



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 10, 2007

House Concurrent Resolution 4

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1 1 HOUSE CONCURRENT RESOLUTION NO. ____
1 2 BY SMITH
1 3 (COMPANION TO LSB 1686SS BY RAGAN)
1 4 A Concurrent Resolution calling upon Iowans to observe
1 5 Iowa Family Development and Self=Sufficiency Week.
1 6 WHEREAS, the Iowa Family Development and
1 7 Self=Sufficiency (FaDSS) program began in 1989,
1 8 following passage of legislation in 1988 to assist
1 9 low=income families participating in the Family
1 10 Investment Program (FIP) to achieve self=sufficiency;
1 11 and
1 12 WHEREAS, more than 40,000 Iowans have participated
1 13 in FaDSS and received developmental services to
1 14 improve their lives; and
1 15 WHEREAS, the families enrolled in FaDSS are
1 16 supported in overcoming multiple barriers that would
1 17 otherwise perpetuate poverty and the success of
1 18 parents in the program has improved their lives and
1 19 the lives of their children; and
1 20 WHEREAS, for each dollar appropriated to FaDSS in
1 21 FY 2005=2006, \$1.39 was returned to the state in the
1 22 form of wages and savings to FIP; and
1 23 WHEREAS, the average monthly income for the
1 24 families enrolled in FaDSS in FY 2004=2005 increased
1 25 by more than 45 percent from the average prior to
1 26 enrollment; and
1 27 WHEREAS, more than 75 percent of the families who
1 28 completed FaDSS in FY 2004=2005 were able to avoid
1 29 reenrolling in FIP one year later; and
1 30 WHEREAS, the causes and conditions of poverty are



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2 1 complex and all citizens of Iowa benefit if the state
2 2 can successfully reduce the number of families living
2 3 in poverty; NOW THEREFORE,
2 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
2 5 SENATE CONCURRING, That the General Assembly calls
2 6 upon Iowans to observe Iowa Family Development and
2 7 Self-Sufficiency Week, January 15 through 21, 2007,
2 8 with appropriate programs, ceremonies, and activities.
2 9 LSB 1686HH 82
2 10 jp:rj/gg/14



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House File 9

HOUSE FILE
BY REASONER

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

A BILL FOR

- 1 An Act modifying the compulsory school attendance age to include
- 2 certain children who are five years of age.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1060YH 82
- 5 kh/je/5



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House File 9 continued

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1 1 Section 1. Section 299.1A, Code 2007, 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 years of age by September 15 is of compulsory attendance age.
1 6 However, ~~if~~ a child enrolled in a school district or
1 7 accredited nonpublic school ~~reaches the age of sixteen on or~~
~~1 8 after September 15, the child remains of compulsory age until~~
~~1 9 the end of the regular school calendar~~ who is five years of
1 10 age at the time the child is enrolled in kindergarten or who
1 11 reaches sixteen years of age on or after September 15 shall be
1 12 considered to be of compulsory attendance age until the end of
1 13 the regular school calendar.

1 14 EXPLANATION

1 15 This bill requires that a child who is enrolled in a public
1 16 or accredited private school be considered of compulsory
1 17 attendance age for the entire school year.

1 18 LSB 1060YH 82

1 19 kh:nh/je/5



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Senate Concurrent Resolution 2

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1 1 SENATE CONCURRENT RESOLUTION
 1 2 BY COMMITTEE ON RULES AND ADMINISTRATION
 1 3 A Concurrent Resolution relating to the compensation
 1 4 of chaplains, officers, and employees of the
 1 5 ~~eighty-first~~ eighty-second general assembly.
 1 6 WHEREAS, section 2.11 of the Code provides that
 1 7 "The compensation of the chaplains, officers, and
 1 8 employees of the general assembly shall be fixed by
 1 9 joint action of the house and senate by resolution at
 1 10 the opening of each session, or as soon thereafter as
 1 11 conveniently can be done.", NOW THEREFORE,
 1 12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 1 13 REPRESENTATIVES CONCURRING, That the compensation of
 1 14 the employees of the ~~eighty-first~~ eighty-second
 1 15 general assembly is set, effective from ~~January 10,~~
~~1 16 2005~~ January 8, 2007, until ~~January 8, 2007~~ January
~~1 17 12, 2009~~, in accordance with the following salary
 1 18 schedule:
 1 19 ~~#9~~
~~1 20 \$16,473.60~~
~~1 21 7.92~~
 1 22
 1 23 #10 #11 #12 #13 #14
~~1 24 \$17,368.00 \$18,283.20 \$19,198.40 \$20,134.40 \$21,216.00~~
~~1 25 8.35 8.79 9.23 9.68 10.20~~
 1 26
 1 27 #15 #16 #17 #18 #19
~~1 28 \$22,339.20 \$23,462.40 \$24,481.60 \$25,708.80 \$26,852.80~~
~~1 29 10.74 11.28 11.77 12.36 12.91~~
 1 30



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Senate Concurrent Resolution 2 continued

2 1	#20	#21	#22	#23	#24
2 2	\$28,267.20	\$29,515.20	\$30,971.20	\$32,510.40	\$33,966.40
2 3	13.59	14.19	14.89	15.63	16.33
2 4					
2 5	#25	#26	#27	#28	#29
2 6	\$35,692.80	\$37,336.00	\$39,145.60	\$41,080.00	\$43,035.20
2 7	17.16	17.95	18.82	19.75	20.69
2 8					
2 9	#30	#31	#32	#33	#34
2 10	\$45,115.20	\$47,320.00	\$49,504.00	\$51,937.60	\$54,350.40
2 11	21.69	22.75	23.80	24.97	26.13
2 12					
2 13	#35	#36	#37	#38	#39
2 14	\$56,971.20	\$59,696.00	\$62,608.00	\$65,582.40	\$68,785.60
2 15	27.39	28.70	30.10	31.53	33.07
2 16					
2 17	#40	#41	#42	#43	#44
2 18	\$72,092.80	\$75,545.60	\$79,248.00	\$82,908.80	\$86,964.80
2 19	34.66	36.32	38.10	39.86	41.81
2 20					
2 21	#45	#46	#47	#48	#49
2 22	\$91,145.60	\$95,492.80	\$100,048.00	\$104,852.80	\$109,865.60
2 23	43.82	45.91	48.10	50.41	52.82
2 24					
2 25	#50				
2 26	\$115,211.20				
2 27	55.39				
2 28	#9				
2 29	\$16,806.40				
2 30	8.08				



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3 1					
3 2	#10	#11	#12	#13	#14
3 3	\$17,721.60	\$18,657.60	\$19,572.80	\$20,529.60	\$21,632.00
3 4	8.52	8.97	9.41	9.87	10.40
3 5					
3 6	#15	#16	#17	#18	#19
3 7	\$22,776.00	\$23,940.80	\$24,980.80	\$26,228.80	\$27,393.60
3 8	10.95	11.51	12.01	12.61	13.17
3 9					
3 10	#20	#21	#22	#23	#24
3 11	\$28,828.80	\$30,097.60	\$31,595.20	\$33,155.20	\$34,652.80
3 12	13.86	14.47	15.19	15.94	16.66
3 13					
3 14	#25	#26	#27	#28	#29
3 15	\$36,400.00	\$38,084.80	\$39,936.00	\$41,912.00	\$43,888.00
3 16	17.50	18.31	19.20	20.15	21.10
3 17					
3 18	#30	#31	#32	#33	#34
3 19	\$46,009.60	\$48,276.80	\$50,502.40	\$52,977.60	\$55,432.00
3 20	22.12	23.21	24.28	25.47	26.65
3 21					
3 22	#35	#36	#37	#38	#39
3 23	\$58,115.20	\$60,881.60	\$63,856.00	\$66,892.80	\$70,158.40
3 24	27.94	29.27	30.70	32.16	33.73
3 25					
3 26	#40	#41	#42	#43	#44
3 27	\$73,528.00	\$77,064.00	\$80,828.80	\$84,572.80	\$88,712.00
3 28	35.35	37.05	38.86	40.66	42.65
3 29					
3 30	#45	#46	#47	#48	#49



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Senate Concurrent Resolution 2 continued

4	1	\$92,976.00	\$97,406.40	\$102,044.80	\$106,953.60	\$112,070.40
4	2	44.70	46.83	49.06	51.42	53.88
4	3					
4	4	#50	#51			
4	5	\$117,520.00	\$120,452.80			
4	6	56.50	57.91			

4 7 In this schedule, each numbered block shall be the
 4 8 yearly and hourly compensation for the pay grade of
 4 9 the number heading the block. Within each grade there
 4 10 shall be seven steps numbered "1" through "7". In the
 4 11 above schedule the steps for all grades are determined
 4 12 in the following manner. Each numbered block is
 4 13 counted as the "1" step for that grade. The next
 4 14 higher block is counted as the "2" step; the next
 4 15 higher block is the "3" step; the next higher block is
 4 16 the "4" step; the next higher block is the "5" step;
 4 17 the next higher block is the "6" step; and the next
 4 18 higher block is the "7" step.

4 19 Alternatively, the senate rules and administration
 4 20 committee for senate employees, and the house
 4 21 administration and rules committee for house employees
 4 22 may allow their employees' compensation to be flexibly
 4 23 set anywhere between steps "1" through "7" for an
 4 24 employee's prescribed pay grade.

4 25 All employees shall be available to work daily
 4 26 until completion of the senate's and house of
 4 27 representatives' business. The employee's division
 4 28 supervisor shall schedule all employees' working hours
 4 29 to, as far as possible, maintain regular working
 4 30 hours.



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Senate Concurrent Resolution 2 continued

5 1 All employees, other than those designated "part=
5 2 time", shall be compensated for 40 hours of work in a
5 3 one=week pay period. Secretaries to senators and
5 4 representatives are presumed to have ~~36~~ 40 hours of
5 5 work each week the legislature is in session and shall
5 6 be paid only on that basis. Full=time employees who
5 7 are required to work in excess of 80 hours in a
5 8 two=week pay period shall be allowed compensatory time
5 9 off at a rate of one hour for each hour of overtime up
5 10 to a maximum of 120 hours of compensatory time. Joint
5 11 security employees of the senate and house of
5 12 representatives may be compensated for each hour of
5 13 overtime at a rate of pay equal to one=and=one=half
5 14 times the hourly pay provided.

5 15 BE IT FURTHER RESOLVED, That part=time employees
5 16 shall be compensated at the scheduled hourly rate for
5 17 their pay grade and step.

5 18 BE IT FURTHER RESOLVED, That in the event the
5 19 salary schedule for employees of the State of Iowa as
5 20 promulgated by the department of administrative
5 21 services pursuant to section 8A.413, subsection 2, is
5 22 revised upward at any time during the ~~eighty=first~~
5 23 eighty=second general assembly, such revised schedule
5 24 shall simultaneously be adopted for the compensation
5 25 of the employees of the ~~eighty=first~~ eighty=second
5 26 general assembly assigned a grade by this resolution,
5 27 unless otherwise provided by the senate and house of
5 28 representatives.

5 29 BE IT FURTHER RESOLVED, That adjustments in the
5 30 positions and compensation listed in this resolution



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Senate Concurrent Resolution 2 continued

6 1 may be made through an interim review of all
 6 2 legislative employees for internal equity and to
 6 3 assure compliance with appropriate legal standards for
 6 4 granting of overtime and compensatory time off. Such
 6 5 review shall be conducted by a legislative committee
 6 6 made up of members of the service committee of
 6 7 legislative council and the appropriate salary
 6 8 subcommittees of the senate and house. Only one such
 6 9 review may be done in any fiscal year and adjustments
 6 10 suggested must be approved by the appropriate hiring
 6 11 body.

6 12 BE IT FURTHER RESOLVED, That the employees of the
 6 13 ~~eighty-first~~ eighty-second general assembly be placed
 6 14 in the following pay grades:

- 6 15 EMPLOYEES OF THE HOUSE
- 6 16 Chief Clerk of the House..... Grade 44
 - 6 17 Sr. Assistant Chief Clerk of the House.... Grade 41
 - 6 18 Assistant Chief Clerk of the House III.... Grade 38
 - 6 19 Assistant Chief Clerk of the House II..... Grade 35
 - 6 20 Assistant Chief Clerk of the House I..... Grade 32
 - 6 21 Legal Counsel II..... Grade 35
 - 6 22 Legal Counsel I..... Grade 32
 - 6 23 Legal Counsel..... Grade 30
 - 6 24 Sr. Caucus Staff Director..... Grade 41
 - 6 25 Caucus Staff Director..... Grade 38
 - 6 26 Administrative Assistant to Leader
 - 6 27 or Speaker..... Grade 27
 - 6 28 Administrative Assistant I to Leader
 - 6 29 or Speaker..... Grade 29
 - 6 30 Administrative Assistant II to Leader



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7 1	or Speaker.....	Grade 32
7 2	Administrative Assistant III to Leader	
7 3	or Speaker.....	Grade 35
7 4	Sr. Administrative Assistant to	
7 5	Leader or Speaker.....	Grade 38
7 6	<u>Sr. Administrative Assistant to</u>	
7 7	<u>Leader or Speaker II.....</u>	<u>Grade 41</u>
7 8	Research Assistant.....	Grade 24
7 9	Legislative Research Analyst.....	Grade 27
7 10	Legislative Research Analyst I.....	Grade 29
7 11	Legislative Research Analyst II.....	Grade 32
7 12	Legislative Research Analyst III.....	Grade 35
7 13	Sr. Legislative Research Analyst.....	Grade 38
7 14	Assistant Secretary to Leader	
7 15	or Speaker.....	Grade 18
7 16	Secretary to Leader or Speaker.....	Grade 19
7 17	Caucus Secretary.....	Grade 21
7 18	Senior Caucus Secretary.....	Grade 24
7 19	Administrative Secretary to Leader,	
7 20	Speaker, or Chief Clerk.....	Grade 21
7 21	Executive Secretary to Leader,	
7 22	Speaker or Chief Clerk.....	Grade 24
7 23	Confidential Secretary to Leader,	
7 24	Speaker, or Chief Clerk.....	Grade 27
7 25	Confidential Secretary II to Leader,	
7 26	Speaker or Chief Clerk.....	Grade 32
7 27	Clerk to Chief Clerk.....	Grade 16
7 28	Supervisor of Secretaries.....	Grade 21
7 29	Supervisor of Secretaries I.....	Grade 24
7 30	Supervisor of Secretaries II.....	Grade 27



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8	1	Senior Editor.....	Grade 30
8	2	Editor II.....	Grade 25
8	3	Editor I.....	Grade 22
8	4	Assistant Editor.....	Grade 19
8	5	Compositor/Desk Top Specialist.....	Grade 17
8	6	Sr. Text Processor.....	Grade 25
8	7	Text Processor II.....	Grade 22
8	8	Text Processor I.....	Grade 19
8	9	Senior Finance Officer III.....	Grade 38
8	10	Senior Finance Officer II.....	Grade 35
8	11	Senior Finance Officer I.....	Grade 31
8	12	Finance Officer II.....	Grade 27
8	13	Finance Officer I.....	Grade 24
8	14	Assistant Finance Officer.....	Grade 21
8	15	Recording Clerk II.....	Grade 24
8	16	Recording Clerk I.....	Grade 21
8	17	Assistant Legal Counsel.....	Grade 27
8	18	Engrossing & Enrolling Processor.....	Grade 27
8	19	Assistant to the Legal Counsel.....	Grade 19
8	20	Senior Indexer.....	Grade 28
8	21	Indexer II.....	Grade 25
8	22	Indexer I.....	Grade 22
8	23	Indexing Assistant.....	Grade 19
8	24	Supply Clerk.....	Grade 16
8	25	Switchboard Operator.....	Grade 14
8	26	Legislative Secretary.....	Grade 15
8	27	Legislative Committee Secretary.....	Grade 17
8	28	Bill Clerk.....	Grade 14
8	29	Assistant Bill Clerk.....	Grade 12
8	30	Postmaster.....	Grade 12
9	1	Sergeant=at=Arms II.....	Grade 20
9	2	Sergeant=at=Arms I.....	Grade 17
9	3	Assistant Sergeant=at=Arms.....	Grade 14
9	4	Chief Doorkeeper.....	Grade 12
9	5	Doorkeepers.....	Grade 11
9	6	Pages.....	Grade 9
9	7	EMPLOYEES OF THE SENATE	
9	8	Secretary of the Senate.....	Grade 44
9	9	Sr. Assistant Secretary of the Senate.....	Grade 41
9	10	Assistant Secretary of the Senate III.....	Grade 38
9	11	Assistant Secretary of the Senate II.....	Grade 35
9	12	Assistant Secretary of the Senate I.....	Grade 32
9	13	Legal Counsel II.....	Grade 35
9	14	Legal Counsel I.....	Grade 32
9	15	Legal Counsel.....	Grade 30
9	16	Sr. Caucus Staff Director.....	Grade 41
9	17	Caucus Staff Director.....	Grade 38
9	18	Administrative Assistant to Leader	
9	19	or President.....	Grade 27
9	20	Administrative Assistant I to Leader	
9	21	or President.....	Grade 29
9	22	Administrative Assistant II to Leader	
9	23	or President.....	Grade 32
9	24	Administrative Assistant III to Leader	
9	25	or President.....	Grade 35
9	26	Sr. Administrative Assistant to	



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9 27	Leader or President.....	Grade 38
9 28	<u>Sr. Administrative Assistant to</u>	
9 29	<u>Leader or President II.....</u>	<u>Grade 41</u>
9 30	Research Assistant.....	Grade 24



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10	1	Legislative Research Analyst.....	Grade 27
10	2	Legislative Research Analyst I.....	Grade 29
10	3	Legislative Research Analyst II.....	Grade 32
10	4	Legislative Research Analyst III.....	Grade 35
10	5	Sr. Legislative Research Analyst.....	Grade 38
10	6	Caucus Secretary II.....	Grade 21
10	7	Senior Caucus Secretary.....	Grade 24
10	8	Secretary to Leader, President, or Caucus.	Grade 18
10	9	Administrative Secretary to Leader, President,	
10	10	or Secretary of the Senate.....	Grade 21
10	11	Executive Secretary to Leader, President,	
10	12	or Secretary of the Senate.....	Grade 24
10	13	Confidential Secretary to Leader, President,	
10	14	or Secretary of the Senate.....	Grade 27
10	15	Confidential Secretary II to Leader, President,	
10	16	or Secretary of the Senate.....	Grade 32
10	17	Supervisor of Secretaries.....	Grade 21
10	18	Supervisor of Secretaries I.....	Grade 24
10	19	Supervisor of Secretaries II.....	Grade 27
10	20	Senior Editor.....	Grade 30
10	21	Editor II.....	Grade 25
10	22	Editor I.....	Grade 22
10	23	Assistant Editor.....	Grade 19
10	24	Compositor/Desk Top Specialist.....	Grade 17
10	25	Assistant Legal Counsel.....	Grade 27
10	26	Assistant to the Legal Counsel.....	Grade 19
10	27	Proofreader.....	Grade 16
10	28	Senior Finance Officer III.....	Grade 38
10	29	Senior Finance Officer II.....	Grade 35
10	30	Senior Finance Officer I.....	Grade 31



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11	1	Finance Officer II.....	Grade 27
11	2	Finance Officer I.....	Grade 24
11	3	Assistant Finance Officer.....	Grade 21
11	4	Recording Clerk II.....	Grade 24
11	5	Recording Clerk I.....	Grade 21
11	6	Senior Indexer.....	Grade 28
11	7	Indexer II.....	Grade 25
11	8	Indexer I.....	Grade 22
11	9	Indexing Assistant.....	Grade 19
11	10	Records and Supply Clerk.....	Grade 18
11	11	Switchboard Operator.....	Grade 14
11	12	Legislative Secretary.....	Grade 15
11	13	Legislative Committee Secretary.....	Grade 17
11	14	Bill Clerk.....	Grade 14
11	15	Assistant Bill Clerk.....	Grade 12
11	16	Postmaster.....	Grade 12
11	17	Sergeant=at=Arms II.....	Grade 20
11	18	Sergeant=at=Arms I.....	Grade 17
11	19	Assistant Sergeant=at=Arms.....	Grade 14
11	20	Chief Doorkeeper.....	Grade 12
11	21	Doorkeepers.....	Grade 11
11	22	Pages.....	Grade 9
11	23	JOINT SENATE/HOUSE EMPLOYEES	
11	24	Facilities Manager I.....	Grade 35
11	25	Facilities Manager II.....	Grade 38
11	26	Sr. Facilities Manager.....	Grade 41
11	27	Legislative Security Secretary.....	Grade 19
11	28	Legislative Security Coordinator I.....	Grade 23
11	29	Legislative Security Coordinator II.....	Grade 26
11	30	Legislative Security Officer I.....	Grade 20



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12 1 Legislative Security Officer II..... Grade 23
12 2 Conservation/Restoration Specialist II.... Grade 31
12 3 Sr. Copy Center Operator..... Grade 21
12 4 BE IT FURTHER RESOLVED, That there shall be four
12 5 classes of appointments as employees of the general
12 6 assembly:
12 7 A "permanent full=time" or "permanent part=time"
12 8 employee is one who is employed the year around and
12 9 eligible to receive state benefits.
12 10 An "exempt full=time" employee is one who is
12 11 employed for only a portion of the year, usually the
12 12 period of the legislative sessions with extensions
12 13 post=session and pre=session as scheduled. This class
12 14 is eligible to receive state benefits with the cost of
12 15 benefits to the state to be paid, using accrued leave
12 16 if authorized, by the employee when not on the
12 17 payroll.
12 18 A "session=only" employee is one who is employed
12 19 for only a portion of the year, usually the
12 20 legislative session. This class is not eligible for
12 21 state benefits, except IPERS, and insurance as
12 22 provided in section 2.40.
12 23 A "part=time" employee is one who is employed to
12 24 work less than 40 hours per week. This class is not
12 25 eligible for state benefits, except IPERS if eligible.
12 26 BE IT FURTHER RESOLVED, That the exact
12 27 classification for individuals in a job series created
12 28 by this resolution shall be set or changed for senate
12 29 employees by the senate rules and administration
12 30 committee and for the house employees by the house



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Senate Concurrent Resolution 2 continued

13 1 administration and rules committee. The committees
13 2 shall base the classification upon the following
13 3 factors:

13 4 1. The extent of formal education required of the
13 5 position; and,
13 6 2. The extent of the responsibilities to be
13 7 assigned to the position; and,
13 8 3. The amount of supervision placed over the
13 9 position; and,
13 10 4. The number of persons the position is assigned
13 11 to supervise and skills and responsibilities of those
13 12 positions supervised.

