



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

House File 31

HOUSE FILE
BY RAECKER

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

A BILL FOR

1 An Act relating to political campaigns by requiring mandatory
2 disclosures in certain political telephone communications,
3 limiting campaign contributions for statewide and legislative
4 elections, limiting contributions to political parties,
5 providing a penalty for filing a false complaint, and applying
6 other penalties.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1305YH 82
9 jr/je/5



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1 1 Section 1. Section 68A.405, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. a. For purposes of this subsection:
1 4 (1) "Individual" includes a candidate for public office
1 5 who has not filed a statement of organization under section
1 6 68A.201.
1 7 (2) "Organization" includes an organization established to
1 8 advocate the passage or defeat of a ballot issue but that has
1 9 not filed a statement of organization under section 68A.201.
1 10 (3) "Published material" means any newspaper, magazine,
1 11 shopper, outdoor advertising facility, poster, direct mailing,
1 12 brochure, internet ~~web site~~ website, campaign sign, or any
1 13 other form of printed general public political advertising.
1 14 b. Except as set out in section 2, published material
1 15 designed to expressly advocate the nomination, election, or
1 16 defeat of a candidate for public office or the passage or
1 17 defeat of a ballot issue shall include on the published
1 18 material an attribution statement disclosing who is
1 19 responsible for the published material.
1 20 ~~e.~~ (1) If the person paying for the published material is
1 21 an individual, the words "paid for by" and the name and
1 22 address of the person shall appear on the material.
1 23 ~~d.~~ (2) If more than one individual is responsible, the
1 24 words "paid for by", the names of the individuals, and either
1 25 the addresses of the individuals or a statement that the
1 26 addresses of the individuals are on file with the Iowa ethics
1 27 and campaign disclosure board shall appear on the material.
1 28 ~~e.~~ (3) If the person responsible is an organization, the
1 29 words "paid for by", the name and address of the organization,
1 30 and the name of one officer of the organization shall appear
1 31 on the material.
1 32 ~~f.~~ (4) If the person responsible is a committee that has
1 33 filed a statement of organization pursuant to section 68A.201,
1 34 the words "paid for by" and the name of the committee shall
1 35 appear on the material.



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



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3 1 nomination or election of a candidate for public office or the
3 2 passage of a constitutional amendment or public measure shall
3 3 disclose all of the following by the end of the telephone
3 4 call:

3 5 a. The identity of the individual who is calling and the
3 6 entity with which the individual is affiliated, if any.

3 7 b. The individual or entity that paid for the telephone
3 8 communication. If a candidate's committee or political
3 9 committee has paid for or authorized the telephone
3 10 communication, the name of the candidate's committee or
3 11 political committee shall be disclosed. If any person other
3 12 than a candidate's committee or political committee has paid
3 13 for or authorized the telephone communication, the
3 14 communication shall also state whether or not the
3 15 communication has been authorized by the candidate intended to
3 16 benefit from the communication and shall state whether the
3 17 communication is an independent expenditure.

3 18 c. The name, telephone number, and address of an
3 19 individual whom the call recipient can contact for further
3 20 information regarding the telephone communication.

3 21 4. An individual who, on behalf of, at the direction of,
3 22 or in cooperation with a political committee, engages either
3 23 in a telephone communication for the purpose of soliciting
3 24 contributions or in a telephone communication that has the
3 25 effect of promoting or opposing the nomination or election of
3 26 a candidate for public office or the passage of a
3 27 constitutional amendment or public measure shall disclose all
3 28 of the following by the end of the telephone call:

3 29 a. The identity of the individual who is calling and the
3 30 entity with which the individual is affiliated, if any.

3 31 b. The individual or entity that paid for the telephone
3 32 communication. If a political committee has paid for or
3 33 authorized the telephone communication, the name of the
3 34 political committee shall be disclosed. If any person other
3 35 than the candidate, a candidate's committee, or a political



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4 1 committee has paid for or authorized the telephone
4 2 communication, the communication shall also state whether or
4 3 not the communication has been authorized by the candidate
4 4 intended to benefit from the communication.
4 5 c. The name, telephone number, and address of an
4 6 individual whom the call recipient can contact for further
4 7 information regarding the telephone communication.
4 8 5. The board shall adopt rules pursuant to chapter 17A
4 9 establishing procedures to administer this section.
4 10 Sec. 3. NEW SECTION. 68A.506 CONTRIBUTIONS ==
4 11 LIMITATIONS ON AMOUNTS.
4 12 1. As used in this section, the term "cash" includes but
4 13 is not limited to a check, money order, or other negotiable
4 14 instrument.
4 15 2. The aggregate amount of a contribution made to a
4 16 candidate or a candidate's committee by a committee or person
4 17 other than the candidate shall not exceed the following
4 18 amounts:
4 19 a. For the office of a member of the state house of
4 20 representatives, five hundred dollars in cash and an
4 21 additional five hundred dollars in-kind contribution for each
4 22 primary election, or in lieu thereof for a convention of a
4 23 political party, and an equal amount for each general
4 24 election.
4 25 b. For the office of a member of the state senate, one
4 26 thousand dollars in cash and an additional one thousand
4 27 dollars in-kind contribution for each primary election, or in
4 28 lieu thereof for a convention of a political party, and an
4 29 equal amount for each general election.
4 30 c. For the office of a statewide elected official, as
4 31 defined in section 68B.2, ten thousand dollars in cash and an
4 32 additional ten thousand dollars in-kind contribution for each
4 33 primary election, or in lieu thereof for a convention of a
4 34 political party, and an equal amount for each general
4 35 election. The limits set out in this paragraph apply to the



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5 1 governor and lieutenant governor together, as if the two
5 2 offices were one and the same.

5 3 3. The aggregate amount of a contribution made to a
5 4 candidate or a candidate's committee by a political party, as
5 5 defined in section 43.2, shall not exceed the following
5 6 amounts:

5 7 a. For the office of a member of the state house of
5 8 representatives, one thousand five hundred dollars in cash and
5 9 an additional four thousand five hundred dollars in-kind
5 10 contribution for each primary election, or in lieu thereof for
5 11 a convention of a political party, and an equal amount for
5 12 each general election.

5 13 b. For the office of a member of the state senate, three
5 14 thousand dollars in cash and an additional nine thousand
5 15 dollars in-kind contribution for each primary election, or in
5 16 lieu thereof for a convention of a political party, and an
5 17 equal amount for each general election.

5 18 c. For the office of a statewide elected official, as
5 19 defined in section 68B.2, thirty thousand dollars in cash and
5 20 an additional ninety thousand dollars in-kind contribution for
5 21 each primary election, or in lieu thereof for a convention of
5 22 a political party, and an equal amount for each general
5 23 election. The limits set out in this paragraph apply to the
5 24 governor and lieutenant governor together, as if the two
5 25 offices were one and the same.

5 26 4. The aggregate amount of a contribution made to a
5 27 political party, as defined in section 43.2, by a candidate or
5 28 a person shall not exceed ten thousand dollars in cash and an
5 29 additional ten thousand dollars in-kind contribution.

5 30 5. A political party may establish no more than one fund
5 31 to provide contributions to a candidate or a candidate's
5 32 committee for the office of a member of the state house of
5 33 representatives or state senate or office of a statewide
5 34 elected official.

5 35 Sec. 4. Section 68B.32B, subsection 1, Code 2007, is



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6 1 amended to read as follows:

6 2 1. Any person may file a complaint alleging that a
6 3 candidate, committee, person holding a state office in the
6 4 executive branch of state government, employee of the
6 5 executive branch of state government, or other person has
6 6 committed a violation of chapter 68A or rules adopted by the
6 7 board. Any person may file a complaint alleging that a person
6 8 holding a state office in the executive branch of state
6 9 government, an employee of the executive branch of state
6 10 government, or a lobbyist or a client of a lobbyist of the
6 11 executive branch of state government has committed a violation
6 12 of this chapter or rules adopted by the board. Any person may
6 13 file a complaint alleging that an agency has committed a
6 14 violation of section 8.7 or rules adopted by the board. The
6 15 board shall prescribe and provide forms for purposes of this
6 16 subsection. A complaint must include the name and address of
6 17 the complainant, a statement of the facts believed to be true
6 18 that form the basis of the complaint, including the sources of
6 19 information and approximate dates of the acts alleged, and a
6 20 certification by the complainant under penalty of perjury that
6 21 the facts stated to be true are true to the best of the
6 22 complainant's knowledge. In addition to any other penalty, a
6 23 person who files a complaint with the board knowing that the
6 24 statement of facts provided is not true may be assessed a
6 25 civil penalty by the board in an amount not to exceed two
6 26 thousand dollars.

6 27 Sec. 5. Section 68B.32B, subsection 7, Code 2007, is
6 28 amended to read as follows:

6 29 7. Notwithstanding subsections 1 through 6, the board may,
6 30 on its own motion and without the filing of a complaint by
6 31 another person, initiate investigations into matters that the
6 32 board believes may be subject to the board's jurisdiction.
6 33 This section does not preclude persons from providing
6 34 information to the board for possible board-initiated
6 35 investigation instead of filing a complaint. A person who



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7 1 provides information to the board knowing that the information
7 2 provided is not true may be assessed a civil penalty by the
7 3 board in an amount not to exceed two thousand dollars.

7 4 EXPLANATION

7 5 This bill relates to political campaigns and campaign
7 6 finance and disclosure. The bill renumbers certain provisions
7 7 relating to attribution statements.

7 8 The bill creates a new Code section that requires the
7 9 disclosure of certain information by the end of political
7 10 telephone calls that have the effect of promoting or opposing
7 11 a candidate or ballot issue.

7 12 The bill limits cash and in-kind campaign contributions to
7 13 candidates for statewide office or the general assembly and to
7 14 political parties. The bill also provides that a political
7 15 party may establish no more than one fund to provide
7 16 contributions to a candidate for statewide office or the
7 17 general assembly.

7 18 Violation of these new Code sections is subject to the
7 19 penalties set out in Code sections 68A.701 and 68B.32D.

7 20 The bill imposes an additional civil penalty for falsely
7 21 instigating a complaint with the ethics and campaign
7 22 disclosure board or providing information to the board that
7 23 the person knows to be untrue.

7 24 LSB 1305YH 82

7 25 jr:rj/je/5



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House File 32

HOUSE FILE

BY PETERSEN, HEDDENS, REICHERT,
D. OLSON, GASKILL, T. TAYLOR,
KRESSIG, WHITAKER, and
PETTENGILL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act creating a twenty-first century Iowa scholars program and
2 fund to be administered by the college student aid commission,
3 and requiring a program promotion and support study.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1166YH 82
6 kh/je/5



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1 1 Section 1. TWENTY-FIRST CENTURY IOWA SCHOLARS PROGRAM
1 2 PROMOTION AND SUPPORT STUDY. The college student aid
1 3 commission shall conduct a study of the promotional and
1 4 support components needed to make Iowa students who are
1 5 potentially eligible for the twenty-first century Iowa
1 6 scholars program aware of the program and enthusiastic about
1 7 participating in the program. The commission shall also
1 8 develop a plan to promote the program, provide information
1 9 about the program and easy access to program forms and
1 10 applications, and encourage participation in the program by
1 11 potentially eligible students. The plan shall provide for an
1 12 internet home page, special scholar publication, a toll-free
1 13 telephone number, and the placement and utilization of up to
1 14 fifteen regional program support sites. The regional support
1 15 sites shall provide tutoring, mentoring, summer camps,
1 16 cultural and arts outings, sports and recreational activities,
1 17 college visits, career preparation, job shadowing,
1 18 internships, study skills, literacy programs, newsletters,
1 19 community service projects, and parent activities. The
1 20 commission shall identify the amount anticipated to be
1 21 necessary to provide funding for the scholarships, based on
1 22 the results of the study and preliminary estimates of the
1 23 number of eligible eighth grade pupils. The commission shall
1 24 submit its plan, findings, recommendations, and a fiscal
1 25 analysis of the plan to the general assembly not later than
1 26 December 15, 2007.

1 27 Sec. 2. NEW SECTION. 261.27 TWENTY-FIRST CENTURY IOWA
1 28 SCHOLARS PROGRAM AND FUND.

1 29 1. PROGRAM == ELIGIBILITY. A twenty-first century Iowa
1 30 scholars program is established to be administered by the
1 31 college student aid commission. A person who meets the
1 32 following requirements is eligible for the program:

1 33 a. Is a resident of Iowa and a citizen of the United
1 34 States or a lawful permanent resident.

1 35 b. Is a student enrolled in grade seven or grade eight in



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2 1 a school district or accredited nonpublic school in Iowa, and
2 2 agrees in writing, on a document also signed by the student's
2 3 parent or guardian, that the student will:

2 4 (1) Graduate from a public or accredited nonpublic high
2 5 school in Iowa whose curricula meets the admission criteria of
2 6 a community college, an institution of higher learning under
2 7 the control of the state board of regents, or an accredited
2 8 private institution.

2 9 (2) Achieve a cumulative grade point average upon
2 10 graduation of at least 2.0 on a 4.0 grading scale, or its
2 11 equivalent if another grading scale is used, for courses taken
2 12 by the student in grades nine through twelve.

2 13 (3) Not illegally use controlled substances as defined in
2 14 section 124.101.

2 15 (4) Not use tobacco products.

2 16 (5) Not operate a motor vehicle while intoxicated as
2 17 prohibited by section 321J.2 or 321J.2A.

2 18 (6) Not commit a delinquent act as defined in section
2 19 232.2, not become a runaway child as defined in section 710.8,
2 20 and not become a truant as defined in section 299.8.

2 21 c. Is a child receiving foster care services paid for by
2 22 the state under section 234.35 or funded in whole or in part
2 23 under Title IV=E of the federal Social Security Act, or is a
2 24 child eligible for free or reduced price meals under the
2 25 federal National School Lunch Act and the federal Child
2 26 Nutrition Act of 1966, 42 U.S.C. } 1751=1785.

2 27 d. Applies in a timely manner for admission to a community
2 28 college, an institution of higher learning under the control
2 29 of the state board of regents, or an accredited private
2 30 institution and is accepted for admission.

2 31 e. Applies in a timely manner for any federal or state
2 32 student financial assistance available to the student to
2 33 attend a community college, an institution of higher learning
2 34 under the control of the state board of regents, or an
2 35 accredited private institution.



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3 1 f. Files a new application, and parents' confidential
3 2 statement, as applicable, annually on the basis of which the
3 3 applicant's eligibility for a renewed scholarship will be
3 4 evaluated and determined.

3 5 2. FUND ESTABLISHED. A twenty-first century Iowa scholars
3 6 fund is created in the state treasury as a separate fund under
3 7 the control of the commission. All moneys deposited or paid
3 8 into the fund are appropriated and made available to the
3 9 college student aid commission to be used for scholarships for
3 10 students meeting all of the requirements of this section,
3 11 including meeting the requirements agreed to in subsection 1,
3 12 paragraph "b". Notwithstanding section 8.33, any balance in
3 13 the fund on June 30 of each fiscal year shall not revert to
3 14 the general fund of the state, but shall be available for the
3 15 purposes of this section in subsequent fiscal years.
3 16 Scholarships awarded pursuant to this section shall not exceed
3 17 the resident tuition rate and mandatory fees for the program
3 18 of enrollment established for institutions of higher learning
3 19 under the control of the state board of regents.

3 20 3. DISCONTINUATION OF ATTENDANCE == REMITTANCE. If the
3 21 commission finds that a student receiving a scholarship under
3 22 the program discontinues attendance before the end of any
3 23 academic period or has violated the agreement signed pursuant
3 24 to subsection 1, but the discontinuance or violation of the
3 25 agreement occurs after scholarship moneys have been paid for
3 26 the academic period, the entire amount of any refund due the
3 27 student, up to the amount of any payments made by the state,
3 28 shall be remitted by the postsecondary institution to the
3 29 commission. The commission shall deposit refunds paid to the
3 30 commission in accordance with this subsection into the fund
3 31 established pursuant to subsection 2.

3 32 4. EXTENT OF SCHOLARSHIP. A qualified resident student in
3 33 good standing at a community college, an institution of higher
3 34 learning under the control of the state board of regents, or
3 35 an accredited private institution as defined in section 261.9



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4 1 may receive scholarships for not more than eight semesters of
4 2 undergraduate study, or the trimester or quarter equivalent,
4 3 if attending the institution on a full-time basis, or for not
4 4 more than sixteen semesters of undergraduate study, or the
4 5 trimester or quarter equivalent, if attending on a part-time
4 6 basis. A qualified resident student may defer acceptance of
4 7 scholarships awarded under this section for up to two years
4 8 following the student's graduation from high school in order
4 9 that the student may pursue military or other obligations.

4 10 5. MENTORING PROGRAMS OFFERED BY INSTITUTIONS. Each
4 11 community college, institution of higher learning under the
4 12 control of the state board of regents, or accredited private
4 13 institution that enrolls a student receiving a scholarship in
4 14 accordance with this section shall develop a specific
4 15 mentoring program to assist the scholarship recipients through
4 16 particularized academic and social counseling.

4 17 EXPLANATION

4 18 This bill creates a twenty-first century Iowa scholars
4 19 program and fund to be administered by the college student aid
4 20 commission to provide scholarships to pay the postsecondary
4 21 costs of tuition and mandatory fees for Iowa students who are
4 22 eligible for free or reduced price meals or are receiving
4 23 foster care who agree, in writing, in grade seven or eight, to
4 24 graduate with a 2.0 point or better grade point average, and
4 25 to refrain from illegal drug use, committing delinquent acts,
4 26 driving while intoxicated, tobacco use, and truancy. The bill
4 27 also requires the commission to conduct a study of the program
4 28 and to submit its plan, findings, recommendations, and a
4 29 fiscal analysis of the plan to the general assembly not later
4 30 than December 15, 2007.

4 31 To be eligible for a scholarship, students must be Iowa
4 32 residents, establish financial need, meet all program
4 33 eligibility requirements including those agreed to in grade
4 34 seven or eight, and apply for and be accepted by an accredited
4 35 postsecondary institution in Iowa.



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5 1 Eligible students in good standing may receive scholarships
5 2 for not more than eight semesters of undergraduate study, or
5 3 the trimester or quarter equivalent, if attending the
5 4 institution on a full-time basis, or for not more than 16
5 5 semesters, or the trimester or quarter equivalent, if
5 6 attending on a part-time basis. The student must annually
5 7 file a new application for review and evaluation of continued
5 8 eligibility. The student may defer participation in the
5 9 scholarship program for up to two years in order to pursue
5 10 military or other obligations.

5 11 Each institution that enrolls a student receiving a
5 12 scholarship must develop a specific mentoring program to
5 13 assist the scholarship recipients through particularized
5 14 academic and social counseling.

5 15 The twenty-first century Iowa scholars fund is created in
5 16 the state treasury as a separate fund under the control of the
5 17 commission. Fund moneys are appropriated and made available
5 18 to the commission to be used for these scholarships.

5 19 The plan the commission is charged with developing must
5 20 provide for an internet home page, special scholar
5 21 publication, a toll-free telephone number, and the placement
5 22 and utilization of up to 15 regional program support sites.
5 23 The sites must provide tutoring, mentoring, summer camps,
5 24 cultural and arts outings, sports and recreational activities,
5 25 college visits, career preparation, job shadowing,
5 26 internships, study skills, literacy programs, newsletters,
5 27 community service projects, and parent activities. The
5 28 commission is also charged with identifying the amount
5 29 anticipated to be necessary to provide funding for the
5 30 scholarships, based on the results of the study and
5 31 preliminary estimates of the number of eligible eighth grade
5 32 pupils.

5 33 LSB 1166YH 82

5 34 kh:rj/je/5



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House File 33

HOUSE FILE
BY BERRY, KRESSIG, and KELLEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to public safety communications by establishing
- 2 an Iowa statewide interoperable radio system board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1712HH 82
- 5 rn/es/88



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1 1 Section 1. NEW SECTION. 80.28 STATEWIDE INTEROPERABLE
1 2 RADIO SYSTEM BOARD == ESTABLISHED == MEMBERS.
1 3 1. A statewide interoperable radio system board is
1 4 established, under the joint purview of the department and the
1 5 state department of transportation. The board shall develop,
1 6 implement, and oversee policy, operations, and fiscal
1 7 components of communications interoperability efforts at the
1 8 state and local level, and coordinate with similar efforts at
1 9 the federal level, with the ultimate objective of developing
1 10 and overseeing the operation of a statewide integrated public
1 11 safety communications interoperability system. For the
1 12 purposes of this section and section 80.29, "interoperability"
1 13 means the ability of public safety and public services
1 14 personnel to communicate and to share data on an immediate
1 15 basis, on demand, when needed, and when authorized.
1 16 2. The board shall consist of fifteen voting members, as
1 17 follows:
1 18 a. The following members representing state agencies:
1 19 (1) One member representing the department of public
1 20 safety, who shall serve as chairperson.
1 21 (2) One member representing the state department of
1 22 transportation, who shall serve as vice chairperson.
1 23 (3) One member representing the homeland security and
1 24 emergency management division.
1 25 (4) One member representing the department of corrections.
1 26 (5) One member representing the department of natural
1 27 resources.
1 28 (6) One member representing the Iowa department of public
1 29 health.
1 30 b. The following members, to be appointed by the governor:
1 31 (1) Two members who are chiefs of police.
1 32 (2) Two members who are sheriffs.
1 33 (3) Two members who are fire chiefs.
1 34 (4) Two law communication center managers employed by
1 35 state or local government agencies.



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2 1 (5) One at-large member.
2 2 3. Board members shall be appointed in compliance with
2 3 sections 69.16 and 69.16A. The members appointed by the
2 4 governor shall be appointed to three-year staggered terms and
2 5 the terms shall commence and end as provided by section 69.19.
2 6 If a vacancy occurs, a successor shall be appointed to serve
2 7 the unexpired term. A successor shall be appointed in the
2 8 same manner and subject to the same qualifications as the
2 9 original appointment to serve the unexpired term. Members of
2 10 the board are entitled to receive reimbursement for actual
2 11 expenses incurred while engaged in the performance of official
2 12 duties from funds appropriated to the department of public
2 13 safety and the state department of transportation for that
2 14 purpose. The departments shall enter into an agreement to
2 15 provide administrative assistance and support to the board.
2 16 Sec. 2. NEW SECTION. 80.29 BOARD DUTIES.
2 17 The statewide interoperable radio system board established
2 18 in section 80.28 shall:
2 19 1. Implement and maintain organizational and operational
2 20 elements of the board, including staffing and program
2 21 activity.
2 22 2. Review and monitor communications interoperability
2 23 performance and service levels on behalf of agencies.
2 24 3. Establish, monitor, and maintain appropriate policies
2 25 and protocols to ensure that interoperable communications
2 26 systems function properly.
2 27 4. Allocate and oversee state appropriations or other
2 28 funding received for interoperable communications.
2 29 5. Identify sources for ongoing, sustainable, longer-term
2 30 funding for communications interoperability projects,
2 31 including available and future assets that will leverage
2 32 resources and provide incentives for communications
2 33 interoperability participation, and develop and obtain
2 34 adequate funding in accordance with a communications
2 35 interoperability sustainability plan.



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- 3 1 6. Develop and evaluate potential legislative solutions to
3 2 address the funding and resource challenges of implementing
3 3 statewide communications interoperability initiatives.
3 4 7. Develop a statewide integrated public safety
3 5 communications interoperability system that allows for shared
3 6 communications systems and costs, takes into account
3 7 infrastructure needs and requirements, improves reliability,
3 8 and addresses liability concerns of the shared network.
3 9 8. Investigate data and video interoperability systems.
3 10 9. Expand, maintain, and fund consistent, periodic
3 11 training programs for current communications systems and for
3 12 the statewide integrated public safety communications
3 13 interoperability system as it is implemented.
3 14 10. Expand, maintain, and fund stakeholder education,
3 15 public education, and public official education programs to
3 16 demonstrate the value of short-term communications
3 17 interoperability solutions, and to emphasize the importance of
3 18 developing and funding long-term solutions, including
3 19 implementation of the statewide integrated public safety
3 20 communications interoperability system.
3 21 11. Identify, promote, and provide incentives for
3 22 appropriate collaborations and partnerships among government
3 23 entities, agencies, businesses, organizations, and
3 24 associations, both public and private, relating to
3 25 communications interoperability.
3 26 12. Provide incentives to support maintenance and
3 27 expansion of regional efforts to promote implementation of the
3 28 statewide integrated public safety communications
3 29 interoperability system.
3 30 13. Submit a report by January 1, annually, to the members
3 31 of the general assembly regarding communications
3 32 interoperability efforts, activities, and effectiveness at the
3 33 local and regional level, and shall include a status report
3 34 regarding the development of a statewide integrated public
3 35 safety communications interoperability system, and funding



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4 1 requirements relating thereto.

4 2 EXPLANATION

4 3 This bill concerns public safety communications and
4 4 enhancement of statewide communications interoperability
4 5 efforts.

4 6 The bill establishes a statewide interoperable radio system
4 7 board, under the joint purview of the department of public
4 8 safety and the state department of transportation. The bill
4 9 specifies that the board shall develop, implement, and oversee
4 10 policy, operations, and fiscal components of communications
4 11 interoperability efforts at the state and local level,
4 12 coordinate with similar efforts at the federal level, and
4 13 ultimately develop and oversee the operation of a statewide
4 14 integrated public safety communications interoperability
4 15 system. The bill defines "interoperability" as the ability of
4 16 public safety and public services personnel to communicate and
4 17 to share data on an immediate basis, on demand, when needed,
4 18 and when authorized.

4 19 The bill identifies 15 members of the board, all voting
4 20 members, and states that members not affiliated with or
4 21 representing a state agency shall be appointed by the
4 22 governor.

4 23 The bill includes provisions relating to the appointment of
4 24 members, terms of service, and vacancies. The bill states
4 25 that members shall receive reimbursement for actual expenses
4 26 incurred while engaged in the performance of official duties
4 27 from funds appropriated to the departments for that purpose,
4 28 and that the departments shall enter into an agreement to
4 29 provide administrative assistance and support to the board.

4 30 Regarding the duties of the board, the bill provides that
4 31 the board shall implement and maintain organizational and
4 32 operational elements of the board; review and monitor
4 33 communications interoperability performance and service levels
4 34 on behalf of participating agencies; establish, monitor, and
4 35 maintain appropriate policies and protocols to ensure that



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5 1 interoperable communications systems function properly;
5 2 allocate and oversee state appropriations or other funding
5 3 received; identify longer-term funding sources for
5 4 communications interoperability projects, including assets
5 5 that will leverage resources and provide incentives for
5 6 communications interoperability participation; and develop and
5 7 obtain adequate funding in accordance with a communications
5 8 interoperability sustainability plan. The board shall,
5 9 additionally, develop a statewide integrated public safety
5 10 communications interoperability system that allows for shared
5 11 communications systems and costs, takes into account
5 12 infrastructure needs and requirements, improves reliability,
5 13 and addresses liability concerns of the shared network;
5 14 identify legislative solutions which could provide assistance
5 15 to the enhancement of communications interoperability;
5 16 investigate data and video interoperability systems, and
5 17 expand, maintain, and fund training programs relating to
5 18 current and long-term communications interoperability efforts.
5 19 Further, the board is directed to identify, promote, and
5 20 provide incentives for appropriate collaborations and
5 21 partnerships relating to communications interoperability and
5 22 to provide incentives to support maintenance and expansion of
5 23 regional efforts to promote implementation of the integrated
5 24 statewide public safety communications interoperability
5 25 system.
5 26 The bill provides that the board shall submit a report by
5 27 January 1, annually, to the members of the general assembly
5 28 regarding communications interoperability efforts, activities,
5 29 and effectiveness at the local and regional level. The report
5 30 is to include the status of efforts to develop the statewide
5 31 integrated public safety communications interoperability
5 32 system and funding requirements.
5 33 LSB 1712HH 82
5 34 rn:nh/es/88



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House File 34

HOUSE FILE
BY RAECKER

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

A BILL FOR

1 An Act relating to the improper influence of executive branch
2 officials, executive branch employees, members of the general
3 assembly, and legislative employees, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1310YH 82
7 tm/sh/8



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1 1 Section 1. NEW SECTION. 68B.22A IMPROPER INFLUENCE.

1 2 1. An official or state employee shall not solicit or
1 3 accept anything of value for the benefit of any state agency
1 4 given pursuant to an understanding or arrangement that the
1 5 thing of value will influence the act, vote, opinion,
1 6 judgment, decision, or exercise of discretion of the person
1 7 with respect to the person's services provided as an official
1 8 or state employee.

1 9 2. A member of the general assembly or legislative
1 10 employee shall not solicit or accept anything of value for the
1 11 benefit of the general assembly given pursuant to an
1 12 understanding or arrangement that the thing of value will
1 13 influence the act, vote, opinion, judgment, decision, or
1 14 exercise of discretion of the person with respect to the
1 15 person's services provided as a member of the general assembly
1 16 or legislative employee.

1 17 3. This section shall not apply to the application for or
1 18 receipt of a grant obtained through a bona fide written grant
1 19 application process. This section shall not apply to
1 20 institutions under the control of the state board of regents
1 21 or the state historical society of Iowa foundation.

1 22

1 23

EXPLANATION

1 24 This bill relates to the improper influence of executive
1 25 branch officials, executive branch employees, members of the
1 26 general assembly, and legislative employees.

1 27 The bill prohibits an executive branch official, executive
1 28 branch employee, member of the general assembly, or
1 29 legislative employee from soliciting or accepting anything of
1 30 value for the benefit of any state agency or the general
1 31 assembly, respectively, given pursuant to an understanding or
1 32 arrangement that the thing of value will influence the act,
1 33 vote, opinion, judgment, decision, or exercise of discretion
1 34 of the person with respect to the person's services as an
1 35 executive branch official, executive branch employee, member



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2 1 of the general assembly, or legislative employee.

2 2 The bill provides an exception for the application for or
2 3 receipt of a grant obtained through a bona fide written grant
2 4 application process and for institutions under the control of
2 5 the state board of regents or the state historical society of
2 6 Iowa foundation.

2 7 Pursuant to Code section 68B.25, a person who knowingly and
2 8 intentionally violates a provision of the bill relating to
2 9 improper influence is guilty of a serious misdemeanor and may
2 10 be reprimanded, suspended, or dismissed from the person's
2 11 position or otherwise sanctioned. A serious misdemeanor is
2 12 punishable by confinement for no more than one year and a fine
2 13 of at least \$315 but not more than \$1,875.

2 14 LSB 1310YH 82

2 15 tm:rj/sh/8



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House File 35

HOUSE FILE
BY FOEGE

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

A BILL FOR

- 1 An Act relating to state and local regulation of smoking.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1543HH 82
- 4 pf/sh/8



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PAG LIN

1 1 Section 1. Section 142B.6, unnumbered paragraph 3, Code
1 2 2007, is amended by striking the unnumbered paragraph.

1 3 Sec. 2. NEW SECTION. 142B.6A LOCAL REGULATION OF
1 4 SMOKING.

1 5 1. A city, county, or local board of health may provide
1 6 for the enforcement, by ordinance or rule, of standards or
1 7 requirements that are higher or more stringent than those
1 8 imposed under this chapter.

1 9 2. An ordinance or rule adopted under subsection 1 may
1 10 specifically include but is not limited to any of the
1 11 following:

1 12 a. An ordinance or rule that eliminates or limits the
1 13 exemptions specified in section 142B.2, subsection 1.

1 14 b. An ordinance or rule that prohibits the designation of
1 15 smoking areas notwithstanding section 142B.2, subsection 2.

1 16 c. A ordinance or rule that eliminates or limits the
1 17 exemption in section 142B.2, subsection 2, relating to a
1 18 public place consisting of a single room or a bar.

1 19 EXPLANATION

1 20 This bill provides that a city, county, or local board of
1 21 health may adopt an ordinance or rule to provide for the
1 22 enforcement of standards and requirements that are higher or
1 23 more stringent than those imposed under Code chapter 142B
1 24 (smoking prohibitions).

1 25 The bill provides that an ordinance or rule may
1 26 specifically: eliminate or limit the exemptions relating to
1 27 designation of a smoking area or the application of
1 28 designation of a smoking area to an entire room or hall that
1 29 is used for a private social function, or to factories,
1 30 warehouses, or similar places of work not usually frequented
1 31 by the general public; prohibit the designation of a smoking
1 32 area; or eliminate or limit the provisions allowing for
1 33 exemptions for a single room or a bar.

1 34 The bill also eliminates the provision relating to
1 35 enforcement of the smoking prohibitions Code chapter in an



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2 1 equitable and uniform manner throughout the state.
2 2 LSB 1543HH 82
2 3 pf:nh/sh/8



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House File 36

HOUSE FILE
BY HUSER and RAECKER

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

A BILL FOR

- 1 An Act relating to political campaigns by limiting campaign
- 2 contributions for statewide and legislative elections and
- 3 making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1186YH 82
- 6 jr/je/5



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1 1 Section 1. NEW SECTION. 68A.506 CONTRIBUTIONS ==
1 2 LIMITATIONS ON AMOUNTS.
1 3 1. As used in this section, "cash" includes but is not
1 4 limited to a check, money order, or other negotiable
1 5 instrument.
1 6 2. The aggregate amount of a contribution made to a
1 7 candidate or a candidate's committee by a committee or person
1 8 other than the candidate shall not exceed the following
1 9 amounts:
1 10 a. For the office of member of the house of
1 11 representatives, five hundred dollars in cash and an
1 12 additional five hundred dollars of in-kind contributions for
1 13 each primary election, or in lieu thereof a convention of a
1 14 political party, and an equal amount for each general
1 15 election.
1 16 b. For the office of state senator, one thousand dollars
1 17 in cash and an additional one thousand dollars of in-kind
1 18 contributions for each primary election, or in lieu thereof a
1 19 convention of a political party, and an equal amount for each
1 20 general election.
1 21 c. For the office of a statewide elected official, as
1 22 defined in section 68B.2, ten thousand dollars in cash and an
1 23 additional ten thousand dollars of in-kind contributions for
1 24 each primary election, or in lieu thereof a convention of a
1 25 political party, and an equal amount for each general
1 26 election. The limits set out in this paragraph apply to the
1 27 governor and lieutenant governor together, as if the two
1 28 offices were one and the same.
1 29 3. The aggregate amount of a contribution made to a
1 30 candidate or a candidate's committee by a political party or
1 31 political organization, as defined in section 43.2, shall not
1 32 exceed the following amounts:
1 33 a. For the office of member of the house of
1 34 representatives, one thousand five hundred dollars in cash and
1 35 an additional four thousand five hundred dollars of in-kind



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2 1 contributions for each primary election, or in lieu thereof a
2 2 convention of a political party, and an equal amount for each
2 3 general election.

2 4 b. For the office of state senator, three thousand dollars
2 5 in cash and an additional nine thousand dollars of in-kind
2 6 contributions for each primary election, or in lieu thereof a
2 7 convention of a political party, and an equal amount for each
2 8 general election.

2 9 c. For the office of a statewide elected official, as
2 10 defined in section 68B.2, thirty thousand dollars in cash and
2 11 an additional ninety thousand dollars of in-kind contributions
2 12 for each primary election, or in lieu thereof a convention of
2 13 a political party, and an equal amount for each general
2 14 election. The limits set out in this paragraph apply to the
2 15 governor and lieutenant governor together, as if the two
2 16 offices were one and the same.

2 17 4. A political party or political organization may
2 18 establish no more than one fund to provide contributions to a
2 19 candidate or a candidate's committee for the office of member
2 20 of the house of representatives or state senator or office of
2 21 a statewide elected official.

2 22 EXPLANATION

2 23 This bill relates to political campaigns and campaign
2 24 finance and disclosure, containing limitations on certain
2 25 contributions to candidates for statewide office or the
2 26 general assembly.

2 27 The bill limits contributions by a committee or any person
2 28 other than the candidate. The term "person" includes any
2 29 individual, corporation, government or governmental
2 30 subdivision or agency, business trust, estate, trust,
2 31 partnership or association, labor union, or any other legal
2 32 entity.

2 33 As provided in Code section 68A.701, willful violation of
2 34 these limitations is a serious misdemeanor punishable by
2 35 confinement for up to one year and a fine of at least \$315 but



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3 1 not more than \$1,875. A variety of civil remedies are also
3 2 available in Code section 68B.32D, ranging from a reprimand to
3 3 a civil penalty of not more than \$2,000.
3 4 LSB 1186YH 82
3 5 jr:rj/je/5



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House File 37

HOUSE FILE
BY RAECKER and HUSER

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

A BILL FOR

1 An Act relating to electronic filing of campaign finance
2 organizational statements, dissolution reports, and disclosure
3 reports by candidates for statewide office or for the general
4 assembly, establishing a filing deadline for all statements
5 and reports, providing a penalty, and providing applicability
6 dates.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1308YH 82
9 jr/je/5



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1 1 Section 1. Section 68A.401, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. All statements and reports required to be filed under
1 4 this chapter shall be filed with the board as provided in
1 5 section 68A.402, subsection 1. The board shall provide copies
1 6 of all statements and reports filed under this chapter for a
1 7 county, city, school, or other political subdivision to the
1 8 commissioner responsible under section 47.2.
1 9 Sec. 2. Section 68A.401, subsection 1, Code 2007, is
1 10 amended by adding the following new paragraphs:
1 11 NEW PARAGRAPH. a. A candidate's committee of a candidate
1 12 for statewide office or the general assembly shall file all
1 13 statements and reports in an electronic format by five p.m.
1 14 of the day the filing is due and according to rules adopted by
1 15 the board. Any other candidate or political committee may
1 16 submit the statements and reports in an electronic format as
1 17 prescribed by rule.
1 18 NEW PARAGRAPH. b. All information submitted to the board
1 19 in an electronic format by twelve noon shall be accessible to
1 20 the public on the internet on the day the information is
1 21 filed. However, information that is filed on a Saturday,
1 22 Sunday, or after twelve noon on Friday shall be made available
1 23 on the internet by five p.m. on the following business day.
1 24 NEW PARAGRAPH. c. If the board determines that a
1 25 violation of this subsection has occurred, the board may
1 26 impose any of the remedies or penalties provided for under
1 27 section 68B.32D, except that the board shall not refer any
1 28 complaint or supporting information of a violation of this
1 29 section to the attorney general or any county attorney for
1 30 prosecution.
1 31 Sec. 3. Section 68A.402, subsection 1, Code 2007, is
1 32 amended to read as follows:
1 33 1. FILING METHODS. Each committee shall file with the
1 34 board reports disclosing information required under this
1 35 section on forms prescribed by rule. Reports shall be filed



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2 1 on or before the required due dates by using any of the
2 2 following methods: mail bearing a United States postal
2 3 service postmark, hand-delivery, facsimile transmission, or
2 4 electronic filing as prescribed by rule. To be considered
2 5 timely filed, a statement or report under this chapter filed
2 6 by mail by a candidate or candidate's committee for statewide
2 7 office or the general assembly shall be postmarked with a
2 8 United States postal service postmark on or before the second
2 9 day prior to the due date that the statement or report is
2 10 required to be filed.

2 11 Sec. 4. Section 68A.403, subsection 1, Code 2007, is
2 12 amended to read as follows:

2 13 1. A Unless filed in an electronic format in accordance
2 14 with section 68A.401, subsection 1, a report or statement
2 15 required to be filed under this chapter shall be signed by the
2 16 person filing the report.

2 17 Sec. 5. APPLICABILITY. The requirements of section
2 18 68A.401, subsection 1, paragraphs "a", "b", and "c", apply to
2 19 committees that file a statement of organization on or after
2 20 January 1, 2008, and all committees regardless of when they
2 21 filed their statement of organization, on January 1, 2010.

2 22 EXPLANATION

2 23 This bill institutes mandatory electronic filing of
2 24 campaign finance statements of organization, dissolution
2 25 reports, and disclosure reports by all candidates for
2 26 statewide office and for the general assembly. The required
2 27 electronic filing shall be made by 5:00 p.m. on the day the
2 28 filing is due; information filed by 12 noon shall be made
2 29 available to the public via the internet on the same day,
2 30 unless filed on a Saturday, Sunday, or after 12 noon on a
2 31 Friday, in which case the information shall be made available
2 32 by 5:00 p.m. on the following business day.

2 33 Any other candidate or committee may submit its campaign
2 34 finance statements of organization, dissolution reports, and
2 35 disclosure reports in an electronic format.



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3 1 The bill requires that all reports and statements, to be
3 2 timely filed by mail, must be postmarked on or before the
3 3 second day prior to the date that the statement or report is
3 4 required to be filed. This requirement applies only to a
3 5 candidate or candidate's committee for statewide office or the
3 6 general assembly.

3 7 Penalties for the violation of these provisions are set out
3 8 in Code section 68B.32D, ranging from a public reprimand to a
3 9 \$2,000 fine.

3 10 The election filing portions of the bill apply January 1,
3 11 2008, to newly formed committees of a candidate for statewide
3 12 office or for the general assembly and apply to all such
3 13 committees on January 1, 2010.

3 14 LSB 1308YH 82

3 15 jr:rj/je/5



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House File 38

HOUSE FILE
BY RAECKER and HUSER

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

A BILL FOR

1 An Act relating to state agency employment opportunities for
2 members of the general assembly within two years after the
3 termination of service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1309YH 82
6 tm/cf/24



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PAG LIN

1 1 Section 1. Section 68B.5A, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4A. A member of the general assembly
1 4 shall not within two years after the termination of service
1 5 become an employee of an agency if the job responsibilities
1 6 would include appearing before or communicating with the
1 7 general assembly on behalf of the employing agency. This
1 8 subsection shall not apply to a member of the general assembly
1 9 taking a position as the executive or administrative head of
1 10 an agency or the head of a major subunit of an agency after
1 11 the termination of service.

1 12 Sec. 2. Section 68B.5A, subsection 7, Code 2007, is
1 13 amended to read as follows:

1 14 7. This section shall not apply to a person who, within
1 15 two years of leaving service or employment with the state, is
1 16 elected to, appointed to, or employed by another office of the
1 17 state, an office of a political subdivision of the state, or
1 18 the federal government and appears or communicates on behalf
1 19 or as part of the duties of that office or employment. This
1 20 subsection shall not apply to subsection 4A.

1 21 EXPLANATION

1 22 This bill relates to state agency employment opportunities
1 23 for members of the general assembly.

1 24 The bill provides that a member of the general assembly
1 25 shall not within two years after the termination of service
1 26 become an employee of an agency if the job responsibilities
1 27 would include appearing before or communicating with the
1 28 general assembly on behalf of the employing agency. This
1 29 prohibition does not apply to a member taking a position as
1 30 the executive or administrative head of an agency or the head
1 31 of a major subunit of an agency after the termination of
1 32 service.

1 33 The term "agency" means a department, division, board,
1 34 commission, bureau, or office of the executive or legislative
1 35 branch of state government, the office of attorney general,



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2 1 the state board of regents, community colleges, and the office
2 2 of the governor, including a regulatory agency, or any
2 3 department, division, board, commission, bureau, or office of
2 4 a political subdivision of the state, but does not include any
2 5 agricultural commodity promotional board, which is subject to
2 6 a producer referendum.
2 7 LSB 1309YH 82
2 8 tm:rj/cf/24



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House File 39

HOUSE FILE
BY VAN FOSSEN

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

A BILL FOR

- 1 An Act allocating franchise tax revenues to local jurisdictions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1749YH 82
- 4 mg/es/88



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PAG LIN

1 1 Section 1. Section 331.427, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 Except as otherwise provided by state law, county revenues
1 4 from taxes and other sources for general county services shall
1 5 be credited to the general fund of the county, including
1 6 revenues received under sections 9I.11, 101A.3, 101A.7,
1 7 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
1 8 321I.8, section 331.554, subsection 6, sections 341A.20,
1 9 364.3, 368.21, 422.65, 423A.7, 428A.8, 430A.3, 433.15, 434.19,
1 10 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6,
1 11 602.8108, 904.908, and 906.17, and the following:
1 12 Sec. 2. NEW SECTION. 422.65 ALLOCATION OF REVENUE.
1 13 All moneys received from the franchise tax shall be
1 14 deposited in the general fund of the state. Commencing with
1 15 the fiscal year beginning July 1, 2007, there is appropriated
1 16 for each fiscal year from the franchise tax moneys received
1 17 and deposited in the general fund of the state the sum of
1 18 eight million eight hundred thousand dollars which shall be
1 19 paid quarterly on warrants by the director, after
1 20 certification by the director, as follows:
1 21 1. Sixty percent to the general fund of the city from
1 22 which the tax is collected.
1 23 2. Forty percent to the county from which the tax is
1 24 collected.
1 25 If the financial institution maintains one or more offices
1 26 for the transaction of business, other than its principal
1 27 office, a portion of its franchise tax shall be allocated to
1 28 each office, based upon a reasonable measure of the business
1 29 activity of each office. The director shall prescribe, for
1 30 each type of financial institution, a method of measuring the
1 31 business activity of each office. Financial institutions
1 32 shall furnish all necessary information for this purpose at
1 33 the request of the director.
1 34 Quarterly, the director shall certify to the treasurer of
1 35 state the amounts to be paid to each city and county from the



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2 1 general fund of the state. All moneys received from the
2 2 franchise tax are appropriated according to the provisions of
2 3 this section.

2 4 EXPLANATION

2 5 This bill reenacts the annual appropriation of \$8.8 million
2 6 of state franchise tax revenues and its allocation to cities
2 7 and counties. This annual appropriation and allocation were
2 8 repealed in 2003 Iowa Acts, chapter 178, section 11. The
2 9 annual appropriation and allocation will commence with the
2 10 fiscal year beginning July 1, 2007.

2 11 LSB 1749YH 82

2 12 mg:rj/es/88



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House File 40

HOUSE FILE

BY TYMESON, DOLECHECK, WIENCEK,
KAUFMANN, FORRISTALL, L. MILLER,
BOAL, CHAMBERS, and MAY

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing an individual income tax credit for certain
- 2 teacher expenses and including a retroactive applicability
- 3 date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1329YH 82
- 6 mg/sh/8



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1 1 Section 1. NEW SECTION. 422.11T TEACHER EXPENSE CREDIT.
1 2 The taxes imposed under this division, less the credits
1 3 allowed under sections 422.12 and 422.12B, shall be reduced by
1 4 a teacher expense credit equal to the first two hundred fifty
1 5 dollars of the cost incurred to purchase supplies by the
1 6 taxpayer to assist the taxpayer in teaching at an elementary
1 7 or secondary school situated in Iowa, which school is
1 8 accredited under section 256.11. To qualify for the credit,
1 9 the costs must be nonreimbursable from any source. If the
1 10 cost incurred has been deducted in computing federal adjusted
1 11 gross income, the amount of such deduction shall be added in
1 12 determining net income under section 422.7. Any credit in
1 13 excess of the tax liability is nonrefundable.
1 14 As used in this section, "supplies" includes but is not
1 15 limited to paper supplies, bulletin boards, books, maps,
1 16 charts, computer software but not hardware, and other items
1 17 directly used by the taxpayer as a teacher. The cost incurred
1 18 to purchase supplies for which a tax credit may be received
1 19 under this section shall not be used by a school district to
1 20 supplement its costs of instructional materials.
1 21 Sec. 2. APPLICABILITY. This Act applies retroactively to
1 22 January 1, 2006, for tax years beginning on or after that
1 23 date.

1 24 EXPLANATION

1 25 This bill provides an income tax credit of up to \$250 for
1 26 teachers that incur expenses for supplies directly used by
1 27 them in teaching at accredited elementary or secondary schools
1 28 in Iowa. To qualify, the expenses must be nonreimbursable
1 29 from any source. If the expenses were deducted in computing
1 30 federal adjusted gross income, the deduction shall be added in
1 31 determining Iowa net income. These supplies include paper
1 32 supplies, bulletin boards, books, maps, charts, computer
1 33 software but not hardware, and other similar items directly
1 34 used by the taxpayer as a teacher. The cost incurred to
1 35 purchase supplies for which a tax credit may be received under



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2 1 this section shall not be used by a school district to
2 2 supplement its costs of instructional materials.
2 3 The bill applies retroactively to January 1, 2006, for tax
2 4 years beginning on or after that date.
2 5 LSB 1329YH 82
2 6 mg:sc/sh/8



Iowa General Assembly
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House File 41

HOUSE FILE
BY VAN FOSSEN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the deduction of the capital gain from the
2 sale of capital investments made in or by certain businesses
3 and including an applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1752YH 82
6 mg/je/5



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House File 41 continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 50. Subtract the capital gain from the
1 4 following:

1 5 a. The sale of an equity investment in a business if all
1 6 of the following requirements are met:

1 7 (1) The equity investment is held for a period of thirty=
1 8 six months or more from the date of acquisition.

1 9 (2) A credit is not claimed on the investment under
1 10 section 422.11F, 422.11G, or 422.11Q.

1 11 (3) The deduction under this paragraph "a" is in lieu of
1 12 any deduction under section 1202 of the Internal Revenue Code.

1 13 b. If the adjusted gross income computed for federal
1 14 income tax purposes includes income or loss from a business
1 15 operated by the taxpayer, the sale of a building, land, or
1 16 machinery and equipment used in the operation of the business
1 17 if the building, land, or machinery and equipment are held for
1 18 a period of thirty=six months or more from the date of
1 19 acquisition.

1 20 An individual may claim the capital gain deduction of a
1 21 partnership, S corporation, limited liability company, estate,
1 22 or trust electing to have the income taxed directly to the
1 23 individual. The amount claimed by the individual shall be
1 24 based upon the pro rata share of the individual's earnings of
1 25 a partnership, S corporation, limited liability company,
1 26 estate, or trust.

1 27 Sec. 2. Section 422.35, Code 2007, is amended by adding
1 28 the following new subsection:

1 29 NEW SUBSECTION. 23. Subtract the capital gain from the
1 30 following:

1 31 a. The sale of an equity investment in a business if all
1 32 of the following requirements are met:

1 33 (1) The equity investment is held for a period of thirty=
1 34 six months or more from the date of acquisition.

1 35 (2) A credit is not claimed on the investment under



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House File 42

HOUSE FILE
BY VAN FOSSEN

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

A BILL FOR

1 An Act exempting the services furnished for the production of
2 master audio, video, film, or digital recordings or similar
3 media from the sales and use taxes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1738YH 82
6 mg/gg/14



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House File 42 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 92. The sales price of services furnished
1 4 for the production of master audio, video, film, or digital
1 5 recordings or similar media.

1 6 EXPLANATION

1 7 This bill exempts from state sales and use taxes the
1 8 provision of services for the production of master audio,
1 9 video, film, or digital recordings or similar media.

1 10 LSB 1738YH 82

1 11 mg:rj/gg/14



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House File 43

HOUSE FILE

BY PETTENGILL, KRESSIG, HUNTER,
HORBACH, and QUIRK

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act adding one-half unit of personal finance literacy to the
2 education program school districts and accredited nonpublic
3 schools must offer in grades nine through twelve and providing
4 a future effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1152HH 82
7 kh/sh/8



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House File 43 continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. One-half unit of personal finance
1 4 literacy, the curriculum of which shall include but not be
1 5 limited to the use of common banking instruments such as
1 6 checking accounts; credit; debit cards; compound interest;
1 7 mortgage, auto, and personal loans; investment basics,
1 8 including stocks, bonds, and index funds; credit scores;
1 9 budgeting; saving and debt management; retirement planning and
1 10 savings; and insurance. All students shall complete at least
1 11 one-half unit of personal finance literacy as a condition of
1 12 graduation.

1 13 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 14 with section 25B.2, subsection 3, the state cost of requiring
1 15 compliance with any state mandate included in this Act shall
1 16 be paid by a school district from state school foundation aid
1 17 received by the school district under section 257.16. This
1 18 specification of the payment of the state cost shall be deemed
1 19 to meet all the state funding-related requirements of section
1 20 25B.2, subsection 3, and no additional state funding shall be
1 21 necessary for the full implementation of this Act by and
1 22 enforcement of this Act against all affected school districts.

1 23 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1,
1 24 2008.

