investment. However, the December 31, 2008, date  
2 13 shall not affect the future purchases of adjacent land and  
2 14 additional investment in the initial or adjacent land to  
2 15 qualify as part of the minimum investment for purposes of this  
2 16 exemption.~~

2 17 Sec. 3. Section 423.4, subsection 8, paragraph b,  
2 18 subparagraph (3), Code 2009, is amended by striking the  
2 19 subparagraph.

2 20 Sec. 4. IMPLEMENTATION. Section 25B.7 does not apply to  
2 21 any property tax exemption resulting from the enactment of  
2 22 this Act.

2 23 EXPLANATION

2 24 This bill relates to sales, use, and property tax  
2 25 exemptions and refunds for web search portal businesses.

2 26 Current law provides two substantially similar exemptions  
2 27 from the sales and use taxes for web search portal businesses.  
2 28 Both of these exemptions have certain eligibility  
2 29 requirements, one of which is that a web search portal  
2 30 business make an initial minimum investment of \$200 million  
2 31 and one of which is that the web search portal business  
2 32 purchase, option, or lease land in Iowa not later than  
2 33 December 31, 2008. The bill reduces to \$100 million the  
2 34 minimum initial investment and eliminates the requirement that  
2 35 a web search portal business purchase, option, or lease land



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3 1 in the state by December 31, 2008.  
3 2 Current law allows a property tax exemption for certain  
3 3 property of the web search portal business if the business  
3 4 meets the requirements for that business to receive the sales  
3 5 and use tax exemptions. Therefore, a change in the  
3 6 requirements for the sales and use tax exemptions also may  
3 7 affect businesses eligible for the property tax exemption.  
3 8 The provision that property tax exemptions have to be fully  
3 9 funded by the state is made inapplicable to any change in  
3 10 property tax exemptions resulting from the enactment of the  
3 11 bill.  
3 12 Current law also provides for a five-year refund of the  
3 13 sales and use taxes paid by certain information technology  
3 14 companies. In order to qualify for the refund, information  
3 15 technology companies must meet certain Leadership in Energy  
3 16 and Environmental Design (LEED) standards. The bill  
3 17 eliminates the LEED standards requirement.  
3 18 LSB 1435DP 83  
3 19 tw/mg:sc/8



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House Study Bill 21

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act adding four nonvoting members to the Iowa workforce
- 2 development board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1439DP 83
- 5 ak/rj/8



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House Study Bill 21 continued

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1 1 Section 1. Section 84A.1A, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. An Iowa workforce development board is created,  
1 4 consisting of nine voting members appointed by the governor  
1 5 and ~~eight~~ twelve ex officio, nonvoting members. The ex  
1 6 officio, nonvoting members are four legislative members; one  
1 7 president, or the president's designee, of the university of  
1 8 northern Iowa, the university of Iowa, or Iowa state  
1 9 university of science and technology, designated by the state  
1 10 board of regents on a rotating basis; one representative from  
1 11 the largest statewide public employees' organization  
1 12 representing state employees; one president, or the  
1 13 president's designee, of an independent Iowa college,  
1 14 appointed by the Iowa association of independent colleges and  
1 15 universities; ~~and~~ one superintendent, or the superintendent's  
1 16 designee, of a community college, appointed by the Iowa  
1 17 association of community college presidents; one  
1 18 representative of the vocational rehabilitation community  
1 19 appointed by the state rehabilitation council in the division  
1 20 of Iowa vocational rehabilitation services; one representative  
1 21 of the department of education appointed by the state board of  
1 22 education; one representative of the department of economic  
1 23 development appointed by the director; and one representative  
1 24 of the United States department of labor, office of  
1 25 apprenticeship. The legislative members are two state  
1 26 senators, one appointed by the president of the senate after  
1 27 consultation with the majority leader of the senate, and one  
1 28 appointed by the minority leader of the senate from their  
1 29 respective parties; and two state representatives, one  
1 30 appointed by the speaker of the house of representatives after  
1 31 consultation with the majority leader of the house of  
1 32 representatives, and one appointed by the minority leader of  
1 33 the house of representatives from their respective parties.  
1 34 The legislative members shall serve for terms as provided in  
1 35 section 69.16B. Not more than five of the voting members



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2 1 shall be from the same political party. Of the nine voting  
2 2 members, one member shall represent a nonprofit organization  
2 3 involved in workforce development services, four members shall  
2 4 represent employers, and four members shall represent  
2 5 nonsupervisory employees. Of the members appointed by the  
2 6 governor to represent nonsupervisory employees, two members  
2 7 shall be from statewide labor organizations, one member shall  
2 8 be an employee representative of a labor management council,  
2 9 and one member shall be a person with experience in worker  
2 10 training programs. The governor shall consider  
2 11 recommendations from statewide labor organizations for the  
2 12 members representing nonsupervisory employees. The governor  
2 13 shall appoint the nine voting members of the workforce  
2 14 development board for a term of four years beginning and  
2 15 ending as provided by section 69.19, subject to confirmation  
2 16 by the senate, and the governor's appointments shall include  
2 17 persons knowledgeable in the area of workforce development.

2 18 EXPLANATION

2 19 This bill adds four ex officio, nonvoting members to the  
2 20 Iowa workforce development board, raising the total number of  
2 21 nonvoting members to 12. Of the new members, one  
2 22 representative is from the vocational rehabilitation community  
2 23 appointed by the state rehabilitation council in the division  
2 24 of Iowa vocational rehabilitation services; one representative  
2 25 is from the department of education, appointed by the state  
2 26 board of education; one representative is from the department  
2 27 of economic development appointed by the director; and the  
2 28 fourth representative is from the United States department of  
2 29 labor, office of apprenticeship.

2 30 LSB 1439DP 83

2 31 ak/rj/8



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House Study Bill 22

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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House Study Bill 22 continued

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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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House Study Bill 23

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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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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House Study Bill 23 continued

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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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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House Study Bill 23 continued

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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House Study Bill 24

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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House Study Bill 24 continued

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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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House Study Bill 25

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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House Study Bill 25 continued

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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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House Study Bill 26

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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House Study Bill 26 continued

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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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House Study Bill 27

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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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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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 finances 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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House Study Bill 28

SENATE/HOUSE FILE  
BY (PROPOSED CIVIL RIGHTS  
COMMISSION BILL)

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

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

**A BILL FOR**

- 1 An Act granting the civil rights commission additional subpoena
- 2 power to investigate unfair or discriminatory practices and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1072DP 83
- 6 ec/rj/8



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1 1 Section 1. Section 216.5, subsection 13, Code 2009, is  
1 2 amended to read as follows:  
1 3 13. To issue subpoenas and order discovery as provided by  
1 4 this section in aid of investigations and hearings of alleged  
1 5 unfair or discriminatory ~~housing or real property~~ practices.  
1 6 The subpoenas and discovery may be ordered to the same extent  
1 7 and are subject to the same limitations as subpoenas and  
1 8 discovery in a civil action in district court.

1 9 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill grants the civil rights commission the authority  
1 13 to issue subpoenas and order discovery to aid in investigating  
1 14 alleged unfair or discriminatory practices. Current law  
1 15 grants the commission this subpoena authority only for  
1 16 investigations of unfair or discriminatory housing or real  
1 17 property practices. The bill takes effect upon enactment.

1 18 LSB 1072DP 83

1 19 ec/rj/8



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House Study Bill 29

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 charitable trusts by providing for filing
- 2 documents with the attorney general.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1320DP 83
- 5 da/sc/5



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House Study Bill 29 continued

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1 1 Section 1. NEW SECTION. 633A.5107 FILING REQUIREMENTS.  
1 2 1. This section applies to a charitable trust in which one  
1 3 or more charitable purposes or beneficiaries has a  
1 4 noncontingent vested interest.  
1 5 2. a. Within sixty days from the creation of a charitable  
1 6 trust, the trustee shall register the trust with the attorney  
1 7 general. The trustee shall register the charitable trust on a  
1 8 form provided by the attorney general. The trustee shall also  
1 9 submit a copy of the trust instrument to the attorney general  
1 10 as required by the attorney general.  
1 11 b. The trustee of a charitable trust shall annually file a  
1 12 copy of the trust's annual report with the attorney general.  
1 13 The annual report may be the same report submitted to the  
1 14 persons specified in section 633A.4213 or an annual report  
1 15 completed on a form provided by the attorney general.  
1 16 c. The attorney general may require that documents be  
1 17 filed electronically, including forms, trust instruments, and  
1 18 reports. In addition, the attorney general may require the  
1 19 use of electronic signatures as defined in section 554D.103.  
1 20 3. At any time, the attorney general may investigate a  
1 21 charitable trust to determine whether or not the charitable  
1 22 trust is being administered in accordance with law and the  
1 23 terms and purposes of the trust. The attorney general may, at  
1 24 any time, make application to the court for such orders that  
1 25 are reasonable to carry out the terms and purposes of the  
1 26 trust.  
1 27 Sec. 2. PRIOR EXISTING CHARITABLE TRUSTS. Not later than  
1 28 sixty days after the effective date of this Act, the trustee  
1 29 of a charitable trust created prior to the effective date of  
1 30 this Act and still in existence shall register the trust with  
1 31 and submit a current copy of the trust instrument to the  
1 32 attorney general. The trustee shall comply with the remainder  
1 33 of this Act as if the charitable trust were created on or  
1 34 after the effective date of this Act.  
1 35 Sec. 3. Section 633.303, Code 2009, is repealed.



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House Study Bill 29 continued

2 1

EXPLANATION

2 2       This bill amends Code chapter 633A, the "Iowa Trust Code",  
2 3 and specifically subchapter V which governs charitable trusts,  
2 4 created for beneficial purposes (the relief of poverty, the  
2 5 advancement of education or religion, or the promotion of  
2 6 health).

2 7       A trust may be created by a settlor who transfers property  
2 8 to the trust which is administered by a trustee on behalf of a  
2 9 beneficiary. A settlor may create a trust using a number of  
2 10 methods including by executing a trust instrument during the  
2 11 settlor's lifetime or a will that takes effect upon the  
2 12 settlor's death (see Code section 633A.2101).

2 13       The bill provides that within a time certain after the  
2 14 creation of a charitable trust, the trustee must register the  
2 15 trust with and submit a copy of the trust instrument to the  
2 16 attorney general. In addition, the trustee must annually file  
2 17 an annual report with the attorney general. The attorney  
2 18 general may require that the documents be filed  
2 19 electronically. The bill also authorizes the attorney general  
2 20 to investigate a charitable trust to determine whether it is  
2 21 administered in accordance with the law and the terms and  
2 22 purposes of the trust and to bring legal action if necessary.

2 23       The bill provides that within 60 days after the effective  
2 24 date of the bill, the trustee of a charitable trust created  
2 25 prior to the effective date of the bill must comply with the  
2 26 registration requirements applicable to charitable trusts  
2 27 created on and after that date.

2 28       The bill eliminates a provision in Code chapter 633, the  
2 29 "Iowa Trust Code", which provides that when a will creating a  
2 30 charitable trust has been admitted to probate, the clerk of  
2 31 court must mail a copy of the will to the attorney general,  
2 32 and authorizes the attorney general to conduct an  
2 33 investigation to determine whether the trust is being properly  
2 34 administered and to bring any necessary action in court to  
2 35 ensure compliance.