13 13 The committees shall report the exact
13 14 classifications assigned to each individual on the
13 15 next legislative day, or, if such action is during the
13 16 interim, on the first day the senate or house shall
13 17 convene. Any action by the senate or house to
13 18 disapprove a report or a portion of a report shall be
13 19 effective the day after the action.

13 20 Recommendations for a pay grade for a new position
13 21 shall be developed in accordance with the factor
13 22 scores in the comparable worth report. ~~Beginning in~~
~~13 23 1999, every~~ Every four years the senate rules and
13 24 administration committee, the house administration and
13 25 rules committee, and the legislative council may
13 26 review all positions in the legislative branch to
13 27 assure conformity to comparable worth.

13 28 BE IT FURTHER RESOLVED, That a senator or
13 29 representative may employ a secretary who in the
13 30 judgment of the senator or representative employing



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14 1 such person, possesses the necessary skills to perform
14 2 the duties such senator or representative shall
14 3 designate, under the administrative direction, as
14 4 appropriate, of the secretary of the senate or the
14 5 chief clerk of the house.
14 6 Each standing committee chairperson, ethics
14 7 committee chairperson, and each appropriations
14 8 subcommittee chairperson shall designate a secretary
14 9 who is competent to perform the following duties:
14 10 prepare committee minutes, committee reports, type
14 11 committee correspondence, maintain committee records,
14 12 and otherwise assist the committee. Such duties shall
14 13 be performed in accordance with standards which shall
14 14 be provided by the secretary of the senate and chief
14 15 clerk of the house. In making the designation,
14 16 chairpersons shall consider persons for possible
14 17 designation as the secretary to the committee in the
14 18 following order:
14 19 First: The secretary to the chairperson.
14 20 Second: The secretary to the committee's vice=
14 21 chairperson.
14 22 Third: The secretary to any other member of the
14 23 committee.
14 24 Fourth: The secretary to any other member in the
14 25 same house as the committee.
14 26 BE IT FURTHER RESOLVED, That a Legal Counsel II
14 27 shall be a person who has graduated from an accredited
14 28 school of law and is admitted to practice in Iowa as
14 29 an Attorney and Counselor at Law and possesses either
14 30 a Masters of Law degree or has at least two years of



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15 1 legal experience after admission to practice.
15 2 A Legal Counsel I shall be a person who has
15 3 graduated from an accredited school of law and is
15 4 admitted to practice in Iowa as an Attorney and
15 5 Counselor at Law.
15 6 BE IT FURTHER RESOLVED, That employees of the
15 7 general assembly may be eligible for either:
15 8 a) increases in salary grade or step based on
15 9 evaluation of their job performance and
15 10 recommendations of their administrative officers,
15 11 subject to approval of the senate committee on rules
15 12 and administration or the house committee on
15 13 administration and rules, as appropriate or
15 14 b) mobility within a pay grade at the discretion
15 15 of the chief clerk of the house upon recommendation by
15 16 the employee's division supervisor on the part of the
15 17 house, and the discretion of the employee's division
15 18 supervisor on the part of the senate, subject to the
15 19 approval of the house committee on administration and
15 20 rules or the senate committee on rules and
15 21 administration, as appropriate == either in accord
15 22 with a flexible pay plan approved by the senate rules
15 23 and administration committee or the house
15 24 administration and rules committee, or in accord with
15 25 the following schedule:
15 26 (1) Progression from step "1" to "2" for a newly
15 27 hired employee == six months of actual employment.
15 28 (2) Progression from step "1" to "2" following
15 29 promotion within a job series == twelve months of
15 30 actual employment in that position.



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16 1 (3) Progression from step "2" to "3", and step "3"
16 2 to "4", and step "4" to "5", and step "5" to "6", and
16 3 step "6" to "7" == twelve months of actual employment
16 4 at the lower step.

16 5 BE IT FURTHER RESOLVED, That in addition to the
16 6 steps provided in the preceding paragraph, that
16 7 secretaries to senators and representatives who were
16 8 employees of the senate or house of representatives
16 9 during any general assembly prior to January 9, 1989,
16 10 and who have received certification for passing a
16 11 typing and shorthand performance examination shall be
16 12 eligible for two additional steps.

16 13 BE IT FURTHER RESOLVED, That in addition to the
16 14 steps provided in the preceding paragraph, that
16 15 secretaries to senators and representatives shall be
16 16 eligible for a maximum of three additional grades
16 17 beyond grade 15, in any combination, as provided in
16 18 this paragraph:

16 19 1. One additional grade for a secretary to a
16 20 standing committee chair, ethics committee chair or
16 21 appropriations subcommittee chair who is not the
16 22 designated committee secretary.

16 23 2. One additional grade for a secretary to a vice=
16 24 chairperson or ranking member of a standing committee,
16 25 ethics committee or appropriations subcommittee.

16 26 3. One additional grade for a secretary to the
16 27 chairperson of the chaplain's committee.

16 28 4. Two additional grades for a secretary to an
16 29 assistant floor leader or speaker pro tempore or
16 30 president pro tempore.



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17 1 5. One additional grade for a designated committee
17 2 secretary who is also the designated committee
17 3 secretary for an additional standing committee, ethics
17 4 committee, or appropriations subcommittee.

17 5 BE IT FURTHER RESOLVED, That in the event the
17 6 secretary to the chairperson of the chaplain's
17 7 committee is the secretary to the president, president
17 8 pro tempore, speaker, speaker pro tempore, or the
17 9 majority or minority leader, such secretary shall
17 10 receive one additional step.

17 11 BE IT FURTHER RESOLVED, That the entrance salary
17 12 for employees of the general assembly shall be at step
17 13 1 in the grade of the position held. Such employee
17 14 may be hired above the entrance step if possessing
17 15 outstanding and unusual experience for the position.
17 16 Such employee who is hired above the entrance step
17 17 shall be mobile above that step in the same period of
17 18 time as other employees in that same step. An officer
17 19 or employee who is moved to another position may be
17 20 considered for partial or full credit for their
17 21 experience in the former position in determining the
17 22 step in the new grade.

17 23 The entry level for the position of research
17 24 analyst shall be Legislative Research Analyst, unless
17 25 extraordinary conditions justify increasing that entry
17 26 level.

17 27 BE IT FURTHER RESOLVED, That a pay increase for
17 28 employees of one step within the pay grade for the
17 29 position may be made for exceptionally meritorious
17 30 service in addition to step increases provided for in



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18 1 this resolution, at the discretion of the chief clerk
18 2 upon recommendation by the employee's division
18 3 supervisor on the part of the house, and upon
18 4 recommendation by the employee's division supervisor
18 5 on the part of the senate, and the approval of the
18 6 senate committee on rules and administration or the
18 7 house committee on administration and rules.

18 8 Exceptionally meritorious service pay increases shall
18 9 be governed by the following:

18 10 a. The employee must have served in the position
18 11 for at least twelve months;

18 12 b. Written justification, setting forth in detail
18 13 the nature of the exceptionally meritorious service
18 14 rendered, must be submitted to the senate rules and
18 15 administration committee or house administration and
18 16 rules committee and approved in advance of granting
18 17 the pay increase;

18 18 c. No more than one exceptionally meritorious
18 19 service pay increase may be granted in any twelve=
18 20 month period.

18 21 d. Such meritorious service pay increase shall not
18 22 be granted beyond the seven=step maximum for that
18 23 position.

18 24 BE IT FURTHER RESOLVED, That the senate rules and
18 25 administration committee and the house administration
18 26 and rules committee shall both hire officers and
18 27 employees for their respective bodies and fill any
18 28 vacancies which may occur, to be effective at such
18 29 time as they shall set. The committee shall report
18 30 the names of those it has hired for the positions
19 1 specified in this resolution or the filling of any
19 2 vacancies on the next legislative day or, if such
19 3 action is during the interim, on the first day the
19 4 senate or house shall convene. Any action by the
19 5 senate or house to amend or disapprove a report or a
19 6 portion of a report shall be effective the day after
19 7 the action.

19 8 The chief clerk of the house shall submit to the
19 9 house committee on administration and rules and the
19 10 secretary of the senate shall submit to the senate
19 11 committee on rules and administration the list of
19 12 names, or amendments thereto, of employee
19 13 classifications and recommended pay step for each
19 14 officer and employee. Such list shall include
19 15 recommendations for the pay step for all employees.
19 16 Each respective committee shall approve or amend the
19 17 list of recommended classifications and pay steps and
19 18 publish said list in the journal.

19 19 BE IT FURTHER RESOLVED, That permanent employees of
19 20 the general assembly shall receive vacation
19 21 allowances, sick leave, health and accident insurance,
19 22 life insurance, and disability income insurance as are
19 23 comparably provided for full=time permanent state
19 24 employees. The computations shall be maintained by
19 25 the finance officers in each house and coordinated
19 26 with the department of administrative services.



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19 27 BE IT FURTHER RESOLVED, That should any employee
19 28 have a grievance, the grievance shall be resolved as
19 29 provided by procedures determined by the senate rules
19 30 and administration committee for senate employees or



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20 1 the house administration and rules committee for house
20 2 employees.

20 3 BE IT FURTHER RESOLVED, That the legislative
20 4 council take action to provide the same compensation
20 5 and benefits to all legislative central staff agency
20 6 employees for the ~~eighty-first~~ eighty-second general
20 7 assembly as is provided by this resolution. The
20 8 director of each legislative central staff agency
20 9 shall report to the chief clerk of the house and the
20 10 secretary of the senate the list of approved positions
20 11 for their agencies and the names, grades and steps of
20 12 each employee. Such lists shall be published in the
20 13 journals of the house and the senate within two weeks
20 14 after the adoption of this resolution by both houses.

20 15 BE IT FURTHER RESOLVED, That the compensation of
20 16 chaplains officiating at the opening of the daily
20 17 sessions of the house of representatives and the
20 18 senate of the ~~eighty-first~~ eighty-second general
20 19 assembly be fixed at ten dollars for each house of the
20 20 general assembly, and that mileage to and from the
20 21 State Capitol for chaplains be fixed at the rate
20 22 established for members of the general assembly.

20 23 SAL 07;1/4/07
20 24 cc/cc/26



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Senate Concurrent Resolution 3

PAG LIN

1 1 SENATE CONCURRENT RESOLUTION NO. ____
 1 2 BY COMMITTEE ON RULES AND ADMINISTRATION
 1 3 A Concurrent Resolution relating to joint rules of
 1 4 the Senate and House of Representatives for the
 1 5 ~~Eighty-first~~ Eighty-second General Assembly.
 1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
 1 7 SENATE CONCURRING, That the joint rules of the Senate
 1 8 and House of Representatives for the ~~Eighty-first~~
 1 9 Eighty-second General Assembly shall be:
 1 10 JOINT RULES OF THE
 1 11 SENATE AND HOUSE
 1 12 Rule 1
 1 13 Suspension of Joint Rules
 1 14 The joint rules of the general assembly may be
 1 15 suspended by concurrent resolution, duly adopted by a
 1 16 constitutional majority of the senate and the house.
 1 17 Rule 2
 1 18 Designation of Sessions
 1 19 Each regular session of a general assembly shall be
 1 20 designated by the year in which such regular session
 1 21 commences.
 1 22 ~~Rule 2A~~
 1 23 ~~Equal Number of Elected Party Members in Senate~~
 1 24 ~~As long as Senate Resolution 1, as adopted during~~
~~1 25 the 2005 regular legislative session, is in effect,~~
~~1 26 the following shall apply:~~
 1 27 ~~1. All references in these rules to powers and~~
~~1 28 duties of the senate president or majority or minority~~
~~1 29 leaders shall be interpreted in accordance with Senate~~
~~1 30 Resolution 1.~~



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3 1 resolution, or bills containing the subject matter
3 2 provided for in the resolution, may, at any time, be
3 3 called up for debate in either house by the majority
3 4 leader of that house.

3 5 Rule 3A

3 6 International Relations Protocol

3 7 The senate and the house of representatives shall
3 8 comply with the international relations protocol
3 9 policy adopted by the international relations
3 10 committee of the legislative council.

3 11 Rule 4

3 12 Presentation of Messages

3 13 All messages between the two houses shall be sent
3 14 by the secretary of the senate or the chief clerk of
3 15 the house of representatives, and shall be
3 16 communicated to the presiding officer.

3 17 Rule 5

3 18 Printing and Form of Bills

3 19 and Other Documents

3 20 Bills and joint resolutions shall be introduced,
3 21 numbered, prepared, and printed as provided by law, or
3 22 in the absence of such law, in a manner determined by
3 23 the secretary of the senate and the chief clerk of the
3 24 house of representatives. Proposed bills and
3 25 resolutions which are not introduced but are referred
3 26 to committee shall be tracked in the legislative
3 27 computer system as are introduced bills and
3 28 resolutions. The referral of proposed bills and
3 29 resolutions to committee shall be entered in the
3 30 journal.



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Senate Concurrent Resolution 3 continued

4 1 All bills and joint resolutions introduced shall be
4 2 in a form and number approved by the secretary of the
4 3 senate and chief clerk of the house.

4 4 The legal counsel's office of each house shall
4 5 approve all bills before introduction.

4 6 Rule 6

4 7 Companion Bills

4 8 Identical bills introduced in ~~each house~~ one or
4 9 both houses shall be called companion bills. Each

4 10 house shall designate the sponsor in the usual way
4 11 followed in parentheses by the sponsor of ~~the~~ any
4 12 companion bill or bills in the other house. The house
4 13 where ~~the~~ a companion bill is first introduced shall
4 14 print the complete text.

4 15 Rule 7

4 16 Reprinting of Bills

4 17 Whenever any bill has been substantially amended by
4 18 either house, the secretary of the senate or the chief
4 19 clerk of the house shall order the bill reprinted on
4 20 paper of a different color. All adopted amendments
4 21 shall be distinguishable.

4 22 The secretary of the senate or the chief clerk of
4 23 the house may order the printing of a reasonable
4 24 number of additional copies of any bill, resolution,
4 25 amendment, or journal.

4 26 Rule 8

4 27 Daily Clip Sheet

4 28 The secretary of the senate and the chief clerk of
4 29 the house shall prepare a daily clip sheet covering
4 30 all amendments filed.



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Senate Concurrent Resolution 3 continued

6 1 strike sections of the amendment of the second house
6 2 shall be in order.
6 3 A bill recommended by the Code editor which is
6 4 passed out of committee to the floor for debate by a
6 5 committee of the house or senate and which contains
6 6 Code corrections beyond those of a nonsubstantive
6 7 nature shall not be amended on the floor of either
6 8 house except pursuant to amendments filed by the
6 9 judiciary committee of the senate or the house. Such
6 10 committee amendments, whether filed at the time of
6 11 initial committee passage of the bill to the floor for
6 12 debate or after rereferral to the committee, shall not
6 13 be incorporated into the bill in the originating house
6 14 but shall be filed separately. Such a bill shall be
6 15 limited to corrections which: Adjust language to
6 16 reflect current practices, insert earlier omissions,
6 17 delete redundancies and inaccuracies, delete temporary
6 18 language, resolve inconsistencies and conflicts,
6 19 update ongoing provisions, and remove ambiguities.
6 20 Amendments filed from the floor to strike sections of
6 21 the bill or the committee amendments shall be in
6 22 order. Following amendment and passage by the second
6 23 house, only amendments filed from the floor which
6 24 strike sections of the amendment of the second house
6 25 shall be in order.
6 26 It is the intent of the house and the senate that
6 27 such bills be passed out of committee to the floor for
6 28 debate within the first four weeks of convening of a
6 29 legislative session.
6 30

Rule 12



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Senate Concurrent Resolution 3 continued

7 1 Amendments by Other House
7 2 1. When a bill which originated in one house is
7 3 amended in the other house, the house originating the
7 4 bill may amend the amendment, concur in full in the
7 5 amendment, or refuse to concur in full in the
7 6 amendment. Precedence of motions shall be in that
7 7 order. The amendment of the other house shall not be
7 8 ruled out of order based on a question of germaneness.
7 9 a. If the house originating the bill concurs in
7 10 the amendment, the bill shall then be immediately
7 11 placed upon its final passage.
7 12 b. If the house originating the bill refuses to
7 13 concur in the amendment, the bill shall be returned to
7 14 the amending house which shall either:
7 15 (1) Recede, after which the bill shall be read for
7 16 the last time and immediately placed upon its final
7 17 passage; or
7 18 (2) Insist, which will send the bill to a
7 19 conference committee.
7 20 c. If the house originating the bill amends the
7 21 amendment, that house shall concur in the amendment as
7 22 amended and the bill shall be immediately placed on
7 23 final passage, and shall be returned to the other
7 24 house. The other house cannot further amend the bill.
7 25 (1) If the amending house which gave second
7 26 consideration to the bill concurs in the amendment to
7 27 the amendment, the bill shall then be immediately
7 28 placed upon its final passage.
7 29 (2) If the amending house refuses to concur in the
7 30 amendment to the amendment, the bill shall be returned



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8 1 to the house originating the bill which shall either:
8 2 (a) Recede, after which the bill shall be read for
8 3 the last time as amended and immediately placed upon
8 4 its final passage; or
8 5 (b) Insist, which will send the bill to a
8 6 conference committee.
8 7 2. A motion to recede has precedence over a motion
8 8 to insist. Failure to recede means to insist; and
8 9 failure to insist means to recede.
8 10 3. A motion to lay on the table or to indefinitely
8 11 postpone shall be out of order with respect to motions
8 12 to recede from or insist upon and to amendments to
8 13 bills which have passed both houses.
8 14 4. A motion to concur, refuse to concur, recede,
8 15 insist, or adopt a conference committee report is in
8 16 order even though the subject matter has previously
8 17 been acted upon.

8 18 Rule 13

8 19 Conference Committee

8 20 1. Within one legislative day after either house
8 21 insists upon an amendment to a bill, the presiding
8 22 officer of the house, after consultation with the
8 23 majority leader, shall appoint three majority party
8 24 members and, after consultation with the minority
8 25 leader, shall appoint two minority party members to a
8 26 conference committee. The majority leader of the
8 27 senate, after consultation with the president, shall
8 28 appoint three majority party members and, after
8 29 consultation with and approval by the minority leader,
8 30 shall appoint two minority party members to a
9 1 conference committee. The papers shall remain with
9 2 the house that originated the bill.
9 3 2. The conference committee shall meet before the
9 4 end of the next legislative day after their
9 5 appointment, shall select a chair and shall discuss
9 6 the controversy.
9 7 3. The authority of the first conference committee
9 8 shall cover only issues related to provisions of the
9 9 bill and amendments to the bill which were adopted by
9 10 either the senate or the house of representatives and
9 11 on which the senate and house of representatives
9 12 differed. If a conference committee report is not
9 13 acted upon because such action would violate this
9 14 subsection of this rule, the inaction on the report
9 15 shall constitute refusal to adopt the conference
9 16 committee report and shall have the same effect as if
9 17 the conference committee had disagreed.
9 18 4. An agreement on recommendations must be
9 19 approved by a majority of the committee members from
9 20 each house. The committee shall submit two originals
9 21 of the report signed by a majority of the committee
9 22 members of each house with one signed original and
9 23 three copies to be submitted to each house. The
9 24 report shall first be acted upon in the house
9 25 originating the bill. Such action, including all
9 26 papers, shall be immediately referred by the secretary



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9 27 of the senate or the chief clerk of the house of
9 28 representatives to the other house.
9 29 5. The report of agreement is debatable, but
9 30 cannot be amended. If the report contains recommended



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10 1 amendments to the bill, adoption of the report shall
10 2 automatically adopt all amendments contained therein.
10 3 After the report is adopted, there shall be no more
10 4 debate, and the bill shall immediately be placed upon
10 5 its final passage.

10 6 6. Refusal of either house to adopt the conference
10 7 committee report has the same effect as if the
10 8 committee had disagreed.

10 9 7. If the conference committee fails to reach
10 10 agreement, a report of such failure signed by a
10 11 majority of the committee members of each house shall
10 12 be given promptly to each house. The bill shall be
10 13 returned to the house that originated the bill, the
10 14 members of the committee shall be immediately
10 15 discharged, and a new conference committee appointed
10 16 in the same manner as the first conference committee.

10 17 8. The authority of a second or subsequent
10 18 conference committee shall cover free conference
10 19 during which the committee has authority to propose
10 20 amendments to any portion of a bill provided the
10 21 amendment is within the subject matter content of the
10 22 bill as passed by the house of origin or as amended by
10 23 the second house.

10 24 Rule 14

10 25 Enrollment and Authentication of Bills

10 26 A bill or resolution which has passed both houses
10 27 shall be enrolled in the house of origin under the
10 28 direction of either the secretary of the senate or the
10 29 chief clerk of the house and its house of origin shall
10 30 be certified by the endorsement of the secretary of



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11 1 the senate or the chief clerk of the house.
11 2 After enrollment, each bill shall be signed by the
11 3 president of the senate and by the speaker of the
11 4 house.

11 5 Rule 15

11 6 Concerning Other Enrollments

11 7 All resolutions and other matters which are to be
11 8 presented to the governor for approval shall be
11 9 enrolled, signed, and presented in the same manner as
11 10 bills.

11 11 All resolutions and other matters which are not to
11 12 be presented to the governor or the secretary of state
11 13 shall be enrolled, signed, and retained permanently by
11 14 the secretary of the senate or chief clerk of the
11 15 house.