1 25 EXPLANATION

1 26 This bill adds a one-half unit course in personal finance
1 27 literacy to the educational program each school district and
1 28 accredited nonpublic school is required to offer in grades
1 29 nine through 12, and requires all students to take the course
1 30 as a condition of graduation. The personal finance curriculum
1 31 includes the use of common banking instruments such as
1 32 checking accounts; credit; debit cards; compound interest;
1 33 mortgage, auto, and personal loans; investment basics
1 34 including stocks, bonds, and index funds; credit scores;
1 35 budgeting; saving and debt management; retirement planning and



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2 1 savings; and insurance.
2 2 The bill may include a state mandate as defined in Code
2 3 section 25B.3. The bill requires that the state cost of any
2 4 state mandate included in the bill be paid by a school
2 5 district from state school foundation aid received by the
2 6 school district under Code section 257.16. The specification
2 7 is deemed to constitute state compliance with any state
2 8 mandate funding-related requirements of Code section 25B.2.
2 9 The inclusion of this specification is intended to reinstate
2 10 the requirement of political subdivisions to comply with any
2 11 state mandates included in the bill.
2 12 The bill takes effect July 1, 2008.
2 13 LSB 1152HH 82
2 14 kh:nh/sh/8



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House File 44

HOUSE FILE
BY TYMESON, BOAL, and
CHAMBERS

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

A BILL FOR

1 An Act relating to postsecondary education opportunities by
2 establishing a jump-start grant program for the postsecondary
3 education expenses of students who graduate early from high
4 school and by requiring school districts to publicize
5 available postsecondary education opportunities.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1332YH 82
8 kh/sh/8



Iowa General Assembly
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PAG LIN

1 1 Section 1. NEW SECTION. 261.89 JUMP=START GRANT PROGRAM.
1 2 1. PROGRAM ESTABLISHED. A jump=start grant program is
1 3 established to be administered by the commission.
1 4 2. ELIGIBILITY. A grant under the jump=start grant
1 5 program may be awarded to a resident of Iowa who meets the
1 6 following criteria:
1 7 a. On or after July 1, 2007, received a high school
1 8 diploma from a school district not later than the end of the
1 9 semester or school year in which the student is enrolled as a
1 10 junior.
1 11 b. Is admitted and in attendance as a full=time or part=
1 12 time resident student at a community college, an institution
1 13 of higher learning under the control of the board of regents,
1 14 or an accredited private institution.
1 15 3. GRANT AMOUNT. The amount of the grant awarded to an
1 16 eligible student shall be as follows:
1 17 a. To a full=time student, an amount equal to the state
1 18 cost per pupil or five thousand dollars, whichever is greater.
1 19 b. To a part=time student, an amount equivalent to the
1 20 amount paid to a full=time student, but prorated based on the
1 21 number of semester hours, or the trimester or quarter
1 22 equivalent, for which the part=time student is enrolled.
1 23 4. EXCESS GRANT MONEYS. Notwithstanding subsection 3, if
1 24 the grant amount exceeds the amount necessary to pay the
1 25 student's educational expenses for an academic year, the
1 26 commission shall retain the excess grant moneys for the
1 27 student's educational expenses for not more than the following
1 28 two consecutive academic years. If the student fails to
1 29 enroll and attend a community college, an institution of
1 30 higher learning under the control of the board of regents, or
1 31 an accredited private institution by June 30 of the third
1 32 consecutive academic year, the grant moneys retained for the
1 33 student by the commission shall revert to the general fund of
1 34 the state.
1 35 5. REFUND. If the student discontinues attendance before



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House File 44 continued

2 1 the end of any term after receiving payment of the grant, the
2 2 entire amount of any refund due that student, up to the amount
2 3 of any payments made under the annual grant, shall be paid by
2 4 the institution to the state.

2 5 6. DEFINITIONS. As used in this section, unless the
2 6 context otherwise requires:

2 7 a. "Accredited private institution" means an institution
2 8 of higher education as defined in section 261.9, subsection 1.

2 9 b. "Commission" means the college student aid commission.

2 10 c. "Community college" means a community college
2 11 established under chapter 260C.

2 12 d. "Educational expenses for an academic year" means the
2 13 following:

2 14 (1) Tuition and fees normally assessed a student carrying
2 15 the same academic workload as determined by the institution,
2 16 and including costs for rental or purchase of any equipment,
2 17 materials, or supplies required of all students in the same
2 18 course of study.

2 19 (2) An allowance for books, supplies, transportation, and
2 20 miscellaneous personal expenses, including a reasonable
2 21 allowance for the documented rental or purchase of a personal
2 22 computer, for a student enrolled at an accredited private
2 23 institution, community college, or board of regents'
2 24 university in a course of study including at least six
2 25 semester hours, or the trimester or quarter equivalent of six
2 26 semester hours.

2 27 (3) An allowance, as determined by the appropriate
2 28 accredited postsecondary educational institution, for room and
2 29 board costs incurred by the student which shall be based on
2 30 the expenses reasonably incurred for room and board at the
2 31 institution by a student without dependents.

2 32 e. "Full-time student" means an individual who is enrolled
2 33 at an accredited private institution, community college, or
2 34 board of regents' university for at least twelve semester
2 35 hours, or the trimester or quarter equivalent.



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3 1 f. "Part-time student" means an individual who is enrolled
3 2 at an accredited private institution, community college, or
3 3 board of regents' university for at least three semester
3 4 hours, or the trimester or quarter equivalent, but for less
3 5 than twelve semester hours, or the trimester or quarter
3 6 equivalent.

3 7 7. ELIGIBILITY ESTIMATION. The department of education
3 8 shall annually provide to the general assembly an estimate of
3 9 the number of sophomore high school students in Iowa who, in
3 10 the next succeeding school year, will be eligible to receive a
3 11 high school diploma.

3 12 8. RULES. The commission shall adopt rules pursuant to
3 13 chapter 17A to administer this section.

3 14 Sec. 2. NEW SECTION. 279.65 PUBLICIZE HIGHER EDUCATION
3 15 OPTIONS.

3 16 The board of directors of each school district shall
3 17 publicize in, at a minimum, the school district's student
3 18 handbook and on the school district's web page, the higher
3 19 education opportunities available to students enrolled in the
3 20 school district, including opportunities provided under the
3 21 jump-start grant program established in section 261.89 and
3 22 under the postsecondary enrollment options Act, chapter 261C,
3 23 and the availability of classes offered under
3 24 district-to-community college sharing agreements.

3 25 EXPLANATION

3 26 This bill establishes a jump-start grant program for Iowa
3 27 high school students who, on or after July 1, 2007, receive a
3 28 diploma from a public high school by the end of their junior
3 29 year. The students must be residents of Iowa who are admitted
3 30 and in attendance as full-time or part-time resident students
3 31 at an accredited Iowa postsecondary institution. The program
3 32 is to be administered by the college student aid commission.

3 33 The amount of the grant awarded to a full-time student is
3 34 an amount equal to the state cost per pupil or \$5,000,
3 35 whichever is greater. The amount to a part-time student is



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4 1 prorated. However, if the grant amount exceeds the amount
4 2 necessary to pay the student's educational expenses for an
4 3 academic year, the commission is directed to retain the excess
4 4 grant moneys for the student's educational expenses in the
4 5 next two consecutive academic years. If the student fails to
4 6 enroll and attend an accredited Iowa postsecondary institution
4 7 by June 30 of the third consecutive academic year, the grant
4 8 moneys retained for the student's use by the commission revert
4 9 to the general fund of the state.

4 10 The bill directs the department of education to annually
4 11 provide the general assembly with an estimate of the number of
4 12 high school sophomores in Iowa who, in the next succeeding
4 13 school year, will be eligible to receive a high school
4 14 diploma.

4 15 The bill also requires the board of directors of a school
4 16 district to publicize in, at a minimum, the school district's
4 17 student handbook and on the school district's web page, the
4 18 higher education opportunities available to students,
4 19 including opportunities under the jump-start grant program and
4 20 under the postsecondary enrollment options Act, and classes
4 21 offered under district-to-community college sharing
4 22 agreements.

4 23 LSB 1332YH 82

4 24 kh:rj/sh/8



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House File 45

HOUSE FILE
BY TYMESON

Passed House, Date _____ Passed Senate, 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 year for grades one through twelve for school
3 districts, charter schools, and accredited nonpublic schools,
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1843HH 82
7 kh/je/5



Iowa General Assembly
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House File 45 continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 19, Code 2007, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 256.7, Code 2007, is amended by adding the
1 4 following new subsection:

1 5 NEW SUBSECTION. 27. Adopt rules that define what
1 6 constitutes instructional time for purposes of the minimum
1 7 hours of instructional time set forth in section 279.10.
1 8 Instructional time shall not include the lunch period, recess,
1 9 time for noninstructional assemblies, late arrival or early
1 10 dismissal times required for emergency health or safety
1 11 factors, weather-related late starts or early releases, or
1 12 time used for professional development.

1 13 Sec. 3. Section 256F.4, subsection 5, Code 2007, is
1 14 amended to read as follows:

1 15 5. A charter school shall provide instruction for at least
1 16 the number of ~~days~~ hours required by section 279.10,
1 17 ~~subsection 1, or shall provide at least the equivalent number~~
~~1 18 of total hours.~~

1 19 Sec. 4. Section 279.10, subsections 1 and 2, Code 2007,
1 20 are amended to read as follows:

1 21 1. The school year shall begin on the first day of July
1 22 and each regularly established elementary and secondary school
1 23 shall begin no sooner than a day during the calendar week in
1 24 which the first day of September falls but no later than the
1 25 first Monday in December. However, if the first day of
1 26 September falls on a Sunday, school may begin on a day during
1 27 the calendar week which immediately precedes the first day of
1 28 September. ~~School shall continue for at least one hundred~~
~~1 29 eighty days, except as provided in subsection 3, and may be~~
1 30 maintained during the entire calendar year. ~~However, if the~~
~~1 31 board of directors of a district extends the school calendar~~
~~1 32 because inclement weather caused the district to temporarily~~
~~1 33 close school during the regular school calendar, the A school~~
1 34 district may excuse shall require a graduating senior who has
~~1 35 met district or school to meet the same requirements for~~



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2 1 ~~graduation from~~ attendance during the ~~extended~~ school calendar
2 2 as those required of any other class of students enrolled at
2 3 the secondary level in the school district, except with regard
2 4 to activities related to graduation as authorized by the
2 5 school district. The minimum hours of instructional time in a
2 6 school year for grades one through six shall be nine hundred
2 7 ninety hours. The minimum hours of instructional time in a
2 8 school year for grades seven through twelve shall be one
2 9 thousand eighty hours. A school corporation may begin
2 10 employment of personnel for in-service training and
2 11 development purposes before the date to begin elementary and
2 12 secondary school.

2 13 2. The board of directors shall hold a public hearing on
2 14 any ~~proposal~~ request authorized under subsection 4 prior to
2 15 submitting it to the department of education for approval.

2 16 Sec. 5. FUTURE EFFECTIVE DATE. This Act takes effect July
2 17 1, 2009.

2 18 EXPLANATION

2 19 This bill replaces the current 180-day school calendar,
2 20 which converts to a required 990 hours of instructional school
2 21 time at 5.5 hours per day, with a requirement that the school
2 22 calendar include 990 hours of instructional time for grades
2 23 1-6 and 1,080 hours of instructional time for grades 7-12.

2 24 The bill strikes a Code provision directing the state board
2 25 of education to define the minimum school day and allowing the
2 26 minimum hours to include early dismissals or late arrivals for
2 27 inclement weather or emergency health factors and staff
2 28 development. However, the bill adds a new requirement that
2 29 the state board define what constitutes instructional time,
2 30 which the bill states cannot include the lunch period, recess,
2 31 assembly time, late arrival or early dismissal times, or
2 32 professional development time.

2 33 The bill eliminates a provision that authorizes a school
2 34 district to excuse a graduating senior from attendance on days
2 35 added to the school calendar to make up for days lost due to



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3 1 inclement weather. The bill requires that graduating seniors
3 2 meet the same attendance requirements as those required of any
3 3 other class of students at the secondary level, except with
3 4 regard to graduation activities.
3 5 The bill also includes a technical change.
3 6 The bill takes effect July 1, 2009.
3 7 LSB 1843HH 82
3 8 kh:rj/je/5



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House File 46

HOUSE FILE
BY TYMESON

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

A BILL FOR

1 An Act authorizing school districts to deduct and pay fees for
2 membership in not-for-profit professional education
3 associations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1844HH 82
6 kh/gg/14



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House File 46 continued

PAG LIN

1 1 Section 1. Section 279.59, Code 2007, is amended to read
1 2 as follows:

1 3 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION ASSOCIATIONS.

1 4 1. The board of directors of a school district shall
1 5 provide not-for-profit, professional education associations
1 6 that offer membership to teachers or administrators equal
1 7 access to teacher or administrator mailboxes for distribution
1 8 of professional literature.

1 9 2. Notwithstanding section 20.9, a school district may,
1 10 upon a teacher's or administrator's written request, deduct
1 11 from the salary or wages of the teacher or administrator an
1 12 amount specified by the teacher or administrator for payment
1 13 of dues or membership fees for the teacher's or
1 14 administrator's membership in a not-for-profit, professional
1 15 education association. If a written request is granted, all
1 16 other written requests for salary or wage deductions for
1 17 payment of dues or membership fees for membership in the same
1 18 not-for-profit, professional education association shall also
1 19 be granted. The teacher or administrator may withdraw the
1 20 request for the deduction at any time by giving the school
1 21 district thirty days' written notice.

1 22 3. For purposes of this section, unless the context
1 23 otherwise requires, "professional education association" means
1 24 an association in which the majority of members are
1 25 practitioners licensed in accordance with chapter 272.

1 26 EXPLANATION

1 27 This bill authorizes school districts, upon the request of
1 28 a teacher or administrator, to pay through payroll deduction
1 29 the teacher's or administrator's dues or membership fees in
1 30 any not-for-profit, professional education association. If
1 31 such a request is granted, all other requests for deductions
1 32 for payment of dues or membership fees for membership in the
1 33 same association shall also be granted.

1 34 Code section 20.9, which includes dues checkoffs within the
1 35 scope of negotiations for collective bargaining agreements, is



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2 1 made inapplicable to the payroll deduction provided for in the
2 2 bill.
2 3 LSB 1844HH 82
2 4 kh:rj/gg/14



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House Joint Resolution 1

HOUSE JOINT RESOLUTION
BY VAN FOSSEN

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

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to require approval by vote of the people
3 before certain tax or fee increases take effect.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1110YH 82
6 sc/sh/8



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House Joint Resolution 1 continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 The Constitution of the State of Iowa is amended by adding
1 4 the following new sections to new Article XIII:

1 5 ARTICLE XIII

1 6 PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES

1 7 PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES. SECTION 1.

1 8 If all tax and fee increases adopted in a fiscal year would
1 9 produce new annual revenue exceeding one percent of total
1 10 state general fund revenue received in the preceding fiscal
1 11 year, excluding transfers from other state funds, the
1 12 increases shall be submitted to the electors, starting with
1 13 the largest increase and including increases in descending
1 14 order, except the remaining increases that total one percent
1 15 or less. All increases of any one tax or fee shall together
1 16 be regarded as one increase. An adopted tax or fee increase
1 17 required by this article to be submitted to the electors shall
1 18 take effect only if submitted to the electors at the next
1 19 state general election and approved by a majority of the
1 20 electors voting thereon.

1 21 APPLICATION. SEC. 2. In this article:

1 22 1. "Local governments" includes all political
1 23 subdivisions.

1 24 2. a. "Increase" includes but is not limited to imposing
1 25 a new tax or fee; raising a rate or amount; repealing,
1 26 reducing, or delaying an exemption, deduction, credit,
1 27 exclusion, reduction, or indexing requirement; or broadening
1 28 the base or scope of a tax or fee in any way.

1 29 b. "Increase" includes legislation that allows or requires
1 30 one or more local governments, with or without approval by
1 31 local electors, to impose or increase any tax on income,
1 32 sales, or property, but excludes legislation in which the only
1 33 subject matter is establishment of the state percentage of
1 34 growth for school foundation aid.

1 35 c. "Increase" of property tax includes legislation that



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House Joint Resolution 1 continued

2 1 has the effect of reducing total state funds transferred to
2 2 all local governments in a fiscal year in comparison with the
2 3 preceding fiscal year, taking into account all legislation
2 4 increasing or reducing such transfers.

2 5 d. "Increase" of property tax includes legislation that
2 6 has the effect of requiring local governments to incur
2 7 aggregate net cost increases in a fiscal year, after deducting
2 8 increased transfers of state funds for the express purpose of
2 9 offsetting those cost increases. Such increased transfers
2 10 shall be deducted under this paragraph and not under paragraph
2 11 "c".

2 12 3. "New annual revenue" means the estimated net increase
2 13 over the fiscal year preceding adoption in total state general
2 14 fund revenue produced by the total of all tax and fee
2 15 increases adopted in a fiscal year, less estimated refunds
2 16 payable as a result of the increases, all as estimated for the
2 17 fiscal year in which all such increases are adopted, as if all
2 18 such increases and refunds were fully effective and entirely
2 19 implemented for that full fiscal year. Actual amounts, if
2 20 known, shall be used instead of estimates.

2 21 4. "Adopted" or "adoption" means that after 2010, a bill
2 22 has been passed and all requirements of article III have been
2 23 met, so that the bill would become law except for the
2 24 requirements of this article.

2 25 5. This article does not apply to taxes and fees subject
2 26 to article VII, sections 5 and 8.

2 27 EMERGENCY. SEC. 3. A temporary exception to the preceding
2 28 requirements of this article shall be allowed only to this
2 29 extent and only if all these conditions are met: (1) the
2 30 Governor requests the General Assembly to adopt an emergency
2 31 tax increase for only one specified fiscal year; (2) the
2 32 request specifically states the nature of the emergency, the
2 33 expenditures needed to respond to the emergency, and the
2 34 proposed tax increase to pay for the emergency expenditures
2 35 for that year; and (3) a law declaring an emergency and



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3 1 providing an emergency tax increase in accordance with the
3 2 Governor's specific request is passed by a vote of two-thirds
3 3 of all the members elected to each branch of the General
3 4 Assembly and is approved by the Governor. Such law shall not
3 5 be passed more than four months prior to the fiscal year to
3 6 which it applies. Such law must be enacted prior to
3 7 obligating any requested emergency expenditures.

3 8 ENFORCEMENT. SEC. 4. Any citizen or taxpayer may, within
3 9 two years after a tax or fee increase is adopted, bring suit
3 10 to enforce compliance with this article. If no such suit is
3 11 filed within the two-year period, the elector approval
3 12 requirement for that tax or fee increase is negated. The
3 13 Supreme Court shall have original jurisdiction of any such
3 14 suit. The Supreme Court shall invalidate any increase which
3 15 should have been, but was not, submitted to the electors as
3 16 required by this article and shall order that the revenue
3 17 collected in violation of this article be refunded or applied
3 18 to reduce future taxes. A citizen or taxpayer who brings suit
3 19 and prevails shall receive from the state the costs of the
3 20 suit, including reasonable attorney fees.

3 21 IMPLEMENTATION. SEC. 5. This article shall be interpreted
3 22 and implemented to achieve its purpose to increase the
3 23 electors' control of taxes and fees. The General Assembly
3 24 shall enact laws to implement this article.

3 25 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
3 26 amendment to the Constitution of the State of Iowa is referred
3 27 to the General Assembly to be chosen at the next general
3 28 election for members of the General Assembly and the Secretary
3 29 of State is directed to cause it to be published for three
3 30 consecutive months previous to the date of that election as
3 31 provided by law.

3 32 EXPLANATION

3 33 This joint resolution proposes an amendment adding a new
3 34 Article XIII to the Constitution of the State of Iowa, giving
3 35 the people of Iowa the right to vote on certain adopted



Iowa General Assembly
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House Joint Resolution 1 continued

4 1 increases of taxes and fees, so that the increases will not
4 2 take effect unless approved by majority vote at a state
4 3 general election.
4 4 The amendment requires that a law or laws increasing any
4 5 taxes or fees that would result in new annual revenue of more
4 6 than 1 percent of total state general fund revenue received in
4 7 the fiscal year preceding enactment of the law or laws must
4 8 receive voter approval at a state general election. The
4 9 amendment defines "new annual revenue". The amendment also
4 10 defines "increase". This definition includes legislation that
4 11 allows or requires a local government to impose or increase
4 12 any tax on income, sales, or property; legislation that has
4 13 the effect of reducing total state funds transferred to all
4 14 local governments; and legislation that requires local
4 15 governments to incur aggregate net cost increases in a fiscal
4 16 year. The article does not apply to a statewide tax to pay a
4 17 state debt approved by the people or to motor vehicle fees and
4 18 fuel taxes.
4 19 The amendment allows the general assembly, at the
4 20 governor's request and by two-thirds vote, to increase taxes
4 21 in emergency situations.
4 22 The amendment allows any citizen or taxpayer to bring suit
4 23 to enforce compliance with the voter approval requirement
4 24 within two years of adoption of a tax or fee increase. The
4 25 amendment also provides that the general assembly shall enact
4 26 laws to implement the amendment.
4 27 The resolution, if adopted, will be referred to the next
4 28 general assembly. If the next general assembly adopts the
4 29 resolution, the amendment will be submitted to the voters for
4 30 ratification.
4 31 LSB 1110YH 82
4 32 sc:rj/sh/8



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House Resolution 4

PAG LIN

1 1 HOUSE RESOLUTION NO. ____
1 2 BY WENDT and WHITEAD
1 3 A Resolution commemorating the sesquicentennial
1 4 anniversary of the founding of the city of Sioux City.
1 5 WHEREAS, in 1804 the Lewis and Clark Expedition
1 6 reached the banks of the mighty Missouri River at the
1 7 place where the city of Sioux City, Iowa, would later
1 8 be founded, and there Sergeant Charles Floyd of the
1 9 Corps of Discovery died and was laid to rest; and
1 10 WHEREAS, at that time Captain Lewis recorded
1 11 perhaps the first written description of the area
1 12 where the Big Sioux and Floyd Rivers join the Missouri
1 13 River; and
1 14 WHEREAS, an independent fur-trader, Theophile
1 15 Bruguier was the first settler on land that would
1 16 become Sioux City, founding a farm that later grew to
1 17 a collection of cabins, Indian tepees, and a trading
1 18 post; and
1 19 WHEREAS, early settlers begin platting the outline
1 20 of the city in the winter of 1854 and 1855, and in
1 21 1856 a steamboat arrived at the growing community from
1 22 St. Louis, loaded with ready-framed houses and
1 23 provisions, sparking additional growth; and
1 24 WHEREAS, on January 16, 1857, the city of Sioux
1 25 City, Iowa, was incorporated; and
1 26 WHEREAS, in the following decades Sioux City has
1 27 grown from a frontier town to a true metropolitan
1 28 community, supporting four institutions of higher
1 29 education: Morningside College, Briar Cliff
1 30 University, St. Luke's College of Nursing, and Western



**Iowa General Assembly
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House Resolution 4 continued

2 1 Iowa Tech Community College; a vibrant economy; and a
2 2 variety of cultural and entertainment opportunities;
2 3 and
2 4 WHEREAS, twice named an All-American City by the
2 5 National Civic League, Sioux City, Iowa, serves as the
2 6 regional hub for business, employment, industry,
2 7 retail trade, medical care, educational opportunities,
2 8 and tourism in northwest Iowa, southeast South Dakota,
2 9 and northeast Nebraska; and
2 10 WHEREAS, Sioux City has now developed a plan for
2 11 the Iowa Great Places initiative which focuses on
2 12 creating recreational trails and signs highlighting
2 13 attractions in the downtown area and preserving the
2 14 historic significance of the existing Sioux City
2 15 stockyards while also transforming the area for
2 16 recreational use; the plan also calls for creation of
2 17 a Sioux City School of Architecture to capitalize on
2 18 the community's unique terra cotta "brand"; and
2 19 WHEREAS, more than 140,000 people now live in that
2 20 tri-state metropolitan area; NOW THEREFORE,
2 21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 22 That the House of Representatives recognizes and
2 23 extends its congratulations to the city of Sioux City
2 24 on its sesquicentennial anniversary year and for its
2 25 150 years of service to its citizens and its role in
2 26 making the state of Iowa a great place to live and
2 27 work; and
2 28 BE IT FURTHER RESOLVED, That an official copy of
2 29 this Resolution be prepared and presented to the
2 30 citizens of Sioux City.



**Iowa General Assembly
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House Resolution 4 continued

3 1 LSB 1714HH 82
3 2 jr:rj/gg/14.2



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

House Study Bill 10

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

A BILL FOR

1 An Act restricting the presence of a registered sex offender on
2 the real property comprising a school or child care facility
3 and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1858YC 82
6 jm/je/5



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House Study Bill 10 continued

PAG LIN

1 1 Section 1. NEW SECTION. 692.3A PRESENCE ON THE REAL
1 2 PROPERTY COMPRISING A SCHOOL OR CHILD CARE FACILITY ==
1 3 RESTRICTION.
1 4 1. A person required to register under this chapter who
1 5 has been convicted of a criminal offense against a minor, or
1 6 an offense involving a minor that is an aggravated offense,
1 7 sexually violent offense, or other relevant offense, shall not
1 8 be knowingly present on the real property comprising a public
1 9 or nonpublic elementary or secondary school or child care
1 10 facility, unless subsection 2 applies or any of the following
1 11 apply:
1 12 a. The person is transporting a minor who is a child of
1 13 the person to or from the school or child care facility.
1 14 b. The person is attending a parent=teacher conference
1 15 regarding a minor who is a child of the person.
1 16 c. The person has been summoned to discuss the academic or
1 17 social progress of a minor who is a child of the person.
1 18 d. The person is voting at the school or child care
1 19 facility during the hours designated to vote.
1 20 2. If the person intends to be present for any other
1 21 reason not enumerated in subsection 1, the person shall first
1 22 notify the administrative offices of the public or nonpublic
1 23 elementary or secondary school or child care facility that the
1 24 person intends to be present on the real property comprising
1 25 the school or child care facility, and the person shall
1 26 receive written permission from the school or child care
1 27 facility prior to entering onto the real property comprising
1 28 the school or child care facility.
1 29 3. A person who commits a violation of this section
1 30 commits an aggravated misdemeanor.
1 31 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 32 3, shall not apply to this Act.
1 33 EXPLANATION
1 34 This bill restricts the presence of a registered sex
1 35 offender on or near the real property comprising a school or



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House Study Bill 10 continued

2 1 child care facility.

2 2 The bill provides that a registered sex offender who has
2 3 been convicted of a criminal offense against a minor, or an
2 4 offense involving a minor that is an aggravated offense,
2 5 sexually violent offense, or other relevant offense, shall not
2 6 be present on the real property comprising a public or
2 7 nonpublic elementary or secondary school or child care
2 8 facility. However, the bill provides exceptions: (1) a sex
2 9 offender may be present on school or child care facility
2 10 property if the sex offender is transporting the offender's
2 11 child to or from school or a child care facility, the offender
2 12 is attending a parent=teacher conference, the sex offender is
2 13 summoned to discuss the academic or social progress of the
2 14 offender's child, or the sex offender is voting in an election
2 15 during the designated hours to vote; (2) if a sex offender is
2 16 to be present on the real property of a school or child care
2 17 facility for any other reason, the sex offender must first
2 18 receive written permission from the administration of the
2 19 school or child care facility prior to entering onto the
2 20 property.

2 21 A person who violates the bill commits an aggravated
2 22 misdemeanor.

2 23 An aggravated misdemeanor is punishable by confinement for
2 24 no more than two years and a fine of at least \$625 but not
2 25 more than \$6,250.

2 26 The bill may include a state mandate as defined in Code
2 27 section 25B.3. The bill makes inapplicable Code section
2 28 25B.2, subsection 3, which would relieve a political
2 29 subdivision from complying with a state mandate if funding for
2 30 the cost of the state mandate is not provided or specified.
2 31 Therefore, political subdivisions are required to comply with
2 32 any state mandate included in the bill.

2 33 LSB 1858YC 82

2 34 jm:rj/je/5



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House Study Bill 11

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to public funding for area education agencies.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1224XD 82
- 4 kh/je/5



Iowa General Assembly
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House Study Bill 11 continued

PAG LIN

1 1 Section 1. Section 257.35, subsections 2, 3, and 4, Code
1 2 2007, are amended by striking the subsections.
1 3 EXPLANATION
1 4 This bill strikes provisions of the Code that reduce, or
1 5 reduced, the amount of state aid and the portion of the
1 6 combined district cost calculated for area education agencies.
1 7 LSB 1224XD 82
1 8 kh:rj/je/5



Iowa General Assembly
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House Study Bill 12

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the establishment of state and school
- 2 antiharassment or antibullying policies, providing data
- 3 collection and reporting requirements, and providing for
- 4 immunity and other related matters.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1219DP 82
- 7 kh/cf/24



Iowa General Assembly
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January 17, 2007

House Study Bill 12 continued

PAG LIN

1 1 Section 1. Section 280.12, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention
1 4 goals, programs, training, and other initiatives.
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
1 6 PROHIBITED == POLICY == IMMUNITY.
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
1 8 committed to providing all students with a safe and civil
1 9 school environment in which all members of the school
1 10 community are treated with dignity and respect. The general
1 11 assembly finds that a safe and civil school environment is
1 12 necessary for students to learn and achieve at high academic
1 13 levels. Harassing and bullying behavior can seriously disrupt
1 14 the ability of school employees to maintain a safe and civil
1 15 environment, and the ability of students to learn and succeed.
1 16 Therefore, it is the policy of the state of Iowa that school
1 17 employees, volunteers, and students in Iowa schools shall not
1 18 engage in harassing or bullying behavior.
1 19 2. DEFINITIONS. For purposes of this section, unless the
1 20 context otherwise requires:
1 21 a. "Harassment" and "bullying" shall be construed to mean
1 22 the same and mean any conduct toward a student which is based
1 23 on any actual or perceived trait or characteristic of the
1 24 student and which creates an objectively hostile school
1 25 environment that meets one or more of the following
1 26 conditions:
1 27 (1) Places the student in reasonable fear of harm to the
1 28 student's person or property.
1 29 (2) Has a substantially detrimental effect on the
1 30 student's physical or mental health.
1 31 (3) Has the effect of substantially interfering with a
1 32 student's academic performance.
1 33 (4) Has the effect of substantially interfering with the
1 34 student's ability to participate in or benefit from the
1 35 services, activities, or privileges provided by a school.



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House Study Bill 12 continued

2 1 b. "Trait or characteristic of the student" includes but
2 2 is not limited to age, color, creed, national origin, race,
2 3 religion, marital status, sex, sexual orientation, gender
2 4 identity, physical attributes, physical or mental ability or
2 5 disability, ancestry, political party preference,
2 6 socioeconomic status, or familial status.

2 7 3. POLICY. On or before September 1, 2007, the board of
2 8 directors of a school district and the authorities in charge
2 9 of each accredited nonpublic school shall adopt a policy
2 10 declaring harassment and bullying in schools, on school
2 11 property, and at any school function, or school-sponsored
2 12 activity regardless of its location, in a manner consistent
2 13 with this section, as against state and school policy. The
2 14 board and the authorities shall make a copy of the policy
2 15 available to all school employees, volunteers, students, and
2 16 parents or guardians and shall take all appropriate steps to
2 17 bring the policy against harassment and bullying and the
2 18 responsibilities set forth in the policy to the attention of
2 19 school employees, volunteers, students, and parents or
2 20 guardians. Each policy shall, at a minimum, include all of
2 21 the following components:

2 22 a. A statement declaring harassment and bullying to be
2 23 against state and school policy. The statement shall include
2 24 but not be limited to the following provisions:

2 25 (1) School employees, volunteers, and students in school,
2 26 on school property, or at any school function or school=
2 27 sponsored activity shall not engage in harassing and bullying
2 28 behavior.

2 29 (2) School employees, volunteers, and students shall not
2 30 engage in reprisal, retaliation, or false accusation against a
2 31 victim, witness, or an individual who has reliable information
2 32 about such an act of harassment or bullying.

2 33 b. A definition of harassment and bullying that is no less
2 34 inclusive than the definition set forth in this section.

2 35 c. A description of the type of behavior expected from



Iowa General Assembly
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House Study Bill 12 continued

3 1 school employees, volunteers, parents or guardians, and
3 2 students relative to prevention measures, reporting, and
3 3 investigation of harassment or bullying.
3 4 d. The consequences and appropriate remedial action for a
3 5 person who violates the harassment and bullying policy.
3 6 e. A procedure for reporting an act of harassment or
3 7 bullying, including the identification by job title of the
3 8 school official responsible for ensuring that the policy is
3 9 implemented, and the identification of the person or persons
3 10 responsible for receiving reports of harassment or bullying.
3 11 f. A procedure for the prompt investigation of complaints,
3 12 either identifying the school principal or the principal's
3 13 designee as the individual responsible for conducting the
3 14 investigation, including a statement that investigators will
3 15 consider the totality of circumstances presented in
3 16 determining whether conduct objectively constitutes harassment
3 17 or bullying under this section.
3 18 g. A statement of the manner in which the policy will be
3 19 publicized.
3 20 4. PROGRAMS ENCOURAGED. The board of directors of a
3 21 school district and the authorities in charge of each
3 22 accredited nonpublic school are encouraged to establish
3 23 programs designed to eliminate harassment and bullying in
3 24 schools. To the extent that funds are available for these
3 25 purposes, school districts and accredited nonpublic schools
3 26 shall do the following:
3 27 a. Provide training on harassment and bullying policies to
3 28 school employees and volunteers who have significant contact
3 29 with students.
3 30 b. Develop a process to provide school employees,
3 31 volunteers, and students with the skills and knowledge to help
3 32 reduce incidents of harassment and bullying.
3 33 5. IMMUNITY. A school employee, volunteer, or student, or
3 34 a student's parent or guardian who promptly, reasonably, and
3 35 in good faith reports an incident of harassment or bullying,



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House Study Bill 12 continued

4 1 in compliance with the procedures in the policy adopted
4 2 pursuant to this section, to the appropriate school official
4 3 designated by the school district or accredited nonpublic
4 4 school, shall be immune from civil or criminal liability
4 5 relating to such report and to participation in any
4 6 administrative or judicial proceeding resulting from or
4 7 relating to the report.

4 8 6. COLLECTION REQUIREMENT. The board of directors of a
4 9 school district and the authorities in charge of each
4 10 nonpublic school shall develop and maintain a system to
4 11 collect harassment and bullying incidence data.

4 12 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 13 directors of a school district and the authorities in charge
4 14 of each nonpublic school shall integrate its antiharassment
4 15 and antibullying policy into the comprehensive school
4 16 improvement plan required under section 256.7, subsection 21,
4 17 and shall report data collected under subsection 6, as
4 18 specified by the department, to the local community.

4 19 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
4 20 be construed to preclude a victim from seeking administrative
4 21 or legal remedies under any applicable provision of law.

4 22 EXPLANATION

4 23 This bill relates to harassment and bullying of elementary
4 24 and secondary school students and establishes a state policy
4 25 that school employees, volunteers, and students in Iowa
4 26 schools shall not engage in harassing or bullying behavior.

4 27 The bill adds to the list of school improvement advisory
4 28 committee recommendation areas, that school districts and
4 29 schools must consider the committees' recommendations
4 30 regarding harassment or bullying prevention goals, programs,
4 31 training, and other initiatives.

4 32 The bill defines "harassment" and "bullying" to mean any
4 33 conduct toward a student that is based on any actual or
4 34 perceived trait or characteristic, which is also defined in
4 35 the bill; that creates an objectively hostile education



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House Study Bill 12 continued

5 1 environment; and that meets one or more of the conditions
5 2 specified in the bill.
5 3 The bill requires school boards and accredited nonpublic
5 4 schools to have a policy in place by September 1, 2007, that
5 5 states that school employees, volunteers, and students shall
5 6 not engage in harassing or bullying behavior. The policy must
5 7 be distributed to all concerned, define harassment and
5 8 bullying, describe the behavior expected from all concerned,
5 9 describe the consequences and appropriate remedial action for
5 10 violation of the policy, include a procedure for reporting
5 11 incidents, identify persons responsible for receiving reports,
5 12 include a procedure for the prompt investigation of
5 13 complaints, and list a range of sanctions and remedial actions
5 14 that can be taken with regard to confirmed incidents. The
5 15 policy also must prohibit reprisal, retaliation, or false
5 16 accusation against a victim, witness, or an individual who has
5 17 reliable information about an act of harassment or bullying.
5 18 The bill encourages school boards and schools to establish
5 19 programs designed to eliminate harassment and bullying in
5 20 schools, to provide training on harassment and bullying
5 21 policies, and to develop a process to help reduce incidents of
5 22 harassment and bullying.
5 23 The bill provides immunity from civil or criminal liability
5 24 to school employees, volunteers, and students and their
5 25 parents or guardians who report an incident of harassment or
5 26 bullying promptly, reasonably, and in good faith. Existing
5 27 administrative or legal remedies available to a victim are
5 28 unaffected by the provisions of the bill. The bill requires
5 29 schools to integrate their policies into their comprehensive
5 30 school improvement plans, which are submitted to the
5 31 department, and requires that data collected for the plan be
5 32 reported to the local community.
5 33 LSB 1219DP 82
5 34 kh:rj/cf/24.1



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House Study Bill 13

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the compulsory education attendance age and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1206XD 82
- 5 kh/gg/14



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House Study Bill 13 continued

PAG LIN

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 Except as provided in section 299.2, a child who has~~
1 5 ~~reached the age of six and is under sixteen eighteen years of~~
1 6 ~~age by September 15 is of compulsory attendance age. However,~~
1 7 ~~if a child enrolled in a school district or accredited~~
1 8 ~~nonpublic school reaches the age of sixteen eighteen on or~~
1 9 ~~after September 15, the child remains of compulsory age until~~
1 10 ~~the end of the regular school calendar.~~

1 11 Sec. 2. Section 299.2, unnumbered paragraph 1, Code 2007,
1 12 is amended to read as follows:

1 13 ~~Section~~ Sections 299.1 and 299.1A shall not apply to any
1 14 child:

1 15 Sec. 3. Section 299A.8, Code 2007, is amended to read as
1 16 follows:

1 17 299A.8 DUAL ENROLLMENT.

1 18 If a parent, guardian, or legal custodian of a child who is
1 19 receiving competent private instruction under this chapter ~~or~~
~~1 20 a child over compulsory age who is receiving private~~
~~1 21 instruction~~ submits a request, the child shall also be
1 22 registered in a public school for dual enrollment purposes.
1 23 If the child is enrolled in a public school district for dual
1 24 enrollment purposes, the child shall be permitted to
1 25 participate in any academic activities in the district and
1 26 shall also be permitted to participate on the same basis as
1 27 public school children in any extracurricular activities
1 28 available to children in the child's grade or group, and the
1 29 parent, guardian, or legal custodian shall not be required to
1 30 pay the costs of any annual evaluation under this chapter. If
1 31 the child is enrolled for dual enrollment purposes, the child
1 32 shall be included in the public school's basic enrollment
1 33 under section 257.6. A pupil who is participating only in
1 34 extracurricular activities shall be counted under section
1 35 257.6, subsection 1, paragraph "f". A pupil enrolled in



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House Study Bill 13 continued

2 1 grades nine through twelve under this section shall be counted
2 2 in the same manner as a shared-time pupil under section 257.6,
2 3 subsection 1, paragraph "c".

2 4 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
2 5 with section 25B.2, subsection 3, the state cost of requiring
2 6 compliance with any state mandate included in this Act shall
2 7 be paid by a school district from state school foundation aid
2 8 received by the school district under section 257.16. This
2 9 specification of the payment of the state cost shall be deemed
2 10 to meet all the state funding-related requirements of section
2 11 25B.2, subsection 3, and no additional state funding shall be
2 12 necessary for the full implementation of this Act by and
2 13 enforcement of this Act against all affected school districts.

2 14 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1,
2 15 2008.

2 16 EXPLANATION

2 17 This bill raises the compulsory school attendance age from
2 18 16 to 18 years of age. The bill includes technical amendments
2 19 to eliminate a reference to the compulsory attendance age for
2 20 purposes of dual enrollment and to exempt children who meet
2 21 conditions existing in Code section 299.2.

2 22 The bill may include a state mandate as defined in Code
2 23 section 25B.3. The bill requires that the state cost of any
2 24 state mandate included in the bill be paid by a school
2 25 district from state school foundation aid received by the
2 26 school district under Code section 257.16. The specification
2 27 is deemed to constitute state compliance with any state
2 28 mandate funding-related requirements of Code section 25B.2.
2 29 The inclusion of this specification is intended to reinstate
2 30 the requirement of political subdivisions to comply with any
2 31 state mandates included in the bill.

2 32 The bill takes effect July 1, 2008.

2 33 LSB 1206XD 82

2 34 kh:nh/gg/14



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House Study Bill 14

SENATE FILE
BY (PROPOSED CIVIL RIGHTS
COMMISSION BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to policies establishing residency qualifications
2 for purposes of paying postsecondary tuition and fees at
3 public institutions of higher education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1222DP 82
6 kh/cf/24



Iowa General Assembly
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House Study Bill 14 continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 22. Adopt a policy, to take effect not
1 4 later than January 1, 2008, relating to an additional
1 5 classification of students for purposes of determining tuition
1 6 and fees, that provides equal opportunity for granting
1 7 resident status to individuals who meet all of the following
1 8 conditions:
1 9 a. Attended an accredited high school in this state for at
1 10 least three years as of the date the individual graduated from
1 11 an accredited high school or received a high school
1 12 equivalency diploma in this state.
1 13 b. Is accepted for enrollment in a community college in
1 14 this state.
1 15 c. Was not required to pay tuition to attend a public high
1 16 school in this state.
1 17 d. Signs an affidavit, if the individual does not have a
1 18 social security number, stating that the individual will
1 19 pursue citizenship in the United States at the earliest
1 20 possible time the individual is able to do so.
1 21 Sec. 2. Section 262.9, Code 2007, is amended by adding the
1 22 following new subsection:
1 23 NEW SUBSECTION. 31. Adopt a policy, to take effect not
1 24 later than January 1, 2008, relating to an additional
1 25 classification of students for purposes of determining tuition
1 26 and fees, that provides equal opportunity for granting
1 27 resident status to individuals who meet all of the following
1 28 conditions:
1 29 a. Attended an accredited high school in this state for at
1 30 least three years as of the date the individual graduated from
1 31 an accredited high school or received a high school
1 32 equivalency diploma in this state.
1 33 b. Is accepted for enrollment in a university under the
1 34 control of the board in this state.
1 35 c. Was not required to pay tuition to attend a public high



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House Study Bill 14 continued

2 1 school in this state.

2 2 d. Signs an affidavit, if the individual does not have a
2 3 social security number, stating that the individual will
2 4 pursue citizenship in the United States at the earliest
2 5 possible time the individual is able to do so.

2 6 EXPLANATION

2 7 This bill directs the board of directors of a community
2 8 college and the state board of regents to adopt policies, to
2 9 take effect not later than January 1, 2008, relating to an
2 10 additional classification of students for purposes of
2 11 determining tuition and fees, that provide equal opportunity
2 12 for granting resident status to certain individuals. To meet
2 13 the requirements of the policy, an individual must have
2 14 attended an accredited high school in this state for at least
2 15 three years or received a high school equivalency diploma in
2 16 this state, be accepted for enrollment in a public
2 17 postsecondary institution in this state, must not have been
2 18 required to pay tuition to attend a public high school in this
2 19 state, and must sign an affidavit, if the individual does not
2 20 have a social security number, stating that the individual
2 21 will pursue U.S. citizenship at the earliest possible time the
2 22 individual is able to do so.

2 23 LSB 1222DP 82

2 24 kh:rj/cf/24



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

House Study Bill 15

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to an on-site fiscal review to be conducted under
2 phase II of the accreditation process upon recommendation by
3 the school budget review committee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1226XD 82
6 kh/je/5



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PAG LIN

1 1 Section 1. Section 256.11, subsection 10, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The school budget review committee
1 4 submits to the department a recommendation for a fiscal review
1 5 pursuant to section 257.31, subsection 18.

1 6 Sec. 2. Section 257.31, Code 2007, is amended by adding
1 7 the following new subsection:

1 8 NEW SUBSECTION. 18. If a school district exceeds its
1 9 authorized budget or carries a negative unspent balance for
1 10 two or more consecutive years, the committee may recommend
1 11 that the department implement a phase II on-site visit to
1 12 conduct a fiscal review pursuant to section 256.11, subsection
1 13 10, paragraph "e".

1 14 EXPLANATION

1 15 This bill permits the school budget review committee to
1 16 recommend that the department of education send an
1 17 accreditation team in to a school district for an on-site
1 18 fiscal review under phase II of the accreditation process if a
1 19 school district exceeds its authorized budget or carries a
1 20 negative unspent balance for two or more consecutive years.

1 21 LSB 1226XD 82

1 22 kh:nh/je/5



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House Study Bill 16

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1232XD 82
6 kh/je/5



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House Study Bill 16 continued

PAG LIN

1 1 Section 1. Section 22.7, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Personal information in records regarding a student,
1 4 prospective student, or former student maintained, created,
1 5 collected or assembled by or for a school corporation or
1 6 educational institution maintaining such records. This
1 7 subsection shall not be construed to prohibit a postsecondary
1 8 education institution from disclosing to a parent or guardian
1 9 information regarding a violation of a federal, state, or
1 10 local law, or institutional rule or policy governing the use
1 11 or possession of alcohol or a controlled substance if the
1 12 child is under the age of twenty-one years and the institution
1 13 determines that the student committed a disciplinary violation
1 14 with respect to the use or possession of alcohol or a
1 15 controlled substance regardless of whether that information is
1 16 contained in the student's education records. This subsection
1 17 shall not be construed to prohibit a school corporation or
1 18 educational institution from transferring student records
1 19 electronically to the department of education, accredited
1 20 nonpublic schools, attendance centers, school districts, and
1 21 accredited postsecondary institutions in accordance with
1 22 section 256.9, subsection 52.
1 23 Sec. 2. Section 73.1, unnumbered paragraph 1, Code 2007,
1 24 is amended to read as follows:
1 25 Every commission, board, committee, officer, or other
1 26 governing body of the state, or of any county, township,
1 27 school district, or city, and every person acting as
1 28 contracting or purchasing agent for any such commission,
1 29 board, committee, officer, or other governing body shall use
1 30 only those products and provisions grown and coal produced
1 31 within the state of Iowa, when they are found in marketable
1 32 quantities in the state and are of a quality reasonably suited
1 33 to the purpose intended, and can be secured without additional
1 34 cost over foreign products or products of other states. This
1 35 section shall apply to horticultural products grown in this



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

2 6 Sec. 3. Section 256.10, subsection 2, Code 2007, is
2 7 amended to read as follows:

2 8 2. Appointments to the professional staff of the
2 9 department shall be without reference to political party
2 10 affiliation, religious affiliation, sex, or marital status,
2 11 but shall be based solely upon fitness, ability, and proper
2 12 qualifications for the particular position. The professional
2 13 staff shall serve at the discretion of the director. ~~A member~~
~~2 14 of the professional staff shall not be dismissed for cause~~
~~2 15 without appropriate due process procedures including a~~
~~2 16 hearing.~~

2 17 Sec. 4. Section 256.11, subsection 13, paragraph a,
2 18 subparagraphs (1) and (2), Code 2007, are amended to read as
2 19 follows:

2 20 (1) Courses comprising the ~~limited program~~ core academic
2 21 program described in subsection 5, paragraphs "a" through "f".

2 22 (2) Health and licensure requirements for personnel.

2 23 Sec. 5. Section 256B.6, Code 2007, is amended to read as
2 24 follows:

2 25 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

2 26 1. When the school district or area education agency has
2 27 provided special education services and programs as provided
2 28 herein for any child requiring special education, either by
2 29 admission to a special class or by supportive services, it
2 30 shall be the duty of the parent or guardian to enroll ~~said~~ the
2 31 child for instruction in such special classes or supportive
2 32 services as may be established, except in the event a doctor's
2 33 certificate is filed with the secretary of the school district
2 34 showing that it is inadvisable for medical reasons for the
2 35 child requiring special education to receive the special



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3 1 education provided; all the provisions and conditions of
3 2 chapter 299 ~~and amendments thereto~~ shall be applicable to this
3 3 section, and any violations shall be punishable as provided in
3 4 ~~said~~ chapter 299.

3 5 2. A child, or the parent or guardian of the child, or the
3 6 school district in which the child resides, may obtain a
3 7 review of an action or omission of state or local authorities
3 8 pursuant to the procedures established by the state board of
3 9 education on the ground that the child has been or is about to
3 10 be:

3 11 ~~1.~~ a. Denied entry or continuance in a program of special
3 12 education appropriate to the child's condition and needs.

3 13 ~~2.~~ b. Placed in a special education program which is
3 14 inappropriate to the child's condition and needs.

3 15 ~~3.~~ c. Denied educational services because no suitable
3 16 program of education or related services is maintained.

3 17 ~~4.~~ d. Provided with special education which is
3 18 insufficient in quantity to satisfy the requirements of law.

3 19 ~~5.~~ e. Assigned to a program of special education when the
3 20 child does not have a disability.

3 21 3. When a child requiring special education attains the
3 22 age of majority or is incarcerated in an adult or juvenile,
3 23 state or local, correctional institution, all rights accorded
3 24 to the parent or guardian under this chapter transfer to the
3 25 child except as provided in this subsection. Any notice
3 26 required by this chapter shall be provided to both the child
3 27 who has reached the age of majority or is incarcerated in an
3 28 adult or juvenile, state or local, correctional institution,
3 29 and the parent or guardian. If rights under this chapter have
3 30 transferred to a child and the child has been determined to be
3 31 incompetent by a court or determined unable to provide
3 32 informed educational consent by a court or other competent
3 33 authority, then rights under this chapter shall be exercised
3 34 by the person who has been appointed to represent the
3 35 educational interest of the child.



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4 1 4. Notwithstanding section 17A.11, the state board of
4 2 education shall adopt rules for the appointment of an
4 3 impartial administrative law judge for special education
4 4 appeals. The rules shall comply with federal statutes and
4 5 regulations.

4 6 Sec. 6. Section 257.6, subsection 1, paragraph c, Code
4 7 2007, is amended to read as follows:

4 8 c. Shared-time and part-time pupils of school age enrolled
4 9 in public schools within the district, irrespective of the
4 10 districts in which the pupils reside, in the proportion that
4 11 the time for which they are enrolled or receive instruction
4 12 for the school year is to the time that full-time pupils
4 13 carrying a normal course schedule, at the same grade level, in
4 14 the same school district, for the same school year, are
4 15 enrolled and receive instruction. Tuition charges to the
4 16 parent or guardian of a shared-time or part-time nonresident
4 17 pupil shall be reduced by the amount of any increased state
4 18 aid received by the district by the counting of the pupil.
4 19 This paragraph applies to pupils from accredited nonpublic
4 20 schools accessing classes or services on the accredited
4 21 nonpublic school premises or the school district site, but
4 22 excludes accredited nonpublic pupils receiving classes or
4 23 services funded by federal grants or allocations.

4 24 Sec. 7. Section 257.11, subsection 3, paragraph a, Code
4 25 2007, is amended to read as follows:

4 26 a. In order to provide additional funds for school
4 27 districts ~~which~~ that send their resident pupils and
4 28 nonresident pupils in attendance who are participating in open
4 29 enrollment under section 282.18 or under a whole grade sharing
4 30 agreement executed under sections 282.10 through 282.12 to a
4 31 community college for classes, a supplementary weighting plan
4 32 for determining enrollment is adopted.

4 33 Sec. 8. Section 257.11, subsection 3, paragraph b,
4 34 unnumbered paragraph 1, Code 2007, is amended to read as
4 35 follows:



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5 1 If the school budget review committee certifies to the
5 2 department of management that the class would not otherwise be
5 3 implemented without the assignment of additional weighting,
5 4 pupils attending a ~~community college-offered class or~~
~~5 5 attending a class taught by a community college-employed~~
~~5 6 instructor~~ that meets the requirements of this subsection are
5 7 assigned a weighting of forty-eight hundredths of the
5 8 percentage of the pupil's school day during which the pupil
5 9 attends such class ~~in the community college or attends a class~~
~~5 10 taught by a community college-employed instructor.~~ The
5 11 following requirements shall be met for the purposes of
5 12 assigning an additional weighting for classes offered through
5 13 a sharing agreement between a school district and community
5 14 college. The class must be:
5 15 Sec. 9. Section 257.11, subsection 3, paragraph b,
5 16 subparagraph (5), Code 2007, is amended to read as follows:
5 17 (5) Taught by a community college-employed instructor or
5 18 by a school district instructor for whose services the
5 19 community college has contracted specifically to teach the
5 20 course.
5 21 Sec. 10. Section 257.11, subsection 7, Code 2007, is
5 22 amended to read as follows:
5 23 7. PUPILS INELIGIBLE. ~~A pupil eligible for the weighting~~
~~5 24 plan provided in section 256B.9 is not eligible for~~
~~5 25 supplementary weighting pursuant to this section.~~ A pupil
5 26 attending an alternative program or an at-risk pupils'
5 27 program, including alternative high school programs, is not
5 28 eligible for supplementary weighting under subsection 2.
5 29 Sec. 11. Section 257.13, subsection 2, Code 2007, is
5 30 amended to read as follows:
5 31 2. The board of directors of a school district that wishes
5 32 to receive an on-time funding budget adjustment shall adopt a
5 33 resolution to receive the adjustment and notify the school
5 34 budget review committee by November ~~±~~ 15, annually. The
5 35 school budget review committee shall establish a modified



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6 1 allowable growth in an amount determined pursuant to
6 2 subsection 1.
6 3 Sec. 12. Section 257.37, subsection 4, Code 2007, is
6 4 amended to read as follows:
6 5 4. "Enrollment served" means the basic enrollment plus the
6 6 number of nonpublic school pupils served with media services
6 7 or educational services, as applicable, except that if a
6 8 nonpublic school pupil or a pupil attending another district
6 9 under a whole grade sharing agreement or open enrollment
6 10 receives services through an area other than the area of the
6 11 pupil's residence, the pupil shall be deemed to be served by
6 12 the area of the pupil's residence, which shall by contractual
6 13 arrangement reimburse the area through which the pupil
6 14 actually receives services. Each school district shall
6 15 include in the enrollment report submitted pursuant to section
6 16 257.6, subsection 1, the number of nonpublic school pupils
6 17 within each school district for media and educational services
6 18 served by the area. However, the school district shall not
6 19 include in the enrollment report nonpublic school pupils
6 20 receiving classes or services funded by federal grants or
6 21 allocations.

