



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
March 06, 2009

House File 589 - Introduced

HOUSE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 351)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

A BILL FOR

- 1 An Act relating to the school calendar and school start dates and
- 2 providing effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1885HV 83
- 5 kh/rj/8



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House File 589 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.17, Code 2009, is amended to read  
1 2 as follows:  
1 3 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.  
1 4 State aid payments made pursuant to section 257.16 for a  
1 5 fiscal year shall be reduced by one one-hundred-eightieth for  
1 6 each day of that fiscal year for which the school district  
1 7 begins school before the earliest starting date specified in  
1 8 section 279.10, subsection 1. However, this section does not  
1 9 apply to a school district that has received approval from the  
1 10 director of the department of education under section 279.10,  
~~1 11 subsection 4, to commence classes for regularly established~~  
~~1 12 elementary and secondary schools in advance of the starting~~  
~~1 13 date established in for a pilot program for an innovative~~  
1 14 school year in accordance with section 279.10, subsection ~~1~~ 3.  
1 15 Sec. 2. Section 279.10, subsections 1 and 2, Code 2009,  
1 16 are amended to read as follows:  
1 17 1. The school year shall begin on the first day of July  
1 18 and each regularly established elementary and secondary school  
1 19 shall begin no sooner than a day during the calendar week in  
~~1 20 which the first day of September falls the fourth Monday in~~  
1 21 August but no later than the first Monday in December.  
~~1 22 However, if the first day of September falls on a Sunday,~~  
~~1 23 school may begin on a day during the calendar week which~~  
~~1 24 immediately precedes the first day of September unless the~~  
1 25 school district has received approval from the department of  
1 26 education for a pilot program for an innovative school year in  
1 27 accordance with subsection 3. School shall continue for at  
1 28 least one hundred eighty days, except as provided in  
1 29 subsection 3, and may be maintained during the entire calendar  
1 30 year. However, if the board of directors of a district  
1 31 extends the school calendar because inclement weather caused  
1 32 the district to temporarily close school during the regular  
1 33 school calendar, the district may excuse a graduating senior  
1 34 who has met district or school requirements for graduation  
1 35 from attendance during the extended school calendar. A school



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2 1 corporation may begin employment of personnel for in-service  
2 2 training and development purposes before the date to begin  
2 3 elementary and secondary school. The earliest starting date  
2 4 specified in this subsection shall not apply to a school  
2 5 district which maintains a year around three semester school  
2 6 year.

2 7 2. The board of directors shall hold a public hearing on  
2 8 any ~~proposal~~ request made pursuant to subsection 3 prior to  
2 9 submitting it to the department of education for approval.

2 10 Sec. 3. Section 279.10, subsection 4, Code 2009, is  
2 11 amended by striking the subsection.

2 12 Sec. 4. Section 280.3, subsection 1, Code 2009, is amended  
2 13 to read as follows:

2 14 1. The board of directors of each public school district  
2 15 and the authorities in charge of each nonpublic school shall  
2 16 prescribe the minimum educational program and an attendance  
2 17 policy which shall require each child to attend school for at  
2 18 least one hundred forty-eight days, to be met by attendance  
2 19 for at least thirty-seven days each school quarter, for the  
2 20 schools under their jurisdictions. Each public school and  
2 21 nonpublic school shall comply with the start date and school  
2 22 calendar requirements specified in section 279.10, subsection  
2 23 1.

2 24 Sec. 5. EFFECTIVE DATES. This Act takes effect July 1,  
2 25 2010, and is applicable for school years beginning on or after  
2 26 that date.

2 27 EXPLANATION

2 28 This bill eliminates the authority of the department of  
2 29 education to grant a request made by a board of directors of a  
2 30 school district to commence classes prior to the earliest  
2 31 starting date allowed, which currently is no sooner than a day  
2 32 during the calendar week in which the first day of September  
2 33 falls or, if the first day of September falls on a Sunday, a  
2 34 day during the prior week.

2 35 The bill establishes the earliest starting date as the



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3 1 fourth Monday in August and requires public and nonpublic  
3 2 schools to comply with the start date and school calendar  
3 3 provisions.  
3 4 The bill takes effect July 1, 2010, for the school year  
3 5 beginning July 1, 2010.  
3 6 LSB 1885HV 83  
3 7 kh/rj/8



Iowa General Assembly  
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House File 590 - Introduced

HOUSE FILE  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 201)  
(COMPANION TO SF 295)

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

A BILL FOR

1 An Act concerning the authority of the department of  
2 administrative services relative to existing leases on real  
3 property acquired by the department.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1418HV 83  
6 ec/nh/5



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House File 590 - Introduced continued

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1 1 Section 1. Section 8A.321, subsection 9, Code 2009, is  
1 2 amended to read as follows:

1 3 9. a. With the approval of the executive council pursuant  
1 4 to section 7D.29 or pursuant to other authority granted by  
1 5 law, acquire real property to be held by the department in the  
1 6 name of the state as follows:

1 7 ~~a.~~ (1) By purchase, lease, option, gift, grant, bequest,  
1 8 devise, or otherwise.

1 9 ~~b.~~ (2) By exchange of real property belonging to the  
1 10 state for property belonging to another person.

1 11 b. If real property acquired by the department in the name  
1 12 of the state is subject to a lease in effect at the time of  
1 13 acquisition, the director may honor and maintain the existing  
1 14 lease subject to the following requirements:

1 15 (1) The lease shall not be renewed beyond the term of the  
1 16 existing lease including any renewal periods under the lease  
1 17 that are solely at the discretion of the lessee.

1 18 (2) The lease shall not be renewed by the department as  
1 19 the lessor if the lessor has discretion to not renew under the  
1 20 existing lease.

1 21 (3) The lease shall not be maintained for a period in  
1 22 excess of ten years from the date of acquisition of the real  
1 23 property, including any renewal periods, without the approval  
1 24 of the executive council.

1 25 (4) The lease shall not be maintained if the lessee at the  
1 26 time of the acquisition ceases to occupy the leased property.

1 27 EXPLANATION

1 28 This bill authorizes the department of administrative  
1 29 services to maintain an existing lease related to real  
1 30 property acquired by the department on behalf of the state.  
1 31 The bill establishes certain limitations on this authority,  
1 32 including that the lease is not to be renewed beyond the term  
1 33 of the existing lease and any renewal periods that are solely  
1 34 at the discretion of the lessee; the lease is not to be  
1 35 renewed by the department as the lessor if the lessor has



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2 1 discretion to not renew under the existing lease; the lease is  
2 2 not to be maintained for a period in excess of 10 years from  
2 3 the date of acquisition without the approval of the executive  
2 4 council; and the lease is not to be maintained if the lessee  
2 5 at the time of the acquisition ceases to occupy the leased  
2 6 property.  
2 7 LSB 1418HV 83  
2 8 ec/nh/5



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House File 591 - Introduced

HOUSE FILE

BY SCHULTZ, DEYOE, PETTENGILL,  
 ALONS, TYMESON, DE BOEF,  
 KAUFMANN, DRAKE, TJEPKES,  
 MAY, SWEENEY, and BAUDLER

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

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

A BILL FOR

- 1 An Act providing for the establishment of a task force to study
- 2 the division of school districts with enrollments greater than
- 3 two thousand five hundred pupils.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2357YH 83
- 6 kh/rj/5



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House File 591 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF EDUCATION == TASK FORCE ON  
1 2 OPTIMALLY SIZED SCHOOL DISTRICTS.  
1 3 1. The department of education shall convene a task force  
1 4 to study the advisability and practicability of dividing  
1 5 school districts with enrollments of over two thousand five  
1 6 hundred students to create optimally sized school districts to  
1 7 improve student opportunity and achievement.  
1 8 2. a. The director of the department of education shall  
1 9 appoint members to the task force which shall include  
1 10 education practitioners and stakeholders, including but not  
1 11 limited to educational technology and school transportation  
1 12 specialists, school business officials, and persons who  
1 13 represent rural, urban, and suburban school districts  
1 14 throughout Iowa; a professional with experience or expertise  
1 15 in state and local taxation matters; and other stakeholders as  
1 16 appropriate.  
1 17 b. The task force shall select a chairperson from its  
1 18 membership. A majority of the members of the task force shall  
1 19 constitute a quorum.  
1 20 3. The study shall include but not be limited to the  
1 21 following:  
1 22 a. A review of incentives intended to encourage large  
1 23 school districts to divide to create optimally sized school  
1 24 districts.  
1 25 b. Determination of the costs and methods for implementing  
1 26 the incentives identified.  
1 27 c. A review of the barriers to dividing large school  
1 28 districts to create optimally sized school districts,  
1 29 including but not limited to athletic and community  
1 30 identification and infrastructure deficits.  
1 31 d. An analysis of the optimal school and school district  
1 32 size, with consideration given to student transportation times  
1 33 and costs, and where the boundaries of such optimally sized  
1 34 school districts would be established on a proposed statewide  
1 35 reorganization map.