11 16 Rule 16

11 17 Transmission of Bills to the Governor

11 18 After a bill has been signed in each house, it
11 19 shall be presented by the house of origin to the
11 20 governor by either the secretary of the senate or the
11 21 chief clerk of the house. The secretary or the chief
11 22 clerk shall report the date of the presentation, which
11 23 shall be entered upon the journal of the house of
11 24 origin.

11 25 Rule 17

11 26 Fiscal Notes

11 27 A fiscal note shall be attached to any bill or
11 28 joint resolution which reasonably could have an annual
11 29 effect of at least one hundred thousand dollars or a
11 30 combined total effect within five years after



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12 1 enactment of five hundred thousand dollars or more on
12 2 the aggregate revenues, expenditures, or fiscal
12 3 liability of the state or its subdivisions. This rule
12 4 does not apply to appropriation and ways and means
12 5 measures where the total effect is stated in dollar
12 6 amounts.

12 7 Each fiscal note shall state in dollars the
12 8 estimated effect of the bill on the revenues,
12 9 expenditures, and fiscal liability of the state or its
12 10 subdivisions during the first five years after
12 11 enactment. The information shall specifically note
12 12 the fiscal impact for the first two years following
12 13 enactment and the anticipated impact for the
12 14 succeeding three years. The fiscal note shall specify
12 15 the source of the information. Sources of funds for
12 16 expenditures under the bill shall be stated, including
12 17 federal funds. If an accurate estimate cannot be
12 18 made, the fiscal note shall state the best available
12 19 estimate or shall state that no dollar estimate can be
12 20 made and state concisely the reason.

12 21 The preliminary determination of whether the bill
12 22 appears to require a fiscal note shall be made by the
12 23 legal services staff of the legislative services
12 24 agency. Unless the requestor specifies the request is
12 25 to be confidential, upon completion of the bill draft,
12 26 the legal services staff shall immediately send a copy
12 27 to the fiscal services director for review.

12 28 When a committee reports a bill to the floor, the
12 29 committee shall state in the report whether a fiscal
12 30 note is or is not required.



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13 1 The fiscal services director or the director's
13 2 designee shall review all bills placed on the senate
13 3 or house calendars to determine whether the bills are
13 4 subject to this rule.

13 5 Additionally, a legislator may request the
13 6 preparation of a fiscal note by the fiscal services
13 7 staff for any bill or joint resolution introduced
13 8 which reasonably could be subject to this rule.

13 9 The fiscal services director or the director's
13 10 designee shall cause to be prepared and shall approve
13 11 a fiscal note within a reasonable time after receiving
13 12 a request or determining that a bill is subject to
13 13 this rule. All fiscal notes approved by the fiscal
13 14 services director shall be transmitted immediately to
13 15 the secretary of the senate or the chief clerk of the
13 16 house, after notifying the sponsor of the bill that a
13 17 fiscal note has been prepared, for publication in the
13 18 daily clip sheet. The secretary of the senate or
13 19 chief clerk of the house shall attach the fiscal note
13 20 to the bill as soon as it is available.

13 21 The fiscal services director may request the
13 22 cooperation of any state department or agency in
13 23 preparing a fiscal note.

13 24 A revised fiscal note may be requested by a
13 25 legislator if the fiscal effect of the bill has been
13 26 changed by adoption of an amendment. However, a
13 27 request for a revised fiscal note shall not delay
13 28 action on a bill unless so ordered by the presiding
13 29 officer of the house in which the bill is under
13 30 consideration.



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Senate Concurrent Resolution 3 continued

15 1 program.

15 2 2. Provide legislators with a list of
15 3 participating institutions and the names of
15 4 supervising professors to contact if interested in
15 5 arranging for an intern.

15 6 3. Provide interns with name badges which will
15 7 allow them access to the floor of either house when
15 8 required to be present by the legislators for whom
15 9 they work.

15 10 4. Provide orientation materials to interns prior
15 11 to the convening of each session.

15 12 Rule 19
15 13 Administrative Rules Review Committee Bills
15 14 and Rule Referrals

15 15 A bill which relates to departmental rules and
15 16 which is approved by the administrative rules review
15 17 committee by a majority of the committee's members of
15 18 each house is eligible for introduction in either
15 19 house at any time and must be referred to a standing
15 20 committee, which must take action on the bill within
15 21 three weeks of referral, except bills referred to
15 22 appropriations and ways and means committees.

15 23 If, on or after July 1, 1999, the administrative
15 24 rules review committee delays the effective date of a
15 25 rule until the adjournment of the next regular session
15 26 of the general assembly and the speaker of the house
15 27 or the president of the senate refers the rule to a
15 28 standing committee, the standing committee shall
15 29 review the rule within twenty-one days of the referral
15 30 and shall take formal committee action by sponsoring a



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16 1 joint resolution to disapprove the rule, by proposing
16 2 legislation relating to the rule, or by refusing to
16 3 propose a joint resolution or legislation concerning
16 4 the rule. The standing committee shall inform the
16 5 administrative rules review committee of the committee
16 6 action taken concerning the rule.

16 7 Rule 20

16 8 Time of Committee Passage and Consideration of Bills
16 9 1. This rule does not apply to concurrent or
16 10 simple resolutions, joint resolutions nullifying
16 11 administrative rules, senate confirmations, or bills
16 12 passed by both houses in different forms. Subsection
16 13 2 of this rule does not apply to appropriations bills,
16 14 ways and means bills, government oversight bills,
16 15 legalizing acts, administrative rules review committee
16 16 bills, bills sponsored by standing committees in
16 17 response to a referral from the president of the
16 18 senate or the speaker of the house of representatives
16 19 relating to an administrative rule whose effective
16 20 date has been delayed until the adjournment of the
16 21 next regular session of the general assembly by the
16 22 administrative rules review committee, bills
16 23 cosponsored by majority and minority floor leaders of
16 24 one house, bills in conference committee, and
16 25 companion bills sponsored by the majority floor
16 26 leaders of both houses after consultation with the
16 27 respective minority floor leaders. For the purposes
16 28 of this rule, a joint resolution is considered as a
16 29 bill. To be considered an appropriations, ways and
16 30 means, or government oversight bill for the purposes



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17 1 of this rule, the appropriations committee, the ways
17 2 and means committee, or the government oversight
17 3 committee must either be the sponsor of the bill or
17 4 the committee of first referral in the originating
17 5 house.

17 6 2. To be placed on the calendar in the house of
17 7 origin, a bill must be first reported out of a
17 8 standing committee by Friday of the 9th week of the
17 9 first session and the 8th week of the second session.
17 10 To be placed on the calendar in the other house, a
17 11 bill must be first reported out of a standing
17 12 committee by Friday of the 13th week of the first
17 13 session and the 11th week of the second session.

17 14 3. During the 11th week of the first session and
17 15 the 9th week of the second session, each house shall
17 16 consider only bills originating in that house and
17 17 unfinished business. During the 14th week of the
17 18 first session and the 12th week of the second session,
17 19 each house shall consider only bills originating in
17 20 the other house and unfinished business. Beginning
17 21 with the 15th week of the first session and the 13th
17 22 week of the second session, each house shall consider
17 23 only bills passed by both houses, bills exempt from
17 24 subsection 2, and unfinished business.

17 25 4. A motion to reconsider filed and not disposed
17 26 of on an action taken on a bill or resolution which is
17 27 subject to a deadline under this rule may be called up
17 28 at any time before or after the day of the deadline by
17 29 the person filing the motion or after the deadline by
17 30 the majority floor leader, notwithstanding any other



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18 1 rule to the contrary.

18 2 Rule 21

18 3 Resolutions

18 4 1. A "concurrent resolution" is a resolution to be
18 5 adopted by both houses of the general assembly which
18 6 expresses the sentiment of the general assembly or
18 7 deals with temporary legislative matters. It may
18 8 authorize the expenditure, for any legislative
18 9 purpose, of funds appropriated to the general
18 10 assembly. A concurrent resolution is not limited to,
18 11 but may provide for a joint convention of the general
18 12 assembly, adjournment or recess of the general
18 13 assembly, or requests to a state agency or to the
18 14 general assembly or a committee. A concurrent
18 15 resolution requires the affirmative vote of a majority
18 16 of the senators or representatives present and voting
18 17 unless otherwise specified by statute. A concurrent
18 18 resolution does not require the governor's approval
18 19 unless otherwise specified by statute. A concurrent
18 20 resolution shall be filed with the secretary of the
18 21 senate or the chief clerk of the house. A concurrent
18 22 resolution shall be printed in the bound journal after
18 23 its adoption.

18 24 2. A "joint resolution" is a resolution which
18 25 requires for approval the affirmative vote of a
18 26 constitutional majority of each house of the general
18 27 assembly. A joint resolution which appropriates funds
18 28 or enacts temporary laws must contain the clause "Be
18 29 It Enacted by the General Assembly of the State of
18 30 Iowa:", is equivalent to a bill, and must be
19 1 transmitted to the governor for his approval. A joint
19 2 resolution which proposes amendments to the
19 3 Constitution of the State of Iowa, ratifies amendments
19 4 to the Constitution of the United States, proposes a
19 5 request to Congress or an agency of the government of
19 6 the United States of America, proposes to Congress an
19 7 amendment to the Constitution of the United States of
19 8 America, nullifies an administrative rule, or creates
19 9 a special commission or committee must contain the
19 10 clause "Be It Resolved by the General Assembly of the
19 11 State of Iowa:" and shall not be transmitted to the
19 12 governor. A joint resolution shall not amend a
19 13 statute in the Code of Iowa.

19 14 Rule 22

19 15 Nullification Resolutions

19 16 A "nullification resolution" is a joint resolution
19 17 which nullifies all of an administrative rule, or a
19 18 severable item of an administrative rule adopted
19 19 pursuant to chapter 17A of the Code. A nullification
19 20 resolution shall not amend an administrative rule by
19 21 adding language or by inserting new language in lieu
19 22 of existing language.

19 23 A nullification resolution is debatable, but cannot
19 24 be amended on the floor of the house or senate. The
19 25 effective date of a nullification resolution shall be
19 26 stated in the resolution. Any motions filed to



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19 27 reconsider adoption of a nullification resolution must
19 28 be disposed of within one legislative day of the
19 29 filing.
19 30

Rule 23



**Iowa General Assembly
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Senate Concurrent Resolution 3 continued

21 1 senate rule 24 or house rule 73.
21 2 7. The secretary of the senate or the chief clerk
21 3 of the house shall immediately notify the other house
21 4 of the adoption or rejection of a motion to override
21 5 an executive veto or item veto.
21 6 8. All bills and appropriations items on the veto
21 7 calendar shall be disposed of before adjournment sine
21 8 die, unless the house having a bill or appropriation
21 9 item before it declines to do so by unanimous consent.
21 10 9. Bills and appropriations items on the veto
21 11 calendar are exempt from deadlines imposed by joint
21 12 rule 20.
21 13 JR 07;1/10/07
21 14 cc/cc/26



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Senate File 14

SENATE FILE
BY SCHOENJAHN

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

A BILL FOR

1 An Act relating to stray livestock, by providing for civil
2 penalties imposed by ordinance adopted by local authorities,
3 and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1290SS 82
6 da/je/5



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Senate File 14 continued

PAG LIN

1 1 Section 1. Section 169C.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. "Animal unit" means a unit of
1 4 measurement for a single animal based upon a special
1 5 equivalency factor for that animal's species type as provided
1 6 in section 459.102. An animal unit for ostriches, rheas,
1 7 emus, or farm deer is the same as for immature dairy cattle.

1 8 Sec. 2. NEW SECTION. 169C.6 COUNTY ENFORCEMENT == CIVIL
1 9 PENALTIES.

1 10 1. A local authority may adopt an ordinance providing that
1 11 an owner of livestock commits a civil offense for each head of
1 12 the owned livestock that trespasses upon a landowner's land or
1 13 strays from the livestock owner's control onto a public road.
1 14 A county ordinance shall be adopted and enforced as a county
1 15 infraction as provided in section 331.307, and a city
1 16 ordinance shall be adopted and enforced as a municipal
1 17 infraction as provided in section 364.22.

1 18 2. a. The amount of the civil penalty shall not be more
1 19 than the product obtained by multiplying one hundred dollars
1 20 by the livestock's animal unit.

1 21 b. Each day that an offense continues constitutes a
1 22 separate violation. However, a livestock owner shall not be
1 23 subject to a civil penalty of more than seven hundred fifty
1 24 dollars for a single violation or a continuing violation.

1 25 3. A livestock owner does not commit a civil offense, as
1 26 provided in this section, if the livestock escapes from a
1 27 lawful fence which is tight as provided in chapter 359A. A
1 28 fence which is determined lawful and tight by fence viewers
1 29 under chapter 359A is conclusive for this purpose.

1 30 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 31 immediate importance, takes effect upon enactment.

1 32 EXPLANATION

1 33 This bill amends Code chapter 169C, enacted in 1997, which
1 34 provides a cause of action to a landowner or a county or city,
1 35 referred to as a local authority, when livestock is



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Senate File 14 continued

2 1 trespassing, or is taken into custody after straying from its
2 2 owner's control. The Code chapter provides that a landowner
2 3 or local authority may take custody of livestock if the
2 4 livestock trespasses upon the landowner's land or is on a
2 5 public road which adjoins the landowner's land, and may bring
2 6 a civil action against the livestock owner for damages caused
2 7 by the livestock and costs associated with the trespass or
2 8 custody.

2 9 The bill provides that a local authority may adopt an
2 10 ordinance providing that the livestock owner commits a civil
2 11 offense for each head of the livestock that trespasses upon a
2 12 landowner's land or strays from the livestock owner's control
2 13 onto a public road. The offense is classified either as a
2 14 county infraction or a city infraction under current law. The
2 15 bill provides that the civil penalty cannot be more than
2 16 calculated by a formula which multiplies \$100 by a special
2 17 factor for that species or type of livestock referred to as
2 18 its "animal unit" under Code chapter 459. For example, for
2 19 slaughter or feeder cattle, the amount is \$100 multiplied by
2 20 an animal unit of 1.000 (\$100), and for butcher or breeding
2 21 swine the amount is multiplied by an animal unit of 0.400
2 22 (\$40). The bill provides that each day that an offense
2 23 continues is a separate violation. However, a livestock owner
2 24 cannot be subject to a civil penalty of more than the ceiling
2 25 amount for county or municipal infraction (\$750) for a single
2 26 violation or a continuing violation.

2 27 The bill provides that a livestock owner has not committed
2 28 a civil offense if the livestock escapes from a lawful fence
2 29 which is tight as provided under Iowa's fence law (Code
2 30 chapter 359A). A fence which is determined lawful and tight
2 31 by fence viewers under Code chapter 359A is conclusive for
2 32 purposes of determining whether such a defense prevails.

2 33 The bill takes effect upon enactment.

2 34 LSB 1290SS 82

2 35 da:nh/je/5



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Senate File 15

SENATE FILE
BY JOHNSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act modifying the closing hours of the polls at all elections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1143XS 82
- 4 sc/gg/14



Iowa General Assembly
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Senate File 15 continued

PAG LIN

1 1 Section 1. Section 49.73, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The commissioner shall not shorten voting hours for any
1 4 election if there is filed in the commissioner's office, at
1 5 least twenty-five days before the election, a petition signed
1 6 by at least fifty eligible electors of the school district or
1 7 city, as the case may be, requesting that the polls be opened
1 8 not later than seven o'clock a.m. All polling places where
1 9 the candidates of or any public question submitted by any one
1 10 political subdivision are being voted upon shall be opened at
1 11 the same hour, except that this requirement shall not apply to
1 12 merged areas established under chapter 260C. The hours at
1 13 which the respective precinct polling places are to open shall
1 14 not be changed after publication of the notice required by
1 15 section 49.53. The polling places shall be closed at ~~nine~~
~~1 16 o'clock seven~~ p.m. for ~~state primary and general elections and~~
~~1 17 other partisan elections, and for any other election held~~
~~1 18 concurrently therewith, and at eight o'clock p.m. for all~~
1 19 ~~other~~ elections.

1 20

EXPLANATION

1 21 This bill changes the time for closing precinct polling
1 22 places from 9 p.m. to 7 p.m. for all elections.

1 23 LSB 1143XS 82

1 24 sc:rj/gg/14



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Senate File 16

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 make completion of a college entrance examination a condition
3 of graduation and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1597XS 82
6 kh/gg/14



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Senate File 16 continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.54 COLLEGE ADMISSION AND
1 2 PLACEMENT EXAMINATION REQUIRED.
1 3 1. The board of directors of a school district shall
1 4 require all students, as a condition of graduation, to take
1 5 the national college admission and placement examination
1 6 published by the American college testing program, inc. The
1 7 school district shall pay the fee for not more than one
1 8 examination for each student. The school district shall be
1 9 reimbursed for payment of the fee by the department of
1 10 education pursuant to subsection 2.
1 11 2. There is appropriated from the general fund of the
1 12 state to the department of education funds sufficient to
1 13 reimburse school districts for the costs of paying examination
1 14 fees as provided in subsection 1. The state board of
1 15 education shall adopt rules pursuant to chapter 17A
1 16 establishing procedures for the payment of fees as provided in
1 17 subsection 1 and for the issuance of a waiver in accordance
1 18 with subsection 4.
1 19 3. The results of the examination required pursuant to
1 20 subsection 1 shall be included on the student's final report
1 21 card for the school year during which the examination was
1 22 taken, and shall be part of the student's permanent academic
1 23 record. If a student elects to repeat the examination taken
1 24 pursuant to subsection 1, the student shall be responsible for
1 25 paying the examination fee. The student may request that the
1 26 later results be placed on the student's transcript and
1 27 included in the student's permanent academic record.
1 28 4. The department may waive the examination requirement
1 29 set forth in subsection 1 for a student upon the request of
1 30 the board of directors of a school district if the school
1 31 district has written authorization from a student's parent or
1 32 guardian to exempt the student from the examination
1 33 requirement.

1 34 EXPLANATION

1 35 This bill requires the boards of directors of school



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Senate File 16 continued

2 1 districts to require all students, as a condition of
2 2 graduation, to take the national college admission and
2 3 placement examination published by the American college
2 4 testing program, inc. The bill includes a standing
2 5 appropriation from the general fund of the state to the
2 6 department of education to reimburse school districts for
2 7 payment of the fees.
2 8 The results of the examination are required to be included
2 9 on the student's final report card for the school year during
2 10 which the examination was taken, and as part of the student's
2 11 permanent academic record. If a student elects to repeat the
2 12 examination, the student must pay the fee, and may request
2 13 that the later results be placed on the student's transcript
2 14 and included in the student's permanent academic record.
2 15 The department may waive the examination requirement for a
2 16 student if the school district submits a request and has
2 17 written authorization from a student's parent or guardian to
2 18 exempt the student from the examination requirement.
2 19 LSB 1597XS 82
2 20 kh:nh/gg/14



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Senate File 17

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act relating to the minimum hours of instructional school time
2 in a school day that a school district, charter school, and
3 accredited nonpublic school must provide for grades one
4 through twelve and including an effective date and
5 applicability provision.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1594XS 82
8 kh/je/5



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Senate File 17 continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 19, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:

1 3 Define the minimum school day as a day consisting of ~~five~~
~~1 4 and one-half~~ seven hours of instructional time for grades one
1 5 through twelve. The minimum hours shall be exclusive of the
1 6 lunch period, but may include passing time between classes.
1 7 Time spent on parent=teacher conferences shall be considered
1 8 instructional time. A school or school district may record a
1 9 day of school with less than the minimum instructional hours
1 10 as a minimum school day if any of the following apply:

1 11 Sec. 2. Section 256.7, subsection 19, paragraph b, Code
1 12 2007, is amended to read as follows:

1 13 b. If the total hours of instructional school time for
1 14 grades one through twelve for any five consecutive school days
1 15 equal a minimum of ~~twenty-seven and one-half~~ thirty-five
1 16 hours, even though any one day of school is less than the
1 17 minimum instructional hours because of a staff development
1 18 opportunity provided for the professional instructional staff
1 19 or because parent=teacher conferences have been scheduled
1 20 beyond the regular school day. Furthermore, if the total
1 21 hours of instructional time for the first four consecutive
1 22 days equal at least ~~twenty-seven and one-half~~ thirty-five
1 23 hours because parent=teacher conferences have been scheduled
1 24 beyond the regular school day, a school or school district may
1 25 record zero hours of instructional time on the fifth
1 26 consecutive school day as a minimum school day.

1 27 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 28 with section 25B.2, subsection 3, the state cost of requiring
1 29 compliance with any state mandate included in this Act shall
1 30 be paid by a school district from state school foundation aid
1 31 received by the school district under section 257.16. This
1 32 specification of the payment of the state cost shall be deemed
1 33 to meet all the state funding=related requirements of section
1 34 25B.2, subsection 3, and no additional state funding shall be
1 35 necessary for the full implementation of this Act by and



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Senate File 18

SENATE FILE
BY JOHNSON

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

A BILL FOR

- 1 An Act providing for a .08 blood alcohol limit for motorboat or
- 2 sailboat operating while intoxicated offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1306SS 82
- 5 rh/gg/14



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Senate File 18 continued

PAG LIN

1 1 Section 1. Section 462A.14, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. While having an alcohol concentration of ~~.10~~ .08 or
1 4 more.

1 5 EXPLANATION

1 6 This bill lowers the current .10 blood alcohol limit for
1 7 motorboat or sailboat operating while intoxicated offenses to
1 8 .08.

1 9 LSB 1306SS 82

1 10 rh:nh/gg/14



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Senate File 19

SENATE FILE
BY JOHNSON

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

A BILL FOR

1 An Act relating to animal feeding operations, by providing for
2 standards and evaluations by the department of natural
3 resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1465SS 82
6 da/je/5



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Senate File 19 continued

PAG LIN

1 1 Section 1. Section 459.303, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 The department shall approve or disapprove applications for
1 4 permits for the construction, including the expansion, of
1 5 confinement feeding operation structures, as provided by rules
1 6 adopted pursuant to this chapter. The department's decision
1 7 to approve or disapprove a permit for the construction of a
1 8 confinement feeding operation structure shall be based on
1 9 whether the application is submitted according to procedures
1 10 required by the department and the application meets standards
1 11 established by ~~the department~~ this chapter. A person shall
1 12 not begin construction of a confinement feeding operation
1 13 structure requiring a permit under this section, unless the
1 14 department first approves the person's application and issues
1 15 to the person a construction permit. The department shall
1 16 provide conditions for requiring when a person must obtain a
1 17 construction permit.