6 22 Sec. 13. Section 259A.1, Code 2007, is amended to read as
6 23 follows:

6 24 259A.1 TESTS.

6 25 The department of education shall cause to be made
6 26 available for qualified individuals a high school equivalency
6 27 diploma. The diploma shall be issued on the basis of
6 28 satisfactory competence as shown by tests covering all of the
6 29 following: language arts == reading, ~~arts,~~; language arts, ==
6 30 writing,; mathematics,; science,; and social studies.

6 31 Sec. 14. Section 259A.3, Code 2007, is amended to read as
6 32 follows:

6 33 259A.3 NOTICE AND FEE.

6 34 Any applicant who has achieved the minimum passing
6 35 standards as established by the department of education, and



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7 1 approved by the state board of education, shall be issued a
7 2 high school equivalency diploma by the department upon payment
7 3 of an ~~additional five dollars~~ amount specified by the
7 4 department by rule.

7 5 Sec. 15. Section 260C.35, unnumbered paragraph 2, Code
7 6 2007, is amended to read as follows:

7 7 With the approval of the director of the department of
~~7 8 education~~, the board of directors of a merged area at any one
7 9 time may sell any land in a single tract in excess of one
7 10 hundred sixty acres owned by the merged area, and an election
7 11 is not necessary in connection with the sale. The proceeds of
7 12 the sale may be used for any of the purposes stated in section
7 13 260C.22. This paragraph is in addition to any authority under
7 14 other provisions of law.

7 15 Sec. 16. Section 273.13, Code 2007, is amended to read as
7 16 follows:

7 17 273.13 ADMINISTRATIVE EXPENDITURES.

~~7 18 During the budget year beginning July 1, 1989, and the
7 19 three succeeding budget years, the board of directors of an
7 20 area education agency in which the administrative expenditures
7 21 as a percent of the area education agency's operating fund for
7 22 a base year exceed five percent shall reduce its
7 23 administrative expenditures to five percent of the area
7 24 education agency's operating fund. During each of the four
7 25 years, the board of directors shall reduce administrative
7 26 expenditures by twenty-five percent of the reduction in
7 27 administrative expenditure required by this section.
7 28 Thereafter, the An area education agency's administrative
7 29 expenditures shall not exceed five percent of the operating
7 30 general fund. Annually, the board of directors of an area
7 31 education agency shall certify to the department of education
7 32 the amounts of the area education agency's expenditures and
7 33 its operating general fund. For the purposes of this section,
7 34 "base year" and "budget year" mean the same as defined in
7 35 section 442.6, Code 1989, and section 257.2, and~~



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8 1 "administrative expenditures" means expenditures for executive
8 2 administration.

8 3 Sec. 17. Section 279.30, Code 2007, is amended to read as
8 4 follows:

8 5 279.30 EXCEPTIONS.

8 6 Each payment must be made payable to the person entitled to
8 7 receive the money or direct deposited to an account at a
8 8 financial institution, as defined in section 527.2, specified
8 9 by the person entitled to receive the money. The board of

8 10 directors of a school district or an area education agency may
8 11 by resolution authorize the secretary, upon approval of the
8 12 superintendent or designee, or administrator, in the case of
8 13 an area education agency, to issue payments when the board of
8 14 directors is not in session in payment of reasonable and
8 15 necessary expenses, but only upon verified bills filed with
8 16 the secretary or administrator, and for the payment of
8 17 salaries pursuant to the terms of a written contract. Each
8 18 payment must be made payable only to the person performing the
8 19 service or presenting the verified bill, and must state the
8 20 purpose for which the payment is issued. All bills and
8 21 salaries for which payments are issued prior to audit and
8 22 allowance by the board must be passed upon by the board of
8 23 directors at the next meeting and be entered in the regular
8 24 minutes of the secretary.

8 25 Sec. 18. Section 279.33, Code 2007, is amended to read as
8 26 follows:

8 27 279.33 ANNUAL SETTLEMENTS.

8 28 At a regular or special meeting held on or after August 31
8 29 and prior to the organizational meeting held after the regular
8 30 school election, the board of each school corporation shall
8 31 meet, examine the ~~books~~ accounting records of and settle with
8 32 the secretary and treasurer for the year ending on the
8 33 preceding June 30, and transact other business as necessary.

8 34 The treasurer at the time of settlement shall furnish the
8 35 board with a statement from each depository showing the
9 1 balance then on deposit in the depository. If the secretary
9 2 or treasurer fails to make proper reports for the settlement,
9 3 the board shall take action to obtain the balance information.

9 4 Sec. 19. Section 279.42, Code 2007, is amended to read as
9 5 follows:

9 6 279.42 GIFTS TO SCHOOLS.

9 7 The board of directors of a school district ~~which that~~
9 8 receives funds through ~~gifts~~ a gift, devise ~~devise, and~~
9 9 ~~requests or bequest~~ shall deposit ~~these the~~ funds in a trust
9 10 ~~and agency or permanent~~ fund and shall use ~~them the~~ funds in
9 11 accordance with the terms of the gift, devise, or bequest.

9 12 Sec. 20. Section 279.45, Code 2007, is amended to read as
9 13 follows:

9 14 279.45 ADMINISTRATIVE EXPENDITURES.

9 15 ~~For the budget year beginning July 1, 1989, and each of the~~
9 16 ~~following three budget years, the board of directors of a~~
9 17 ~~school district in which the administrative expenditures as a~~
9 18 ~~percent of the school district's operating fund for a base~~
9 19 ~~year exceed five percent, shall reduce its administrative~~
9 20 ~~expenditures so that they are one-half percent less as a~~
9 21 ~~percent of the school district's operating fund than they were~~



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~~9 22 for the base year. However, a school district is not required~~
~~9 23 to reduce its administrative expenditures below five percent~~
~~9 24 of its operating fund. Thereafter, a A school district shall~~
9 25 not increase the percent of its administrative expenditures
9 26 compared to its ~~operating~~ general fund. Annually, the board
9 27 of directors shall certify to the department of education the
9 28 amounts of the school district's administrative expenditures
9 29 and its ~~operating~~ general fund. For the purposes of this
9 30 section, "~~base year~~" and "~~budget year~~" mean the same as
~~9 31 defined in section 442.6, Code 1989, and section 257.2, and~~
9 32 "administrative expenditures" means expenditures for executive
9 33 administration.
9 34 Sec. 21. Section 282.1, unnumbered paragraph 1, Code 2007,
9 35 is amended to read as follows:



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10 1 Persons between five and twenty-one years of age are of
10 2 school age. Nonresident children shall be charged the maximum
10 3 tuition rate as determined in section 282.24, subsection 1,
10 4 with the exception that those residing temporarily in a school
10 5 corporation may attend school in the corporation upon terms
10 6 prescribed by the board, ~~and boards~~. A school district
10 7 discontinuing grades under section 282.7, subsection 1 or
10 8 subsections 1 and 3, shall be charged tuition as provided in
10 9 section 282.24, subsection ~~2~~ 1.

10 10 Sec. 22. Section 282.18, subsection 4, Code 2007, is
10 11 amended by adding the following new paragraph:

10 12 NEW PARAGRAPH. bb. If a transfer is requested after March
10 13 1 of the preceding school year on behalf of a pupil whose
10 14 sibling is already participating in open enrollment to the
10 15 receiving district, the receiving district shall take action
10 16 to approve the request.

10 17 Sec. 23. Section 282.18, subsection 5, Code 2007, is
10 18 amended to read as follows:

10 19 5. Open enrollment applications filed after March 1 of the
10 20 preceding school year that are not approved pursuant to
10 21 subsection 4, paragraph "bb" and do not qualify for good cause
10 22 as provided in subsection 4 shall be subject to the approval
10 23 of the board of the resident district and the board of the
10 24 receiving district. The parent or guardian shall send
10 25 notification to the district of residence and the receiving
10 26 district that the parent or guardian seeks to enroll the
10 27 parent's or guardian's child in the receiving district. A
10 28 decision of either board to deny an application filed under
10 29 this subsection involving repeated acts of harassment of the
10 30 student or serious health condition of the student that the
10 31 resident district cannot adequately address is subject to
10 32 appeal under section 290.1. The state board shall exercise
10 33 broad discretion to achieve just and equitable results that
10 34 are in the best interest of the affected child or children.

10 35 Sec. 24. Section 285.9, Code 2007, is amended by adding



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11 1 the following new subsection:

11 2 NEW SUBSECTION. 5. Review all transportation disputes
11 3 between districts. If the affected districts are located in
11 4 more than one area education agency, the area education agency
11 5 in which the larger of the districts is located shall be the
11 6 reviewing agency. In resolving disputes between districts,
11 7 the reviewing agency board shall, after receiving all facts,
11 8 make such alterations or changes as necessary to make the
11 9 arrangements, designations, and contracts conform to the legal
11 10 and established requirements and shall notify each affected
11 11 local school board of such action. An affected district may
11 12 appeal the decision of the agency board to the director of the
11 13 department of education by following the timelines and
11 14 procedures in section 285.12.

11 15 Sec. 25. Section 291.1, Code 2007, is amended to read as
11 16 follows:

11 17 291.1 PRESIDENT == DUTIES.

11 18 The president of the board of directors shall preside at
11 19 all of its meetings, sign all contracts made by the board, and
11 20 appear ~~in~~ on behalf of the corporation in all actions brought
11 21 by or against it, unless individually a party, in which case
11 22 this duty shall be performed by the secretary. The president
11 23 or the president's designee shall sign, using an original or
11 24 facsimile signature, all school district ~~warrants~~ payments
11 25 drawn and authorize electronic funds transfers as provided by
11 26 law. The board of directors, by resolution, may designate an
11 27 individual, who shall not be the secretary, to sign ~~warrants~~
11 28 payments or authorize electronic funds transfers on behalf of
11 29 the president.

11 30 Sec. 26. Section 291.6, subsection 3, Code 2007, is
11 31 amended by striking the subsection and inserting in lieu
11 32 thereof the following:

11 33 3. ACCOUNTING RECORDS. Keep an accurate accounting record
11 34 of each payment or electronic funds transfer from each fund
11 35 which shall be provided monthly to the board of directors.



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12 1 The secretary of the creditor district shall prepare and
12 2 deliver to debtor districts an itemized statement of tuition
12 3 fees charged in accordance with sections 275.55A and 282.11,
12 4 and section 282.24, subsection 1.

12 5 Sec. 27. Section 291.6, subsection 4, Code 2007, is
12 6 amended to read as follows:

12 7 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
12 8 expenses incurred by the corporation, and present the same to
12 9 the board for audit and payment.

12 10 Sec. 28. Section 291.7, Code 2007, is amended to read as
12 11 follows:

12 12 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

12 13 The secretary of each district shall file monthly with the
12 14 board of directors a complete statement of all receipts and
12 15 disbursements from ~~the various funds~~ each individual fund
12 16 during the preceding month, and also the balance remaining on
12 17 hand in ~~the various funds~~ each individual fund at the close of
12 18 the period covered by the statement, which monthly statements
12 19 shall be open to public inspection.

12 20 Sec. 29. Section 291.8, Code 2007, is amended by striking
12 21 the section and inserting in lieu thereof the following:

12 22 291.8 PAYMENTS.

12 23 The secretary shall make each authorized payment,
12 24 countersign using an original or facsimile signature, and
12 25 maintain accounting records of the payments or electronic
12 26 funds transfers, showing the number, date, payee, originating
12 27 fund, the purpose, and the amount; and shall provide to the
12 28 board at each regular annual meeting a copy of the accounting
12 29 records maintained by the secretary.

12 30 Sec. 30. Section 291.12, Code 2007, is amended to read as
12 31 follows:

12 32 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~

12 33 PAYMENTS.

12 34 The treasurer shall receive all moneys belonging to the
12 35 corporation, pay the same out only upon the order of the



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13 1 president countersigned by the secretary, ~~keeping~~ and shall
13 2 keep an accurate account accounting record of all receipts and
13 3 ~~expenditures in a book provided for that purpose.~~ The
13 4 treasurer shall register all ~~orders drawn~~ payments and
13 5 electronic funds transfers made and reported to the treasurer
13 6 by the secretary, showing the number, date, to whom drawn, the
13 7 fund upon from which drawn each payment and transfer was made,
13 8 the purpose and amount.

13 9 Sec. 31. Section 291.14, Code 2007, is amended to read as
13 10 follows:

13 11 291.14 FINANCIAL STATEMENT.

13 12 The treasurer shall render a statement of the finances of
13 13 the corporation whenever required by the board, and the
13 14 treasurer's ~~books~~ accounting records shall always be open for
13 15 inspection.

13 16 Sec. 32. Section 298A.13, Code 2007, is amended to read as
13 17 follows:

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

13 19 Trust, permanent, or agency funds shall be established by
13 20 any school corporation to account for gifts it receives to be
13 21 used for a particular purpose or to account for money and
13 22 property received and administered by the district as trustee
13 23 or custodian or in the capacity of an agent. Boards may
13 24 establish trust ~~and, permanent, or agency funds~~ as necessary.

13 25 Sec. 33. Section 299.1, unnumbered paragraph 2, Code 2007,
13 26 is amended to read as follows:

13 27 The board of directors of a public school district or the
13 28 governing body of an accredited nonpublic school may, by
13 29 resolution, require attendance for the entire time when the
13 30 schools are in session in any school year and adopt a policy
13 31 or rules relating to the reasons considered to be valid or
13 32 acceptable excuses for absence from school.

13 33 Sec. 34. Section 299A.11, Code 2007, is amended to read as
13 34 follows:

13 35 299A.11 STUDENT RECORDS CONFIDENTIAL.



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14 1 Notwithstanding any provision of law or rule to the
14 2 contrary, personal information in records regarding a child
14 3 receiving competent private instruction pursuant to this
14 4 chapter, which are maintained, created, collected, or
14 5 assembled by or for a state agency, shall be kept confidential
14 6 in the same manner as personal information in student records
14 7 maintained, created, collected, or assembled by or for a
14 8 school corporation or educational institution in accordance
14 9 with section 22.7, subsection 1. For purposes of this
14 10 section, "personal information in records regarding a child
14 11 receiving competent private instruction" shall include the
14 12 child's name and home address, as well as all other
14 13 information that personally identifies the child.

14 14 Sec. 35. Section 301.28, Code 2007, is amended to read as
14 15 follows:

14 16 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
14 17 SUPPLIES == PENALTY.

14 18 It shall be unlawful for any school director, officer, area
14 19 education director, or teacher to act as an agent for any
14 20 school textbooks or school supplies in any transaction with
14 21 the directors, officers, or other staff members of the school
14 22 district or the directors, officers, or other staff members of
14 23 the area education agency in which the school district is
14 24 located during such term of office or employment, and any
14 25 school director, officer, area education director, or teacher,
14 26 who ~~shall act~~ acts as an agent or dealer in school textbooks
14 27 or school supplies, within the school district or area
14 28 education agency in which the school district is located
14 29 during the term of such office or employment, in violation of
14 30 this section shall be deemed guilty of a serious misdemeanor.

14 31 Sec. 36. Section 321.1, subsection 69, unnumbered
14 32 paragraph 1, Code 2007, is amended to read as follows:

14 33 "School bus" means every vehicle operated for the
14 34 transportation of children to or from school or school
14 35 activities, except vehicles which are:



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House Study Bill 16 continued

15 1 Sec. 37. Section 321.1, subsection 69, paragraph d, Code
15 2 2007, is amended to read as follows:

15 3 d. Designed to carry not more than nine persons as
15 4 passengers, either school owned or privately owned, which are
15 5 used to transport pupils to activity events in which the
~~15 6 pupils are participants or used to transport pupils to their~~
15 7 homes in case of illness or other emergency situations. The
15 8 vehicles operated under the provisions of this paragraph shall
15 9 be operated by employees of the school district who are
15 10 specifically approved by the local superintendent of schools
15 11 for the assignment.

15 12 Sec. 38. Section 321.373, subsection 1, Code 2007, is
15 13 amended to read as follows:

15 14 1. Every school bus ~~except private passenger vehicles used~~
~~15 15 as school buses as defined in section 321.1, subsection 69,~~
15 16 shall be constructed and equipped to meet safety standards
15 17 prescribed in rules adopted by the state board of education.
15 18 Such rules shall conform to safety standards set forth in
15 19 federal laws and regulations and shall conform, insofar as
15 20 practicable, to the minimum standards for school buses
15 21 recommended by the national conference on school
15 22 transportation administered by the national commission on
15 23 safety education and published by the national education
15 24 association.

15 25 Sec. 39. Section 331.756, subsection 7, Code 2007, is
15 26 amended to read as follows:

15 27 7. Give advice or a written opinion, without compensation,
15 28 to the board and other county officers and to ~~school and~~
15 29 township officers, when requested by an officer, upon any
15 30 matters in which the state, county, ~~school,~~ or township is
15 31 interested, or relating to the duty of the officer in any
15 32 matters in which the state, county, ~~school,~~ or township may
15 33 have an interest, but the county attorney shall not appear
15 34 before the board at a hearing in which the state or county is
15 35 not interested.



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17 1 licensure requirements established under the Code. The
17 2 educational standards include five units of science, five
17 3 units of social studies, six units of English=language arts,
17 4 four units of a sequential program in mathematics, two
17 5 additional units of mathematics, and four sequential units of
17 6 one foreign language. The schools are not required to meet
17 7 other educational standards, including standards for physical
17 8 education, vocational education, fine arts, or health.
17 9 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.6
17 10 is amended to provide that when a child requiring special
17 11 education reaches the age of majority or is incarcerated in a
17 12 correctional institution, the rights of the child's parent or
17 13 guardian transfers to the child, and any notice to that
17 14 child's parent or guardian must also be provided to the child.
17 15 If the child is determined to be incompetent, these rights
17 16 shall be exercised by the person appointed to represent the
17 17 educational interest of the child.
17 18 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
17 19 257.6, subsection 1, paragraph c, is amended to specify that
17 20 accredited nonpublic school pupils receiving classes or
17 21 services funded by federal grants or allocations shall not be
17 22 counted in a school district's enrollment as shared=time or
17 23 part=time pupils. The bill makes a conforming change to Code
17 24 section 257.37, subsection 4.
17 25 SUPPLEMENTARY WEIGHTING. The bill amends Code section
17 26 257.11, subsection 3, paragraph a; paragraph b, unnumbered
17 27 paragraph 1; and paragraph b, subparagraph (5); and Code
17 28 section 257.11, subsection 7, to allow pupils participating in
17 29 open enrollment and pupils attending under a whole grade
17 30 sharing agreement to be counted for purposes of general
17 31 supplementary weighting for a school district; to provide for
17 32 supplementary weighting for classes taught not only by a
17 33 community college=employed instructor but also by a school
17 34 district instructor with whom the community college has a
17 35 contract to teach such classes; and to provide that pupils who



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18 1 are eligible for special education weighting are also eligible
18 2 for supplementary weighting.

18 3 ON=TIME BUDGET ADJUSTMENT. Code section 257.13, subsection
18 4 2, is amended to extend to November 15 the annual date by
18 5 which the board of directors of a school district that wishes
18 6 to receive an on=time funding budget adjustment must adopt a
18 7 resolution to receive the adjustment and notify the school
18 8 budget review committee. The current date is November 1.

18 9 HIGH SCHOOL EQUIVALENCY DIPLOMAS. Code sections 259A.1 and
18 10 259A.3 are amended to specify that high school equivalency
18 11 diplomas can be issued only on the basis of competence in both
18 12 language arts reading and language arts writing, in addition
18 13 to the current requirements for competence in mathematics,
18 14 science, and social studies; and to permit the department of
18 15 education to specify by rule the amount which must be paid by
18 16 an applicant for a high school equivalency diploma.

18 17 LIMITATION ON LAND. The bill amends Code section 260C.35,
18 18 unnumbered paragraph 2, to specify that the board of directors
18 19 of a community college may, at any one time and with the
18 20 approval of the director of the department of education, sell
18 21 any land in a single tract in excess of 160 acres without an
18 22 election.

18 23 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
18 24 are amended by striking obsolete language, including replacing
18 25 the word "operating" with the word "general" to refer to the
18 26 fund an area education agency (AEA) or school district can use
18 27 for administrative expenditures.

18 28 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
18 29 279.30 is amended to allow the board of directors of a school
18 30 district or of an AEA to direct deposit a payment at a
18 31 financial institution specified by the person entitled to the
18 32 money. Code sections 279.33 and 291.1; Code section 291.6,
18 33 subsections 3 and 4; and Code sections 291.7, 291.8, 291.12,
18 34 and 291.14 are amended to replace references to "books",
18 35 "registers", and "warrants" with references to payments,
19 1 electronic funds transfers, and "accounting records" and to
19 2 make related changes.

19 3 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
19 4 are amended to give school districts the option of
19 5 establishing a permanent fund for gifts received and to allow
19 6 school districts to deposit funds received from gifts,
19 7 devises, and bequests into a trust or permanent fund; and to
19 8 strike the word "agency" from section 279.42 as agency funds
19 9 are not used for deposit of gifts.

19 10 CODE CORRECTION. The bill makes corrections to Code
19 11 section 282.1 to change a reference, and to Code section
19 12 299.1, unnumbered paragraph 2, to refer to the board of
19 13 directors of a public school district.

19 14 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
19 15 subsection 4, is amended to require that a receiving district
19 16 approve a transfer request submitted after March 1 of the
19 17 preceding school year if the sibling of the pupil for whom the
19 18 request is made is already participating in open enrollment to
19 19 the receiving district. The bill makes a conforming change to
19 20 Code section 282.18, subsection 5.

19 21 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new



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19 22 subsection 5 to Code section 285.9 to assign the duty of
19 23 reviewing and resolving all transportation disputes between
19 24 districts to the AEA boards.
19 25 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
19 26 Code section 301.28 is amended to prohibit a school director,
19 27 officer, area education director, or teacher from acting as an
19 28 agent for school textbooks or school supplies in any
19 29 transaction with directors, officers, or staff of the school
19 30 district or the AEA in which the school district is located.
19 31 Currently, such persons are prohibited from acting as an agent
19 32 for any school textbooks or school supplies, rather than as an
19 33 agent for school textbooks or school supplies in any
19 34 transaction with the school district or AEA.
19 35 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,



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20 1 is amended to add to the definition of "school bus", that the
20 2 term also includes a vehicle operated for the transportation
20 3 of children to or from school activities. Currently, the
20 4 definition is limited to transportation of children to or from
20 5 school. The bill makes a conforming amendment to Code section
20 6 321.373, subsection 1, to provide that every school bus,
20 7 including those used to transport students to school
20 8 activities, must be constructed and equipped to meet specified
20 9 safety standards.

20 10 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
20 11 section 331.756, subsection 7, which specifies the duties of
20 12 county attorneys, to eliminate a requirement that county
20 13 attorneys give advice or a written opinion, without
20 14 compensation, to school officers upon request.

20 15 YEAR AROUND SCHOOLS. The bill repeals Code section 256.20,
20 16 a provision which permitted school districts to request
20 17 approval from the state board of education for a pilot project
20 18 for a year around three-semester school year.

20 19 ADMINISTRATIVE ADVANCEMENT AND RECRUITMENT PROGRAM. The
20 20 bill repeals Code section 256.23, which establishes a
20 21 recruitment and advancement program to provide for the
20 22 allocation of grants to school corporations for pilot projects
20 23 that encourage the advancement of women and minorities to
20 24 administrative positions.

20 25 LSB 1232XD 82

20 26 kh:nh/je/5



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House Study Bill 17

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing school districts to count foreign exchange pupils
- 2 in certified enrollment counts for budget and funding
- 3 purposes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1225XD 82
- 6 ak/cf/24



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1 1 Section 1. Section 257.6, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. Foreign exchange pupils under the
1 4 federal exchange visa program enrolled in public schools
1 5 within the district.

1 6 EXPLANATION

1 7 This bill allows school districts to be compensated for
1 8 services provided to foreign exchange students by including
1 9 them in the actual student enrollment count each October.
1 10 These students, who are part of the federal J=1 visa program,
1 11 are not presently counted in the actual enrollment of a
1 12 school, which is one factor in determining state and local
1 13 financial support for schools.

1 14 LSB 1225XD 82

1 15 ak:rj/cf/24.1



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House Study Bill 7

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

A BILL FOR

- 1 An Act relating to the standardized training and state
- 2 certification of reserve peace officers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1835HC 82
- 5 rh/gg/14



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1 1 Section 1. Section 80D.1A, Code 2007, is amended to read
1 2 as follows:

1 3 80D.1A DEFINITIONS.

1 4 As used in this chapter, unless the context otherwise
1 5 requires:

1 6 1. "Academy" means the Iowa law enforcement academy.

1 7 2. "Council" means the Iowa law enforcement academy

1 8 council.

~~1 9 1. 3. "Minimum training course" means a curriculum of one~~
~~1 10 hundred fifty hours of training and instruction required for~~
~~1 11 certification as a reserve peace officer, excluding weapons~~
~~1 12 training basic training requirements developed by the academy~~
~~1 13 pursuant to the academy's rulemaking authority that a reserve~~
~~1 14 peace officer must complete within a prescribed time period to~~
~~1 15 become state certified as a reserve peace officer. The~~
~~1 16 minimum training course does not include required weapons~~
~~1 17 training.~~

1 18 2. 4. "Reserve force" means an organization of reserve
1 19 peace officers established as provided in this chapter.

1 20 3. 5. "Reserve peace officer" means a volunteer,
1 21 nonregular, sworn member of a law enforcement agency who
1 22 serves with or without compensation, has regular police powers
1 23 while functioning as a law enforcement agency's
1 24 representative, and participates on a regular basis in the law
1 25 enforcement agency's activities including crime prevention and
1 26 control, preservation of the peace, and enforcement of law.

1 27 Sec. 2. Section 80D.3, Code 2007, is amended to read as
1 28 follows:

1 29 80D.3 TRAINING STANDARDS.

1 30 1. Each person appointed to serve as a reserve peace
1 31 officer shall satisfactorily complete a minimum training
1 32 course as ~~provided in this section~~ established by academy
1 33 rules. In addition, if a reserve peace officer is authorized
1 34 to carry weapons, the officer shall satisfactorily complete
1 35 the same training course in the use of weapons as is required



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2 1 for basic training of regular peace officers by the ~~Iowa law~~
~~2 2 enforcement~~ academy. The minimum training course for reserve
2 3 peace officers ~~must~~ shall be satisfactorily completed within
2 4 ~~four years from the date of appointment~~ the time period
2 5 prescribed by academy rules. ~~If reserve Academy-approved~~
2 6 reserve peace officer training received before July 1, 1990,
~~2 7 meets the requirements of this section, the training 2007, may~~
2 8 be applied to meet the minimum training course requirements ~~of~~
~~2 9 this section~~ established by academy rules.

2 10 2. A reserve peace officer who does not carry a weapon
2 11 shall not be required to complete a weapons training course,
2 12 but the officer shall comply with all other training
2 13 requirements.

2 14 3. A person appointed to serve as a reserve peace officer,
2 15 who has received basic training as a peace officer and has
2 16 been certified by the ~~Iowa law enforcement~~ academy pursuant to
2 17 chapter 80B and rules adopted pursuant to chapter 80B, may be
2 18 exempted from completing the minimum training course at the
2 19 discretion of the appointing authority. ~~if the officer meets~~
~~2 20 one of the following qualifications:~~

2 21 a. ~~The appointee is serving as a regular peace officer~~
~~2 22 with a bona fide law enforcement agency when the application~~
~~2 23 for a reserve peace officer appointment is made.~~

2 24 b. ~~The appointee has served as a regular peace officer~~
~~2 25 with a bona fide law enforcement agency within three years of~~
~~2 26 the date of application for appointment as a reserve peace~~
~~2 27 officer.~~ However, such a person appointed to serve as a
2 28 reserve peace officer shall meet mandatory in-service training
2 29 requirements established by academy rules if the person has
2 30 not served as an active peace officer within one hundred
2 31 eighty days of appointment as a reserve peace officer.

2 32 4. The minimum training course required for a reserve
2 33 peace officer shall be conducted pursuant to sections 80D.4
2 34 and 80D.7, ~~and the following training schedule:~~

2 35 a. ~~During the first year, thirty hours of general law~~



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~~3 1 enforcement training is required as provided in section 80D.4~~
~~3 2 and as prescribed by the Iowa law enforcement academy council.~~

3 3 If weapons are to be carried, a reserve peace officer shall
3 4 complete a weapons training course having the same number of
3 5 hours of training as is required of regular peace officers in
3 6 basic training pursuant to section 80D.7.

~~3 7 b. During the second through the fourth year, forty hours~~
~~3 8 of training shall be provided each year. Ten hours annually~~
~~3 9 shall be obtained by each reserve peace officer working with a~~
~~3 10 regular peace officer. The remaining thirty hours annually~~
~~3 11 shall be selected by the appointing authority from the~~
~~3 12 approved basic training curriculum established by the Iowa law~~
~~3 13 enforcement academy for use in training regular peace~~
~~3 14 officers.~~

3 15 e. ~~Notwithstanding the time schedule provided in this~~
~~3 16 subsection, a~~ A person is eligible for state certification as
3 17 a reserve peace officer upon satisfactory completion of the
3 18 ~~one hundred fifty hours of training required for certification~~
3 19 and testing requirements specified by academy rules. A
3 20 reserve peace officer enrolled in an academy=approved minimum
3 21 course of training prior to July 1, 2007, shall obtain state
3 22 certification by July 1, 2012.

3 23 Sec. 3. Section 80D.4, Code 2007, is amended to read as
3 24 follows:

3 25 80D.4 TRAINING.

3 26 Training for individuals appointed as reserve peace
3 27 officers shall be provided by ~~that law enforcement agency, but~~
~~3 28 may be obtained~~ academy=certified instructors in a community
3 29 college or other facility, including a law enforcement agency,
3 30 selected by the individual and approved by the law enforcement
3 31 agency and the academy. Upon satisfactory completion of
3 32 training required by the Iowa law enforcement academy, the
3 33 ~~chief of police, sheriff, commissioner of public safety, or~~
~~3 34 director of the judicial district department of correctional~~
~~3 35 services~~ academy shall certify the individual as a reserve



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4 1 peace officer.

4 2 Sec. 4. NEW SECTION. 80D.4A TRAINING AND CERTIFICATION
4 3 REQUIREMENTS.

4 4 The director of the academy, subject to the approval of the
4 5 council, shall promulgate rules in accordance with the
4 6 provisions of this chapter and chapter 17A, giving due
4 7 consideration to varying factors and special requirements of
4 8 law enforcement agencies relative to the standardized training
4 9 and state certification of reserve peace officers.

4 10 EXPLANATION

4 11 This bill relates to standardized training and
4 12 certification standards for reserve peace officers in Iowa.

4 13 The bill provides that a standardized training and state
4 14 certification for reserve peace officers shall be established
4 15 by the Iowa law enforcement academy pursuant to the academy's
4 16 rulemaking authority. The bill provides that the director of
4 17 the academy, subject to the approval of the council, shall
4 18 promulgate such rules, giving due consideration to varying
4 19 factors and special requirements of law enforcement agencies
4 20 relative to the standardized training and state certification
4 21 of reserve peace officers. Current law allows a law
4 22 enforcement agency to which a reserve peace officer has been
4 23 appointed to provide reserve peace officer training, and
4 24 provides that a person may be certified as a reserve peace
4 25 officer by the academy, chief of police, sheriff, commissioner
4 26 of public safety, or director of the judicial district
4 27 department of correctional services.

4 28 The bill further specifies that academy-approved reserve
4 29 officer training received prior to July 1, 2007, may be
4 30 applied to meet the minimum training requirements established
4 31 by academy rules and that a peace officer is eligible for
4 32 state certification as a reserve peace officer upon
4 33 satisfactory completion of the requirements specified by
4 34 academy rules. A reserve peace officer appointed after July
4 35 1, 2007, shall obtain state certification consistent with the



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5 1 provisions of the bill by July 1, 2012.

5 2 The bill provides that a person appointed to serve as a
5 3 reserve peace officer shall meet mandatory in-service training
5 4 requirements established by academy rules if the person has
5 5 not served as an active peace officer within 180 days of
5 6 appointment as a reserve peace officer.

5 7 The bill provides that reserve peace officer training shall
5 8 be provided by an academy-certified instructor in a community
5 9 college or other approved facility, including a law
5 10 enforcement agency.

5 11 LSB 1835HC 82

5 12 rh:nh/gg/14



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House Study Bill 8

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to administration of highways and regulation of
2 motor vehicles by the state department of transportation,
3 including provisions relating to qualifications of property
4 appraisers, destruction of suspended or revoked driver's
5 licenses, requirements for a temporary restricted driver's
6 license, registration and titling of vehicles, legion of merit
7 special registration plates and fees, antique motor vehicle
8 registration plates and fees, licensing of motor vehicle
9 dealers, motor carrier registration and fuel tax liability,
10 and requirements for operation of motor vehicles in merging
11 traffic including a penalty, and providing effective dates.
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
13 TLSB 1106DP 82
14 dea/gg/14



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House Study Bill 8 continued

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1 1 DIVISION I
1 2 HIGHWAYS
1 3 Section 1. Section 543D.3, unnumbered paragraph 2, Code
1 4 2007, is amended to read as follows:
1 5 A person who is not a certified real estate appraiser under
1 6 this chapter may appraise real estate for compensation if
1 7 certification is not required by this chapter or by federal or
1 8 state law, rule, or policy. However, an employee of the state
1 9 department of transportation whose duties include appraisals
1 10 of property pursuant to chapter 6B must be a certified real
1 11 estate appraiser under this chapter or an associate real
1 12 estate appraiser registered by the board and acting under the
1 13 direct supervision of a certified real estate appraiser.

1 14 DIVISION II
1 15 MOTOR VEHICLES
1 16 Sec. 2. Section 321.16, Code 2007, is amended by adding
1 17 the following new unnumbered paragraph:
1 18 NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice
1 19 of immediate suspension or revocation of a driver's license as
1 20 provided in this chapter or any other chapter, the peace
1 21 officer may destroy the license or send the license to the
1 22 department.
1 23 Sec. 3. Section 321.24, subsection 11, Code 2007, is
1 24 amended to read as follows:
1 25 11. If the county treasurer or department is not satisfied
1 26 as to the ownership of the vehicle or that there are no
1 27 undisclosed security interests in it, or a junking certificate
1 28 has been issued for the vehicle but a certificate of title
1 29 will not be reissued under section 321.52, subsection 3, and
1 30 the vehicle qualifies as an antique vehicle under section
1 31 321.115, subsection 1, the county treasurer or department may
1 32 register the vehicle but shall, as a condition of issuing a
1 33 certificate of title and registration receipt, require the
1 34 applicant to file with the department a bond in the form
1 35 prescribed by the department and executed by the applicant,



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2 1 and either accompanied by the deposit of cash with the
2 2 department or also executed by a person authorized to conduct
2 3 a surety business in this state. The owner of a vehicle
2 4 subject to the bond requirements of this subsection shall
2 5 apply for a certificate of title and registration for the
2 6 vehicle at the county treasurer's office within thirty days of
2 7 issuance of written authorization from the department. The
2 8 bond shall be in an amount equal to one and one-half times the
2 9 current value of the vehicle as determined by the department
2 10 and conditioned to indemnify any prior owner and secured party
2 11 and any subsequent purchaser of the vehicle or person
2 12 acquiring any security interest in it, and their respective
2 13 successors in interest, against any expense, loss, or damage,
2 14 including reasonable attorney fees, by reason of the issuance
2 15 of the certificate of title of the vehicle or on account of
2 16 any defect in or undisclosed security interest upon the right,
2 17 title, and interest of the applicant in and to the vehicle.
2 18 Any such interested person has a right of action to recover on
2 19 the bond for any breach of its conditions, but the aggregate
2 20 liability of the surety to all persons shall not exceed the
2 21 amount of the bond. The bond, and any deposit accompanying
2 22 it, shall be returned at the end of three years or ~~prior~~
~~2 23 thereto~~ earlier if the vehicle is no longer registered in this
2 24 state and the currently valid certificate of title is
2 25 surrendered to the department, unless the department has been
2 26 notified of the pendency of an action to recover on the bond.
2 27 The department may authorize issuance of a certificate of
2 28 title as provided in this subsection for a vehicle with an
2 29 unreleased security interest upon presentation of satisfactory
2 30 evidence that the security interest has been extinguished ~~and~~
2 31 or that the holder of the security interest cannot be located
2 32 to release the security interest as provided in section
2 33 321.50.
2 34 Sec. 4. Section 321.34, subsection 15, unnumbered
2 35 paragraph 1, Code 2007, is amended to read as follows:



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3 1 The owner of a motor vehicle subject to registration under
3 2 section 321.109, subsection 1, motorcycle, trailer, or motor
3 3 truck, who has been awarded the legion of merit ~~may~~ shall be
3 4 issued one set of special registration plates with a legion of
3 5 merit processed emblem, upon written application to the
3 6 department and presentation of satisfactory proof of the award
3 7 of the legion of merit as established by the Congress of the
3 8 United States, ~~order special registration plates with a legion~~
~~3 9 of merit processed emblem.~~ The emblem shall be designed by
3 10 the department in cooperation with the adjutant general and
3 11 shall signify that the owner was awarded the legion of merit.
3 12 The application is subject to approval by the department, in
3 13 consultation with the adjutant general. The special plates
3 14 shall be issued at no charge and are subject to an annual
3 15 registration fee of fifteen dollars. The county treasurer
3 16 shall validate the special plates in the same manner as
3 17 regular registration plates are validated under this section.
3 18 Sec. 5. Section 321.112, Code 2007, is amended to read as
3 19 follows:
3 20 321.112 MINIMUM MOTOR VEHICLE FEE.
3 21 No motor vehicle, except as provided in ~~sections 321.115~~
~~3 22 and section 321.117,~~ shall be registered for a registration
3 23 year for less than ten dollars.
3 24 Sec. 6. Section 321.115, Code 2007, is amended by striking
3 25 the section and inserting in lieu thereof the following:
3 26 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.
3 27 1. A motor vehicle twenty-five years old or older may be
3 28 registered as an antique vehicle upon payment of the fee
3 29 provided for in section 321.113 or 321.122. The owner of a
3 30 motor vehicle registered under this subsection may display
3 31 registration plates from or representing the model year of the
3 32 motor vehicle, furnished by the person, in lieu of the current
3 33 and valid Iowa registration plates issued for the vehicle,
3 34 provided that the current and valid Iowa registration plates
3 35 and the registration card issued for the vehicle are



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4 1 simultaneously carried within the vehicle and are available
4 2 for inspection to any peace officer upon the officer's
4 3 request.

4 4 2. The sale of a motor vehicle twenty years old or older
4 5 which is primarily of value as a collector's item and not as
4 6 transportation is not subject to chapter 322, and any person
4 7 may sell such a vehicle at retail without a license as
4 8 required under chapter 322.

4 9 3. Truck tractors and semitrailers used in combination for
4 10 exhibition and educational purposes may be registered and
4 11 driven according to the provisions of subsection 1. Truck
4 12 tractors and semitrailers registered under this section shall
4 13 not be used to haul loads.

4 14 4. A person convicted of a violation of this section is
4 15 guilty of a simple misdemeanor punishable as a scheduled
4 16 violation under section 805.8A, subsection 2, paragraph "b".

4 17 Sec. 7. Section 321.134, subsection 2, Code 2007, is
4 18 amended to read as follows:

4 19 2. The annual registration fee for trucks, truck tractors,
4 20 and road tractors, as provided in sections 321.121 and
4 21 321.122, may be payable in two equal semiannual installments
4 22 if the annual registration fee exceeds the registration fee
4 23 for a vehicle with a gross weight exceeding five tons. The
4 24 penalties provided in subsection 1 shall be computed on the
4 25 amount of the first installment only and on the first day of
4 26 the seventh month of the registration period the same rate of
4 27 penalty shall apply to the second installment, until the fee
4 28 is paid. Semiannual installments do not apply to commercial
4 29 vehicles, as defined under section 326.2, subject to
4 30 proportional registration, with a base state other than the
4 31 state of Iowa, as defined in section 326.2, subsection 1. The
4 32 penalty on vehicles registered under chapter 326 accrues
4 33 August 1 of each year except as provided in section 326.6.
4 34 The department shall not allow the registration fee for a
4 35 commercial vehicle registered under chapter 326 to be paid in



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5 1 two equal semiannual installments for five years after the
5 2 registrant has paid the registration fee late for two
5 3 consecutive years.

5 4 Sec. 8. Section 321.206, Code 2007, is amended to read as
5 5 follows:

5 6 321.206 SURRENDER OF LICENSE == DUTY OF COURT.

5 7 If a person is convicted in court of an offense for which
5 8 this chapter requires mandatory revocation of the person's
5 9 driver's license or, if the person's license is a commercial
5 10 driver's license and the conviction disqualifies the person
5 11 from operating a commercial motor vehicle, the court shall
5 12 require the person to surrender the driver's license held by
5 13 the person and the court shall destroy the license or forward
5 14 the license together with a record of the conviction to the
5 15 department as provided in section 321.491.

5 16 Sec. 9. NEW SECTION. 321.319A DRIVERS REQUIRED TO MERGE.

5 17 Notwithstanding section 321.319, where traffic lanes are
5 18 provided for merging traffic, each driver of a vehicle on the
5 19 converging roadways or lanes shall adjust the speed and
5 20 lateral position of the vehicle as necessary to avoid a
5 21 collision with any other vehicle and to facilitate safe entry
5 22 of merging vehicles into the common lane. However, the driver
5 23 of a vehicle traveling on any traffic lane, ramp, or
5 24 converging roadway marked with a yield sign, stop sign, or
5 25 other traffic control sign or signal shall obey such sign or
5 26 signal.

5 27 A person convicted of a violation of this section is guilty
5 28 of a simple misdemeanor punishable as a scheduled violation
5 29 under section 805.8A, subsection 7, paragraph "b".

5 30 Sec. 10. Section 321J.4, subsection 9, paragraph d, Code
5 31 2007, is amended to read as follows:

5 32 d. The court shall determine if the temporary restricted
5 33 license is necessary for the person to maintain the person's
5 34 present employment. However, a temporary restricted license
5 35 shall not be ordered or issued for a violation of section



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6 1 321J.2A or to a person under the age of twenty-one whose
6 2 license is revoked under this section or section 321J.9 or
6 3 321J.12. If the court determines that the temporary
6 4 restricted license is necessary for the person to maintain the
6 5 person's present employment, and that the minimum period of
6 6 ineligibility for receipt of a temporary license has expired,
6 7 the court shall order the department to issue to the person a
6 8 temporary restricted license conditioned upon the person's
6 9 certification to the court of the installation of approved
6 10 ignition interlock devices in all motor vehicles that it is
6 11 necessary for the person to operate to maintain the person's
6 12 present employment. A person whose driver's license or
6 13 nonresident operating privilege has been revoked under section
6 14 321J.21 may apply to the department for a temporary restricted
6 15 license without the requirement of an ignition interlock
6 16 device if at least twelve years have elapsed since the end of
6 17 the underlying revocation period for a violation of section
6 18 321J.2.

6 19 Sec. 11. Section 322.4, Code 2007, is amended to read as
6 20 follows:

6 21 322.4 APPLICATION FOR LICENSE.

6 22 1. Each person before engaging in this state in the
6 23 business of selling at retail motor vehicles or representing
6 24 or advertising that the person is engaged or intends to engage
6 25 in such business in this state shall file in the office of the
6 26 department an application for license as a motor vehicle
6 27 dealer in the state in such form as the department may
6 28 prescribe, duly verified by oath, which application shall
6 29 include the following:

6 30 ~~1.~~ a. The name of the applicant and the applicant's
6 31 principal place of business wherever situated~~-, and the~~
6 32 following, as appropriate:

6 33 a. (1) If the applicant is an ~~individual == the~~
6 34 individual, the name or style under which the individual
6 35 intends to engage in such business.



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7 1 ~~b.~~ (2) If the applicant is a ~~copartnership~~ ~~== the~~
7 2 copartnership, the name or style under which ~~such the~~
7 3 copartnership intends to engage in such business and the name
7 4 and ~~post-office~~ bona fide address of ~~each partner~~ two
7 5 partners.

7 6 ~~e.~~ (3) If the applicant is a ~~corporation~~ ~~== the~~
7 7 corporation, the state of incorporation and the name and
7 8 ~~post-office~~ bona fide address of ~~each officer and director~~
7 9 ~~thereof~~ two officers of the corporation.

7 10 ~~2.~~ b. The make or makes of new motor vehicles, if any,
7 11 which the applicant will offer for sale ~~to~~ at retail in this
7 12 state.

7 13 ~~3.~~ c. The location of each place of business within this
7 14 state to be used by the applicant for the conduct of the
7 15 applicant's business.

7 16 ~~4.~~ d. If the applicant is a party to any contract or
7 17 agreement or understanding with any manufacturer or
7 18 distributor of motor vehicles or is about to become a party to
7 19 such a contract, agreement, or understanding, the applicant
7 20 shall state the name of each such manufacturer ~~and~~ or
7 21 distributor and the make or makes of new motor vehicles, if
7 22 any, which are the subject matter of each such contract.

7 23 ~~5.~~ e. A statement of the previous history, record, and
7 24 association of the applicant and if the applicant is a
7 25 copartnership, of each partner thereof, and if the applicant
7 26 is a corporation, of each officer and director thereof, which
7 27 statement shall be sufficient to establish to the department
7 28 the reputation in business of the applicant.

7 29 ~~6.~~ f. A description of the general plan and method of
7 30 doing business in this state, which the applicant will follow
7 31 if the license applied for in such application is granted.

7 32 ~~7.~~ g. Before the issuance of a motor vehicle dealer's
7 33 license to a dealer engaged in the sale of vehicles for which
7 34 a certificate of title is required under chapter 321, the
7 35 applicant shall furnish a surety bond executed by the



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8 1 applicant as principal and executed by a corporate surety
 8 2 company, licensed and qualified to do business within this
 8 3 state, which bond shall run to the state of Iowa, be in the
 8 4 amount of fifty thousand dollars and be conditioned upon the
 8 5 faithful compliance by the applicant as a dealer with all of
 8 6 the statutes of this state regulating or applicable to the
 8 7 business of a dealer in motor vehicles, and indemnifying any
 8 8 person who buys a motor vehicle from the dealer from any loss
 8 9 or damage occasioned by the failure of the dealer to comply
 8 10 with any of the provisions of chapter 321 and this chapter,
 8 11 including, but not limited to, the furnishing of a proper and
 8 12 valid certificate of title to the motor vehicle involved in a
 8 13 transaction. The bond shall also indemnify any motor vehicle
 8 14 purchaser from any loss or damage caused by the failure of the
 8 15 dealer to comply with the odometer requirements in section
 8 16 321.71, regardless of whether the motor vehicle was purchased
 8 17 directly from the dealer. The bond shall be filed with the
 8 18 department prior to the issuance of a license. The aggregate
 8 19 liability of the surety, however, shall not exceed the amount
 8 20 of the bond.

8 21 ~~g.~~ h. Proof that the applicant has financial liability
 8 22 coverage as defined in section 321.1, except that such
 8 23 coverage shall be in limits of not less than one hundred
 8 24 thousand dollars because of bodily injury to or death of one
 8 25 person in any one accident and, subject to the limit for one
 8 26 person, three hundred thousand dollars because of bodily
 8 27 injury to or death of two or more persons in any one accident,
 8 28 and fifty thousand dollars because of injury to or destruction
 8 29 of property of others in any one accident.

8 30 ~~h.~~ i. Such other information touching the business of the
 8 31 applicant as the department may require.

8 32 2. For the purpose of investigating the matters contained
 8 33 in such application, the department may withhold the granting
 8 34 of a license for a period not exceeding thirty days.

8 35 3. For purposes of this section, "bona fide address" means
 9 1 the same as defined in section 321.1.

9 2 Sec. 12. Section 322.7, subsection 1, Code 2007, is
 9 3 amended to read as follows:

9 4 1. If the department grants the application of any person
 9 5 for a license as a motor vehicle dealer, it shall evidence the
 9 6 granting thereof by a final order and shall issue to the
 9 7 person a license in such form as may be prescribed by the
 9 8 department, which license shall include the following:

9 9 ~~a. The name of the person licensed.~~

9 10 ~~b. a. If the applicant is an individual or a~~
 9 11 ~~copartnership -- the copartnership, the name or style under~~
 9 12 ~~which the licensee will engage in such business and if a~~
 9 13 ~~copartnership, the name and address of each partner.~~

9 14 ~~c. b.~~ The principal place of business of the licensee and
 9 15 location therein of each place wherein the licensee is
 9 16 licensed to carry on such business.

9 17 ~~d. c.~~ The make or makes of new motor vehicles which the
 9 18 licensee is licensed to sell.

9 19 Sec. 13. Section 326.10A, Code 2007, is amended to read as
 9 20 follows:

9 21 326.10A PAYMENT BY CHECK.



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9 22 The department shall accept payment of fees under this
9 23 chapter by personal or corporate check. The fee shall be
9 24 deemed to have been paid upon receipt of the check. If the
9 25 check is not honored, all fees and penalties shall accumulate
9 26 as if the fee was not paid. After appropriate warning from
9 27 the department, the registration account shall be suspended,
9 28 collection pursued, and the delinquent registration fees shall
9 29 become a debt due the state of Iowa. After a dishonored check
9 30 has been received from an applicant, payments submitted by the
9 31 applicant during the following year must be made with
9 32 guaranteed funds. However, the department may instead accept
9 33 payment in the form of a corporate check made on behalf of the
9 34 applicant from an approved company with a satisfactory payment
9 35 history.



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10 1 Sec. 14. Section 326.16, Code 2007, is amended by adding
10 2 the following new subsection:
10 3 NEW SUBSECTION. 3. Failure to receive a renewal notice or
10 4 an invoice by mail, facsimile transmission, or any other means
10 5 of delivery does not relieve the registrant of the financial
10 6 responsibility for the renewal fees, invoiced amount, or
10 7 accrued penalties.
10 8 Sec. 15. NEW SECTION. 326.24 REGISTRATION DENIED OR
10 9 SUSPENDED.
10 10 If the international fuel tax agreement license issued to
10 11 an applicant or registrant under chapter 452A is suspended or
10 12 revoked or if the director refuses to issue an international
10 13 fuel tax agreement license because of unpaid debt, the
10 14 director may deny or suspend the applicant's or registrant's
10 15 registration under this chapter.
10 16 Sec. 16. Section 327B.1, Code 2007, is amended to read as
10 17 follows:
10 18 327B.1 AUTHORITY SECURED AND REGISTERED.
10 19 1. a. It is unlawful for a carrier to perform an
10 20 interstate transportation service for compensation upon the
10 21 highways of this state without first registering the authority
10 22 obtained from the United States department of transportation
10 23 or evidence that such authority is not required with the state
10 24 department of transportation.
10 25 ~~2.~~ b. The department shall participate in the single
10 26 state insurance registration program for regulated motor
10 27 carriers as provided in 49 U.S.C. } 14504 and United States
10 28 department of transportation regulations.
10 29 ~~3.~~ c. Registration for carriers transporting commodities
10 30 exempt from United States department of transportation
10 31 regulation shall be granted without hearing upon application
10 32 and payment of a twenty-five-dollar filing fee and an annual
10 33 one-dollar fee per vehicle.
10 34 ~~4.~~ d. The state department of transportation may execute
10 35 reciprocity agreements with authorized representatives of any



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11 1 state exempting nonresidents from payment of fees as set forth
11 2 in this chapter. The state department of transportation shall
11 3 adopt rules pursuant to chapter 17A for the identification of
11 4 vehicles operated under reciprocity agreements.

11 5 ~~5.~~ e. Fees may be subject to reduction or proration
11 6 pursuant to sections 326.5 and 326.32.

11 7 2. a. On and after the date on which the secretary of the
11 8 United States department of transportation establishes the
11 9 unified carrier registration system in accordance with Title
11 10 49, United States Code, as amended by Pub. L. No. 109=59, a
11 11 foreign or domestic motor carrier, motor private carrier,
11 12 leasing company, broker, or freight forwarder shall not
11 13 operate any motor vehicle on the highways of this state
11 14 without first registering the motor vehicle under the unified
11 15 carrier registration system and paying all required fees.

11 16 b. The state department of transportation shall continue
11 17 to require each interstate for-hire motor carrier to make an
11 18 annual payment of one dollar per owned and operated vehicle
11 19 for filings made with the state department of transportation
11 20 under the single state registration system until the
11 21 occurrence of the transition termination date in accordance
11 22 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109=59.

11 23 c. The state department of transportation may participate
11 24 in the unified carrier registration plan and agreement
11 25 established in accordance with 49 U.S.C. } 14504a, as amended
11 26 by Pub. L. No. 109=59, and to file on behalf of the state the
11 27 plan required by the provisions of 49 U.S.C. } 14504a(e).

11 28 ~~6.~~ 3. A motor carrier shall keep proper evidence of
11 29 interstate authority in the motor vehicle being operated by
11 30 the motor carrier and the motor carrier owner or driver shall
11 31 make such evidence available to a peace officer upon request.