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3 1 LSB 1320DP 83  
3 2 da/sc/5



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House Study Bill 30

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 compensation of a guardian ad litem in
- 2 certain criminal cases involving a child witness.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1344DP 83
- 5 jm/nh/14



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House Study Bill 30 continued

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1 1 Section 1. Section 910.1, subsection 4, Code 2009, is  
1 2 amended to read as follows:  
1 3 4. "Restitution" means payment of pecuniary damages to a  
1 4 victim in an amount and in the manner provided by the  
1 5 offender's plan of restitution. "Restitution" also includes  
1 6 fines, penalties, and surcharges, the contribution of funds to  
1 7 a local anticrime organization which provided assistance to  
1 8 law enforcement in an offender's case, the payment of crime  
1 9 victim compensation program reimbursements, payment of  
1 10 guardian ad litem compensation pursuant to section 915.37,  
1 11 payment of restitution to public agencies pursuant to section  
1 12 321J.2, subsection 9, paragraph "b", court costs including  
1 13 correctional fees approved pursuant to section 356.7,  
1 14 court-appointed attorney fees ordered pursuant to section  
1 15 815.9, including the expense of a public defender, and the  
1 16 performance of a public service by an offender in an amount  
1 17 set by the court when the offender cannot reasonably pay all  
1 18 or part of the court costs including correctional fees  
1 19 approved pursuant to section 356.7, or court-appointed  
1 20 attorney fees ordered pursuant to section 815.9, including the  
1 21 expense of a public defender.  
1 22 Sec. 2. Section 910.2, Code 2009, is amended to read as  
1 23 follows:  
1 24 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY  
1 25 SENTENCING COURT.  
1 26 1. In all criminal cases in which there is a plea of  
1 27 guilty, verdict of guilty, or special verdict upon which a  
1 28 judgment of conviction is rendered, the sentencing court shall  
1 29 order that restitution be made by each offender to the victims  
1 30 of the offender's criminal activities, to the clerk of court  
1 31 for fines, penalties, surcharges, and, to the extent that the  
1 32 offender is reasonably able to pay, for crime victim  
1 33 assistance reimbursement, payment of guardian ad litem  
1 34 compensation pursuant to section 915.37, restitution to public  
1 35 agencies pursuant to section 321J.2, subsection 9, paragraph



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2 1 "b", court costs including correctional fees approved pursuant  
2 2 to section 356.7, court-appointed attorney fees ordered  
2 3 pursuant to section 815.9, including the expense of a public  
2 4 defender, when applicable, or contribution to a local  
2 5 anticrime organization. However, victims shall be paid in  
2 6 full before fines, penalties, and surcharges, crime victim  
2 7 compensation program reimbursement, payment of guardian ad  
2 8 litem compensation pursuant to section 915.37, public  
2 9 agencies, court costs including correctional fees approved  
2 10 pursuant to section 356.7, court-appointed attorney fees  
2 11 ordered pursuant to section 815.9, including the expenses of a  
2 12 public defender, or contributions to a local anticrime  
2 13 organization are paid. In structuring a plan of restitution,  
2 14 the court shall provide for payments in the following order of  
2 15 priority: victim, fines, penalties, and surcharges, crime  
2 16 victim compensation program reimbursement, guardian ad litem  
2 17 compensation, public agencies, court costs including  
2 18 correctional fees approved pursuant to section 356.7,  
2 19 court-appointed attorney fees ordered pursuant to section  
2 20 815.9, including the expense of a public defender, and  
2 21 contribution to a local anticrime organization.  
2 22 2. When the offender is not reasonably able to pay all or  
2 23 a part of the crime victim compensation program reimbursement,  
2 24 guardian ad litem compensation, public agency restitution,  
2 25 court costs including correctional fees approved pursuant to  
2 26 section 356.7, court-appointed attorney fees ordered pursuant  
2 27 to section 815.9, including the expense of a public defender,  
2 28 or contribution to a local anticrime organization, the court  
2 29 may require the offender in lieu of that portion of the crime  
2 30 victim compensation program reimbursement, guardian ad litem  
2 31 compensation, public agency restitution, court costs including  
2 32 correctional fees approved pursuant to section 356.7,  
2 33 court-appointed attorney fees ordered pursuant to section  
2 34 815.9, including the expense of a public defender, or  
2 35 contribution to a local anticrime organization for which the



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3 1 offender is not reasonably able to pay, to perform a needed  
3 2 public service for a governmental agency or for a private  
3 3 nonprofit agency which provides a service to the youth,  
3 4 elderly, or poor of the community. When community service is  
3 5 ordered, the court shall set a specific number of hours of  
3 6 service to be performed by the offender which, for payment of  
3 7 guardian ad litem compensation pursuant to section 915.37, and  
3 8 for payment of court-appointed attorney fees ordered pursuant  
3 9 to section 815.9, including the expenses of a public defender,  
3 10 shall be approximately equivalent in value to those costs.  
3 11 The judicial district department of correctional services  
3 12 shall provide for the assignment of the offender to a public  
3 13 agency or private nonprofit agency to perform the required  
3 14 service.  
3 15 Sec. 3. Section 910.9, unnumbered paragraph 3, Code 2009,  
3 16 is amended to read as follows:  
3 17 Fines, penalties, and surcharges, crime victim compensation  
3 18 program reimbursement, payment of guardian ad litem  
3 19 compensation pursuant to section 915.37, public agency  
3 20 restitution, court costs including correctional fees claimed  
3 21 by a sheriff or municipality pursuant to section 356.7, and  
3 22 court-appointed attorney fees ordered pursuant to section  
3 23 815.9, including the expenses for public defenders, shall not  
3 24 be withheld by the clerk of court until all victims have been  
3 25 paid in full. Payments to victims shall be made by the clerk  
3 26 of court at least quarterly. Payments by a clerk of court  
3 27 shall be made no later than the last business day of the  
3 28 quarter, but may be made more often at the discretion of the  
3 29 clerk of court. The clerk of court receiving final payment  
3 30 from an offender shall notify all victims that full  
3 31 restitution has been made. Each office or individual charged  
3 32 with supervising an offender who is required to perform  
3 33 community service as full or partial restitution shall keep  
3 34 records to assure compliance with the portions of the plan of  
3 35 restitution and restitution plan of payment relating to



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4 1 community service and, when the offender has complied fully  
4 2 with the community service requirement, notify the sentencing  
4 3 court.

4 4 Sec. 4. Section 915.37, Code 2009, is amended to read as  
4 5 follows:

4 6 915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.

4 7 1. A prosecuting witness who is a child, as defined in  
4 8 section 702.5, in a case involving a violation of chapter 709  
4 9 or section 710.10, 726.2, 726.3, 726.6, or 728.12, is entitled  
4 10 to have the witness's interests represented by a guardian ad  
4 11 litem at all stages of the proceedings arising from such  
4 12 violation. The guardian ad litem shall be a practicing  
4 13 attorney and shall be designated by the court after due  
4 14 consideration is given to the desires and needs of the child  
4 15 and the compatibility of the child and the child's interests  
4 16 with the prospective guardian ad litem. If a guardian ad  
4 17 litem has previously been appointed for the child in a  
4 18 proceeding under chapter 232 or a proceeding in which the  
4 19 juvenile court has waived jurisdiction under section 232.45,  
4 20 the court shall appoint the same guardian ad litem under this  
4 21 section. The guardian ad litem shall receive notice of and  
4 22 may attend all depositions, hearings, and trial proceedings to  
4 23 support the child and advocate for the protection of the child  
4 24 but shall not be allowed to separately introduce evidence or  
4 25 to directly examine or cross-examine witnesses. However, the  
4 26 guardian ad litem shall file reports to the court as required  
4 27 by the court. If a prosecuting witness is fourteen, fifteen,  
4 28 sixteen, or seventeen years of age, and would be entitled to  
4 29 the appointment of a guardian ad litem if the prosecuting  
4 30 witness were a child, the court may appoint a guardian ad  
4 31 litem if the requirements for guardians ad litem in this  
4 32 section are met, and the guardian ad litem agrees to  
4 33 participate without compensation.

4 34 2. The clerk of the district court of the county where the  
4 35 case occurred shall pay from funds appropriated to the



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5 1 judicial branch reasonable compensation to a guardian ad litem  
5 2 appointed by the court pursuant to this section, if such  
5 3 compensation is permissible pursuant to subsection 1.

5 4 3. References in this section to a guardian ad litem shall  
5 5 be interpreted to include references to a court appointed  
5 6 special advocate as defined in section 232.2, subsection 9.

5 7 EXPLANATION

5 8 This bill relates to the compensation of a guardian ad  
5 9 litem in certain criminal cases involving a child witness.

5 10 The amendment to Code section 910.1 makes the compensation  
5 11 of a guardian ad litem appointed for a child witness pursuant  
5 12 to Code section 915.37 recoverable as restitution in a  
5 13 criminal case, if such compensation is permissible pursuant to  
5 14 Code section 915.37.

5 15 The amendment to Code section 910.2 specifies that payment  
5 16 of guardian ad litem compensation pursuant to Code section  
5 17 915.37 is restitution and that victim restitution shall be  
5 18 paid in full prior to payment of guardian ad litem  
5 19 compensation restitution. The amendment to Code section 910.2  
5 20 also establishes the order of priority for payment of guardian  
5 21 ad litem compensation in a restitution plan.

5 22 The amendment to Code section 910.9 specifies that the  
5 23 payment of guardian ad litem compensation restitution shall  
5 24 not be paid until the victim restitution has been paid in  
5 25 full.

5 26 The amendment to Code section 915.37 establishes that a  
5 27 child victim of enticing away a minor under Code section  
5 28 710.10 is entitled to have a guardian ad litem appointed to  
5 29 represent the interest of the child in all proceedings arising  
5 30 out of the criminal offense.

5 31 The amendment to Code section 915.37 requires that the  
5 32 clerk of the district court of the county where the offense  
5 33 occurred pay reasonable compensation to the guardian ad litem  
5 34 appointed on behalf of a child victim.

5 35 LSB 1344DP 83



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6 1 jm/nh/14



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House Study Bill 31

SENATE/HOUSE FILE  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

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

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

A BILL FOR

1 An Act relating to the judicial branch including contested and  
2 uncontested parking violations, filing civil citations of  
3 municipal infractions with the clerk, records kept by the  
4 clerk, and service of original notice in a small claims  
5 action.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1402XD 83  
8 jm/rj/8



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1 1 Section 1. Section 321.236, subsection 1, unnumbered  
 1 2 paragraph 2, Code 2009, is amended to read as follows:  
 1 3 Parking meter, snow route, and overtime parking violations  
 1 4 which are ~~denied~~ contested shall be charged and proceed before  
 1 5 a court the same as other traffic violations. Filing fees and  
 1 6 court costs shall be assessed as provided in section 602.8106,  
 1 7 subsection 1 and section 805.6, subsection 1, paragraph "a"  
 1 8 for parking violation cases. ~~Parking violations which are~~  
~~1 9 admitted:~~

1 10 Sec. 2. Section 321.236, subsection 1, paragraphs a and b,  
 1 11 Code 2009, are amended to read as follows:  
 1 12 a. ~~May~~ Parking violations which are uncontested shall be  
 1 13 charged and collected upon a simple notice of a fine payable  
 1 14 to the city clerk, ~~if authorized by ordinance.~~ The fine for  
 1 15 each violation charged under a simple notice of a fine shall  
 1 16 be established by ordinance. The fine may be increased by  
 1 17 five dollars if the parking violation is not paid within  
 1 18 thirty days of the date upon which the violation occurred, ~~if~~  
~~1 19 authorized by ordinance.~~ Violations of section 321L.4,  
 1 20 subsection 2, ~~may~~ shall be charged and collected upon a simple  
 1 21 notice of a one hundred dollar fine payable to the city clerk,  
~~1 22 if authorized by ordinance.~~ ~~No costs~~ Costs or other charges  
 1 23 shall be assessed. All fines collected by a city pursuant to  
 1 24 this paragraph shall be retained by the city and all fines  
 1 25 collected by a county pursuant to this paragraph shall be  
 1 26 retained by the county, except as provided by an agreement  
 1 27 between a city and a county treasurer for the collection of  
 1 28 fines pursuant to section 331.553, subsection 8.  
 1 29 b. ~~Notwithstanding any such ordinance, may be prosecuted~~  
~~1 30 under the provisions of sections 805.7 to 805.13 or as any~~  
~~1 31 other traffic violation.~~

1 32 Sec. 3. Section 364.22, subsection 4, unnumbered paragraph  
 1 33 1, Code 2009, is amended to read as follows:  
 1 34 An officer authorized by a city to enforce a city code or  
 1 35 regulation may issue a civil citation to a person who commits



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2 1 a municipal infraction. ~~The~~ A copy of the citation may be  
2 2 served by personal service as provided in rule of civil  
2 3 procedure 1.305, by certified mail addressed to the defendant  
2 4 at the defendant's last known mailing address, return receipt  
2 5 requested, or by publication in the manner as provided in rule  
2 6 of civil procedure 1.310 and subject to the conditions of rule  
2 7 of civil procedure 1.311. A copy of the citation shall be  
2 8 retained by the issuing officer, and ~~one copy~~ the original  
2 9 citation shall be sent to the clerk of the district court.