1 18 Sec. 2. Section 459.312, Code 2007, is amended by adding
1 19 the following new subsection:

1 20 NEW SUBSECTION. 4A. The department shall provide for the
1 21 receipt and processing of manure management plans, including
1 22 updates to manure management plans, in an electronic format
1 23 pursuant to section 459.302, not later than July 1, 2009. On
1 24 and after that date, a person required to submit a manure
1 25 management plan under this section shall submit the manure
1 26 management plan to the department and to the county board of
1 27 supervisors in an electronic format.

1 28 Sec. 3. Section 459.312, subsection 9, unnumbered
1 29 paragraph 1, Code 2007, is amended to read as follows:

1 30 The department shall approve or disapprove a manure
1 31 management plan according to standards established by this
1 32 chapter and procedures established by the department:

1 33 Sec. 4. NEW SECTION. 459.611 DEPARTMENTAL EVALUATION AND
1 34 ORDER.

1 35 1. The department may conduct an evaluation of a



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Senate File 19 continued

2 1 confinement feeding operation that has commenced operation to
2 2 determine if any of the following apply:
2 3 a. Manure from the confinement feeding operation is being
2 4 discharged into a water of the state and the confinement
2 5 feeding operation is not providing for the applicable minimum
2 6 level of manure control as specified in section 459.311.
2 7 b. Manure from the confinement feeding operation is
2 8 causing or may reasonably be expected to cause pollution of a
2 9 water of the state.
2 10 c. Manure from the confinement feeding operation may
2 11 reasonably be expected to cause a violation of water quality
2 12 standards as provided in this chapter or chapter 455B.
2 13 2. The department may evaluate a confinement feeding
2 14 operation regardless of whether it is a small animal feeding
2 15 operation or includes a confinement feeding operation
2 16 structure which is constructed pursuant to a permit issued
2 17 pursuant to section 459.303.
2 18 3. The department shall not conduct an evaluation of a
2 19 confinement feeding operation which has not commenced
2 20 operation to determine if any of the conditions provided in
2 21 this section exist, unless the requirements of this chapter
2 22 are not met. However, the department may send a letter of
2 23 concern by certified mail to the owner of the confinement
2 24 feeding operation that explicitly states the department's
2 25 concern that a condition on the site where the confinement
2 26 feeding operation is or may be constructed, if not addressed,
2 27 may result in the pollution of the waters of the state. The
2 28 department's letter shall provide the reasons for its concern
2 29 and a possible remedy to the condition which could be
2 30 implemented by the owner. The letter shall also inform the
2 31 owner of likely administrative or judicial action if the
2 32 condition exists, is not remedied, and results in the
2 33 pollution of the waters of the state when the confinement
2 34 feeding operation commences operations.
2 35 4. If based on the results of the evaluation the



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Senate File 19 continued

3 1 department determines that a condition provided in this
3 2 section exists, the department may issue an order to a person
3 3 responsible for the operation of the confinement feeding
3 4 operation which has been evaluated. The order shall require
3 5 the person to institute remedial action necessary to eliminate
3 6 the condition.

3 7 Sec. 5. NEW SECTION. 459A.511 DEPARTMENTAL EVALUATION
3 8 AND ORDER.

3 9 1. The department may conduct an evaluation of an open
3 10 feedlot operation that has commenced operation to determine if
3 11 any of the following apply:

3 12 a. Open feedlot effluent from the open feedlot operation
3 13 is being discharged into a water of the state and the open
3 14 feedlot operation is not providing for the applicable minimum
3 15 level of open feedlot effluent control as provided in section
3 16 459A.401, 459A.402, or 459A.410.

3 17 b. Open feedlot effluent from the open feedlot operation
3 18 is causing or may reasonably be expected to cause pollution of
3 19 a water of the state.

3 20 c. Open feedlot effluent from the open feedlot operation
3 21 is causing or may reasonably be expected to cause a violation
3 22 of state water quality standards under this chapter or chapter
3 23 455B.

3 24 2. The department shall not conduct an evaluation of an
3 25 open feedlot operation which has not commenced operation to
3 26 determine if any of the conditions provided in this section
3 27 exist, unless the requirements of this chapter are not met.
3 28 However, the department may send a letter of concern by
3 29 certified mail to the owner of the open feedlot operation that
3 30 explicitly states the department's concern that a condition on
3 31 the site where the open feedlot operation is or may be
3 32 constructed, if not addressed, may result in the pollution of
3 33 the waters of the state. The department's letter shall
3 34 provide the reasons for its concern and a possible remedy to
3 35 the condition which could be implemented by the owner. The



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Senate File 19 continued

4 1 letter shall also inform the owner of likely administrative or
4 2 judicial action if the condition exists, is not remedied, and
4 3 results in the pollution of the waters of the state when the
4 4 open feedlot operation commences operations.

4 5 3. If based on the results of the evaluation the
4 6 department determines that a condition provided in this
4 7 section exists, the department may issue an order to a person
4 8 responsible for the operation of the open feedlot operation
4 9 which has been evaluated. The order shall require the person
4 10 to institute remedial action necessary to eliminate the
4 11 condition.

EXPLANATION

4 13 This bill amends provisions in Code chapter 459, which
4 14 authorizes the department of natural resources to regulate
4 15 animal feeding operations, including confinement feeding
4 16 operations, and Code chapter 459A, which supplements those
4 17 provisions by authorizing the department to regulate open
4 18 feedlot operations.

4 19 Code section 459.303 provides for the approval or
4 20 disapproval of applications for permits to construct
4 21 confinement feeding operation structures (e.g., confinement
4 22 buildings, manure storage structures, and egg washwater
4 23 storage structures). The department's decision is in part
4 24 based on whether the application meets the standards
4 25 established by the department. The bill provides that the
4 26 application must meet standards established in the Code
4 27 chapter in lieu of standards established by the department.
4 28 See Code section 459A.205, which authorizes the department to
4 29 approve or disapprove applications for permits to construct
4 30 settled open feedlot effluent basins and alternative
4 31 technology systems associated with open feedlots based on
4 32 standards and procedures required in the chapter.

4 33 Code section 459.312 provides for the submission of manure
4 34 management plans to the department and the county where a
4 35 manure storage structure is located or where manure is applied



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5 1 by an owner of a confinement feeding operation or a person who
5 2 applies manure from a confinement feeding operation which is
5 3 located in another state, if the manure is applied on land
5 4 located in this state. The bill provides that a person must
5 5 submit a manure management plan in an electronic format on and
5 6 after July 1, 2009. Generally, a manure management plan must
5 7 include information regarding how much and where manure kept
5 8 in a manure storage structure is to be applied. The
5 9 department must approve the manure management plan according
5 10 to procedures established by the department. The bill
5 11 provides that the application must meet standards established
5 12 in the Code chapter. See Code section 459A.208 requiring the
5 13 department to approve nutrient management plans according to
5 14 procedures required by the department in compliance with the
5 15 provisions of that chapter.

5 16 The bill provides for additional provisions in both Code
5 17 chapters which authorize the department to conduct an
5 18 evaluation of an animal feeding operation which is a
5 19 confinement feeding operation or an open feedlot operation
5 20 that has commenced operation in order to determine if manure
5 21 or open feedlot effluent is being discharged into a water of
5 22 the state or may reasonably be expected to cause pollution of
5 23 a water of the state. In addition, the bill provides that the
5 24 department is prohibited from conducting an evaluation of the
5 25 animal feeding operation which has not commenced operation,
5 26 unless a requirement provided in Code chapter 459 or 459A has
5 27 not been met. The bill does provide that the department may
5 28 send a letter of concern to the animal feeding operation. The
5 29 bill provides that based on the results of the evaluation, the
5 30 department may issue an order to a person responsible for the
5 31 operation of the animal feeding operation which has been
5 32 evaluated in order to compel the person to institute remedial
5 33 action necessary to eliminate the condition.

5 34 LSB 1465SS 82

5 35 da:nh/je/5



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Senate File 20

SENATE FILE
BY KREIMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to condemnation of property by consent of the
- 2 property owner.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1018XS 82
- 5 sc/je/5



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Senate File 20 continued

PAG LIN

1 1 Section 1. Section 6A.21, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:

1 3 c. "Public use" or "public purpose" or "public
1 4 improvement" does not include the authority to condemn
1 5 agricultural land for private development purposes ~~unless the~~
~~1 6 owner of the agricultural land consents to the condemnation.~~

1 7 Sec. 2. Section 6A.22, subsection 1, Code 2007, is amended
1 8 to read as follows:

1 9 1. In addition to the limitations in section 6A.21, the
1 10 authority of an acquiring agency to condemn any private
1 11 property through eminent domain may only be exercised for a
1 12 public purpose, public use, or public improvement. ~~However,~~
~~1 13 if the owner of the property consents to the condemnation, the~~
~~1 14 property may be condemned for any purpose.~~

1 15 Sec. 3. Section 6B.3, subsection 1, paragraph g, Code
1 16 2007, is amended to read as follows:

1 17 g. A showing of the minimum amount of land necessary to
1 18 achieve the public purpose and the amount of land to be
1 19 acquired by condemnation for the public improvement. Any land
1 20 to be acquired by condemnation beyond the necessary minimum to
1 21 complete the project shall be presumed not to be necessary for
1 22 a public use or public purpose unless the applicant can show
1 23 that a substantial need exists for the additional property to
1 24 achieve the public use or public purpose, or that the land in
1 25 question constitutes an uneconomical remnant that has little
1 26 or no value or utility to the owner, ~~or that the owner~~
~~1 27 consents to the condemnation.~~

1 28 EXPLANATION

1 29 Current law provides that government may only exercise the
1 30 power of eminent domain if the property for which condemnation
1 31 is sought is to be used for a public use, public purpose, or
1 32 public improvement or if the owner of the property consents to
1 33 the condemnation. This bill strikes the language relating to
1 34 consent of the owner.

1 35 LSB 1018XS 82



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Senate File 20 continued

2 1 sc:nh/je/5



Iowa General Assembly
 Daily Bills, Amendments, Study Bills
 January 10, 2007

Senate Study Bill 1002

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 COMMERCE/UTILITIES
 DIVISION BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act extending the future repeal of a provision requiring the
 2 issuance of certificates for furnishing local
 3 telecommunications services, and providing an effective date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1390XD 82
 6 rn/je/5

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Senate File 20 continued

1 1 Section 1. 92 Iowa Acts, chapter 1058, section 3, is
1 2 amended to read as follows:
1 3 SEC. 3. REPEAL. Section 476.29 is repealed effective July
1 4 1, ~~2007~~ 2017.
1 5 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 6 immediate importance, takes effect upon enactment.
1 7 EXPLANATION
1 8 This bill extends the future repeal of Code section 476.29,
1 9 which requires the issuance to a utility of a certificate of
1 10 public convenience and necessity by the Iowa utilities board
1 11 prior to the furnishing of land=line local telephone service
1 12 by the utility. The legislation enacting Code section 476.29
1 13 in 1992 contained a future repeal date of July 1, 2007. The
1 14 bill extends the repeal date to July 1, 2017. The bill takes
1 15 effect upon enactment.
1 16 LSB 1390XD 82
1 17 rn:rj/je/5.1



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Senate Study Bill 1003

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 maximum finance charge allowed for
- 2 consumer loans secured by a certificate of title to a motor
- 3 vehicle and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1097DP 82
- 6 rn/gg/14



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Senate Study Bill 1003 continued

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1 1 Section 1. Section 537.2401, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. Except as provided with respect to a finance charge for
1 4 loans pursuant to open end credit under section 537.2402 and
1 5 loans secured by a certificate of title of a motor vehicle
1 6 under section 537.2403, a lender may contract for and receive
1 7 a finance charge not exceeding the maximum charge permitted by
1 8 the laws of this state or of the United States for similar
1 9 lenders, and, in addition, with respect to a consumer loan, a
1 10 supervised financial organization or a mortgage lender may
1 11 contract for and receive a finance charge, calculated
1 12 according to the actuarial method, not exceeding twenty=one
1 13 percent per year on the unpaid balance of the amount financed.
1 14 ~~This~~ Except as provided in section 537.2403, this subsection
1 15 does not prohibit a lender from contracting for and receiving
1 16 a finance charge exceeding twenty=one percent per year on the
1 17 unpaid balance of the amount financed on consumer loans if
1 18 authorized by other provisions of the law.

1 19 Sec. 2. Section 537.2402, subsection 1, Code 2007, is
1 20 amended to read as follows:

1 21 1. If authorized to make supervised loans, a creditor may
1 22 contract for and receive a finance charge without limitation
1 23 as to amount or rate with respect to a loan pursuant to
1 24 open=end credit as permitted in this section except as
1 25 provided in section 537.2403.

1 26 Sec. 3. NEW SECTION. 537.2403 FINANCE CHARGE FOR
1 27 CONSUMER LOANS SECURED BY A MOTOR VEHICLE.

1 28 1. A lender shall not contract for or receive a finance
1 29 charge exceeding twenty=one percent per year on the unpaid
1 30 balance of the amount financed for a loan of money secured by
1 31 a certificate of title to a motor vehicle used for personal,
1 32 family, or household purpose except as authorized under
1 33 chapter 536 or 536A. A consumer who is charged a finance
1 34 charge in excess of the limitation in this section may seek
1 35 any remedies available pursuant to this chapter for an excess



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2 1 charge.

2 2 2. It shall be a violation of this section and an unlawful
2 3 practice under section 714.16 to attempt to avoid application
2 4 of this section by structuring a loan of money secured by a
2 5 certificate of title to a motor vehicle as a sale, sale and
2 6 repurchase, sale and lease, pawn, rental purchase, lease, or
2 7 other type of transaction with the intent to avoid application
2 8 of this section or any other applicable provision of this
2 9 chapter.

2 10

EXPLANATION

2 11 This bill relates to the maximum finance charge allowed for
2 12 consumer loans secured by a certificate of title to a motor
2 13 vehicle. The bill prohibits a lender from contracting for or
2 14 receiving a finance charge which exceeds 21 percent per year
2 15 on the unpaid balance of a loan for money which is secured by
2 16 a certificate of title to a motor vehicle. The remedies under
2 17 Code chapter 537 for excess charges are available to consumers
2 18 who are charged a finance charge in excess of 21 percent per
2 19 year for such a consumer loan. The bill provides that an
2 20 attempt to avoid application of the maximum finance charge on
2 21 a loan secured by a certificate of title to a motor vehicle by
2 22 structuring the transaction as a sale, sale and repurchase,
2 23 sale and lease, pawn, rental purchase, or lease with the
2 24 intent to avoid the maximum finance charge shall be considered
2 25 a violation of the maximum finance charge and shall be
2 26 considered a consumer fraud subject to civil penalties and
2 27 enforcement pursuant to Code section 714.16.

2 28 Under current law, a consumer is not obligated to pay an
2 29 excess charge and is entitled to a refund of any excess charge
2 30 paid. If a consumer entitled to a refund is refused the
2 31 refund, the consumer may recover from the creditor or other
2 32 person liable in a civil action the excess charge and a
2 33 penalty of not less than \$100 or more than \$1,000. Under
2 34 current law, a person who willfully and knowingly makes an
2 35 excess charge is guilty of a serious misdemeanor. A serious



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3 1 misdemeanor is punishable by confinement for no more than one
3 2 year and a fine of at least \$315 but not more than \$1,875.
3 3 LSB 1097DP 82
3 4 rn:rj/gg/14



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Senate Study Bill 1004

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/INSURANCE
DIVISION BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing a competent adult to execute a written instrument
- 2 directing the final disposition of that person's remains.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1038DP 82
- 5 av/sh/8



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1 1 Section 1. NEW SECTION. 144C.1 SHORT TITLE.
1 2 This chapter may be cited as the "Final Disposition
1 3 Directives Act".
1 4 Sec. 2. NEW SECTION. 144C.2 LEGISLATIVE FINDINGS ==
1 5 CONSTRUCTION.
1 6 1. The general assembly finds and declares the following:
1 7 a. A competent adult should have the right and power to
1 8 direct the final disposition of the adult's remains and should
1 9 be protected from the actions of interested persons who may
1 10 try to impose their wishes regarding such final disposition
1 11 contrary to the adult's desires.
1 12 b. A statute is necessary to establish the priority of
1 13 interested persons to direct the final disposition of an
1 14 adult's remains if the decedent failed to do so or if a
1 15 dispute arises between interested persons regarding such final
1 16 disposition.
1 17 c. The right of a competent adult to direct the final
1 18 disposition of the adult's remains should be exercised by the
1 19 adult in a written declaration to protect a third party who
1 20 relies in good faith on the directives in the declaration from
1 21 liability.
1 22 2. This chapter shall be interpreted liberally to carry
1 23 out a decedent's intent when not in conflict with this
1 24 chapter.
1 25 3. This chapter shall not be construed to do any of the
1 26 following:
1 27 a. Supersede the provisions of section 135.144.
1 28 b. Invalidate a declaration or will, codicil, trust, power
1 29 of appointment, or power of attorney, subject to the
1 30 provisions of section 144C.4, subsection 3.
1 31 c. Invalidate any act of an agent, guardian, or
1 32 conservator.
1 33 d. Affect any claim, right, or remedy that accrued prior
1 34 to the effective date of this Act.
1 35 e. Authorize or encourage acts that violate the



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2 1 constitution, statutes, rules, case law, or public policy of
2 2 Iowa or the United States.
2 3 f. Abridge contracts.
2 4 g. Modify the standards, ethics, or protocols of the
2 5 practice of medicine or mortuary science.
2 6 h. Compel or authorize a health care provider, hospital,
2 7 health care facility, elder group home, assisted living
2 8 program facility, adult day services program, or licensed
2 9 hospice program to administer medical treatment that is
2 10 medically inappropriate or contrary to laws of Iowa or the
2 11 United States.
2 12 i. Permit or authorize euthanasia or an affirmative or
2 13 deliberate act to end a person's life.
2 14 Sec. 3. NEW SECTION. 144C.3 DEFINITIONS.
2 15 As used in this chapter, unless the context otherwise
2 16 requires:
2 17 1. "Adult" means a person who is married or who is
2 18 eighteen years of age or older.
2 19 2. "Adult day services program" means adult day services
2 20 program as defined in section 231D.1.
2 21 3. "Assisted living program facility" means assisted
2 22 living program facility as defined in section 231C.2.
2 23 4. "Ceremony" means a formal act or set of formal acts
2 24 established by custom or authority to commemorate a decedent.
2 25 5. "Child" means a son or daughter of a parent, whether by
2 26 birth or adoption.
2 27 6. "Decedent" means a deceased adult.
2 28 7. "Declarant" means a competent adult who executes a
2 29 declaration pursuant to this chapter.
2 30 8. "Declaration" means a written instrument, executed by a
2 31 declarant in accordance with the requirements of this chapter,
2 32 that names a designee and may direct the final disposition of
2 33 the declarant's remains and the ceremonies planned after the
2 34 declarant's death.
2 35 9. "Designee" means a competent adult designated under a



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3 1 declaration to implement the declarant's wishes contained in
3 2 the declaration.

3 3 10. "Elder group home" means elder group home as defined
3 4 in section 231B.1.

3 5 11. "Final disposition" means the burial, interment,
3 6 cremation, removal from the state, or other disposition of
3 7 remains.

3 8 12. "Health care facility" means health care facility as
3 9 defined in section 135C.1.

3 10 13. "Health care provider" means health care provider as
3 11 defined in section 144A.2.

3 12 14. "Hospital" means hospital as defined in section
3 13 135B.1.

3 14 15. "Interested person" means a decedent's spouse, parent,
3 15 grandparent, adult child, adult sibling, adult grandchild, or
3 16 a designee.

3 17 16. "Licensed hospice program" means a licensed hospice
3 18 program as defined in section 135J.1.

3 19 17. "Reasonable under the circumstances", as applied to
3 20 implementation of a declarant's directives in a declaration,
3 21 means consideration of what is appropriate in relation to the
3 22 declarant's finances, cultural or family customs, and
3 23 religious or spiritual beliefs. "Reasonable under the
3 24 circumstances" may include but is not limited to consideration
3 25 of the declarant's preneed funeral, burial, or cremation plan,
3 26 and known or reasonably ascertainable creditors of the
3 27 declarant.

3 28 18. "Remains" means the body or cremated remains of a
3 29 decedent.

3 30 19. a. "Third party" means a person who is any of the
3 31 following:

3 32 (1) Is requested in a declaration to act in good faith in
3 33 reliance upon the declaration.

3 34 (2) Is requested to dispose of remains by an adult with
3 35 the right to dispose of a decedent's remains under section



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4 1 144C.6.

4 2 (3) Is delegated discretion in a declaration to direct
4 3 final disposition of a declarant's remains or to make
4 4 arrangements for the performance of ceremonies after a
4 5 declarant's death.

4 6 b. "Third party" includes but is not limited to a funeral
4 7 director, funeral establishment, cremation establishment, or
4 8 cemetery.

4 9 Sec. 4. NEW SECTION. 144C.4 DECLARATION == FINAL
4 10 DISPOSITION OF REMAINS.

4 11 1. A declaration shall name a designee and may include one
4 12 or more of the following directives:

4 13 a. What final disposition shall be made of the declarant's
4 14 remains.

4 15 b. What ceremony shall be performed after the declarant's
4 16 death.

4 17 2. A designee or a third party shall act in good faith to
4 18 fulfill the directives of a declaration in a manner that is
4 19 reasonable under the circumstances.