11 32 ~~7.~~ 4. A motor carrier owner or driver charged with
11 33 failure to have proper evidence of interstate authority shall
11 34 not be convicted of such violation and the citation shall be
11 35 dismissed by the court if the person produces to the clerk of



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12 1 court prior to the date of such person's court appearance as
12 2 indicated on the citation, proof of interstate authority
12 3 issued to that person and valid at the time the person was
12 4 charged with the violation under this section. Upon
12 5 dismissal, the court or clerk of court shall assess the costs
12 6 of the action against the defendant named on the citation.

12 7 Sec. 17. Section 327B.6, Code 2007, is amended by adding
12 8 the following new unnumbered paragraph:

12 9 NEW UNNUMBERED PARAGRAPH. This section is repealed on the
12 10 transition termination date referred to in section 327B.1,
12 11 subsection 2, paragraph "b".

12 12 Sec. 18. Section 452A.54, unnumbered paragraph 4, Code
12 13 2007, is amended to read as follows:

12 14 To determine the amount of fuel taxes due under this
12 15 division and to prevent the evasion thereof, the state
12 16 department of transportation shall require a quarterly report
12 17 on forms prescribed by the state department of transportation.
12 18 It shall be filed not later than the last day of the month
12 19 following the quarter reported, and each quarter thereafter.
12 20 These reports shall be required of all persons who have been
12 21 issued a permit or license under this division and shall cover
12 22 actual operation and fuel consumption in Iowa on the basis of
12 23 the permit or license holder's average consumption of fuel in
12 24 Iowa, determined by the total miles traveled and the total
12 25 fuel purchased and consumed for highway use by the permittee's
12 26 or licensee's commercial motor vehicles in the permittee's or
12 27 licensee's entire operation in all states to establish an
12 28 overall miles per gallon ratio, which ratio shall be used to
12 29 compute the gallons used for the miles traveled in Iowa.

12 30 Failure to receive a quarterly report or fuel credentials by
12 31 mail, facsimile transmission, or any other means of delivery
12 32 does not relieve a person from the person's fuel tax liability
12 33 or from the requirement to display current fuel credentials.

12 34 Sec. 19. Section 452A.68, unnumbered paragraph 2, Code
12 35 2007, is amended to read as follows:



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13 1 If a licensee abuses the privileges for which the license
13 2 was issued, fails to produce records reasonably requested, ~~or~~
13 3 fails to extend reasonable ~~co-operation~~ cooperation to the
13 4 appropriate state agency, or has been suspended for nonpayment
13 5 of fees under chapter 326 and still owes fees to the

13 6 department, the licensee shall be advised in writing of a
13 7 hearing scheduled to determine if the license shall be
13 8 canceled. The appropriate state agency upon the presentation
13 9 of a preponderance of evidence may cancel a license for cause.

13 10 Sec. 20. Section 805.8A, subsection 7, paragraph b, Code
13 11 2007, is amended to read as follows:

13 12 b. For violations under sections 321.298, 321.307,
13 13 321.308, 321.313, 321.319, 321.319A, 321.320, 321.321,
13 14 321.327, 321.329, and 321.333, the scheduled fine is
13 15 thirty-five dollars.

13 16 Sec. 21. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE
13 17 == NOTICE TO CODE EDITOR. The state department of
13 18 transportation shall notify the Code editor of the date
13 19 determined by the secretary of the United States department of
13 20 transportation to be the transition termination date which is
13 21 established as the effective date of the repeal of section
13 22 327B.6, as amended in this Act.

13 23 Sec. 22. 2006 Iowa Acts, chapter 1070, section 5, is
13 24 repealed.

13 25 Sec. 23. Sections 327B.4 and 327B.7, Code 2007, are
13 26 repealed.

13 27 Sec. 24. EFFECTIVE DATES. The following sections of this
13 28 Act, being deemed of immediate importance, take effect upon
13 29 enactment:

13 30 1. The section amending sections 327B.1 and 327B.6.

13 31 2. The section repealing 2006 Iowa Acts, chapter 1070,
13 32 section 5.

13 33 3. The section repealing sections 327B.4 and 327B.7.

13 34 EXPLANATION

13 35 This bill contains provisions relating to the



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14 1 administration of highways and the regulation of motor
14 2 vehicles by the state department of transportation.
14 3 Division I == Highways == Under current law, when the
14 4 department moves to acquire property under eminent domain, an
14 5 employee of the department who conducts an appraisal of the
14 6 property must be a certified real estate appraiser. The bill
14 7 amends Code section 543D.3 to allow such appraisals to be done
14 8 by an employee who is a registered associate real estate
14 9 appraiser acting under the direct supervision of a certified
14 10 real estate appraiser.
14 11 Division II == Motor Vehicles == Code section 321.16 is
14 12 amended to allow a peace officer serving notice of suspension
14 13 or revocation of a driver's license to destroy the license or
14 14 send it to the department. Code section 321.206 is amended to
14 15 permit a court to destroy a surrendered driver's license
14 16 rather than forward it to the department.
14 17 Code section 321.24 is amended to allow a county treasurer
14 18 to issue a certificate of title for a vehicle with an
14 19 unreleased security interest upon presentation of satisfactory
14 20 evidence that the security interest has been extinguished or
14 21 that the holder of the security interest cannot be located to
14 22 release the security interest. Current law requires evidence
14 23 of both the extinguishment of the security interest and that
14 24 the holder cannot be located.
14 25 Code section 321.34 is amended to specify that the owner of
14 26 a motor vehicle who has been awarded the legion of merit is
14 27 entitled to only one set of special legion of merit
14 28 registration plates. This is consistent with provisions for
14 29 congressional medal of honor plates and ex-prisoner of war
14 30 plates which, like the legion of merit plates, are issued at
14 31 no charge and entitle the owner to an annual motor vehicle
14 32 registration fee of \$15.
14 33 Code section 321.115 is amended to revise the registration
14 34 requirements for antique motor vehicles. Under current law,
14 35 the owner of a motor vehicle 25 years old or older who



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15 1 operates the vehicle only for exhibition or educational
15 2 purposes may register the vehicle for an annual fee of \$5.
15 3 The bill eliminates the \$5 fee along with the restricted use
15 4 provisions and requires all such antique vehicles to be
15 5 registered under the annual fee schedules provided for older
15 6 vehicles. As under current law, the owner of an antique motor
15 7 vehicle may furnish and display model-year registration plates
15 8 for the vehicle so long as the current and valid Iowa plates
15 9 and registration card are carried within the vehicle. The
15 10 bill provides for registration of truck tractors and
15 11 semitrailers as antique vehicles, and prohibits the use of
15 12 such vehicles to haul loads. The bill makes a conforming
15 13 amendment to Code section 321.112.

15 14 The bill amends a provision in Code section 321.134 that
15 15 allows the owners of trucks, truck tractors, and road tractors
15 16 registered for a gross weight exceeding five tons to pay
15 17 annual registration fees in two semiannual installments. The
15 18 bill requires that if a registrant has paid the registration
15 19 fee late for two consecutive years, annual payment is required
15 20 for the next five years.

15 21 New Code section 321.319A describes the actions motorists
15 22 must take when driving in merging traffic. Drivers on traffic
15 23 lanes, ramps, or converging roadways are required to obey
15 24 yield or stop signs where provided. In the absence of such
15 25 signage, each driver of a vehicle on converging roadways or
15 26 lanes shall adjust the speed and lateral position of the
15 27 vehicle as necessary to avoid collisions and to facilitate
15 28 safe merging of vehicles. A violation is punishable by a
15 29 scheduled fine of \$35.

15 30 The bill amends Code section 321J.4 to allow a person whose
15 31 driver's license has been suspended or revoked for an offense
15 32 of driving a motor vehicle while under suspension or
15 33 revocation for operating while intoxicated to apply for a
15 34 temporary restricted license without the requirement of an
15 35 ignition interlock device, provided that 12 years have elapsed



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16 1 since the conclusion of the original period of suspension or
16 2 revocation for the underlying offense of operating while
16 3 intoxicated.

16 4 The bill amends Code sections 322.4 and 322.7 to modify the
16 5 application requirements for a motor vehicle dealer license.
16 6 Under current law, the application must contain the post
16 7 office address of every partner if the business is a
16 8 copartnership, or of each officer and director if the business
16 9 is a corporation. The bill requires the bona fide address,
16 10 rather than the post office address, of only two partners or
16 11 two officers, as applicable. The bill omits the requirement
16 12 that a license include the names and addresses of all
16 13 partners.

16 14 Code section 326.10A is amended to permit the department to
16 15 accept a corporate check from an approved company with a
16 16 satisfactory payment history as payment of proportional
16 17 registration fees for a commercial vehicle fleet following
16 18 receipt of a dishonored check from the applicant. Currently,
16 19 the only acceptable form of payment is with guaranteed funds.

16 20 Code section 321.16 is amended to specify that failure to
16 21 receive a renewal notice or invoice by mail, facsimile
16 22 transmission, or other means of delivery does not relieve a
16 23 person from responsibility for payment of proportional
16 24 registration fees, invoiced amounts, or penalties. A similar
16 25 amendment to Code section 452A.54 specifies that failure to
16 26 receive a quarterly report or fuel credentials by mail,
16 27 facsimile transmission, or other means of delivery does not
16 28 relieve a person from fuel tax liability for a commercial
16 29 vehicle or the requirement to display fuel credentials.

16 30 New Code section 326.24 and the amendment to Code section
16 31 452A.68 allow the department to impose sanctions on a carrier
16 32 under both the international registration plan and
16 33 international fuel tax agreement licensing provisions for
16 34 unpaid debt under either program.

16 35 The bill amends Code section 327B.1 to authorize the



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17 1 department to participate in the unified carrier registration
17 2 system established under federal law. Coordinating amendments
17 3 repeal Code section 327B.4, which exempts private carriers
17 4 from the current single state registration system, and Code
17 5 section 327B.7, which provides for reciprocity agreements with
17 6 other member states of an exempt commodity base state
17 7 registration system. The bill also provides for immediate
17 8 repeal of Code section 327B.6, relating to insurance and
17 9 bonding requirements for exempt carriers under the single
17 10 state registration system, upon the date established by the
17 11 secretary of the United States department of transportation as
17 12 the transition termination date for that registration system.
17 13 The bill repeals an amendment to Code section 321.25 passed
17 14 in the 2006 legislative session that would have changed, from
17 15 45 days to 60 days, the amount of time a vehicle could be
17 16 operated on the highways bearing a "registration applied for"
17 17 card. That 2006 amendment is scheduled to take effect July 1,
17 18 2007.
17 19 LSB 1106DP 82
17 20 dea:rj/gg/14.1



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House Study Bill 9

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

A BILL FOR

- 1 An Act relating to local governments by creating a local
- 2 government innovation commission and fund, creating a center
- 3 for governing excellence, and including an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1624HC 82
- 6 sc/cf/24



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PAG LIN

1 1 Section 1. Section 8.64, Code 2007, is amended by striking
1 2 the section and inserting in lieu thereof the following:

1 3 8.64 DEFINITIONS.

1 4 For purposes of sections 8.65 through 8.68:

1 5 1. "Commission" means the local government innovation
1 6 commission.

1 7 2. "Community-wide area" means a distinct geographical
1 8 area voluntarily formed by and comprised of counties, cities,
1 9 or townships, or any combination thereof, all of which possess
1 10 a degree of autonomy in a varying number of matters. State
1 11 agencies and school districts may also participate in a
1 12 community-wide area if joined by a county, city, or township.

1 13 3. "Department" means the department of management.

1 14 Sec. 2. NEW SECTION. 8.65 LOCAL GOVERNMENT INNOVATION
1 15 COMMISSION.

1 16 1. A local government innovation commission is created
1 17 consisting of fourteen voting members and four nonvoting
1 18 members.

1 19 a. Voting members of the commission shall be appointed for
1 20 a term of three years as follows:

1 21 (1) One member representing the executive branch appointed
1 22 by the governor.

1 23 (2) One member representing county government appointed by
1 24 the president of the Iowa state association of counties.

1 25 (3) One member representing city government appointed by
1 26 the president of the Iowa league of cities.

1 27 (4) One member representing community colleges appointed
1 28 by the president of the Iowa association of community college
1 29 presidents.

1 30 (5) One member representing school districts appointed by
1 31 the president of the Iowa association of school boards.

1 32 (6) One member representing the councils of governments
1 33 appointed by the president of the Iowa association of councils
1 34 of government.

1 35 (7) The administrator of the homeland security and



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2 1 emergency management division of the Iowa department of public
2 2 defense.

2 3 (8) The director of the department of economic development
2 4 or the director's designee.

2 5 (9) Two members appointed by the governor, both of whom
2 6 shall possess private business expertise and who are not
2 7 employees of any level of government.

2 8 (10) Four members representing the general public, one
2 9 each appointed by the majority leader of the senate, the
2 10 minority leader of the senate, the speaker of the house of
2 11 representatives, and the minority leader of the house of
2 12 representatives.

2 13 b. Four nonvoting members of the general assembly shall be
2 14 appointed for a term of two years commencing at the convening
2 15 of each general assembly, one each appointed by the majority
2 16 leader of the senate, the minority leader of the senate, the
2 17 speaker of the house of representatives, and the minority
2 18 leader of the house of representatives. However, initial
2 19 appointments of members under this paragraph shall be made on
2 20 the effective date of this Act.

2 21 2. a. Terms of voting members shall begin and end as
2 22 provided by section 69.19. Any vacancy shall be filled in the
2 23 same manner as regular appointments are made for the unexpired
2 24 portion of the regular term.

2 25 b. Members of the commission shall be allowed their actual
2 26 and necessary expenses incurred in the performance of their
2 27 duties. The members of the commission representing the
2 28 general public shall also be compensated as provided in
2 29 section 7E.6. Per diem and expenses paid to commission
2 30 members shall be paid from moneys appropriated to the local
2 31 government innovation fund, except that the per diem and
2 32 expenses of members of the general assembly shall be paid
2 33 pursuant to section 2.12.

2 34 c. The commission shall meet in May of each year for the
2 35 purpose of electing one of its voting members as chairperson.



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House Study Bill 9 continued

3 1 The commission shall meet at the call of the chairperson or
3 2 when a majority of the voting members of the commission files
3 3 a written request with the chairperson for a meeting. Written
3 4 notice of the time and place of each meeting shall be given to
3 5 each member of the commission.

3 6 d. A majority of the voting members of the commission
3 7 constitutes a quorum. Any action taken by the commission must
3 8 be adopted by the affirmative vote of a majority of its voting
3 9 membership.

3 10 e. The commission is located for administrative purposes
3 11 within the department. The department shall provide office
3 12 space, staff assistance, administrative support, and necessary
3 13 supplies and equipment to the commission.

3 14 Sec. 3. NEW SECTION. 8.66 DUTIES OF COMMISSION.

3 15 The commission shall do all of the following:

3 16 1. Promote, encourage, and advance innovation and
3 17 creativity in local governance.

3 18 2. Develop an application and review process for local
3 19 governance plans submitted to the commission by a community=
3 20 wide area. Results, strategies, and desired outcomes
3 21 identified by the commission in developing its application and
3 22 review process shall include but not be limited to the
3 23 following:

3 24 a. Cost savings to citizens, in particular lowering of
3 25 local government property taxes.

3 26 b. Creation of, or inducement to create, high-wage, stable
3 27 employment opportunities for a local government's citizens and
3 28 more effective leveraging of resources to improve competitive
3 29 advantage.

3 30 c. Elimination of duplication of government
3 31 administration.

3 32 d. More efficient and effective delivery of services by
3 33 government, including eliminating duplication of service
3 34 delivery by more than one unit of government in the same area
3 35 and modernizing services and service delivery to meet the



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House Study Bill 9 continued

4 1 changing public service needs of the area.
4 2 e. Creation of a state=local partnership in one or more
4 3 areas of service delivery and governance that would increase
4 4 quality and efficiency on the local level.
4 5 3. Design an application form to be completed by a
4 6 community=wide area seeking review of a local governance and
4 7 revenue model. The application form shall employ a return on
4 8 investment concept that requires the community=wide area to
4 9 demonstrate how the local governance and revenue model will
4 10 result in reduced local government or state general fund
4 11 expenditures, how local government fund revenues will increase
4 12 without an increase in state costs, how local government
4 13 services will be provided more efficiently or will be of
4 14 increased quality resulting in greater value from the
4 15 expenditure of local government revenues, or how the model
4 16 develops partnerships with the state to provide increased
4 17 quality and efficiency on the local level.
4 18 4. Utilize the department of management, the department of
4 19 revenue, or other sources of technical expertise designated by
4 20 the commission to certify savings projected for a proposed
4 21 local governance and revenue model.
4 22 5. On or before January 1, 2009, submit to the general
4 23 assembly and to the office of the governor recommendations for
4 24 legislation that would provide flexibility and freedom to
4 25 local governments in implementing governance and revenue
4 26 models.
4 27 6. a. Prepare a request for proposals for establishment
4 28 of an Iowa center for governing excellence as provided in
4 29 section 8.68, and prepare procedures and a timetable for
4 30 submission and review of proposals and for selection of a
4 31 proposal. The proposal process shall be open to public and
4 32 private not=for=profit institutions of higher education
4 33 located in this state and accredited by the north central
4 34 association of colleges and secondary schools.
4 35 b. The request for proposals shall require each proposal



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5 1 to provide for employment of a full-time director and
5 2 administrative assistant at the center.
5 3 c. The request for proposals shall require each proposal
5 4 to specify all of the following:
5 5 (1) The number and subject area specialties of the
5 6 research staff; the office space; the support staff; and the
5 7 computer, library, and research facilities to be provided by
5 8 the proposing institution.
5 9 (2) The personnel, facilities, and support provided for
5 10 the training of policymakers, public officials, and students
5 11 in areas including but not limited to public administration
5 12 and management, budgetary preparation and analysis, electronic
5 13 government, local-state government relations, and public
5 14 policy formulation, implementation, and evaluation.
5 15 (3) The funding to be committed by the proposing
5 16 institution.
5 17 7. Receive, file, and compile professor-sponsored student
5 18 research submitted by the community colleges and public and
5 19 private universities located in this state. Research
5 20 submitted shall be stored and made available in paper and
5 21 electronic form.
5 22 8. Oversee and direct the activities of the Iowa center
5 23 for governing excellence.
5 24 Sec. 4. NEW SECTION. 8.67 LOCAL GOVERNMENT INNOVATION
5 25 FUND.
5 26 1. A local government innovation fund is created in the
5 27 state treasury under the control of the department of
5 28 management for the purpose of stimulating and encouraging
5 29 innovation in local government by providing moneys for the
5 30 purpose of providing grants to assist in the implementation of
5 31 local governance and revenue models.
5 32 2. Officials of a community-wide area who have submitted a
5 33 local governance and revenue model to the commission for
5 34 review may apply to the commission for a grant from the local
5 35 government innovation fund to implement all or a portion of



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6 1 such governance and revenue model. Officials seeking a grant
6 2 from the fund shall complete an application form designed by
6 3 the commission which employs a return on investment concept.
6 4 Minimum requirements for local government grant requests shall
6 5 be determined by the commission and adopted by rule by the
6 6 department of management.

6 7 3. Notwithstanding section 12C.7, subsection 2, interest
6 8 or earnings on moneys deposited in the local government
6 9 innovation fund shall be credited to the local government
6 10 innovation fund. Notwithstanding section 8.33, moneys
6 11 appropriated to and moneys remaining in the local government
6 12 innovation fund at the end of a fiscal year shall not revert
6 13 to the general fund of the state.

6 14 Sec. 5. NEW SECTION. 8.68 IOWA CENTER FOR GOVERNING
6 15 EXCELLENCE.

6 16 1. The commission shall establish an Iowa center for
6 17 governing excellence. The purpose of the Iowa center for
6 18 governing excellence is to do all of the following:

6 19 a. Enhance the accountability, effectiveness, and
6 20 efficiency of Iowa's local governments and state agencies by
6 21 providing objective and nonpartisan research and training
6 22 support for policymakers and government officials.

6 23 b. Integrate the research capacities of the community
6 24 colleges and public and private universities located in this
6 25 state and of organizations representing local governments to
6 26 support management and policy research.

6 27 c. Facilitate dialogues among Iowa's state agencies and
6 28 local governments, public and private universities,
6 29 organizations representing local governments, and citizens on
6 30 government policy design, implementation, and evaluation.

6 31 2. After its creation, the center may solicit, accept, and
6 32 administer moneys contributed to the center by any source, and
6 33 may enter into contracts with public or private agencies or
6 34 may enter into agreements subject to chapter 28E with public
6 35 and private agencies in order to carry out its purposes. All



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7 1 records of the center including but not limited to records of
7 2 donations to the center and contracts or agreements entered
7 3 into by the center shall be public records for purposes of
7 4 chapter 22.

7 5 3. The center shall submit an annual report of the
7 6 activities of the center to the governor and to the general
7 7 assembly as provided in section 7A.11A by January 15 of each
7 8 year.

7 9 4. The local government innovation commission created in
7 10 section 8.65 shall oversee and direct the activities of the
7 11 Iowa center for governing excellence.

7 12 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
7 13 immediate importance, takes effect upon enactment.

7 14 EXPLANATION

7 15 This bill makes changes relating to local governments by
7 16 creating a local government innovation commission and fund and
7 17 by creating a center for governing excellence.

7 18 The bill creates the local government innovation
7 19 commission, which is located in the department of management
7 20 for administrative purposes. Members of the commission
7 21 represent the executive branch, county and city governments,
7 22 school districts, community colleges, councils of governments,
7 23 the homeland security and emergency management division of the
7 24 Iowa department of public defense, the department of economic
7 25 development, and the private business sector. Four members of
7 26 the general assembly are appointed as nonvoting members of the
7 27 commission. The commission is to develop a request for
7 28 results application and review process to review local
7 29 governance and revenue models submitted by community-wide
7 30 areas. The bill requires the commission to report to the
7 31 general assembly and to the governor's office on or before
7 32 January 1, 2009, with recommendations for legislative changes
7 33 that would provide flexibility and freedom to community-wide
7 34 areas in implementing governance and revenue models. The bill
7 35 defines "community-wide area".



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8 1 The bill directs the commission to prepare a request for
8 2 proposals for establishment of an Iowa center for governing
8 3 excellence. The bill provides that the purpose of the center
8 4 for governing excellence is to provide objective and
8 5 nonpartisan research and training for policymakers and
8 6 government officials; to integrate the research capacities of
8 7 community colleges and public and private universities and of
8 8 local government organizations; and to facilitate dialogues
8 9 among Iowa's state agencies, local governments, universities,
8 10 and citizens on government policy design, implementation, and
8 11 evaluation. The bill provides that the activities of the Iowa
8 12 center for governing excellence shall be directed and
8 13 supervised by the local government innovation commission.
8 14 The bill creates a local government innovation fund for the
8 15 purpose of providing grants to community-wide areas to assist
8 16 in the implementation of local governance and revenue models
8 17 that have been reviewed by the commission.
8 18 The bill takes effect upon enactment.
8 19 LSB 1624HC 82
8 20 sc:rj/cf/24



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Senate File 25

SENATE FILE
BY COMMITTEE ON JUDICIARY

SUCCESSOR TO SF 8

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

A BILL FOR

- 1 An Act relating to the payment of victim restitution by a person
- 2 convicted of a criminal offense.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1009SV 82
- 5 jm/gg/14



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Senate File 25 continued

PAG LIN

1 1 Section 1. Section 627.6A, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. Notwithstanding the provisions of section 627.6, a
1 4 debtor shall not be permitted to claim exemptions with regard
1 5 to payment or a portion of payment under a pension, annuity,
1 6 individual retirement account, profit-sharing plan, universal
1 7 life insurance policy, or similar plan or contract due to
1 8 illness, disability, death, age, or length of service for
1 9 ~~child, spousal, or medical support.~~ the following:

1 10 a. Child support.

1 11 b. Spousal support.

1 12 c. Medical support.

1 13 d. Victim restitution ordered pursuant to chapter 910

1 14 while the debtor is committed to the custody of the director

1 15 of the department of corrections and confined in a

1 16 correctional facility.

1 17 (1) The victim restitution to be collected and forwarded

1 18 from the pension fund, annuity, individual retirement account,

1 19 profit-sharing plan, universal life insurance policy, or

1 20 similar plan or contract due to illness, disability, death,

1 21 age, or length of service that is exempt from income tax under

1 22 the Internal Revenue Code shall be subject to the restrictions

1 23 placed upon the amount and timing of such assignments under

1 24 the Internal Revenue Code and regulations, as determined by

1 25 the plan administrator.

1 26 (2) Victim restitution shall only be collected and

1 27 forwarded pursuant to this paragraph after any monthly child

1 28 support, spousal support, and medical support have been

1 29 collected and forwarded.

1 30 EXPLANATION

1 31 This bill relates to the payment of victim restitution by a
1 32 person convicted of a criminal offense.

1 33 Under the bill, payments under a pension or other similar
1 34 plan concerning illness, disability, death, age, or length of

1 35 service of a person confined in a state correctional facility



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Senate File 25 continued

2 1 are subject to execution if restitution has been ordered
2 2 pursuant to Code chapter 910.
2 3 Victim restitution to be collected and forwarded under the
2 4 bill to the victim is subject to restrictions placed upon the
2 5 amount and timing of the assignment by the Internal Revenue
2 6 Code, as determined by the plan administrator. Restitution
2 7 shall only be collected and forwarded to the victim under the
2 8 bill after any monthly child, spousal, and medical support
2 9 have been paid.
2 10 Under current law, a person may only execute a judgment
2 11 against a pension or other related plan of a person confined
2 12 at a correctional institution, if the judgment is for child,
2 13 spousal, or medical support.
2 14 LSB 1009SV 82
2 15 jm:rj/gg/14



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Senate File 26

SENATE FILE
BY ANGELO

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

A BILL FOR

1 An Act providing a sales tax exemption for operation of nonprofit
2 private performing arts centers, providing a sales tax refund
3 for construction of such centers, and including a retroactive
4 applicability date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1579XS 82
7 ak/je/5



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Senate File 26 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 22, Code 2007, is
1 2 amended to read as follows:
1 3 22. The sales price from sales of goods, wares, or
1 4 merchandise, or from services furnished, to a nonprofit
1 5 private art center or performing arts center to be used in the
1 6 operation of the art center or performing arts center.
1 7 Sec. 2. Section 423.4, subsection 1, unnumbered paragraph
1 8 1, Code 2007, is amended to read as follows:
1 9 A private nonprofit educational institution in this state,
1 10 nonprofit Iowa affiliate of a nonprofit international
1 11 organization whose primary activity is the promotion of the
1 12 construction, remodeling, or rehabilitation of one=family or
1 13 two=family dwellings for low=income families, nonprofit
1 14 private museum in this state, nonprofit private performing
1 15 arts center, tax=certifying or tax=levying body or
1 16 governmental subdivision of the state, including the state
1 17 board of regents, state department of human services, state
1 18 department of transportation, a municipally owned solid waste
1 19 facility which sells all or part of its processed waste as
1 20 fuel to a municipally owned public utility, and all divisions,
1 21 boards, commissions, agencies, or instrumentalities of state,
1 22 federal, county, or municipal government which do not have
1 23 earnings going to the benefit of an equity investor or
1 24 stockholder, may make application to the department for the
1 25 refund of the sales or use tax upon the sales price of all
1 26 sales of goods, wares, or merchandise, or from services
1 27 furnished to a contractor, used in the fulfillment of a
1 28 written contract with the state of Iowa, any political
1 29 subdivision of the state, or a division, board, commission,
1 30 agency, or instrumentality of the state or a political
1 31 subdivision, a private nonprofit educational institution in
1 32 this state, a nonprofit Iowa affiliate described in this
1 33 subsection, or a nonprofit private museum in this state if the
1 34 property becomes an integral part of the project under
1 35 contract and at the completion of the project becomes public



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2 1 property, is devoted to educational uses, becomes part of a
2 2 low-income one-family or two-family dwelling in the state, ~~or~~
2 3 becomes a nonprofit private museum, or becomes a nonprofit
2 4 private performing arts center; except goods, wares, or
2 5 merchandise, or services furnished which are used in the
2 6 performance of any contract in connection with the operation
2 7 of any municipal utility engaged in selling gas, electricity,
2 8 or heat to the general public or in connection with the
2 9 operation of a municipal pay television system; and except
2 10 goods, wares, and merchandise used in the performance of a
2 11 contract for a "project" under chapter 419 as defined in that
2 12 chapter other than goods, wares, or merchandise used in the
2 13 performance of a contract for a "project" under chapter 419
2 14 for which a bond issue was approved by a municipality prior to
2 15 July 1, 1968, or for which the goods, wares, or merchandise
2 16 becomes an integral part of the project under contract and at
2 17 the completion of the project becomes public property or is
2 18 devoted to educational uses.

2 19 Sec. 3. RETROACTIVE APPLICABILITY. The section of this
2 20 Act amending section 423.4 applies retroactively to July 1,
2 21 2006, for construction contracts entered into on or after that
2 22 date.

2 23 EXPLANATION

2 24 This bill exempts from sales tax the sale of materials and
2 25 services provided that are used in the operation of a
2 26 nonprofit private performing arts center. The bill allows the
2 27 sales tax from construction materials and services used to
2 28 build a nonprofit private performing arts center to be
2 29 refunded upon application to the Iowa department of revenue.
2 30 The bill makes the refund provision retroactively applicable
2 31 to construction contracts entered into on or after July 1,
2 32 2006.

2 33 LSB 1579XS 82

2 34 ak:sc/je/5



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Senate File 27

SENATE FILE

BY HATCH, KREIMAN, RAGAN,
McCOY, OLIVE, APPEL,
STEWART, SCHMITZ, and BEALL

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act creating a program to provide financial assistance for
2 postsecondary education for young adults who were involved
3 with the state's foster care program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1063SS 82
6 jp/sh/8



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Senate File 27 continued

PAG LIN

1 1 Section 1. Section 261.2, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Develop and implement, in cooperation with the
1 4 department of human services and the judicial branch, a
1 5 program to assist juveniles who are sixteen years of age or
1 6 older and who have a case permanency plan under chapter 232 or
1 7 237 or are otherwise under the jurisdiction of chapter 232 in
1 8 applying for federal and state aid available for higher
1 9 education. The commission shall also develop and implement
1 10 the Iowa foster care education and training program in
1 11 accordance with section 261.6.

1 12 Sec. 2. NEW SECTION. 261.6 IOWA FOSTER CARE EDUCATION
1 13 AND TRAINING PROGRAM.

1 14 1. The commission shall develop and implement, in
1 15 cooperation with the department of human services and the
1 16 judicial branch, the Iowa foster care education and training
1 17 program in accordance with this section.

1 18 2. The program shall provide financial assistance for
1 19 postsecondary education or training to persons who have a high
1 20 school diploma or a high school equivalency diploma under
1 21 chapter 259A, are age eighteen through twenty-four, and are
1 22 described by any of the following:

1 23 a. On the date the person reached age eighteen or during
1 24 the thirty calendar days preceding or succeeding that date,
1 25 the person was in a licensed foster care placement pursuant to
1 26 a court order entered under chapter 232 under the care and
1 27 custody of the department of human services or juvenile court
1 28 services.

1 29 b. On the date the person reached age eighteen or during
1 30 the thirty calendar days preceding or succeeding that date,
1 31 the person was under a court order under chapter 232 to live
1 32 with a relative or other suitable person.

1 33 c. The person was in a licensed foster care placement
1 34 pursuant to an order entered under chapter 232 prior to being
1 35 legally adopted after reaching age sixteen.



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2 1 3. The program requirements shall include but are not
2 2 limited to all of the following:

2 3 a. Program assistance shall cover a program participant's
2 4 expenses associated with attending an approved postsecondary
2 5 education or training program. The expenses shall include
2 6 tuition and fees, books and supplies, child care,
2 7 transportation, housing, and other expenses approved by the
2 8 commission. If a participant is attending on less than a
2 9 full-time basis, assistance provisions shall be designed to
2 10 cover tuition and fees and books and supplies, and assistance
2 11 for other expenses shall be prorated to reflect the hours
2 12 enrolled.

2 13 b. If the approved education or training program is more
2 14 than one year in length, the program assistance may be
2 15 renewed. To renew the assistance, the participant must
2 16 annually reapply for the program and meet the academic
2 17 progress standards of the postsecondary educational
2 18 institution or make satisfactory progress toward completion of
2 19 the training program.

2 20 c. A person shall be less than age twenty-three upon both
2 21 the date of the person's initial application for the program
2 22 and the start date of the education or training program for
2 23 which the assistance is provided. Eligibility for program
2 24 assistance shall end upon the participant reaching age
2 25 twenty-five.

2 26 d. Assistance under the program shall not be used to
2 27 supplant other available assistance to address postsecondary
2 28 education and training program expenses for which a
2 29 participant is eligible.

2 30 e. The commission shall implement assistance provisions in
2 31 a manner to ensure that the total amount of assistance
2 32 provided under the program remains within the funding
2 33 available for the program.

2 34 EXPLANATION

2 35 This bill creates a program under the purview of the



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3 1 college student aid commission to provide financial assistance
3 2 for postsecondary education or training for young adults age
3 3 18 through 24 who were involved with the state's foster care
3 4 program. A young adult must apply for the program and
3 5 commence the education or training prior to becoming age 23.

3 6 Code section 261.2, relating to the duties of the
3 7 commission, is amended to include the responsibility for
3 8 developing and implementing the program within the list of the
3 9 commission's duties.

3 10 The program's provisions are codified in new Code section
3 11 261.6. The commission is required to develop and implement
3 12 the program in cooperation with the department of human
3 13 services and the judicial branch.

3 14 To be eligible for the program, a participant must have a
3 15 high school diploma or high school equivalency certificate and
3 16 be described by one of the following: when the person reached
3 17 age 18 or within 30 days preceding or succeeding that date the
3 18 person was under court order for placement in a licensed
3 19 foster care placement or with a relative or other suitable
3 20 adult, or the person was in a licensed foster care placement
3 21 pursuant to an order entered under Code chapter 232 prior to
3 22 being legally adopted after reaching age 16.

3 23 Assistance under the program shall cover a program
3 24 participant's expenses associated with attending an approved
3 25 postsecondary education or training program. These expenses
3 26 include tuition and fees, books and supplies, child care,
3 27 transportation, housing, and other expenses approved by the
3 28 commission. For a participant attending less than full-time,
3 29 assistance other than tuition, fees, books, and supplies is
3 30 required to be prorated.

3 31 Program assistance is available for more than one year
3 32 provided a participant reapplies annually and meets the
3 33 academic progress standards of the postsecondary educational
3 34 institution or makes satisfactory progress toward completion
3 35 of the training program.



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4 1 Assistance under the program cannot be used to supplant
4 2 other available assistance for which a participant is
4 3 eligible.
4 4 The commission is required to implement the program in a
4 5 manner so that the total assistance provided under the program
4 6 remains within the funding available for the program.
4 7 LSB 1063SS 82
4 8 jp:nh/sh/8



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Senate File 28

SENATE FILE
BY LUNDBY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning specifications for agreements entered into for
2 joint exercise of governmental powers and including an
3 effective date and applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1037SS 82
6 ec/sh/8



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Senate File 28 continued

PAG LIN

1 1 Section 1. Section 28E.5, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5A. The lead public agency relative to
1 4 the joint or cooperative undertaking. The lead public agency
1 5 designated shall be responsible for ensuring that the joint or
1 6 cooperative undertaking complies with the requirements of the
1 7 agreement and any applicable laws. The lead public agency
1 8 shall also be responsible for ensuring that the budget and any
1 9 information relative to the financing of the joint or
1 10 cooperative undertaking are made available to the public.

1 11 Sec. 2. EFFECTIVE DATE == APPLICABILITY. This Act, being
1 12 deemed of immediate importance, takes effect upon enactment
1 13 and applies to agreements entered into or renewed under Code
1 14 chapter 28E on and after that date.

1 15 EXPLANATION

1 16 This bill requires that an agreement entered into pursuant
1 17 to Code chapter 28E for purposes of a joint or cooperative
1 18 undertaking designate a lead public agency relative to that
1 19 undertaking. The bill provides that the lead agency be
1 20 responsible for ensuring compliance with the agreement and any
1 21 applicable laws. The bill also requires the lead public
1 22 agency to ensure that the budget and information relative to
1 23 the financing of the joint undertaking be made available to
1 24 the public. The bill takes effect upon enactment and applies
1 25 to agreements entered into or renewed on and after that date.

1 26 LSB 1037SS 82

1 27 ec/sh/8



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Senate Resolution 2

PAG LIN

1 1 SENATE RESOLUTION NO. ____
1 2 BY WARNSTADT and WIECK
1 3 A Resolution commemorating the sesquicentennial
1 4 anniversary of the founding of the city of Sioux City.
1 5 WHEREAS, in 1804 the Lewis and Clark Expedition
1 6 reached the banks of the mighty Missouri River at the
1 7 place where the city of Sioux City, Iowa, would later
1 8 be founded, and there Sergeant Charles Floyd of the
1 9 Corps of Discovery died and was laid to rest; and
1 10 WHEREAS, at that time Captain Lewis recorded
1 11 perhaps the first written description of the area
1 12 where the Big Sioux and Floyd Rivers join the Missouri
1 13 River; and
1 14 WHEREAS, an independent fur-trader, Theophile
1 15 Bruguier was the first settler on land that would
1 16 become Sioux City, founding a farm that later grew to
1 17 a collection of cabins, Indian tepees, and a trading
1 18 post; and
1 19 WHEREAS, early settlers begin platting the outline
1 20 of the city in the winter of 1854 and 1855, and in
1 21 1856 a steamboat arrived at the growing community from
1 22 St. Louis, loaded with ready-framed houses and
1 23 provisions, sparking additional growth; and
1 24 WHEREAS, on January 16, 1857, the city of Sioux
1 25 City, Iowa, was incorporated; and
1 26 WHEREAS, in the following decades Sioux City has
1 27 grown from a frontier town to a true metropolitan
1 28 community, supporting four institutions of higher
1 29 education: Morningside College, Briar Cliff
1 30 University, St. Luke's College of Nursing, and Western



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Senate Resolution 2 continued

2 1 Iowa Tech Community College; a vibrant economy; and a
2 2 variety of cultural and entertainment opportunities;
2 3 and
2 4 WHEREAS, twice named an All-American City by the
2 5 National Civic League, Sioux City, Iowa, serves as the
2 6 regional hub for business, employment, industry,
2 7 retail trade, medical care, educational opportunities,
2 8 and tourism in northwest Iowa, southeast South Dakota,
2 9 and northeast Nebraska; and
2 10 WHEREAS, Sioux City has now developed a plan for
2 11 the Iowa Great Places initiative which focuses on
2 12 creating recreational trails and signs highlighting
2 13 attractions in the downtown area and preserving the
2 14 historic significance of the existing Sioux City
2 15 stockyards while also transforming the area for
2 16 recreational use; the plan also calls for creation of
2 17 a Sioux City School of Architecture to capitalize on
2 18 the community's unique terra cotta "brand"; and
2 19 WHEREAS, more than 140,000 people now live in that
2 20 tri-state metropolitan area; NOW THEREFORE,
2 21 BE IT RESOLVED BY THE SENATE, That the Senate
2 22 recognizes and extends its congratulations to the city
2 23 of Sioux City on its sesquicentennial anniversary year
2 24 and for its 150 years of service to its citizens and
2 25 its role in making the state of Iowa a great place to
2 26 live and work; and
2 27 BE IT FURTHER RESOLVED, That an official copy of
2 28 this Resolution be prepared and presented to the
2 29 citizens of Sioux City.
2 30 LSB 1714SS 82



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Senate Resolution 2 continued

3 1 jr:rj/gg/14.2



Iowa General Assembly
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January 17, 2007

Senate Study Bill 1031

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act funding courthouse security programs through the enhanced
- 2 court collections fund and the county general fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1377DP 82
- 5 jm/je/5



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1 1 Section 1. Section 356.7, subsection 5, Code 2007, is
1 2 amended to read as follows:
1 3 5. ~~a. Of the moneys collected and credited to the county~~
1 4 ~~general fund as provided in this section, sixty Forty percent~~
1 5 ~~of the moneys collected and credited to the county general~~
1 6 ~~fund pursuant to this section shall be used for the following~~
1 7 ~~purposes:~~
1 8 ~~a. Courthouse security equipment and law enforcement~~
1 9 ~~personnel costs.~~
1 10 ~~b. (1) Infrastructure improvements of a jail, including~~
1 11 ~~new or remodeling costs.~~
1 12 ~~c. (2) Infrastructure improvements of juvenile detention~~
1 13 ~~facilities, including new or remodeling costs.~~
1 14 b. Twenty percent of the moneys collected and credited to
1 15 the county general fund pursuant to this section shall be used
1 16 for courthouse security equipment and law enforcement
1 17 personnel.
1 18 c. The sheriff may submit a plan or recommendations to the
1 19 county board of supervisors for the use of the funds as
1 20 provided in this subsection or the sheriff and board may
1 21 jointly develop a plan for the use of the funds. Subject to
1 22 the requirements of this subsection, funds may be used in the
1 23 manner set forth in an agreement entered into under chapter
1 24 28E.
1 25 d. The county board of supervisors shall review the plan
1 26 or recommendations submitted by the sheriff during the normal
1 27 budget process of the county.
1 28 Sec. 2. Section 602.1304, subsection 2, paragraph a, Code
1 29 2007, is amended to read as follows:
1 30 a. The enhanced court collections fund is created in the
1 31 state treasury under the authority of the supreme court. The
1 32 fund shall be separate from the general fund of the state and
1 33 the balance in the fund shall not be considered part of the
1 34 balance of the general fund of the state. Notwithstanding
1 35 section 8.33, moneys in the fund shall not revert to the



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2 1 general fund, unless and to the extent the total amount of
2 2 moneys deposited into the fund in a fiscal year would exceed
2 3 the maximum annual deposit amount established for the
2 4 collections fund by the general assembly. The initial maximum
2 5 annual deposit amount for a fiscal year is ~~four~~ five million
2 6 dollars. Notwithstanding section 12C.7, subsection 2,
2 7 interest or earnings on moneys in the collections fund shall
2 8 remain in the collections fund and any interest and earnings
2 9 shall be in addition to the maximum annual deposit amount.

2 10 Sec. 3. Section 602.1304, subsection 2, paragraph c, Code
2 11 2007, is amended to read as follows:

2 12 c. ~~Moneys in the collections fund~~ The first four million
2 13 dollars deposited in the fund during the fiscal year shall be
2 14 used by the judicial branch for the Iowa court information
2 15 system; records management equipment, services, and projects;
2 16 other technological improvements; electronic legal research
2 17 equipment, systems, and projects; and the study, development,
2 18 and implementation of other innovations and projects that
2 19 would improve the administration of justice. ~~The~~ Such moneys
2 20 in the collection fund may also be used for capital
2 21 improvements necessitated by the installation of or connection
2 22 with the Iowa court information system, the Iowa
2 23 communications network, and other technological improvements
2 24 approved by the judicial branch.

2 25 Sec. 4. Section 602.1304, subsection 2, Code 2007, is
2 26 amended by adding the following new paragraph:

2 27 NEW PARAGRAPH. d. If the moneys deposited into the fund
2 28 exceed four million dollars during the fiscal year, then up to
2 29 one million dollars of any excess moneys shall be used to fund
2 30 a courthouse security grant program. The program shall make
2 31 grants to counties for the purpose of providing and improving
2 32 courthouse security. The moneys shall be used by the county
2 33 for the purchase of security equipment and building
2 34 enhancements that improve courthouse security. The supreme
2 35 court shall prescribe rules to implement this paragraph.



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3 1 EXPLANATION

3 2 This bill relates to courthouse security programs, and
3 3 funding such programs through the enhanced court collections
3 4 fund and the county general fund.

3 5 The bill requires a county to use 20 percent of the fees
3 6 collected from inmates at the county jail for courthouse
3 7 security. The bill also requires the county to use 40 percent
3 8 of the fees collected from inmates for infrastructure
3 9 improvements at the county jail or infrastructure improvements
3 10 at juvenile detention facilities. Current law requires the
3 11 county to use 60 percent of the fees collected from inmates
3 12 for courthouse security, infrastructure improvements at the
3 13 county jail, and infrastructure improvements at juvenile
3 14 detention facilities, but does not allocate the distribution
3 15 of the fees. Under current law and under the bill, the
3 16 remaining 40 percent of the fees remain in the county general
3 17 fund.

3 18 The bill increases the maximum annual deposit into the
3 19 enhanced court collections fund from \$4 million to \$5 million.
3 20 If the annual deposit into the fund exceeds \$4 million, the
3 21 bill provides that up to \$1 million of the excess funds shall
3 22 be used to establish a courthouse security grant program. The
3 23 bill provides that the grants shall be used by counties for
3 24 the purchase of courthouse security equipment or building
3 25 enhancements that improve courthouse security.

3 26 Current law limits the use of moneys deposited into the
3 27 enhanced court collections fund to projects related to the
3 28 Iowa court information system, for records management
3 29 equipment, and court technological improvements. The enhanced
3 30 court collections fund is funded through fees and other
3 31 revenue collected by the judicial branch.

3 32 LSB 1377DP 82

3 33 jm:nh/je/5



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Senate Study Bill 1032

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY EXAMINERS BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the classification and regulation of
- 2 controlled substances and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1091DP 82
- 5 nh/gg/14



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1 1 Section 1. Section 124.101, subsection 17, Code 2007, is
1 2 amended to read as follows:
1 3 17. "Isomer" means the optical isomer, except as used in
1 4 section 124.204, subsection 4, ~~section 124.204, subsection 9,~~
~~1 5 paragraph "b",~~ and section 124.206, subsection 2, paragraph
1 6 "d". As used in section 124.204, subsection 4, ~~and section~~
~~1 7 124.204, subsection 9, paragraph "b",~~ "isomer" means the
1 8 optical, positional, or geometric isomer. As used in section
1 9 124.206, subsection 2, paragraph "d", "isomer" means the
1 10 optical or geometric isomer.
1 11 Sec. 2. Section 124.204, subsection 2, unnumbered
1 12 paragraph 1, Code 2007, is amended to read as follows:
1 13 Unless specifically excepted or unless listed in another
1 14 schedule, any of the following opiates, including their
1 15 isomers, esters, ethers, salts, and salts of isomers, esters,
1 16 and ethers, whenever the existence of ~~these~~ such isomers,
1 17 esters, ethers, and salts is possible within the specific
1 18 chemical designation:
1 19 Sec. 3. Section 124.204, subsection 2, paragraph ax, Code
1 20 2007, is amended to read as follows:
1 21 ax. 3-Methylfentanyl (N=[3-methyl-1-(2-phenylethyl)-
1 22 4-piperidyl]=N-phenylpropanamide). For purposes of this
1 23 opiate, "isomers" include optical and geometric isomers.
1 24 Sec. 4. Section 124.204, subsection 4, paragraph u, Code
1 25 2007, is amended to read as follows:
1 26 u. Tetrahydrocannabinols, except as otherwise provided by
1 27 rules of the board of pharmacy examiners for medicinal
1 28 purposes. ~~Synthetic, meaning tetrahydrocannabinols naturally~~
1 29 contained in a plant of the genus Cannabis (Cannabis plant) as
1 30 well as synthetic equivalents of the substances contained in
1 31 the Cannabis plant, or in the resinous extractives of Cannabis
~~1 32 sp. such plant, and synthetic substances, derivatives, and~~
1 33 their isomers with similar chemical structure and
1 34 pharmacological activity to those substances contained in the
1 35 plant, such as the following:



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2 1 (1) 1 cis or trans tetrahydrocannabinol, and their optical
2 2 isomers, ~~excluding dronabinol in sesame oil and encapsulated~~
~~2 3 in a soft gelatin capsule in a drug product approved by the~~
~~2 4 United States food and drug administration.~~

2 5 (2) 6 cis or trans tetrahydrocannabinol, and their optical
2 6 isomers.

2 7 (3) 3,4 cis or trans tetrahydrocannabinol, and their
2 8 optical isomers. (Since nomenclature of these substances is
2 9 not internationally standardized, compounds of these
2 10 structures, regardless of numerical designation of atomic
2 11 positions covered.)

2 12 Sec. 5. Section 124.204, subsection 4, Code 2007, is
2 13 amended by adding the following new paragraphs:

2 14 NEW PARAGRAPH. af. 2,5-dimethoxy-4-(n)-propylthiophen-
2 15 ethylamine. Other name: 2C=T=7.

2 16 NEW PARAGRAPH. ag. Alpha-methyltryptamine. Other name:
2 17 AMT.

2 18 NEW PARAGRAPH. ah. 5-methoxy-N,N-diisopropyltryptamine.
2 19 Other name: 5=MeO=DIPT.

2 20 Sec. 6. Section 124.204, subsection 5, unnumbered
2 21 paragraph 1, Code 2007, is amended to read as follows:

2 22 Unless specifically ~~exempted~~ excepted or unless listed in
2 23 another schedule, any material, compound, mixture, or
2 24 preparation which contains any quantity of the following
2 25 substances having a depressant effect on the central nervous
2 26 system, their salts, isomers, and salts of isomers, whenever
2 27 the existence of these salts, isomers, and salts of isomers is
2 28 possible within the specific chemical designation:

2 29 Sec. 7. Section 124.204, subsection 6, Code 2007, is
2 30 amended by adding the following new paragraph:

2 31 NEW PARAGRAPH. h. N-benzylpiperazine. Some other names:
2 32 BZP, l-benzylpiperazine.

2 33 Sec. 8. Section 124.206, subsection 2, paragraphs a and d,
2 34 Code 2007, are amended to read as follows:

2 35 a. Opium and opiate, and any salt, compound, derivative,



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3 1 or preparation of opium or opiate, excluding apomorphine,
3 2 thebaine-derived butorphanol, dextrorphan, nalbuphine,
3 3 nalmefene, naloxone, and naltrexone, and their respective
3 4 salts, but including the following:

- 3 5 (1) Raw opium.
- 3 6 (2) Opium extracts.
- 3 7 (3) Opium fluid ~~extracts~~.
- 3 8 (4) Powdered opium.
- 3 9 (5) Granulated opium.
- 3 10 (6) Tincture of opium.
- 3 11 (7) Codeine.
- 3 12 (8) Ethylmorphine.
- 3 13 (9) Etorphine hydrochloride.
- 3 14 (10) Hydrocodone, also known as dihydrocodeinone.
- 3 15 (11) Hydromorphone, also known as dihydromorphinone.
- 3 16 (12) Metopon.
- 3 17 (13) Morphine.
- 3 18 (14) Oxycodone.
- 3 19 (15) Oxymorphone.
- 3 20 (16) Thebaine.
- 3 21 (17) Dihydroetorphine.

3 22 d. Coca leaves and any salt, compound, derivative, or
3 23 preparation of coca leaves. Decocainized coca leaves or
3 24 extractions of coca leaves, which extractions do not contain
3 25 cocaine or ecgonine, are excluded from this paragraph. The
3 26 following substances and their salts, optical and geometric
3 27 isomers, derivatives, and salts of isomers and derivatives and
3 28 optical and geometric isomers, if salts, isomers, derivatives,
~~3 29 or salts of isomers and derivatives exist under the specific~~
~~3 30 chemical designation and any salt, compound, derivative, or~~
3 31 preparation thereof that is chemically equivalent or identical
3 32 to any of such substances, are included in this paragraph:

- 3 33 (1) Cocaine.
- 3 34 (2) Ecgonine.
- 3 35 Sec. 9. Section 124.206, subsection 6, paragraph a, Code



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4 1 2007, is amended to read as follows:

4 2 a. ~~Immediate~~ Phenylacetone, an immediate precursor to
4 3 amphetamine and methamphetamine+

4 4 ~~(1) Phenylacetone~~. Some trade or other names:

4 5 phenyl=2=propanone; P2P; benzyl methyl ketone; methyl benzyl
4 6 ketone.

4 7 Sec. 10. Section 124.208, subsection 5, paragraph a,
4 8 subparagraph (5), Code 2007, is amended to read as follows:

4 9 (5) Not more than one point eight grams of dihydrocodeine
4 10 ~~(another name: hydrocodone)~~ per one hundred milliliters or
4 11 not more than ninety milligrams per dosage unit, with one or
4 12 more active, nonnarcotic ingredients in recognized therapeutic
4 13 amounts.

4 14 Sec. 11. Section 124.208, subsection 6, Code 2007, is
4 15 amended by striking the subsection and inserting in lieu
4 16 thereof the following:

4 17 6. ANABOLIC STEROIDS. Unless specifically excepted in
4 18 subsection 6A or unless listed in another schedule, any
4 19 material, compound, mixture, or preparation containing any
4 20 quantity of the following substances, including their salts,
4 21 esters, and ethers:

4 22 a. 3[beta],17=dihydroxy=5[alpha]=androstane.

4 23 b. 3[alpha],17[beta]=dihydroxy=5[alpha]=androstane.

4 24 c. 5[alpha]=androstane=3,17=dione.

4 25 d. 1=androstenediol(3[beta],17[beta]=dihydroxy=5[alpha]=
4 26 androst=1=ene).

4 27 e. 1=androstenediol (3[alpha],17[beta]=dihydroxy=5[alpha]=
4 28 androst=1=ene).

4 29 f. 4=androstenediol (3[beta],17[beta]=dihydroxy=androst=
4 30 4=ene).

4 31 g. 5=androstenediol (3[beta],17[beta]=dihydroxy=androst=
4 32 5=ene).

4 33 h. 1=androstenedione ([5[alpha]]=androst=1=en=3,17=dione).