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- 2 1 e. An evaluation of the effect technology may have on  
2 2 efforts to divide large school districts to create optimally  
2 3 sized school districts.
- 2 4 f. An analysis of the trends that will affect the need for  
2 5 and advisability of dividing large school districts to create  
2 6 optimally sized school districts and sharing efforts over the  
2 7 next five-year and ten-year time periods.
- 2 8 g. An analysis of the effect of dividing large school  
2 9 districts to create optimally sized school districts on the  
2 10 status of and federal funding to schools and school districts  
2 11 under the federal No Child Left Behind Act of 2001, Pub. L.  
2 12 No. 107=110.
- 2 13 h. Identification of actions that may be taken by the  
2 14 state, the department of education, area education agencies,  
2 15 and stakeholders that have proven to assist large school  
2 16 district efforts to divide into optimally sized school  
2 17 districts.
- 2 18 4. The task force shall report its findings and  
2 19 recommendations, including any recommendations for statutory  
2 20 changes, to the state board of education and the general  
2 21 assembly by January 15, 2010.

2 22 EXPLANATION

2 23 This bill directs the department of education to convene a  
2 24 task force to study the advisability and practicability of  
2 25 dividing school districts with enrollments of over 2,500  
2 26 students to create optimally sized school districts to improve  
2 27 student opportunity and achievement.

2 28 The director of the department is directed to appoint  
2 29 members to the task force which shall include education  
2 30 practitioners and stakeholders, including but not limited to  
2 31 educational technology and school transportation specialists,  
2 32 school business officials, and persons who represent rural,  
2 33 urban, and suburban school districts throughout Iowa; a  
2 34 professional with experience or expertise in state and local  
2 35 taxation matters; and other stakeholders as appropriate.



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3 1 The task force must submit its findings and recommendations  
3 2 in a report to the state board of education and the general  
3 3 assembly by January 15, 2010.  
3 4 LSB 2357YH 83  
3 5 kh/rj/5.1



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House File 592 - Introduced

HOUSE FILE  
BY WINDSCHITL

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

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

**A BILL FOR**

- 1 An Act providing for immigration law enforcement training and the
- 2 sharing of immigration status information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2170YH 83
- 5 jm/rj/5



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House File 592 - Introduced continued

PAG LIN

1 1 Section 1. MEMORANDUM OF UNDERSTANDING == ENFORCEMENT OF  
1 2 FEDERAL IMMIGRATION LAW.  
1 3 1. The attorney general is authorized and directed to  
1 4 negotiate the terms of a memorandum of understanding between  
1 5 the state of Iowa and the United States department of justice  
1 6 or the United States department of homeland security  
1 7 concerning the enforcement of federal immigration and custom  
1 8 laws, detention removals, and investigations in the state of  
1 9 Iowa. The agreement shall designate a peace officer from a  
1 10 law enforcement agency in each county to undergo United States  
1 11 immigration and customs enforcement training. The agreement  
1 12 shall provide that costs incurred by the state for training  
1 13 peace officers and the detention and deportation of an  
1 14 unauthorized alien shall be reimbursed by the federal  
1 15 government.  
1 16 2. The memorandum of understanding negotiated pursuant to  
1 17 subsection 1 shall be signed on behalf of this state by the  
1 18 attorney general and the governor or as otherwise required by  
1 19 the appropriate federal agency but shall not be implemented  
1 20 until money is appropriated for such purpose.  
1 21 3. A local government, whether acting through its  
1 22 governing body or by an initiative, referendum, or any other  
1 23 process, shall not enact any ordinance, resolution, or policy  
1 24 that limits or prohibits a law enforcement officer, local  
1 25 officer, or local government employee from communicating or  
1 26 cooperating with federal officials with regard to the  
1 27 immigration status of any person within this state.  
1 28 4. Notwithstanding any other provision of law, a  
1 29 government entity or official within the state of Iowa shall  
1 30 not prohibit, or in any way restrict, any government entity or  
1 31 official from sending to, or receiving from, the United States  
1 32 department of homeland security information regarding the  
1 33 citizenship or immigration status, lawful or unlawful, of any  
1 34 individual.  
1 35 5. Notwithstanding any other provision of law, a person or



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2 1 agency shall not prohibit, or in any way restrict, a public  
2 2 employee from doing any of the following with respect to  
2 3 information regarding the immigration status, lawful or  
2 4 unlawful, of any individual:  
2 5 a. Sending such information to, or requesting or receiving  
2 6 such information from, the United States department of  
2 7 homeland security.  
2 8 b. Maintaining such information.  
2 9 c. Exchanging such information with any other federal,  
2 10 state, or local government entity.

2 11 EXPLANATION

2 12 This bill authorizes the attorney general to negotiate a  
2 13 memorandum of understanding on behalf of the state with the  
2 14 United States department of justice or the United States  
2 15 department of homeland security concerning the enforcement of  
2 16 federal immigration and custom laws, detention removals, and  
2 17 investigations in the state of Iowa. The bill also provides  
2 18 that the agreement shall designate a peace officer from a law  
2 19 enforcement agency in each county to undergo United States  
2 20 immigration and customs enforcement training.

2 21 The bill requires that the agreement provide that costs  
2 22 incurred by the state in training peace officers and detaining  
2 23 and deporting an unauthorized alien must be reimbursed by the  
2 24 federal government.

2 25 The bill further provides that a person, including the  
2 26 state and any local government, shall not restrict a public  
2 27 employee from communicating or cooperating with federal  
2 28 officials with regard to the immigration status of any person  
2 29 within this state.

2 30 LSB 2170YH 83

2 31 jm/rj/5



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House File 593 - Introduced

HOUSE FILE  
BY WINDSCHITL

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

**A BILL FOR**

- 1 An Act prohibiting agreements not to compete for health care
- 2 professionals in the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2485YH 83
- 5 pf/nh/14



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House File 593 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 147.140 AGREEMENTS NOT TO  
1 2 COMPETE == VOID.  
1 3 Any contract or agreement which creates or establishes the  
1 4 terms of employment, partnership, or any other form of  
1 5 professional relationship with a person licensed under the  
1 6 provisions of this subtitle which includes any restriction of  
1 7 the right of the person to practice the profession for which  
1 8 the person is licensed in any geographic area or for a defined  
1 9 period of time upon the termination of the contract or  
1 10 agreement, is void and unenforceable with respect to the  
1 11 restrictive provision. This limitation shall not render void  
1 12 and unenforceable other provisions of the contract or  
1 13 agreement that are otherwise valid and enforceable.

1 14 EXPLANATION

1 15 This bill relates to agreements not to compete relating to  
1 16 certain health-related professions. The bill provides that a  
1 17 contract or agreement that creates or establishes the terms of  
1 18 a professional relationship with a licensed health care  
1 19 professional that includes any restriction of the right of the  
1 20 person to practice the profession for which the person is  
1 21 licensed in any geographic area or for a defined period of  
1 22 time upon the termination of the contract or agreement is void  
1 23 and unenforceable with respect to the restrictive provision.  
1 24 The bill does provide that the limitation regarding such  
1 25 restrictions does not render void or unenforceable other  
1 26 provisions of the contract or agreement that are otherwise  
1 27 valid and enforceable.