2 10 The citation shall serve as notification that a civil offense  
2 11 has been committed and shall contain the following  
2 12 information:

2 13 Sec. 4. Section 523I.602, subsection 4, Code 2009, is  
2 14 amended to read as follows:

2 15 4. RECEIPT == ~~CEMETERY~~ RECORD. Every such trustee shall  
2 16 execute and deliver to the donor a receipt showing the amount  
2 17 of money or other property received, and the use to be made of  
2 18 the net proceeds from the same, duly attested by the clerk of  
2 19 the court granting letters of trusteeship, ~~and a copy thereof,~~  
~~2 20 signed by the trustee and so attested, shall be filed with and~~  
~~2 21 recorded by the clerk in a book to be known as the cemetery~~  
~~2 22 record, in which shall be recorded all reports and other~~  
~~2 23 papers, including orders made by the court relative to~~  
~~2 24 cemetery matters and the trustee shall keep a signed and~~  
2 25 attested copy of the receipt.

2 26 Sec. 5. Section 602.8104, subsection 2, paragraph h, Code  
2 27 2009, is amended by striking the paragraph.

2 28 Sec. 6. Section 602.8104, subsection 2, Code 2009, is  
2 29 amended by adding the following new paragraph:

2 30 NEW PARAGRAPH. k. A record book of certificates of  
2 31 deposit, not in the clerk's name, which are being held by the  
2 32 clerk on behalf of a conservatorship, trust, or an estate  
2 33 pursuant to a court order as provided in section 636.37.

2 34 Sec. 7. Section 602.8106, subsection 1, paragraph c, Code  
2 35 2009, is amended to read as follows:



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3 1 c. For filing and docketing a complaint or information or  
3 2 uniform citation and complaint for parking violations under  
3 3 sections 321.236, 321.239, 321.358, 321.360, and 321.361,  
3 4 eight dollars, effective January 1, 2004. The court costs in  
3 5 cases of parking meter and overtime parking violations which  
3 6 are ~~denied~~ contested, and charged and collected pursuant to  
3 7 section 321.236, subsection 1, or pursuant to a uniform  
3 8 citation and complaint, are eight dollars per information or  
3 9 complaint or per uniform citation and complaint effective  
3 10 January 1, 1991.

3 11 Sec. 8. Section 631.4, subsection 1, paragraph a, Code  
3 12 2009, is amended to read as follows:

3 13 a. If the defendant is a resident of this state, or if the  
3 14 defendant is a nonresident of this state and is subject to the  
3 15 jurisdiction of the court under rule of civil procedure 1.306,  
3 16 the plaintiff may elect service under this paragraph, and upon  
3 17 receipt of the prescribed costs the clerk shall mail to the  
3 18 defendant by certified mail, restricted delivery, return  
3 19 receipt to the clerk requested, a copy of the original notice  
3 20 together with a conforming copy of an answer form. However,  
3 21 if the defendant is a corporation, partnership, or  
3 22 association, the clerk shall mail to the defendant by  
3 23 certified mail, return receipt to the clerk requested, a copy  
3 24 of the original notice with a conforming copy of an answer  
3 25 form. The defendant is required to appear within twenty days  
3 26 following the date service is made.

3 27 Sec. 9. Section 636.37, Code 2009, is amended to read as  
3 28 follows:

3 29 636.37 DUTY OF CLERK.

3 30 1. The clerk of the district court with whom any deposit  
3 31 of funds, moneys, or securities shall be made, as provided by  
3 32 any law or an order of court, shall enter in a book, to be  
3 33 provided and kept for that purpose, the amount of such  
3 34 deposit, the character thereof, the date of its deposit, from  
3 35 whom received, from what source derived, to whom due or to



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4 1 become due, if known.

4 2 2. A separate book shall be maintained for all

4 3 certificates of deposit not in the name of the clerk of the

4 4 district court that are being held by the clerk on behalf of a

4 5 conservatorship, trust, or estate. The book shall list the

4 6 relevant details of the transaction, including but not limited

4 7 to the name of the conservator, trustee, or executor, and

4 8 cross references to the court orders opening and closing the

4 9 conservatorship, trust, or estate.

4 10 Sec. 10. Section 805.8A, subsection 1, paragraph a, Code  
4 11 2009, is amended to read as follows:

4 12 a. For parking violations under sections 321.236, 321.239,

4 13 321.358, 321.360, and 321.361, the scheduled fine is five

4 14 dollars, except if the local authority has established the

4 15 fine by ordinance ~~pursuant to section 321.236, subsection 1.~~

4 16 The scheduled fine for a parking violation pursuant to section

4 17 321.236 increases by five dollars, ~~as if~~ authorized by

4 18 ordinance ~~pursuant to section 321.236, subsection 1,~~ and if

4 19 the parking violation is not paid within thirty days of the

4 20 date upon which the violation occurred. For purposes of

4 21 calculating the unsecured appearance bond required under

4 22 section 805.6, the scheduled fine shall be five dollars, or if

4 23 the amount of the fine is greater than five dollars, the

4 24 unsecured appearance bond shall be the amount of the fine

4 25 established by the local authority ~~pursuant to section~~

4 26 ~~321.236, subsection 1.~~ However, violations charged by a city

4 27 or county upon simple notice of a fine instead of a uniform

4 28 citation and complaint ~~as permitted~~ required by section

4 29 321.236, subsection 1, paragraph "a", are not scheduled

4 30 violations, and this section shall not apply to any offense

4 31 charged in that manner. For a parking violation under section

4 32 321.362 or 461A.38, the scheduled fine is ten dollars.

4 33 EXPLANATION

4 34 This bill relates to the judicial branch including

4 35 contested and uncontested parking violations, filing civil



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5 1 citations of municipal infractions, records kept by the clerk,  
5 2 and service of original notice in a small claims action.

5 3       The bill removes the clerk of the district court from  
5 4 collecting uncontested parking violation fines of a city or  
5 5 county.

5 6       Under the bill, when a violation of a municipal infraction  
5 7 occurs and a civil penalty is assessed, a copy of the citation  
5 8 shall be served on the defendant, and the original citation  
5 9 shall be sent to the clerk of the district court. Current law  
5 10 provides that a copy of the citation be sent to the clerk of  
5 11 the district court.

5 12       The bill strikes the requirement that the clerk of the  
5 13 district court keep a cemetery record book related to Code  
5 14 section 523I.602.

5 15       The bill provides that the clerk of the district court  
5 16 shall keep a record book of certificates of deposit that have  
5 17 not been issued in the name of the clerk but are being held by  
5 18 the clerk on behalf of a conservatorship, trust, or an estate.  
5 19 The bill also provides that the record book shall list the  
5 20 relevant details of the transaction, including but not limited  
5 21 to the name of the conservator, trustee, or executor, and  
5 22 cross references to the court orders opening and closing the  
5 23 conservatorship, trust, or estate. Current law provides the  
5 24 clerk to provide a detailed accounting of all funds deposited  
5 25 with the clerk pursuant to Code section 636.37.

5 26       The bill provides that if the defendant in a small claims  
5 27 action is a corporation, partnership, or association, the  
5 28 clerk, to obtain service, shall mail to the defendant a copy  
5 29 of the original notice, with a conforming copy of the answer  
5 30 form, by certified mail, return receipt to the clerk  
5 31 requested.

5 32 LSB 1402XD 83

5 33 jm/rj/8



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House Study Bill 32

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

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

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

A BILL FOR

- 1 An Act establishing a lean enterprise office within the
- 2 department of management.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1129XD 83
- 5 ec/rj/8



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House Study Bill 32 continued

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1 1 Section 1. NEW SECTION. 8.70 LEAN ENTERPRISE OFFICE.  
1 2 1. For purposes of this section, "lean" means a  
1 3 business-oriented system for organizing and managing product  
1 4 development, operations, suppliers, and customer relations to  
1 5 create precise customer value, expressed as providing goods  
1 6 and services with higher quality and fewer defects and errors,  
1 7 with less human effort, less space, less capital, and less  
1 8 time than more traditional systems.  
1 9 2. The office of lean enterprise is established in the  
1 10 department of management. The function of the office is to  
1 11 ensure implementation of lean tools and enterprises as a  
1 12 component of a performance management system for all executive  
1 13 branch agencies. Staffing for the office of lean enterprise  
1 14 shall be provided by an administrator appointed by the  
1 15 director of the department of management. Additional staff  
1 16 may be hired, subject to the availability of funding.  
1 17 3. The duties of the office of lean enterprise may include  
1 18 the following:  
1 19 a. Create strategic and tactical approaches for lean  
1 20 implementation, including integration into state governance  
1 21 and operational systems.  
1 22 b. Lead and develop state government's capacity to  
1 23 implement lean tools and enterprises, including design and  
1 24 development of instructional materials as needed with the goal  
1 25 of integrating continuous improvement into the organizational  
1 26 culture.  
1 27 c. (1) Create demand for lean tools and enterprises in  
1 28 departments.  
1 29 (2) Communicate with agency directors, boards,  
1 30 commissions, and senior management to create interest and  
1 31 organizational will to implement lean tools and enterprises to  
1 32 improve agency results.  
1 33 (3) Provide direction and advice to department heads and  
1 34 senior management to plan and implement departmental lean  
1 35 programs.



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2 1 (4) Direct and review plans for leadership and assist with  
2 2 the selection of process improvement projects of key  
2 3 importance to agency goals, programs, and missions.

2 4 d. (1) Identify and assist departments in identifying  
2 5 potential lean projects.

2 6 (2) Continuously evaluate organizational performance in  
2 7 meeting objectives, identify and structure the direction the  
2 8 lean implementation should take to provide greatest  
2 9 effectiveness, and justify critical and far-reaching changes.

2 10 e. (1) Lead the collection and reporting of data and  
2 11 learning related to lean accomplishments.

2 12 (2) Widely disseminate lean results and learning with  
2 13 Iowans, stakeholders, and other members of the public to  
2 14 demonstrate the benefits and return on investment.

2 15 f. (1) Evaluate the effect of unforeseen developments on  
2 16 plans and programs and present to agency directors, boards,  
2 17 commissions, and senior management suggested changes in  
2 18 overall direction.

2 19 (2) Provide input related to proposals regarding new or  
2 20 revised legislation, regulations, and related changes which  
2 21 have a direct impact over the implementation.

2 22 g. Lead the development of alliances and partnerships with  
2 23 the business community, associations, consultants, and other  
2 24 stakeholders to enhance external support and advance the  
2 25 implementation of lean tools and enterprises in state  
2 26 government.

2 27 h. Lead relations with the general assembly and staff to  
2 28 build support for and understanding of lean work in state  
2 29 government.

2 30 EXPLANATION

2 31 This bill creates in the department of management the lean  
2 32 enterprise office to ensure implementation of lean tools and  
2 33 enterprises as a component of a performance management system  
2 34 for all executive branch agencies. The bill provides that the  
2 35 administrator of the office shall be appointed by the director



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3 1 of the department of management. The bill defines "lean" as a  
3 2 business-oriented system for organizing and managing, designed  
3 3 to create precise customer value, expressed as providing goods  
3 4 and services with higher quality and fewer defects and errors,  
3 5 with less time and effort.

3 6 The duties of the lean enterprise office may include  
3 7 creating strategic and tactical approaches for lean  
3 8 implementation, developing state government's capacity to  
3 9 implement lean tools and enterprises, creating demand for lean  
3 10 tools and enterprises in state departments, identifying and  
3 11 assisting departments in identifying potential lean projects,  
3 12 leading the collection and reporting of data and learning  
3 13 related to lean accomplishments, evaluating the effect of  
3 14 unforeseen developments on plans and programs, and present to  
3 15 agency directors, boards, commissions, and senior management  
3 16 suggested changes in overall direction, leading the  
3 17 development of alliances and partnerships with the business  
3 18 community, associations, consultants, and other stakeholders  
3 19 to enhance external support and advance the implementation of  
3 20 lean tools and enterprises in state government, and leading  
3 21 relations with the general assembly to build support for and  
3 22 understanding of lean work in state government.