4 34 i. 4=androstenedione (androst=4=en=3,17=dione).

4 35 j. 5=androstenedione (androst=5=en=3,17=dione).



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- 5 1 k. Bolasterone (7[alpha],17[alpha]=dimethyl=17[beta]=
5 2 hydroxyandrost=4=en=3=one).
- 5 3 l. Boldenone (17[beta]=hydroxyandrost=1,4=diene=3=one).
- 5 4 m. Calusterone (7[beta],17[alpha]=dimethyl=17[beta]=hydroxy-
5 5 androst=4=en=3=one).
- 5 6 n. Clostebol (4=chloro=17[beta]=hydroxyandrost=4=en=3=one).
- 5 7 o. Dehydrochloromethyltestosterone (4=chloro=17[beta]=
5 8 hydroxy=17[alpha]=methylandrost=1,4=dien=3=one).
- 5 9 p. [Delta]1=dihydrotestosterone (a.k.a. 1=testosterone)
5 10 (17[beta]=hydroxy=5[alpha]=androst=1=en=3=one).
- 5 11 q. 4=dihydrotestosterone (17[beta]=hydroxy=androstan=3=one).
- 5 12 r. Drostanolone (17[beta]=hydroxy=2[alpha]=methyl=5[alpha]=
5 13 androstan=3=one).
- 5 14 s. Ethylestrenol (17[alpha]=ethyl=17[beta]=hydroxyestr=
5 15 4=ene).
- 5 16 t. Fluoxymesterone (9=fluoro=17[alpha]=methyl=11[beta],
5 17 17[beta]=dihydroxyandrost=4=en=3=one).
- 5 18 u. Formebolone (2=formyl=17[alpha]=methyl=11[alpha],
5 19 17[beta]=dihydroxyandrost=1,4=dien=3=one).
- 5 20 v. Furazabol (17[alpha]=methyl=17[beta]=hydroxy-
5 21 androstano[2,3=c]=furazan).
- 5 22 w. 13[beta]=ethyl=17[beta]=hydroxygon=4=en=3=one.
- 5 23 x. 4=hydroxytestosterone (4,17[beta]=dihydroxy=androst=
5 24 4=en=3=one).
- 5 25 y. 4=hydroxy=19=nortestosterone (4,17[beta]=dihydroxy=estr=
5 26 4=en=3=one).
- 5 27 z. Mestanolone (17[alpha]=methyl=17[beta]=hydroxy=5[alpha]=
5 28 androstan=3=one).
- 5 29 aa. Mesterolone (1[alpha]methyl=17[beta]=hydroxy=[5[alpha]]=
5 30 androstan=3=one).
- 5 31 ab. Methandienone (17[alpha]=methyl=17[beta]=hydroxyandrost=
5 32 1,4=dien=3=one).
- 5 33 ac. Methandriol (17[alpha]=methyl=3[beta],17[beta]=dihydroxy-
5 34 androst=5=ene).
- 5 35 ad. Methenolone (1=methyl=17[beta]=hydroxy=5[alpha]=androst=



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- 6 1 1=en=3=one).
- 6 2 ae. 17[alpha]=methyl=3[beta],17[beta]=dihydroxy=5[alpha]=
- 6 3 androstane.
- 6 4 af. 17[alpha]=methyl=3[alpha],17[beta]=dihydroxy=5[alpha]=
- 6 5 androstane.
- 6 6 ag. 17[alpha]=methyl=3[beta],17[beta]=dihydroxyandrost=4=ene.
- 6 7 ah. 17[alpha]=methyl=4=hydroxynandrolone (17[alpha]=methyl=
- 6 8 4=hydroxy=17[beta]=hydroxyestr=4=en=3=one).
- 6 9 ai. Methyldienolone (17[alpha]=methyl=17[beta]=hydroxyestra=
- 6 10 4,9(10)=dien=3=one).
- 6 11 aj. Methyltrienolone (17[alpha]=methyl=17[beta]=hydroxyestra=
- 6 12 4,9=11=trien=3=one).
- 6 13 ak. Methyltestosterone (17[alpha]=methyl=17[beta]=hydroxy-
- 6 14 androst=4=en=3=one).
- 6 15 al. Mibolerone (7[alpha],17[alpha]=dimethyl=17[beta]=hydroxy-
- 6 16 estr=4=en=3=one).
- 6 17 am. 17[alpha]=methyl=[Delta]1=dihydrotestosterone (17b[beta]=
- 6 18 hydroxy=17[alpha]=methyl=5[alpha]=androst=1=en=3=one) (a.k.a.
- 6 19 17=[alpha]=methyl=1=testosterone).
- 6 20 an. Nandrolone (17[beta]=hydroxyestr=4=en=3=one).
- 6 21 ao. 19=nor=4=androstenediol (3[beta],17[beta]=dihydroxy-
- 6 22 estr=4=ene).
- 6 23 ap. 19=nor=4=androstenediol (3[alpha],17[beta]=dihydroxy-
- 6 24 estr=4=ene).
- 6 25 aq. 19=nor=5=androstenediol (3[beta],17[beta]=dihydroxy-
- 6 26 estr=5=ene).
- 6 27 ar. 19=nor=5=androstenediol (3[alpha],17[beta]=dihydroxy-
- 6 28 estr=5=ene).
- 6 29 as. 19=nor=4=androstenedione (estr=4=en=3,17=dione).
- 6 30 at. 19=nor=5=androstenedione (estr=5=en=3,17=dione).
- 6 31 au. Norbolethone (13[beta],17[alpha]=diethyl=17[beta]=
- 6 32 hydroxygon=4=en=3=one).
- 6 33 av. Norclostebol (4=chloro=17[beta]=hydroxyestr=4=en=3=one).
- 6 34 aw. Norethandrolone (17[alpha]=ethyl=17[beta]=hydroxy-
- 6 35 estr=4=en=3=one).



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7 1 ax. Normethandrolone (17[alpha]=methyl=17[beta]=hydroxy-
7 2 estr=4=en=3=one).
7 3 ay. Oxandrolone (17[alpha]=methyl=17[beta]=hydroxy=2=oxa=
7 4 [5[alpha]]=androstan=3=one).
7 5 az. Oxymesterone (17[alpha]=methyl=4,17[beta]=dihydroxy-
7 6 androst=4=en=3=one).
7 7 ba. Oxymetholone (17[alpha]=methyl=2=hydroxymethylene=
7 8 17[beta]=hydroxy=[5[alpha]]=androstan=3=one).
7 9 bb. Stanozolol (17[alpha]=methyl=17[beta]=hydroxy=[5[alpha]]=
7 10 androst=2=eno[3,2=c]=pyrazole).
7 11 bc. Stenbolone (17[beta]=hydroxy=2=methyl=[5[alpha]]=
7 12 androst=1=en=3=one).
7 13 bd. Testolactone (13=hydroxy=3=oxo=13,17=secoandrosta=1,4=
7 14 dien=17=oic acid lactone).
7 15 be. Testosterone (17[beta]=hydroxyandrost=4=en=3=one).
7 16 bf. Tetrahydrogestrinone (13[beta],
7 17 17[alpha]=diethyl=17[beta]=hydroxygon=4,9,11=trien=3=one).
7 18 bg. Trenbolone (17[beta]=hydroxyestr=4,9,11=trien=3=one).
7 19 Sec. 12. Section 124.208, Code 2007, is amended by adding
7 20 the following new subsection:
7 21 NEW SUBSECTION. 6A. EXCLUSIONS == ANABOLIC STEROIDS.
7 22 This section shall not apply to an anabolic steroid that is
7 23 expressly intended for administration through implants to
7 24 cattle or other nonhuman species and that has been approved
7 25 for such administration. A person who prescribes, dispenses,
7 26 or distributes such steroid for human use shall be considered
7 27 to have prescribed, dispensed, or distributed an anabolic
7 28 steroid subject to this section. This section shall not apply
7 29 to estrogens, progestins, corticosteroids, or
7 30 dehydroepiandrosterone.
7 31 Sec. 13. Section 124.210, subsection 3, Code 2007, is
7 32 amended by adding the following new paragraph:
7 33 NEW PARAGRAPH. ay. Zopiclone.
7 34 Sec. 14. Section 124.210, subsection 4, Code 2007, is
7 35 amended to read as follows:



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8 1 4. FENFLURAMINE. Any material, compound, mixture, or
8 2 preparation which contains any quantity of ~~the following~~
~~8 3 substances~~ fenfluramine, including its salts, isomers (whether
8 4 optical, position, or geometric), and salts of such isomers,
8 5 whenever the existence of such salts, isomers, and salts of
8 6 isomers is possible:

8 7 a. ~~Fenfluramine.~~
8 8 Sec. 15. Section 124.212, subsection 3, Code 2007, is
8 9 amended to read as follows:

8 10 3. STIMULANTS. Unless specifically ~~excepted~~ exempted or
8 11 excluded or unless listed in another schedule, any material,
8 12 compound, mixture, or preparation which contains any quantity
8 13 of pyrovalerone, including its salts, isomers, and salts of
8 14 isomers.

8 15 Sec. 16. Section 124.212, Code 2007, is amended by adding
8 16 the following new subsection:

8 17 NEW SUBSECTION. 5. DEPRESSANTS. Unless specifically
8 18 exempted or excluded or unless listed in another schedule, any
8 19 material, compound, mixture, or preparation that contains any
8 20 quantity of the following substance having a depressant effect
8 21 on the central nervous system, including its salts: pregabalin
8 22 [(S)=3-(aminomethyl)=5-methylhexanoic acid].

8 23 Sec. 17. Section 124.308, subsection 3, Code 2007, is
8 24 amended to read as follows:

8 25 3. In emergency situations, as defined by rule of the
8 26 board, schedule II drugs may be dispensed upon electronic,
8 27 facsimile, or oral prescription of a practitioner, reduced
8 28 promptly to writing and filed by the pharmacy. Prescriptions
8 29 shall be retained in conformity with the requirements of
8 30 section 124.306. No prescription for a schedule II substance
8 31 may be refilled.

8 32 Sec. 18. Section 124.401, subsection 1, paragraph b,
8 33 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
8 34 Code 2007, are amended to read as follows:

8 35 (a) Coca leaves, except coca leaves and extracts of coca
9 1 leaves from which cocaine, ecgonine, and derivatives of
9 2 ecgonine ~~or~~ and their salts have been removed.

9 3 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
9 4 or salts of isomers.

9 5 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
9 6 or salts of isomers.

9 7 Sec. 19. Section 124.553, subsection 3, Code 2007, is
9 8 amended to read as follows:

9 9 3. Information contained in the program and any
9 10 information obtained from it, and information contained in the
9 11 records of requests for information from the program, is
9 12 privileged and strictly confidential information. Such
9 13 information is ~~not~~ a confidential public record pursuant to
9 14 ~~chapter 22~~ section 22.7, and is not subject to discovery,
9 15 subpoena, or other means of legal compulsion for release
9 16 except as provided in this division. Information from the
9 17 program shall not be released, shared with an agency or
9 18 institution, or made public except as provided in this
9 19 division.

9 20 Sec. 20. Section 126.2, subsection 2, Code 2007, is
9 21 amended to read as follows:



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9 22 2. "Anabolic steroid" means any ~~anabolic steroid,~~
9 23 ~~including, but not limited to oxymetholone, oxandrolone,~~
9 24 ~~ethylestrenol, methandrostenolone, stanozolol, nandrolone~~
9 25 ~~phenpropionate, nandrolone decanoate,~~ drug or hormonal
9 26 substance, chemically and pharmacologically related to
9 27 testosterone, other than estrogens, progestins,
9 28 corticosteroids, or dehydroepiandrosterone, which substance is
9 29 identified as an anabolic steroid in section 124.208,
9 30 subsection 6, and includes any other substance designated by
9 31 the board as an anabolic steroid through the adoption of rules
9 32 pursuant to chapter 17A.

9 33

EXPLANATION

9 34 This bill makes various changes relating to controlled
9 35 substances to correspond with recent amendments to federal



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Senate Study Bill 1032 continued

10 1 controlled substances laws and regulations and to make
10 2 technical and corresponding corrections.
10 3 The bill amends the definition of "isomer" for purposes of
10 4 the schedule I controlled substance thenylfentanyl to include
10 5 only optical isomers rather than optical, positional, and
10 6 geometric isomers. The bill also provides that the use of the
10 7 term "isomer" in reference to the schedule I controlled
10 8 substance 3-methylfentanyl includes optical and geometric
10 9 isomers.
10 10 The bill modifies the description of the schedule I
10 11 controlled substance tetrahydrocannabinol (a hallucinogenic
10 12 substance) to clarify that both natural and synthetic
10 13 substances are included and to make other changes in accord
10 14 with federal law. The bill also adds three other
10 15 hallucinogenic substances to the list of schedule I controlled
10 16 substances: 2C=T=7; AMT; and 5=MeO=DIPT. In addition, the
10 17 bill adds the stimulant BZP to the list of schedule I
10 18 controlled substances.
10 19 The bill amends the list of schedule II controlled
10 20 substances to include in the list of opiates dihydroetorphine
10 21 and a modified description of coca leaves; salts, compounds,
10 22 derivatives, and preparations of coca leaves; and the
10 23 substances cocaine and ecgonine or their equivalents.
10 24 The bill expands the list of anabolic steroids regulated as
10 25 schedule III controlled substances in Code chapter 124 and
10 26 amends the definition of "anabolic steroid" in Code chapter
10 27 126, the "Iowa Drug, Device, and Cosmetic Act".
10 28 The bill adds the depressant zopiclone to the list of
10 29 schedule IV controlled substances and the depressant
10 30 pregabalin to the list of schedule V controlled substances.
10 31 In addition, the bill provides that in emergency
10 32 situations, schedule II drugs may be dispensed upon electronic
10 33 or facsimile prescription of a practitioner. The prescription
10 34 must be reduced to writing and filed by the pharmacy and
10 35 retained in conformity with the requirements of Code section



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Senate Study Bill 1032 continued

11 1 124.306. Current law provides for emergency dispensing upon
11 2 oral prescription if promptly reduced to writing and filed by
11 3 the pharmacy. Current law also allows electronic and
11 4 facsimile prescriptions provided that the original signed
11 5 prescription is presented to the pharmacist prior to the
11 6 dispensing of the schedule II controlled substance or, if
11 7 permitted by federal law, the electronic or facsimile
11 8 prescription may serve as the original signed prescription.

11 9 The bill also makes a change in provisions enacted in 2006
11 10 relating to the information program for drug prescribing and
11 11 dispensing to be established and maintained by the board of
11 12 pharmacy examiners. The bill conforms the language in Code
11 13 section 124.553, relating to the status of information
11 14 contained in the program, obtained from the program, and
11 15 contained in the records of requests for information from the
11 16 program, to language in Code section 22.7 making such
11 17 information a confidential public record.

11 18 All penalties applicable to the manufacture, delivery, or
11 19 possession of controlled substances under Code chapter 124 are
11 20 applicable to the controlled substances added to the various
11 21 schedules of controlled substances pursuant to the bill.

11 22 LSB 1091DP 82

11 23 nh:rj/gg/14.1



Iowa General Assembly
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Senate Study Bill 1033

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

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

A BILL FOR

1 An Act relating to the personal needs allowance retained by
2 medical assistance recipients in certain facilities, providing
3 an effective date, and providing for retroactive
4 applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1876SC 82
7 pf/gg/14



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Senate Study Bill 1033 continued

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1 1 Section 1. Section 249A.30A, Code 2007, is amended to read
1 2 as follows:
1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.
1 4 The personal needs allowance ~~under the medical assistance~~
1 5 ~~program~~, which may be retained by a recipient of medical
1 6 assistance who is a resident of a nursing facility,
1 7 intermediate care facility for persons with mental
1 8 retardation, or intermediate care facility for persons with
1 9 mental illness, as defined in section 135C.1, or a resident of
1 10 a psychiatric medical institution for children as defined in
1 11 section 135H.1, shall be fifty dollars per month.
1 12 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 13 Act, being deemed of immediate importance, takes effect upon
1 14 enactment and is retroactively applicable to July 1, 2006.
1 15 EXPLANATION
1 16 This bill provides that in addition to Medicaid recipients
1 17 who are residents of nursing facilities, residents of
1 18 intermediate care facilities for persons with mental
1 19 retardation, residents of intermediate care facilities for
1 20 persons with mental illness, and residents of psychiatric
1 21 medical institutions for children, are to receive a personal
1 22 needs allowance of \$50 per month.
1 23 The bill takes effect upon enactment and is retroactively
1 24 applicable to July 1, 2006.
1 25 LSB 1876SC 82
1 26 pf:rj/gg/14.1



Iowa General Assembly
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Senate Study Bill 1034

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY EXAMINERS BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the practice of pharmacy and the registration
- 2 of pharmacy technicians.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1090DP 82
- 5 jr/gg/14



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Senate Study Bill 1034 continued

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1 1 Section 1. Section 155A.3, subsection 32, Code 2007, is
1 2 amended to read as follows:

1 3 32. "Practice of pharmacy" is a dynamic patient-oriented
1 4 health service profession that applies a scientific body of
1 5 knowledge to improve and promote patient health by means of
1 6 appropriate drug use, ~~and~~ related drug therapy, and the
1 7 provision of those acts or services necessary to provide
1 8 pharmaceutical care in all areas of patient care.

1 9 Sec. 2. Section 155A.6, Code 2007, is amended to read as
1 10 follows:

1 11 155A.6 PHARMACIST INTERNSHIP PROGRAM ~~AND PHARMACY~~
1 12 ~~TECHNICIAN REGISTRATION.~~

1 13 1. A program of pharmacist internships is established.
1 14 Each internship is subject to approval by the board.

1 15 2. A person desiring to be a pharmacist-intern in this
1 16 state shall apply to the board for registration. The
1 17 application must be on a form prescribed by the board. A
1 18 pharmacist-intern shall be registered during internship
1 19 training and thereafter pursuant to rules adopted by the
1 20 board.

1 21 3. The board shall establish standards for
1 22 pharmacist-intern registration and may deny, suspend, or
1 23 revoke a pharmacist-intern registration for failure to meet
1 24 the standards or for any violation of the laws of this state,
1 25 another state, or the United States relating to prescription
1 26 drugs, controlled substances, or nonprescription drugs, or for
1 27 any violation of this chapter or chapter 124, 124A, 124B, 126,
1 28 147, or 205, or any rule of the board.

1 29 4. The board shall adopt rules in accordance with chapter
1 30 17A on matters pertaining to pharmacist-intern registration
1 31 standards, registration fees, conditions of registration,
1 32 termination of registration, and approval of preceptors.

1 33 ~~5. A registration program for pharmacy technicians is~~
1 34 ~~established for the purposes of identification, tracking, and~~
1 35 ~~disciplinary action for the violation of federal drug laws or~~



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~~Senate Study Bill 1034 continued~~

~~2 1 regulations, state drug or pharmacy laws, or board rules by
2 2 pharmacy technicians. The registration shall not include any
2 3 determination of the competency of the registered individual
2 4 and, notwithstanding section 272C.2, subsection 1, shall not
2 5 require continuing education for renewal. The ultimate
2 6 responsibility for the actions of a pharmacy technician
2 7 working under a licensed pharmacist's supervision shall remain
2 8 with the licensed pharmacist.~~

2 9 6. A person who is or desires to be a pharmacy technician
~~2 10 in this state shall apply to the board for registration. The
2 11 application must be submitted on a form prescribed by the
2 12 board. A pharmacy technician must be registered pursuant to
2 13 rules adopted by the board.~~

2 14 7. The board may deny, suspend, or revoke a pharmacy
~~2 15 technician registration for any violation of the laws of this
2 16 state, another state, or the United States relating to
2 17 prescription drugs, controlled substances, or nonprescription
2 18 drugs, or for any violation of this chapter or chapter 124,
2 19 124A, 124B, 126, 147, or 205, or any rule of the board.~~

2 20 8. The board shall adopt rules in accordance with chapter
~~2 21 17A on matters pertaining to pharmacy technician registration
2 22 applications, renewals, fees, termination of registration, and
2 23 any other relevant matters.~~

2 24 Sec. 3. NEW SECTION. 155A.6A PHARMACY TECHNICIAN
2 25 REGISTRATION.

2 26 1. A registration program for pharmacy technicians is
2 27 established for the purpose of establishing technician
2 28 competency and for the purposes of identification, tracking,
2 29 and disciplinary action for the violation of federal drug laws
2 30 or regulations, state drug or pharmacy laws, or board rules.
2 31 The ultimate responsibility for the actions of a pharmacy
2 32 technician working under a licensed pharmacist's supervision
2 33 shall remain with the licensed pharmacist.

2 34 2. A person who is or desires to be a pharmacy technician
2 35 in this state shall apply to the board for registration. The



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3 1 application shall be submitted on a form prescribed by the
3 2 board. A pharmacy technician must be registered pursuant to
3 3 rules adopted by the board. Except as provided in subsection
3 4 3, beginning July 1, 2010, all applicants for a new pharmacy
3 5 technician registration or for a pharmacy technician renewal
3 6 shall provide proof of current certification by a national
3 7 technician certification authority approved by the board.
3 8 Notwithstanding section 272C.2, subsection 1, a pharmacy
3 9 technician registration shall not require continuing education
3 10 for renewal.

3 11 3. Beginning July 1, 2009, a person who is in the process
3 12 of acquiring national certification as a pharmacy technician
3 13 and who is in training to become a pharmacy technician shall
3 14 register with the board as a pharmacy technician. The
3 15 registration shall be issued for a period not to exceed one
3 16 year and shall not be renewable.

3 17 4. The board shall adopt rules in accordance with chapter
3 18 17A on matters pertaining to pharmacy technician registration,
3 19 application, forms, renewals, fees, termination of
3 20 registration, national certification, training, and any other
3 21 relevant matters.

3 22 5. The board may deny, suspend, or revoke the registration
3 23 of, or otherwise discipline, a registered pharmacy technician
3 24 for any violation of the laws of this state, another state, or
3 25 the United States relating to prescription drugs, controlled
3 26 substances, or nonprescription drugs, or for any violation of
3 27 this chapter or chapter 124, 124A, 124B, 126, 147, 205, or
3 28 272C, or any rule of the board.

3 29 EXPLANATION

3 30 This bill establishes a pharmacy technician registration
3 31 program to include certification by a national certification
3 32 authority approved by the board. The board currently
3 33 registers pharmacy technicians for the purposes of
3 34 registration, tracking, and disciplinary action, without
3 35 recognition or identification of an individual's competency or



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4 1 level of training. The bill rescinds provisions regarding the
4 2 current pharmacy technician registration program and
4 3 establishes a new registration program that requires
4 4 certification of all pharmacy technicians beginning July 1,
4 5 2010.

4 6 The bill also amends the definition of the practice of
4 7 pharmacy to include acts and services provided by pharmacists
4 8 in the course of providing pharmaceutical care to the
4 9 pharmacist's patients.

4 10 LSB 1090DP 82

4 11 jr:rj/gg/14.1



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Senate Study Bill 1035

SENATE/HOUSE FILE
 BY (PROPOSED CITIZENS'
 AIDE/OMBUDSMAN BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the administrative modification of a child
- 2 support order.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1399DP 82
- 5 pf/gg/14



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Senate Study Bill 1035 continued

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1 1 Section 1. Section 252H.4, subsection 4, Code 2007, is
1 2 amended to read as follows:

1 3 4. The unit shall adopt rules pursuant to chapter 17A to
1 4 establish the process for the review of requests for
1 5 adjustment, the criteria and procedures for conducting a
1 6 review and determining when an adjustment is appropriate, the
1 7 procedure and criteria for a cost-of-living alteration, the
1 8 criteria and procedure for a request for review and
1 9 administrative modification pursuant to section 252H.18A, and
1 10 other rules necessary to implement this chapter.

1 11 Sec. 2. Section 252H.8, subsection 4, paragraph f, Code
1 12 2007, is amended to read as follows:

1 13 f. Copies of any financial statements and supporting
1 14 documentation provided by the parents including ~~proof~~
1 15 supporting documentation of a substantial change in
1 16 circumstances for a request filed pursuant to section
1 17 252H.18A.

1 18 Sec. 3. Section 252H.9, subsection 2, Code 2007, is
1 19 amended to read as follows:

1 20 2. a. For orders to which subchapter II or III is
1 21 applicable, the unit shall determine the appropriate amount of
1 22 the child support obligation using the current child support
1 23 guidelines established pursuant to section 598.21B and the
1 24 criteria established pursuant to section 252B.7A and shall
1 25 determine the provisions for medical support pursuant to
1 26 chapter 252E.

1 27 b. If the unit is administratively modifying an existing
1 28 order and establishing support pursuant to section 252H.18A,
1 29 subsection 4, the unit shall determine the child support
1 30 obligation of both parents or parties in the manner required
1 31 by the rule relating to split divided physical care of a child
1 32 under the child support guidelines.

1 33 Sec. 4. Section 252H.18A, Code 2007, is amended to read as
1 34 follows:

1 35 252H.18A ~~REQUEST FOR REVIEW OUTSIDE APPLICABLE TIME FRAMES~~



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Senate Study Bill 1035 continued

2 1 AND ADMINISTRATIVE MODIFICATION.

2 2 1. If a support order is ~~not~~ eligible for review and

~~2 3 adjustment because the support order is outside of the minimum~~
~~2 4 time frames specified by rule of the department administrative~~
~~2 5 modification pursuant to section 252H.18, a parent may request~~

2 6 a review and administrative modification by submitting all of
2 7 the following to the unit:

2 8 a. A written request for review and administrative

~~2 9 modification of the support order which is outside of the~~
~~2 10 applicable time frames.~~

2 11 b. Verified Supporting documentation of a substantial

~~2 12 change in circumstances as specified by rule of the~~
~~2 13 department.~~

2 14 2. Upon receipt of the request and all documentation

2 15 required in subsection 1, the unit shall review the request
2 16 and documentation and if appropriate shall issue a notice of
2 17 intent to modify as provided in section 252H.19.

2 18 3. Notwithstanding section 598.21C, for purposes of this
2 19 section, a substantial change in circumstances ~~means there~~
2 20 includes but is not limited to any of the following:

2 21 a. There has been a change of fifty percent or more in the
2 22 income of a parent, and the change is due to financial
2 23 circumstances which have existed for a minimum period of three
2 24 months and can reasonably be expected to exist for an
2 25 additional three months.

2 26 b. The child for whom support is ordered is currently

~~2 27 residing with and being provided routine care by the parent~~
~~2 28 who is ordered to pay support, due to circumstances which can~~
~~2 29 reasonably be expected to last for at least six months. Such~~
~~2 30 circumstances include but are not limited to any of the~~
2 31 following:

2 32 (1) The juvenile court has entered an order pursuant to

~~2 33 chapter 232 awarding legal custody or physical care of the~~
~~2 34 child to the parent who is obligated to pay support for the~~
2 35 child.



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Senate Study Bill 1035 continued

3 1 (2) The parent or party to whom support is ordered to be
3 2 paid has been incarcerated.

3 3 (3) The parent or party to whom support is ordered to be
3 4 paid has died.

3 5 (4) The parent or party to whom support is ordered to be
3 6 paid agrees to allow the child to reside with and be provided
3 7 routine care by the parent who is ordered to pay support.

3 8 4. A parent requesting an administrative modification
3 9 under this section due to circumstances described in
3 10 subsection 3, paragraph "b", may also submit a request to the
3 11 unit for assistance in establishing support for the child.

3 12 The unit shall adopt rules pursuant to chapter 17A to create
3 13 an expedited process providing for the administrative
3 14 modification of the existing order and establishment of
3 15 support for the child, concurrently.

3 16 EXPLANATION

3 17 This bill makes changes in the administrative modification
3 18 provisions for child support orders. The bill amends the
3 19 eligibility criteria for the review and administrative
3 20 modification of a child support order.

3 21 The bill requires a written request for review and
3 22 administrative modification, and requires submission of
3 23 supporting rather than verified documentation regarding a
3 24 substantial change in circumstances. The bill also changes
3 25 the basis for establishing a substantial change in
3 26 circumstances from circumstances relating to a specific change
3 27 in income to specified situations constituting a substantial
3 28 change in circumstances.

3 29 The bill provides that if a parent is requesting an
3 30 administrative modification based on any of the newly
3 31 specified substantial changes in circumstances, the parent may
3 32 also submit a request to the child support recovery unit for
3 33 assistance in establishing support for the child. The bill
3 34 directs the unit to adopt rules to provide for an expedited
3 35 process to provide for administrative modification of an



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Senate Study Bill 1035 continued

4 1 existing order and establishment of support for the child,
4 2 concurrently.
4 3 The bill also provides that if the unit is administratively
4 4 modifying an existing order and establishing support,
4 5 concurrently, the unit is to determine the child support
4 6 obligation of both parents or parties in the manner required
4 7 by the rule relating to split or divided physical care of a
4 8 child under the child support guidelines.
4 9 LSB 1399DP 82
4 10 pf:nh/gg/14.1



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Senate Study Bill 1036

 SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT

 OF PUBLIC HEALTH BILL)

Passed Senate, Date	Passed House, Date
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
<u>Approved</u>	

A BILL FOR

1 An Act requiring children to have a dental screening as a
 2 condition of enrollment in elementary or high school and
 3 providing an effective date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1211XD 82
 6 nh/sh/8



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Senate Study Bill 1036 continued

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1 1 Section 1. NEW SECTION. 135.17 DENTAL SCREENING OF
1 2 CHILDREN.
1 3 1. a. A person shall not be enrolled in a public or
1 4 nonpublic elementary school without presenting evidence upon
1 5 initial enrollment in the school of having, at a minimum, a
1 6 dental screening performed within the prior year by a licensed
1 7 physician as defined in chapter 148 or 150, or a licensed
1 8 dental hygienist or dentist as defined in chapter 153. A
1 9 person shall not be enrolled in a public or nonpublic high
1 10 school without presenting evidence upon initial enrollment in
1 11 the school of having, at a minimum, a dental screening
1 12 performed within the prior year by a licensed dental hygienist
1 13 or dentist as defined in chapter 153.
1 14 b. A person performing a dental screening required by this
1 15 section shall record the fact of having conducted the
1 16 screening, and such additional information required by the
1 17 department, on uniform forms developed by the department in
1 18 cooperation with the department of education. The form shall
1 19 include a space for the person performing the screening to
1 20 summarize any condition that may indicate a need for special
1 21 services.
1 22 c. The department shall specify the procedures that
1 23 constitute a dental screening and authorize a waiver signed by
1 24 a licensed physician, dental hygienist, or dentist for a
1 25 person who is unduly burdened by the screening requirement.
1 26 2. Each public and nonpublic school shall give notice of
1 27 the dental screening requirement to parents of students
1 28 enrolled or to be enrolled in the school at least ninety days
1 29 before the start of the school year in the manner prescribed
1 30 by the department.
1 31 3. A person may be provisionally enrolled in a public or
1 32 nonpublic elementary or high school if the person is in the
1 33 process of obtaining the required dental screening.
1 34 4. Each local board shall furnish the department, within
1 35 sixty days after the start of the school year, evidence that



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Senate Study Bill 1036 continued

2 1 each person enrolled in any public or nonpublic school within
2 2 the local board's jurisdiction has met the dental screening
2 3 requirement in this section.

2 4 5. The department shall adopt rules to administer this
2 5 section.

2 6 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,
2 7 2008.

2 8 EXPLANATION

2 9 This bill requires all children, prior to their initial
2 10 enrollment in a public or nonpublic elementary or high school,
2 11 to obtain a dental screening. The bill requires the person
2 12 performing the screening to complete a uniform form regarding
2 13 the screening and requires the department of public health to
2 14 specify the procedures constituting a screening and to
2 15 authorize a waiver for persons who are unduly burdened by the
2 16 requirement.

2 17 The bill requires schools to give notice to parents of the
2 18 screening requirement. The bill also provides for provisional
2 19 enrollment if a child is in the process of obtaining a
2 20 screening. Each local board of health is required to furnish
2 21 the department with evidence that all children enrolled in the
2 22 schools within the board's jurisdiction have met the screening
2 23 requirement.

2 24 The bill takes effect July 1, 2008.

2 25 LSB 1211XD 82

2 26 nh:rj/sh/8.1



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Senate Study Bill 1037

 SENATE/HOUSE FILE

 BY (PROPOSED DEPARTMENT OF

 PUBLIC HEALTH/BOARD OF

 PHARMACY EXAMINERS BILL)

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

A BILL FOR

1 An Act relating to the regulation and practice of pharmacy,
 2 including providing for the establishment of a limited drug
 3 and device distributor license.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1092DP 82
 6 jr/sh/8



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Senate Study Bill 1037 continued

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1 1 Section 1. Section 155A.3, subsection 5, Code 2007, is
1 2 amended to read as follows:

1 3 5. "College of pharmacy" means a school, university, or
1 4 college of pharmacy that satisfies the accreditation standards
1 5 of the ~~American~~ accreditation council ~~on pharmaceutical~~ for
1 6 pharmacy education ~~as to the extent those standards are~~
1 7 adopted by the board, or that has degree requirements which
1 8 meet the standards of accreditation adopted by the board.

1 9 Sec. 2. Section 155A.3, Code 2007, is amended by adding
1 10 the following new subsections:

1 11 NEW SUBSECTION. 22A. "Limited drug and device
1 12 distributor" means a person operating or maintaining, either
1 13 within or outside this state, a location at which limited
1 14 noncontrolled prescription drugs, prescription devices, and
1 15 medical gases, are distributed to patients in this state
1 16 pursuant to a prescription drug order; or a person operating
1 17 or maintaining a location at which limited quantities of
1 18 drugs, devices, or medical gases are distributed at wholesale
1 19 in this state. A "limited drug and device distributor" does
1 20 not include a pharmacy licensed pursuant to this chapter or a
1 21 drug wholesaler providing prescription drugs to patients in
1 22 this state pursuant to a drug manufacturer's prescription drug
1 23 assistance program.

1 24 NEW SUBSECTION. 23A. "Medical gas" means a gas or liquid
1 25 oxygen intended for human consumption.

1 26 Sec. 3. Section 155A.4, subsection 2, Code 2007, is
1 27 amended by adding the following new paragraph:

1 28 NEW PARAGRAPH. h. A limited drug and device distributor,
1 29 licensed by the board, to distribute limited noncontrolled
1 30 prescription drugs, prescription devices, and medical gases,
1 31 to patients in this state pursuant to rules adopted by the
1 32 board.

1 33 Sec. 4. Section 155A.9, subsection 1, Code 2007, is
1 34 amended to read as follows:

1 35 1. A college of pharmacy shall not be approved by the



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Senate Study Bill 1037 continued

2 1 board unless the college is accredited by the ~~American~~
2 2 accreditation council ~~on pharmaceutical~~ for pharmacy
2 3 education.
2 4 Sec. 5. Section 155A.29, subsection 1, Code 2007, is
2 5 amended to read as follows:
2 6 1. Except as specified in subsection 2, a prescription for
2 7 any prescription drug or device which is not a controlled
2 8 substance shall not be filled or refilled more than eighteen
2 9 months after the date on which the prescription was issued and
2 10 a prescription which is authorized to be refilled shall not be
2 11 refilled more than ~~eleven~~ twelve times.
2 12 Sec. 6. NEW SECTION. 155A.42 LIMITED DRUG AND DEVICE
2 13 DISTRIBUTOR LICENSE.
2 14 1. A person shall not act as a limited drug and device
2 15 distributor without a license. The license shall be
2 16 identified as a limited drug and device distributor license.
2 17 2. The board shall establish, by rule, standards for
2 18 limited drug and device distributors and may define specific
2 19 types of limited drug and device distributors. The board may
2 20 identify, by rule, specific prescription drugs or classes of
2 21 noncontrolled prescription drugs, which may be distributed by
2 22 a limited drug and device distributor.
2 23 3. The board shall adopt rules pursuant to chapter 17A
2 24 relating to the issuance of a limited drug and device
2 25 distributor license. The rules shall provide for conditions
2 26 of licensure, compliance standards, licensure fees,
2 27 disciplinary action, and other relevant matters.
2 28 4. The board may deny, suspend, or revoke a limited drug
2 29 and device distributor's license for failure to meet the
2 30 applicable standards or for a violation of the laws of this
2 31 state, another state, or the United States relating to
2 32 prescription drugs or controlled substances, or for a
2 33 violation of this chapter, chapter 124, 124A, 124B, 126, 205,
2 34 or 272C, or a rule of the board.

2 35 EXPLANATION



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Senate Study Bill 1037 continued

3 1 This bill defines a limited drug and device distributor and
3 2 provides for the establishment of a limited drug and device
3 3 distributor license, including the establishment of compliance
3 4 standards and requirements unique to the operations of those
3 5 businesses. The board is authorized to identify, by rule,
3 6 certain noncontrolled prescription drugs that may be
3 7 distributed by a limited drug and device distributor.

3 8 Limited drug and device distributors would include home
3 9 medical device suppliers, medical oxygen distributors, and
3 10 other currently nonlicensed entities engaged in the
3 11 distribution to consumers of limited noncontrolled
3 12 prescription drugs, medical devices, and medical gases
3 13 pursuant to a prescriber's authorization. A limited drug and
3 14 device distributor would also include a location that
3 15 distributes limited quantities of drugs, devices, or medical
3 16 gases at wholesale.

3 17 The bill corrects references to the American council on
3 18 pharmaceutical education pursuant to the council's recent name
3 19 change to the accreditation council for pharmacy education.

3 20 The bill also increases to 12 refills the number of times a
3 21 prescription for a noncontrolled prescription drug may be
3 22 refilled within an 18-month period.

3 23 LSB 1092DP 82

3 24 jr:rj/sh/8.1



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Senate Study Bill 1038

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to child in need of assistance proceedings and
- 2 appeals in juvenile court.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1384DP 82
- 5 jm/je/5



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1 1 Section 1. Section 232.2, subsection 6, paragraph f, Code
1 2 2007, is amended to read as follows:

1 3 f. Who is in need of treatment to cure or alleviate
1 4 serious mental illness or disorder, or emotional damage as
1 5 evidenced by severe anxiety, depression, withdrawal, or
1 6 untoward aggressive behavior toward self or others and whose
1 7 parent, guardian, or custodian is unwilling or unable to
1 8 provide such treatment.

1 9 Sec. 2. Section 232.133, subsection 2, Code 2007, is
1 10 amended to read as follows:

1 11 2. Except for appeals from orders entered in child in need
1 12 of assistance proceedings or orders entered pursuant to
1 13 section 232.117, appellate procedures shall be governed by the
1 14 same provisions applicable to appeals from the district court.
1 15 The supreme court may prescribe rules to expedite the
1 16 resolution of appeals from ~~final~~ orders entered in child in
1 17 need of assistance proceedings or orders entered pursuant to
1 18 section 232.117.

1 19 EXPLANATION

1 20 This bill relates child in need of assistance proceedings
1 21 and appeals in juvenile court.

1 22 The bill modifies the definition of a "child in need of
1 23 assistance" in the juvenile code to include a child who has a
1 24 serious mental illness, disorder, or emotional damage and
1 25 whose parents are unable to provide treatment. Under current
1 26 law, the court may find the child meets the definition of a
1 27 "child in need of assistance" if the court finds the child has
1 28 a serious mental illness, disorder, or emotional damage, and
1 29 whose parents are unwilling to provide treatment. Generally,
1 30 if the court determines a child is a "child in need of
1 31 assistance" then the child is eligible to receive services
1 32 through the juvenile court system.

1 33 The bill also provides that the supreme court may prescribe
1 34 rules to expedite the resolution of appeals from any orders,
1 35 not just final orders, entered in child in need of assistance



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2 1 proceedings in juvenile court.
2 2 LSB 1384DP 82
2 3 jm:rj/je/5



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Senate Study Bill 1039

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act renaming health-related examining boards as licensing
- 2 boards and providing for the nonreversion of fees collected by
- 3 the boards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1207XD 82
- 6 jr/sh/8



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1 1 Section 1. Section 3.20, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. The ~~examining~~ licensing board shall pursue a meaningful
1 4 examination and enforcement procedure which upholds the level
1 5 of competency of the licensee to insure that the public
1 6 interest is protected.

1 7 Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended
1 8 to read as follows:

1 9 2. a. "Board" means a policymaking or rulemaking body
1 10 that has the power to hear contested cases.

1 11 b. ~~A policymaking body that has powers for both rulemaking
1 12 and hearing contested cases shall be termed a "board".~~

1 13 "Board" includes a professional licensing board which sets
1 14 standards of professional competence and conduct for the
1 15 profession or occupation under its supervision, which may
1 16 prepare and grade the examinations of prospective new
1 17 practitioners when authorized by law, which may issue licenses
1 18 when authorized by law, which investigates complaints of
1 19 alleged unprofessional conduct, and which performs other
1 20 functions assigned to it by law.

1 21 Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended
1 22 by striking the subsection.

1 23 Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph
1 24 1, Code 2007, is amended to read as follows:

1 25 "Agency" or "state agency" means a unit of state
1 26 government, which is an authority, board, commission,
1 27 committee, council, department, examining or licensing board,
1 28 or independent agency as defined in section 7E.4, including
1 29 but not limited to each principal central department
1 30 enumerated in section 7E.5. However, "agency" or "state
1 31 agency" does not mean any of the following:

1 32 Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended
1 33 to read as follows:

1 34 1. "Agency" means a unit of state government, which is an
1 35 authority, board, commission, committee, council, department,



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2 1 examining or licensing board, or independent agency as defined
2 2 in section 7E.4, including but not limited to each principal
2 3 central department enumerated in section 7E.5. However,
2 4 "agency" does not mean the Iowa public employees' retirement
2 5 system created under chapter 97B, the public broadcasting
2 6 division of the department of education created under section
2 7 256.81, the statewide fire and police retirement system
2 8 created under chapter 411, or an agricultural commodity
2 9 promotion board subject to a producer referendum.

2 10 Sec. 6. Section 10A.402, subsection 1, Code 2007, is
2 11 amended to read as follows:

2 12 1. Investigations relative to the practice of regulated
2 13 professions and occupations, except those within the
2 14 jurisdiction of the board of ~~medical examiners~~ medicine, the
2 15 board of pharmacy ~~examiners~~, the board of ~~dental examiners~~
2 16 dentistry, and the board of nursing.

2 17 Sec. 7. Section 80.33, Code 2007, is amended to read as
2 18 follows:

2 19 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

2 20 A person required by law to keep records, and a carrier
2 21 maintaining records with respect to any shipment containing
2 22 any controlled or counterfeit substances shall, upon request
2 23 of an authorized peace officer of the department, designated
2 24 by the commissioner, permit such peace officer at reasonable
2 25 times to have access to and copy such records. For the
2 26 purpose of examining and verifying such records, an authorized
2 27 peace officer of the department, designated by the
2 28 commissioner, may enter at reasonable times any place or
2 29 vehicle in which any controlled or counterfeit substance is
2 30 held, manufactured, dispensed, compounded, processed, sold,
2 31 delivered, or otherwise disposed of and inspect such place or
2 32 vehicle and the contents of such place or vehicle. For the
2 33 purpose of enforcing laws relating to controlled or
2 34 counterfeit substances, and upon good cause shown, a peace
2 35 officer of the department shall be allowed to inspect audits



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3 1 and records in the possession of the ~~state~~ board of pharmacy
3 2 ~~examiners~~.

3 3 Sec. 8. Section 124.101, subsection 3, Code 2007, is
3 4 amended to read as follows:

3 5 3. "Board" means the ~~state~~ board of pharmacy ~~examiners~~.

3 6 Sec. 9. Section 124.204, subsection 4, paragraph m, Code
3 7 2007, is amended to read as follows:

3 8 m. Marijuana, except as otherwise provided by rules of the
3 9 board of ~~pharmacy examiners~~ for medicinal purposes.

3 10 Sec. 10. Section 124.204, subsection 4, paragraph u,
3 11 unnumbered paragraph 1, Code 2007, is amended to read as
3 12 follows:

3 13 Tetrahydrocannabinols, except as otherwise provided by
3 14 rules of the board of ~~pharmacy examiners~~ for medicinal
3 15 purposes. Synthetic equivalents of the substances contained
3 16 in the plant, or in the resinous extractives of Cannabis sp.,
3 17 and synthetic substances, derivatives, and their isomers with
3 18 similar chemical structure and pharmacological activity such
3 19 as the following:

3 20 Sec. 11. Section 124.204, subsection 7, Code 2007, is
3 21 amended to read as follows:

3 22 7. EXCLUSIONS. This section does not apply to marijuana,
3 23 tetrahydrocannabinols or chemical derivatives of
3 24 tetrahydrocannabinol when utilized for medicinal purposes
3 25 pursuant to rules of the ~~state~~ board of ~~pharmacy examiners~~.

3 26 Sec. 12. Section 124.206, subsection 7, paragraph a, Code
3 27 2007, is amended to read as follows:

3 28 a. Marijuana when used for medicinal purposes pursuant to
3 29 rules of the board of ~~pharmacy examiners~~.

3 30 Sec. 13. Section 124.206, subsection 8, Code 2007, is
3 31 amended to read as follows:

3 32 8. The board of ~~pharmacy examiners~~, by rule, may except
3 33 any compound, mixture, or preparation containing any stimulant
3 34 listed in subsection 4 from the application of all or any part
3 35 of this chapter if the compound, mixture, or preparation



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4 1 contains one or more active medicinal ingredients not having a
4 2 stimulant effect on the central nervous system, and if the
4 3 admixtures are included in such combinations, quantity,
4 4 proportion, or concentration as to vitiate the potential for
4 5 abuse of the substances which have a stimulant or depressant
4 6 effect on the central nervous system.

4 7 Sec. 14. Section 124A.2, subsection 4, Code 2007, is
4 8 amended to read as follows:

4 9 4. "Imitation controlled substance" means a substance
4 10 which is not a controlled substance but which by color, shape,
4 11 size, markings, and other aspects of dosage unit appearance,
4 12 and packaging or other factors, appears to be or resembles a
4 13 controlled substance.

4 14 The ~~state~~ board of pharmacy ~~examiners~~ may designate a
4 15 substance as an imitation controlled substance pursuant to the
4 16 board's rulemaking authority and in accordance with chapter
4 17 17A.

4 18 Sec. 15. Section 124A.2, subsection 43, unnumbered
4 19 paragraph 1, Code 2007, is amended to read as follows:

4 20 When a substance has not been designated as an imitation
4 21 controlled substance by the ~~state~~ board of pharmacy ~~examiners~~
4 22 and when dosage unit appearance alone does not establish that
4 23 a substance is an imitation controlled substance the following
4 24 factors may be considered in determining whether the substance
4 25 is an imitation controlled substance:

4 26 Sec. 16. Section 124B.1, Code 2007, subsection 1, is
4 27 amended to read as follows:

4 28 1. "Board" means the board of pharmacy ~~examiners~~.

4 29 Sec. 17. Section 126.2, subsection 3, Code 2007, is
4 30 amended to read as follows:

4 31 3. "Board" means the board of pharmacy ~~examiners~~.

4 32 Sec. 18. Section 135.11, subsection 9, Code 2007, is
4 33 amended to read as follows:

4 34 9. Exercise sole jurisdiction over the disposal and
4 35 transportation of the dead bodies of human beings and



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5 1 prescribe the methods to be used in preparing such bodies for
5 2 disposal and transportation. However, the department may
5 3 approve a request for an exception to the application of
5 4 specific embalming and disposition rules adopted pursuant to
5 5 this subsection if such rules would otherwise conflict with
5 6 tenets and practices of a recognized religious denomination to
5 7 which the deceased individual adhered or of which denomination
5 8 the deceased individual was a member. The department shall
5 9 inform the board of mortuary science ~~examiners~~ of any such
5 10 approved exception which may affect services provided by a
5 11 funeral director licensed pursuant to chapter 156.

5 12 Sec. 19. Section 135.11A, Code 2007, is amended to read as
5 13 follows:

5 14 135.11A PROFESSIONAL LICENSURE DIVISION == OTHER LICENSING
5 15 BOARDS == EXPENSES == FEES.

5 16 There shall be a professional licensure division within the
5 17 department of public health. Each board ~~of examiners~~
5 18 ~~specified~~ under chapter 147 or under the administrative
5 19 authority of the department, except the ~~state~~ board of
5 20 nursing, ~~state~~ board of ~~medical examiners~~ medicine, ~~state~~
5 21 board of ~~dental examiners~~ dentistry, and ~~state~~ board of
5 22 pharmacy ~~examiners~~, shall receive administrative and clerical
5 23 support from the division and may not employ its own support
5 24 staff for administrative and clerical duties.

5 25 The professional licensure division and the licensing
5 26 boards may expend funds in addition to amounts budgeted, if
5 27 those additional expenditures are directly the result of
5 28 actual examination and exceed funds budgeted for examinations.
5 29 Before the division or a licensing board expends or encumbers
5 30 an amount in excess of the funds budgeted for examinations,
5 31 the director of the department of management shall approve the
5 32 expenditure or encumbrance. Before approval is given, the
5 33 department of management shall determine that the examination
5 34 expenses exceed the funds budgeted by the general assembly to
5 35 the division or board and the division or board does not have



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6 1 other funds from which examination expenses can be paid. Upon
6 2 approval of the department of management, the division or
6 3 licensing board may expend and encumber funds for excess
6 4 examination expenses. The amounts necessary to fund the
6 5 excess examination expenses shall be collected as fees from
6 6 additional examination applicants and shall be treated as
6 7 repayment receipts as defined in section 8.2.

6 8 Sec. 20. Section 135.24, subsection 2, paragraph a, Code
6 9 2007, is amended to read as follows:

6 10 a. Procedures for registration of health care providers
6 11 deemed qualified by the board of ~~medical examiners~~ medicine,
6 12 the board of physician ~~assistant examiners~~ assistants, the
6 13 board of ~~dental examiners~~ dentistry, the board of nursing, the
6 14 board of chiropractic ~~examiners~~, the board of psychology
6 15 ~~examiners~~, the board of social work ~~examiners~~, the board of
6 16 behavioral science ~~examiners~~, the board of pharmacy ~~examiners~~,
6 17 the board of optometry ~~examiners~~, the board of podiatry
6 18 ~~examiners~~, the board of physical and occupational therapy
6 19 ~~examiners~~, the ~~state~~ board for respiratory care, and the Iowa
6 20 department of public health, as applicable.

6 21 Sec. 21. Section 135.31, Code 2007, is amended to read as
6 22 follows:

6 23 135.31 LOCATION OF BOARDS == RULEMAKING.

6 24 The offices for the ~~state~~ board of ~~medical examiners~~
6 25 medicine, the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
6 26 board of nursing, and the ~~state~~ board of ~~dental examiners~~
6 27 dentistry shall be located within the department of public
6 28 health. The individual boards shall have policymaking and
6 29 rulemaking authority.

6 30 Sec. 22. Section 135M.3, subsection 1, Code 2007, is
6 31 amended to read as follows:

6 32 1. The department, in cooperation with the board of
6 33 pharmacy ~~examiners~~, may establish and maintain a prescription
6 34 drug donation repository program under which any person may
6 35 donate prescription drugs and supplies for use by an



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7 1 individual who meets eligibility criteria specified by the
7 2 department by rule. The department may contract with a third
7 3 party to implement and administer the program.

7 4 Sec. 23. Section 136C.3, subsection 2, unnumbered
7 5 paragraph 1, Code 2007, is amended to read as follows:

7 6 Establish minimum training standards including continuing
7 7 education requirements, and administer examinations and
7 8 disciplinary procedures for operators of radiation machines
7 9 and users of radioactive materials. A state of Iowa license
7 10 to practice medicine, osteopathy, chiropractic, podiatry,
7 11 dentistry, dental hygiene, or veterinary medicine, or
7 12 licensure as a physician assistant pursuant to chapter 148C,
7 13 or certification by the board of ~~dental examiners~~ dentistry in
7 14 dental radiography, or by the board of podiatry ~~examiners~~ in
7 15 podiatric radiography, or enrollment in a program or course of
7 16 study approved by the Iowa department of public health which
7 17 includes the application of radiation to humans satisfies the
7 18 minimum training standards for operation of radiation machines
7 19 only.

7 20 Sec. 24. Section 139A.8, subsection 4, paragraph a, Code
7 21 2007, is amended to read as follows:

7 22 a. The applicant, or if the applicant is a minor, the
7 23 applicant's parent or legal guardian, submits to the admitting
7 24 official a statement signed by a physician, advanced
7 25 registered nurse practitioner, or physician assistant who is
7 26 licensed by the board of ~~medical examiners~~ medicine, board of
7 27 nursing, or board of physician ~~assistant examiners~~ assistants
7 28 that the immunizations required would be injurious to the
7 29 health and well-being of the applicant or any member of the
7 30 applicant's family.

7 31 Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code
7 32 2007, are amended to read as follows:

7 33 1. A hospital shall adopt procedures requiring the
7 34 establishment of protocols applicable on a case-by-case basis
7 35 to a health care provider determined to be infected with HIV



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8 1 or HBV who ordinarily performs exposure-prone procedures as
8 2 determined by an expert review panel, within the hospital
8 3 setting. The protocols established shall be in accordance
8 4 with the recommendations issued by the centers for disease
8 5 control and prevention of the United States department of
8 6 health and human services. The expert review panel may be an
8 7 established committee of the hospital. The procedures may
8 8 provide for referral of the health care provider to the expert
8 9 review panel established by the department pursuant to
8 10 subsection 3 for establishment of the protocols. The
8 11 procedures shall require reporting noncompliance with the
8 12 protocols by a health care provider to the ~~examining~~ licensing
8 13 board with jurisdiction over the relevant health care
8 14 providers.