1 28 LSB 2485YH 83

1 29 pf/nh/14



Iowa General Assembly  
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House File 594 - Introduced

HOUSE FILE  
BY HEATON

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

**A BILL FOR**

1 An Act relating to transportation assistance aid to school  
2 districts under certain circumstances and providing an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1328YH 83  
6 kh/rj/8



Iowa General Assembly  
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House File 594 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.31, subsection 17, paragraph a,  
1 2 Code 2009, is amended to read as follows:  
1 3 a. If a district's average transportation costs per pupil  
1 4 exceed the state average transportation costs per pupil  
1 5 determined under paragraph "c" by one hundred fifty percent,  
1 6 the committee ~~may~~ shall grant transportation assistance aid to  
1 7 the district in an amount up to, but not exceeding, twenty-six  
1 8 cents for each dollar by which the district's average  
1 9 transportation costs per pupil exceeds the state average  
1 10 transportation costs per pupil as determined under paragraph  
1 11 "c". Such aid shall be miscellaneous income and shall not be  
1 12 included in district cost.

1 13 Sec. 2. Section 257.31, subsection 17, Code 2009, is  
1 14 amended by adding the following new paragraphs:

1 15 NEW PARAGRAPH. e. There is appropriated from the general  
1 16 fund of the state to the committee, for the fiscal year  
1 17 beginning July 1, 2009, and each succeeding fiscal year, up to  
1 18 one million dollars for transportation assistance aid to  
1 19 school districts as provided in this subsection, which shall  
1 20 supplement, not supplant, the moneys appropriated pursuant to  
1 21 paragraph "d". If the amount appropriated under this  
1 22 paragraph is insufficient to pay the amount of transportation  
1 23 assistance aid determined under this subsection, the committee  
1 24 shall prorate the amount of the transportation assistance aid  
1 25 provided to each district.

1 26 NEW PARAGRAPH. f. The committee shall adopt rules  
1 27 pursuant to chapter 17A for granting transportation assistance  
1 28 aid and for otherwise administering this subsection.

1 29 EXPLANATION

1 30 This bill appropriates from the state general fund  
1 31 beginning July 1, 2009, \$1 million annually to the school  
1 32 budget review committee for transportation assistance aid to  
1 33 school districts, in an amount up to 26 cents for each dollar  
1 34 by which the district's average transportation costs per pupil  
1 35 exceeds the state average transportation costs per pupil.



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House File 594 - Introduced continued

2 1 If the amount appropriated is insufficient, the committee  
2 2 is directed to prorate the amount of aid provided to school  
2 3 districts.  
2 4 The moneys appropriated are to supplement, not supplant,  
2 5 moneys appropriated to the committee from the sale of vehicle  
2 6 registration plates with an education emblem.  
2 7 LSB 1328YH 83  
2 8 kh/rj/8



Iowa General Assembly  
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House File 595 - Introduced

HOUSE FILE

BY SCHULTE, DE BOEF, SORENSON,  
 HORBACH, ARNOLD, HEATON,  
 BAUDLER, SODERBERG, ALONS,  
 ANDERSON, SWEENEY, COWNIE,  
 WAGNER, L. MILLER, HELLAND,  
 GRASSLEY, BAILEY, DEYOE,  
 and PETTENGILL

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

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

**A BILL FOR**

- 1 An Act requiring the department of revenue to provide notice of
- 2 suspected misuse of personal information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2443YH 83
- 5 md/nh/5



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House File 595 - Introduced continued

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1 1 Section 1. NEW SECTION. 422.72A SUSPECTED MISUSE OF  
1 2 PERSONAL INFORMATION == NOTICE REQUIRED.  
1 3 1. For the purposes of this section, the following  
1 4 definitions apply:  
1 5 a. "Affected individual" means an individual who is  
1 6 identified by or connected with personal information contained  
1 7 in the department's records.  
1 8 b. "Personal information" means all of the following:  
1 9 (1) Social security number.  
1 10 (2) Tax identification number.  
1 11 (3) Driver's license number or other unique identification  
1 12 number created or collected by a government body.  
1 13 (4) Financial account number, credit card number, or debit  
1 14 card number in combination with any required security code,  
1 15 access code, or password that would permit access to an  
1 16 individual's financial account.  
1 17 (5) Unique electronic identifier or routing code, in  
1 18 combination with any required security code, access code, or  
1 19 password.  
1 20 c. "Suspected misuse of personal information" means  
1 21 circumstances exist which would cause a reasonable person to  
1 22 believe that an individual's personal information is being  
1 23 used by an unauthorized individual. Such circumstances  
1 24 include but are not limited to either of the following:  
1 25 (1) A tax identification number under which wages are  
1 26 being reported by two or more individuals.  
1 27 (2) A tax identification number of an individual under the  
1 28 age of sixteen with reported wages exceeding one thousand  
1 29 dollars for a single quarterly period.  
1 30 2. a. Unless otherwise prohibited by state or federal  
1 31 law, the department shall provide notice to each affected  
1 32 individual if department records indicate a suspected misuse  
1 33 of personal information. Notice shall be made without  
1 34 unreasonable delay. If the affected individual is a minor,  
1 35 notice shall be provided to the minor's parent or guardian.





Iowa General Assembly  
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House File 596 - Introduced

HOUSE FILE

BY SORENSON, PETTENGILL, ALONS,  
 HELLAND, ARNOLD, STRUYK,  
 DEYOE, DE BOEF, WINDSCHITL,  
 SCHULTZ, BAUDLER, KAUFMANN,  
 SWEENEY, LUKAN, WAGNER,  
 HUSEMAN, SANDS, WORTHAN,  
 VAN ENGELLENHOVEN, TYMESON,  
 TJEPKES, HORBACH, GRASSLEY,  
 HAGENOW, and WATTS

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

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

**A BILL FOR**

- 1 An Act relating to the carrying of weapons.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1922YH 83
- 4 rh/rj/5



Iowa General Assembly  
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House File 596 - Introduced continued

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1 1 Section 1. Section 80A.13, Code 2009, is amended to read  
1 2 as follows:

1 3 80A.13 CAMPUS WEAPON REQUIREMENTS.

1 4 An individual employed by a college or university, or by a  
1 5 private security business holding a contract with a college or  
1 6 university, who performs private security duties on a college  
1 7 or university campus and who carries a weapon while performing  
1 8 these duties shall ~~meet all of the following requirements:~~

~~1 9 1. File with the sheriff of the county in which the campus  
1 10 is located evidence that the individual has successfully  
1 11 completed an approved firearms training program under section  
1 12 724.9. This requirement does not apply to armored car  
1 13 personnel.~~

~~1 14 2. Possess a permit to carry weapons issued by the sheriff  
1 15 of the county in which the campus is located under sections  
1 16 724.6 through 724.11. This requirement does not apply to  
1 17 armored car personnel.~~

1 18 3. File file with the sheriff of the county in which the  
1 19 campus is located a sworn affidavit from the employer  
1 20 outlining the nature of the duties to be performed and  
1 21 justification of the need to go armed.

1 22 Sec. 2. Section 724.4, Code 2009, is amended to read as  
1 23 follows:

1 24 724.4 CARRYING WEAPONS.

~~1 25 1. Except as otherwise provided in this section, a person  
1 26 who goes armed with a dangerous weapon concealed on or about  
1 27 the person, or who, within the limits of any city, goes armed  
1 28 with a pistol or revolver, or any loaded firearm of any kind,  
1 29 whether concealed or not, or who knowingly carries or  
1 30 transports in a vehicle a pistol or revolver, commits an  
1 31 aggravated misdemeanor. A person who goes armed with a  
1 32 dangerous weapon with the intent to commit a crime of violence  
1 33 commits a class "D" felony. This subsection applies  
1 34 regardless of whether the dangerous weapon is concealed or not  
1 35 concealed on or about the person and regardless of whether the~~



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2 1 dangerous weapon is transported in a vehicle. For purposes of  
2 2 this subsection, "crime of violence" means a felony which has,  
2 3 as an element of the offense, the use of physical force by one  
2 4 person against another person.

2 5 2. A person who goes armed with a knife concealed on or  
2 6 about the person, if the person uses the knife in the  
2 7 commission of a crime, commits an aggravated misdemeanor.

2 8 3. A person who goes armed with a knife concealed on or  
2 9 about the person, if the person does not use the knife in the  
2 10 commission of a crime:

2 11 a. If the knife has a blade exceeding eight inches in  
2 12 length, commits an aggravated misdemeanor.

2 13 b. If the knife has a blade exceeding five inches but not  
2 14 exceeding eight inches in length, commits a serious  
2 15 misdemeanor.

2 16 4. ~~Subsections 1 through 3 do~~ Subsection 3 does not apply  
2 17 to any of the following:

2 18 a. A person who goes armed with a dangerous weapon in the  
2 19 person's own dwelling or place of business, or on land owned  
2 20 or possessed by the person.