4 20 3. A funeral director, funeral establishment, cremation
4 21 establishment, cemetery, elder group home, assisted living
4 22 program facility, adult day services program, licensed hospice
4 23 program, or attorney, or any agent, owner, or employee of such
4 24 an entity, shall not serve as a designee unless related to the
4 25 declarant within the third degree of consanguinity.

4 26 Sec. 5. NEW SECTION. 144C.5 RELIANCE == IMMUNITIES.

4 27 1. A designee or third party who relies in good faith on a
4 28 declaration is not subject to civil liability or to criminal
4 29 prosecution or professional disciplinary action, to any
4 30 greater extent than if the designee or third party dealt
4 31 directly with the declarant as a fully competent and living
4 32 person.

4 33 2. A designee or third party who relies in good faith on a
4 34 declaration may presume, in the absence of actual knowledge to
4 35 the contrary, all of the following:



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- 5 1 a. That the declaration was validly executed.
5 2 b. That the declarant was competent at the time the
5 3 declaration was executed.
5 4 3. A third party who relies in good faith on a declaration
5 5 is not subject to civil or criminal liability for the proper
5 6 application of property delivered or surrendered in compliance
5 7 with directives contained in the declaration including but not
5 8 limited to trust funds held pursuant to chapter 523A.
5 9 4. A third party who has reasonable cause to question the
5 10 authenticity or validity of a declaration may promptly and
5 11 reasonably seek additional information from the person
5 12 proffering the declaration or from other persons to verify the
5 13 declaration.
5 14 5. This section shall not be construed to impair any
5 15 contractual obligations of a designee or third party incurred
5 16 in fulfillment of a declaration.
5 17 Sec. 6. NEW SECTION. 144C.6 FINAL DISPOSITION OF REMAINS
5 18 == RIGHT TO CONTROL.
5 19 1. The right to control final disposition of a decedent's
5 20 remains or to make arrangements for the ceremony after a
5 21 decedent's death vests in and devolves upon the following
5 22 persons who are competent adults at the time of the decedent's
5 23 death, in the following order:
5 24 a. A designee acting pursuant to the decedent's
5 25 declaration.
5 26 b. The surviving spouse of the decedent, if not legally
5 27 separated from the decedent, whose whereabouts is reasonably
5 28 ascertainable.
5 29 c. A surviving adult child of the decedent, or, if there
5 30 is more than one, a majority of the surviving adult children
5 31 whose whereabouts are reasonably ascertainable.
5 32 d. The surviving parents of the decedent whose whereabouts
5 33 are reasonably ascertainable.
5 34 e. A surviving adult grandchild of the decedent, or, if
5 35 there is more than one, a majority of the surviving adult



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6 1 grandchildren whose whereabouts are reasonably ascertainable.
6 2 f. A surviving adult sibling of the decedent, or, if there
6 3 is more than one, a majority of the surviving adult siblings
6 4 whose whereabouts are reasonably ascertainable.
6 5 g. A surviving grandparent of the decedent, or, if there
6 6 is more than one, a majority of the surviving grandparents
6 7 whose whereabouts are reasonably ascertainable.
6 8 h. An adult person in the next degree of kinship to the
6 9 decedent in the order named by law to inherit the estate of
6 10 the decedent under the rules of inheritance for intestate
6 11 succession or, if there is more than one, a majority of such
6 12 surviving persons whose whereabouts are reasonably
6 13 ascertainable.
6 14 i. A person who represents that the person knows the
6 15 identity of the decedent and who signs an affidavit warranting
6 16 the identity of the decedent and assuming the right to control
6 17 final disposition of the decedent's remains and the
6 18 responsibility to pay any expense attendant to such final
6 19 disposition. A person who warrants the identity of the
6 20 decedent pursuant to this paragraph is liable for all damages
6 21 that result, directly or indirectly, from that warrant.
6 22 j. The county medical examiner, if responsible for the
6 23 decedent's remains, or, if there is no county medical
6 24 examiner, the state medical examiner, if responsible for the
6 25 decedent's remains.
6 26 2. A third party may rely upon the directives of a person
6 27 who represents that the person is a member of a class of
6 28 persons described in subsection 1, paragraph "c", "e", "f",
6 29 "g", or "h", and who signs an affidavit stating that all other
6 30 members of the class, whose whereabouts are reasonably
6 31 ascertainable, have been notified of the decedent's death and
6 32 the person has received the assent of a majority of those
6 33 members of that class of persons to control final disposition
6 34 of the decedent's remains and to make arrangements for the
6 35 performance of a ceremony for the decedent.



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7 1 3. A third party may await a court order before proceeding
7 2 with final disposition of a decedent's remains or arrangements
7 3 for the performance of a ceremony for a decedent if the third
7 4 party is aware of a dispute among persons who are members of
7 5 the same class of persons described in subsection 1, or of a
7 6 dispute between persons who are authorized under subsection 1
7 7 and the executor named in a decedent's will or a personal
7 8 representative appointed by the court.

7 9 4. If a declaration is contained in a will, the designee
7 10 may immediately implement the declaration without probate. If
7 11 a will that contains a declaration is not probated or is
7 12 declared invalid for testamentary purposes, the acts of the
7 13 designee in reliance on the declaration are valid to the
7 14 extent that the designee acted in good faith.

7 15 Sec. 7. NEW SECTION. 144C.7 DECLARATION OF FINAL
7 16 DISPOSITION OF REMAINS == FORM == REQUIREMENTS.

7 17 1. A declaration executed pursuant to this chapter may,
7 18 but need not, be in the following form:

7 19 I hereby designate as my designee to
7 20 implement my wishes relating to the final disposition of my
7 21 remains and the ceremonies to be performed after my death.
7 22 This declaration hereby revokes all prior declarations or
7 23 other documents directing final disposition of my remains and
7 24 the ceremonies to be performed after my death. This
7 25 designation becomes effective upon my death.

7 26 My designee shall act consistently with my directives as
7 27 stated in this declaration, in a manner that is reasonable
7 28 under the circumstances. My designee has the discretion to
7 29 determine when my directives are impossible or are not lawful,
7 30 practical, or financially feasible. My directives are:

7 31 _____
7 32 _____
7 33 _____
7 34 _____

7 35 I may revoke or amend this declaration at any time. I



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8 1 agree that a third party (such as a funeral or cremation
8 2 establishment, funeral director, or cemetery) who receives a
8 3 copy of this declaration may act in reliance on it.
8 4 Revocation of this declaration is not effective as to a third
8 5 party until the third party receives notice of the revocation.
8 6 My estate shall indemnify my designee and any third party for
8 7 costs incurred by them or claims arising against them as a
8 8 result of their good faith reliance on this declaration.

8 9 I execute this declaration as my free and voluntary act.

8 10 2. A declaration executed pursuant to this chapter shall
8 11 be in a written form that substantially complies with the form
8 12 contained in subsection 1, is properly completed, and is dated
8 13 and signed by the declarant or another person acting on the
8 14 declarant's behalf at the direction of and in the presence of
8 15 the declarant. In addition, a declaration shall be either of
8 16 the following:

8 17 a. Signed by at least two individuals who are not named
8 18 therein and who, in the presence of each other and the
8 19 declarant, witnessed the signing of the declaration by the
8 20 declarant, or another person acting on the declarant's behalf
8 21 at the direction of and in the presence of the declarant, and
8 22 witnessed the signing of the declaration by each other.

8 23 b. Acknowledged before a notarial officer.

8 24 3. A declaration may include specific directives,
8 25 including but not limited to:

8 26 a. Special instructions conveying the declarant's wishes
8 27 for the type of final disposition of the declarant's remains,
8 28 location of the final disposition, type of ceremony, location
8 29 of ceremony, and organ donation consistent with chapter 142C.

8 30 b. Designation of one or more alternate designees.

8 31 c. Contact information of designees and alternate
8 32 designees such as names, addresses, and telephone numbers.

8 33 d. Instructions for distribution of copies of the
8 34 declaration.

8 35 Sec. 8. NEW SECTION. 144C.8 REVOCATION OF DECLARATION.

9 1 1. A declaration or any directive contained in a
9 2 declaration is revocable by a declarant in writing.

9 3 2. Unless otherwise expressly provided in a declaration:

9 4 a. A dissolution of marriage, annulment of marriage, or
9 5 legal separation between the declarant and the declarant's
9 6 spouse that occurs subsequent to the execution of the
9 7 declaration constitutes an automatic revocation of the spouse
9 8 as a designee.

9 9 b. A designation of a person as a designee pursuant to a
9 10 declaration is ineffective if the designation is revoked by
9 11 the declarant in writing subsequent to the execution of the
9 12 declaration or if the designee is unable or unwilling to serve
9 13 as the designee.

9 14 Sec. 9. NEW SECTION. 144C.9 FORFEITURE OF DESIGNEE'S
9 15 AUTHORITY.

9 16 A designee shall forfeit all rights and authority under a
9 17 declaration and all rights and authority under the declaration
9 18 shall vest in and devolve upon an alternate designee, or if
9 19 there is none vest in and devolve pursuant to section 144C.6,
9 20 under either of the following circumstances:

9 21 1. The designee is charged with murder in the first or



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9 22 second degree or voluntary manslaughter in connection with the
9 23 declarant's death and those charges are known to a third
9 24 party, provided that if the charges against the designee are
9 25 dismissed or the designee is acquitted of the crime charged,
9 26 the authority of the designee under the declaration shall be
9 27 reinstated.

9 28 2. The designee does not exercise the designee's authority
9 29 under the declaration within two days of receiving
9 30 notification of the death of the declarant or within five days
9 31 of the declarant's death, whichever is earlier.

9 32 Sec. 10. NEW SECTION. 144C.10 INTERSTATE EFFECT OF
9 33 DECLARATION.

9 34 Unless otherwise expressly provided in a declaration:

9 35 1. It is presumed that the declarant intended to have a



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10 1 declaration executed pursuant to this chapter have the full
10 2 force and effect of law in any state of the United States, the
10 3 District of Columbia, and any other territorial possessions of
10 4 the United States.

10 5 2. A declaration or similar instrument executed in another
10 6 state that complies with the requirements of this chapter may
10 7 be relied upon, in good faith, by a third party in this state
10 8 so long as a directive of the declarant is not invalid,
10 9 illegal, or unconstitutional in this state.

10 10 Sec. 11. NEW SECTION. 144C.11 EFFECT OF DECLARATION.

10 11 1. The designee designated in a declaration shall have the
10 12 sole discretion pursuant to the declaration to determine what
10 13 final disposition of the declarant's remains and ceremonies to
10 14 be performed after the declarant's death are reasonable under
10 15 the circumstances.

10 16 2. The provisions of the most recent declaration executed
10 17 by a declarant shall control over any other document
10 18 concerning final disposition of the declarant's remains and
10 19 the ceremony to be performed after the declarant's death.

10 20 3. This chapter applies to a declaration executed or
10 21 exercised in Iowa and to a declaration executed or exercised
10 22 by a person who is a resident of Iowa when the instrument is
10 23 executed or exercised.

10 24 4. This chapter does not prohibit an interested person
10 25 from viewing a declarant in private, at the interested
10 26 person's expense, to assist in the bereavement process, unless
10 27 such a viewing is specifically prohibited in the declaration.

10 28 5. This chapter does not prohibit a person from conducting
10 29 a separate ceremony to commemorate a declarant, at the
10 30 person's expense, to assist in the bereavement process.

10 31 6. The rights of a donee created by an anatomical gift
10 32 pursuant to section 142C.11 are superior to the authority of a
10 33 designee under a declaration executed pursuant to this
10 34 chapter.

10 35 Sec. 12. NEW SECTION. 144C.12 PRACTICE OF MORTUARY



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11 1 SCIENCE.

11 2 This chapter shall not be construed to authorize the
11 3 unlicensed practice of mortuary science as provided in chapter
11 4 156.

11 5 Sec. 13. APPLICABILITY DATES.

11 6 1. This Act applies to all declarations executed on or
11 7 after the effective date of this Act.

11 8 2. The section of this Act enacting section 144C.6 applies
11 9 to all deaths occurring on or after the effective date of this
11 10 Act, except that section 144C.6, subsection 1, paragraph "a",
11 11 applies only to a designee designated in a declaration that is
11 12 executed on or after the effective date of this Act.

11 13 EXPLANATION

11 14 This bill creates new Code chapter 144C, entitled the
11 15 "Final Disposition Directives Act". The bill allows a
11 16 competent adult, that is, a person who is married or who is 18
11 17 years of age or older, to execute a written instrument called
11 18 a declaration which expresses the wishes of the person
11 19 concerning the final disposition of that person's remains and
11 20 the ceremonies to be performed after that person's death and
11 21 designates who should oversee those matters.

11 22 The bill provides that it shall not be construed to do any
11 23 of the following: supersede duties of the department of
11 24 public health related to a public disaster contained in Code
11 25 section 135.144; invalidate a declaration or will, codicil,
11 26 trust, power of appointment, or power of attorney, subject to
11 27 the provisions of the bill contained in Code section 144C.4,
11 28 subsection 3, that prohibit a funeral director, funeral
11 29 establishment, cremation establishment, cemetery, elder group
11 30 home, assisted living program facility, adult day services
11 31 program, licensed hospice program, or attorney, or any agent,
11 32 owner, or employee of such an entity, from serving as a
11 33 designee unless related to the declarant within the third
11 34 degree of consanguinity; invalidate any act of an agent,
11 35 guardian, or conservator; affect any claim, right, or remedy



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12 1 that accrued prior to the effective date of the bill,
12 2 authorize or encourage acts that violate the constitution,
12 3 statutes, rules, case law, or public policy of Iowa or the
12 4 United States; abridge contracts; modify the standards,
12 5 ethics, or protocols of the practice of medicine or mortuary
12 6 science; compel or authorize a health care provider, health
12 7 care facility, hospital, elder group home, assisted living
12 8 program facility, adult day care services program, or licensed
12 9 hospice program to administer medical treatment that is
12 10 medically inappropriate or contrary to laws of Iowa or the
12 11 United States; or permit or authorize euthanasia or an
12 12 affirmative or deliberate act to end a person's life.

12 13 The bill allows a third party to rely upon the directives
12 14 of a person who represents that the person is a member of a
12 15 class of persons set forth in the order of priority contained
12 16 in the bill if that person signs an affidavit stating that the
12 17 person has received the assent of a majority of all members of
12 18 the class, whose whereabouts are reasonably ascertainable, to
12 19 control final disposition of the decedent's remains and to
12 20 make arrangements for the performance of a ceremony for the
12 21 decedent.

12 22 The bill requires a declaration to name a designee and
12 23 allows a declaration to direct what final disposition should
12 24 be made of the declarant's remains and what ceremony should be
12 25 performed after the declarant's death. The bill prohibits a
12 26 funeral director, funeral establishment, cremation
12 27 establishment, cemetery, elder group home, assisted living
12 28 program facility, adult day services program, licensed hospice
12 29 program, or attorney, or any agent, owner, or employee of any
12 30 such entity, from serving as a designee under a declaration
12 31 unless related to the declarant within the third degree of
12 32 consanguinity. The bill requires a designee or third party to
12 33 act in good faith to fulfill the directives of a declaration
12 34 in a manner that is reasonable under the circumstances.

12 35 The bill provides some immunity from civil or criminal



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13 1 liability or professional disciplinary action for a designee
13 2 or a third party, such as a funeral director, funeral
13 3 establishment, cremation establishment, or cemetery, acting in
13 4 good faith reliance on a declaration. The bill provides that
13 5 its provisions shall not be construed to impair any
13 6 contractual obligations of a designee or third party incurred
13 7 in fulfillment of a declaration.

13 8 The bill sets forth an order of priority for determining
13 9 who has the right to control final disposition of a deceased
13 10 person's remains or to make arrangements for a ceremony after
13 11 a person's death. A designee acting pursuant to a declaration
13 12 has the highest priority, or if there is no designee, then the
13 13 surviving spouse and other relatives of the deceased person
13 14 whose whereabouts are reasonably ascertainable, a person who
13 15 knows the declarant, or the county or state medical examiner.

13 16 The bill allows a third party to await a court order before
13 17 proceeding with final disposition of the body or ceremony
13 18 arrangements in the event of a dispute among family members or
13 19 between family members and the executor of the decedent's will
13 20 or a personal representative appointed by the court. The bill
13 21 also allows a designee to implement a declaration contained in
13 22 a will immediately without probate.

13 23 The bill contains a suggested, but not mandatory, written
13 24 form for a declaration. A declaration must be in writing and
13 25 substantially comply with the form contained in the bill, be
13 26 properly completed, and be signed by the person making the
13 27 declaration, or another person acting on the declarant's
13 28 behalf at the direction of and in the presence of the
13 29 declarant.

13 30 The declaration must also either be signed by at least two
13 31 individuals who are not named in the document who, in the
13 32 presence of each other and the declarant, witness the signing
13 33 of the declaration by the declarant, or a person acting on the
13 34 declarant's behalf at the direction of and in the presence of
13 35 the declarant, and who witness the signing of the declaration



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Senate Study Bill 1004 continued

14 1 by each other, or be acknowledged before a notarial officer.

14 2 The bill suggests specific directives that may be included
14 3 in a declaration such as special instructions conveying the
14 4 person's wishes concerning the type and location of the final
14 5 disposition and ceremonies, designation of alternate designees
14 6 and contact information for all designees, and instructions
14 7 for distribution of copies of the declaration.

14 8 The bill provides for forfeiture of a designee's rights and
14 9 authority under a declaration if the designee is charged with
14 10 murder in the first or second degree or voluntary manslaughter
14 11 of the deceased person, or if the designee's rights and
14 12 authority under the declaration are not exercised within two
14 13 days of receiving notification of the death of the declarant
14 14 or within five days of the declarant's death, whichever is
14 15 earlier.

14 16 The bill provides a presumption that a declaration executed
14 17 pursuant to the new Code chapter is intended to have full
14 18 force and effect throughout the United States, the District of
14 19 Columbia, and its territorial possessions and gives effect to
14 20 declarations or similar instruments executed in other states
14 21 that comply with the requirements of the new Code chapter.

14 22 The bill gives a designee the sole discretion to determine
14 23 what is "reasonable under the circumstances" by considering
14 24 what is appropriate in relation to the declarant's finances,
14 25 cultural or family customs, and religious or spiritual
14 26 beliefs, including consideration of any preneed funeral,
14 27 burial, or cremation plan, or creditors of the declarant in
14 28 implementing the provisions of a declaration.

14 29 The bill provides that the provisions of the most recent
14 30 declaration of a declarant control over any other document
14 31 concerning final disposition of that person's body or the
14 32 ceremonies to be performed after that person's death.

14 33 The bill provides that the new Code chapter applies to a
14 34 declaration executed or exercised in Iowa and to a declaration
14 35 executed or exercised by a person who is a resident of Iowa



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15 1 when the instrument is executed or exercised.

15 2 The bill does not prohibit an "interested person", defined
15 3 as a declarant's spouse, parent, grandparent, adult child,
15 4 adult sibling, adult grandchild, or a designee, from viewing a
15 5 declarant in private at the interested person's expense, to
15 6 assist in the bereavement process, unless such a viewing is
15 7 specifically prohibited in the declaration.

15 8 The bill does not prohibit a person from conducting a
15 9 separate ceremony to commemorate a declarant, at the person's
15 10 expense, to assist in the bereavement process.

15 11 The bill provides that the rights of a donee created by an
15 12 anatomical gift pursuant to Code section 142C.11 are superior
15 13 to the authority of a designee pursuant to a declaration.

15 14 The bill applies to all declarations executed on or after
15 15 the effective date of the bill. New Code section 144C.6,
15 16 which sets forth an order of priority for determining who has
15 17 the right to control final disposition and ceremonies for a
15 18 decedent, applies to all deaths occurring on or after the
15 19 effective date of the bill, except that Code section 144C.6,
15 20 subsection 1, paragraph "a", giving highest priority to a
15 21 designee in a declaration, applies only to a designee
15 22 designated in a declaration executed on or after the effective
15 23 date of the bill.

15 24 The bill provides that its provisions shall not be
15 25 construed to authorize the unlicensed practice of mortuary
15 26 science as provided in Code chapter 156.

15 27 LSB 1038DP 82

15 28 av:rj/sh/8



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Senate Study Bill 1005

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL BILL)

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

A BILL FOR

- 1 An Act relating to crime victim compensation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1139DP 82
- 4 rh/sh/8



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Senate Study Bill 1005 continued

PAG LIN

1 1 Section 1. Section 13.31, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. Administer an automated victim
1 4 notification system as authorized pursuant to section 915.10A.
1 5 Sec. 2. Section 915.10, subsection 2, Code 2007, is
1 6 amended to read as follows:
1 7 2. "Registered" means having provided the county attorney
1 8 with the victim's written request for registration and current
1 9 mailing address and telephone number. ~~If an automated victim~~
~~1 10 notification system is implemented pursuant to section~~
~~1 11 915.10A, "registered"~~ "Registered" also means having filed a
1 12 request for registration with the automated victim
1 13 notification system established pursuant to section 915.10A.
1 14 Sec. 3. Section 915.10A, subsection 1, Code 2007, is
1 15 amended to read as follows:
1 16 1. An automated victim notification system ~~may be utilized~~
1 17 is established within the crime victim assistance division of
1 18 the department of justice to assist public officials in
1 19 informing crime victims, the victim's family, or other
1 20 interested persons as provided in this subchapter and where
1 21 otherwise specifically provided. The system shall disseminate
1 22 the information to registered users through telephonic,
1 23 electronic, or other means of access.
1 24 Sec. 4. Section 915.11, Code 2007, is amended to read as
1 25 follows:
1 26 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
1 27 A local police department or county sheriff's department
1 28 shall advise a victim of the right to register with the county
1 29 attorney, and shall provide a request-for-registration form to
1 30 each victim. ~~If an automated victim notification system is~~
~~1 31 available pursuant to section 915.10A, a~~ A local police
1 32 department or county sheriff's department shall provide a
1 33 telephone number and website to each victim to register with
1 34 the automated victim notification system established pursuant
1 35 to section 915.10A.