8 15 3. The department shall establish an expert review panel
8 16 to determine on a case-by-case basis under what circumstances,
8 17 if any, a health care provider determined to be infected with
8 18 HIV or HBV practicing outside the hospital setting or referred
8 19 to the panel by a hospital or health care facility may perform
8 20 exposure-prone procedures. If a health care provider
8 21 determined to be infected with HIV or HBV does not comply with
8 22 the determination of the expert review panel, the panel shall
8 23 report the noncompliance to the ~~examining~~ licensing board with
8 24 jurisdiction over the health care provider. A determination
8 25 of an expert review panel pursuant to this section is a final
8 26 agency action appealable pursuant to section 17A.19.

8 27 6. The board of ~~medical examiners~~ medicine, the board of
8 28 physician ~~assistant examiners~~ assistants, the board of
8 29 podiatry ~~examiners~~, the board of nursing, the board of ~~dental~~
8 30 ~~examiners~~ dentistry, and the board of optometry ~~examiners~~
8 31 shall require that licensees comply with the recommendations
8 32 issued by the centers for disease control and prevention of
8 33 the United States department of health and human services for
8 34 preventing transmission of human immunodeficiency virus and
8 35 hepatitis B virus to patients during exposure-prone invasive
9 1 procedures, with the recommendations of the expert review
9 2 panel established pursuant to subsection 3, with hospital
9 3 protocols established pursuant to subsection 1, and with
9 4 health care facility procedures established pursuant to
9 5 subsection 2, as applicable.

9 6 7. Information relating to the HIV status of a health care
9 7 provider is confidential and subject to the provisions of
9 8 section 141A.9. A person who intentionally or recklessly
9 9 makes an unauthorized disclosure of such information is
9 10 subject to a civil penalty of one thousand dollars. The
9 11 attorney general or the attorney general's designee may
9 12 maintain a civil action to enforce this section. Proceedings
9 13 maintained under this section shall provide for the anonymity
9 14 of the health care provider and all documentation shall be
9 15 maintained in a confidential manner. Information relating to
9 16 the HBV status of a health care provider is confidential and
9 17 shall not be accessible to the public. Information regulated
9 18 by this section, however, may be disclosed to members of the
9 19 expert review panel established by the department or a panel
9 20 established by hospital protocol under this section. The
9 21 information may also be disclosed to the appropriate ~~examining~~



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9 22 licensing board by filing a report as required by this
9 23 section. The ~~examining~~ licensing board shall consider the
9 24 report a complaint subject to the confidentiality provisions
9 25 of section 272C.6. A licensee, upon the filing of a formal
9 26 charge or notice of hearing by the ~~examining~~ licensing board
9 27 based on such a complaint, may seek a protective order from
9 28 the board.

9 29 Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and
9 30 f, Code 2007, are amended to read as follows:

9 31 b. ~~"Examining board"~~ "Board" shall mean one of the boards
9 32 enumerated in section 147.13 or any other board established in
9 33 this subtitle which is appointed by the governor to give
~~9 34 examinations to license applicants for licenses and impose~~
9 35 licensee discipline as authorized by law.



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10 1 c. "Licensed" or "certified" when applied to a physician
10 2 and surgeon, podiatric physician, osteopath, osteopathic
10 3 physician and surgeon, physician assistant, psychologist or
10 4 associate psychologist, chiropractor, nurse, dentist, dental
10 5 hygienist, optometrist, speech pathologist, audiologist,
10 6 pharmacist, physical therapist, occupational therapist,
10 7 respiratory care practitioner, practitioner of cosmetology
10 8 arts and sciences, practitioner of barbering, funeral
10 9 director, dietitian, marital and family therapist, mental
10 10 health counselor, social worker, massage therapist, athletic
10 11 trainer, acupuncturist, or ~~interpreter for the hearing~~
~~10 12 impaired sign language interpreter or transliterator~~ means a
10 13 person licensed under this subtitle.

10 14 f. "Profession" means medicine and surgery, podiatry,
10 15 osteopathy, osteopathic medicine and surgery, practice as a
10 16 physician assistant, psychology, chiropractic, nursing,
10 17 dentistry, dental hygiene, optometry, speech pathology,
10 18 audiology, pharmacy, physical therapy, occupational therapy,
10 19 respiratory care, cosmetology arts and sciences, barbering,
10 20 mortuary science, marital and family therapy, mental health
10 21 counseling, social work, dietetics, massage therapy, athletic
10 22 training, acupuncture, or ~~interpreting for the hearing~~
~~10 23 impaired sign language interpreting or transliterating.~~

10 24 Sec. 27. Section 147.1, subsection 2, paragraph e,
10 25 subparagraph (4), Code 2007, is amended to read as follows:
10 26 (4) ~~An examining~~ A board enumerated in section 147.13 or
10 27 any other board established in this subtitle which is
10 28 appointed by the governor to license applicants and impose
10 29 licensee discipline as authorized by law.

10 30 Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007,
10 31 is amended to read as follows:

10 32 A person shall not engage in the practice of medicine and
10 33 surgery, podiatry, osteopathy, osteopathic medicine and
10 34 surgery, psychology, chiropractic, physical therapy, nursing,
10 35 dentistry, dental hygiene, optometry, speech pathology,



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11 1 audiology, occupational therapy, respiratory care, pharmacy,
11 2 cosmetology, barbering, social work, dietetics, marital and
11 3 family therapy or mental health counseling, massage therapy,
11 4 mortuary science, athletic training, acupuncture, or
11 5 ~~interpreting for the hearing impaired sign language~~
11 6 interpreting or transliterating, or shall not practice as a
11 7 physician assistant as defined in the following chapters of
11 8 this subtitle, unless the person has obtained from the
11 9 department a license for that purpose.
11 10 Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007,
11 11 is amended to read as follows:
11 12 Every license to practice a profession shall be in the form
11 13 of a certificate under the seal of the department, signed by
11 14 the director of public health. Such license shall be issued
11 15 in the name of the ~~examining~~ licensing board which conducts
11 16 examinations for that particular profession.
11 17 Sec. 30. Section 147.11, Code 2007, is amended to read as
11 18 follows:
11 19 147.11 REINSTATEMENT.
11 20 Any licensee who allows the license to lapse by failing to
11 21 renew the same, as provided in section 147.10, may be
11 22 reinstated without examination upon recommendation of the
11 23 ~~examining~~ licensing board for the licensee's profession and
11 24 upon payment of the renewal fees then due.
11 25 Sec. 31. Section 147.12, Code 2007, is amended to read as
11 26 follows:
11 27 147.12 ~~EXAMINING~~ HEALTH PROFESSION BOARDS.
11 28 For the purpose of giving examinations to applicants for
11 29 licenses to practice the professions for which licenses are
11 30 required by this subtitle, the governor shall appoint, subject
11 31 to confirmation by the senate, a board ~~of examiners~~ for each
11 32 of the professions. The board members shall not be required
11 33 to be members of professional societies or associations
11 34 composed of members of their professions.
11 35 If a person who has been appointed by the governor to serve



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12 1 on ~~an examining~~ a board has ever been disciplined in a
12 2 contested case by the board to which the person has been
12 3 appointed, all board complaints and statements of charges,
12 4 settlement agreements, findings of fact, and orders pertaining
12 5 to the disciplinary action shall be made available to the
12 6 senate committee to which the appointment is referred at the
12 7 committee's request before the full senate votes on the
12 8 person's appointment.

12 9 Sec. 32. Section 147.13, Code 2007, is amended to read as
12 10 follows:

12 11 147.13 DESIGNATION OF BOARDS.

12 12 The ~~examining~~ boards provided in section 147.12 shall be
12 13 designated as follows:

12 14 1. For medicine and surgery, osteopathy, osteopathic
12 15 medicine and surgery, and acupuncture, ~~medical examiners~~ the
12 16 board of medicine.

12 17 2. For physician assistants, the board of physician
12 18 ~~assistant examiners~~ assistants.

12 19 3. For psychology, the board of psychology ~~examiners.~~

12 20 4. For podiatry, the board of podiatry ~~examiners.~~

12 21 5. For chiropractic, the board of chiropractic ~~examiners.~~

12 22 6. For physical therapists and occupational therapists,
12 23 the board of physical and occupational therapy ~~examiners.~~

12 24 7. For nursing, the board of nursing.

12 25 8. For dentistry, dental hygiene, and dental assisting,
12 26 ~~dental examiners~~ the board of dentistry.

12 27 9. For optometry, the board of optometry ~~examiners.~~

12 28 10. For speech pathology and audiology, the board of
12 29 speech pathology and audiology ~~examiners.~~

12 30 11. For cosmetology arts and sciences, the board of
12 31 cosmetology arts and sciences ~~examiners.~~

12 32 12. For barbering, ~~barber examiners~~ the board of
12 33 barbering.

12 34 13. For pharmacy, the board of pharmacy ~~examiners.~~

12 35 14. For mortuary science, the board of mortuary science



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13 1 ~~examiners.~~
13 2 15. For social workers, the board of social work
13 3 ~~examiners.~~
13 4 16. For marital and family therapists and mental health
13 5 counselors, the board of behavioral science ~~examiners.~~
13 6 17. For dietetics, ~~dietetic examiners~~ the board of
13 7 dietetics.
13 8 18. For respiratory care therapists, the board of
13 9 respiratory care ~~examiners.~~
13 10 19. For massage therapists, the board of massage therapy
13 11 ~~examiners.~~
13 12 20. For athletic trainers, the board of athletic training
13 13 ~~examiners.~~
13 14 21. For interpreters, ~~interpreter for the hearing impaired~~
~~13 15 examiners~~ the board of sign language interpreters and
13 16 transliterators.
13 17 22. For hearing aids, the board of hearing aid ~~dispenser~~
~~13 18 examiners~~ dispensers.
13 19 23. For nursing home administrators, the board of nursing
13 20 home administrators ~~examiners.~~
13 21 Sec. 33. Section 147.14, Code 2007, is amended to read as
13 22 follows:
13 23 147.14 COMPOSITION OF BOARDS.
13 24 The ~~boards of examiners~~ board members shall consist of the
13 25 following:
13 26 1. For barbering, three members licensed to practice
13 27 barbering, and two members who are not licensed to practice
13 28 barbering and who shall represent the general public. A
13 29 quorum shall consist of a majority of the members of the
13 30 board.
13 31 2. For ~~medical examiners~~ medicine, five members licensed
13 32 to practice medicine and surgery, two members licensed to
13 33 practice osteopathic medicine and surgery, and three members
13 34 not licensed to practice either medicine and surgery or
13 35 osteopathic medicine and surgery, and who shall represent the



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14 1 general public. A majority of members of the board
14 2 constitutes a quorum.

14 3 3. For ~~the board of~~ nursing, four registered nurses, two
14 4 of whom shall be actively engaged in practice, two of whom
14 5 shall be nurse educators from nursing education programs; of
14 6 these, one in higher education and one in area community and
14 7 vocational=technical registered nurse education; one licensed
14 8 practical nurse actively engaged in practice; and two members
14 9 not registered nurses or licensed practical nurses and who
14 10 shall represent the general public. The representatives of
14 11 the general public shall not be members of health care
14 12 delivery systems. A majority of the members of the board
14 13 constitutes a quorum.

14 14 4. For ~~dental examiners~~ dentistry, five members ~~shall be~~
14 15 licensed to practice dentistry, two members ~~shall be~~ licensed
14 16 to practice dental hygiene, and two members not licensed to
14 17 practice dentistry or dental hygiene and who shall represent
14 18 the general public. A majority of the members of the board
14 19 shall constitute a quorum. No member of the dental faculty of
14 20 the school of dentistry at the state university of Iowa shall
14 21 be eligible to be appointed. ~~Beginning January 1, 2000,~~
14 22 ~~persons~~ Persons appointed to the board as dental hygienist
14 23 members shall not be employed by or receive any form of
14 24 remuneration from a dental or dental hygiene educational
14 25 institution. The two dental hygienist board members and one
14 26 dentist board member shall constitute a dental hygiene
14 27 committee of the board as provided in section 153.33A.

14 28 5. For pharmacy ~~examiners~~, five members licensed to
14 29 practice pharmacy and two members who are not licensed to
14 30 practice pharmacy and who shall represent the general public.
14 31 A majority of the members of the board shall constitute a
14 32 quorum.

14 33 6. For optometry ~~examiners~~, five members licensed to
14 34 practice optometry and two members who are not licensed to
14 35 practice optometry and who shall represent the general public.



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15 1 A majority of the members of the board shall constitute a
15 2 quorum.

15 3 7. For psychology ~~examiners~~, five members who are licensed
15 4 to practice psychology and two members not licensed to
15 5 practice psychology and who shall represent the general
15 6 public. Of the five members who are licensed to practice
15 7 psychology, one member shall be primarily engaged in graduate
15 8 teaching in psychology, two members shall be persons who
15 9 render services in psychology, one member shall represent
15 10 areas of applied psychology and may be affiliated with
15 11 training institutions and shall devote a major part of the
15 12 member's time to rendering service in psychology, and one
15 13 member shall be primarily engaged in research psychology. A
15 14 majority of the members of the board constitutes a quorum.

15 15 8. For chiropractic ~~examiners~~, five members licensed to
15 16 practice chiropractic and two members who are not licensed to
15 17 practice chiropractic and who shall represent the general
15 18 public. A majority of the members of the board shall
15 19 constitute a quorum.

15 20 9. For speech pathology and audiology ~~examiners~~, five
15 21 members licensed to practice speech pathology or audiology at
15 22 least two of which shall be licensed to practice speech
15 23 pathology and at least two of which shall be licensed to
15 24 practice audiology, and two members who are not licensed to
15 25 practice speech pathology or audiology and who shall represent
15 26 the general public. A majority of the members of the board
15 27 shall constitute a quorum.

15 28 10. For physical therapy and occupational therapy, three
15 29 members licensed to practice physical therapy, two members
15 30 licensed to practice occupational therapy, and two members who
15 31 are not licensed to practice physical therapy or occupational
15 32 therapy and who shall represent the general public. A quorum
15 33 shall consist of a majority of the members of the board.

15 34 11. For ~~dietetic examiners~~ dietetics, one licensed
15 35 dietitian representing the approved or accredited dietetic



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16 1 education programs, one licensed dietitian representing
16 2 clinical dietetics in hospitals, one licensed dietitian
16 3 representing community nutrition services and two members who
16 4 are not licensed dietitians and who shall represent the
16 5 general public. A majority of the members of the board
16 6 constitutes a quorum.

16 7 12. For the board of physician ~~assistant-examiners~~
16 8 assistants, three members licensed to practice as physician
16 9 assistants, at least two of whom practice in counties with a
16 10 population of less than fifty thousand, one member licensed to
16 11 practice medicine and surgery who supervises a physician
16 12 assistant, one member licensed to practice osteopathic
16 13 medicine and surgery who supervises a physician assistant, and
16 14 two members who are not licensed to practice either medicine
16 15 and surgery or osteopathic medicine and surgery or licensed as
16 16 a physician assistant and who shall represent the general
16 17 public. At least one of the physician members shall be in
16 18 practice in a county with a population of less than fifty
16 19 thousand. A majority of members of the board constitutes a
16 20 quorum.

16 21 13. For behavioral science ~~examiners~~, three members
16 22 licensed to practice marital and family therapy, one of whom
16 23 shall be employed in graduate teaching, training, or research
16 24 in marital and family therapy and two of whom shall be
16 25 practicing marital and family therapists; three members
16 26 licensed to practice mental health counseling, one of whom
16 27 shall be employed in graduate teaching, training, or research
16 28 in mental health counseling and two of whom shall be
16 29 practicing mental health counselors; and three members who are
16 30 not licensed to practice marital and family therapy or mental
16 31 health counseling and who shall represent the general public.
16 32 A majority of the members of the board constitutes a quorum.

16 33 14. For cosmetology arts and sciences ~~examiners~~, a total
16 34 of seven members, three who are licensed cosmetologists, one
16 35 who is a licensed electrologist, esthetician, or nail



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17 1 technologist, one who is a licensed instructor of cosmetology
17 2 arts and sciences at a public or private school and who does
17 3 not own a school of cosmetology arts and sciences, and two who
17 4 are not licensed in a practice of cosmetology arts and
17 5 sciences and who shall represent the general public.

17 6 15. For respiratory care, one licensed physician with
17 7 training in respiratory care, three respiratory care
17 8 practitioners who have practiced respiratory care for a
17 9 minimum of six years immediately preceding their appointment
17 10 to the board and who are recommended by the society for
17 11 respiratory care, and one member not licensed to practice
17 12 medicine or respiratory care who shall represent the general
17 13 public. A majority of members of the board constitutes a
17 14 quorum.

17 15 16. For mortuary science ~~examiners~~, four members licensed
17 16 to practice mortuary science, one member owning, operating, or
17 17 employed by a crematory, and two members not licensed to
17 18 practice mortuary science and not a crematory owner, operator,
17 19 or employee who shall represent the general public. A
17 20 majority of the members of the board constitutes a quorum.

17 21 17. For massage therapists, four members licensed to
17 22 practice massage therapy and three members who are not
17 23 licensed to practice massage therapy and who shall represent
17 24 the general public. A majority of the members of the board
17 25 constitutes a quorum.

17 26 18. For athletic trainers, three members licensed to
17 27 practice athletic training, three members licensed to practice
17 28 medicine and surgery, and one member not licensed to practice
17 29 athletic training or medicine and surgery and who shall
17 30 represent the general public. A majority of the members of
17 31 the board constitutes a quorum.

17 32 19. For podiatry ~~examiners~~, five members licensed to
17 33 practice podiatry and two members who are not licensed to
17 34 practice podiatry and who shall represent the general public.
17 35 A majority of the members of the board shall constitute a



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18 1 quorum.

18 2 20. For social work ~~examiners~~, a total of seven members,
18 3 five who are licensed to practice social work, with at least
18 4 one from each of three levels of licensure described in
18 5 section 154C.3, subsection 1, two employed by a licensee under
18 6 chapter 237, and two who are not licensed social workers and
18 7 who shall represent the general public.

18 8 21. For sign language interpreting ~~for the hearing~~
~~18 9 impaired and transliterating~~, four members licensed to
18 10 practice interpreting and transliterating, three of whom shall
18 11 be practicing interpreters and transliterators at the time of
18 12 appointment to the board and at least one of whom is employed
18 13 in an educational setting; and three members who are consumers
18 14 of interpreting or transliterating services as defined in
18 15 section 154E.1, each of whom shall be deaf. A majority of
18 16 members of the board constitutes a quorum.

18 17 22. For hearing aid dispensers, three licensed hearing aid
18 18 dispensers and two members who are not licensed hearing aid
18 19 dispensers who shall represent the general public. A majority
18 20 of the members of the board constitutes a quorum.

18 21 23. For nursing home administrators, a total of nine
18 22 members: Four licensed nursing home administrators, one of
18 23 whom is the administrator of a nonproprietary nursing home;
18 24 three licensed members of any profession concerned with the
18 25 care and treatment of chronically ill or elderly patients who
18 26 are not nursing home administrators or nursing home owners;
18 27 and two members of the general public who are not licensed
18 28 under chapter 147, have no financial interest in any nursing
18 29 home, and who shall represent the general public. A majority
18 30 of the members of the board constitutes a quorum.

18 31 Sec. 34. Section 147.16, Code 2007, is amended to read as
18 32 follows:

18 33 147.16 ~~EXAMINERS~~ BOARD MEMBERS.

18 34 Each licensed ~~examiner~~ board member shall be actively
18 35 engaged in the practice or the instruction of the ~~examiner's~~
19 1 board member's profession and shall have been so engaged for a
19 2 period of five years just preceding the ~~examiner's~~ board
19 3 member's appointment, the last two of which shall be in this
19 4 state.

19 5 However, each licensed physician assistant member of the
19 6 board of physician ~~assistant examiners~~ assistants shall be
19 7 actively engaged in practice as a physician assistant and
19 8 shall have been so engaged for a period of three years just
19 9 preceding the member's appointment, the last year of which
19 10 shall be in this state.

19 11 Sec. 35. Section 147.18, Code 2007, is amended to read as
19 12 follows:

19 13 147.18 DISQUALIFICATIONS.

19 14 ~~No examiner~~ A board member shall not be connected in any
19 15 manner with any wholesale or jobbing house dealing in supplies
19 16 or have a financial interest in or be an instructor at a
19 17 proprietary school.

19 18 Sec. 36. Section 147.19, Code 2007, is amended to read as
19 19 follows:

19 20 147.19 TERMS OF OFFICE.

19 21 The board members shall serve three-year terms, which shall



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19 22 commence and end as provided by section 69.19. Any vacancy in
19 23 the membership of ~~an examining~~ a board shall be filled by
19 24 appointment of the governor subject to senate confirmation. A
19 25 member shall serve no more than three terms or nine years.

19 26 Sec. 37. Section 147.20, Code 2007, is amended to read as
19 27 follows:

19 28 147.20 NOMINATION OF EXAMINERS BOARD MEMBERS.

19 29 The regular state association or society for each
19 30 profession may recommend the names of potential board members
19 31 to the governor, but the governor shall not be bound by the
19 32 recommendations.

19 33 Sec. 38. Section 147.22, Code 2007, is amended to read as
19 34 follows:

19 35 147.22 OFFICERS.



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20 1 Each ~~examining~~ board shall organize annually and shall
20 2 select a chairperson and a secretary from its own membership.
20 3 Sec. 39. Section 147.24, Code 2007, is amended to read as
20 4 follows:
20 5 147.24 COMPENSATION.
20 6 Members of ~~an examining~~ a board shall receive actual
20 7 expenses for their duties as a member of the ~~examining~~ board.
20 8 Each member of each board may also be eligible to receive
20 9 compensation as provided in section 7E.6. The funds shall be
20 10 appropriated to the department and allocated to each ~~examining~~
20 11 board within the limits of funds.
20 12 Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4,
20 13 Code 2007, are amended to read as follows:
20 14 ~~Examining boards~~ Boards collecting information necessary
20 15 for the division for records and statistics to carry out the
20 16 provisions of this section shall provide the department with
20 17 the information which may be gathered by means including, but
20 18 not limited to, questionnaires forwarded to applicants for a
20 19 license or renewal of a license.
20 20 In addition to any other fee provided by law, a fee may be
20 21 set by the respective ~~examining~~ boards for each license and
20 22 renewal of a license to practice a profession, which fee shall
20 23 be based on the annual cost of collecting information for use
20 24 by the department in the administration of the system of
20 25 health personnel statistics established by this section. The
20 26 fee shall be collected, transmitted to the treasurer of state,
20 27 and deposited in the general fund of the state in the manner
20 28 in which license and renewal fees of the respective
20 29 professions are collected, transmitted, and deposited in the
20 30 general fund.
20 31 Sec. 41. Section 147.26, Code 2007, is amended to read as
20 32 follows:
20 33 147.26 SUPPLIES AND EXAMINATION QUARTERS.
20 34 The department shall furnish each ~~examining~~ board with all
20 35 articles and supplies required for the public use and



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21 1 necessary to enable ~~said~~ the board to perform the duties
21 2 imposed upon it by law. Such articles and supplies shall be
21 3 obtained by the department in the same manner in which the
21 4 regular supplies for the department are obtained and the cost
21 5 shall be assessed to the ~~examining~~ board. The director of the
21 6 department of administrative services shall furnish each
21 7 ~~examining~~ board with suitable quarters in which to conduct the
21 8 examination and the cost of the quarters shall be assessed to
21 9 the ~~examining~~ board.

21 10 Sec. 42. Section 147.28, Code 2007, is amended to read as
21 11 follows:

21 12 147.28 NATIONAL ORGANIZATION.

21 13 Each ~~examining~~ board may maintain a membership in the
21 14 national organization of the ~~state-examining~~ regulatory boards
21 15 of its profession to be paid from funds appropriated to the
21 16 board.

21 17 Sec. 43. Section 147.28A, Code 2007, is amended to read as
21 18 follows:

21 19 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE
21 20 REPEAL.

21 21 1. The department shall utilize scope of practice review
21 22 committees to evaluate and make recommendations to the general
21 23 assembly and to the appropriate ~~examining~~ boards regarding all
21 24 of the following issues:

21 25 a. Requests from practitioners seeking to become newly
21 26 licensed health professionals or to establish their own
21 27 ~~examining~~ boards.

21 28 b. Requests from health professionals seeking to expand or
21 29 narrow the scope of practice of a health profession.

21 30 c. Unresolved administrative rulemaking disputes between
21 31 ~~examining~~ boards.

21 32 2. A scope of practice review committee established under
21 33 this section shall evaluate the issues specified in subsection
21 34 1 and make recommendations regarding proposed changes to the
21 35 general assembly based on the following standards and



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22 1 guidelines:
22 2 a. The proposed change does not pose a significant new
22 3 danger to the public.
22 4 b. Enacting the proposed change will benefit the health,
22 5 safety, or welfare of the public.
22 6 c. The public cannot be effectively protected by other
22 7 more cost-effective means.
22 8 3. A scope of practice review committee shall be limited
22 9 to five members as follows:
22 10 a. One member representing the profession seeking
22 11 licensure, a new ~~examining~~ board, or a change in scope of
22 12 practice.
22 13 b. One member of the health profession directly impacted
22 14 by, or opposed to, the proposed change.
22 15 c. One impartial health professional who is not directly
22 16 or indirectly affected by the proposed change.
22 17 d. Two impartial members of the general public.
22 18 4. The department may contract with a school or college of
22 19 public health to assist in ~~implementing~~ administering this
22 20 section.
22 21 5. The department shall submit an annual progress report
22 22 to the governor and the general assembly by January 15 and
22 23 shall include any recommendations for legislative action as a
22 24 result of review committee activities.
22 25 6. The department shall adopt rules in accordance with
22 26 chapter 17A to ~~implement~~ administer this section.
22 27 7. This section is repealed July 1, 2007.
22 28 Sec. 44. Section 147.33, Code 2007, is amended to read as
22 29 follows:
22 30 147.33 PROFESSIONAL SCHOOLS.
22 31 As a basis for such action on the part of the ~~examining~~
22 32 board, the registrar of the state university of Iowa and the
22 33 dean of the professional school ~~of said institution~~ which
22 34 teaches the profession for which ~~said~~ the board gives license
22 35 examinations, shall supply such data relative to any such



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23 1 professional school as ~~said~~ the board may request.

23 2 Sec. 45. Section 147.34, Code 2007, is amended to read as
23 3 follows:

23 4 147.34 EXAMINATIONS.

23 5 Examinations for each profession licensed under this
23 6 subtitle shall be conducted at least one time per year at such
23 7 time as the department may fix in cooperation with each
23 8 ~~examining~~ board. Examinations may be given at the state
23 9 university of Iowa at the close of each school year for
23 10 professions regulated by this subtitle and examinations may be
23 11 given at other schools located in the state at which any of
23 12 the professions regulated by this subtitle are taught. At
23 13 least one session of each ~~examining~~ board shall be held
23 14 annually at the seat of government and the locations of other
23 15 sessions shall be determined by the ~~examining~~ board, unless
23 16 otherwise ordered by the department. Applicants who fail to
23 17 pass the examination once shall be allowed to take the
23 18 examination at the next scheduled time. Thereafter,
23 19 applicants shall be allowed to take the examination at the
23 20 discretion of the board. Examinations may be given by ~~an~~
~~23 21 examining~~ a board which are prepared and scored by persons
23 22 outside the state, and ~~examining~~ boards may contract for such
23 23 services. ~~An examining~~ A board may make an agreement with
23 24 ~~examining~~ boards in other states for administering a uniform
23 25 examination. An applicant who has failed an examination may
23 26 request in writing information from the ~~examining~~ board
23 27 concerning the examination grade and subject areas or
23 28 questions which the applicant failed to answer correctly,
23 29 except that if the ~~examining~~ board administers a uniform,
23 30 standardized examination, the ~~examining~~ board shall only be
23 31 required to provide the examination grade and such other
23 32 information concerning the applicant's examination results
23 33 which are available to the ~~examining~~ board.

23 34 Sec. 46. Section 147.35, Code 2007, is amended to read as
23 35 follows:



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24 1 147.35 NAMES OF ELIGIBLE CANDIDATES.
24 2 Prior to each examination the department shall transmit to
24 3 each ~~examining~~ board the list of candidates who are eligible
24 4 to take the examination given by such board. In making up
24 5 such list the department may call upon any ~~examining~~ board, or
24 6 any member thereof, for information relative to the
24 7 eligibility of any applicant.
24 8 Sec. 47. Section 147.36, unnumbered paragraph 1, Code
24 9 2007, is amended to read as follows:
24 10 Each ~~examining~~ board shall establish rules for:
24 11 Sec. 48. Section 147.37, Code 2007, is amended to read as
24 12 follows:
24 13 147.37 IDENTITY OF CANDIDATE CONCEALED.
24 14 All examinations in theory shall be in writing, and the
24 15 identity of the person taking the same shall not be disclosed
24 16 upon the examination papers in such a way as to enable the
24 17 members of the ~~examining~~ board to know by whom written until
24 18 after the papers have been passed upon. In examinations in
24 19 practice the identity of the candidate shall also be concealed
24 20 as far as possible.
24 21 Sec. 49. Section 147.39, Code 2007, is amended to read as
24 22 follows:
24 23 147.39 CLERK.
24 24 Upon the request of any ~~examining~~ board, the department
24 25 shall detail some employee to act as clerk of any examination
24 26 given by ~~said examining the~~ board. Such clerk shall have
24 27 charge of the candidates during the examination and perform
24 28 such other duties as the ~~examining~~ board may direct. If the
24 29 duties of such clerk are performed away from the seat of
24 30 government, the clerk shall receive necessary travel and
24 31 expenses, which shall be paid from the appropriations to the
24 32 ~~examining~~ board in the same manner in which other similar
24 33 expenses are paid. The department shall be reimbursed by the
24 34 ~~examining~~ board for costs incurred.
24 35 Sec. 50. Section 147.40, Code 2007, is amended to read as



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25 1 follows:

25 2 147.40 CERTIFICATION OF APPLICANTS.

25 3 Every examination shall be passed upon in accordance with
25 4 the established rules of the ~~examining~~ board and shall be
25 5 satisfactory to at least a majority of the professional
25 6 members of the board. In the case of the board of ~~dental~~
~~25 7 examiners dentistry~~, only licensed dentist members of the
25 8 board shall determine whether an applicant has passed the
25 9 examination to practice as a licensed dentist. After each
25 10 examination, the ~~examining~~ board shall certify the names of
25 11 the successful applicants to the department in the manner
25 12 prescribed by it. The department shall then issue the proper
25 13 license.

25 14 Sec. 51. Section 147.41, unnumbered paragraph 1, Code
25 15 2007, is amended to read as follows:

25 16 Any ~~examining~~ board may provide for a partial examination
25 17 for a license to practice a profession to any applicant who
25 18 has completed a portion of the professional course. For such
25 19 purpose ~~said~~ the board shall establish by rule:

25 20 Sec. 52. Section 147.42, Code 2007, is amended to read as
25 21 follows:

25 22 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 23 ~~In case any examining~~ If a board ~~shall provide~~ provides for
25 24 partial examinations under section 147.41, the department
25 25 shall adopt rules establishing:

25 26 1. The portion of the license fee fixed in this chapter
25 27 which shall be paid for a partial examination.

25 28 2. The credentials which shall be presented to the
25 29 department by an applicant showing the applicant's
25 30 qualifications to take such examination.

25 31 3. The method of certifying the list of the eligible
25 32 applicants for such examination to the ~~proper examining~~
25 33 appropriate board.

25 34 4. The method of certifying back to the department the
25 35 list of applicants who successfully pass such examination.



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26 1 5. The method of keeping the records of such applicants
26 2 for use at the time of completing the examination for a
26 3 license.

26 4 6. The credentials which shall be presented to the
26 5 department by such an applicant upon the completion of the
26 6 professional course.

26 7 7. The method of certifying such applicant to the proper
26 8 ~~examining~~ board for the remainder of the examination.

26 9 8. Such other matters of procedure as are necessary to
26 10 carry into effect section 147.41.

26 11 Sec. 53. Section 147.44, Code 2007, is amended to read as
26 12 follows:

26 13 147.44 AGREEMENTS.

26 14 For the purpose of recognizing licenses which have been
26 15 issued in other states to practice any profession for which a
26 16 license is required by this subtitle, the department shall
26 17 enter into a reciprocal agreement with every state which is
26 18 certified to ~~it~~ the department by the ~~proper examining~~
26 19 appropriate board under the provisions of section 147.45 and
26 20 with which this state does not have an existing agreement at
26 21 the time of such certification.

26 22 Sec. 54. Section 147.45, Code 2007, is amended to read as
26 23 follows:

26 24 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

26 25 The department shall at least once each year lay before the
26 26 ~~proper examining~~ appropriate board the requirements of the
26 27 several states for a license to practice the profession for
26 28 which ~~such examining the~~ board conducts examinations for
26 29 licenses in this state. ~~Said examining~~ The board shall
26 30 immediately examine such requirements and after making such
26 31 other inquiries as it deems necessary, shall certify to the
26 32 department the states having substantially equivalent
26 33 requirements to those existing in this state for that
26 34 particular profession and with which ~~said examining the~~ board
26 35 desires this state to enter into reciprocal relations.



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27 1 Sec. 55. Section 147.46, subsection 2, Code 2007, is
27 2 amended to read as follows:

27 3 2. SPECIAL CONDITIONS. When any ~~examining~~ board has
27 4 established by rule any special condition upon which
27 5 reciprocal agreements shall be entered into, as provided in
27 6 section 147.47, such condition shall be incorporated into the
27 7 reciprocal agreements negotiated with reference to licenses to
27 8 practice the professions for which ~~such examining the~~ board
27 9 conducts examinations.

27 10 Sec. 56. Section 147.47, Code 2007, is amended to read as
27 11 follows:

27 12 147.47 SPECIAL CONDITIONS.

27 13 ~~An examining~~ A board shall have power to provide by rule
27 14 that no reciprocal relation shall be entered into by the
27 15 department with any state with reference to licenses to
27 16 practice the profession for which ~~such examining the~~ board
27 17 conducts examinations, unless every person licensed in another
27 18 state when applying for a license to practice in this state
27 19 shall comply with one or both of the following conditions:

27 20 1. Furnish satisfactory proof to the department that the
27 21 person has been actively engaged in the practice of the
27 22 profession for a certain period of years to be fixed by ~~such~~
27 23 ~~examining the~~ board.

27 24 2. Pass a practical examination in the practice of the
27 25 person's particular profession as prescribed by ~~such examining~~
27 26 ~~the~~ board.

27 27 Sec. 57. Section 147.48, Code 2007, is amended to read as
27 28 follows:

27 29 147.48 TERMINATION OF AGREEMENTS.

27 30 ~~When~~ If the requirements for a license in any state with
27 31 which this state has a reciprocal agreement are changed by any
27 32 law or rule of the authorities ~~therein~~ in that state so that
27 33 such requirements are no longer substantially as high as those
27 34 existing in this state, ~~then such the~~ agreement shall be
27 35 deemed terminated and licenses issued in ~~such~~ that state shall



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28 1 not be recognized as a basis of granting a license in this
28 2 state until a new agreement has been negotiated. The fact of
28 3 such change shall be determined by the ~~proper examining~~
28 4 appropriate board and certified to the department for its
28 5 guidance in enforcing the provisions of this section.

28 6 Sec. 58. Section 147.49, Code 2007, is amended to read as
28 7 follows:

28 8 147.49 LICENSE OF ANOTHER STATE.

28 9 The department shall, upon presentation of a license to
28 10 practice a profession issued by the duly constituted authority
28 11 of another state, with which this state has established
28 12 reciprocal relations, and subject to the rules of the
28 13 ~~examining~~ board for such profession, license ~~said the~~
28 14 applicant to practice in this state, unless under the rules of
28 15 ~~said examining~~ the board a practical examination is required
28 16 ~~in such cases~~. The department may, upon the recommendation of
28 17 the ~~medical examiners~~ board of medicine, accept in lieu of the
28 18 examination prescribed in section 148.3 or section 150A.3 a
28 19 license to practice medicine and surgery or osteopathic
28 20 medicine and surgery, issued by the duly constituted authority
28 21 of another state, territory, or foreign country. Endorsement
28 22 may be accepted by the department in lieu of further written
28 23 examination without regard to the existence or nonexistence of
28 24 a reciprocal agreement, but shall not be in lieu of the
28 25 standards and qualifications prescribed by section 148.3 or
28 26 section 150A.3.

28 27 Sec. 59. Section 147.50, Code 2007, is amended to read as
28 28 follows:

28 29 147.50 PRACTICAL EXAMINATIONS.

28 30 If the rules of any ~~examining~~ board require an applicant
28 31 for a license under a reciprocal agreement to pass a practical
28 32 examination in the practice of the applicant's profession,
28 33 ~~then such~~ the applicant shall make application ~~therefore for~~
28 34 the license to the department upon a form provided by ~~it~~ the
28 35 department.

29 1 Sec. 60. Section 147.53, Code 2007, is amended to read as
29 2 follows:

29 3 147.53 POWER TO ADOPT RULES.

29 4 The department and each ~~examining~~ board shall ~~have power to~~
29 5 ~~establish the~~ adopt necessary rules, not inconsistent with
29 6 law, for carrying out the reciprocal relations with other
29 7 states which are authorized by this chapter.

29 8 Sec. 61. Section 147.74, subsections 7, 15, and 22, Code
29 9 2007, are amended to read as follows:

29 10 7. A graduate of a school accredited ~~on~~ by the board of
29 11 ~~optometric examiners~~ optometry may use the prefix "Doctor",
29 12 but shall add after the person's name the letters "O. D."

29 13 15. A pharmacist who possesses a doctoral degree
29 14 recognized by the American council of pharmaceutical education
29 15 from a college of pharmacy approved by the board of pharmacy
29 16 ~~examiners~~ or a doctor of philosophy degree in an area related
29 17 to pharmacy may use the prefix "Doctor" or "Dr." but shall add
29 18 after the person's name the word "pharmacist" or "Pharm. D."

29 19 22. ~~An~~ A sign language interpreter licensed under chapter
29 20 154E and this chapter may use the title "licensed sign
29 21 language interpreter" or the letters "L. I." after the



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29 22 person's name.
29 23 Sec. 62. Section 147.76, Code 2007, is amended to read as
29 24 follows:
29 25 147.76 RULES.
29 26 The ~~examining~~ boards for the various professions shall
29 27 adopt all necessary and proper rules to ~~implement~~ administer
29 28 and interpret this chapter and chapters 147A through 158,
29 29 except chapter 148D.
29 30 Sec. 63. Section 147.80, Code 2007, is amended to read as
29 31 follows:
29 32 147.80 LICENSE == EXAMINATION == FEES.
29 33 ~~An examining~~ Each board shall set the fees for the
29 34 examination of applicants, which fees shall be based upon the
29 35 cost of administering the examinations. ~~An examining~~ A board



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30 1 shall set the license fees and renewal fees required for any
30 2 of the following based upon the cost of sustaining the board
30 3 and the actual costs of licensing:
30 4 1. License to practice dentistry issued upon the basis of
30 5 an examination given by the board of ~~dental examiners~~
30 6 dentistry, license to practice dentistry issued under a
30 7 reciprocal agreement, resident dentist's license, renewal of a
30 8 license to practice dentistry.
30 9 2. License to practice pharmacy issued upon the basis of
30 10 an examination given by the board of pharmacy ~~examiners~~,
30 11 license to practice pharmacy issued under a reciprocal
30 12 agreement, renewal of a license to practice pharmacy.
30 13 3. License to practice medicine and surgery, osteopathic
30 14 medicine and surgery, or osteopathy and renewal of a license
30 15 to practice medicine and surgery, osteopathic medicine and
30 16 surgery, or osteopathy.
30 17 4. Certificate to practice psychology or associate
30 18 psychology issued on the basis of an examination given by the
30 19 board of psychology ~~examiners~~, or certificate to practice
30 20 psychology or associate psychology issued under a reciprocity
30 21 agreement or by endorsement, renewal of a certificate to
30 22 practice psychology or associate psychology.
30 23 5. Application for a license to practice as a physician
30 24 assistant, issuance of a license to practice as a physician
30 25 assistant issued upon the basis of an examination given or
30 26 approved by the board of physician ~~assistant examiners~~
30 27 assistants, issuance of a license to practice as a physician
30 28 assistant issued under a reciprocal agreement, renewal of a
30 29 license to practice as a physician assistant, temporary
30 30 license to practice as a physician assistant.
30 31 6. License to practice chiropractic issued on the basis of
30 32 an examination given by the board of chiropractic ~~examiners~~.
30 33 License to practice chiropractic issued by endorsement or
30 34 under a reciprocal agreement, renewal of a license to practice
30 35 chiropractic.



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31 1 7. License to practice podiatry issued upon the basis of
31 2 an examination given by the board of podiatry ~~examiners~~,
31 3 license to practice podiatry issued under a reciprocal
31 4 agreement, renewal of a license to practice podiatry.

31 5 8. License to practice physical therapy issued upon the
31 6 basis of an examination given by the board of physical and
31 7 occupational therapy ~~examiners~~, license to practice physical
31 8 therapy issued under a reciprocal agreement, renewal of a
31 9 license to practice physical therapy.

31 10 9. License to practice as a physical therapist assistant
31 11 issued on the basis of an examination given by the board of
31 12 physical and occupational therapy ~~examiners~~, license to
31 13 practice as a physical therapist assistant issued under a
31 14 reciprocal agreement, renewal of a license to practice as a
31 15 physical therapist assistant.

31 16 10. For a license to practice optometry issued upon the
31 17 basis of an examination given by the board of optometry
31 18 ~~examiners~~, license to practice optometry issued under a
31 19 reciprocal agreement, renewal of a license to practice
31 20 optometry.

31 21 11. License to practice dental hygiene issued upon the
31 22 basis of an examination given by the board of ~~dental examiners~~
31 23 dentistry, license to practice dental hygiene issued under a
31 24 reciprocal agreement, renewal of a license to practice dental
31 25 hygiene.

31 26 12. License to practice mortuary science issued upon the
31 27 basis of an examination given by the board of mortuary science
31 28 ~~examiners~~, license to practice mortuary science issued under a
31 29 reciprocal agreement, renewal of a license to practice
31 30 mortuary science.

31 31 13. License to practice nursing issued upon the basis of
31 32 an examination given by the board of nursing; license to
31 33 practice nursing based on an endorsement from another state,
31 34 territory, or foreign country; renewal of a license to
31 35 practice nursing.



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32 1 14. A nurse who does not engage in nursing during the year
32 2 succeeding the expiration of the license shall notify the
32 3 board to place the nurse upon the inactive list and the nurse
32 4 shall not be required to pay the renewal fee so long as the
32 5 nurse remains inactive and so notifies the board. To resume
32 6 nursing, the nurse shall notify the board and remit the
32 7 renewal fee for the current period.

32 8 15. License to practice cosmetology arts and sciences
32 9 issued upon the basis of an examination given by the board of
32 10 cosmetology arts and sciences ~~examiners~~, license to practice
32 11 cosmetology arts and sciences under a reciprocal agreement,
32 12 renewal of a license to practice cosmetology arts and
32 13 sciences, temporary permit to practice as a cosmetology arts
32 14 and sciences trainee, original license to conduct a school of
32 15 cosmetology arts and sciences, renewal of license to conduct a
32 16 school of cosmetology arts and sciences, original license to
32 17 operate a salon, renewal of a license to operate a salon,
32 18 original license to practice manicuring and pedicuring,
32 19 renewal of a license to practice manicuring and pedicuring,
32 20 annual inspection of a school of cosmetology arts and
32 21 sciences, annual inspection of a salon, original cosmetology
32 22 arts and sciences school instructor's license, and renewal of
32 23 cosmetology arts and sciences school instructor's license.

32 24 16. License to practice barbering on the basis of an
32 25 examination given by the board of ~~barber examiners~~ barbering,
32 26 license to practice barbering under a reciprocal agreement,
32 27 renewal of a license to practice barbering, annual inspection
32 28 by the department of inspections and appeals of barber school
32 29 and annual inspection of barber shop, an original barber
32 30 school license, renewal of a barber school license, transfer
32 31 of license upon change of ownership of a barber shop or barber
32 32 school, inspection by the department of inspections and
32 33 appeals and an original barber shop license, renewal of a
32 34 barber shop license, original barber school instructor's
32 35 license, renewal of a barber school instructor's license.



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33 1 17. License to practice speech pathology or audiology
33 2 issued on the basis of an examination given by the board of
33 3 speech pathology and audiology, or license to practice speech
33 4 pathology or audiology issued under a reciprocity agreement,
33 5 renewal of a license to practice speech pathology or
33 6 audiology.

33 7 18. License to practice occupational therapy issued upon
33 8 the basis of an examination given by the board of physical and
33 9 occupational therapy ~~examiners~~, license to practice
33 10 occupational therapy issued under a reciprocal agreement,
33 11 renewal of a license to practice occupational therapy.

33 12 19. License to assist in the practice of occupational
33 13 therapy issued upon the basis of an examination given by the
33 14 board of physical and occupational therapy ~~examiners~~, license
33 15 to assist in the practice of occupational therapy issued under
33 16 a reciprocal agreement, renewal of a license to assist in the
33 17 practice of occupational therapy.

33 18 20. License to practice social work issued on the basis of
33 19 an examination by the board of social work ~~examiners~~, or
33 20 license to practice social work issued under a reciprocity
33 21 agreement, or renewal of a license to practice social work.

33 22 21. License to practice marital and family therapy issued
33 23 upon the basis of an examination given by the board of
33 24 behavioral science ~~examiners~~, license to practice marital and
33 25 family therapy issued under a reciprocal agreement, or renewal
33 26 of a license to practice marital and family therapy.

33 27 22. License to practice mental health counseling issued
33 28 upon the basis of an examination given by the board of
33 29 behavioral science ~~examiners~~, license to practice mental
33 30 health counseling issued under a reciprocal agreement, or
33 31 renewal of a license to practice mental health counseling.

33 32 23. License to practice dietetics issued upon the basis of
33 33 an examination given by the board of ~~dietetic examiners~~
33 34 dietetics, license to practice dietetics issued under a
33 35 reciprocal agreement, or renewal of a license to practice



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34 1 dietetics.

34 2 24. License to practice acupuncture, license to practice
34 3 acupuncture under a reciprocal agreement, or renewal of a
34 4 license to practice acupuncture.

34 5 25. License to practice respiratory care, license to
34 6 practice respiratory care under a reciprocal license, or
34 7 renewal of a license to practice respiratory care.

34 8 26. License to practice massage therapy, license to
34 9 practice massage therapy under a reciprocal license, or
34 10 renewal of a license to practice massage therapy.

34 11 27. License to practice athletic training, license to
34 12 practice athletic training under a reciprocal license, or
34 13 renewal of a license to practice athletic training.

34 14 28. Registration to practice as a dental assistant,
34 15 registration to practice as a dental assistant under a
34 16 reciprocal agreement, or renewal of registration to practice
34 17 as a dental assistant.

34 18 29. License to practice sign language interpreting and
34 19 transliterating, license to practice sign language
34 20 interpreting and transliterating under a reciprocal license,
34 21 or renewal of a license to practice sign language interpreting
34 22 and transliterating.

34 23 30. License to practice hearing aid dispensing, license to
34 24 practice hearing aid dispensing under a reciprocal license, or
34 25 renewal of a license to practice hearing aid dispensing.

34 26 31. License to practice nursing home administration,
34 27 license to practice nursing home administration under a
34 28 reciprocal license, or renewal of a license to practice
34 29 nursing home administration.

34 30 32. For a certified statement that a licensee is licensed
34 31 in this state.

34 32 33. Duplicate license, which shall be so designated on its
34 33 face, upon satisfactory proof the original license issued by
34 34 the department has been destroyed or lost.

34 35 The licensing and certification division shall prepare



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35 1 estimates of projected revenues to be generated by the
35 2 licensing, certification, and examination fees of each board
35 3 as well as a projection of the fairly apportioned
35 4 administrative costs and rental expenses attributable to each
35 5 board. Each board shall annually review and adjust its
35 6 schedule of fees so that, as nearly as possible, projected
35 7 revenues equal projected costs and any imbalance in revenues
35 8 and costs in a fiscal year is offset in a subsequent fiscal
35 9 year.

35 10 The board of ~~medical examiners~~ medicine, the board of
35 11 pharmacy examiners, the board of ~~dental examiners~~ dentistry,
35 12 and the board of nursing shall retain individual executive
35 13 officers, but shall make every effort to share administrative,
35 14 clerical, and investigative staffs to the greatest extent
35 15 possible. The department shall annually submit a status
35 16 report to the general assembly in December regarding the
35 17 sharing of staff during the previous fiscal year.

35 18 Sec. 64. Section 147.82, Code 2007, is amended to read as
35 19 follows:

35 20 147.82 FEES.

35 21 Notwithstanding section 12.10, all fees collected under
35 22 this chapter by ~~an examining~~ a board or the department shall
35 23 be paid to the treasurer of state and credited to the general
35 24 fund of the state, except for the following:

35 25 1. The department may retain and expend or encumber a
35 26 portion of fees collected under this chapter for ~~an examining~~
35 27 a board if the expenditure or encumbrance is directly the
35 28 result of an unanticipated litigation expense or an expense
35 29 associated with a scope of practice review committee created
35 30 pursuant to section 147.28A. Before the department retains,
35 31 expends, or encumbers funds for an unanticipated litigation
35 32 expense or a scope of practice review committee, the director
35 33 of the department of management shall approve the expenditure
35 34 or encumbrance. The amount of fees retained pursuant to this
35 35 subsection shall not exceed five percent of the average annual



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36 1 fees generated by the affected ~~examining~~ board for the two
36 2 previous fiscal years. The amount of fees retained shall be
36 3 considered repayment receipts as defined in section 8.2.
36 4 2. The department may annually retain and expend not more
36 5 than two hundred ninety-seven thousand nine hundred sixty-one
36 6 dollars for lease and maintenance expenses from fees collected
36 7 pursuant to section 147.80 by the board of ~~dental examiners~~
36 8 dentistry, the board of pharmacy ~~examiners~~, the board of
36 9 ~~medical examiners~~ medicine, and the board of nursing. Fees
36 10 retained by the department pursuant to this subsection shall
36 11 be considered repayment receipts as defined in section 8.2.
36 12 3. The department may annually retain and expend not more
36 13 than one hundred thousand dollars for reduction of the number
36 14 of days necessary to process medical license requests and for
36 15 reduction of the number of days needed for consideration of
36 16 malpractice cases from fees collected pursuant to section
36 17 147.80 by the board of medical examiners. Fees retained by
36 18 the department pursuant to this subsection shall be considered
36 19 repayment receipts as defined in section 8.2 and shall be used
36 20 for the purposes described in this subsection.
36 21 4. The board of ~~dental examiners~~ dentistry may annually
36 22 retain and expend not more than one hundred forty-eight
36 23 thousand sixty dollars from revenues generated pursuant to
36 24 section 147.80. Fees retained by the board pursuant to this
36 25 subsection shall be considered repayment receipts as defined
36 26 in section 8.2 and shall be used for the purposes of
36 27 regulating dental assistants.
36 28 5. The board of nursing may annually retain and expend
36 29 ninety percent of the revenues generated from an increase in
36 30 license and renewal fees established pursuant to section
36 31 147.80 for the practice of nursing, above the license and
36 32 renewal fees in effect as of July 1, 2003. The moneys
36 33 retained shall be used for any of the board's duties,
36 34 including but not limited to the addition of full-time
36 35 equivalent positions for program services and investigations.