2 21 b. A peace officer, when the officer's duties require the  
2 22 person to carry such weapons.

~~2 23 e. A member of the armed forces of the United States or of  
2 24 the national guard or person in the service of the United  
2 25 States, when the weapons are carried in connection with the  
2 26 person's duties as such.~~

~~2 27 d. A correctional officer, when the officer's duties  
2 28 require, serving under the authority of the Iowa department of  
2 29 corrections.~~

2 30 ~~e.~~ c. A person who for any lawful purpose carries an  
2 31 unloaded pistol, revolver, or other dangerous weapon inside a  
2 32 closed and fastened container or securely wrapped package  
2 33 which is too large to be concealed on the person.

~~2 34 f. A person who for any lawful purpose carries or  
2 35 transports an unloaded pistol or revolver in a vehicle inside~~



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~~3 1 a closed and fastened container or securely wrapped package~~  
~~3 2 which is too large to be concealed on the person or inside a~~  
~~3 3 cargo or luggage compartment where the pistol or revolver will~~  
~~3 4 not be readily accessible to any person riding in the vehicle~~  
~~3 5 or common carrier.~~

3 6 g. A person while the person is lawfully engaged in target  
~~3 7 practice on a range designed for that purpose or while~~  
~~3 8 actually engaged in lawful hunting.~~

3 9 h. d. A person who carries a knife used in hunting or  
3 10 fishing, while actually engaged in lawful hunting or fishing.

3 11 i. A person who has in the person's possession and who  
~~3 12 displays to a peace officer on demand a valid permit to carry~~  
~~3 13 weapons which has been issued to the person, and whose conduct~~  
~~3 14 is within the limits of that permit. A person shall not be~~  
~~3 15 convicted of a violation of this section if the person~~  
~~3 16 produces at the person's trial a permit to carry weapons which~~  
~~3 17 was valid at the time of the alleged offense and which would~~  
~~3 18 have brought the person's conduct within this exception if the~~  
~~3 19 permit had been produced at the time of the alleged offense.~~

3 20 j. e. A law enforcement officer from another state when  
3 21 the officer's duties require the officer to carry the weapon  
3 22 and the officer is in this state for any of the following  
3 23 reasons:

3 24 (1) The extradition or other lawful removal of a prisoner  
3 25 from this state.

3 26 (2) Pursuit of a suspect in compliance with chapter 806.

3 27 (3) Activities in the capacity of a law enforcement  
3 28 officer with the knowledge and consent of the chief of police  
3 29 of the city or the sheriff of the county in which the  
3 30 activities occur or of the commissioner of public safety.

3 31 k. f. A person engaged in the business of transporting  
3 32 prisoners under a contract with the Iowa department of  
3 33 corrections or a county sheriff, a similar agency from another  
3 34 state, or the federal government.

3 35 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code



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4 1 2009, is amended to read as follows:

4 2 a. A person listed under section 724.4, subsection 4,  
4 3 ~~paragraphs~~ paragraph "b" through "f", "c", or "j" "e".

4 4 Sec. 4. Section 724.6, subsection 1, Code 2009, is amended  
4 5 to read as follows:

4 6 1. A person ~~may be issued a permit to carry weapons when~~  
~~4 7 the person's employment who is employed~~ in a private  
4 8 investigation business or private security business licensed  
4 9 under chapter 80A, ~~or a person's employment~~ as a peace  
4 10 officer, correctional officer, security guard, bank messenger  
4 11 or other person transporting property of a value requiring  
4 12 security, or in police work, whose employment reasonably  
4 13 justifies that person going armed, shall be issued a  
4 14 professional permit to carry weapons if the person applies for  
4 15 the permit and meets the requirements of sections 724.8  
4 16 through 724.10. The permit shall be on a form prescribed and  
4 17 published by the commissioner of public safety, shall identify  
4 18 the holder, and shall state the nature of the employment  
4 19 requiring the holder to go armed. A permit so issued, other  
4 20 than to a peace officer, shall authorize the person to whom it  
4 21 is issued to go armed anywhere in the state, ~~only~~ while  
4 22 engaged in the employment, and while going to and from the  
4 23 place of the employment. A permit issued to a certified peace  
4 24 officer shall authorize that peace officer to go armed  
4 25 anywhere in the state at all times. Permits shall expire  
4 26 ~~twelve months~~ five years after the date when issued except  
4 27 that permits issued to peace officers and correctional  
4 28 officers are valid through the officer's period of employment  
4 29 unless otherwise canceled. When the employment is terminated,  
4 30 the holder of the permit shall surrender it to the issuing  
4 31 officer for cancellation.

4 32 Sec. 5. Section 724.7, Code 2009, is amended to read as  
4 33 follows:

4 34 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

4 35 Any person ~~who can reasonably justify going armed~~ may not



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5 1 otherwise prohibited from possessing or transporting a firearm  
5 2 and who meets the requirements in sections 724.8 through  
5 3 724.10 shall be issued a nonprofessional permit to carry  
5 4 weapons if the person applies for such permit. Such permits  
5 5 shall be on a form prescribed and published by the  
5 6 commissioner of public safety, which shall be readily  
5 7 distinguishable from the professional permit, and shall  
5 8 identify the holder thereof, and state the reason for the  
5 9 issuance of the permit, ~~and the limits of the authority~~  
~~5 10 granted by such permit.~~ All permits so issued shall be for a  
5 11 definite five-year period ~~as established by the issuing~~  
~~5 12 officer, but in no event shall exceed a period of twelve~~  
~~5 13 months.~~

5 14 Sec. 6. Section 724.8, subsection 5, Code 2009, is amended  
5 15 to read as follows:

5 16 5. The ~~issuing officer reasonably determines that the~~  
~~5 17 applicant does not constitute a danger to any person~~ person is  
5 18 not otherwise prohibited by state or federal law from  
5 19 possessing or transporting a firearm.

5 20 Sec. 7. Section 724.9, Code 2009, is amended to read as  
5 21 follows:

5 22 724.9 FIREARM TRAINING PROGRAM.

5 23 A training program to qualify persons in the safe use of  
5 24 firearms shall be provided by the issuing officer of permits,  
5 25 as provided in section 724.11. ~~The commissioner of public~~  
~~5 26 safety shall approve the training program, and the county~~  
5 27 sheriff or the commissioner of public safety conducting the  
5 28 training program within their respective jurisdictions ~~may~~  
5 29 shall contract with a ~~private organization or use the services~~  
~~5 30 of other agencies, or may use a combination of the two, a~~  
5 31 private individual or a professional organization who shall  
5 32 conduct the training consistent with the standards set forth  
5 33 by the national rifle association to provide such training.  
5 34 Any person eligible to be issued a permit to carry weapons may  
5 35 enroll in such course. A fee sufficient to cover the cost of



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6 1 the program may be charged each person attending.  
6 2 Certificates of completion, on a form prescribed and published  
6 3 by the commissioner of public safety, shall be issued to each  
6 4 person who successfully completes the program. ~~No~~ A person  
6 5 shall not be issued either a professional or nonprofessional  
6 6 permit unless the person has received a certificate of  
6 7 completion or is a certified peace officer. ~~No peace officer~~  
~~6 8 or correctional officer, except a certified peace officer,~~  
~~6 9 shall go armed with a pistol or revolver unless the officer~~  
~~6 10 has received a certificate of completion, provided that this~~  
~~6 11 requirement shall not apply to persons who are employed in~~  
~~6 12 this state as peace officers on January 1, 1978 until July 1,~~  
~~6 13 1978, or to peace officers of other jurisdictions exercising~~  
~~6 14 their legal duties within this state.~~  
6 15 Sec. 8. Section 724.11, Code 2009, is amended to read as  
6 16 follows:  
6 17 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.  
6 18 ~~Applications for permits~~ An application for a permit to  
6 19 carry weapons, if made, shall be made to the sheriff of the  
6 20 county in which the applicant resides. Applications from  
6 21 persons who are nonresidents of the state, or whose need to go  
6 22 armed arises out of employment by the state, shall be made to  
6 23 the commissioner of public safety. In either case, the  
6 24 issuance of the permit shall be by and at the discretion of  
6 25 the sheriff or commissioner, who shall, before issuing the  
6 26 permit, determine that the requirements of sections ~~724.6 to~~  
6 27 ~~724.8 through 724.10~~ have been satisfied and the person is not  
~~6 28 otherwise prohibited by state or federal law from possessing~~  
~~6 29 or transporting a firearm. However, the training program~~  
~~6 30 requirements in section 724.9 may be waived for renewal~~  
~~6 31 permits.~~ The issuing officer shall collect a fee of ~~ten~~ fifty  
6 32 dollars, except from a duly appointed peace officer or  
6 33 correctional officer, for each permit issued. Renewal permits  
6 34 or duplicate permits shall be issued for a fee of five  
6 35 dollars. The issuing officer shall notify the commissioner of



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7 1 public safety of the issuance of any permit at least monthly  
7 2 and forward to the commissioner an amount equal to two dollars  
7 3 for each permit issued and one dollar for each renewal or  
7 4 duplicate permit issued. All such fees received by the  
7 5 commissioner shall be paid to the treasurer of state and  
7 6 deposited in the operating account of the department of public  
7 7 safety to offset the cost of administering this chapter. Any  
7 8 unspent balance as of June 30 of each year shall revert to the  
7 9 general fund as provided by section 8.33.