3 23 LSB 1129XD 83

3 24 ec/rj/8



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House Study Bill 33

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
CULTURAL AFFAIRS BILL)

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

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

**A BILL FOR**

- 1 An Act concerning fine arts projects in state buildings.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1282XD 83
- 4 ec/sc/8



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House Study Bill 33 continued

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1 1 Section 1. Section 304A.10, Code 2009, is amended to read  
1 2 as follows:  
1 3 304A.10 COST OF FINE ARTS == PERCENTAGE.  
1 4 The total estimated cost of the fine arts elements included  
1 5 in a plan and specifications for a state building or group of  
1 6 state buildings in accordance with the purposes of this  
1 7 division shall in no case be less than ~~one-half~~ of one percent  
1 8 of the total estimated cost of such building or group of  
1 9 buildings. This percentage allocation shall not be diminished  
1 10 by professional fees. By September 1 annually, the  
1 11 contracting officer or principal user shall submit to the  
1 12 department of cultural affairs the total amount of state  
1 13 financial assistance expended in accordance with this section  
1 14 during the previous fiscal year. If deemed in the best  
1 15 interests of the citizens, funds allocated for the acquisition  
1 16 of fine arts may be accumulated over more than one  
1 17 appropriation or fiscal period or combined to complete  
1 18 significant projects, ~~however, this sentence does not~~  
~~1 19 authorize interproject transfers with prior approval of the~~  
~~1 20 Iowa arts council. The total estimated cost of the fine arts~~  
~~1 21 elements included in a plan and specifications for a state~~  
~~1 22 building or group of state buildings in accordance with this~~  
~~1 23 section shall be included by the department of cultural~~  
~~1 24 affairs in calculating the amount of state financial~~  
~~1 25 assistance for the arts for purposes of national ranking~~  
~~1 26 surveys. By January 1 annually, the department of cultural~~  
~~1 27 affairs shall submit a summary of the total amount of state~~  
~~1 28 financial assistance expended in accordance with this section~~  
~~1 29 and for which state buildings the assistance was expended.~~  
1 30 Sec. 2. Section 304A.12, Code 2009, is amended to read as  
1 31 follows:  
1 32 304A.12 SEPARATE CONTRACT == MAINTENANCE ACCOUNT.  
1 33 1. Contracts for the fine arts elements shall be executed  
1 34 within the limits of the actual costs as determined by section  
1 35 304A.10. Funds in the amount of one percent of the total



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2 1 estimated cost of the fine arts elements, as determined by  
2 2 section 304A.10, shall be transferred to the arts division for  
2 3 administration of the program. All expenses related to the  
2 4 acquisition of the fine arts elements shall be contracted for  
2 5 separately by the arts division with the funds allocated for  
2 6 these purposes. In addition, an amount equal to ten percent  
2 7 of the total estimated cost of the fine arts elements, as  
2 8 determined by section 304A.10, for a project shall be  
2 9 deposited in the maintenance and conservation fund created in  
2 10 this section.

2 11 2. A maintenance and conservation fund is created in the  
2 12 state treasury under the control of the arts division of the  
2 13 department of cultural affairs. Moneys credited to the fund  
2 14 as provided in this section, and interest and earnings on that  
2 15 money, shall be accounted for and appropriated to the arts  
2 16 division to be used for the maintenance and conservation of  
2 17 fine arts elements acquired. Notwithstanding section 8.33,  
2 18 moneys credited to the fund that remain unencumbered or  
2 19 unobligated at the close of the fiscal year shall not revert  
2 20 but shall remain available for expenditure for the purpose  
2 21 designated.

2 22

EXPLANATION

2 23 This bill concerns fine arts projects in state buildings.

2 24 The bill provides that 1 percent of the total estimated  
2 25 cost of projects for a state building or group of state  
2 26 buildings shall be used for fine arts elements. Fine arts  
2 27 elements is defined in current law to include sculptures,  
2 28 fountains, etc. Current law provides that .5 percent shall be  
2 29 used for fine arts elements.

2 30 The bill also allows funds allocated for fine arts to be  
2 31 accumulated and used over more than one fiscal period and to  
2 32 be combined to complete significant projects with the approval  
2 33 of the Iowa arts council.

2 34 The bill also provides that 10 percent of the moneys for  
2 35 fine arts elements in a particular state building project



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3 1 shall be transferred to a new maintenance and conservation  
3 2 fund under the control of the arts division of the department  
3 3 of cultural affairs. The bill provides that moneys credited  
3 4 to the fund shall be used for the maintenance and conservation  
3 5 of fine arts elements acquired.  
3 6 LSB 1282XD 83  
3 7 ec/sc/8



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House Study Bill 34

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

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

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

A BILL FOR

1 An Act providing a minimum annual salary for a county attorney,  
 2 requiring a county to use certain funds to ensure that the  
 3 minimum salary requirement for a county attorney is satisfied,  
 4 and providing an effective date.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 6 TLSB 1464HC 83  
 7 md/sc/24



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House Study Bill 34 continued

PAG LIN

1 1 Section 1. Section 331.752, subsection 5, Code 2009, is  
1 2 amended to read as follows:  
1 3 5. The resolution changing the status of a county attorney  
1 4 shall state the initial annual salary to be paid to the county  
1 5 attorney when the full-time or part-time status is effective.  
1 6 The annual salary specified in the resolution shall remain  
1 7 effective until changed as provided in section 331.907.  
1 8 ~~Except in counties having a population of more than two~~  
1 9 ~~hundred thousand, the annual salary of a full-time county~~  
1 10 ~~attorney shall be an amount which is between forty-five~~  
1 11 ~~percent and one hundred percent of the annual salary received~~  
1 12 ~~by a district court judge.~~  
1 13 Sec. 2. NEW SECTION. 331.752A MINIMUM SALARY FOR COUNTY  
1 14 ATTORNEY.  
1 15 The minimum annual salary of a county attorney shall be  
1 16 determined based upon the population of the county and  
1 17 calculated as a percentage of the annual salary received by a  
1 18 district judge as follows:  
1 19 1. a. For the fiscal year beginning July 1, 2009, the  
1 20 minimum annual salary for a full-time county attorney is  
1 21 calculated as follows:  
1 22 (1) A county with a population of up to twenty-six  
1 23 thousand, sixty percent.  
1 24 (2) A county with a population of more than twenty-six  
1 25 thousand up to fifty thousand, seventy percent.  
1 26 (3) A county with a population of more than fifty thousand  
1 27 up to one hundred thousand, eighty percent.  
1 28 (4) A county with a population of more than one hundred  
1 29 thousand, eighty-five percent.  
1 30 b. For the fiscal year beginning July 1, 2010, the minimum  
1 31 annual salary for a full-time county attorney is calculated as  
1 32 follows:  
1 33 (1) A county with a population of up to twenty-six  
1 34 thousand, sixty-five percent.  
1 35 (2) A county with a population of more than twenty-six



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House Study Bill 34 continued

- 2 1 thousand up to fifty thousand, seventy=five percent.  
2 2 (3) A county with a population of more than fifty thousand  
2 3 up to one hundred thousand, eighty=five percent.  
2 4 (4) A county with a population of more than one hundred  
2 5 thousand, ninety percent.  
2 6 c. For the fiscal year beginning July 1, 2011, and  
2 7 succeeding fiscal years, the minimum annual salary for a  
2 8 full=time county attorney is calculated as follows:  
2 9 (1) A county with a population of up to twenty=six  
2 10 thousand, seventy percent.  
2 11 (2) A county with a population of more than twenty=six  
2 12 thousand up to fifty thousand, eighty percent.  
2 13 (3) A county with a population of more than fifty thousand  
2 14 up to one hundred thousand, ninety percent.  
2 15 (4) A county with a population of more than one hundred  
2 16 thousand, ninety=five percent.  
2 17 2. a. For the fiscal year beginning July 1, 2009, the  
2 18 minimum annual salary of a part=time county attorney is  
2 19 calculated as follows:  
2 20 (1) A county with a population of up to twenty=six  
2 21 thousand, forty=five percent.  
2 22 (2) A county with a population of more than twenty=six  
2 23 thousand up to fifty thousand, fifty=five percent.  
2 24 (3) A county with a population of more than fifty thousand  
2 25 up to one hundred thousand, sixty=five percent.  
2 26 (4) A county with a population of more than one hundred  
2 27 thousand, seventy=five percent.  
2 28 b. For the fiscal year beginning July 1, 2010, the minimum  
2 29 annual salary of a part=time county attorney is calculated as  
2 30 follows:  
2 31 (1) A county with a population of up to twenty=six  
2 32 thousand, fifty percent.  
2 33 (2) A county with a population of more than twenty=six  
2 34 thousand up to fifty thousand, sixty percent.  
2 35 (3) A county with a population of more than fifty thousand



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3 1 up to one hundred thousand, seventy percent.

3 2 (4) A county with a population of more than one hundred  
3 3 thousand, eighty percent.

3 4 c. For the fiscal year beginning July 1, 2011, and  
3 5 succeeding fiscal years, the minimum annual salary of a  
3 6 part-time county attorney is calculated as follows:

3 7 (1) A county with a population of up to twenty-six  
3 8 thousand, fifty-five percent.

3 9 (2) A county with a population of more than twenty-six  
3 10 thousand up to fifty thousand, sixty-five percent.

3 11 (3) A county with a population of more than fifty thousand  
3 12 up to one hundred thousand, seventy-five percent.

3 13 (4) A county with a population of more than one hundred  
3 14 thousand, eighty-five percent.

3 15 Sec. 3. Section 331.907, subsections 1 and 2, Code 2009,  
3 16 are amended to read as follows:

3 17 1. The annual compensation of the auditor, treasurer,  
3 18 recorder, sheriff, county attorney, and supervisors shall be  
3 19 determined as provided in this section.

3 20 a. The county compensation board annually shall review the  
3 21 compensation paid to comparable officers in other counties of  
3 22 this state, other states, private enterprise, and the federal  
3 23 government.

3 24 b. In setting the salary of the county sheriff, the county  
3 25 compensation board shall consider setting the sheriff's salary  
3 26 so that it is comparable to salaries paid to professional law  
3 27 enforcement administrators and command officers of the state  
3 28 patrol, the division of criminal investigation of the  
3 29 department of public safety, and city police agencies in this  
3 30 state.

3 31 c. In setting the salary of the county attorney, the  
3 32 county compensation board shall consider the required minimum  
3 33 salary of county attorneys as set forth in section 331.752A.

3 34 d. The county compensation board shall prepare a  
3 35 compensation schedule for the elective county officers for the



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4 1 succeeding fiscal year. A recommended compensation schedule  
4 2 requires a majority vote of the membership of the county  
4 3 compensation board.

4 4 2. At the public hearing held on the county budget as  
4 5 provided in section 331.434, the county compensation board  
4 6 shall submit its recommended compensation schedule for the  
4 7 next fiscal year to the board of supervisors for inclusion in  
4 8 the county budget. The board of supervisors shall review the  
4 9 recommended compensation schedule for the elected county  
4 10 officers and determine the final compensation schedule which  
4 11 shall not exceed the compensation schedule recommended by the  
4 12 county compensation board. In determining the final  
4 13 compensation schedule if the board of supervisors wishes to  
4 14 reduce the amount of the recommended compensation schedule,  
4 15 the amount of salary increase proposed for each elected county  
4 16 officer shall be reduced an equal percentage. However, the  
4 17 amount of salary increase for a county attorney shall not be  
4 18 reduced by a percentage that would cause the county attorney's  
4 19 salary to fall below the applicable minimum amount in section  
4 20 331.752A. A copy of the final compensation schedule shall be  
4 21 filed with the county budget at the office of the director of  
4 22 the department of management. The final compensation schedule  
4 23 takes effect on July 1 following its adoption by the board of  
4 24 supervisors.

4 25 Sec. 4. Section 602.8107, subsection 4, paragraph c,  
4 26 subparagraph (1), Code 2009, is amended to read as follows:

4 27 (1) Forty percent of the amounts collected by the county  
4 28 attorney or the person procured or designated by the county  
4 29 attorney shall be deposited in the general fund of the county  
4 30 if the county attorney has filed the notice required by this  
4 31 subsection, unless the county attorney has discontinued  
4 32 collection efforts on a particular delinquent amount. Before  
4 33 moneys collected by the county attorney or the person  
4 34 designated by the county attorney and deposited in the general  
4 35 fund of the county can be used for any other purpose, the



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5 1 county shall apply a portion of the amount collected to  
5 2 satisfy the county attorney minimum salary requirements under  
5 3 section 331.752A.

5 4 Sec. 5. Section 602.8107, subsection 4, paragraph d, Code  
5 5 2009, is amended to read as follows:

5 6 d. Any additional moneys collected by an individual county  
5 7 after the distributions in paragraph "c" shall be distributed  
5 8 by the state court administrator as follows: forty percent of  
5 9 any additional moneys collected by the county attorney or the  
5 10 person procured or designated by the county attorney shall be  
5 11 deposited in the general fund of the county where the moneys  
5 12 were collected and shall be used to satisfy the county  
5 13 attorney minimum salary requirements under section 331.752A

5 14 before the moneys collected may be used for any other purpose;  
5 15 twenty percent of the remaining sixty percent collected by the  
5 16 county attorney or the person procured or designated by the  
5 17 county attorney shall be deposited with the office of the  
5 18 county attorney that collected the moneys; and the remainder  
5 19 shall be paid to the clerk of the district court for  
5 20 distribution under section 602.8108 or the state court  
5 21 administrator may distribute the remainder under section  
5 22 602.8108 if the additional moneys have already been received  
5 23 by the state court administrator.