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2 1 Sec. 5. Section 915.12, subsection 2, Code 2007, is
2 2 amended to read as follows:

2 3 2. ~~If an automated victim notification system is available~~
2 4 ~~pursuant to section 915.10A, a~~ A victim, the victim's family,
2 5 or other interested person may register with the automated
2 6 victim notification system established pursuant to section
2 7 915.10A by filing a request for registration through written,
2 8 telephonic, or electronic means.

2 9 Sec. 6. Section 915.80, subsection 2, Code 2007, is
2 10 amended to read as follows:

2 11 2. "Crime" means conduct that occurs or is attempted in
2 12 this state, poses a substantial threat of personal injury or
2 13 death, and is punishable as a felony or misdemeanor, or would
2 14 be so punishable but for the fact that the person engaging in
2 15 the conduct lacked the capacity to commit the crime under the
2 16 laws of this state. "Crime" does not include conduct arising
2 17 out of the ownership, maintenance, or use of a motor vehicle,
2 18 motorcycle, motorized bicycle, train, boat, or aircraft except
2 19 for violations of section 321.261, 321.277, 321J.2, 462A.7,
2 20 462A.12, 462A.14, or 707.6A, or when the intention is to cause
2 21 personal injury or death. A license revocation under section
2 22 321J.9 or 321J.12 shall be considered by the department as
2 23 evidence of a violation of section 321J.2 for the purposes of
2 24 this subchapter. A license suspension or revocation under
2 25 section 462A.14, 462A.14B, or 462A.23 shall be considered by
2 26 the department as evidence of a violation of section 462A.14
2 27 for the purposes of this subchapter.

2 28 Sec. 7. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,
2 29 Code 2007, are amended to read as follows:

2 30 1. Reasonable charges incurred for medical care not to
2 31 exceed ~~fifteen~~ twenty-five thousand dollars. Reasonable
2 32 charges incurred for mental health care not to exceed ~~three~~
2 33 five thousand dollars which includes services provided by a
2 34 psychologist licensed under chapter 154B, a person holding at
2 35 least a master's degree in social work or counseling and



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3 1 guidance, or a victim counselor as defined in section 915.20A.

3 2 3. Loss of income from work that the victim's parent or
3 3 caretaker would have performed and for which the victim's
3 4 parent or caretaker would have received remuneration for up to
3 5 three days after the crime or the discovery of the crime to
3 6 allow the victim's parent or caretaker to assist the victim
3 7 and when the victim's parent or caretaker accompanies the
3 8 victim to medical and counseling services, not to exceed one
3 9 thousand dollars per parent or caretaker.

3 10 5. Reasonable replacement value of clothing that is held
3 11 for evidentiary purposes not to exceed ~~one~~ two hundred
3 12 dollars.

3 13 7. Loss of support for dependents resulting from death or
3 14 a period of disability of the victim of sixty days or more not
3 15 to exceed ~~two~~ four thousand dollars per dependent.

3 16 8. In the event of a victim's death, reasonable charges
3 17 incurred for counseling the victim's spouse, children,
3 18 parents, siblings, or persons cohabiting with or related by
3 19 blood or affinity to the victim if the counseling services are
3 20 provided by a psychologist licensed under chapter 154B, a
3 21 victim counselor as defined in section 915.20A, subsection 1,
3 22 or an individual holding at least a master's degree in social
3 23 work or counseling and guidance, and reasonable charges
3 24 incurred by such persons for medical care counseling provided
3 25 by a psychiatrist licensed under chapter 147 or 150A. The
3 26 allowable charges under this subsection shall not exceed ~~three~~
3 27 five thousand dollars per person.

3 28 12. Reasonable charges incurred for mental health care for
3 29 secondary victims which include the services provided by a
3 30 psychologist licensed under chapter 154B, a person holding at
3 31 least a master's degree in social work, counseling, or a
3 32 related field, a victim counselor as defined in section
3 33 915.20A, or a psychiatrist licensed under chapter 147, 148, or
3 34 150A. The allowable charges under this subsection shall not
3 35 exceed ~~one~~ two thousand dollars per secondary victim.



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Senate Study Bill 1005 continued

4 1 Sec. 8. Section 915.86, Code 2007, is amended by adding
4 2 the following new subsections:
4 3 NEW SUBSECTION. 13. Reasonable dependent care expenses
4 4 incurred by the victim, the victim's parent or caretaker, or
4 5 the survivor of a homicide victim as described in subsection
4 6 10 for the care of dependents while attending criminal justice
4 7 proceedings or medical or counseling services, not to exceed
4 8 one thousand dollars per person.
4 9 NEW SUBSECTION. 14. Reasonable expenses incurred by a
4 10 victim, the victim's parent or caretaker, or the survivor of a
4 11 victim as described in subsection 10 to replace locks,
4 12 windows, and other residential security items at the victim's
4 13 residence or at the residential scene of a crime, not to
4 14 exceed five hundred dollars per residence.
4 15 NEW SUBSECTION. 15. Reasonable expenses incurred by the
4 16 victim, a secondary victim, the parent or guardian of a
4 17 victim, or the survivor of a homicide victim as described in
4 18 subsection 10 for transportation to medical, counseling,
4 19 funeral, or criminal justice proceedings, not to exceed one
4 20 thousand dollars per person.
4 21 Sec. 9. Section 915.94, Code 2007, is amended to read as
4 22 follows:
4 23 915.94 VICTIM COMPENSATION FUND.
4 24 A victim compensation fund is established as a separate
4 25 fund in the state treasury. Moneys deposited in the fund
4 26 shall be administered by the department and dedicated to and
4 27 used for the purposes of section 915.41 and this subchapter.
4 28 In addition, the department may use moneys from the fund for
4 29 the purpose of the department's prosecutor-based victim
4 30 service coordination, including the duties defined in sections
4 31 910.3 and 910.6 and this chapter, and for the award of funds
4 32 to programs that provide services and support to victims of
4 33 domestic abuse or sexual assault as provided in chapter 236,
4 34 ~~and~~ to victims of section 710A.2, and for the support of an
4 35 automated victim notification system established in section



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5 1 915.10A. The department may also use up to one hundred
5 2 thousand dollars from the fund to provide training for victim
5 3 service providers. Notwithstanding section 8.33, any balance
5 4 in the fund on June 30 of any fiscal year shall not revert to
5 5 the general fund of the state.

5 6 EXPLANATION

5 7 This bill relates to the crime victim compensation fund.

5 8 The bill expands the categories of crime victims eligible
5 9 to receive victim compensation to include victims of hit-and-
5 10 run boating and victims of careless or reckless boating,
5 11 waterskiing, surfboarding, and use of similar devices. The
5 12 bill provides that a license suspension or revocation for
5 13 operating a motorboat or sailboat while intoxicated shall be
5 14 considered by the department of justice as evidence of such a
5 15 crime.

5 16 The bill increases the maximum compensation amounts for the
5 17 following reimbursement categories for economic losses
5 18 incurred as a direct result of an injury to or death of a
5 19 victim:

5 20 1. Increases the benefit for medical care for a victim
5 21 from \$15,000 to \$25,000.

5 22 2. Increases the benefit for a victim and for homicide
5 23 survivors of a victim (including the victim's spouse,
5 24 children, parents, siblings, or persons cohabiting with or
5 25 certain persons related by blood or affinity to the victim)
5 26 for counseling services from \$3,000 to \$5,000.

5 27 3. Increases the benefit for the replacement cost of
5 28 clothing held in evidence from \$100 to \$200.

5 29 4. Increases the loss of support benefit for secondary
5 30 victims for counseling services from \$1,000 to \$2,000.

5 31 5. Increases the loss of support for dependents resulting
5 32 from death or a period of disability of the victim of 60 days
5 33 or more from \$2,000 to \$4,000.

5 34 The bill specifies that a dependent victim's parent or
5 35 caretaker may receive lost wages which the parent or caretaker



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6 1 accompanies the victim to medical or counseling services not
6 2 to exceed \$1,000 per parent or caretaker.

6 3 The bill creates a new child care reimbursement benefit for
6 4 child and dependent care that allows a victim, the victim's
6 5 parent or caretaker, or the survivor of a homicide victim
6 6 reasonable expenses for the care of dependents while attending
6 7 criminal justice proceedings or medical or counseling
6 8 appointments, not to exceed \$1,000.

6 9 The bill creates a new benefit to reimburse victims for
6 10 replacement of locks, windows, or other property security
6 11 items at a residential crime scene or at the residence of the
6 12 crime victim or survivor of a homicide victim, not to exceed
6 13 \$500 per residence.

6 14 The bill creates a new benefit to reimburse a victim, a
6 15 secondary victim, the parent or guardian of a victim, or the
6 16 survivor of a homicide victim for transportation costs for
6 17 medical, counseling, funeral, and criminal justice
6 18 proceedings, not to exceed \$1,000 per person.

6 19 The bill provides for the establishment of an automated
6 20 victim notification system within the crime victim assistance
6 21 division of the department of justice pursuant to Code section
6 22 915.10A and further provides that moneys from the victim
6 23 compensation fund may be used for the support of this
6 24 automated victim notification system.

6 25 LSB 1139DP 82

6 26 rh:rj/sh/8.1



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Senate Study Bill 1006

SENATE/HOUSE FILE
BY (PROPOSED TREASURER
OF STATE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposition of unclaimed property
- 2 concerning minerals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1216XD 82
- 5 av/sh/8



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Senate Study Bill 1006 continued

PAG LIN

1 1 Section 1. Section 556.1, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 6A. "Mineral" means gas, oil, and coal;
1 4 other gaseous, liquid, and solid hydrocarbons; oil shale;
1 5 cement material; sand and gravel; road material; building
1 6 stone; chemical raw material; gemstone; fissionable and
1 7 nonfissionable ores; colloidal and other clays; steam and
1 8 other geothermal resources; and any other substance defined as
1 9 a mineral by a law of this state.

1 10 NEW SUBSECTION. 6B. "Mineral proceeds" means amounts
1 11 payable for the extraction, production, or sale of minerals,
1 12 or upon the abandonment of those payments, all payments that
1 13 become payable thereafter. "Mineral proceeds" includes
1 14 amounts payable as follows:

1 15 a. For the acquisition and retention of a mineral lease,
1 16 including bonuses, royalties, compensatory royalties, shut-in
1 17 royalties, minimum royalties, and delay rentals.

1 18 b. For the extraction, production, or sale of minerals,
1 19 including net revenue interests, royalties, overriding
1 20 royalties, extraction payments, and production payments.

1 21 c. Under an agreement or option, including a joint
1 22 operating agreement, unit agreement, pooling agreement, and
1 23 farm-out agreement, relating to the extraction, production, or
1 24 sale of minerals.

1 25 EXPLANATION

1 26 This bill adds definitions of "mineral" and "mineral
1 27 proceeds" to Code chapter 556 which is concerned with the
1 28 disposition of unclaimed property.

1 29 Currently, Code section 556.1 defines property which is
1 30 subject to the provisions of the chapter to include mineral
1 31 proceeds (Code section 556.1, subsection 10, paragraph "b"),
1 32 and amounts distributable from a mineral interest in land
1 33 (Code section 556.1, subsection 10, paragraph "h") although
1 34 these terms are not currently defined.

1 35 LSB 1216XD 82



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Senate Study Bill 1006 continued

2 1 av:rj/sh/8



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Senate Study Bill 1007

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 a criminal defendant filing an application for
- 2 postconviction relief.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1103DP 82
- 5 jm/je/5

PAG LIN



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Senate Study Bill 1006 continued

1 1 Section 1. Section 822.2, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:

1 3 Any person who has been convicted of, or sentenced for, a
1 4 ~~public~~ an indictable offense as defined in section 801.4 and
1 5 who claims any of the following may institute, without paying
1 6 a filing fee, a proceeding under this chapter to secure
1 7 relief:

1 8 Sec. 2. Section 822.3, Code 2007, is amended to read as
1 9 follows:

1 10 822.3 HOW TO COMMENCE PROCEEDING == LIMITATION.

1 11 A proceeding is commenced by filing an application verified
1 12 by the applicant with the clerk of the district court in which
1 13 the conviction or sentence took place. However, if the
1 14 applicant is seeking relief under section 822.2, subsection 1,
1 15 paragraph "f", the application shall be filed with the clerk
1 16 of the district court of the county in which the applicant is
1 17 being confined within ninety days from the date the
1 18 disciplinary decision is final. All other applications must
1 19 be filed within ~~three years~~ eighteen months from the date the
1 20 conviction or decision is final or, in the event of an appeal,
1 21 from the date the writ of procedendo is issued. However, this
1 22 limitation does not apply to a ground of fact or law that
1 23 could not have been raised within the applicable time period.
1 24 Facts within the personal knowledge of the applicant and the
1 25 authenticity of all documents and exhibits included in or
1 26 attached to the application must be sworn to affirmatively as
1 27 true and correct. The supreme court may prescribe the form of
1 28 the application and verification. The clerk shall docket the
1 29 application upon its receipt and promptly bring it to the
1 30 attention of the court and deliver a copy to the county
1 31 attorney and the attorney general.

1 32 EXPLANATION

1 33 This bill relates to a criminal defendant filing an
1 34 application for postconviction relief.

1 35 The bill prohibits a person convicted of a simple



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Senate Study Bill 1006 continued

2 1 misdemeanor from filing an application for relief. The bill
2 2 does not prohibit any other criminal defendant from filing an
2 3 application for postconviction relief.

2 4 The bill also condenses the time period to file most
2 5 applications for postconviction relief. The bill provides
2 6 that applications for postconviction relief must be filed
2 7 within 18 months from the date of the final decision at the
2 8 trial court level or, if the case is appealed, then within 18
2 9 months of the date the appeal becomes final and a writ of
2 10 procedendo is issued. Under current law, a person is granted
2 11 three years from the date the case becomes final to file an
2 12 application for postconviction relief.

2 13 Under the bill and in current law, a person is not time
2 14 barred from filing an application for postconviction relief if
2 15 an issue arises that could not have been raised during the
2 16 time period granted to file an application for postconviction
2 17 relief.

2 18 An application for postconviction relief generally is an
2 19 application to the court, after an unsuccessful appeal, by a
2 20 criminal defendant attacking the constitutionality or validity
2 21 of the sentence of the criminal defendant.

2 22 LSB 1103DP 82

2 23 jm:nh/je/5



Iowa General Assembly
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January 10, 2007

Senate Study Bill 1008

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the military code by amending the powers of
2 the adjutant general and by allowing the armory board to enter
3 into design-build contracts for the construction of certain
4 national guard facilities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1252DP 82
7 eg/je/5



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Senate Study Bill 1008 continued

PAG LIN

1 1 Section 1. Section 29A.12, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The adjutant general shall have command and control of
1 4 the military division, and perform such duties as pertain to
1 5 the office of the adjutant general under law and regulations,
1 6 pursuant to the authority vested in the adjutant general by
1 7 the governor. The adjutant general shall superintend the
1 8 preparation of all letters and reports required by the United
1 9 States from the state, and perform all the duties prescribed
1 10 by law. The adjutant general shall have charge of the state
1 11 military reservations, and all other property of the state
1 12 kept or used for military purposes. The adjutant general may
1 13 accept and expend nonappropriated funds in accordance with law
1 14 and regulations. The adjutant general shall cause an
1 15 inventory to be taken at least once each year of all military
1 16 stores, property, and funds under the adjutant general's
1 17 jurisdiction. In each year preceding a regular session of the
1 18 general assembly, the adjutant general shall prepare a
1 19 detailed report of the transactions of that office, its
1 20 expenses, and other matters required by the governor for the
1 21 period since the last preceding report, and the governor may
1 22 at any time require a similar report.

1 23 Sec. 2. Section 29A.57, subsection 3, Code 2007, is
1 24 amended by adding the following new paragraph:
1 25 NEW PARAGRAPH. e. Enter into a design=build contract for
1 26 a facility to be funded entirely with federal funds and to be
1 27 used solely by the national guard or jointly by the national
1 28 guard and other armed forces of the United States. A
1 29 design=build contract may provide that design and construction
1 30 of the project may be in sequential or concurrent phases. As
1 31 used in this paragraph, "design=build contract" means a single
1 32 contract providing for both design services and construction
1 33 services that may include finance, maintenance, operations,
1 34 preconstruction, and other related services.

1 35 EXPLANATION



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Senate Study Bill 1008 continued

2 1 This bill makes changes to the military code relating to
2 2 certain powers of the adjutant general and the armory board.
2 3 Code section 29A.12 is amended to authorize the adjutant
2 4 general to accept and expend nonappropriated funds in
2 5 accordance with state and federal law and regulations.
2 6 Code section 29A.57 is amended to authorize the armory
2 7 board to enter into a contract known as a "design=build
2 8 contract" to construct a facility for use by the Iowa national
2 9 guard or the Iowa national guard and other armed forces of the
2 10 United States where the construction funding is entirely
2 11 federal moneys. The bill defines design=build contract.
2 12 LSB 1252DP 82
2 13 eg:sc/je/5.1



Iowa General Assembly
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Senate Study Bill 1009

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 campaign finance by revising the
2 requirements for filing reports and for the use of certain
3 resources for political purposes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1256XD 82
6 jr/je/5



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1 1 Section 1. Section 68A.402, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. FILING METHODS. Each committee shall file with the
1 4 board reports disclosing information required under this
1 5 section on forms prescribed by rule. Reports shall be filed
1 6 on or before the required due dates by using any of the
1 7 following methods: mail bearing a United States postal
1 8 service postmark, hand-delivery, facsimile transmission,
1 9 electronic mail attachment, or electronic filing as prescribed
1 10 by rule. Any report that is required to be filed five days
1 11 prior to an election must be physically received by the board
1 12 to be considered timely filed. For purposes of this section,
1 13 "physically received" means the report is either
1 14 electronically filed using the board's electronic filing
1 15 system or is received by the board prior to 4:30 p.m. on the
1 16 report due date.

1 17 Sec. 2. Section 68A.503, subsection 2, Code 2007, is
1 18 amended to read as follows:
1 19 2. a. Except as provided in subsection 3, it is unlawful
1 20 for a member of a committee, or its employee or
1 21 representative, except a ballot issue committee, or for a
1 22 candidate for office or the representative of the candidate,
1 23 to solicit, request, or knowingly receive from an insurance
1 24 company, savings and loan association, bank, credit union, or
1 25 corporation organized pursuant to the laws of this state, the
1 26 United States, or any other state, territory, or foreign
1 27 country, whether for profit or not, or its officer, agent, or
1 28 representative, any money, property, or thing of value
1 29 belonging to the insurance company, savings and loan
1 30 association, bank, or corporation for campaign expenses, or to
1 31 expressly advocate that the vote of an elector be used to
1 32 nominate, elect, or defeat a candidate for public office.
1 33 b. This section does not restrain or abridge the freedom
1 34 of the press or prohibit the consideration and discussion in
1 35 the press of candidacies, nominations, public officers, or



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2 1 public questions.

2 2 c. This section does not apply to a nonprofit organization

2 3 communicating with its own members. The board shall adopt

2 4 rules pursuant to chapter 17A to administer this paragraph.

2 5 d. The board shall adopt rules concerning the use of

2 6 resources belonging to a media corporation if the publisher,

2 7 owner, or editor of the media corporation is a candidate for

2 8 public office.

2 9

EXPLANATION

2 10 This bill requires that any report that is required to be

2 11 filed five days prior to an election must be physically

2 12 received by the board either in person, by mail, fax, or

2 13 electronic means.

2 14 The bill also exempts communications by a nonprofit

2 15 organization with its own members from a general prohibition

2 16 relating to solicitations to a financial institution,

2 17 insurance company, or a corporation. The bill also authorizes

2 18 the board to adopt rules relating to media corporation

2 19 resources if the publisher, owner, or editor of the

2 20 corporation is a candidate for public office.

2 21 LSB 1256XD 82

2 22 jr:rj/je/5



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Senate Study Bill 1010

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 campaign contributions, the filing of
 2 disclosure reports, the posting of statements and reports on
 3 the internet, the posting of signs on private property, and
 4 the escheat of funds from an unknown or unidentifiable source.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 1255XD 82
 7 jr/sh/8



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1 1 Section 1. Section 68A.102, subsection 10, paragraph b,
1 2 unnumbered paragraph 2, Code 2007, is amended to read as
1 3 follows:
1 4 "Contribution" shall not include services provided without
1 5 compensation by individuals volunteering their time on behalf
1 6 of a candidate's committee or political committee or a state
1 7 or county statutory political committee except when organized
1 8 or provided on a collective basis by a business, trade
1 9 association, labor union, or any other organized group or
1 10 association. "Contribution" shall not include refreshments
1 11 served at a campaign function so long as such refreshments do
1 12 not exceed fifty dollars in value or transportation provided
1 13 to a candidate so long as its value computed at ~~a rate of~~
~~1 14 twenty cents per mile~~ the current rate of reimbursement
1 15 allowed under the standard mileage rate method for computation
1 16 of business expenses pursuant to the Internal Revenue Code
1 17 does not exceed one hundred dollars in value in any one
1 18 reporting period. "Contribution" shall not include something
1 19 provided to a candidate for the candidate's personal
1 20 consumption or use and not intended for or on behalf of the
1 21 candidate's committee.
1 22 Sec. 2. Section 68A.201, subsection 1, Code 2007, is
1 23 amended to read as follows:
1 24 1. Every committee, as defined in this chapter, shall file
1 25 a statement of organization within ten days from the date of
1 26 its organization. Unless formal organization has previously
1 27 occurred, a committee is deemed to have organized as of the
1 28 date that committee transactions exceed the financial activity
1 29 threshold established in section 68A.102, subsection 5 or 18.
1 30 If committee transactions exceed the financial activity
1 31 threshold prior to the due date for filing a disclosure report
1 32 as established under section 68A.402, the committee shall file
1 33 a disclosure report whether or not a statement of organization
1 34 has been filed by the committee.
1 35 Sec. 3. Section 68A.201, subsection 5, Code 2007, is



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2 1 amended to read as follows:

2 2 5. a. When either a committee or organization not
2 3 organized as a committee under this section makes a
2 4 contribution to a committee organized in Iowa, that committee
2 5 or organization shall disclose each contribution in excess of
2 6 fifty dollars to the board.