7 10 Sec. 9. Section 724.5, Code 2009, is repealed.

7 11 EXPLANATION

7 12 This bill relates to the carrying of weapons.

7 13 Current law provides that a person who goes armed with a  
7 14 dangerous weapon concealed on or about the person, or who,  
7 15 within the limits of any city, goes armed with a pistol or  
7 16 revolver, or any loaded firearm of any kind, whether concealed  
7 17 or not, or who knowingly carries or transports in a vehicle a  
7 18 pistol or revolver, commits an aggravated misdemeanor unless  
7 19 certain circumstances apply including if the person has in the  
7 20 person's possession a valid permit to carry weapons. The bill  
7 21 eliminates this provision and provides that a person who goes  
7 22 armed with a dangerous weapon with the intent to commit a  
7 23 crime of violence commits a class "D" felony regardless of  
7 24 whether the dangerous weapon is concealed or not concealed on  
7 25 or about the person and regardless of whether the dangerous  
7 26 weapon is transported in a vehicle. For purposes of the bill,  
7 27 "crime of violence" means a felony which has, as an element of  
7 28 the offense, the use of physical force by one person against  
7 29 another person. A class "D" felony is punishable by  
7 30 confinement for no more than five years and a fine of at least  
7 31 \$750 but not more than \$7,500.

7 32 The bill eliminates the requirement that a person,  
7 33 including a person employed in a certain occupation whose  
7 34 employment reasonably justifies that person going armed with a  
7 35 dangerous weapon, must have and carry a professional or



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8 1 nonprofessional permit to carry a weapon and makes it optional  
8 2 to apply for and receive such permits. However, if a person  
8 3 applies for either permit, the issuing officer (sheriff or  
8 4 commissioner of public safety) shall issue the permit if  
8 5 certain requirements are met. Such permits shall be issued  
8 6 for a five-year period at a cost of \$50. If a person chooses  
8 7 to apply for a professional or nonprofessional permit to carry  
8 8 weapons, the person is required to complete a firearm training  
8 9 program conducted by a private individual or a professional  
8 10 organization who shall conduct the training consistent with  
8 11 the standards set forth by the national rifle association.  
8 12 The bill also repeals Code section 724.5 relating to a  
8 13 person's duty to carry a weapons permit if the person goes  
8 14 armed with a revolver, pistol, or pocket billy concealed upon  
8 15 the person, currently a simple misdemeanor.  
8 16 LSB 1922YH 83  
8 17 rh/rj/5



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House File 597 - Introduced

HOUSE FILE  
BY WINDSCHITL

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

A BILL FOR

1 An Act requiring the installation of photoelectric only smoke  
2 detectors in certain multiple-unit residential buildings and  
3 single-family dwellings.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2252YH 83  
6 jr/nh/8



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House File 597 - Introduced continued

PAG LIN

1 1 Section 1. Section 100.18, subsection 2, paragraphs a and  
1 2 b, Code 2009, are amended to read as follows:  
1 3 a. Except as provided in subsection 3, multiple-unit  
1 4 residential buildings and single-family dwellings the  
1 5 construction of which is begun on or after July 1, 1991, shall  
1 6 include the installation of photoelectric only smoke detectors  
1 7 in compliance with the rules established by the state fire  
1 8 marshal under subsection 4.

1 9 b. The rules shall require the installation of  
1 10 photoelectric only smoke detectors in existing single-family  
1 11 rental units and multiple-unit residential buildings.  
1 12 Existing single-family dwelling units shall be equipped with  
1 13 approved photoelectric only smoke detectors. A person who  
1 14 files for a homestead credit pursuant to chapter 425 shall  
1 15 certify that the single-family dwelling unit for which the  
1 16 credit is filed has a photoelectric only smoke detector  
1 17 installed in compliance with this section, or that one will be  
1 18 installed within thirty days of the date the filing for the  
1 19 credit is made. The state fire marshal shall adopt rules and  
1 20 establish appropriate procedures to administer this  
1 21 subsection.

1 22 EXPLANATION

1 23 This bill requires the installation of photoelectric only  
1 24 smoke detectors in multiple-unit residential buildings and  
1 25 single-family dwellings. Current homeowners are required to  
1 26 certify that a photoelectric only smoke detector is installed  
1 27 when applying for a homestead tax credit.

1 28 LSB 2252YH 83

1 29 jr/nh/8



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House File 598 - Introduced

HOUSE FILE  
BY WINDSCHITL

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

**A BILL FOR**

- 1 An Act relating to the repeal of the state inheritance tax and
- 2 state qualified use inheritance tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2324YH 83
- 5 mg/sc/8



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House File 598 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 450.98 TAX REPEALED.  
1 2 This chapter shall not apply, effective July 1, 2009, to  
1 3 property of estates of decedents dying on or after July 1,  
1 4 2009. The inheritance tax shall not be imposed under this  
1 5 chapter in the event the decedent dies on or after July 1,  
1 6 2009, and to this extent this chapter is repealed.

1 7 Sec. 2. NEW SECTION. 450B.8 TAX REPEALED.  
1 8 This chapter shall not apply, effective July 1, 2009, to  
1 9 property of estates of decedents dying on or after July 1,  
1 10 2009. The inheritance tax shall not be imposed under this  
1 11 chapter in the event the decedent dies on or after July 1,  
1 12 2009, and to this extent this chapter is repealed.

1 13 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is  
1 14 directed to remove chapters 450 and 450B from the Code and  
1 15 correct appropriate references to chapters 450 and 450B and  
1 16 appropriate references to the inheritance tax and qualified  
1 17 use inheritance tax effective July 1, 2019.

1 18 EXPLANATION

1 19 This bill repeals the state inheritance tax and the state  
1 20 qualified use inheritance tax effective July 1, 2009, for  
1 21 property of estates of decedents dying on or after July 1,  
1 22 2009. Inheritance tax will not be imposed on any property in  
1 23 the event of the death of an individual on or after July 1,  
1 24 2009.

1 25 LSB 2324YH 83

1 26 mg/sc/8



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House File 599 - Introduced

HOUSE FILE  
BY GASKILL, KRESSIG, and  
KELLEY

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

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

A BILL FOR

- 1 An Act expanding Iowa communications network access to include
- 2 counties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2505HH 83
- 5 rn/nh/5



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House File 599 - Introduced continued

PAG LIN

1 1 Section 1. Section 8D.2, subsection 5, paragraph a, Code  
1 2 2009, is amended to read as follows:  
1 3 a. "Public agency" means a state agency, an institution  
1 4 under the control of the board of regents, the judicial branch  
1 5 as provided in section 8D.13, subsection 17, a school  
1 6 corporation, a county, a city library, a library service area  
1 7 as provided in chapter 256, a county library as provided in  
1 8 chapter 336, or a judicial district department of correctional  
1 9 services established in section 905.2, to the extent provided  
1 10 in section 8D.13, subsection 15, an agency of the federal  
1 11 government, or a United States post office which receives a  
1 12 federal grant for pilot and demonstration projects.  
1 13 Sec. 2. Section 8D.3, subsection 3, paragraph i, Code  
1 14 2009, is amended to read as follows:  
1 15 i. Evaluate existing and projected rates for use of the  
1 16 system and ensure that rates are sufficient to pay for the  
1 17 operation of the system excluding the cost of construction and  
1 18 lease costs for Parts I, II, and III. The commission shall  
1 19 establish all hourly rates to be charged to all authorized  
1 20 users for the use of the network and shall consider all costs  
1 21 of the network in establishing the rates. A fee established  
1 22 by the commission to be charged to a hospital licensed  
1 23 pursuant to chapter 135B, a physician clinic, a county, or the  
1 24 federal government shall be at an appropriate rate so that, at  
1 25 a minimum, there is no state subsidy related to the costs of  
1 26 the connection or use of the network related to such user.  
1 27 Sec. 3. Section 8D.13, subsection 2, paragraph c, Code  
1 28 2009, is amended to read as follows:  
1 29 c. "Part III" means the communications connection between  
1 30 the secondary switching centers and the agencies defined in  
1 31 section 8D.2, subsections 4 and 5, excluding state agencies,  
1 32 institutions under the control of the board of regents,  
1 33 nonprofit institutions of higher education eligible for  
1 34 tuition grants, and the judicial branch, judicial district  
1 35 departments of correctional services, hospitals and physician



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House File 599 - Introduced continued

2 1 clinics, counties, agencies of the federal government, and  
2 2 post offices.