5 24 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
5 25 immediate importance, takes effect upon enactment.

5 26 EXPLANATION

5 27 This bill makes changes relating to the salary of county  
5 28 attorneys and the use of certain moneys collected by the  
5 29 office of county attorney.

5 30 The bill provides a minimum annual salary to be paid to  
5 31 county attorneys. Based upon the population of the county in  
5 32 which the county attorney serves, the county attorney shall  
5 33 receive an amount which is a percentage of the annual salary  
5 34 received by a district judge. The minimum salary requirement  
5 35 is phased in over three years, beginning with fiscal year



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House Study Bill 34 continued

6 1 2009=2010. The bill addresses both full-time and part-time  
6 2 county attorneys.  
6 3 The bill requires the county compensation board to consider  
6 4 the minimum salary amounts when setting the salary of the  
6 5 county attorney. The bill also prohibits a county board of  
6 6 supervisors, in determining the final compensation schedule  
6 7 for each elected county officer, from reducing a county  
6 8 attorney's salary increase below the applicable minimum  
6 9 amounts.  
6 10 The bill also requires counties to use the moneys deposited  
6 11 in the county's general fund, as a result of the collection of  
6 12 fines, penalties, court costs, fees, surcharges, and  
6 13 restitution by the county attorney under Code section  
6 14 602.8107, to satisfy the county attorney minimum salary  
6 15 requirements before those moneys may be used for any other  
6 16 purpose.  
6 17 The bill takes effect upon enactment.  
6 18 LSB 1464HC 83  
6 19 md/sc/24



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House Study Bill 35

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT  
BILL)

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

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

A BILL FOR

- 1 An Act providing training program extension benefits to
- 2 unemployment insurance benefits, and including an
- 3 applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1433DP 83
- 6 ak/rj/5



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House Study Bill 35 continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 5, Code 2009, is  
1 2 amended to read as follows:  
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of  
1 4 benefits payable to an eligible individual during a benefit  
1 5 year shall not exceed the total of the wage credits accrued to  
1 6 the individual's account during the individual's base period,  
1 7 or twenty=six times the individual's weekly benefit amount,  
1 8 whichever is the lesser. The director shall maintain a  
1 9 separate account for each individual who earns wages in  
1 10 insured work. The director shall compute wage credits for  
1 11 each individual by crediting the individual's account with  
1 12 one=third of the wages for insured work paid to the individual  
1 13 during the individual's base period. However, the director  
1 14 shall recompute wage credits for an individual who is laid off  
1 15 due to the individual's employer going out of business at the  
1 16 factory, establishment, or other premises at which the  
1 17 individual was last employed, by crediting the individual's  
1 18 account with one=half, instead of one=third, of the wages for  
1 19 insured work paid to the individual during the individual's  
1 20 base period. Benefits paid to an eligible individual shall be  
1 21 charged against the base period wage credits in the  
1 22 individual's account which have not been previously charged,  
1 23 in the inverse chronological order as the wages on which the  
1 24 wage credits are based were paid. However if the state "off  
1 25 indicator" is in effect and if the individual is laid off due  
1 26 to the individual's employer going out of business at the  
1 27 factory, establishment, or other premises at which the  
1 28 individual was last employed, the maximum benefits payable  
1 29 shall be extended to thirty=nine times the individual's weekly  
1 30 benefit amount, but not to exceed the total of the wage  
1 31 credits accrued to the individual's account.  
1 32 b. TRAINING EXTENSION BENEFITS. An individual who is in  
1 33 training with the approval of the director at the time regular  
1 34 benefits are exhausted may be eligible for training extension  
1 35 benefits. The training extension benefit amount shall be



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House Study Bill 35 continued

2 1 twenty-six times the individual's weekly benefit amount, and  
2 2 the weekly benefit amount shall be equal to the individual's  
2 3 weekly benefit amount for the claim in which benefits were  
2 4 exhausted while in training. An individual who is receiving  
2 5 training extension benefits shall not be denied benefits due  
2 6 to application of section 96.4, subsection 3, or section 96.5,  
2 7 subsection 3. However, an employer's account shall not be  
2 8 charged with benefits so paid. Relief of charges under this  
2 9 paragraph applies to both contributory and reimbursable  
2 10 employers, notwithstanding section 96.8, subsection 5. In  
2 11 order for the individual to be eligible for training extension  
2 12 benefits, all of the following criteria must be met:  
2 13 (1) Training extension benefits end upon completion of the  
2 14 training even though a portion of the training extension  
2 15 benefit amount may remain, but the benefits shall not extend  
2 16 beyond the end of the benefit year.  
2 17 (2) The individual must be enrolled, participating in the  
2 18 training, and making satisfactory progress to complete the  
2 19 training.  
2 20 (3) The individual is considered to be in training during  
2 21 regularly scheduled vacation or recess periods of three weeks  
2 22 or less but not during a summer vacation period or school  
2 23 break which is longer than three weeks. If the individual  
2 24 immediately returns to training after the summer vacation or  
2 25 break period of longer than three weeks, the individual may  
2 26 reopen the training extension claim. Otherwise, the  
2 27 individual must be continuously in training in order to be  
2 28 eligible for training extension benefits.  
2 29 Sec. 2. Section 96.20, subsection 2, Code 2009, is amended  
2 30 to read as follows:  
2 31 2. The department may enter into arrangements with the  
2 32 appropriate agencies of other states, or a contiguous country  
2 33 with which the United States has an agreement with respect to  
2 34 unemployment compensation or of the federal government (a)  
2 35 whereby wages or services, upon the basis of which an



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House Study Bill 35 continued

3 1 individual may become entitled to benefits under the  
3 2 unemployment compensation law of another state or of the  
3 3 federal government, shall be deemed to be wages for employment  
3 4 by employers for the purposes of section 96.3 and section  
3 5 96.4, subsection 5; provided such other state agency or agency  
3 6 of the federal government has agreed to reimburse the fund for  
3 7 such portion of benefits paid under this chapter upon the  
3 8 basis of such wages or services as the department finds will  
3 9 be fair and reasonable as to all affected interests, and (b)  
3 10 whereby the department will reimburse other state or federal  
3 11 agencies charged with the administration of unemployment  
3 12 compensation laws with such reasonable portion of benefits,  
3 13 paid under the law of any such other states or of the federal  
3 14 government upon the basis of employment or wages for  
3 15 employment by employers, as the department finds will be fair  
3 16 and reasonable as to all affected interests. Reimbursements  
3 17 so payable shall be deemed to be benefits for the purposes of  
3 18 section 96.3, subsection 5, paragraph "a", and section 96.9,  
3 19 but no reimbursement so payable shall be charged against any  
3 20 employer's account for the purposes of section 96.7, unless  
3 21 wages so transferred are sufficient to establish a valid claim  
3 22 in Iowa, and that such charges shall not exceed the amount  
3 23 that would have been charged on the basis of a valid claim.  
3 24 The department is hereby authorized to make to other state or  
3 25 federal agencies and receive from such other state or federal  
3 26 agencies, reimbursements from or to the fund, in accordance  
3 27 with arrangements pursuant to this section. The department  
3 28 shall participate in any arrangements for the payment of  
3 29 compensation on the basis of combining an individual's wages  
3 30 and employment covered under this Act with the individual's  
3 31 wages and employment covered under the unemployment  
3 32 compensation laws of other states which are approved by the  
3 33 United States secretary of labor in consultation with the  
3 34 state unemployment compensation agencies as reasonably  
3 35 calculated to assure the prompt and full payment of



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House Study Bill 35 continued

4 1 compensation in such situations and which include provisions  
4 2 for: Applying the base period of a single state law to a  
4 3 claim involving the combining of an individual's wages and  
4 4 employment covered under two or more state unemployment  
4 5 compensation laws, and avoiding the duplication use of wages  
4 6 and employment by reason of such combining.

4 7 Sec. 3. Section 96.40, subsection 8, Code 2009, is amended  
4 8 to read as follows:

4 9 8. An individual shall not be entitled to receive shared  
4 10 work benefits and regular unemployment compensation benefits  
4 11 in an aggregate amount which exceeds the maximum total amount  
4 12 of benefits payable to that individual in a benefit year as  
4 13 provided under section 96.3, subsection 5, paragraph "a".  
4 14 Notwithstanding any other provisions of this chapter, an  
4 15 individual shall not be eligible to receive shared work  
4 16 benefits for more than twenty=six calendar weeks during the  
4 17 individual's benefit year.

4 18 Sec. 4. APPLICABILITY DATE. This Act applies to any week  
4 19 of unemployment benefits beginning on or after July 1, 2009.

4 20 EXPLANATION

4 21 This bill establishes a benefits extension for individuals  
4 22 enrolled in a training program while receiving unemployment  
4 23 insurance benefits. Regular benefits must be exhausted and  
4 24 the benefit amount shall be no more than 26 times the  
4 25 individual's weekly benefit amount. In order to qualify for  
4 26 the training extension benefits, the following criteria must  
4 27 be met: the benefits end when training is completed and may  
4 28 not extend beyond the benefit year; the individual must be  
4 29 enrolled, participating, and making satisfactory progress in  
4 30 the training; and the individual shall be considered in  
4 31 training during regular vacation or recess breaks of three  
4 32 weeks or less but not during a summer vacation or break of  
4 33 longer than three weeks.

4 34 The bill applies to any week of unemployment benefits  
4 35 beginning on or after July 1, 2009.



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House Study Bill 35 continued

5 1 LSB 1433DP 83  
5 2 ak/rj/5



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House Study Bill 36

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

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

A BILL FOR

- 1 An Act relating to elections or appointments to a county
- 2 magistrate appointing commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1465HC 83
- 5 jm/rj/14



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House Study Bill 36 continued

PAG LIN

1 1 Section 1. Section 602.6502, Code 2009, is amended to read  
1 2 as follows:

1 3 602.6502 PROHIBITIONS TO APPOINTMENT.

1 4 A member of a county magistrate appointing commission shall  
1 5 not be appointed to the office of magistrate, and shall not be  
1 6 nominated for or appointed to the office of district associate  
1 7 judge, office of associate juvenile judge, or office of  
1 8 associate probate judge. A member of the commission shall not  
1 9 be eligible to vote for the appointment or nomination of a  
1 10 family member, current law partner, ~~or~~ current business  
1 11 partner, or current member of the same office. For purposes  
1 12 of this section, "family member" means a spouse, son,  
1 13 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
1 14 niece, father-in-law, mother-in-law, son-in-law,  
1 15 daughter-in-law, brother-in-law, sister-in-law, father,  
1 16 mother, stepfather, stepmother, stepson, stepdaughter,  
1 17 stepbrother, stepsister, half brother, or half sister.

1 18 Sec. 2. Section 602.6503, subsection 2, Code 2009, is  
1 19 amended by striking the subsection.

1 20 Sec. 3. Section 602.6504, subsection 2, Code 2009, is  
1 21 amended to read as follows:

1 22 2. A Notwithstanding section 39.11 or any other law or  
1 23 rule to the contrary, a county attorney shall not may be  
1 24 elected to the commission.

EXPLANATION

1 26 This bill relates to the election or appointment to a  
1 27 county magistrate appointing commission.

1 28 The bill strikes a provision in Code chapter 602  
1 29 prohibiting the board of supervisors from appointing an  
1 30 attorney or an active law enforcement officer to serve as a  
1 31 commissioner on a magistrate appointing commission.

1 32 The bill also provides that a county attorney may be  
1 33 elected to serve on a county magistrate appointing commission.  
1 34 Current law prohibits a county attorney from being elected to  
1 35 the commission.