2 7 b. A committee or organization not organized as a
2 8 committee under this section ~~which that~~ is not registered and
2 9 filing full disclosure reports of all financial activities
2 10 with the federal election commission or another state's
2 11 disclosure commission shall register and file full disclosure
2 12 reports with the board pursuant to this chapter, ~~and.~~ The
2 13 committee or organization shall either appoint an eligible
2 14 Iowa elector as committee or organization treasurer, or shall
2 15 maintain all committee funds in an account in a financial
2 16 institution located in Iowa.

2 17 c. A committee ~~which that~~ is currently filing a disclosure
2 18 report in another jurisdiction shall either file a statement
2 19 of organization under subsections 1 and 2 and file disclosure
2 20 reports, ~~the same as those required of committees organized~~
~~2 21 only in Iowa,~~ under section 68A.402, or shall file one copy of
2 22 a verified statement with the board ~~and a second copy with the~~
~~2 23 treasurer of the committee receiving the contribution. The~~
~~2 24 form shall be completed and filed at the time the contribution~~
~~2 25 is made within fifteen days of the contribution being made.~~

2 26 d. The verified statement shall be on forms prescribed by
2 27 the board and shall attest that the committee is filing
2 28 reports with the federal election commission or in a
2 29 jurisdiction with reporting requirements which are
2 30 substantially similar to those of this chapter, and that the
2 31 contribution is made from an account ~~which that~~ does not
2 32 accept contributions ~~which that~~ would be in violation of
2 33 section 68A.503.

2 34 e. The ~~form~~ verified statement shall include the complete
2 35 name, address, and telephone number of the contributing



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3 1 committee, the state or federal jurisdiction under which it is
3 2 registered or operates, the identification of any parent
3 3 entity or other affiliates or sponsors, its purpose, the name
3 4 and address of an Iowa resident authorized to receive service
3 5 of original notice, ~~and~~ the name and address of the receiving
3 6 committee, the amount of the cash or in-kind contribution, and
3 7 the date the contribution was made.

3 8 Sec. 4. Section 68A.203, subsection 2, Code 2007, is
3 9 amended to read as follows:

3 10 2. a. An individual who receives contributions for a
3 11 committee without the prior authorization of the chairperson
3 12 of the committee or the candidate shall be responsible for
3 13 either rendering the contributions to the treasurer within
3 14 fifteen days of the date of receipt of the contributions, or
3 15 depositing the contributions in the account maintained by the
3 16 committee within seven days of the date of receipt of the
3 17 contributions.

3 18 b. A person, other than a candidate or committee officer,
3 19 who receives contributions for a committee shall, not later
3 20 than fifteen days from the date of receipt of the
3 21 contributions or on demand of the treasurer, render to the
3 22 treasurer the contributions and an account of the total of all
3 23 contributions, including the name and address of each person
3 24 making a contribution in excess of ten dollars, the amount of
3 25 the contributions, and the date on which the contributions
3 26 were received.

3 27 c. The treasurer shall deposit all contributions within
3 28 seven days of receipt by the treasurer in an account
3 29 maintained by the committee.

3 30 d. All funds of a committee shall be segregated from any
3 31 other funds held by officers, members, or associates of the
3 32 committee or the committee's candidate. However, if a
3 33 candidate's committee receives contributions only from the
3 34 candidate, or if a permanent organization temporarily engages
3 35 in activity ~~which~~ that qualifies it as a political committee



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4 1 and all expenditures of the organization are made from
4 2 existing general operating funds and funds are not solicited
4 3 or received for this purpose from sources other than operating
4 4 funds, then that committee is not required to maintain a
4 5 separate account in a financial institution.

4 6 e. Committee funds or committee property shall not be used
4 7 for the personal benefit of ~~an~~ a candidate, officer, member,
4 8 or associate of the committee. The funds of a committee are
4 9 not attachable for the personal debt of the committee's
4 10 candidate or an officer, member, or associate of the
4 11 committee.

4 12 Sec. 5. Section 68A.401, subsections 1 and 3, Code 2007,
4 13 are amended to read as follows:

4 14 1. All statements and reports required to be filed under
4 15 this chapter shall be filed with the board. The board shall
4 16 ~~provide copies of all statements and reports filed under this~~
4 17 ~~chapter for a county, city, school, or other political~~
4 18 ~~subdivision to the commissioner responsible under section 47.2~~
4 19 post on its internet website all statements and reports filed
4 20 under this chapter.

4 21 3. ~~The commissioner shall retain statements and reports~~
4 22 ~~provided by the board for a county, city, school, or other~~
4 23 ~~political subdivision for at least three years from the date~~
4 24 ~~of the election in which the committee is involved. However,~~
4 25 ~~statements and reports provided by the board for county~~
4 26 ~~statutory political committees shall be retained for five~~
4 27 ~~years from the date of the election in which the committee is~~
4 28 ~~involved. The candidate of a candidate's committee, or the~~
4 29 chairperson of any other committee, is responsible for filing
4 30 statements and reports under this chapter. The board shall
4 31 send notice to a committee that has failed to file a
4 32 disclosure report at the time required under section 68A.402.
4 33 A candidate of a candidate's committee, or the chairperson of
4 34 any other committee, may be subject to a civil penalty for
4 35 failure to file a disclosure report required under section



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5 1 68A.402.

5 2 Sec. 6. Section 68A.402, subsection 8, Code 2007, is
5 3 amended to read as follows:

5 4 8. POLITICAL COMMITTEES == BALLOT ISSUES. A political
5 5 committee expressly advocating the passage or defeat of a
5 6 ballot issue shall file reports as follows:

5 7 a. ELECTION YEAR. Five days before the election covering
5 8 the period of the date of initial activity through ten days
5 9 before election. Another report covering the time period from
5 10 nine days before the election through December 31 shall be
5 11 filed on or before January 19 of the next calendar year.

5 12 b. NONELECTION YEAR. On January 19 of the next calendar
5 13 year that covers the time period of ~~nine days before the~~
5 14 ~~election through December 31~~ January 1 through December 31 of
5 15 the previous calendar year.

5 16 Sec. 7. Section 68A.406, subsection 2, unnumbered
5 17 paragraph 2, Code 2007, is amended to read as follows:

5 18 ~~This subsection~~ Subparagraphs "d", "e", and "f" shall not
5 19 apply to the posting of signs on private property not a
5 20 polling place, except that the placement of a sign on a motor
5 21 vehicle, trailer, or semitrailer, or any attachment to a motor
5 22 vehicle, trailer, or semitrailer parked on public property
5 23 within three hundred feet of a polling place, which sign is
5 24 more than ninety square inches in size, is prohibited.

5 25 Sec. 8. Section 68A.501, Code 2007, is amended to read as
5 26 follows:

5 27 68A.501 FUNDS FROM UNKNOWN SOURCE == ESCHEAT.

5 28 The expenditure of funds from an unknown or unidentifiable
5 29 source received by a candidate or committee is prohibited.

5 30 Such funds received by a candidate or committee shall escheat
5 31 to the state. Any candidate or committee receiving such
5 32 contributions shall remit such contributions to the ~~director~~
5 33 ~~of the department of administrative services~~ board which shall
5 34 forward it to the proper agency for deposit in the general
5 35 fund of the state. Persons requested to make a contribution at



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Senate Study Bill 1010 continued

6 1 a fundraising event shall be advised that it is illegal to
6 2 make a contribution in excess of ten dollars unless the person
6 3 making the contribution also provides the person's name and
6 4 address.

6 5 EXPLANATION

6 6 This bill makes a variety of changes to Iowa's campaign
6 7 finance and disclosure requirements.

6 8 Code section 68A.102 is amended to modify the definition of
6 9 a contribution and strikes current language that provides that
6 10 a reportable contribution shall not include transportation
6 11 provided to a candidate so long as its value is computed at a
6 12 rate of 20 cents per mile. This change maintains the \$100 cap
6 13 for transportation but ties the per mile limit to the internal
6 14 revenue service rate.

6 15 Code section 68A.201 is amended to require a committee to
6 16 file a disclosure report, whether or not a statement of
6 17 organization has been filed by the committee, whenever the
6 18 financial threshold for disclosure reporting has been met.

6 19 Code section 68A.201, subsection 5, is amended to require a
6 20 committee that is currently filing a disclosure report in
6 21 another jurisdiction to either file a statement of
6 22 organization and disclosure report, or file one copy of a
6 23 verified statement with the board. The filing must be
6 24 completed within 15 days of the contribution being made.

6 25 Code section 68A.203, subsection 2, relating to the
6 26 handling of campaign contributions, is amended to exclude a
6 27 candidate or committee officer from the current requirement
6 28 that a person who receives contributions for a committee must,
6 29 not later than 15 days from the date of receipt of the
6 30 contributions or on demand of the treasurer, render to the
6 31 treasurer the contributions and an account of the total of all
6 32 contributions, including the name and address of each person
6 33 making a contribution in excess of \$10. The bill also amends
6 34 the Code section to provide that committee funds and committee
6 35 property cannot be used for the personal benefit of a



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7 1 candidate. The current prohibition applies only to an
7 2 officer, member, or associate of the committee.
7 3 Code section 68A.401 is amended to provide that the board
7 4 will make reports and statements available on the internet.
7 5 The Code section is also amended to provide that the candidate
7 6 of a candidate's committee, or the chairperson of any other
7 7 committee, is responsible for filing statements and reports
7 8 under the Code chapter. A civil penalty is made applicable to
7 9 the failure to file a disclosure report required under Code
7 10 section 68A.402.
7 11 The Code section also eliminates a current requirement that
7 12 each county commissioner of elections retain statements and
7 13 reports for a county, city, school, or other political
7 14 subdivision for at least three years and that statements and
7 15 reports for county statutory political committees must be
7 16 retained for five years.
7 17 Code section 68A.402, subsection 8, is amended to revise
7 18 the reporting dates for a political committee advocating the
7 19 passage or defeat of a ballot issue by adding a requirement
7 20 that in an election year a report must be filed covering the
7 21 time period from nine days before the election through
7 22 December 31, on or before January 19 of the next calendar
7 23 year, and in a nonelection year a report must cover the time
7 24 period of January 1 through December 31 of the previous
7 25 calendar year.
7 26 Code section 68A.406 relates to the restrictions for
7 27 posting of signs on private property. The bill amends the
7 28 Code section by making the following three specific situations
7 29 where those restrictions do not apply:
7 30 1. On election day either on the premises of any polling
7 31 place or within 300 feet of any outside door of any building
7 32 affording access to any room where the polls are held, or of
7 33 any outside door of any building affording access to any
7 34 hallway, corridor, stairway, or other means of reaching the
7 35 room where the polls are held.



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8 1 2. Within 300 feet of an absentee voting site during the
8 2 hours when absentee ballots are available in the office of the
8 3 county commissioner of elections.
8 4 3. Within 300 feet of a satellite absentee voting station
8 5 during the hours when absentee ballots are available at the
8 6 satellite absentee voting station.
8 7 Code section 68A.501 relates to the escheat of funds from
8 8 unknown sources to the proper governmental agency.
8 9 LSB 1255XD 82
8 10 jr:rj/sh/8



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Senate Study Bill 1011

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a disaster aid individual assistance grant fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1266DP 82
- 4 ec/gg/14



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Senate Study Bill 1011 continued

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1 1 Section 1. NEW SECTION. 29C.20A DISASTER AID INDIVIDUAL
1 2 ASSISTANCE GRANT FUND.

1 3 1. A disaster aid individual assistance grant fund is
1 4 created in the state treasury for the use of the executive
1 5 council. Moneys in the fund may be expended following the
1 6 governor's proclamation of a state of disaster emergency. The
1 7 executive council may make financial grants to meet
1 8 disaster-related expenses or serious needs of individuals or
1 9 families adversely affected by a disaster which cannot
1 10 otherwise be met by other means of financial assistance. The
1 11 aggregate total of grants awarded shall not be more than one
1 12 million dollars during a fiscal year. However, within the
1 13 same fiscal year, additional funds may be specifically
1 14 authorized by the executive council to meet additional needs.

1 15 2. The grant funds shall be administered by the department
1 16 of human services. The department shall adopt rules to create
1 17 the Iowa disaster aid individual assistance grant program.
1 18 The rules shall specify the eligibility of applicants and
1 19 eligible items for grant funding. The rules shall be adopted
1 20 no later than January 1, 2008. The executive council shall
1 21 use grant funds to reimburse the department of human services
1 22 for its actual expenses associated with the administration of
1 23 the grants.

1 24 3. The amount of a grant shall not exceed twenty-five
1 25 percent of one hundred thirty percent of the federal poverty
1 26 level as defined by the most recently revised poverty income
1 27 guidelines published by the United States department of health
1 28 and human services. Expenses eligible for grant funding shall
1 29 be limited to personal property, home repair, and temporary
1 30 housing assistance. An applicant for a grant shall sign an
1 31 affidavit committing to refund any part of the grant that is
1 32 duplicated by any other assistance, such as but not limited to
1 33 insurance or assistance from community development groups,
1 34 charities, the small business administration, and the federal
1 35 emergency management agency.



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Senate Study Bill 1011 continued

2 1 EXPLANATION
2 2 This bill, in new Code section 29C.20A, creates a disaster
2 3 aid individual assistance grant fund for the use of the
2 4 executive council. The fund may be used to make financial
2 5 grants of up to \$1 million in a fiscal year following a
2 6 governor's disaster proclamation to meet the needs of
2 7 individuals affected by the disaster. The fund will be
2 8 administered by the department of human services, which shall
2 9 adopt appropriate rules. In addition, the executive council
2 10 shall use grant funds to reimburse the department of human
2 11 services for its expenses in administering the fund. Grants
2 12 are limited to 25 percent of 130 percent of the federal
2 13 poverty level and may be used only for replacement of personal
2 14 property, home repair, and temporary housing assistance.
2 15 LSB 1266DP 82
2 16 ec:nh/gg/14



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Senate Study Bill 1012

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 relating to the labor commissioner's regulation of fire
- 2 fighter clothing and personal protection equipment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1394DP 82
- 5 ak/sh/8



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1 1 Section 1. Section 88.5, subsection 11, Code 2007, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 This bill strikes the subsection of Code section 88.5 that
1 5 requires the labor commissioner to adopt rules concerning fire
1 6 fighter clothing and personal protection equipment.
1 7 The state has adopted other occupational safety and health
1 8 standards that make these rules no longer necessary.
1 9 LSB 1394DP 82
1 10 ak:rj/sh/8



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Senate Study Bill 1013

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 modifying the fee structure relating to amusement ride
2 safety inspections conducted by the division of labor services
3 of the department of workforce development, and providing an
4 effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1348DP 82
7 ak/je/5



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Senate Study Bill 1013 continued

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1 1 Section 1. Section 88A.3, Code 2007, is amended to read as
1 2 follows:

1 3 88A.3 RULES.

1 4 1. The commissioner shall adopt ~~and issue~~ rules for the
1 5 safe installation, repair, maintenance, use, operation, and
1 6 inspection of amusement devices, amusement rides, concession
1 7 booths, and related electrical equipment at carnivals and
1 8 fairs to the extent necessary for the protection of the
1 9 public. The rules shall be based ~~upon~~ on generally accepted
1 10 engineering standards and shall be concerned with, but not
1 11 necessarily limited to, engineering force stresses, safety
1 12 devices, and preventive maintenance. ~~Whenever such~~ If
1 13 standards are available in suitable form ~~they, the standards~~
1 14 may be incorporated by reference. The rules shall provide for
1 15 the reporting of accidents and injuries incurred from the
1 16 operation of amusement devices or rides, concession booths, or
1 17 related electrical equipment.

1 18 The commissioner may modify or repeal any rule adopted
1 19 under the provisions of this chapter.

1 20 2. The commissioner shall adopt rules to charge and
1 21 collect fees for the inspection of and issuance of permits for
1 22 amusement rides, amusement devices, concession booths, and any
1 23 related equipment. Fees established by the commissioner shall
1 24 be based on the costs of administering the provisions of this
1 25 chapter and shall give due regard to the time spent and travel
1 26 expenses incurred by division of labor services personnel in
1 27 performing such duties.

1 28 Sec. 2. Section 88A.4, Code 2007, is amended to read as
1 29 follows:

1 30 88A.4 ~~PERMIT AND INSPECTION FEES == NONLIABILITY SPECIAL~~
1 31 ~~INSPECTORS.~~

1 32 ~~Annual inspection fees under this chapter shall be as~~
1 33 ~~follows:~~

1 34 1. ~~Permit fees.~~

1 35 a. ~~One through ten rides, or devices or concessions,~~



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~~2 1 twenty dollars.~~

~~2 2 b. Eleven or more rides, or devices or concessions, thirty~~
~~2 3 dollars.~~

~~2 4 2. Mechanical and electrical inspection fees for amusement~~
~~2 5 rides and devices.~~

~~2 6 a. For rides which are designed for seventy-five pounds or~~
~~2 7 less per passenger unit, sixty dollars for each inspection.~~

~~2 8 b. For rides which are designed for seventy-five pounds or~~
~~2 9 more and for which the manufacturer's recommended assembly~~
~~2 10 time is less than forty work hours, ninety dollars for each~~
~~2 11 inspection.~~

~~2 12 e. For rides for which the manufacturer's recommended~~
~~2 13 assembly time is forty work hours or more, one hundred twenty~~
~~2 14 dollars for each inspection.~~

~~2 15 3. Electrical inspection of concession booths, and~~
~~2 16 amusement devices fees, thirty-five dollars each.~~

~~2 17 4. Special inspectors authorization fee, twenty-five~~
~~2 18 dollars each. The A special inspectors inspector's~~
2 19 authorization shall allow a person to perform inspections only
2 20 on rides, devices, and concession booths of an operator who
2 21 makes the request for the special ~~inspectors~~ inspector's
2 22 authorization. The failure of a special inspector to inform
2 23 the commissioner of violations shall not subject the
2 24 commissioner to liability for any damages incurred.

2 25 Sec. 3. EFFECTIVE DATE. The section of this Act amending
2 26 section 88A.4 takes effect January 1, 2008, at which time the
2 27 rules adopted by the commissioner pursuant to section 88A.3,
2 28 subsection 2, as enacted in this Act, shall take effect.

2 29 EXPLANATION

2 30 Effective January 1, 2008, this bill strikes a Code
2 31 provision that establishes a fee structure for the inspection
2 32 of amusement rides and devices and for related permits. The
2 33 bill allows the labor commissioner to set fees for inspections
2 34 and permits based on the costs of administration.

2 35 LSB 1348DP 82



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Senate Study Bill 1013 continued

3 1 ak:rj/je/5



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Senate Study Bill 1014

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 relating to wage payment collection of direct deposit
- 2 wages as administered by the division of labor services of the
- 3 department of workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1418DP 82
- 6 ak/gg/14



Iowa General Assembly
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Senate Study Bill 1013 continued

1 1 Section 1. Section 91A.3, subsection 3, paragraph c,
1 2 unnumbered paragraph 2, Code 2007, is amended to read as
1 3 follows:

1 4 If the employer fails to send an employee's wages for
1 5 direct deposit on or by the regular payday in accordance with
1 6 this subsection, the employer is liable for the amount of any
1 7 overdraft charge if the overdraft is created on the employee's
1 8 account because of the employer's failure to send the wages on
1 9 or by the regular payday. The overdraft charges may be the
1 10 basis for a claim under section 91A.10 and for damages under
1 11 section 91A.8.

1 12 EXPLANATION

1 13 This bill allows overdraft charges to be the basis for a
1 14 wage claim under Code section 91A.10 and for damages under
1 15 Code section 91A.8 if the employer is liable for the charges
1 16 due to failure to credit the employee's account with direct
1 17 deposit wages on or by the regular payday.

1 18 LSB 1418DP 82

1 19 ak:rj/gg/14



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Senate Study Bill 1015

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 relating to elevator conveyance safety standards enforced
- 2 by the division of labor services of the department of
- 3 workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1416DP 82
- 6 ak/je/5



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Senate Study Bill 1015 continued

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1 1
1 2 Section 1. Section 89A.1, Code 2007, is amended to read as
1 3 follows:
1 4 89A.1 DEFINITIONS.
1 5 As used in this chapter, except as otherwise expressly
1 6 provided:
1 7 1. "Alteration" means any change made to an existing
1 8 ~~facility~~ conveyance, other than the repair or replacement of
1 9 damaged, worn, or broken parts necessary for normal
1 10 maintenance.
1 11 2. "Commissioner" means the labor commissioner, appointed
1 12 pursuant to section 91.2, or the labor commissioner's
1 13 designee.
1 14 3. "Conveyance" means an elevator, dumbwaiter, escalator,
1 15 moving walk, lift, or inclined or vertical wheelchair lift
1 16 subject to regulation under this chapter, and includes
1 17 hoistways, rails, guides, and all other related mechanical and
1 18 electrical equipment.
1 19 4. "Division" means the division of labor services of the
1 20 department of workforce development created under section
1 21 84A.1.
1 22 ~~4.~~ 5. "Dormant ~~facility~~ conveyance" means a ~~facility~~
1 23 conveyance whose power feed lines have been disconnected from
1 24 the mainline disconnect switch and is one of the following:
1 25 a. An electric elevator, material lift, or dumbwaiter
1 26 whose suspension ropes have been removed, whose car and
1 27 counterweight rest at the bottom of the hoistway, and whose
1 28 hoistway doors have been permanently barricaded or sealed in
1 29 the closed position on the hoistway side.
1 30 b. A hydraulic elevator, material lift, or dumbwaiter
1 31 whose car rests at the bottom of the hoistway, whose pressure
1 32 piping has been disassembled and a section removed from the
1 33 premises; whose hoistway doors have been permanently
1 34 barricaded or sealed in the closed position on the hoistway
1 35 side; and, if provided, whose suspension ropes have been



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2 1 removed and the counterweights landed at the bottom of the
2 2 hoistway.

2 3 c. An escalator or moving walk whose entrances have been
2 4 permanently barricaded.