2 3 Sec. 4. Section 8D.13, subsection 16, Code 2009, is  
2 4 amended to read as follows:

2 5 16. Access shall be offered to hospitals licensed pursuant  
2 6 to chapter 135B and physician clinics for diagnostic,  
2 7 clinical, consultative, data, and educational services for the  
2 8 purpose of developing a comprehensive, statewide telemedicine  
2 9 network, to an agency of the federal government, to a county,  
2 10 and to a post office defined as a public agency pursuant to  
2 11 section 8D.2, subsection 5. A hospital, physician clinic, an  
2 12 agency of the federal government, a county, or a post office  
2 13 defined as a public agency pursuant to section 8D.2,  
2 14 subsection 5, shall be responsible for all costs associated  
2 15 with becoming a part of the network.

2 16 EXPLANATION

2 17 This bill expands the definition of a "public agency",  
2 18 which is authorized to access the Iowa communications network,  
2 19 to include counties. The bill provides that a county shall be  
2 20 responsible for all costs associated with becoming a part of  
2 21 the network.

2 22 LSB 2505HH 83

2 23 rn/nh/5



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House File 600 - Introduced

HOUSE FILE  
BY FORD

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

**A BILL FOR**

1 An Act creating a criminal offense for causing the death of  
2 another when knowingly operating a motor vehicle without  
3 financial liability coverage.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2581HH 83  
6 jm/nh/5



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House File 600 - Introduced continued

PAG LIN

1 1 Section 1. Section 707.6A, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 1A. Notwithstanding subsection 2, and  
1 4 except for violations under subsection 1, a person commits a  
1 5 class "B" felony when the person unintentionally causes the  
1 6 death of another when knowingly operating a motor vehicle  
1 7 without financial liability coverage in effect in violation of  
1 8 section 321.20B. A person sentenced for a violation of this  
1 9 section shall be denied parole or work release until the  
1 10 person has served a minimum of ten years of the person's  
1 11 sentence.

1 12 EXPLANATION

1 13 This bill creates a criminal offense for causing the death  
1 14 of another when knowingly operating a motor vehicle without  
1 15 financial liability coverage.

1 16 Under the bill, a person commits a class "B" felony when  
1 17 the person unintentionally causes the death of another when  
1 18 knowingly operating a motor vehicle without financial  
1 19 liability coverage in effect in violation of Code section  
1 20 321.20B.

1 21 A person who violates the bill shall also be denied parole  
1 22 or work release until the person has served a minimum of 10  
1 23 years of the person's sentence.

1 24 LSB 2581HH 83

1 25 jm/nh/5



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House File 601 - Introduced

HOUSE FILE  
BY VAN ENGELENHOVEN and  
BAUDLER

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

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

A BILL FOR

- 1 An Act relating to excluding certain criminal offenses from the
- 2 jurisdiction of the juvenile court.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1832YH 83
- 5 jm/rj/5



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House File 601 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.8, subsection 1, Code 2009, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. e. For felony violations by a child, aged  
1 4 fourteen or older, not already excluded under paragraph "c",  
1 5 which subject the child to sex offender registry requirements  
1 6 under chapter 692A, the court shall hold a waiver hearing  
1 7 under section 232.45. If, at the conclusion of the waiver  
1 8 hearing, and after considering the best interests of the child  
1 9 and the best interests of the community, the court does not  
1 10 order the child to be prosecuted as a youthful offender as  
1 11 provided in section 907.3A, the violation shall be excluded  
1 12 from the jurisdiction of the juvenile court. If the violation  
1 13 is excluded from the jurisdiction of the juvenile court, the  
1 14 violation shall be prosecuted as otherwise provided by law as  
1 15 violations are prosecuted under paragraph "c", unless the  
1 16 court transfers jurisdiction of the child back to the juvenile  
1 17 court upon motion and for good cause.

1 18 Sec. 2. Section 232.45, subsection 7, paragraph b, Code  
1 19 2009, is amended to read as follows:

1 20 b. The court determines, or has previously determined in a  
1 21 detention hearing under section 232.44, that there is probable  
1 22 cause to believe that the child has committed a delinquent act  
1 23 which would constitute a public offense under section 232.8,  
1 24 subsection 1, paragraph "c" or "e", notwithstanding the  
1 25 application of that paragraph to children aged sixteen or  
1 26 older.

1 27 Sec. 3. Section 803.6, subsection 1, Code 2009, is amended  
1 28 to read as follows:

1 29 1. The court, in the case of a juvenile who is alleged to  
1 30 have committed a criminal offense listed in section 232.8,  
1 31 subsection 1, paragraph "c" or "e", may direct a juvenile  
1 32 court officer to provide a report regarding whether the child  
1 33 should be transferred to juvenile court for adjudication and  
1 34 disposition as a juvenile.

1 35

EXPLANATION



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2 1 This bill relates to excluding certain criminal offenses  
2 2 from the jurisdiction of the juvenile court.  
2 3 Under the bill, for a felony violation by a child, aged 14  
2 4 or older, not already excluded from the jurisdiction of  
2 5 juvenile court under Code section 232.8(1)(c), which subjects  
2 6 the child to sex offender registry requirements, the juvenile  
2 7 court is required to hold a waiver hearing under Code section  
2 8 232.45. If, at the conclusion of such a hearing, the court  
2 9 does not order the child to be prosecuted as a youthful  
2 10 offender pursuant to the provisions of Code section 907.3A,  
2 11 the violation shall be excluded from the jurisdiction of the  
2 12 juvenile court.  
2 13 The bill provides that if the violation is excluded from  
2 14 the jurisdiction of the juvenile court, the violation shall be  
2 15 prosecuted as otherwise provided by law in the same manner as  
2 16 violations are prosecuted under Code section 232.8(1)(c),  
2 17 unless the court transfers jurisdiction of the child back to  
2 18 the juvenile court upon motion and for good cause.  
2 19 A youthful offender is a juvenile waived to the  
2 20 jurisdiction of adult court pursuant to the provisions of Code  
2 21 section 232.45(7) but is supervised in juvenile court pursuant  
2 22 to the provisions of Code section 907.3A.  
2 23 LSB 1832YH 83  
2 24 jm/rj/5



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House File 602 - Introduced

HOUSE FILE

BY KRESSIG, KELLEY, BERRY,  
STECKMAN, ZIRKELBACH, MERTZ,  
QUIRK, SCHUELLER, KEARNS,  
and BURT

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

A BILL FOR

- 1 An Act establishing an independent office of administrative
- 2 hearings within the department of inspections and appeals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2121YH 83
- 5 ec/rj/14



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1 1 Section 1. Section 10A.104, subsection 2, Code 2009, is  
1 2 amended to read as follows:

1 3 2. Appoint the administrators of the divisions within the  
1 4 department and all other personnel deemed necessary for the  
1 5 administration of this chapter, except the state public  
1 6 defender, assistant state public defenders, administrator of  
1 7 the racing and gaming commission, members of the employment  
1 8 appeal board, the chief administrative law judge,  
1 9 administrative law judges, and administrator of the child

1 10 advocacy board created in section 237.16. All persons  
1 11 appointed and employed in the department are covered by the  
1 12 provisions of chapter 8A, subchapter IV, but persons not  
1 13 appointed by the director are exempt from the merit system  
1 14 provisions of chapter 8A, subchapter IV.