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House Study Bill 36 continued

2 1       The bill makes a commissioner of a county magistrate  
2 2 appointment commission ineligible to vote for the appointment  
2 3 or nomination of a current member of the commissioner's same  
2 4 office. Current law provides that a commissioner is  
2 5 ineligible to vote for the appointment or nomination of a  
2 6 family member, current law partner, or current business  
2 7 partner.  
2 8       A county magistrate commission appoints the magistrates  
2 9 authorized for each county pursuant to Code section 602.6403.  
2 10 A county magistrate commission consists of a district judge,  
2 11 three commissioners appointed by the county supervisors, and  
2 12 two commissioners elected by the attorneys residing in the  
2 13 county.  
2 14 LSB 1465HC 83  
2 15 jm/rj/14



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House Study Bill 37

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

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

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

A BILL FOR

- 1 An Act relating to alcoholic beverage possession or consumption
- 2 including underage possession or consumption and destruction
- 3 of operating while intoxicated records, and providing a
- 4 penalty.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1463HC 83
- 7 rh/nh/24



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House Study Bill 37 continued

PAG LIN

1 1 Section 1. Section 123.47, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. Except for the purposes described in  
1 4 subsection 2, a person who is the owner or lessee of, or who  
1 5 otherwise has control over, property that is not a licensed  
1 6 premises, shall not permit any person, knowing or having  
1 7 reasonable cause to believe the person to be under legal age,  
1 8 to consume or possess on such property any alcoholic liquor,  
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,  
1 11 unnumbered paragraph 1, Code 2009, is amended to read as  
1 12 follows:

1 13 A person who is under legal age, other than a licensee or  
1 14 permittee, who violates this section regarding the purchase of  
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or  
1 16 possessing or having control of alcoholic liquor, wine, or  
1 17 beer, or permitting under legal age consumption or possession  
1 18 on certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 3, paragraph a,  
1 20 subparagraph (1), Code 2009, is amended to read as follows:

1 21 (1) A simple misdemeanor punishable as a scheduled  
1 22 violation under section 805.8C, subsection 7. Notwithstanding  
1 23 section 903.1, the court, in lieu of ordering payment of a  
1 24 scheduled fine, may suspend the fine and order the person  
1 25 under legal age to receive a substance abuse evaluation by a  
1 26 program licensed to provide services pursuant to section  
1 27 125.13.

1 28 Sec. 4. Section 123.47, subsection 4, Code 2009, is  
1 29 amended to read as follows:

1 30 4. Except as otherwise provided in subsections 5 and 6, a  
1 31 person who is of legal age, other than a licensee or  
1 32 permittee, who sells, gives, or otherwise supplies alcoholic  
1 33 liquor, wine, or beer to a person who is under legal age in  
1 34 violation of this section, or permits under legal age  
1 35 consumption or possession on certain property, commits a



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2 1 serious misdemeanor punishable by a minimum fine of five  
2 2 hundred dollars.

2 3 Sec. 5. Section 321.12, subsection 4, Code 2009, is  
2 4 amended to read as follows:

2 5 4. The director shall not destroy any operating records  
2 6 pertaining to arrests or convictions for operating while  
2 7 intoxicated, in violation of section 321J.2 or operating  
2 8 records pertaining to revocations for violations of section  
2 9 321J.2A, ~~except that a conviction or revocation under section~~  
~~2 10 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall~~  
~~2 11 be deleted from the operating records twelve years after the~~  
~~2 12 date of conviction or the effective date of revocation.~~  
~~2 13 Convictions or revocations that are retained in the operating~~  
~~2 14 records for more than twelve years under this subsection shall~~  
~~2 15 be considered only for purposes of disqualification actions~~  
~~2 16 under 49 C.F.R. } 383.~~

2 17 Sec. 6. Section 321J.2, subsection 4, paragraph a, Code  
2 18 2009, is amended by striking the paragraph.

2 19 EXPLANATION

2 20 This bill relates to possession or consumption of an  
2 21 alcoholic beverage by an under legal age person on certain  
2 22 property and destruction of operating while intoxicated  
2 23 records.

2 24 Under the bill, a person who is the owner or lessee of, or  
2 25 who otherwise has control over, property that is not a  
2 26 licensed premises, shall not permit an under legal age person  
2 27 to consume or possess an alcoholic beverage on such property.

2 28 The bill does not affect situations involving a person  
2 29 under legal age consuming or possessing an alcoholic beverage  
2 30 for a permitted purpose under Code section 123.47, subsection  
2 31 2.

2 32 For a first offense, a person under legal age who permits  
2 33 under legal age consumption or possession in violation of the  
2 34 bill commits a simple misdemeanor punishable as a scheduled  
2 35 violation under Code section 805.8C, subsection 7; for a



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3 1 second offense a person commits a simple misdemeanor  
3 2 punishable by a fine of \$500; and for a third or subsequent  
3 3 offense the person commits a simple misdemeanor punishable by  
3 4 a fine of \$500 and suspension of the person's motor vehicle  
3 5 operating privileges for up to one year.  
3 6     The court, for a first offense by a person under legal age,  
3 7 may suspend the payment of a scheduled fine and order the  
3 8 person under legal age to receive a substance abuse evaluation  
3 9 by a program licensed to provide services pursuant to Code  
3 10 section 125.13.  
3 11     A person of legal age who permits under legal age  
3 12 consumption or possession in violation of the bill commits a  
3 13 serious misdemeanor punishable by a minimum fine of \$500.  
3 14     The bill provides that the director of the department of  
3 15 transportation (DOT) shall not destroy any arrest or  
3 16 conviction records for persons 21 and over or license  
3 17 revocation records for persons under the age of 21, relating  
3 18 to operating=while=intoxicated offenses. Current law  
3 19 authorizes the DOT to destroy such records that are more than  
3 20 12 years old except for certain DOT records of drivers of  
3 21 commercial motor vehicles. The bill also eliminates this  
3 22 twelve=year look=back provision for determining whether an  
3 23 operating=while=intoxicated offense is a second or subsequent  
3 24 offense for criminal sentencing or license revocation  
3 25 purposes.  
3 26 LSB 1463HC 83  
3 27 rh/nh/24



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House Study Bill 38

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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House Study Bill 38 continued

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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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House Study Bill 39

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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House Study Bill 39 continued

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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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House Study Bill 39 continued

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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House Study Bill 40

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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House Study Bill 40 continued

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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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House Study Bill 41

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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House Study Bill 41 continued

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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 File 20 - Introduced**

SENATE FILE  
BY COURTNEY

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

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

**A BILL FOR**

- 1 An Act relating to elections in drainage or levee districts
- 2 managed by a board of trustees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1230SS 83
- 5 da/rj/14



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Senate File 20 - Introduced continued

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1 1 Section 1. Section 468.506, Code 2009, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:

1 4 468.506 ELIGIBILITY OF TRUSTEES.

1 5 Each trustee shall be a citizen of the United States, not  
1 6 less than eighteen years of age, and the owner of land in the  
1 7 drainage or levee district managed by the trustee's board, and  
1 8 either a resident of the county in which that district is  
1 9 located or a resident of a county that is adjacent to or  
1 10 corners the county in which the district is located.

1 11 Sec. 2. Section 468.510, Code 2009, is amended to read as  
1 12 follows:

1 13 468.510 QUALIFICATIONS OF VOTERS.

1 14 Each landowner eighteen years of age or over without regard  
1 15 to sex and any railway or other corporation owning land in  
1 16 said district assessed for benefits shall be entitled to one  
1 17 vote only, ~~except as provided in section 468.511.~~

1 18 Sec. 3. Section 468.511, subsection 1, Code 2009, is  
1 19 amended to read as follows:

1 20 1. ~~When a petition asking for the right to vote in~~  
~~1 21 proportion to assessment of benefits at all elections for any~~  
~~1 22 purpose thereafter to be held within said district, signed by~~  
~~1 23 a majority of the landowners owning land within said district~~  
~~1 24 assessed for benefits, is filed with the board of trustees,~~  
~~1 25 then, in all elections of trustees thereafter held within said~~  
~~1 26 district, any person whose land is assessed for benefits~~  
~~1 27 without regard to age, sex, or condition shall be entitled to~~  
~~1 28 one vote for each ten dollars or fraction thereof of the~~  
~~1 29 original assessment under the current classification against~~  
~~1 30 the land actually owned by the person in said district at the~~  
~~1 31 time of the election, but in order to have such ballot counted~~  
~~1 32 for more than one vote the voter shall write the voter's name~~  
~~1 33 upon the ballot.~~ The vote of any landowner of the district  
1 34 may be cast by absent voters ballot as provided in chapter 53  
1 35 except that the form of the applications for ballots, the



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Senate File 20 - Introduced continued

2 1 voters' affidavits on the envelopes, and the endorsement of  
2 2 the carrier envelope for preserving the ballot shall be  
2 3 substantially in the form provided in subsections 2, 3 and 4,  
2 4 below. Application blanks, envelopes and ballots shall be  
2 5 provided by and submitted to the office of the county auditor  
2 6 in which the election is held. The cost of such blanks,  
2 7 envelopes, ballots and postage shall be paid by the district.  
2 8 For the purpose of this subchapter all landowners of the  
2 9 district shall be considered qualified voters, regardless of  
2 10 their place of residence.

2 11 Sec. 4. Section 468.512, Code 2009, is amended to read as  
2 12 follows:

2 13 468.512 VOTE BY AGENT.

2 14 ~~Except where the provisions of section 468.511, providing~~  
~~2 15 for vote in proportion to assessment are invoked, any A person~~  
2 16 or corporation owning land or right of way within the district  
2 17 and assessed for benefits may have the person's or the  
2 18 corporation's vote cast by the person's or the corporation's  
2 19 agent or proxy authorized to cast such vote by a power of  
2 20 attorney signed and acknowledged by such person or  
2 21 corporation, and filed before such vote is cast in the  
2 22 auditor's office of the county in which such election is held.  
2 23 Every such power of attorney shall specify the particular  
2 24 election for which it is to be used, indicating the day,  
2 25 month, and year of such election, and shall be void for all  
2 26 elections subsequently held. ~~The vote of the owner of any~~  
~~2 27 land in a drainage or levee district in any election, where~~  
~~2 28 the vote is not determined by assessment, may be cast by~~  
~~2 29 absent voters ballot in the same manner and form and subject~~  
~~2 30 to the same rights and restrictions as is provided in section~~  
~~2 31 468.511 relating to vote by absentee ballot when votes are~~  
~~2 32 determined by assessment.~~

2 33 EXPLANATION

2 34 Code chapter 468, subchapter III, provides for the  
2 35 management of drainage or levee districts by a board of



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Senate File 20 - Introduced continued

3 1 trustees elected by landowners in the district.  
3 2 Code section 468.506 provides for the eligibility of  
3 3 trustees, including by requiring that each trustee be (1) an  
3 4 owner of agricultural land in the district, and a resident of  
3 5 the county in which the district is located or a county which  
3 6 is contiguous or corners the district; (2) an owner of  
3 7 nonagricultural land in the district and a resident of that  
3 8 district; (3) a stockholder of a family farm corporation and a  
3 9 resident of the county in which the district is located or a  
3 10 county which is contiguous to or corners on the county; or (4)  
3 11 in a district in which 85 percent of the district is in the  
3 12 corporate limits of a city, an owner of benefited land in the  
3 13 district. This bill rewrites the section to provide that each  
3 14 trustee must own land in the district and be a resident of the  
3 15 county in which the district is located or a resident of a  
3 16 county that is adjacent to or corners that county.  
3 17 Code section 468.510 provides that each landowner in the  
3 18 district who is at least 18 years old or corporations are  
3 19 entitled to one vote, with one exception provided in Code  
3 20 section 468.511, which in part allows landowners to vote in  
3 21 proportion of their assessment of benefits at all elections  
3 22 within the district. The bill eliminates that exception.  
3 23 LSB 1230SS 83  
3 24 da/rj/14.2



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**Senate File 21**

SENATE FILE  
BY BOLKCOM

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

**A BILL FOR**

1 An Act requiring health benefit coverage for certain cancer  
2 treatment delivered pursuant to approved cancer clinical  
3 trials and providing an applicability date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1487XS 83  
6 av/nh/8



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Senate File 21 continued

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1 1 Section 1. NEW SECTION. 514C.24 APPROVED CANCER CLINICAL  
1 2 TRIALS COVERAGE.  
1 3 1. DEFINITIONS. For purposes of this section, unless the  
1 4 context otherwise requires:  
1 5 a. "Approved cancer clinical trial" means a scientific  
1 6 study of a new therapy for the treatment of cancer in human  
1 7 beings that meets the requirements set forth in subsection 3  
1 8 and consists of a scientific plan of treatment that includes  
1 9 specified goals, a rationale and background for the plan,  
1 10 criteria for patient selection, specific directions for  
1 11 administering therapy and monitoring patients, a definition of  
1 12 quantitative measures for determining treatment response, and  
1 13 methods for documenting and treating adverse reactions.  
1 14 b. "Institutional review board" means a board, committee,  
1 15 or other group formally designated by an institution and  
1 16 approved by the national institutes of health, office for  
1 17 protection from research risks, to review, approve the  
1 18 initiation of, and conduct periodic review of biomedical  
1 19 research involving human subjects. "Institutional review  
1 20 board" means the same as "institutional review committee" as  
1 21 used in section 520(g) of the federal Food, Drug, and Cosmetic  
1 22 Act, as codified in 21 U.S.C. } 301 et seq.  
1 23 c. "Routine patient care costs" means physician fees,  
1 24 laboratory expenses, and expenses associated with the  
1 25 hospitalization, administration of treatment, and evaluation  
1 26 of a patient during the course of treatment which are  
1 27 consistent with usual and customary patterns and standards of  
1 28 care incurred whenever an enrollee, subscriber, or insured  
1 29 receives medical care associated with an approved cancer  
1 30 clinical trial, and which would be covered if such items and  
1 31 services were provided other than in connection with an  
1 32 approved cancer clinical trial.  
1 33 d. "Therapeutic intent" means that a treatment is aimed at  
1 34 improving a patient's health outcome relative to either  
1 35 survival or quality of life.