2 5 d. A rack and pinion or screw column ~~facility~~ elevator,
2 6 whose motor has been removed, platform lowered to the bottom,
2 7 and entrances barricaded.

2 8 ~~5.~~ 6. "Dumbwaiter" means a hoisting and lowering
2 9 mechanism equipped with a car which moves in guides in a
2 10 substantially vertical direction, when the floor area does not
2 11 exceed nine square feet, the total compartment height does not
2 12 exceed four feet, the capacity does not exceed five hundred
2 13 pounds, and which is used exclusively for carrying materials.

2 14 ~~6.~~ 7. "Elevator" means a hoisting and lowering mechanism
2 15 equipped with a car or platform which moves in guides in a
2 16 substantially vertical direction, and which serves two or more
2 17 floors of a building or structure. ~~The term elevator~~
2 18 "Elevator" does not include a dumbwaiter, endless belt,
2 19 conveyor, chain or bucket hoist, construction hoist, or other
2 20 device used for the primary purpose of elevating or lowering
2 21 building or other materials and not used as a means of
2 22 conveyance for individuals, ~~nor shall it~~ and does not include
2 23 tiering, piling, feeding, or other machines or devices giving
2 24 service within only one story.

2 25 ~~7.~~ 8. "Escalator" means a power-driven, inclined,
2 26 continuous stairway used for raising or lowering passengers.

2 27 ~~8.~~ ~~"Facility" means an elevator, dumbwaiter, escalator,~~
~~2 28 moving walk, lift, or inclined or vertical wheelchair lift~~
~~2 29 subject to regulation under this chapter, and includes~~
~~2 30 hoistways, rails, guides, and all other related mechanical and~~
~~2 31 electrical equipment.~~

2 32 9. "Freight elevator" means an elevator used for carrying
2 33 freight and on which only the operator and persons necessary
2 34 for unloading and loading the freight are permitted to ride.

2 35 10. "Inclined or vertical wheelchair lift" means a lift



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3 1 used as part of an accessible route in or at a public building
3 2 as specified in the American society of mechanical engineers
3 3 safety codes for elevators and escalators, A17.1.

3 4 11. "Inspector" means an inspector employed by the
3 5 division for the purpose of administering this chapter.

3 6 12. "Lift" means a device consisting of a power-driven
3 7 endless belt, provided with steps or platforms and handholds
3 8 attached to it for the transportation of persons from floor to
3 9 floor.

3 10 13. "Material lift elevator" means an elevator ~~existing at~~
~~3 11 the location prior to January 1, 1975, which is limited in use~~
3 12 to the movement of materials.

3 13 14. "Moving walk" means a type of passenger-carrying
3 14 device on which passengers stand or walk, and in which the
3 15 passenger-carrying surface remains parallel to its direction
3 16 in motion and is uninterrupted.

3 17 15. "New installation" means a facility conveyance the
3 18 construction or relocation of which is begun, or for which an
3 19 application for a new installation permit is filed, on or
3 20 after the effective date of rules relating to those permits
3 21 adopted by the commissioner under authority of this chapter.
3 22 All other installations are existing installations.

3 23 16. "Owner" means the owner of a facility conveyance,
3 24 unless the facility conveyance is a new installation or is
3 25 undergoing major alterations, in which case the owner shall be
3 26 considered the person responsible for the installation or
3 27 alteration of the facility conveyance until the facility
3 28 conveyance has passed final inspection by the division.

3 29 17. "Passenger elevator" means an elevator that is used to
3 30 carry persons other than the operator and person necessary for
3 31 loading and unloading.

3 32 18. "Safety board" means the elevator safety board created
3 33 in section 89A.13.

3 34 19. "Special inspector" means an inspector ~~licensed~~
3 35 commissioned by the labor commissioner, and not employed by



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4 1 the division.

4 2 Sec. 2. Section 89A.2, Code 2007, is amended to read as
4 3 follows:

4 4 89A.2 SCOPE OF CHAPTER.

4 5 The provisions of this chapter shall not apply to any
4 6 ~~facility conveyance~~ installed in any single private dwelling
4 7 residence, to ~~facilities conveyances~~ subject to regulation
4 8 under ~~Iowa Administrative Code, chapter 26 of the rules of the~~
4 9 ~~division of labor services (regulation 875 IAC 26.1 and 29~~
4 10 ~~C.F.R. 1926.552)~~, to lifts subject to regulation under chapter
4 11 88, to material lift elevators existing in the same location
4 12 since prior to January 1, 1975, or to facilities conveyances
4 13 over which an agency of the federal government is asserting
4 14 similar enforcement jurisdiction. Provisions of this chapter
4 15 supersede ~~similar~~ conflicting provisions contained in building
4 16 codes of this state or any subdivision thereof.

4 17 Sec. 3. Section 89A.3, subsections 1 and 2, Code 2007, are
4 18 amended to read as follows:

4 19 1. The safety board may adopt rules governing maintenance,
4 20 construction, alteration, and installation of ~~facilities~~
4 21 conveyances, and the inspection and testing of new and
4 22 existing installations as necessary to provide for the public
4 23 safety, and to protect the public welfare.

4 24 The safety board shall adopt, amend, or repeal rules
4 25 pursuant to chapter 17A as it deems necessary for the
4 26 administration of this chapter, which shall include, but not
4 27 be limited to, rules providing for:

4 28 a. Classifications of types of ~~facilities~~ conveyances.

4 29 b. Maintenance, inspection, testing, and operation of the
4 30 various classes of ~~facilities~~ conveyances.

4 31 c. Construction of new ~~facilities~~ conveyances.

4 32 d. Alteration of existing ~~facilities~~ conveyances.

4 33 e. Minimum safety requirements for all existing ~~facilities~~
4 34 conveyances.

4 35 f. Control or prevention of access to ~~facilities~~



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5 1 conveyances or dormant ~~facilities~~ conveyances.

5 2 g. The reporting of accidents and injuries arising from
5 3 the use of ~~facilities~~ conveyances.

5 4 h. The adoption of procedures for the issuance of
5 5 variances.

5 6 i. The amount of fees charged and collected for
5 7 inspection, permits, and ~~licenses~~ commissions. Fees shall be
5 8 set at an amount sufficient to cover costs as determined from
5 9 consideration of the reasonable time required to conduct an
5 10 inspection, reasonable hourly wages paid to inspectors, and
5 11 reasonable transportation and similar expenses.

5 12 2. The safety board shall adopt rules for ~~facilities~~
5 13 conveyances according to the applicable provisions of the
5 14 American society of mechanical engineers safety codes for
5 15 elevators and escalators, A17.1 and A17.3, as the safety board
5 16 deems necessary. In adopting rules the safety board may adopt
5 17 the American society of mechanical engineers safety codes, or
5 18 any part of the codes, by reference.

5 19 The safety board may adopt rules permitting existing
5 20 passenger and freight elevators to be modified into material
5 21 lift elevators.

5 22 Sec. 4. Section 89A.5, Code 2007, is amended to read as
5 23 follows:

5 24 89A.5 REGISTRATION OF ~~FACILITIES~~ CONVEYANCES.

5 25 The owner of every existing ~~facility~~ conveyance, whether or
5 26 not dormant, shall register the ~~facility~~ conveyance with the
5 27 commissioner, giving type, contract load and speed, name of
5 28 manufacturer, its location and the purpose for which it is
5 29 used, and other information the commissioner may require.
5 30 Registration shall be made in a format required by the
5 31 division.

5 32 Sec. 5. Section 89A.6, Code 2007, is amended to read as
5 33 follows:

5 34 89A.6 INSPECTIONS == REPORTS == NONLIABILITY.

5 35 All new and existing ~~facilities~~ conveyances, except dormant



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6 1 ~~facilities conveyances~~, shall be tested and inspected in
6 2 accordance with the following schedule:
6 3 1. Every new or altered ~~facility conveyance~~ shall be
6 4 inspected and tested before the operating permit is issued.
6 5 2. Every existing ~~facility conveyance~~ registered with the
6 6 commissioner shall be inspected within one year after the
6 7 effective date of the registration, except that the safety
6 8 board may extend by rule the time specified for making
6 9 inspections.
6 10 3. Every ~~facility conveyance~~ shall be inspected not less
6 11 frequently than annually, except that the safety board may
6 12 adopt rules providing for inspections of ~~facilities~~
6 13 ~~conveyances~~ at intervals other than annually.
6 14 4. The inspections required by subsections 1 to 3 shall be
6 15 made only by inspectors or special inspectors. An inspection
6 16 by a special inspector may be accepted by the commissioner in
6 17 lieu of a required inspection by an inspector.
6 18 5. A report of every inspection shall be filed with the
6 19 commissioner by the inspector or special inspector, in a
6 20 format required by the commissioner, after the inspection has
6 21 been completed and within the time provided by rule, but not
6 22 to exceed thirty days. The report shall include all
6 23 information required by the commissioner to determine whether
6 24 the ~~facility conveyance~~ is in compliance with applicable
6 25 rules. For the inspection required by subsection 1, the
6 26 report shall indicate whether the ~~facility conveyance~~ has been
6 27 installed in accordance with the detailed plans and
6 28 specifications approved by the commissioner, and meets the
6 29 requirements of the applicable rules. The failure of a
6 30 special inspector to inform the commissioner of violations
6 31 shall not subject the commissioner to liability for any
6 32 damages incurred.
6 33 6. In addition to the inspections required by subsections
6 34 1 to 3, the safety board may provide by rule for additional
6 35 inspections as the safety board deems necessary to enforce the



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7 1 provisions of this chapter.

7 2 Sec. 6. Section 89A.7, Code 2007, is amended to read as
7 3 follows:

7 4 89A.7 ALTERATION PERMITS.

7 5 The owner shall submit to the commissioner detailed plans,
7 6 specifications, and other information the commissioner may
7 7 require for each facility conveyance to be altered, together
7 8 with an application for an alteration permit, in a format
7 9 required by the commissioner. Repairs or replacements
7 10 necessary for normal maintenance are not alterations, and may
7 11 be made on existing installations with parts equivalent in
7 12 material, strength, and design to those replaced and no plans
7 13 or specifications or application need be filed for the repairs
7 14 or replacements. However, this section does not authorize the
7 15 use of any facility conveyance contrary to an order issued
7 16 pursuant to section 89A.10, subsections 2 and 3.

7 17 Sec. 7. Section 89A.9, Code 2007, is amended to read as
7 18 follows:

7 19 89A.9 OPERATING PERMITS.

7 20 Operating permits shall be issued by the commissioner to
7 21 the owner of every facility conveyance when the inspection
7 22 report indicates compliance with the applicable provisions of
7 23 this chapter. However, a permit shall not be issued if the
7 24 fees required by this chapter have not been paid. Permits
7 25 shall be issued within thirty days after filing of the
7 26 inspection report required by section 89A.6, unless the time
7 27 is extended for cause by the division. A facility conveyance
7 28 shall not be operated after the thirty days or after an
7 29 extension granted by the commissioner has expired, unless an
7 30 operating permit has been issued.

7 31 The operating permit shall indicate the type of equipment
7 32 for which it is issued, and in the case of elevators shall
7 33 state whether passenger or freight, and also shall state the
7 34 contract load and speed for each facility conveyance. The
7 35 permit shall be posted conspicuously in the car of an



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8 1 elevator, or on or near a dumbwaiter, escalator, moving walk,
8 2 or lift.

8 3 Sec. 8. Section 89A.10, subsections 2 and 3, Code 2007,
8 4 are amended to read as follows:

8 5 2. If the owner does not make the changes necessary for
8 6 compliance as required in subsection 1 within the period
8 7 specified by the commissioner, the commissioner, upon notice,
8 8 may suspend or revoke the operating permit, or may refuse to
8 9 issue the operating permit for the ~~facility conveyance~~. The
8 10 commissioner shall notify the owner of any action to suspend,
8 11 revoke, or refuse to issue an operating permit and the reason
8 12 for the action by service in the same manner as an original
8 13 notice or by certified mail. An owner may appeal the
8 14 commissioner's initial decision to the safety board. The
8 15 decision of the safety board shall be considered final agency
8 16 action pursuant to chapter 17A.

8 17 3. If the commissioner has reason to believe that the
8 18 continued operation of a ~~facility conveyance~~ constitutes an
8 19 imminent danger which could reasonably be expected to
8 20 seriously injure or cause death to ~~members of the public, any~~
8 21 person, in addition to any other remedies, the commissioner
8 22 may apply to the district court in the county in which such
8 23 imminently dangerous condition exists for a temporary order
8 24 for the purpose of enjoining such imminently dangerous
8 25 ~~facility conveyance~~. Upon hearing, if deemed appropriate by
8 26 the court, a permanent injunction may be issued to insure that
8 27 such imminently dangerous ~~facility conveyance~~ be prevented or
8 28 controlled. Upon the elimination or rectification of such
8 29 imminently dangerous condition, the temporary or permanent
8 30 injunction shall be vacated.

8 31 Sec. 9. Section 89A.11, Code 2007, is amended to read as
8 32 follows:

8 33 89A.11 NONCONFORMING ~~FACILITIES~~ CONVEYANCES.

8 34 The safety board, pursuant to rule, may grant exceptions
8 35 and variances from the requirements of rules adopted for any
9 1 ~~facility conveyance~~. Exceptions or variations shall be
9 2 reasonably related to the age of the ~~facility conveyance~~, and
9 3 may be conditioned upon a repair or modification of the
9 4 ~~facility conveyance~~ deemed necessary by the safety board to
9 5 assure reasonable safety. However, an exception or variance
9 6 shall not be granted except to prevent undue hardship. Such
9 7 ~~facilities conveyances~~ shall be subject to orders issued
9 8 pursuant to section 89A.10.

9 9 Sec. 10. Section 89A.12, Code 2007, is amended to read as
9 10 follows:

9 11 89A.12 ACCESS TO ~~FACILITIES~~ CONVEYANCES.

9 12 Every owner of a ~~facility conveyance~~ subject to regulation
9 13 by this chapter shall grant access to that ~~facility conveyance~~
9 14 to the commissioner and personnel of the division.
9 15 Inspections shall be permitted at reasonable times, with or
9 16 without prior notice.

9 17 Sec. 11. Section 89A.13, subsections 1 and 7, Code 2007,
9 18 are amended to read as follows:

9 19 1. An elevator safety board is created within the division
9 20 of labor services in the department of workforce development
9 21 to formulate definitions and rules for the safe and proper



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9 22 installation, repair, maintenance, alteration, use, and
9 23 operation of ~~facilities~~ conveyances in this state.
9 24 7. Not later than July 1, 2005, and every three years
9 25 thereafter, the safety board shall conduct a comprehensive
9 26 review of existing ~~elevator and facility~~ conveyance rules,
9 27 regulations, and standards.
9 28 Sec. 12. Section 89A.14, Code 2007, is amended to read as
9 29 follows:
9 30 89A.14 CONTINUING DUTY OF OWNER.
9 31 Every ~~facility~~ conveyance shall be maintained by the owner
9 32 in a safe operating condition and in conformity with the rules
9 33 adopted by the safety board.
9 34 Sec. 13. Section 89A.15, Code 2007, is amended to read as
9 35 follows:



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Senate Study Bill 1015 continued

10 1 89A.15 INSPECTIONS BY LOCAL AUTHORITIES.
10 2 A city or other governmental subdivision shall not make or
10 3 maintain any ordinance, bylaw, or resolution providing for the
10 4 licensing of special inspectors. An ordinance or resolution
10 5 relating to the inspection, construction, installation,
10 6 alteration, maintenance, or operation of ~~facilities~~
10 7 conveyances within the limits of the city or governmental
10 8 subdivision which conflicts with this chapter or with rules
10 9 adopted pursuant to this chapter is void. The commissioner,
10 10 in the commissioner's discretion, may accept inspections by
10 11 local authorities in lieu of inspections required by section
10 12 89A.6, but only upon a showing by the local authority that
10 13 applicable laws and rules will be consistently and literally
10 14 enforced and that inspections will be performed by special
10 15 inspectors.
10 16 Sec. 14. Section 89A.18, Code 2007, is amended to read as
10 17 follows:
10 18 89A.18 CIVIL PENALTY.
10 19 If upon notice and hearing the commissioner determines that
10 20 an owner has operated a facility conveyance after an order of
10 21 the commissioner that suspends, revokes, or refuses to issue
10 22 an operating permit for the facility conveyance has become
10 23 final under section 89A.10, subsection 2, the commissioner may
10 24 assess a civil penalty against the owner in an amount not
10 25 exceeding five hundred dollars, as determined by the
10 26 commissioner. An order assessing a civil penalty is subject
10 27 to appeal under section 89A.10, subsection 2, in the same
10 28 manner and to the same extent as decisions referred to in that
10 29 subsection. The commissioner may commence an action in the
10 30 district court to enforce payment of the civil penalty. ~~No~~ A
10 31 record of assessment against or payment of a civil penalty by
10 32 any person for a violation of this section shall not be
10 33 admissible as evidence in any court in any civil action.
10 34 Revenue from the penalty provided in this section shall be
10 35 remitted to the treasurer of state for deposit in the state



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Senate Study Bill 1015 continued

11 1 general fund.

11 2 Sec. 15. Section 331.304, subsection 4, Code 2007, is
11 3 amended to read as follows:

11 4 4. A county shall not license elevator inspectors or
11 5 regulate elevator ~~facilities~~ conveyances except as provided in
11 6 section 89A.15.

11 7 EXPLANATION

11 8 This bill establishes that the elevator law shall supersede
11 9 conflicting provisions contained in the building codes of the
11 10 state or any subdivision. The bill strikes the words
11 11 "facility" and "facilities" from the chapter and replaces them
11 12 with "elevator", or "conveyance" or "conveyances" as
11 13 appropriate. The bill strikes the word "license" as it
11 14 relates to special inspectors and replaces it with the word
11 15 "commission". The bill changes the definition of material
11 16 lift elevator to lifts used only for the movement of materials
11 17 and excludes from regulation those material lift elevators
11 18 that have been in the same location since before January 1,
11 19 1975. The bill provides that in addition to applying for an
11 20 injunction in district court in cases of imminent danger, the
11 21 labor commissioner may use other methods of enforcement.

11 22 LSB 1416DP 82

11 23 ak:rj/je/5.1



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Senate Study Bill 1016

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 relating to the designation of Iowa great places and
- 2 financial and technical assistance to projects in Iowa great
- 3 places.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1382XD 82
- 6 tm/gg/14



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Senate Study Bill 1016 continued

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1 1 Section 1. Section 303.3C, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:

1 3 c. Initially, three Iowa great places projects shall be
1 4 identified by the Iowa great places board. The board may
1 5 identify ~~up to six~~ additional Iowa great places for
1 6 participation under the program when places demonstrate
1 7 readiness for participation under the program.

1 8 Sec. 2. Section 303.3C, Code 2007, is amended by adding
1 9 the following new subsection:

1 10 NEW SUBSECTION. 4. Notwithstanding any restriction,
1 11 requirement, or duty to the contrary, in considering an
1 12 application for a grant, loan, or other financial or technical
1 13 assistance from a city or county where an Iowa great places
1 14 project has been identified, a state agency shall give
1 15 additional consideration or additional points in the
1 16 application of rating or evaluation criteria to such
1 17 applications. This subsection applies to applications filed
1 18 within three years of the Iowa great places board's
1 19 identification of the project for participation in the
1 20 program.

1 21 EXPLANATION

1 22 This bill relates to the designation of Iowa great places
1 23 and financial and technical assistance to projects in Iowa
1 24 great places.

1 25 Currently, the Iowa great places board may identify up to
1 26 six additional Iowa great places after the initial three are
1 27 identified. The bill eliminates the limit and allows the
1 28 board to identify any number of additional Iowa great places
1 29 when such places demonstrate a readiness for participation
1 30 under the Iowa great places program.

1 31 The bill provides that, notwithstanding any restriction,
1 32 requirement, or duty to the contrary, in considering an
1 33 application for a grant, loan, or other financial or technical
1 34 assistance from a city or county where an Iowa great places
1 35 project has been identified, a state agency shall give



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2 1 additional consideration or additional points in the
2 2 application of rating or evaluation criteria to such
2 3 applications. The bill provides that the provisions requiring
2 4 additional consideration or additional points shall apply to
2 5 applications filed within three years of the Iowa great places
2 6 board's identification of the project for participation in the
2 7 program.
2 8 LSB 1382XD 82
2 9 tm:rj/gg/14.1



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Senate Study Bill 1017

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 relating to the use of moneys in the Iowa cultural trust
- 2 grant account by the board of trustees of the Iowa cultural
- 3 trust.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1210XD 82
- 6 kh/sh/8



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Senate Study Bill 1017 continued

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1 1 Section 1. Section 303A.7, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. ~~For the fiscal period beginning July 1, 2003, and~~
1 4 ~~ending June 30, 2005~~ At any time when the principal balance in
1 5 the trust fund equals or exceeds three million dollars, the
1 6 board may use moneys in the grant account for a statewide
1 7 educational program to promote participation in, expanded
1 8 support of, and local endowment building for, Iowa nonprofit
1 9 arts, history, and sciences and humanities organizations.

1 10

EXPLANATION

1 11 This bill makes changes to the authority once given to the
1 12 board of trustees of the Iowa cultural trust over the use of
1 13 moneys deposited in the Iowa cultural trust grant account.
1 14 The Iowa cultural trust grant account was created in the
1 15 Code to receive interest attributable to the investment of the
1 16 trust fund moneys. From July 1, 2003, through June 30, 2005,
1 17 the Code authorized the board to use moneys in the grant
1 18 account for a statewide educational program to promote
1 19 participation in, expanded support of, and local endowment
1 20 building for, Iowa nonprofit arts, history, and sciences and
1 21 humanities organizations. The bill reauthorizes the board to
1 22 use the grant account moneys for those purposes, but only when
1 23 the principal balance in the Iowa cultural trust fund equals
1 24 or exceeds \$3 million.

1 25 LSB 1210XD 82

1 26 kh:rj/sh/8