1 15 Sec. 2. Section 10A.104, subsection 5, Code 2009, is  
1 16 amended to read as follows:

1 17 5. Adopt rules deemed necessary for the implementation and  
1 18 administration of this chapter in accordance with chapter 17A,  
1 19 except as provided in section 10A.801.

1 20 Sec. 3. Section 10A.106, Code 2009, is amended to read as  
1 21 follows:

1 22 10A.106 DIVISIONS OF THE DEPARTMENT.

1 23 1. The department is comprised of the following divisions:

1 24 ~~a. Administrative hearings division.~~

1 25 ~~b.~~ a. Investigations division.

1 26 ~~c.~~ b. Health facilities division.

1 27 2. The allocation of departmental duties to the divisions  
1 28 of the department in sections 10A.402, and 10A.702, ~~and~~

~~1 29 10A.801~~ does not prohibit the director from reallocating

1 30 departmental duties within the department. The director shall

1 31 not reallocate any of the duties of the office of

1 32 administrative hearings, created by section 10A.801, to any

1 33 other unit of the department.

1 34 Sec. 4. Section 10A.801, Code 2009, is amended to read as  
1 35 follows:



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2 1 10A.801 ~~DIVISION~~ OFFICE OF ADMINISTRATIVE HEARINGS ==  
2 2 CREATION, POWERS, DUTIES.  
2 3 1. Definitions. For purposes of this section, unless the  
2 4 context otherwise requires:  
2 5 a. "Administrator" means the ~~person coordinating the~~  
2 6 ~~administration of the division~~ chief administrative law judge.  
2 7 b. "~~Division~~" "Office" means the office of administrative  
2 8 ~~hearings division of~~ within the department of inspections and  
2 9 appeals.  
2 10 2. An independent office of administrative hearings within  
2 11 the department is created to be headed and administered by a  
2 12 chief administrative law judge appointed by the governor for a  
2 13 term of six years subject to confirmation by the senate. The  
2 14 chief administrative law judge may be removed by the governor  
2 15 at any time for good cause. The administrator shall  
2 16 coordinate the ~~division's~~ office's conduct of appeals and  
2 17 administrative hearings as provided by law.  
2 18 3. a. The ~~department~~ administrator shall employ a  
2 19 sufficient number of administrative law judges to conduct  
2 20 proceedings for which agencies are required, by section 17A.11  
2 21 or any other provision of law, to use an administrative law  
2 22 judge employed by the ~~division~~ office. An administrative law  
2 23 judge employed by the ~~division~~ office shall not perform duties  
2 24 inconsistent with the judge's duties and responsibilities as  
2 25 an administrative law judge and shall be located in an office  
2 26 that is separated from the offices of the agencies for which  
2 27 that person acts as a presiding officer. Administrative law  
2 28 judges shall be covered by the merit system provisions of  
2 29 chapter 8A, subchapter IV.  
2 30 b. The ~~division~~ office shall facilitate, insofar as  
2 31 practicable, specialization by its administrative law judges  
2 32 so that particular judges may become expert in presiding over  
2 33 cases in particular agencies. An agency may, by rule,  
2 34 identify particular classes of its contested cases for which  
2 35 the administrative law judge who acts as presiding officer



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3 1 shall have specified technical expertness. After the adoption  
3 2 of such a rule, the division office may assign administrative  
3 3 law judges to preside over those identified particular classes  
3 4 of contested cases only if the administrative law judge  
3 5 possesses the technical expertness specified by agency rule.  
3 6 The division office may charge the applicable agency for the  
3 7 costs of any training required by the division's office's  
3 8 administrative law judges to acquire or maintain the technical  
3 9 expertise specified by agency rule.

3 10 4. If the division office cannot furnish one of its  
3 11 administrative law judges in response to an agency request,  
3 12 the administrator shall designate in writing a full-time  
3 13 employee of an agency other than the requesting agency to  
3 14 serve as administrative law judge for the proceeding, but only  
3 15 with the consent of the employing agency. The designee must  
3 16 possess the same qualifications required of administrative law  
3 17 judges employed by the division office.

3 18 5. The division office may furnish administrative law  
3 19 judges on a contract basis to any governmental entity to  
3 20 conduct any proceeding.

3 21 6. ~~After July 1, 1999, a~~ A person shall not be newly  
3 22 employed by the division office as an administrative law judge  
3 23 to preside over contested case proceedings unless that person  
3 24 has a license to practice law in this state.

3 25 7. The division office shall adopt rules pursuant to this  
3 26 chapter and chapter 17A to do all of the following:

3 27 a. To establish procedures for agencies to request and for  
3 28 the administrator to assign administrative law judges employed  
3 29 by the division office.

3 30 b. To establish procedures and adopt forms, consistent  
3 31 with chapter 17A and other provisions of law, to govern  
3 32 administrative law judges employed by the division office, but  
3 33 any rules adopted under this paragraph shall be applicable to  
3 34 a particular contested case proceeding only to the extent that  
3 35 they are not inconsistent with the rules of the agency under



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4 1 whose authority that proceeding is conducted. Nothing in this  
4 2 paragraph precludes an agency from establishing procedural  
4 3 requirements otherwise within its authority to govern its  
4 4 contested case proceedings, including requirements with  
4 5 respect to the timeliness of decisions rendered for it by  
4 6 administrative law judges.

4 7 c. To establish standards and procedures for the  
4 8 evaluation, training, promotion, and discipline for the  
4 9 administrative law judges employed by the ~~division~~ office.  
4 10 The procedures shall include provisions for each agency for  
4 11 whom a particular administrative law judge presides to submit  
4 12 to the ~~division~~ office on a periodic basis the agency's views  
4 13 with respect to the performance of that administrative law  
4 14 judge or the need for specified additional training for that  
4 15 administrative law judge. However, the evaluation, training,  
4 16 promotion, and discipline of all administrative law judges  
4 17 employed by the ~~division~~ office shall remain solely within the  
4 18 authority of the ~~department~~ office.

4 19 d. To establish, consistent with the provisions of this  
4 20 section and chapter 17A, a code of administrative judicial  
4 21 conduct that is similar in function and substantially  
4 22 equivalent to the Iowa code of judicial conduct, to govern the  
4 23 conduct, in relation to their quasi-judicial functions in  
4 24 contested cases, of all persons who act as presiding officers  
4 25 under the authority of section 17A.11, subsection 1. The code  
4 26 of administrative judicial conduct shall separately specify  
4 27 which provisions are applicable to agency heads or members of  
4 28 multimembered agency heads when they act as presiding  
4 29 officers, taking into account the objectives of the code and  
4 30 the fact that agency heads, unlike administrative law judges,  
4 31 have other duties imposed upon them by law. The code of  
4 32 administrative judicial conduct may also contain separate  
4 33 provisions, that are appropriate and consistent with the  
4 34 objectives of such a code, to govern the conduct of agency  
4 35 heads or the members of multimember agency heads when they act



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5 1 as presiding officers. However, a provision of the code of  
5 2 administrative judicial conduct shall not be made applicable  
5 3 to agency heads or members of multimember agency heads unless  
5 4 the application of that provision to agency heads and members  
5 5 of multimember agency heads has previously been approved by  
5 6 the administrative rules coordinator.

5 7 e. To facilitate the performance of the responsibilities  
5 8 conferred upon the ~~division~~ office by this section, chapter  
5 9 17A, and any other provision of law.

5 10 8. The ~~division~~ office may do all of the following:

5 11 a. Provide administrative law judges, upon request, to any  
5 12 agency that is required to or wishes to utilize the services  
5 13 of an administrative law judge employed by the ~~division~~  
5 14 office.

5 15 b. Maintain a staff of reporters and other personnel.

5 16 c. Administer the provisions of this section and rules  
5 17 adopted under its authority.

5 18 9. The ~~division~~ office may charge agencies for services  
5 19 rendered and the payment received shall be considered  
5 20 repayment receipts as defined in section 8.2.

5 21 10. Except to the extent specified otherwise by statute,  
5 22 decisions of administrative law judges employed by the  
5 23 ~~division~~ office are subject to review by the agencies for  
5 24 which they act as presiding officers as provided by section  
5 25 17A.15 or any other provision of law.