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2 1 2. COVERAGE REQUIRED. Notwithstanding the uniformity of  
2 2 treatment requirements of section 514C.6, a policy or contract  
2 3 providing for third-party payment or prepayment of health or  
2 4 medical expenses shall provide coverage benefits for routine  
2 5 patient care costs incurred for cancer treatment in an  
2 6 approved cancer clinical trial to the same extent that such  
2 7 policy or contract provides coverage for treating any other  
2 8 sickness, injury, disease, or condition covered under the  
2 9 policy or contract, if the insured has been referred for such  
2 10 cancer treatment by two physicians who specialize in oncology  
2 11 and the cancer treatment is given pursuant to an approved  
2 12 cancer clinical trial that meets the criteria set forth in  
2 13 subsection 3. Services that are furnished without charge to a  
2 14 participant in the approved cancer clinical trial are not  
2 15 required to be covered as routine patient care costs pursuant  
2 16 to this section.

2 17 3. CRITERIA. Routine patient care costs for cancer  
2 18 treatment given pursuant to an approved cancer clinical trial  
2 19 shall be covered pursuant to this section if all of the  
2 20 following requirements are met:

2 21 a. The treatment is provided with therapeutic intent and  
2 22 is provided pursuant to an approved cancer clinical trial that  
2 23 has been authorized or approved by one of the following:

- 2 24 (1) The national institutes of health.
- 2 25 (2) The United States food and drug administration.
- 2 26 (3) The United States department of defense.
- 2 27 (4) The United States department of veterans affairs.

2 28 b. The proposed treatment has been reviewed and approved  
2 29 by the applicable qualified institutional review board.

2 30 c. The available clinical or preclinical data indicate  
2 31 that the treatment that will be provided pursuant to the  
2 32 approved cancer clinical trial will be at least as effective  
2 33 as the standard therapy and is anticipated to constitute an  
2 34 improvement in therapeutic effectiveness for the treatment of  
2 35 the disease in question.



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Senate File 21 continued

3 1 4. APPLICABILITY.

3 2 a. This section applies to the following classes of  
3 3 third-party payment provider contracts or policies delivered,  
3 4 issued for delivery, continued, or renewed in this state on or  
3 5 after July 1, 2009:

3 6 (1) Individual or group accident and sickness insurance  
3 7 providing coverage on an expense-incurred basis.

3 8 (2) An individual or group hospital or medical service  
3 9 contract issued pursuant to chapter 509, 514, or 514A.

3 10 (3) An individual or group health maintenance organization  
3 11 contract regulated under chapter 514B.

3 12 (4) Any other entity engaged in the business of insurance,  
3 13 risk transfer, or risk retention, which is subject to the  
3 14 jurisdiction of the commissioner.

3 15 (5) A plan established pursuant to chapter 509A for public  
3 16 employees.

3 17 (6) An organized delivery system licensed by the director  
3 18 of public health.

3 19 b. This section shall not apply to accident-only,  
3 20 specified disease, short-term hospital or medical, hospital  
3 21 confinement indemnity, credit, dental, vision, Medicare  
3 22 supplement, long-term care, basic hospital and  
3 23 medical-surgical expense coverage as defined by the  
3 24 commissioner, disability income insurance coverage, coverage  
3 25 issued as a supplement to liability insurance, workers'  
3 26 compensation or similar insurance, or automobile medical  
3 27 payment insurance.

3 28 EXPLANATION

3 29 This bill creates new Code section 514C.24 to require  
3 30 health benefit coverage for cancer treatment delivered  
3 31 pursuant to an approved cancer clinical trial. The bill  
3 32 defines "approved cancer clinical trial" as a scientific study  
3 33 of a new therapy for the treatment of cancer in human beings  
3 34 that meets requirements specified in the bill and consists of  
3 35 a scientific plan of treatment.



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Senate File 21 continued

4 1 The bill requires that a policy or contract provide health  
4 2 benefit coverage for routine patient care costs incurred for  
4 3 cancer treatment in an approved cancer clinical trial to the  
4 4 same extent that the policy or contract provides coverage for  
4 5 treating any other sickness, injury, disease, or condition  
4 6 covered under the policy or contract, if the insured has been  
4 7 referred for such cancer treatment by two physicians who  
4 8 specialize in oncology, and the cancer treatment is given  
4 9 pursuant to an approved cancer clinical trial as set forth in  
4 10 the bill.

4 11 The bill applies to specified classes of third-party  
4 12 payment provider contracts or policies delivered, issued for  
4 13 delivery, continued, or renewed in this state on or after July  
4 14 1, 2009.

4 15 LSB 1487XS 83

4 16 av/nh/8



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Senate Resolution 3 - Introduced

PAG LIN

S.R. \_\_\_\_\_ H.R. \_\_\_\_\_

1 1 SENATE RESOLUTION NO. \_\_\_\_  
1 2 BY KIBBIE, GRONSTAL, and McKINLEY  
1 3 A Resolution to honor retired legislator and good friend  
1 4 Mary Lundby.  
1 5 WHEREAS, in a legislative career that spanned two  
1 6 decades and both houses of the General Assembly, Mary  
1 7 Adelaide Lundby knew both victory and defeat; and  
1 8 WHEREAS, Senator Lundby's husband, Michael, and her  
1 9 entire family have provided support and encouragement  
1 10 to her throughout her legislative career; and  
1 11 WHEREAS, Senator Lundby came to public office as a  
1 12 committed environmentalist and public policy maker,  
1 13 and as a vigorous campaigner and competitor, leading  
1 14 the Republican party to the majority in the House of  
1 15 Representatives; and  
1 16 WHEREAS, a consummate organizer, a tireless  
1 17 legislator, and a good friend to all, by the time of  
1 18 her retirement Mary Lundby had the distinction of  
1 19 being the first woman elected Speaker Pro Tempore in  
1 20 the House of Representatives and the first woman  
1 21 chosen Co-Majority Leader of the Senate; and  
1 22 WHEREAS, at the same time Senator Lundby fought  
1 23 legislative battles, she also fought a personal battle  
1 24 to maintain her health, showing the same tenacity,  
1 25 courage, compassion, and even humor, as that battle  
1 26 stretched from months to years; and  
1 27 WHEREAS, as she continues that battle, Senator  
1 28 Lundby provides an example for us all, fighting on  
1 29 with strength and indomitable will, and teaches us to  
1 30 never give up the struggle; NOW THEREFORE,



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Senate Resolution 3 - Introduced continued

2 1 BE IT RESOLVED BY THE SENATE, That the Senate once  
2 2 again rises to honor and thank Mary Lundby and her  
2 3 family for their service to Iowa, for both her gentle  
2 4 and raucous good humor, and for her example of courage  
2 5 and determination.  
2 6 LSB 1805SS 83  
2 7 jr/rj/14



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Senate Study Bill 1056

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 providing funding for certain veterans programs and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1705SC 83
- 5 ec/nh/8



**Iowa General Assembly  
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Senate Study Bill 1056 continued

PAG LIN

1 1 Section 1. Section 35A.13, subsection 6, Code 2009, is  
 1 2 amended to read as follows:  
 1 3 6. ~~It is the intent of the general assembly that beginning~~  
 1 4 Beginning with the fiscal year beginning July 1, 2008 2009,  
 1 5 appropriations be made there is appropriated annually from the  
 1 6 general fund of the state to the veterans trust fund an amount  
 1 7 equal to five million dollars, less any moneys transferred to  
 1 8 the fund pursuant to section 99G.9A for that fiscal year,  
 1 9 until the balance of the veterans trust fund is fifty million  
 1 10 dollars or more. Prior to any additional appropriations to  
 1 11 this fund, the The department shall provide the general  
 1 12 assembly with information, on an annual basis, identifying  
 1 13 immediate and long-term veteran services throughout the state  
 1 14 and a plan for delivering those services.  
 1 15 Sec. 2. 2006 Iowa Acts, chapter 1184, section 5,  
 1 16 subsection 4, unnumbered paragraph 2, as enacted by 2007 Iowa  
 1 17 Acts, chapter 203, section 1, and amended by 2008 Iowa Acts,  
 1 18 chapter 1187, section 69, is amended to read as follows:  
 1 19 Notwithstanding section 8.33, moneys appropriated in this  
 1 20 subsection that remain unencumbered or unobligated at the  
 1 21 close of the fiscal year shall not revert but shall remain  
 1 22 available for expenditure for the purposes designated until  
 1 23 the close of the fiscal year beginning July 1, 2008 2009.  
 1 24 Sec. 3. HOME OWNERSHIP ASSISTANCE PROGRAM FOR VETERANS ==  
 1 25 FUNDING. There is appropriated from the rebuild Iowa  
 1 26 infrastructure fund to the Iowa finance authority for the  
 1 27 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
 1 28 the following amount, or so much thereof as is necessary, to  
 1 29 be used for the purpose designated:  
 1 30 For continuation of the home ownership assistance program  
 1 31 for persons who are or were eligible members of the armed  
 1 32 forces of the United States, pursuant to section 16.54,  
 1 33 notwithstanding section 8.57, subsection 6, paragraph "c":  
 1 34 ..... \$ 1,600,000  
 1 35 Of the funds appropriated, the Iowa finance authority may





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**Senate Study Bill 1057**

SENATE/HOUSE FILE  
 BY (PROPOSED DEPARTMENT OF  
 NATURAL RESOURCES BILL)

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

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

**A BILL FOR**

- 1 An Act relating to open burning of residential waste in certain
- 2 areas of the state and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1245DP 83
- 5 tm/nh/14



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Senate Study Bill 1057 continued

PAG LIN

1 1 Section 1. Section 455B.133, Code 2009, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 11. a. Adopt rules to prohibit the open  
1 4 burning of residential waste within any of the following  
1 5 areas:  
1 6 (1) Beginning January 1, 2010, any city with a population  
1 7 of two thousand five hundred or more and any area within one  
1 8 quarter mile of any city with a population of two thousand  
1 9 five hundred or more.  
1 10 (2) Beginning January 1, 2011, any city with a population  
1 11 of one thousand or more and any area within one quarter mile  
1 12 of any city with a population of one thousand or more.  
1 13 (3) Beginning January 1, 2012, any city with a population  
1 14 of five hundred or more and any area within one quarter mile  
1 15 of any city with a population of five hundred or more.  
1 16 (4) Beginning January 1, 2013, any city in the state and  
1 17 any area within one quarter mile of any city in the state.  
1 18 b. The population of a city as described in this  
1 19 subsection shall be based on the most recent federal decennial  
1 20 census.