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37 1 Revenues retained by the board pursuant to this subsection
37 2 shall be considered repayment receipts as defined in section
37 3 8.2, and shall be used for the purposes described in this
37 4 subsection.
37 5 6. The board of pharmacy ~~examiners~~ may annually retain and
37 6 expend ninety percent of the revenues generated from an
37 7 increase in license and renewal fees established pursuant to
37 8 sections 124.301 and 147.80, and chapter 155A, for the
37 9 practice of pharmacy, above the license and renewal fees in
37 10 effect as of July 1, 2004. The moneys retained shall be used
37 11 for any of the board's duties, including but not limited to
37 12 the addition of full-time equivalent positions for program
37 13 services and investigations. Revenues retained by the board
37 14 pursuant to this subsection shall be considered repayment
37 15 receipts as defined in section 8.2, and shall be used for the
37 16 purposes described in this subsection.
37 17 7. In addition to the amounts authorized in subsections 1
37 18 through 6, the ~~examining~~ boards listed in section 147.80 may
37 19 retain and expend ninety percent of the revenue generated from
37 20 an increase in license and renewal fees established pursuant
37 21 to section 147.80 for the practice of the licensed profession
37 22 for which ~~an examining~~ a board conducts examinations above the
37 23 license and renewal fees in effect as of June 30, 2005. The
37 24 moneys retained by ~~an examining~~ a board shall be used for any
37 25 of the board's duties, including but not limited to addition
37 26 of full-time equivalent positions for program services and
37 27 investigations. Revenues retained by ~~an examining~~ a board
37 28 pursuant to this subsection shall be considered repayment
37 29 receipts as defined in section 8.2. Notwithstanding section
37 30 8.33, revenues retained by a board pursuant to this subsection
37 31 are not subject to reversion to the general fund of the state.
37 32 Sec. 65. Section 147.87, Code 2007, is amended to read as
37 33 follows:
37 34 147.87 ENFORCEMENT.
37 35 The department shall enforce the provisions of this and the



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38 1 following chapters of this subtitle and for that purpose may
38 2 request the department of inspections and appeals to make
38 3 necessary investigations. Every licensee and member of ~~an~~
~~38 4 examining a~~ board shall furnish the department or the
38 5 department of inspections and appeals such evidence as the
38 6 member or licensee may have relative to any alleged violation
38 7 which is being investigated.
38 8 Sec. 66. Section 147.88, Code 2007, is amended to read as
38 9 follows:
38 10 147.88 INSPECTIONS.
38 11 The department of inspections and appeals may perform
38 12 inspections as required by this subtitle, except for the board
38 13 of ~~medical examiners~~ medicine, board of pharmacy ~~examiners~~,
38 14 board of nursing, and the board of ~~dental examiners~~ dentistry.
38 15 The department of inspections and appeals shall employ
38 16 personnel related to the inspection functions.
38 17 Sec. 67. Section 147.89, unnumbered paragraph 1, Code
38 18 2007, is amended to read as follows:
38 19 Every licensee and member of ~~an examining a~~ board shall
38 20 report, also, to the department the name of every person,
38 21 without a license, that the member or licensee has reason to
38 22 believe is engaged in:
38 23 Sec. 68. Section 147.91, subsection 3, Code 2007, is
38 24 amended to read as follows:
38 25 3. The rules of the ~~examining~~ board relative to
38 26 examinations.
38 27 Sec. 69. Section 147.94, subsections 1, 2, 3, and 4, Code
38 28 2007, are amended to read as follows:
38 29 1. Every application for a license to practice pharmacy
38 30 shall be made to the ~~secretary~~ executive director of the board
38 31 of pharmacy ~~examiners~~.
38 32 2. A license and all renewals of a license shall be issued
38 33 by the board of pharmacy ~~examiners~~.
38 34 3. Every reciprocal agreement for the recognition of any
38 35 license issued in another state shall be negotiated by the
39 1 board of pharmacy ~~examiners~~.
39 2 4. All records in connection with the licensing of
39 3 pharmacists shall be kept by the ~~secretary~~ executive director
39 4 of the board of pharmacy ~~examiners~~.
39 5 Sec. 70. Section 147.95, Code 2007, is amended to read as
39 6 follows:
39 7 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
39 8 The provisions of this subtitle insofar as they affect the
39 9 practice of pharmacy shall be enforced by the board of
39 10 pharmacy ~~examiners~~ and the provisions of sections 147.87,
39 11 147.88, and 147.89 shall not apply to said profession.
39 12 Officers, agents, inspectors, and representatives of the board
39 13 of pharmacy ~~examiners~~ shall have the powers and status of
39 14 peace officers when enforcing the provisions of this subtitle.
39 15 Sec. 71. Section 147.96, Code 2007, is amended to read as
39 16 follows:
39 17 147.96 BOARD OF PHARMACY EXAMINERS.
39 18 In discharging the duties and exercising the powers
39 19 provided for in sections 147.94 and 147.95, the board of
39 20 pharmacy ~~examiners~~ and ~~their secretary~~ the executive director
39 21 of the board shall be governed by all the provisions of this



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39 22 chapter which govern the department when discharging a similar
39 23 duty or exercising a similar power with reference to any of
39 24 the professions regulated by this subtitle.

39 25 Sec. 72. Section 147.98, Code 2007, is amended to read as
39 26 follows:

39 27 147.98 ~~SECRETARY OF PHARMACY EXAMINERS~~ EXECUTIVE DIRECTOR
39 28 OF THE BOARD OF PHARMACY.

39 29 The board of pharmacy ~~examiners shall have the right to may~~
39 30 employ a full-time ~~secretary~~ executive director, who shall not
39 31 be a member of the examining board, at such compensation as
39 32 may be fixed pursuant to chapter 8A, subchapter IV, but the
39 33 provisions of section 147.22 providing for a secretary for
39 34 each examining board shall not apply to the board of pharmacy
39 35 ~~examiners.~~



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40 1 Sec. 73. Section 147.99, Code 2007, is amended to read as
40 2 follows:

40 3 147.99 DUTIES OF ~~SECRETARY~~ EXECUTIVE DIRECTOR.

40 4 The ~~secretary~~ executive director of the board of pharmacy
40 5 ~~examiners~~ shall, upon the direction of the board, make
40 6 inspections of alleged violations of the provisions of this
40 7 subtitle relative to the practice of pharmacy and of chapters
40 8 124, 126, and 205. The ~~secretary~~ executive director shall be
40 9 allowed necessary traveling and hotel expenses in making such
40 10 inspections.

40 11 Sec. 74. Section 147.100, Code 2007, is amended to read as
40 12 follows:

40 13 147.100 EXPIRATIONS AND RENEWALS.

40 14 Licenses shall expire in multiyear intervals as determined
40 15 by ~~the examining~~ each board. A person who fails to renew a
40 16 license by the expiration date shall be allowed to do so
40 17 within thirty days following its expiration, but the ~~examining~~
40 18 board may assess a reasonable penalty.

40 19 Sec. 75. Section 147.102, Code 2007, is amended to read as
40 20 follows:

40 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

40 22 Notwithstanding the provisions of this subtitle, every
40 23 application for a license to practice psychology,
40 24 chiropractic, or dentistry shall be made directly to the
40 25 chairperson, executive director, or secretary of the ~~examining~~
40 26 board of such profession, and every reciprocal agreement for
40 27 the recognition of any such license issued in another state
40 28 shall be negotiated by the ~~examining~~ board for such
40 29 profession. All examination, license, and renewal fees
40 30 received from persons licensed to practice any of such
40 31 professions shall be paid to and collected by the chairperson,
40 32 executive director, or secretary of the ~~examining~~ board of
40 33 such profession. The salary of the secretary shall be
40 34 established by the governor with the approval of the executive
40 35 council pursuant to section 8A.413, subsection 2, under the



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41 1 pay plan for exempt positions in the executive branch of
41 2 government.

41 3 Sec. 76. Section 147.103, Code 2007, is amended to read as
41 4 follows:

41 5 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

41 6 The board of physician ~~assistant examiners~~ assistants may
41 7 appoint investigators, who shall not be members of the
41 8 ~~examining~~ board, to administer and aid in the enforcement of
41 9 the provisions of law relating to physician assistants. The
41 10 amount of compensation for the investigators shall be
41 11 determined pursuant to chapter 8A, subchapter IV.

41 12 Investigators authorized by the board of physician
41 13 ~~assistant examiners~~ assistants have the powers and status of
41 14 peace officers when enforcing this chapter and chapters 148C
41 15 and 272C.

41 16 Sec. 77. Section 147.103A, unnumbered paragraph 1, Code
41 17 2007, is amended to read as follows:

41 18 This chapter shall apply to the licensing of persons to
41 19 practice as physicians and surgeons, osteopaths, and
41 20 osteopathic physicians and surgeons by the board of ~~medical~~
41 21 ~~examiners~~ medicine subject to the following provisions:

41 22 Sec. 78. Section 147.103A, subsection 3, Code 2007, is
41 23 amended to read as follows:

41 24 3. The board may appoint investigators, who shall not be
41 25 members of the ~~examining~~ board, and whose compensation shall
41 26 be determined pursuant to chapter 8A, subchapter IV.
41 27 Investigators appointed by the board have the powers and
41 28 status of peace officers when enforcing this chapter and
41 29 chapters 148, 150, 150A, and 272C.

41 30 Sec. 79. Section 147.107, subsections 2, 4, 5, and 8, Code
41 31 2007, are amended to read as follows:

41 32 2. A pharmacist, physician, dentist, or podiatric
41 33 physician who dispenses prescription drugs, including but not
41 34 limited to controlled substances, for human use, may delegate
41 35 nonjudgmental dispensing functions to staff assistants only



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42 1 when verification of the accuracy and completeness of the
42 2 prescription is determined by the pharmacist or practitioner
42 3 in the pharmacist's or practitioner's physical presence.
42 4 However, the physical presence requirement does not apply when
42 5 a pharmacist or practitioner is utilizing an automated
42 6 dispensing system. When using an automated dispensing system
42 7 the pharmacist or practitioner shall utilize an internal
42 8 quality control assurance plan that ensures accuracy for
42 9 dispensing. Verification of automated dispensing accuracy and
42 10 completeness remains the responsibility of the pharmacist or
42 11 practitioner and shall be determined in accordance with rules
42 12 adopted by the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
42 13 board of ~~medical examiners~~ medicine, the ~~state~~ board of ~~dental~~
~~42 14 examiners~~ dentistry, and the ~~state~~ board of podiatry ~~examiners~~
42 15 for their respective licensees.

42 16 A dentist, physician, or podiatric physician who dispenses
42 17 prescription drugs, other than drug samples, pursuant to this
42 18 subsection, shall register the fact that they dispense
42 19 prescription drugs with the practitioner's respective
42 20 ~~examining~~ board at least biennially.

42 21 A physician, dentist, or podiatric physician who dispenses
42 22 prescription drugs, other than drug samples, pursuant to this
42 23 subsection, shall offer to provide the patient with a written
42 24 prescription that may be dispensed from a pharmacy of the
42 25 patient's choice or offer to transmit the prescription orally,
42 26 electronically, or by facsimile in accordance with section
42 27 155A.27 to a pharmacy of the patient's choice.

42 28 4. Notwithstanding subsection 3, a physician assistant
42 29 shall not dispense prescription drugs as an incident to the
42 30 practice of the supervising physician or the physician
42 31 assistant, but may supply, when pharmacist services are not
42 32 reasonably available, or when it is in the best interests of
42 33 the patient, a quantity of properly packaged and labeled
42 34 prescription drugs, controlled substances, or medical devices
42 35 necessary to complete a course of therapy. However, a remote



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43 1 clinic, staffed by a physician assistant, where pharmacy
43 2 services are not reasonably available, shall secure the
43 3 regular advice and consultation of a pharmacist regarding the
43 4 distribution, storage, and appropriate use of such drugs,
43 5 substances, and devices. Prescription drugs supplied under
43 6 the provisions of this subsection shall be supplied for the
43 7 purpose of accommodating the patient and shall not be sold for
43 8 more than the cost of the drug and reasonable overhead costs,
43 9 as they relate to supplying prescription drugs to the patient,
43 10 and not at a profit to the physician or the physician
43 11 assistant. If prescription drug supplying authority is
43 12 delegated by a supervising physician to a physician assistant,
43 13 a nurse or staff assistant may assist the physician assistant
43 14 in providing that service. Rules shall be adopted by the
43 15 board of physician ~~assistant examiners~~ assistants, after
43 16 consultation with the board of pharmacy ~~examiners~~, to
43 17 implement this subsection.

43 18 5. Notwithstanding subsection 1 and any other provision of
43 19 this section to the contrary, a physician may delegate the
43 20 function of prescribing drugs, controlled substances, and
43 21 medical devices to a physician assistant licensed pursuant to
43 22 chapter 148C. When delegated prescribing occurs, the
43 23 supervising physician's name shall be used, recorded, or
43 24 otherwise indicated in connection with each individual
43 25 prescription so that the individual who dispenses or
43 26 administers the prescription knows under whose delegated
43 27 authority the physician assistant is prescribing. Rules
43 28 relating to the authority of physician assistants to prescribe
43 29 drugs, controlled substances, and medical devices pursuant to
43 30 this subsection shall be adopted by the board of physician
43 31 ~~assistant examiners~~ assistants, after consultation with the
43 32 board of ~~medical examiners~~ medicine and the board of pharmacy
43 33 ~~examiners~~. However, the rules shall prohibit the prescribing
43 34 of schedule II controlled substances which are listed as
43 35 depressants pursuant to chapter 124.



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44 1 8. Notwithstanding subsection 1, but subject to the
44 2 limitations contained in subsections 2 and 3, a registered
44 3 nurse who is licensed and registered as an advanced registered
44 4 nurse practitioner and who qualifies for and is registered in
44 5 a recognized nursing specialty may prescribe substances or
44 6 devices, including controlled substances or devices, if the
44 7 nurse is engaged in the practice of a nursing specialty
44 8 regulated under rules adopted by the board of nursing in
44 9 consultation with the board of ~~medical examiners~~ medicine and
44 10 the board of pharmacy ~~examiners~~.

44 11 Sec. 80. Section 147.108, subsection 1, Code 2007, is
44 12 amended to read as follows:

44 13 1. A person shall not dispense or adapt contact lenses
44 14 without first receiving authorization to do so by a written,
44 15 electronic, or facsimile prescription, except when authorized
44 16 orally under subsection 2, from a person licensed under
44 17 chapter 148, 150, 150A, or 154. The board of optometry
44 18 ~~examiners~~ shall adopt rules relating to electronic or
44 19 facsimile transmission of a prescription under this section.

44 20 Sec. 81. Section 147.109, subsection 1, Code 2007, is
44 21 amended to read as follows:

44 22 1. A person shall not dispense or adapt an ophthalmic
44 23 spectacle lens or lenses without first receiving authorization
44 24 to do so by a written, electronic, or facsimile prescription
44 25 from a person licensed under chapter 148, 150, 150A, or 154.
44 26 For the purpose of this section, "ophthalmic spectacle lens"
44 27 means one which has been fabricated to fill the requirements
44 28 of a particular spectacle lens prescription. The board of
44 29 optometry ~~examiners~~ shall adopt rules relating to electronic
44 30 or facsimile transmission of a prescription under this
44 31 section.

44 32 Sec. 82. Section 147.114, Code 2007, is amended to read as
44 33 follows:

44 34 147.114 INSPECTOR.

44 35 An inspector may be appointed by the board of ~~dental~~



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~~45~~ 1 ~~examiners~~ dentistry pursuant to the provisions of chapter 8A,
45 2 subchapter IV.
45 3 Sec. 83. Section 147.135, subsections 2 and 3, Code 2007,
45 4 are amended to read as follows:
45 5 2. As used in this subsection, "peer review records" means
45 6 all complaint files, investigation files, reports, and other
45 7 investigative information relating to licensee discipline or
45 8 professional competence in the possession of a peer review
45 9 committee or an employee of a peer review committee. As used
45 10 in this subsection, "peer review committee" does not include
45 11 ~~examining~~ licensing boards. Peer review records are
45 12 privileged and confidential, are not subject to discovery,
45 13 subpoena, or other means of legal compulsion for release to a
45 14 person other than an affected licensee or a peer review
45 15 committee and are not admissible in evidence in a judicial or
45 16 administrative proceeding other than a proceeding involving
45 17 licensee discipline or a proceeding brought by a licensee who
45 18 is the subject of a peer review record and whose competence is
45 19 at issue. A person shall not be liable as a result of filing
45 20 a report or complaint with a peer review committee or
45 21 providing information to such a committee, or for disclosure
45 22 of privileged matter to a peer review committee. A person
45 23 present at a meeting of a peer review committee shall not be
45 24 permitted to testify as to the findings, recommendations,
45 25 evaluations, or opinions of the peer review committee in any
45 26 judicial or administrative proceeding other than a proceeding
45 27 involving licensee discipline or a proceeding brought by a
45 28 licensee who is the subject of a peer review committee meeting
45 29 and whose competence is at issue. Information or documents
45 30 discoverable from sources other than the peer review committee
45 31 do not become nondiscoverable from the other sources merely
45 32 because they are made available to or are in the possession of
45 33 a peer review committee. However, such information relating
45 34 to licensee discipline may be disclosed to an appropriate
45 35 licensing authority in any jurisdiction in which the licensee



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46 1 is licensed or has applied for a license. If such information
46 2 indicates a crime has been committed, the information shall be
46 3 reported to the proper law enforcement agency. This
46 4 subsection shall not preclude the discovery of the
46 5 identification of witnesses or documents known to a peer
46 6 review committee. Any final written decision and finding of
46 7 fact by a licensing board in a disciplinary proceeding is a
46 8 public record. Upon appeal by a licensee of a decision of a
46 9 ~~licensing~~ board, the entire case record shall be submitted to
46 10 the reviewing court. In all cases where privileged and
46 11 confidential information under this subsection becomes
46 12 discoverable, admissible, or part of a court record the
46 13 identity of an individual whose privilege has been
46 14 involuntarily waived shall be withheld.

46 15 3. A full and confidential report concerning any final
46 16 hospital disciplinary action approved by a hospital board of
46 17 trustees that results in a limitation, suspension, or
46 18 revocation of a physician's privilege to practice for reasons
46 19 relating to the physician's professional competence or
46 20 concerning any voluntary surrender or limitation of privileges
46 21 for reasons relating to professional competence shall be made
46 22 to the board of ~~medical examiners~~ medicine by the hospital
46 23 administrator or chief of medical staff within ten days of
46 24 such action. The board of ~~medical examiners~~ medicine shall
46 25 investigate the report and take appropriate action. These
46 26 reports shall be privileged and confidential as though
46 27 included in and subject to the requirements for peer review
46 28 committee information in subsection 2. Persons making these
46 29 reports and persons participating in resulting proceedings
46 30 related to these reports shall be immune from civil liability
46 31 with respect to the making of the report or participation in
46 32 resulting proceedings. As used in this subsection,
46 33 "physician" means a person licensed pursuant to chapter 148,
46 34 chapter 150, or chapter 150A.

46 35 Notwithstanding subsection 2, if the board of ~~medical~~



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~~47~~ 1 ~~examiners~~ medicine conducts an investigation based on a
47 2 complaint received or upon its own motion, a hospital pursuant
47 3 to subpoena shall make available information and documents
47 4 requested by the board, specifically including reports or
47 5 descriptions of any complaints or incidents concerning an
47 6 individual who is the subject of the board's investigation,
47 7 even though the information and documents are also kept for,
47 8 are the subject of, or are being used in peer review by the
47 9 hospital. However, the deliberations, testimony, decisions,
47 10 conclusions, findings, recommendations, evaluations, work
47 11 product, or opinions of a peer review committee or its members
47 12 and those portions of any documents or records containing or
47 13 revealing information relating thereto shall not be subject to
47 14 the board's request for information, subpoena, or other legal
47 15 compulsion. All information and documents received by the
47 16 board from a hospital under this section shall be confidential
47 17 pursuant to section 272C.6, subsection 4.

47 18 Sec. 84. Section 147.151, subsection 2, Code 2007, is
47 19 amended to read as follows:

47 20 2. "Board" means the ~~Iowa~~ board of speech pathology and
47 21 audiology ~~examiners~~ established pursuant to section 147.14,
47 22 subsection 9.

47 23 Sec. 85. Section 147.152, subsection 1, Code 2007, is
47 24 amended to read as follows:

47 25 1. Licensed physicians and surgeons, licensed osteopathic
47 26 physicians and surgeons, licensed osteopaths, approved
47 27 physician assistants and registered nurses acting under the
47 28 supervision of a physician, persons conducting hearing tests
47 29 under the direct supervision of a licensed physician and
47 30 surgeon, licensed osteopathic physician and surgeon, or
47 31 licensed osteopath, or students of medicine or surgery or
47 32 osteopathic medicine and surgery pursuing a course of study in
47 33 a medical school or college of osteopathic medicine and
47 34 surgery approved by the ~~medical-examiners~~ board of medicine
47 35 while performing functions incidental to their course of



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48 1 study.

48 2 Sec. 86. Section 147A.13, subsection 1, Code 2007, is
48 3 amended to read as follows:

48 4 1. Documentation has been reviewed and approved at the
48 5 local level by the medical director of the ambulance, rescue,
48 6 or first response service in accordance with the rules of the
48 7 board of physician ~~assistant examiners~~ assistants developed
48 8 after consultation with the department.

48 9 Sec. 87. Section 148.2, subsections 3 and 6, Code 2007,
48 10 are amended to read as follows:

48 11 3. Students of medicine or surgery who have completed at
48 12 least two years' study in a medical school, approved by the
48 13 ~~medical examiners~~ board, and who prescribe medicine under the
48 14 supervision of a licensed physician and surgeon, or who render
48 15 gratuitous service to persons in case of emergency.

48 16 6. A graduate of a medical school who is continuing
48 17 training and performing the duties of an intern, or who is
48 18 engaged in postgraduate training deemed the equivalent of an
48 19 internship in a hospital approved for training by the ~~medical~~
~~48 20 examiners~~ board.

48 21 Sec. 88. Section 148.2A, Code 2007, is amended to read as
48 22 follows:

48 23 148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

48 24 As used in this chapter, "board" ~~and "medical examiners"~~
~~48 25 mean~~ means the board of ~~medical examiners~~ medicine established
48 26 in chapter 147.

48 27 Sec. 89. Section 148.3, Code 2007, is amended to read as
48 28 follows:

48 29 148.3 REQUIREMENTS FOR LICENSE.

48 30 An applicant for a license to practice medicine and surgery
48 31 shall:

48 32 1. Present a diploma issued by a medical college approved
48 33 by the ~~medical examiners~~ board, or present other evidence of
48 34 equivalent medical education approved by the ~~medical examiners~~
48 35 board. The ~~medical examiners~~ board may accept, in lieu of a
49 1 diploma from a medical college approved by them, all of the
49 2 following:

49 3 a. A diploma issued by a medical college which has been
49 4 neither approved nor disapproved by the ~~medical examiners; and~~
49 5 board.

49 6 b. A valid standard certificate issued by the educational
49 7 commission for foreign medical graduates or similar
49 8 accrediting agency.

49 9 2. Pass an examination prescribed by the ~~medical examiners~~
49 10 board which shall include subjects which determine the
49 11 applicant's qualifications to practice medicine and surgery
49 12 and which shall be given according to the methods deemed by
49 13 the ~~medical examiners~~ board to be the most appropriate and
49 14 practicable. However, the federation licensing examination
49 15 (~~FLEX~~) or any other national standardized examination which
49 16 the ~~medical examiners~~ board ~~shall approve~~ approves may be
49 17 administered to any or all applicants in lieu of or in
49 18 conjunction with other examinations which the ~~medical~~
~~49 19 examiners~~ board ~~shall prescribe~~ prescribes. The ~~medical~~
~~49 20 examiners~~ board may establish necessary achievement levels on
49 21 all examinations for a passing grade and adopt rules relating



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49 22 to examinations.

49 23 3. Present to the ~~medical-examiners~~ board satisfactory
49 24 evidence that the applicant has successfully completed one
49 25 year of postgraduate internship or resident training in a
49 26 hospital approved for such training by the ~~medical-examiners~~
49 27 board. Beginning July 1, 2006, an applicant who holds a valid
49 28 certificate issued by the educational commission for foreign
49 29 medical graduates shall submit satisfactory evidence of
49 30 successful completion of two years of such training.

49 31 Sec. 90. Section 148.4, Code 2007, is amended to read as
49 32 follows:

49 33 148.4 CERTIFICATES OF NATIONAL BOARD.

49 34 The ~~medical-examiners~~ board of medicine may accept in lieu
49 35 of the examination prescribed in section 148.3 a certificate



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50 1 of examination issued by the national board of medical
50 2 examiners of the United States of America, but every applicant
50 3 for a license upon the basis of such certificate shall be
50 4 required to pay the fee prescribed by the ~~medical examiners~~
50 5 board of medicine for licenses.

50 6 Sec. 91. Section 148.5, Code 2007, is amended to read as
50 7 follows:

50 8 148.5 RESIDENT PHYSICIAN LICENSE.

50 9 A physician, who is a graduate of a medical school and is
50 10 serving as a resident physician who is not otherwise licensed
50 11 to practice medicine and surgery in this state, shall be
50 12 required to obtain from the ~~medical examiners board~~ a license
50 13 to practice as a resident physician. The license shall be
50 14 designated "Resident Physician License" and shall authorize
50 15 the licensee to serve as a resident physician only, under the
50 16 supervision of a licensed practitioner of medicine and surgery
50 17 or osteopathic medicine and surgery, in an institution
50 18 approved for such training by the ~~medical examiners board~~. A
50 19 license shall be valid for a duration as determined by the
50 20 board. The fee for each license shall be set by the ~~medical~~
~~50 21 examiners board~~ to cover the administrative costs of issuing
50 22 the license. The ~~medical examiners board~~ shall determine in
50 23 each instance those eligible for a license, whether or not
50 24 examinations shall be given, and the type of examinations.
50 25 Requirements of the law pertaining to regular permanent
50 26 licensure shall not be mandatory for a resident physician
50 27 license except as specifically designated by the ~~medical~~
~~50 28 examiners board~~. The granting of a resident physician license
50 29 does not in any way indicate that the person licensed is
50 30 necessarily eligible for regular permanent licensure, ~~nor are~~
~~50 31 the medical examiners~~ or that the board in any way is
50 32 obligated to license the individual.

50 33 Sec. 92. Section 148.6, Code 2007, is amended to read as
50 34 follows:

50 35 148.6 REVOCATION.



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51 1 1. The ~~medical examiners~~ board, after due notice and
51 2 hearing in accordance with chapter 17A, may issue an order to
51 3 discipline a licensee for any of the grounds set forth in
51 4 section 147.55, chapter 272C, or this subsection.

51 5 Notwithstanding section 272C.3, licensee discipline may
51 6 include a civil penalty not to exceed ten thousand dollars.

51 7 2. Pursuant to this section, the board ~~of medical~~
51 8 ~~examiners~~ may discipline a licensee who is guilty of any of
51 9 the following acts or offenses:

51 10 a. Knowingly making misleading, deceptive, untrue or
51 11 fraudulent representation in the practice of the physician's
51 12 profession.

51 13 b. Being convicted of a felony in the courts of this state
51 14 or another state, territory, or country. Conviction as used
51 15 in this paragraph shall include a conviction of an offense
51 16 which if committed in this state would be deemed a felony
51 17 without regard to its designation elsewhere, or a criminal
51 18 proceeding in which a finding or verdict of guilt is made or
51 19 returned, but the adjudication of guilt is either withheld or
51 20 not entered. A certified copy of the final order or judgment
51 21 of conviction or plea of guilty in this state or in another
51 22 state shall be conclusive evidence.

51 23 c. Violating a statute or law of this state, another
51 24 state, or the United States, without regard to its designation
51 25 as either felony or misdemeanor, which statute or law relates
51 26 to the practice of medicine.

51 27 d. Having the license to practice medicine and surgery,
51 28 osteopathic medicine and surgery, or osteopathy revoked or
51 29 suspended, or having other disciplinary action taken by a
51 30 licensing authority of another state, territory, or country.
51 31 A certified copy of the record or order of suspension,
51 32 revocation, or disciplinary action is prima facie evidence.

51 33 e. Knowingly aiding, assisting, procuring, or advising a
51 34 person to unlawfully practice medicine and surgery,
51 35 osteopathic medicine and surgery, or osteopathy.



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52 1 f. Being adjudged mentally incompetent by a court of
52 2 competent jurisdiction. Such adjudication shall automatically
52 3 suspend a license for the duration of the license unless the
52 4 board orders otherwise.

52 5 g. Being guilty of a willful or repeated departure from,
52 6 or the failure to conform to, the minimal standard of
52 7 acceptable and prevailing practice of medicine and surgery,
52 8 osteopathic medicine and surgery, or osteopathy in which
52 9 proceeding actual injury to a patient need not be established;
52 10 or the committing by a physician of an act contrary to
52 11 honesty, justice, or good morals, whether the same is
52 12 committed in the course of the physician's practice or
52 13 otherwise, and whether committed within or without this state.

52 14 h. Inability to practice medicine and surgery, osteopathic
52 15 medicine and surgery, or osteopathy with reasonable skill and
52 16 safety by reason of illness, drunkenness, excessive use of
52 17 drugs, narcotics, chemicals, or other type of material or as a
52 18 result of a mental or physical condition. The ~~medical~~
~~52 19 examiners~~ board may, upon probable cause, compel a physician
52 20 to submit to a mental or physical examination by designated
52 21 physicians or to submit to alcohol or drug screening within a
52 22 time specified by the ~~medical examiners~~ board. Failure of a
52 23 physician to submit to an examination or to submit to alcohol
52 24 or drug screening shall constitute admission to the
52 25 allegations made against the physician and the finding of fact
52 26 and decision of the ~~medical examiners~~ board may be entered
52 27 without the taking of testimony or presentation of evidence.
52 28 At reasonable intervals, a physician shall be afforded an
52 29 opportunity to demonstrate that the physician can resume the
52 30 competent practice of medicine with reasonable skill and
52 31 safety to patients.

52 32 A person licensed to practice medicine and surgery,
52 33 osteopathic medicine and surgery, or osteopathy who makes
52 34 application for the renewal of a license, as required by
52 35 section 147.10, gives consent to submit to a mental or



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53 1 physical examination as provided by this paragraph when
53 2 directed in writing by the ~~medical examiners~~ board. All
53 3 objections shall be waived as to the admissibility of the
53 4 examining physicians' testimony or examination reports on the
53 5 grounds that they constitute privileged communication. The
53 6 medical testimony or examination reports shall not be used
53 7 against a physician in another proceeding and shall be
53 8 confidential, except for other actions filed against a
53 9 physician to revoke or suspend a license.

53 10 i. Willful or repeated violation of lawful rule or
53 11 regulation adopted by the board or violating a lawful order of
53 12 the board, previously entered by the board in a disciplinary
53 13 or licensure hearing, or violating the terms and provisions of
53 14 a consent agreement or informal settlement between a licensee
53 15 and the board.

53 16 Sec. 93. Section 148.7, subsections 1, 2, 3, 7, and 9,
53 17 Code 2007, are amended to read as follows:

53 18 1. The ~~medical examiners~~ board may, upon ~~their~~ its own
53 19 motion or upon verified complaint in writing, and shall, if
53 20 such complaint is filed by the director of public health,
53 21 issue an order fixing the time and place for hearing. A
53 22 written notice of the time and place of the hearing together
53 23 with a statement of the charges shall be served upon the
53 24 licensee at least ten days before the hearing in the manner
53 25 required for the service of notice of the commencement of an
53 26 ordinary action or by restricted certified mail.

53 27 2. If the licensee has left the state, the notice and
53 28 statement of the charges shall be so served at least twenty
53 29 days before the date of the hearing, wherever the licensee may
53 30 be found. If the whereabouts of the licensee is unknown,
53 31 service may be had by publication as provided in the rules of
53 32 civil procedure upon filing the affidavit required by ~~said~~ the
53 33 rules. In case the licensee fails to appear, either in person
53 34 or by counsel at the time and place designated in ~~said~~ the
53 35 notice, the ~~medical examiners~~ board shall proceed with the



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54 1 hearing as hereinafter provided.
54 2 3. The hearing shall be before a member or members
54 3 designated by the board or before an administrative law judge
54 4 appointed by the board according to the requirements of
54 5 section 17A.11, subsection 1. The presiding board member or
54 6 administrative law judge may issue subpoenas, administer
54 7 oaths, and take or cause depositions to be taken in connection
54 8 with the hearing. The presiding board member or
54 9 administrative law judge shall issue subpoenas at the request
54 10 and on behalf of the licensee. The hearing shall be open to
54 11 the public.
54 12 The administrative law judge shall be an attorney vested
54 13 with full authority of the board to schedule and conduct
54 14 hearings. The administrative law judge shall prepare and file
54 15 with the ~~medical examiners~~ board the administrative law
54 16 judge's findings of fact and conclusions of law, together with
54 17 a complete written transcript of all testimony and evidence
54 18 introduced at the hearing and all exhibits, pleas, motions,
54 19 objections, and rulings of the administrative law judge.
54 20 7. If a majority of the members of the board vote in favor
54 21 of finding the licensee guilty of an act or offense specified
54 22 in section 147.55 or 148.6, the board shall prepare written
54 23 findings of fact and its decision imposing one or more of the
54 24 following disciplinary measures:
54 25 a. Suspend the licensee's license to practice the
54 26 profession for a period to be determined by the board.
54 27 b. Revoke the licensee's license to practice the
54 28 profession.
54 29 c. Suspend imposition of judgment and penalty or impose
54 30 the judgment and penalty, but suspend enforcement and place
54 31 the physician on probation. The probation ordered may be
54 32 vacated upon noncompliance. The ~~medical examiners~~ board may
54 33 restore and reissue a license to practice medicine and
54 34 surgery, osteopathic medicine and surgery, or osteopathy, but
54 35 may impose a disciplinary or corrective measure which ~~is~~ is



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55 1 board might originally have imposed. A copy of the ~~medical~~
55 2 ~~examiners'~~ board's order, findings of fact, and decision,
55 3 shall be served on the licensee in the manner of service of an
55 4 original notice or by certified mail return receipt requested.

55 5 9. The ~~medical examiners'~~ board's order revoking or
55 6 suspending a license to practice medicine and surgery,
55 7 osteopathic medicine and surgery, or osteopathy or to
55 8 discipline a licensee shall remain in force and effect until
55 9 the appeal is finally determined and disposed of upon its
55 10 merit.

55 11 Sec. 94. Section 148.8, Code 2007, is amended to read as
55 12 follows:

55 13 148.8 VOLUNTARY SURRENDER OF LICENSE.

55 14 The ~~medical examiners~~ board may accept the voluntary
55 15 surrender of a license if accompanied by a written statement
55 16 of intention. A voluntary surrender, when accepted, has the
55 17 same force and effect as an order of revocation.

55 18 Sec. 95. Section 148.9, Code 2007, is amended to read as
55 19 follows:

55 20 148.9 REINSTATEMENT.

55 21 Any person whose license has been suspended, revoked, or
55 22 placed on probation may apply to the board ~~of medical~~
55 23 ~~examiners~~ for reinstatement at any time and the board may hold
55 24 hearings on any such petition and may order reinstatement and
55 25 impose terms and conditions thereof and issue a certificate of
55 26 reinstatement to the director of public health who shall
55 27 thereupon issue a license as directed by the board.

55 28 Sec. 96. Section 148.10, Code 2007, is amended to read as
55 29 follows:

55 30 148.10 TEMPORARY CERTIFICATE.

55 31 The ~~medical examiners~~ board may, in their discretion, issue
55 32 a temporary certificate authorizing the licensee to practice
55 33 medicine and surgery or osteopathic medicine and surgery in a
55 34 specific location or locations and for a specified period of
55 35 time if, in the opinion of the ~~medical examiners~~ board, a need



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56 1 exists and the person possesses the qualifications prescribed
56 2 by the ~~medical examiners~~ board for the license, which shall be
56 3 substantially equivalent to those required for licensure under
56 4 this chapter or chapter 150A, as the case may be. The ~~medical~~
~~56 5 examiners~~ board shall determine in each instance those
56 6 eligible for this license, whether or not examinations shall
56 7 be given, and the type of examinations. No requirements of
56 8 the law pertaining to regular permanent licensure are
56 9 mandatory for this temporary license except as specifically
56 10 designated by the ~~medical examiners~~ board. The granting of a
56 11 temporary license does not in any way indicate that the person
56 12 so licensed is necessarily eligible for regular licensure, ~~nor~~
~~56 13 are the medical examiners~~ or that the board in any way is
56 14 obligated to so license the person.

56 15 The temporary certificate shall be issued for a period not
56 16 to exceed one year and may be renewed, but a person shall not
56 17 practice medicine and surgery or osteopathic medicine and
56 18 surgery in excess of three years while holding a temporary
56 19 certificate. The fee for this license and the fee for renewal
56 20 of this license shall be set by the ~~medical examiners~~ board.
56 21 The fees shall be based on the administrative costs of issuing
56 22 and renewing the licenses.

56 23 Sec. 97. Section 148.11, subsection 1, Code 2007, is
56 24 amended to read as follows:

56 25 1. Whenever the need exists, the board ~~of medical~~
~~56 26 examiners~~ may issue a special license. The special license
56 27 shall authorize the licensee to practice medicine and surgery
56 28 under the policies and standards applicable to the health care
56 29 services of a medical school academic staff member or as
56 30 otherwise specified in the special license.

56 31 Sec. 98. Section 148.12, Code 2007, is amended to read as
56 32 follows:

56 33 148.12 VOLUNTARY AGREEMENTS.

56 34 The ~~medical examiners~~ board, after due notice and hearing,
56 35 may issue an order to revoke, suspend, or restrict a license



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57 1 to practice medicine and surgery, osteopathic medicine and
57 2 surgery, or osteopathy, or to issue a restricted license on
57 3 application if the ~~medical examiners determine~~ board
57 4 determines that a physician licensed to practice medicine and
57 5 surgery, osteopathic medicine and surgery, or osteopathy, or
57 6 an applicant for licensure has entered into a voluntary
57 7 agreement to restrict the practice of medicine and surgery,
57 8 osteopathic medicine and surgery, or osteopathy in another
57 9 state, district, territory, country, or an agency of the
57 10 federal government. A certified copy of the voluntary
57 11 agreement shall be considered prima facie evidence.

57 12 Sec. 99. Section 148.13, Code 2007, is amended to read as
57 13 follows:

57 14 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND
57 15 REVIEW OF CONTESTED CASES UNDER CHAPTER 148C == RULES.

57 16 1. The board of ~~medical examiners~~ medicine shall adopt
57 17 rules setting forth in detail its criteria and procedures for
57 18 determining the ineligibility of a physician to serve as a
57 19 supervising physician under chapter 148C. The rules shall
57 20 provide that a physician may serve as a supervising physician
57 21 under chapter 148C until such time as the board of medicine
57 22 determines, following normal disciplinary procedures, that the
57 23 physician is ineligible to serve in that capacity.

57 24 2. The board of ~~medical examiners~~ medicine shall establish
57 25 by rule specific procedures for consulting with and
57 26 considering the advice of the board of physician ~~assistant~~
57 27 ~~examiners assistants~~ in determining whether to initiate a
57 28 disciplinary proceeding under chapter 17A against a licensed
57 29 physician in a matter involving the supervision of a physician
57 30 assistant.

57 31 3. In exercising their respective authorities, the board
57 32 of ~~medical examiners~~ medicine and the board of physician
57 33 ~~assistant examiners~~ assistants shall cooperate with the goal
57 34 of encouraging the utilization of physician assistants in a
57 35 manner that is consistent with the provision of quality health



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58 1 care and medical services for the citizens of Iowa.

58 2 4. The board of ~~medical examiners~~ medicine shall adopt
58 3 rules requiring a physician serving as a supervising physician
58 4 to notify the board of medicine of the identity of a physician
58 5 assistant the physician is supervising, and of any change in
58 6 the status of the supervisory relationship.

58 7 Sec. 100. Section 148A.1, Code 2007, is amended by adding
58 8 the following unnumbered paragraph:

58 9 NEW PARAGRAPH. As used in this chapter, "board" means the
58 10 board of physical and occupational therapy, created under
58 11 chapter 147.

58 12 Sec. 101. Section 148A.4, Code 2007, is amended to read as
58 13 follows:

58 14 148A.4 REQUIREMENTS TO PRACTICE.

58 15 Each applicant for a license to practice physical therapy
58 16 shall:

58 17 1. Complete a course of study in, and hold a diploma or
58 18 certificate issued by, a school of physical therapy accredited
58 19 by the American physical therapy association or another
58 20 appropriate accrediting body, and meet requirements as
58 21 established by rules of the board of ~~physical and occupational~~
~~58 22 therapy examiners.~~

58 23 2. Have passed an examination administered by the board of ~~of~~
~~58 24 physical and occupational therapy examiners.~~

58 25 Sec. 102. Section 148A.6, Code 2007, is amended to read as
58 26 follows:

58 27 148A.6 PHYSICAL THERAPIST ASSISTANT.

58 28 1. A licensed physical therapist assistant is required to
58 29 function under the direction and supervision of a licensed
58 30 physical therapist to perform physical therapy procedures
58 31 delegated and supervised by the licensed physical therapist in
58 32 a manner consistent with the rules adopted by the board of ~~of~~
~~58 33 physical and occupational therapy examiners.~~ Selected and
58 34 delegated tasks of physical therapist assistants may include,
58 35 but are not limited to, therapeutic procedures and related
59 1 tasks, routine operational functions, documentation of
59 2 treatment progress, and the use of selected physical agents.
59 3 The ability of the licensed physical therapist assistant to
59 4 perform the selected and delegated tasks shall be assessed on
59 5 an ongoing basis by the supervising physical therapist. The
59 6 licensed physical therapist assistant shall not interpret
59 7 referrals, perform initial evaluation or reevaluations,
59 8 initiate physical therapy treatment programs, change specified
59 9 treatment programs, or discharge a patient from physical
59 10 therapy services.

59 11 2. Each applicant for a license to practice as a physical
59 12 therapist assistant shall:

59 13 a. Successfully complete a course of study for the
59 14 physical therapist assistant accredited by the commission on
59 15 accreditation in education of the American physical therapy
59 16 association, or another appropriate accrediting body, and meet
59 17 other requirements established by the rules of the board of ~~of~~
~~59 18 physical and occupational therapy examiners.~~

59 19 b. Have passed an examination administered by the board of ~~of~~
~~59 20 physical and occupational therapy examiners.~~

59 21 3. This section does not prevent a person not licensed as



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59 22 a physical therapist assistant from performing services
59 23 ordinarily performed by a physical therapy aide, assistant, or
59 24 technician, provided that the person does not represent to the
59 25 public that the person is a licensed physical therapist
59 26 assistant, or use the title "physical therapist assistant" or
59 27 the letters "P.T.A.", and provided that the person performs
59 28 services consistent with the supervision requirements of the
59 29 board of ~~physical and occupational therapy examiners~~ for
59 30 persons not licensed as physical therapist assistants.
59 31 Sec. 103. Section 148B.2, subsection 1, Code 2007, is
59 32 amended to read as follows:
59 33 1. "Board" means the board of physical and occupational
59 34 therapy ~~examiners~~, created under chapter 147.
59 35 Sec. 104. Section 148B.7, Code 2007, is amended to read as



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60 1 follows:

60 2 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

60 3 ~~EXAMINERS~~ == POWERS AND DUTIES.

60 4 The board shall adopt rules relating to professional
60 5 conduct to carry out the policy of this chapter, including but
60 6 not limited to rules relating to professional licensing and to
60 7 the establishment of ethical standards of practice for persons
60 8 holding a license to practice occupational therapy in this
60 9 state.

60 10 Sec. 105. Section 148B.8, Code 2007, is amended to read as
60 11 follows:

60 12 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

60 13 ~~EXAMINERS~~ == ADMINISTRATIVE PROVISIONS.

60 14 The board may employ an executive secretary and officers
60 15 and employees as necessary, and shall determine their duties
60 16 and fix their compensation.

60 17 Sec. 106. Section 148C.1, subsection 2, Code 2007, is
60 18 amended to read as follows:

60 19 2. "Board" means the board of physician ~~assistant~~

~~60 20 examiners assistants, created under chapter 147.~~

60 21 Sec. 107. Section 148C.3, subsection 6, Code 2007, is
60 22 amended to read as follows:

60 23 6. The board shall adopt rules pursuant to this section
60 24 after consultation with the board of ~~medical examiners~~
60 25 medicine.

60 26 Sec. 108. Section 148E.1, subsection 3, Code 2007, is
60 27 amended to read as follows:

60 28 3. "Board" means the board of ~~medical examiners~~ medicine,
60 29 established in chapter 147.

60 30 Sec. 109. Section 149.1, Code 2007, is amended by adding
60 31 the following new subsection:

60 32 NEW SECTION. 1A. As used in this chapter, "board" means
60 33 the board of podiatry, created under chapter 147.

60 34 Sec. 110. Section 149.3, subsection 2, Code 2007, is
60 35 amended to read as follows:



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61 1 2. Present an official transcript issued by a school of
61 2 podiatry approved by the board of ~~podiatry examiners~~.
61 3 Sec. 111. Section 149.4, Code 2007, is amended to read as
61 4 follows:
61 5 149.4 APPROVED SCHOOL.
61 6 A school of podiatry shall not be approved by the board of ~~of~~
~~61 7 podiatry examiners~~ as a school of recognized standing unless
61 8 the school:
61 9 1. Requires for graduation or the receipt of any podiatric
61 10 degree the completion of a course of study covering a period
61 11 of at least eight months in each of four calendar years.
61 12 2. ~~After January 1, 1962, a~~ A school of podiatry shall not
61 13 be approved by the board of ~~podiatry examiners~~ which does not
61 14 have as an additional entrance requirement two years study in
61 15 a recognized college, university, or academy.
61 16 Sec. 112. Section 149.7, Code 2007, is amended to read as
61 17 follows:
61 18 149.7 TEMPORARY CERTIFICATE.
61 19 The ~~podiatry examiners~~ board may issue a temporary
61 20 certificate authorizing the licensee named in the certificate
61 21 to practice podiatry if, in the opinion of the ~~podiatry~~
~~61 22 examiners~~ board, a need exists and the person possesses the
61 23 qualifications prescribed by the ~~podiatry examiners~~ board for
61 24 the certificate, which shall be substantially equivalent to
61 25 those required for regular licensure under this chapter. The
61 26 ~~podiatry examiners~~ board shall determine in each instance the
61 27 applicant's eligibility for the certificate, whether or not an
61 28 examination shall be given, and the type of examination. The
61 29 requirements of the law pertaining to regular permanent
61 30 licensure shall not be mandatory for this temporary
61 31 certificate except as specifically designated by the ~~podiatry~~
~~61 32 examiners~~ board. The granting of a temporary certificate does
61 33 not in any way indicate that the person licensed is
61 34 necessarily eligible for regular licensure, and the ~~podiatry~~
~~61 35 examiners~~ are board is not obligated to license the person.



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62 1 The temporary certificate shall be issued for one year and
62 2 may be renewed, but a person shall not be entitled to practice
62 3 podiatry in excess of three years while holding a temporary
62 4 certificate. The fee for this certificate shall be set by the
62 5 ~~podiatry examiners~~ board, and if extended beyond one year, a
62 6 renewal fee per year shall be set by the ~~podiatry examiners~~
62 7 board. The fees shall be based on the administrative costs of
62 8 issuing and renewing the certificates.

62 9 Sec. 113. Section 150.11, Code 2007, is amended to read as
62 10 follows:

62 11 150.11 OSTEOPATHY DISCONTINUED.

62 12 After May 10, 1963, no license to practice osteopathy shall
62 13 be issued, provided that the Iowa department of public health
62 14 shall issue renewal licenses to practice osteopathy as
62 15 provided in chapter 147 and the department, upon
62 16 recommendation of the ~~medical examiners~~ board of medicine, may
62 17 grant a license to practice osteopathy by reciprocity or
62 18 endorsement if the applicant holds a valid license to practice
62 19 osteopathy or osteopathic medicine and surgery issued by
62 20 another state prior to May 10, 1963.

62 21 Sec. 114. NEW SECTION. 150A.1A DEFINITION.

62 22 As used in this chapter, "board" means the board of
62 23 medicine, created under chapter 147.

62 24 Sec. 115. Section 150A.2, subsection 3, Code 2007, is
62 25 amended to read as follows:

62 26 3. Students of medicine or surgery or osteopathic medicine
62 27 and surgery, who have completed at least two years study in a
62 28 medical school or college of osteopathic medicine and surgery
62 29 approved by the ~~medical examiners~~ board, and who prescribe
62 30 medicine under the supervision of a licensed physician and
62 31 surgeon or osteopathic physician and surgeon, or who render
62 32 gratuitous service to persons in case of emergency.

62 33 Sec. 116. Section 150A.3, Code 2007, is amended to read as
62 34 follows:

62 35 150A.3 REQUIREMENTS TO PRACTICE.



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63 1 Each applicant for a license to practice osteopathic
63 2 medicine and surgery shall:
63 3 1. Either comply with all of the following:
63 4 a. Present a diploma issued, after May 10, 1963, by a
63 5 college of osteopathic medicine and surgery approved by the
63 6 ~~medical examiners~~ board or present other evidence of
63 7 equivalent medical education approved by the ~~medical examiners~~
63 8 board.
63 9 b. Pass an examination prescribed by the ~~medical examiners~~
63 10 board in subjects including anatomy, chemistry, physiology,
63 11 materia medica and therapeutics, obstetrics, pathology,
63 12 medicine, public health and hygiene, and surgery. The board
63 13 ~~of medical examiners~~ may require written, oral, and practical
63 14 examinations of the applicant.
63 15 c. Present to the Iowa department of public health
63 16 satisfactory evidence that the applicant has completed one
63 17 year of internship or resident training in a hospital approved
63 18 for such training by the medical examiners.
63 19 2. Or comply with the following:
63 20 a. Present a valid license to practice osteopathy in this
63 21 state together with satisfactory evidence that the applicant
63 22 has completed either: (1) a two-year postgraduate course, of
63 23 nine months each, in an accredited college of osteopathy,
63 24 osteopathic medicine and surgery or medicine approved by the
63 25 board ~~of medical examiners of Iowa~~, involving a thorough and
63 26 intensive study of the subject of surgery as prescribed by
63 27 ~~such medical examiners~~ the board, or (2) a one-year
63 28 postgraduate course of nine months in such accredited college,
63 29 and in addition thereto, has completed a one-year course of
63 30 training as a surgical assistant in a hospital having at least
63 31 twenty-five beds for patients and equipped for doing surgical
63 32 work.
63 33 b. Pass an examination as prescribed by the ~~medical~~
~~63 34 examiners~~ board in the subject of surgery, which shall be of
63 35 such character as to thoroughly test the qualifications of the



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64 1 applicant as a practitioner of major surgery.

64 2 Sec. 117. Section 150A.4, Code 2007, is amended to read as
64 3 follows:

64 4 150A.4 APPROVED COLLEGES.

64 5 Any college of osteopathic medicine and surgery which does
64 6 not permit the ~~medical examiners board~~ to make such reasonable
64 7 annual inspection as ~~they desire~~ the board desires shall not
64 8 be approved by the ~~medical examiners board~~. Until July 1,

64 9 1968, any college of osteopathic medicine and surgery which is
64 10 accredited by the American ~~Osteopathic Association~~ osteopathic
64 11 association shall, by virtue thereof, stand as provisionally

64 12 approved by the ~~medical examiners board~~ unless the ~~medical~~
~~64 13 examiners board~~, by majority action including the osteopathic
64 14 physician and surgeon member, shall disapprove.

64 15 Sec. 118. Section 150A.7, Code 2007, is amended to read as
64 16 follows:

64 17 150A.7 NATIONAL BOARD CERTIFICATE.

64 18 The Iowa department of public health may, with the approval
64 19 of the ~~medical examiners board~~, accept in lieu of the

64 20 examination prescribed in section 150A.3 a certificate of
64 21 examination issued by the ~~National Board~~ national board of

64 22 ~~Osteopathic Examiners~~ osteopathic examiners of the United
64 23 States of America, but every applicant for a license upon the
64 24 basis of such certificate shall be required to pay the fee
64 25 prescribed for license issued under reciprocal agreements.

64 26 Sec. 119. Section 150A.9, Code 2007, is amended to read as
64 27 follows:

64 28 150A.9 RESIDENT LICENSE.

64 29 An osteopathic physician and surgeon, who is a graduate of
64 30 a college of osteopathic medicine and surgery and is serving
64 31 as a resident physician and who is not licensed to practice
64 32 osteopathic medicine and surgery in this state, shall be

64 33 required to obtain from the ~~medical examiners board~~ a license
64 34 to practice as a resident osteopathic physician and surgeon.

64 35 The license shall be designated "Resident Osteopathic



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65 1 Physician and Surgeon License", and shall authorize the
65 2 licensee to serve as a resident physician only, under the
65 3 supervision of a licensed practitioner of osteopathic medicine
65 4 and surgery or licensed practitioner of medicine and surgery,
65 5 in an institution approved for such training by the ~~medical~~
~~65 6 examiners board~~. A license shall be valid for a duration as
65 7 determined by the board. The fee for each license shall be
65 8 set by the ~~medical examiners board~~ and based on the
65 9 administrative cost of issuing the license. The ~~medical~~
~~65 10 examiners board~~ shall determine in each instance those
65 11 eligible for a license, whether or not examinations shall be
65 12 given, and the type of examinations. Requirements of the law
65 13 pertaining to regular permanent licensure shall not be
65 14 mandatory for a resident osteopathic physician and surgeon's
65 15 license except as specifically designated by the ~~medical~~
~~65 16 examiners board~~. The granting of a resident osteopathic
65 17 physician and surgeon's license does not in any way indicate
65 18 that the person licensed is necessarily eligible for regular
65 19 permanent licensure, ~~nor are or that the medical examiners in~~
~~65 20 any way board is obligated to license the individual person.~~

65 21 Sec. 120. NEW SECTION. 151.1A BOARD DEFINED.

65 22 As used in this chapter, "board" means the board of
65 23 chiropractic, created under chapter 147.

65 24 Sec. 121. Section 151.2, subsection 3, Code 2007, is
65 25 amended to read as follows:

65 26 3. Students of chiropractic who have entered upon a
65 27 regular course of study in a chiropractic college approved by
65 28 the ~~chiropractic examiners board~~, who practice chiropractic
65 29 under the direction of a licensed chiropractor and in
65 30 accordance with the rules of ~~said examiners~~ the board.

65 31 Sec. 122. Section 151.3, subsections 2 and 3, Code 2007,
65 32 are amended to read as follows:

65 33 2. Present a diploma issued by a college of chiropractic
65 34 approved by the ~~chiropractic examiners board~~.