5 26 Sec. 5. Section 17A.11, subsection 1, paragraph a,  
5 27 unnumbered paragraph 1, Code 2009, is amended to read as  
5 28 follows:

5 29 If the agency or an officer of the agency under whose  
5 30 authority the contested case is to take place is a named party  
5 31 to that proceeding or a real party in interest to that  
5 32 proceeding the presiding officer may be, in the discretion of  
5 33 the agency, either the agency, one or more members of a  
5 34 multimember agency, or one or more administrative law judges  
5 35 assigned by the ~~division~~ office of administrative hearings in



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6 1 accordance with the provisions of section 10A.801. However, a  
6 2 party may, within a time period specified by rule, request  
6 3 that the presiding officer be an administrative law judge  
6 4 assigned by the ~~division~~ office of administrative hearings.  
6 5 Except as otherwise provided by statute, the agency shall  
6 6 grant a request by a party for an administrative law judge  
6 7 unless the agency finds, and states reasons for the finding,  
6 8 that any of the following conditions exist:

6 9 Sec. 6. Section 17A.11, subsection 1, paragraphs b and c,  
6 10 Code 2009, are amended to read as follows:

6 11 b. If the agency or an officer of the agency under whose  
6 12 authority the contested case is to take place is not a named  
6 13 party to that proceeding or a real party in interest to that  
6 14 proceeding the presiding officer may be, in the discretion of  
6 15 the agency, either the agency, one or more members of a  
6 16 multimember agency, an administrative law judge assigned by  
6 17 the ~~division~~ office of administrative hearings in accordance  
6 18 with the provisions of section 10A.801, or any other qualified  
6 19 person designated as a presiding officer by the agency. Any  
6 20 other person designated as a presiding officer by the agency  
6 21 may be employed by and officed in the agency for which that  
6 22 person acts as a presiding officer, but such a person shall  
6 23 not perform duties inconsistent with that person's duties and  
6 24 responsibilities as a presiding officer.

6 25 c. For purposes of paragraph "a", the ~~division~~ office of  
6 26 administrative hearings established in section 10A.801 shall  
6 27 be treated as a wholly separate agency from the department of  
6 28 inspections and appeals.

6 29 Sec. 7. Section 20.6, subsection 4, Code 2009, is amended  
6 30 to read as follows:

6 31 4. Hold hearings and administer oaths, examine witnesses  
6 32 and documents, take testimony and receive evidence, issue  
6 33 subpoenas to compel the attendance of witnesses and the  
6 34 production of records, and delegate such power to a member of  
6 35 the board, persons appointed or employed by the board,



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7 1 including administrative law judges, or administrative law  
7 2 judges employed by the ~~division~~ office of administrative  
7 3 hearings created by section 10A.801, for the performance of  
7 4 its functions. The board may petition the district court at  
7 5 the seat of government or of the county where a hearing is  
7 6 held to enforce a board order compelling the attendance of  
7 7 witnesses and production of records.

7 8 Sec. 8. Section 216.15, subsection 3, paragraph a, Code  
7 9 2009, is amended to read as follows:

7 10 a. After the filing of a verified complaint, a true copy  
7 11 shall be served within twenty days on the person against whom  
7 12 the complaint is filed. If the first named respondent on a  
7 13 complaint is not a governmental entity, service of a true copy  
7 14 on the respondent shall be by certified mail. An authorized  
7 15 member of the commission staff shall make a prompt  
7 16 investigation and shall issue a recommendation to an  
7 17 administrative law judge employed either by the commission or  
7 18 by the ~~division~~ office of administrative hearings created by  
7 19 section 10A.801, who shall then issue a determination of  
7 20 probable cause or no probable cause.

7 21 Sec. 9. Section 453A.2, subsection 6, Code 2009, is  
7 22 amended to read as follows:

7 23 6. If a county health department, a city health  
7 24 department, or a city has not assessed a penalty pursuant to  
7 25 section 453A.22, subsection 2, for a violation of subsection  
7 26 1, within sixty days of the adjudication of the violation, the  
7 27 matter shall be transferred to and be the exclusive  
7 28 responsibility of the Iowa department of public health.  
7 29 Following transfer of the matter, if the violation is  
7 30 contested, the Iowa department of public health shall request  
7 31 an administrative hearing before an administrative law judge,  
7 32 assigned by the ~~division~~ office of administrative hearings ~~of~~  
~~7 33 the department of inspections and appeals~~ in accordance with  
7 34 the provisions of section 10A.801, to adjudicate the matter  
7 35 pursuant to chapter 17A.



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House File 602 - Introduced continued

8 1 EXPLANATION  
8 2 This bill establishes an independent office of  
8 3 administrative hearings within the department of inspections  
8 4 and appeals headed by a chief administrative law judge subject  
8 5 to appointment by the governor and confirmation by the senate.  
8 6 Current law provides for a division of administrative hearings  
8 7 within the department of inspections and appeals headed by an  
8 8 administrator appointed by the director of the department.  
8 9 Current duties and authority of the division are transferred  
8 10 to the new independent office.  
8 11 LSB 2121YH 83  
8 12 ec/rj/14



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House File 603 - Introduced

HOUSE FILE  
BY HEDDENS

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

**A BILL FOR**

1 An Act directing the department of education to organize a  
2 statewide day of teacher professional development if a  
3 majority of school districts and area education agencies are  
4 supportive.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 2499YH 83  
7 kh/nh/14



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1 1 Section 1. Section 284.6, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 11. For each fiscal year in which the  
1 4 department determines that the majority of school districts  
1 5 and area education agencies receiving moneys allocated for  
1 6 professional development pursuant to section 284.13,  
1 7 subsection 1, paragraph "d", subparagraphs (1) and (2), are  
1 8 supportive of a statewide day of professional development in  
1 9 which teachers of like professional discipline, teaching area  
1 10 of specialization, or teaching curriculum may exchange  
1 11 teaching and learning experience, the department shall  
1 12 collaborate with the school districts and area education  
1 13 agencies to organize a statewide day of professional  
1 14 development in accordance with this paragraph.

1 15 EXPLANATION

1 16 This bill directs the department of education to organize,  
1 17 in collaboration with school districts and area education  
1 18 agencies (AEAs), a statewide day of professional development  
1 19 for teachers if the department determines that the majority of  
1 20 school districts and AEAs receiving state moneys for  
1 21 professional development are supportive of the statewide day  
1 22 of professional development.

1 23 LSB 2499YH 83

1 24 kh/nh/14



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# House Resolution 25 - Introduced

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

1 1 HOUSE RESOLUTION NO.  
1 2 BY PETERSEN  
1 3 A Resolution recognizing the American Kennel Club  
1 4 Canine Good Citizen Program and supporting its  
1 5 effort to promote responsible dog ownership in  
1 6 Iowa.  
1 7 WHEREAS, the American Kennel Club has developed a  
1 8 Canine Good Citizen Program to encourage dog owners to  
1 9 train and control their pets; and  
1 10 WHEREAS, dogs play an important role in the lives  
1 11 of many Iowa citizens by serving as companions and  
1 12 guides and by assisting in the physical and emotional  
1 13 therapy of their owners or masters; and  
1 14 WHEREAS, it is recognized that dog-related problems  
1 15 are most often caused by irresponsible owners; and  
1 16 WHEREAS, responsible dog ownership is encouraged in  
1 17 Iowa, and all owners should properly control their  
1 18 dogs and provide adequate training for their dogs; and  
1 19 WHEREAS, Canine Good Citizen Programs identify and  
1 20 officially recognize those dogs who behave as members  
1 21 in good standing with the community; and  
1 22 WHEREAS, with pet bites and animal trespassing  
1 23 concerns on the rise, there is a real need for dogs to  
1 24 remain well-behaved community members; NOW, THEREFORE,  
1 25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 26 That the members of the House of Representatives  
1 27 commend the American Kennel Club for encouraging pet  
1 28 owners to train their dogs to become "Canine Good  
1 29 Citizens"; and  
1 30 BE IT FURTHER RESOLVED, that the Chief Clerk of the



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House Resolution 25 - Introduced continued

2 1 House of Representatives is authorized and directed to  
2 2 transmit an appropriate copy of this resolution to the  
2 3 American Kennel Club.  
2 4 LSB 1952HH 83  
2 5 jr/nh/5