1 21 EXPLANATION

1 22 This bill relates to open burning of residential waste in  
1 23 certain areas of the state.  
1 24 The bill requires the environmental protection commission  
1 25 to adopt administrative rules prohibiting the open burning of  
1 26 residential waste in cities and in areas within one quarter  
1 27 mile of cities. The prohibition begins on January 1, 2010, in  
1 28 cities with a population of 2,500 or more; on January 1, 2011,  
1 29 in cities with a population of 1,000 or more; on January 1,  
1 30 2012, in cities with a population of 500 or more; and on  
1 31 January 1, 2013, in all cities in the state.  
1 32 Criminal penalties provided in Code section 455B.146A are  
1 33 applicable to violations of the provisions of the bill.  
1 34 LSB 1245DP 83  
1 35 tm/nh/14



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**Senate Study Bill 1058**

SENATE/HOUSE FILE  
 BY (PROPOSED DEPARTMENT OF  
 NATURAL RESOURCES BILL)

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

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

**A BILL FOR**

- 1 An Act relating to the collection and expenditure of storage tank
- 2 management fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1259DP 83
- 5 tm/nh/8



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Senate Study Bill 1058 continued

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1 1 Section 1. Section 455B.479, Code 2009, is amended to read  
 1 2 as follows:  
 1 3 455B.479 STORAGE TANK MANAGEMENT FEE.  
 1 4 An owner or operator of an underground storage tank shall  
 1 5 pay an annual storage tank management fee of sixty-five  
 1 6 dollars per tank of over one thousand one hundred gallons  
 1 7 capacity. ~~Twenty-three percent of the~~ The fees collected  
 1 8 shall be deposited in the storage tank management account of  
 1 9 the groundwater protection fund. ~~Seventy-seven percent of the~~  
~~1 10 fees collected shall be deposited in the Iowa comprehensive~~  
~~1 11 petroleum underground storage tank fund created in chapter~~  
~~1 12 455G.~~  
 1 13 Sec. 2. Section 455E.11, subsection 2, paragraph d, Code  
 1 14 2009, is amended to read as follows:  
 1 15 d. A storage tank management account. All fees collected  
 1 16 pursuant to section 455B.473, subsection 5, and section  
 1 17 455B.479, shall be deposited in the storage tank management  
 1 18 account, ~~except those moneys deposited into the Iowa~~  
~~1 19 comprehensive petroleum underground storage tank fund pursuant~~  
~~1 20 to section 455B.479. Funds.~~ Moneys deposited in the account  
 1 21 shall be expended for the following purposes:  
 1 22 (1) One thousand dollars is appropriated annually to the  
 1 23 ~~Iowa~~ department of public health to carry out departmental  
 1 24 duties under section 135.11, subsections 20 and 21, and  
 1 25 section 139A.21.  
 1 26 (2) ~~Twenty-three percent of the proceeds of the fees~~  
~~1 27 imposed pursuant to section 455B.473, subsection 5, and~~  
~~1 28 section 455B.479 shall be deposited in the account annually,~~  
~~1 29 up to a maximum of three hundred fifty thousand dollars. If~~  
~~1 30 twenty-three percent of the proceeds exceeds three hundred~~  
~~1 31 fifty thousand dollars, the excess shall be deposited into the~~  
~~1 32 fund created in section 455G.3. Three hundred fifty thousand~~  
~~1 33 dollars is~~ The moneys remaining in the account after the  
 1 34 appropriation in subparagraph (1) are appropriated from the  
 1 35 storage tank management account to the department of natural



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Senate Study Bill 1058 continued

2 1 resources for the administration of a state storage tank  
2 2 program pursuant to chapter 455B, division IV, part 8, and for  
2 3 programs which reduce the potential for harm to the  
2 4 environment and the public health from storage tanks.  
2 5 ~~(3) The remaining funds in the account are appropriated~~  
~~2 6 annually to the Iowa comprehensive petroleum underground~~  
~~2 7 storage tank fund.~~

2 8 Sec. 3. Section 455G.8, subsection 3, Code 2009, is  
2 9 amended by striking the subsection.

2 10 EXPLANATION

2 11 This bill relates to the collection and expenditure of  
2 12 storage tank management fees.

2 13 Currently, owners or operators of underground storage tanks  
2 14 pay an annual storage tank management fee. Twenty-three  
2 15 percent of each fee collected is deposited in the storage tank  
2 16 management account of the groundwater protection fund and 77  
2 17 percent is deposited in the Iowa comprehensive petroleum  
2 18 underground storage tank fund.

2 19 The bill provides that 100 percent of each fee collected is  
2 20 deposited in the storage tank management account of the  
2 21 groundwater protection fund. The bill provides that, after an  
2 22 annual standing appropriation of \$1,000 to the department of  
2 23 public health to carry out departmental duties, the remaining  
2 24 moneys in the account are appropriated from the account to the  
2 25 department of natural resources for the administration of a  
2 26 state storage tank program and for programs which reduce the  
2 27 potential for harm to the environment and the public health  
2 28 from storage tanks. The bill eliminates the deposit of a  
2 29 portion of the storage tank management fee in the Iowa  
2 30 comprehensive petroleum underground storage tank fund.

2 31 LSB 1259DP 83

2 32 tm/nh/8



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**Senate Study Bill 1059**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

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

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

**A BILL FOR**

- 1 An Act relating to the water quality protection fund by changing
- 2 the calculation of operating fees assessed against public
- 3 water supply systems.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1252DP 83
- 6 tm/nh/24



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Senate Study Bill 1059 continued

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1 1 Section 1. Section 455B.171, Code 2009, is amended by  
1 2 adding the following new subsection:

1 3 NEW SUBSECTION. 28A. "Service connections" means the  
1 4 total number of active and inactive service lines originating  
1 5 from a water distribution main for the purpose of delivering  
1 6 water intended for human consumption.

1 7 Sec. 2. Section 455B.183A, subsection 2, paragraph b, Code  
1 8 2009, is amended to read as follows:

1 9 b. The operation of a public water supply system,  
1 10 including any part of the system. The commission shall adopt  
1 11 a fee schedule ~~which shall be~~ that is based on the total  
1 12 number of persons served by service connections in all public  
1 13 water supply systems in this state. However, a public water  
1 14 supply system shall be assessed a fee of at least ~~twenty-five~~  
1 15 fifty dollars.

1 16 (1) A noncommunity public water supply system not owned or  
~~1 17 operated by a community and serving a transient population~~  
1 18 shall be assessed a fee of ~~twenty-five~~ based on the number of  
1 19 persons served, but the fee shall not be less than fifty  
1 20 dollars. The number of persons served by a noncommunity  
1 21 system shall be the average number of daily employees plus the  
1 22 average number of other persons served, such as customers or  
1 23 visitors, during the peak month of the year, regardless of  
1 24 whether the water is actually used for human consumption.

1 25 (2) The commission shall calculate all fees in the  
1 26 schedule to produce total revenues ~~equaling three hundred~~  
~~1 27 fifty thousand~~ of not more than one million dollars for each  
1 28 fiscal year, commencing with the fiscal year beginning July 1,  
1 29 1995 2009, and ending June 30, 1996 2010.

1 30 (3) For each fiscal year, the fees shall be deposited into  
1 31 the public water supply system account.

1 32 (4) By May 1 of each year, the department shall estimate  
1 33 the total revenue expected to be collected from the  
1 34 overpayment of fees, which are all fees in excess of the  
1 35 amount of the total revenues which are expected to be



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Senate Study Bill 1059 continued

2 1 collected under the current fee schedule, and the total  
2 2 revenue expected to be collected from the payment of fees  
2 3 during the next fiscal year. The commission shall adjust the  
2 4 fees if the estimate exceeds the amount of revenue required to  
2 5 be deposited in the account pursuant to this lettered  
2 6 paragraph.

2 7 EXPLANATION

2 8 This bill relates to the water quality protection fund.

2 9 The bill changes the basis for determining operating fees  
2 10 assessed against community public water supply systems.  
2 11 Currently, operating fees are assessed based on the number of  
2 12 persons served. The bill bases fees on the number of  
2 13 connections in all community public water supply systems.

2 14 The bill bases the fee for noncommunity public water supply  
2 15 systems on the number of persons served and provides that the  
2 16 minimum fee shall be \$50 per year.

2 17 The bill also changes the upper limit of the fee schedule.  
2 18 Currently, fees must be calculated to generate \$350,000 in  
2 19 revenue each fiscal year. The bill provides that fees shall  
2 20 be calculated to generate not more than \$1 million in revenue  
2 21 each fiscal year.

2 22 The bill defines "service connections" for purposes of fee  
2 23 calculation as the total number of active and inactive service  
2 24 lines originating from a water distribution main for the  
2 25 purpose of delivering water intended for human consumption.

2 26 LSB 1252DP 83

2 27 tm/nh/24



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**Senate Study Bill 1060**

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

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

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

**A BILL FOR**

- 1 An Act establishing a lean enterprise office within the
- 2 department of management.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1129XD 83
- 5 ec/rj/8



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Senate Study Bill 1060 continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.70 LEAN ENTERPRISE OFFICE.  
1 2 1. For purposes of this section, "lean" means a  
1 3 business-oriented system for organizing and managing product  
1 4 development, operations, suppliers, and customer relations to  
1 5 create precise customer value, expressed as providing goods  
1 6 and services with higher quality and fewer defects and errors,  
1 7 with less human effort, less space, less capital, and less  
1 8 time than more traditional systems.  
1 9 2. The office of lean enterprise is established in the  
1 10 department of management. The function of the office is to  
1 11 ensure implementation of lean tools and enterprises as a  
1 12 component of a performance management system for all executive  
1 13 branch agencies. Staffing for the office of lean enterprise  
1 14 shall be provided by an administrator appointed by the  
1 15 director of the department of management. Additional staff  
1 16 may be hired, subject to the availability of funding.  
1 17 3. The duties of the office of lean enterprise may include  
1 18 the following:  
1 19 a. Create strategic and tactical approaches for lean  
1 20 implementation, including integration into state governance  
1 21 and operational systems.  
1 22 b. Lead and develop state government's capacity to  
1 23 implement lean tools and enterprises, including design and  
1 24 development of instructional materials as needed with the goal  
1 25 of integrating continuous improvement into the organizational  
1 26 culture.  
1 27 c. (1) Create demand for lean tools and enterprises in  
1 28 departments.  
1 29 (2) Communicate with agency directors, boards,  
1 30 commissions, and senior management to create interest and  
1 31 organizational will to implement lean tools and enterprises to  
1 32 improve agency results.  
1 33 (3) Provide direction and advice to department heads and  
1 34 senior management to plan and implement departmental lean  
1 35 programs.



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Senate Study Bill 1060 continued

2 1 (4) Direct and review plans for leadership and assist with  
2 2 the selection of process improvement projects of key  
2 3 importance to agency goals, programs, and missions.

2 4 d. (1) Identify and assist departments in identifying  
2 5 potential lean projects.

2 6 (2) Continuously evaluate organizational performance in  
2 7 meeting objectives, identify and structure the direction the  
2 8 lean implementation should take to provide greatest  
2 9 effectiveness, and justify critical and far-reaching changes.

2 10 e. (1) Lead the collection and reporting of data and  
2 11 learning related to lean accomplishments.

2 12 (2) Widely disseminate lean results and learning with  
2 13 Iowans, stakeholders, and other members of the public to  
2 14 demonstrate the benefits and return on investment.

2 15 f. (1) Evaluate the effect of unforeseen developments on  
2 16 plans and programs and present to agency directors, boards,  
2 17 commissions, and senior management suggested changes in  
2 18 overall direction.

2 19 (2) Provide input related to proposals regarding new or  
2 20 revised legislation, regulations, and related changes which  
2 21 have a direct impact over the implementation.

2 22 g. Lead the development of alliances and partnerships with  
2 23 the business community, associations, consultants, and other  
2 24 stakeholders to enhance external support and advance the  
2 25 implementation of lean tools and enterprises in state  
2 26 government.

2 27 h. Lead relations with the general assembly and staff to  
2 28 build support for and understanding of lean work in state  
2 29 government.

2 30 EXPLANATION

2 31 This bill creates in the department of management the lean  
2 32 enterprise office to ensure implementation of lean tools and  
2 33 enterprises as a component of a performance management system  
2 34 for all executive branch agencies. The bill provides that the  
2 35 administrator of the office shall be appointed by the director



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Senate Study Bill 1060 continued

3 1 of the department of management. The bill defines "lean" as a  
3 2 business-oriented system for organizing and managing, designed  
3 3 to create precise customer value, expressed as providing goods  
3 4 and services with higher quality and fewer defects and errors,  
3 5 with less time and effort.

3 6 The duties of the lean enterprise office may include  
3 7 creating strategic and tactical approaches for lean  
3 8 implementation, developing state government's capacity to  
3 9 implement lean tools and enterprises, creating demand for lean  
3 10 tools and enterprises in state departments, identifying and  
3 11 assisting departments in identifying potential lean projects,  
3 12 leading the collection and reporting of data and learning  
3 13 related to lean accomplishments, evaluating the effect of  
3 14 unforeseen developments on plans and programs, and present to  
3 15 agency directors, boards, commissions, and senior management  
3 16 suggested changes in overall direction, leading the  
3 17 development of alliances and partnerships with the business  
3 18 community, associations, consultants, and other stakeholders  
3 19 to enhance external support and advance the implementation of  
3 20 lean tools and enterprises in state government, and leading  
3 21 relations with the general assembly to build support for and  
3 22 understanding of lean work in state government.

3 23 LSB 1129XD 83

3 24 ec/rj/8