65 35 3. Pass an examination prescribed by the ~~chiropractic~~



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~~66 1 examiners board~~ in the subjects of anatomy, physiology,
66 2 nutrition and dietetics, symptomatology and diagnosis, hygiene
66 3 and sanitation, chemistry, histology, pathology, and
66 4 principles and practice of chiropractic, including a clinical
66 5 demonstration of vertebral palpation, nerve tracing, and
66 6 adjusting.

66 7 Sec. 123. Section 151.4, unnumbered paragraph 1, Code
66 8 2007, is amended to read as follows:

66 9 ~~No~~ A college of chiropractic shall not be approved by the
66 10 ~~chiropractic examiners board~~ as a college of recognized
66 11 standing unless ~~said the~~ college:

66 12 Sec. 124. Section 151.8, Code 2007, is amended to read as
66 13 follows:

66 14 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

66 15 A chiropractor shall not use in the chiropractor's practice
66 16 the procedures otherwise authorized by law unless the
66 17 chiropractor has received training in their use by a college
66 18 of chiropractic offering courses of instructions approved by
66 19 the board ~~of chiropractic examiners~~.

66 20 Any chiropractor licensed as of July 1, 1974, may use the
66 21 procedures authorized by law if the chiropractor files with
66 22 the board ~~of chiropractic examiners~~ an affidavit that the
66 23 chiropractor has completed the necessary training and is fully
66 24 qualified in these procedures and possesses that degree of
66 25 proficiency and will exercise that care which is common to
66 26 physicians in this state.

66 27 A chiropractor using the additional procedures and
66 28 practices authorized by this ~~Act~~ chapter shall be held to the
66 29 standard of care applicable to any other health care
66 30 practitioner in this state.

66 31 Sec. 125. Section 151.11, Code 2007, is amended to read as
66 32 follows:

66 33 151.11 RULES.

66 34 The board ~~of chiropractic examiners~~ shall adopt rules
66 35 necessary to administer section 151.1, to protect the health,



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67 1 safety, and welfare of the public, including rules governing
67 2 the practice of chiropractic and defining any terms, whether
67 3 or not specified in section 151.1, subsection 3. Such rules
67 4 shall not be inconsistent with the practice of chiropractic
67 5 and shall not expand the scope of practice of chiropractic or
67 6 authorize the use of procedures not authorized by this
67 7 chapter. These rules shall conform with chapter 17A.

67 8 Sec. 126. Section 151.12, Code 2007, is amended to read as
67 9 follows:

67 10 151.12 TEMPORARY CERTIFICATE.

67 11 The ~~chiropractic examiners~~ board may, in ~~their~~ its
67 12 discretion, issue a temporary certificate authorizing the
67 13 licensee to practice chiropractic if, in the opinion of the
67 14 chiropractic examiners, a need exists and the person possesses
67 15 the qualifications prescribed by the ~~chiropractic examiners~~
67 16 board for the license, which shall be substantially equivalent
67 17 to those required for licensure under this chapter. The
67 18 ~~chiropractic examiners~~ board shall determine in each instance
67 19 those eligible for this license, whether or not examinations
67 20 shall be given, the type of examinations, and the duration of
67 21 the license. No requirements of the law pertaining to regular
67 22 permanent licensure are mandatory for this temporary license
67 23 except as specifically designated by the ~~chiropractic~~
~~67 24 examiners~~ board. The granting of a temporary license does not
67 25 in any way indicate that the person so licensed is eligible
67 26 for regular licensure, ~~nor are or that the chiropractic~~
~~67 27 examiners in any way~~ board is obligated to so license the
67 28 person.

67 29 The temporary certificate shall be issued for one year and
67 30 at the discretion of the ~~chiropractic examiners~~ board may be
67 31 renewed, but a person shall not practice chiropractic in
67 32 excess of three years while holding a temporary certificate.
67 33 The fee for this license shall be set by the ~~chiropractic~~
~~67 34 examiners~~ board, and if extended beyond one year, a renewal
67 35 fee per year shall be set by the ~~chiropractic examiners~~ board.



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68 1 The fee for the temporary license shall be based on the
68 2 administrative costs of issuing the licenses.
68 3 Sec. 127. Section 152.1, subsection 3, Code 2007, is
68 4 amended to read as follows:
68 5 3. "Physician" means a person licensed in this state to
68 6 practice medicine and surgery, osteopathy and surgery, or
68 7 osteopathy, or a person licensed in this state to practice
68 8 dentistry or podiatry when acting within the scope of the
68 9 license. A physician licensed to practice medicine and
68 10 surgery, osteopathic medicine and surgery, or osteopathy in a
68 11 state bordering this state shall be considered a physician for
68 12 purposes of this chapter unless previously determined to be
68 13 ineligible for such consideration by the ~~Iowa~~ board of ~~medical~~
~~68 14 examiners~~ medicine.
68 15 Sec. 128. Section 152A.1, subsection 1, Code 2007, is
68 16 amended to read as follows:
68 17 1. "Board" means the board of ~~dietetic examiners~~
68 18 dietetics, created under chapter 147.
68 19 Sec. 129. Section 152B.1, subsection 1, Code 2007, is
68 20 amended to read as follows:
68 21 1. "Board" means the ~~state~~ board for respiratory care,
68 22 created under chapter 147.
68 23 Sec. 130. Section 152B.13, subsection 1, unnumbered
68 24 paragraph 1, Code 2007, is amended to read as follows:
68 25 ~~A state~~ The board for respiratory care is established to
68 26 administer this chapter. Membership of the board shall be
68 27 established pursuant to section 147.14, subsection 15.
68 28 Sec. 131. Section 152C.1, subsection 1, Code 2007, is
68 29 amended to read as follows:
68 30 1. "Board" means the board of ~~examiners for~~ massage
68 31 therapy, created under chapter 147.
68 32 Sec. 132. Section 152D.1, subsection 5, Code 2007, is
68 33 amended to read as follows:
68 34 5. "Board" means the board of ~~examiners for~~ athletic
68 35 training, created under chapter 147.
69 1 Sec. 133. NEW SECTION. 153.12 BOARD DEFINED.
69 2 As used in this chapter, "board" means the board of
69 3 dentistry, created under chapter 147.
69 4 Sec. 134. Section 153.14, subsection 1, Code 2007, is
69 5 amended to read as follows:
69 6 1. Students of dentistry who practice dentistry upon
69 7 patients at clinics in connection with their regular course of
69 8 instruction at the state dental college, students of dental
69 9 hygiene who practice upon patients at clinics in connection
69 10 with their regular course of instruction at state-approved
69 11 schools, and students of dental assisting who practice upon
69 12 patients at clinics in connection with a regular course of
69 13 instruction determined by the board ~~of dentistry~~ pursuant to
69 14 section 153.39.
69 15 Sec. 135. Section 153.15, Code 2007, is amended to read as
69 16 follows:
69 17 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.
69 18 A licensed dental hygienist may perform those services
69 19 which are educational, therapeutic, and preventive in nature
69 20 which attain or maintain optimal oral health as determined by
69 21 the board ~~of dentistry~~ and may include but are not necessarily



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69 22 limited to complete oral prophylaxis, application of
69 23 preventive agents to oral structures, exposure and processing
69 24 of radiographs, administration of medicaments prescribed by a
69 25 licensed dentist, obtaining and preparing nonsurgical,
69 26 clinical and oral diagnostic tests for interpretation by the
69 27 dentist, and preparation of preliminary written records of
69 28 oral conditions for interpretation by the dentist. Such
69 29 services shall be performed under supervision of a licensed
69 30 dentist and in a dental office, a public or private school,
69 31 public health agencies, hospitals, and the armed forces, but
69 32 nothing herein shall be construed to authorize a dental
69 33 hygienist to practice dentistry.
69 34 Sec. 136. Section 153.22, Code 2007, is amended to read as
69 35 follows:



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70 1 153.22 RESIDENT LICENSE.
70 2 A dentist or dental hygienist who is serving only as a
70 3 resident, intern, or graduate student and who is not licensed
70 4 to practice in this state is required to obtain from the board
70 5 ~~of dentistry~~ a temporary or special license to practice as a
70 6 resident, intern, or graduate student. The license shall be
70 7 designated "Resident License" and shall authorize the licensee
70 8 to serve as a resident, intern, or graduate student only,
70 9 under the supervision of a licensed practitioner, in an
70 10 institution approved for this purpose by the board. Such
70 11 license shall be renewed at the discretion of the board. The
70 12 fee for a resident license and the renewal fee shall be set by
70 13 the board based upon the cost of issuance of the license. The
70 14 board shall determine in each instance those eligible for a
70 15 resident license, whether or not examinations shall be given,
70 16 and the type of examination. None of the requirements for
70 17 regular permanent licensure are mandatory for resident
70 18 licensure except as specifically designated by the board. The
70 19 issuance of a resident license shall not in any way indicate
70 20 that the person so licensed is necessarily eligible for
70 21 regular licensure, ~~nor is or that the board in any way is~~
70 22 obligated to so license ~~such individual~~ the person. The board
70 23 may revoke a resident license at any time it shall determine
70 24 either that the caliber of work done by a licensee or the type
70 25 of supervision being given such licensee does not conform to
70 26 reasonable standards established by the board.
70 27 Sec. 137. Section 153.33, subsection 2, Code 2007, is
70 28 amended to read as follows:
70 29 2. To appoint investigators, who shall not be members of
70 30 the ~~examining~~ board, to administer and aid in the enforcement
70 31 of the provisions of law relating to those persons licensed to
70 32 practice dentistry and dental hygiene, and persons registered
70 33 as dental assistants. The amount of compensation for the
70 34 investigators shall be determined pursuant to chapter 8A,
70 35 subchapter IV. Investigators authorized by the board ~~of~~



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~~71 1 dental examiners~~ have the powers and status of peace officers
71 2 when enforcing this chapter and chapters 147 and 272C.
71 3 Sec. 138. Section 153.33A, subsection 1, Code 2007, is
71 4 amended to read as follows:
71 5 1. A three-member dental hygiene committee of the board of
~~71 6 dental examiners~~ is created, consisting of the two dental
71 7 hygienist members of the board and one dentist member of the
71 8 board. The dentist member of the committee must have
71 9 supervised and worked in collaboration with a dental hygienist
71 10 for a period of at least three years immediately preceding
71 11 election to the committee. The dentist member shall be
71 12 elected to the committee annually by a majority vote of board
71 13 members.
71 14 Sec. 139. Section 153.34, subsection 4, Code 2007, is
71 15 amended to read as follows:
71 16 4. For willful or repeated violations of this chapter,
71 17 this subtitle, or the rules of the ~~state board of dentistry~~.
71 18 Sec. 140. Section 153.36, subsections 2 and 3, Code 2007,
71 19 are amended to read as follows:
71 20 2. In addition to the provisions of section 272C.2,
71 21 subsection 4, a person licensed by the board of ~~dental~~
~~71 22 examiners~~ shall also be deemed to have complied with
71 23 continuing education requirements of this state if, during
71 24 periods that the person practiced the profession in another
71 25 state or district, the person met all of the continuing
71 26 education and other requirements of that state or district for
71 27 the practice of the occupation or profession.
71 28 3. Notwithstanding the panel composition provisions in
71 29 section 272C.6, subsection 1, the ~~board of dental examiners'~~
71 30 board's disciplinary hearing panels shall be comprised of
71 31 three board members, at least two of which are licensed in the
71 32 profession.
71 33 Sec. 141. Section 153.37, Code 2007, is amended to read as
71 34 follows:
71 35 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY



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72 1 PERMITS.

72 2 The ~~state board of dental examiners~~ may issue a faculty
72 3 permit entitling the holder to practice dentistry or dental
72 4 hygiene within a college of dentistry or a dental hygiene
72 5 program and affiliated teaching facilities as an adjunct to
72 6 the faculty member's teaching position, associated
72 7 responsibilities, and functions. The dean of the college of
72 8 dentistry or chairperson of a dental hygiene program shall
72 9 certify to the ~~state board of dental examiners~~ those bona fide
72 10 members of the college's or a dental hygiene program's faculty
72 11 who are not licensed and registered to practice dentistry or
72 12 dental hygiene in Iowa. Any faculty member so certified
72 13 shall, prior to commencing the member's duties in the college
72 14 of dentistry or a dental hygiene program, make written
72 15 application to the ~~state board of dental examiners~~ for a
72 16 permit. The permit shall be for a period determined by the
72 17 board and may be renewed at the discretion of the ~~state board~~
72 18 ~~of dental examiners~~. The fee for the faculty permit and the
72 19 renewal shall be set by the ~~state board of dental examiners~~
72 20 based upon the administrative cost of issuance of the permit.
72 21 The fee shall be deposited in the same manner as fees provided
72 22 for in section 147.82. The faculty permit shall be valid
72 23 during the time the holder remains a member of the faculty and
72 24 shall subject the holder to all provisions of this chapter.

72 25 Sec. 142. Section 153.38, Code 2007, is amended to read as
72 26 follows:

72 27 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

72 28 A registered dental assistant may perform those services of
72 29 assistance to a licensed dentist as determined by the board of
72 30 ~~dentistry~~ by rule. Such services shall be performed under
72 31 supervision of a licensed dentist in a dental office, a public
72 32 or private school, public health agencies, hospitals, and the
72 33 armed forces, but shall not be construed to authorize a dental
72 34 assistant to practice dentistry or dental hygiene. Every
72 35 licensed dentist who utilizes the services of a registered



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73 1 dental assistant for the purpose of assistance in the practice
73 2 of dentistry shall be responsible for acts delegated to the
73 3 registered dental assistant. A dentist shall delegate to a
73 4 registered dental assistant only those acts which are
73 5 authorized to be delegated to registered dental assistants by
73 6 the board ~~of dentistry~~.

73 7 Sec. 143. Section 154.1, Code 2007, is amended to read as
73 8 follows:

73 9 154.1 BOARD DEFINED == OPTOMETRY == CERTIFIED LICENSED
73 10 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

73 11 1. As used in this chapter, "board" means the board of
73 12 optometry, created under chapter 147.

73 13 2. For the purpose of this subtitle, the following classes
73 14 of persons shall be deemed to be engaged in the practice of
73 15 optometry:

73 16 ~~1.~~ a. Persons employing any means other than the use of
73 17 drugs, medicine, or surgery for the measurement of the visual
73 18 power and visual efficiency of the human eye; the prescribing
73 19 and adapting of lenses, prisms and contact lenses, and the
73 20 using or employing of visual training or ocular exercise, for
73 21 the aid, relief, or correction of vision.

73 22 ~~2.~~ b. Persons who allow the public to use any mechanical
73 23 device for such purpose.

73 24 ~~3.~~ c. Persons who publicly profess to be optometrists and
73 25 to assume the duties incident to said profession.

73 26 3. Certified licensed optometrists may employ
73 27 cycloplegics, mydriatics, and topical anesthetics as
73 28 diagnostic agents topically applied to determine the condition
73 29 of the human eye for proper optometric practice or referral
73 30 for treatment to a person licensed under chapter 148 or 150A.

73 31 A certified licensed optometrist is an optometrist who is
73 32 licensed to practice optometry in this state and who is
73 33 certified by the board ~~of optometry examiners~~ to use
73 34 diagnostic agents. A certified licensed optometrist shall be
73 35 provided with a distinctive certificate by the board which



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74 1 shall be displayed for viewing by the patients of the
74 2 optometrist.
74 3 4. Therapeutically certified optometrists may employ all
74 4 diagnostic and therapeutic pharmaceutical agents for the
74 5 purpose of diagnosis and treatment of conditions of the human
74 6 eye and adnexa pursuant to this paragraph, excluding the use
74 7 of injections other than to counteract an anaphylactic
74 8 reaction, and notwithstanding section 147.107, may without
74 9 charge supply any of the above pharmaceuticals to commence a
74 10 course of therapy. Therapeutically certified optometrists may
74 11 prescribe oral steroids for a period not to exceed fourteen
74 12 days without consultation with a primary care physician.
74 13 Therapeutically certified optometrists shall not prescribe
74 14 oral Imuran or oral Methotrexate. Therapeutically certified
74 15 optometrists may be authorized, where reasonable and
74 16 appropriate, by rule of the board, to employ new diagnostic
74 17 and therapeutic pharmaceutical agents approved by the United
74 18 States food and drug administration on or after July 1, 2002,
74 19 for the diagnosis and treatment of the human eye and adnexa.
74 20 The board shall not be required to adopt rules relating to
74 21 topical pharmaceutical agents, oral antimicrobial agents, oral
74 22 antihistamines, oral antiglaucoma agents, and oral analgesic
74 23 agents. Superficial foreign bodies may be removed from the
74 24 human eye and adnexa. The therapeutic efforts of a
74 25 therapeutically certified optometrist are intended for the
74 26 purpose of examination, diagnosis, and treatment of visual
74 27 defects, abnormal conditions, and diseases of the human eye
74 28 and adnexa, for proper optometric practice or referral for
74 29 consultation or treatment to persons licensed under chapter
74 30 148 or 150A. A therapeutically certified optometrist is an
74 31 optometrist who is licensed to practice optometry in this
74 32 state and who is certified by the board of ~~optometry examiners~~
74 33 to use the agents and procedures authorized pursuant to this
74 34 paragraph. A therapeutically certified optometrist shall be
74 35 provided with a distinctive certificate by the board which



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75 1 shall be displayed for viewing by the patients of the
75 2 optometrist.

75 3 Sec. 144. Section 154.3, subsections 3, 4, 5, 6, and 8,
75 4 Code 2007, are amended to read as follows:

75 5 3. A person licensed as an optometrist prior to January 1,
75 6 1980, who applies to be a certified licensed optometrist shall
75 7 first satisfactorily complete a course consisting of at least
75 8 one hundred contact hours in pharmacology as it applies to
75 9 optometry including clinical training as it applies to
75 10 optometry with particular emphasis on the topical application
75 11 of diagnostic agents to the human eye and possible adverse
75 12 reactions thereto, for the purpose of examination of the human
75 13 eye and the diagnosis of conditions of the human eye, provided
75 14 by an institution accredited by a regional or professional
75 15 accreditation organization which is recognized or approved by
75 16 the council on postsecondary accreditation or the United
75 17 States office of education, and approved by the board of
~~75 18 optometry examiners.~~

75 19 4. In addition to the examination required by subsection
75 20 1, paragraph "c", a person applying to be a certified licensed
75 21 optometrist shall also pass an examination prescribed by the
75 22 ~~optometry examiners~~ board in the subjects of physiology and
75 23 pathology appropriate to the use of diagnostic pharmaceutical
75 24 agents and diagnosis of conditions of the human eye, and
75 25 pharmacology including systemic effects of ophthalmic
75 26 diagnostic pharmaceutical agents and the possible adverse
75 27 reactions thereto, authorized for use by optometrists by
75 28 section 154.1.

75 29 5. A person applying to be licensed as an optometrist
75 30 after January 1, 1986, shall also apply to be a
75 31 therapeutically certified optometrist and shall, in addition
75 32 to satisfactorily completing all requirements for a license to
75 33 practice optometry, satisfactorily complete a course as
75 34 defined by rule of the ~~state board of optometry examiners~~ with
75 35 particular emphasis on the examination, diagnosis and



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76 1 treatment of conditions of the human eye and adnexa provided
76 2 by an institution accredited by a regional or professional
76 3 accreditation organization which is recognized or approved by
76 4 the council on postsecondary accreditation of the United
76 5 States office of education, and approved by the board of
~~76 6 optometry examiners.~~ The ~~rule~~ rules of the board shall
76 7 require a course including a minimum of forty hours of
76 8 didactic education and sixty hours of approved supervised
76 9 clinical training in the examination, diagnosis, and treatment
76 10 of conditions of the human eye and adnexa. The board may
76 11 also, by rule, provide a procedure by which an applicant who
76 12 has received didactic education meeting the requirements of
76 13 rules adopted pursuant to this subsection at an approved
76 14 school of optometry may apply to the board for a waiver of the
76 15 didactic education requirements of this subsection.
76 16 6. A person licensed in any state as an optometrist prior
76 17 to January 1, 1986, who applies to be a therapeutically
76 18 certified optometrist shall first satisfactorily complete a
76 19 course as defined by rule of the board of ~~optometry examiners~~
76 20 with particular emphasis on the examination, diagnosis, and
76 21 treatment of conditions of the human eye and adnexa provided
76 22 by an institution accredited by a regional or professional
76 23 accreditation organization which is recognized or approved by
76 24 the council on postsecondary accreditation of the United
76 25 States office of education, and approved by the board of
~~76 26 optometry examiners.~~ The rule of the board shall require a
76 27 course including a minimum of forty hours of didactic
76 28 education and sixty hours of approved supervised clinical
76 29 training in the examination, diagnosis, and treatment of
76 30 conditions of the human eye and adnexa. Effective July 1,
76 31 1987, the board shall require that therapeutically certified
76 32 optometrists prior to the utilization of topical and oral
76 33 antiglaucoma agents, oral antimicrobial agents, and oral
76 34 analgesic agents shall complete an additional forty-four hours
76 35 of education with emphasis on treatment and management of



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77 1 glaucoma and use of oral pharmaceutical agents for treatment
77 2 and management of ocular diseases, provided by an institution
77 3 accredited by a regional or professional accreditation
77 4 organization which is recognized or approved by the council on
77 5 postsecondary accreditation of the United States office of
77 6 education, and approved by the board of ~~optometry examiners~~.
77 7 Upon completion of the additional forty-four hours of
77 8 education, a therapeutically certified optometrist shall also
77 9 pass an oral or written examination prescribed by the board.
77 10 The board shall suspend the optometrist's therapeutic
77 11 certificate for failure to comply with this subsection by July
77 12 1, 1988.

77 13 The board shall adopt rules requiring an additional twenty
77 14 hours per biennium of continuing education in the treatment
77 15 and management of ocular disease for all therapeutically
77 16 certified optometrists. The department of ophthalmology of
77 17 the school of medicine of the state university of Iowa shall
77 18 be one of the providers of this continuing education.

77 19 8. In addition to the examination required by subsection
77 20 1, paragraph "c", a person applying to be a therapeutically
77 21 certified optometrist shall also pass an examination
77 22 prescribed by the board of ~~optometry examiners~~ in the
77 23 examination, diagnosis, and treatment of diseases of the human
77 24 eye and adnexa.

77 25 Sec. 145. Section 154.5, unnumbered paragraph 1, Code
77 26 2007, is amended to read as follows:

77 27 ~~No~~ A school of optometry shall not be approved by the
77 28 ~~optometry examiners board~~ as a school of recognized standing
77 29 unless ~~said~~ the school:

77 30 Sec. 146. Section 154A.1, subsection 1, Code 2007, is
77 31 amended to read as follows:

77 32 1. "Board" means the board of ~~examiners for the licensing~~
~~77 33 and regulation of hearing aid dispensers.~~

77 34 Sec. 147. Section 154A.24, subsection 3, paragraph e, Code
77 35 2007, is amended to read as follows:



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78 1 e. Representing that the service or advice of a person
78 2 licensed to practice medicine, or one who is certificated as a
78 3 clinical audiologist by the board of ~~examiners~~ of speech
78 4 pathology and audiology or its equivalent, will be used or
78 5 made available in the fitting or selection, adjustment,
78 6 maintenance, or repair of hearing aids when that is not true,
78 7 or using the words "doctor", "clinic", "clinical audiologist",
78 8 "state approved", or similar words, abbreviations, or symbols
78 9 which tend to connote the medical or other professions, except
78 10 where the title "certified hearing aid audiologist" has been
78 11 granted by the national hearing aid society, or that the
78 12 hearing aid dispenser has been recommended by this state or
78 13 the board when such is not accurate.

78 14 Sec. 148. Section 154C.1, subsection 1, Code 2007, is
78 15 amended to read as follows:

78 16 1. "Board" means the board of social work, ~~examiners~~
78 17 established in chapter 147.

78 18 Sec. 149. Section 154C.3, subsection 1, paragraph c,
78 19 subparagraph (5), Code 2007, is amended to read as follows:

78 20 (5) Supervision shall be provided in any of the following
78 21 manners:

78 22 (a) By a social worker licensed at least at the level of
78 23 the social worker being supervised and qualified under this
78 24 section to practice without supervision.

78 25 (b) By another qualified professional, if the board of ~~of~~
78 26 ~~social work examiners~~ determines that supervision by a social
78 27 worker as defined in subparagraph subdivision (a) is
78 28 unobtainable or in other situations considered appropriate by
78 29 the board.

78 30 Additional standards for supervision shall be determined by
78 31 the board of ~~social work examiners~~.

78 32 Sec. 150. Section 154D.1, subsection 1, Code 2007, is
78 33 amended to read as follows:

78 34 1. "Board" means the board of behavioral science
78 35 ~~examiners~~, established in ~~section 147.13~~ chapter 147.

79 1 Sec. 151. Section 154E.1, subsection 1, Code 2007, is
79 2 amended to read as follows:

79 3 1. "Board" means the board of ~~interpreter for the hearing~~
79 4 ~~impaired examiners sign language interpreters and~~
79 5 translitterators, established in chapter 147.

79 6 Sec. 152. Section 155.1, subsection 1, Code 2007, is
79 7 amended to read as follows:

79 8 1. "Board" means the ~~Iowa state board of examiners for~~
79 9 nursing home administrators hereinafter created, established
79 10 in chapter 147.

79 11 Sec. 153. Section 155.2, unnumbered paragraph 1, Code
79 12 2007, is amended to read as follows:

79 13 There is established a ~~state board of examiners for~~ nursing
79 14 home administrators which shall consist of nine members
79 15 appointed by the governor subject to confirmation by the
79 16 senate as follows:

79 17 Sec. 154. Section 155A.3, subsection 3, Code 2007, is
79 18 amended to read as follows:

79 19 3. "Board" means the board of pharmacy ~~examiners~~.

79 20 Sec. 155. Section 155A.21, subsection 2, Code 2007, is
79 21 amended to read as follows:



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79 22 2. Subsection 1 does not apply to a licensed pharmacy,
79 23 licensed wholesaler, physician, veterinarian, dentist,
79 24 podiatric physician, therapeutically certified optometrist,
79 25 advanced registered nurse practitioner, physician assistant, a
79 26 nurse acting under the direction of a physician, or the board
79 27 of pharmacy ~~examiners~~, its officers, agents, inspectors, and
79 28 representatives, ~~not~~ or to a common carrier, manufacturer's
79 29 representative, or messenger when transporting the drug or
79 30 device in the same unbroken package in which the drug or
79 31 device was delivered to that person for transportation.
79 32 Sec. 156. Section 155A.26, Code 2007, is amended to read
79 33 as follows:
79 34 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
79 35 The board of ~~pharmacy examiners~~, its officers, agents,



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80 1 inspectors, and representatives, and all peace officers within
80 2 the state, and all county attorneys shall enforce all
80 3 provisions of this chapter, except those specifically
80 4 delegated, and shall cooperate with all agencies charged with
80 5 the enforcement of the laws of the United States, of this
80 6 state, and of all other states relating to prescription drugs.
80 7 Officers, agents, inspectors, and representatives of the board
80 8 ~~of pharmacy examiners~~ shall have the powers and status of
80 9 peace officers when enforcing the provisions of this chapter.
80 10 Sec. 157. Section 156.1, subsection 1, Code 2007, is
80 11 amended to read as follows:
80 12 1. "Board" means the board of mortuary science ~~examiners~~.
80 13 Sec. 158. Section 157.1, subsection 1, Code 2007, is
80 14 amended to read as follows:
80 15 1. "Board" means the board of cosmetology arts and
80 16 sciences ~~examiners~~.
80 17 Sec. 159. Section 157.1, subsection 6, paragraph e, Code
80 18 2007, is amended to read as follows:
80 19 e. Manicuring and pedicuring.
80 20 Sec. 160. Section 158.1, subsection 5, Code 2007, is
80 21 amended to read as follows:
80 22 5. "Board" means the board of ~~barber examiners~~ barbering.
80 23 Sec. 161. Section 205.6, Code 2007, is amended to read as
80 24 follows:
80 25 205.6 POISON REGISTER.
80 26 It shall be unlawful for any pharmacist to sell at retail
80 27 any of the poisons enumerated in section 205.5 unless the
80 28 pharmacist ascertains that the purchaser is aware of the
80 29 character of the drug and the purchaser represents that it is
80 30 to be used for a proper purpose and every sale of any poison
80 31 enumerated in section 205.5 shall be entered in a book kept
80 32 for that purpose, to be known as a "Poison Register" and the
80 33 same shall show the date of the sale, the name and address of
80 34 the purchaser, the name of the poison, the purpose for which
80 35 it was represented to be purchased, and the name of the



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81 1 natural person making the sale, which book or books shall be
81 2 open for inspection by the board of pharmacy ~~examiners~~, or any
81 3 magistrate or peace officer of this state, and preserved for
81 4 at least five years after the date of the last sale therein
81 5 recorded.

81 6 Sec. 162. Section 205.11, Code 2007, is amended to read as
81 7 follows:

81 8 205.11 ENFORCEMENT.

81 9 The provisions of this chapter and chapters 124 and 126
81 10 shall be administered and enforced by the board of pharmacy
81 11 ~~examiners~~. In discharging any duty or exercising any power
81 12 under those chapters, the board of pharmacy ~~examiners~~ shall be
81 13 governed by all the provisions of chapter 189, which govern
81 14 the department of agriculture and land stewardship when
81 15 discharging a similar duty or exercising a similar power with
81 16 reference to any of the articles dealt with in this subtitle,
81 17 to the extent that chapter 189 is not inconsistent with this
81 18 chapter and chapters 124 and 126.

81 19 Sec. 163. Section 205.12, Code 2007, is amended to read as
81 20 follows:

81 21 205.12 CHEMICAL ANALYSIS OF DRUGS.

81 22 Any chemical analysis deemed necessary by the board of
81 23 pharmacy ~~examiners~~ in the enforcement of this chapter and
81 24 chapters 124 and 126 shall be made by the department of
81 25 agriculture and land stewardship when requested by the board
81 26 of pharmacy ~~examiners~~.

81 27 Sec. 164. Section 205.13, Code 2007, is amended to read as
81 28 follows:

81 29 205.13 APPLICABILITY OF OTHER STATUTES.

81 30 Insofar as applicable the provisions of chapter 189 shall
81 31 apply to the articles dealt with in this chapter and chapters
81 32 124 and 126. The powers vested in the department of
81 33 agriculture and land stewardship by chapter 189 shall be
81 34 deemed for the purpose of this chapter and chapters 124 and
81 35 126 to be vested in the board of pharmacy ~~examiners~~.



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82 1 Sec. 165. Section 232.69, subsection 3, paragraph a, Code
82 2 2007, is amended to read as follows:

82 3 a. For the purposes of this subsection, "licensing board"
82 4 means ~~an examining~~ a board designated in section 147.13, the
82 5 board of educational examiners created in section 272.2, or a
82 6 licensing board as defined in section 272C.1.

82 7 Sec. 166. Section 232.69, subsection 3, paragraph d,
82 8 subparagraph (1), Code 2007, is amended to read as follows:

82 9 (1) A continuing education program required under chapter
82 10 272C and approved by the appropriate licensing ~~or examining~~
82 11 board.

82 12 Sec. 167. Section 235A.15, subsection 2, paragraph d,
82 13 subparagraph (7), Code 2007, is amended to read as follows:

82 14 (7) Each licensing board ~~of examiners~~ specified under
82 15 chapter 147 and the Iowa department of public health for the
82 16 purpose of licensure, certification or registration,
82 17 disciplinary investigation, or the renewal of licensure,
82 18 certification or registration, or disciplinary proceedings of
82 19 health care professionals.

82 20 Sec. 168. Section 235B.6, subsection 2, paragraph b,
82 21 subparagraph (7), Code 2007, is amended to read as follows:

82 22 (7) Each board ~~of examiners~~ specified under chapter 147
82 23 and the Iowa department of public health for the purpose of
82 24 licensure, certification or registration, disciplinary
82 25 investigation, or the renewal of licensure, certification or
82 26 registration, or disciplinary proceedings of health care
82 27 professionals.

82 28 Sec. 169. Section 235B.16, subsection 5, paragraph a, Code
82 29 2007, is amended to read as follows:

82 30 a. For the purposes of this subsection, "licensing board"
82 31 means ~~an examining~~ a board designated in section 147.13, the
82 32 board of educational examiners created in section 272.2, or a
82 33 licensing board as defined in section 272C.1.

82 34 Sec. 170. Section 235B.16, subsection 5, paragraph d,
82 35 subparagraph (1), Code 2007, is amended to read as follows:



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83 1 (1) A continuing education program required under chapter
83 2 272C and approved by the appropriate licensing ~~or examining~~
83 3 board.
83 4 Sec. 171. Section 235B.16, subsection 5, paragraph e, Code
83 5 2007, is amended to read as follows:
83 6 e. A person required to complete both child abuse and
83 7 dependent adult abuse mandatory reporter training may complete
83 8 the training through a program which combines child abuse and
83 9 dependent adult abuse curricula and thereby meet the training
83 10 requirements of both this subsection and section 232.69
83 11 simultaneously. A person who is a mandatory reporter for both
83 12 child abuse and dependent adult abuse may satisfy the combined
83 13 training requirements of this subsection and section 232.69
83 14 through completion of a two-hour training program, if the
83 15 training program curriculum is approved by the appropriate
83 16 licensing ~~or examining~~ board or the abuse education review
83 17 panel established by the director of public health pursuant to
83 18 section 135.11.
83 19 Sec. 172. Section 272C.1, subsection 6, Code 2007, is
83 20 amended to read as follows:
83 21 6. "Licensing board" or "board" includes the following
83 22 boards:
83 23 a. The state board of engineering and land surveying
83 24 examiners, created pursuant to chapter 542B.
83 25 b. The board of examiners of shorthand reporters created
83 26 pursuant to article 3 of chapter 602.
83 27 c. The Iowa accountancy examining board, created pursuant
83 28 to chapter 542.
83 29 d. The Iowa real estate commission, created pursuant to
83 30 chapter 543B.
83 31 e. The board of architectural examiners, created pursuant
83 32 to chapter 544A.
83 33 f. The Iowa board of landscape architectural examiners,
83 34 created pursuant to chapter 544B.
83 35 g. The board of ~~barber examiners~~ barbering, created



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84 1 pursuant to chapter 147.
84 2 h. The board of chiropractic ~~examiners~~, created pursuant
84 3 to chapter 147.
84 4 i. The board of cosmetology arts and sciences ~~examiners~~,
84 5 created pursuant to chapter 147.
84 6 j. The board of ~~dental examiners~~ dentistry, created
84 7 pursuant to chapter 147.
84 8 k. The board of mortuary science ~~examiners~~, created
84 9 pursuant to chapter 147.
84 10 l. The board of ~~medical examiners~~ medicine, created
84 11 pursuant to chapter 147.
84 12 m. The board of physician ~~assistant examiners~~ assistants,
84 13 created pursuant to chapter 148C.
84 14 n. The board of nursing, created pursuant to chapter 147.
84 15 o. The board of ~~examiners for~~ nursing home administrators,
84 16 created pursuant to chapter 155.
84 17 p. The board of optometry ~~examiners~~, created pursuant to
84 18 chapter 147.
84 19 q. The board of pharmacy ~~examiners~~, created pursuant to
84 20 chapter 147.
84 21 r. The board of physical and occupational therapy
84 22 examiners, created pursuant to chapter 147.
84 23 s. The board of podiatry ~~examiners~~, created pursuant to
84 24 chapter 147.
84 25 t. The board of psychology ~~examiners~~, created pursuant to
84 26 chapter 147.
84 27 u. The board of speech pathology and audiology ~~examiners~~,
84 28 created pursuant to chapter 147.
84 29 v. The board ~~for the licensing and regulation~~ of hearing
84 30 aid dispensers, created pursuant to chapter 154A.
84 31 w. The board of veterinary medicine, created pursuant to
84 32 chapter 169.
84 33 x. The director of the department of natural resources in
84 34 certifying water treatment operators as provided in sections
84 35 455B.211 through 455B.224.



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85 1 y. Any professional or occupational licensing board
85 2 created after January 1, 1978.

85 3 z. The ~~state~~ board of respiratory care in licensing
85 4 respiratory care practitioners pursuant to chapter 152B.

85 5 aa. The board of ~~examiners for~~ athletic training in
85 6 licensing athletic trainers pursuant to chapter 152D.

85 7 ab. The board of ~~examiners for~~ massage therapy in
85 8 licensing massage therapists pursuant to chapter 152C.

85 9 ac. The board of ~~interpreter for the hearing impaired~~
~~85 10 examiners sign language interpreters and transliterators,~~
85 11 created pursuant to chapter 154E.

85 12 ad. The director of public health in certifying emergency
85 13 medical care providers and emergency medical care services
85 14 pursuant to chapter 147A.

85 15 Sec. 173. Section 272C.2, subsections 4 and 5, Code 2007,
85 16 are amended to read as follows:

85 17 4. A person licensed to practice an occupation or
85 18 profession in this state shall be deemed to have complied with
85 19 the continuing education requirements of this state during
85 20 periods that the person serves honorably on active duty in the
85 21 military services, or for periods that the person is a
85 22 resident of another state or district having a continuing
85 23 education requirement for the occupation or profession and
85 24 meets all requirements of that state or district for practice
85 25 therein, or for periods that the person is a government
85 26 employee working in the person's licensed specialty and
85 27 assigned to duty outside of the United States, or for other
85 28 periods of active practice and absence from the state approved
85 29 by the appropriate licensing board ~~of examiners~~.

85 30 5. A person licensed to sell real estate in this state
85 31 shall be deemed to have complied with the continuing education
85 32 requirements of this state during periods that the person
85 33 serves honorably on active duty in the military services, or
85 34 for periods that the person is a resident of another state or
85 35 district having a continuing education requirement for the



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86 1 occupation or profession and meets all requirements of that
86 2 state or district for practice therein, if the state or
86 3 district accords the same privilege to Iowa residents, or for
86 4 periods that the person is a government employee working in
86 5 the person's licensed specialty and assigned to duty outside
86 6 of the United States, or for other periods of active practice
86 7 and absence from the state approved by the appropriate
86 8 licensing board ~~of examiners~~.

86 9 Sec. 174. Section 272C.2A, Code 2007, is amended to read
86 10 as follows:

86 11 272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS ==
86 12 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

86 13 The board of ~~barber examiners~~ barbering and the board of
86 14 cosmetology arts and sciences ~~examiners~~, created pursuant to
86 15 chapter 147, shall each require, as a condition of license
86 16 renewal, a minimum of six hours of continuing education in the
86 17 two years immediately prior to a licensee's license renewal.
86 18 The board of cosmetology arts and sciences ~~examiners~~ may
86 19 notify cosmetology arts and sciences licensees on a quarterly
86 20 basis regarding continuing education opportunities.

86 21 Sec. 175. Section 321J.2, subsection 7, paragraph a, Code
86 22 2007, is amended to read as follows:

86 23 a. This section does not apply to a person operating a
86 24 motor vehicle while under the influence of a drug if the
86 25 substance was prescribed for the person and was taken under
86 26 the prescription and in accordance with the directions of a
86 27 medical practitioner as defined in chapter 155A or if the
86 28 substance was dispensed by a pharmacist without a prescription
86 29 pursuant to the rules of the board of pharmacy ~~examiners~~, if
86 30 there is no evidence of the consumption of alcohol and the
86 31 medical practitioner or pharmacist had not directed the person
86 32 to refrain from operating a motor vehicle.

86 33 Sec. 176. Section 331.756, subsection 40, Code 2007, is
86 34 amended to read as follows:

86 35 40. Prosecute violations of the Iowa drug, device, and



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Senate Study Bill 1039 continued

87 1 cosmetic Act as requested by the board of pharmacy ~~examiners~~
87 2 as provided in section 126.7.
87 3 Sec. 177. Section 462A.14, subsection 7, paragraph a, Code
87 4 2007, is amended to read as follows:
87 5 a. This section does not apply to a person operating a
87 6 motorboat or sailboat while under the influence of a drug if
87 7 the substance was prescribed for the person and was taken
87 8 under the prescription and in accordance with the directions
87 9 of a medical practitioner as defined in chapter 155A or if the
87 10 substance was dispensed by a pharmacist without a prescription
87 11 pursuant to the rules of the board of pharmacy ~~examiners~~, if
87 12 there is no evidence of the consumption of alcohol and the
87 13 medical practitioner or pharmacist had not directed the person
87 14 to refrain from operating a motor vehicle, or motorboat or
87 15 sailboat.
87 16 Sec. 178. Section 514F.1, Code 2007, is amended to read as
87 17 follows:
87 18 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.
87 19 The licensing boards ~~of examiners~~ under chapters 148, 149,
87 20 150, 150A, 151, and 152 shall establish utilization and cost
87 21 control review committees of licensees under the respective
87 22 chapters, selected from licensees who have practiced in Iowa
87 23 for at least the previous five years, or shall accredit and
87 24 designate other utilization and cost control organizations as
87 25 utilization and cost control committees under this section,
87 26 for the purposes of utilization review of the appropriateness
87 27 of levels of treatment and of giving opinions as to the
87 28 reasonableness of charges for diagnostic or treatment services
87 29 of licensees. Persons governed by the various chapters of
87 30 Title XIII, subtitle 1, of the Code and self-insurers for
87 31 health care benefits to employees may utilize the services of
87 32 the utilization and cost control review committees upon the
87 33 payment of a reasonable fee for the services, to be determined
87 34 by the respective boards ~~of examiners~~. The respective boards
87 35 ~~of examiners~~ under chapters 148, 149, 150, 150A, 151, and 152



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88 1 shall adopt rules necessary and proper for the ~~implementation~~
88 2 administration of this section pursuant to chapter 17A. It is
88 3 the intent of this general assembly that conduct of the
88 4 utilization and cost control review committees authorized
88 5 under this section shall be exempt from challenge under
88 6 federal or state antitrust laws or other similar laws in
88 7 regulation of trade or commerce.

88 8 Sec. 179. Section 523A.813, Code 2007, is amended to read
88 9 as follows:

88 10 523A.813 LICENSE REVOCATION == RECOMMENDATION BY
88 11 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.

88 12 Upon a determination by the commissioner that grounds exist
88 13 for an administrative license revocation or suspension action
88 14 by the board of mortuary science ~~examiners~~ under chapter 156,
88 15 the commissioner may forward to the board the grounds for the
88 16 determination, including all evidence in the possession of the
88 17 commissioner, so that the board may proceed with the matter as
88 18 deemed appropriate.

88 19 Sec. 180. Section 622.10, subsection 5, Code 2007, is
88 20 amended to read as follows:

88 21 5. For the purposes of this section, "mental health
88 22 professional" means a psychologist licensed under chapter
88 23 154B, a registered nurse licensed under chapter 152, a social
88 24 worker licensed under chapter 154C, a marital and family
88 25 therapist licensed under chapter 154D, a mental health
88 26 counselor licensed under chapter 154D, or an individual
88 27 holding at least a master's degree in a related field as
88 28 deemed appropriate by the board of behavioral science
88 29 ~~examiners~~.

88 30 Sec. 181. Section 622.31, Code 2007, is amended to read as
88 31 follows:

88 32 622.31 EVIDENCE OF REGRET OR SORROW.

88 33 In any civil action for professional negligence, personal
88 34 injury, or wrongful death or in any arbitration proceeding for
88 35 professional negligence, personal injury, or wrongful death
89 1 against a person in a profession represented by the ~~examining~~
89 2 boards listed in section 272C.1 and any other licensed
89 3 profession recognized in this state, a hospital licensed
89 4 pursuant to chapter 135B, or a health care facility licensed
89 5 pursuant to chapter 135C, based upon the alleged negligence in
89 6 the practice of that profession or occupation, that portion of
89 7 a statement, affirmation, gesture, or conduct expressing
89 8 sorrow, sympathy, commiseration, condolence, compassion, or a
89 9 general sense of benevolence that was made by the person to
89 10 the plaintiff, relative of the plaintiff, or decision maker
89 11 for the plaintiff that relates to the discomfort, pain,
89 12 suffering, injury, or death of the plaintiff as a result of an
89 13 alleged breach of the applicable standard of care is
89 14 inadmissible as evidence. Any response by the plaintiff,
89 15 relative of the plaintiff, or decision maker for the plaintiff
89 16 to such statement, affirmation, gesture, or conduct is
89 17 similarly inadmissible as evidence.

89 18 Sec. 182. Section 707.8A, subsection 7, Code 2007, is
89 19 amended to read as follows:

89 20 7. a. A licensed physician subject to the authority of
89 21 the ~~state board of medical examiners~~ medicine who is accused



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89 22 of a violation of subsection 2 may seek a hearing before the
89 23 board on whether the physician's conduct was necessary to save
89 24 the life of the mother whose life was endangered by a physical
89 25 disorder, physical illness, or physical injury.

89 26 b. The board's findings concerning the physician's conduct
89 27 are admissible at the criminal trial of the physician. Upon a
89 28 motion of the physician, the court shall delay the beginning
89 29 of the trial for not more than thirty days to permit the
89 30 hearing before the board of ~~medical examiners~~ medicine to take
89 31 place.

89 32 Sec. 183. Section 714.25, unnumbered paragraph 2, Code
89 33 2007 is amended to read as follows:

89 34 A proprietary school shall, prior to the time a student is
89 35 obligated for payment of any moneys, inform the student, the



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Senate Study Bill 1040

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the characteristics of a victim of a hate
- 2 crime and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1221DP 82
- 5 rh/sh/8



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Senate Study Bill 1040 continued

PAG LIN

1 1 Section 1. Section 729A.2, Code 2007, is amended to read
1 2 as follows:
1 3 729A.2 VIOLATION OF INDIVIDUAL RIGHTS == HATE CRIME.
1 4 1. "Hate crime" means one of the following public offenses
1 5 when committed against a person or a person's property because
1 6 of the person's actual or perceived race, color, religion,
1 7 ancestry, national origin, political affiliation, sex, sexual
1 8 orientation, gender identity, age, or disability, or the
1 9 person's association with a person of a certain actual or
1 10 perceived race, color, religion, ancestry, national origin,
1 11 political affiliation, sex, sexual orientation, gender
1 12 identity, age, or disability:
1 13 ~~1.~~ a. Assault in violation of individual rights under
1 14 section 708.2C.
1 15 ~~2.~~ b. Violations of individual rights under section
1 16 712.9.
1 17 ~~3.~~ c. Criminal mischief in violation of individual rights
1 18 under section 716.6A.
1 19 ~~4.~~ d. Trespass in violation of individual rights under
1 20 section 716.8, subsections 3 and 4.
1 21 2. For purposes of this section, "gender identity" means a
1 22 person's various individual attributes, actual or perceived,
1 23 in behavior, practice, or appearance, as the attributes are
1 24 understood to be masculine or feminine.

1 25 EXPLANATION

1 26 This bill amends the definition of a "hate crime" to
1 27 include an assault, individual rights violation, criminal
1 28 mischief, or trespass committed against a person or a person's
1 29 property because of the offender's bias against a person's
1 30 actual or perceived race, color, religion, ancestry, national
1 31 origin, political affiliation, sex, sexual orientation, gender
1 32 identity, age, or disability.

1 33 The bill defines "gender identity" to mean a person's
1 34 various individual attributes, actual or perceived, in
1 35 behavior, practice, or appearance, as the attributes are



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2 1 understood to be masculine or feminine.
2 2 The penalties for an assault in violation of individual
2 3 rights involving a hate crime range from a serious misdemeanor
2 4 to a class "D" felony and penalties for trespass in violation
2 5 of individual rights involving a hate crime are classified as
2 6 either a serious misdemeanor or an aggravated misdemeanor.
2 7 Penalties relating to the crimes of arson pursuant to Code
2 8 chapter 712 and criminal mischief involving a hate crime are
2 9 classified and punished as an offense one degree higher than
2 10 the underlying offense.
2 11 LSB 1221DP 82
2 12 rh:nh/sh/8



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Senate Study Bill 1041

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning charter agencies by eliminating the repeal of
2 the provision, providing for the designation of charter
3 agencies, providing for lease approvals and asset sales, and
4 providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1257XD 82
7 ec/je/5



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Senate Study Bill 1041 continued

PAG LIN

1 1 Section 1. Section 7J.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. DESIGNATION OF CHARTER AGENCIES == PURPOSE. The
1 4 governor may, by executive order, designate state departments
1 5 or agencies, as described in section 7E.5, or the Iowa lottery
1 6 authority established in chapter 99G, other than the
1 7 department of administrative services or the department of
1 8 management, as a charter agency ~~by July 1, 2003. The~~
~~1 9 designation of a charter agency shall be for a period of five~~
~~1 10 years which shall terminate as of June 30, 2008. The governor~~
1 11 may, by executive order, withdraw such designation. The
1 12 purpose of designating a charter agency is to grant the agency
1 13 additional authority as provided by this chapter while
1 14 reducing the total appropriations to the agency.
1 15 Sec. 2. Section 7J.1, subsection 3, paragraph a, Code
1 16 2007, is amended to read as follows:
1 17 a. It is the intent of the general assembly that state
1 18 general fund operating appropriations to a charter agency for
1 19 ~~the each fiscal year beginning on or after July 1, 2003, and~~
~~1 20 ending June 30, 2004,~~ shall be reduced from the appropriation
1 21 that would otherwise have been enacted for that charter agency
1 22 which, along with any additional generated revenue to the
1 23 general fund of the state attributed to the reinvention
1 24 process as determined by the department of management, over
1 25 that already committed to the general fund of the state by a
1 26 charter agency, will achieve an overall target of fifteen
1 27 million dollars.
1 28 Sec. 3. Section 7J.1, subsection 7, paragraph c, Code
1 29 2007, is amended to read as follows:
1 30 c. A waiver or suspension granted pursuant to this
1 31 subsection shall be for a period of time not to exceed twelve
1 32 months ~~or until June 30, 2008, whichever first occurs, and as~~
1 33 determined by the applicable charter agency. A renewal of a
1 34 temporary waiver or suspension granted pursuant to this
1 35 section shall be granted or denied in the same manner as the



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Senate Study Bill 1041 continued

2 1 initial waiver or suspension.

2 2 Sec. 4. Section 7J.1, subsection 8, Code 2007, is amended
2 3 to read as follows:

2 4 8. EXECUTIVE COUNCIL FLEXIBILITY. Notwithstanding any
2 5 provision of law to the contrary, a charter agency shall not
2 6 be required to obtain executive council approval for leases
2 7 and asset sales of no more than fifty thousand dollars and for
2 8 claims for expenses of attending conventions, out-of-state
2 9 travel requests, and memberships in professional
2 10 organizations.

2 11 Sec. 5. Section 7J.1, subsection 10, paragraph b, Code
2 12 2007, is amended to read as follows:

2 13 b. By January 15, 2008, the governor shall submit a
2 14 written report to the general assembly on the operation and
2 15 effectiveness of this chapter and the costs and savings
2 16 associated with the implementation of this chapter. ~~The~~
~~2 17 report shall include any recommendations about extending the~~
~~2 18 chapter's effectiveness beyond June 30, 2008.~~

2 19 Sec. 6. Section 7J.3, Code 2007, is repealed.

2 20 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
2 21 immediate importance, takes effect upon enactment.

2 22 EXPLANATION

2 23 This bill concerns the operation of the charter agency
2 24 program established by Code chapter 7J.

2 25 The bill eliminates the repeal of this Code chapter that
2 26 would have occurred on June 30, 2008.

2 27 Code section 7J.1, subsection 1, is amended to permit the
2 28 governor to designate an eligible state department or agency
2 29 as a charter agency at any time. Current law required the
2 30 designation to be made by July 1, 2003. The bill also permits
2 31 the governor to withdraw the designation of a state department
2 32 or agency as a charter agency.

2 33 Code section 7J.1, subsection 3, is amended to provide that
2 34 the intent of the general assembly is that the appropriation
2 35 to each charter agency shall be reduced by \$15 million each



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Senate Study Bill 1041 continued

3 1 fiscal year through reduced costs or enhanced revenues.
3 2 Current law provides that this intended reduction was only for
3 3 the fiscal year beginning July 1, 2003.
3 4 Code section 7J.1, subsection 8, is amended to provide that
3 5 a charter agency is not required to obtain executive council
3 6 approval for leases and asset sales of \$50,000 or less.
3 7 The bill takes effect upon enactment.
3 8 LSB 1257XD 82
3 9 ec:rj/je/5



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Senate Study Bill 1042

SENATE/HOUSE FILE
 BY (PROPOSED CITIZENS'
 AIDE/OMBUDSMAN BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to a meeting of a governmental body concerning an
 2 individual whose appointment, hiring, performance, or
 3 discharge is being considered and a public records request
 4 concerning an applicant, candidate, or nominee being
 5 considered for employment with or appointment by a government
 6 body.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TLSB 1269DP 82
 9 rh/gg/14



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Senate Study Bill 1042 continued

PAG LIN

1 1 Section 1. Section 21.5, subsection 1, paragraph i, Code
1 2 2007, is amended to read as follows:
1 3 i. To evaluate the professional competency of an
1 4 individual whose appointment, hiring, performance, or
1 5 discharge is being considered ~~when necessary to prevent~~
~~1 6 needless and irreparable injury to that individual's~~
~~1 7 reputation and that individual requests a closed session if~~
1 8 both of the following apply:
1 9 (1) The individual requests a closed session in writing
1 10 and states the reason for the request.
1 11 (2) The governmental body determines that a closed session
1 12 is necessary to prevent needless and irreparable injury to the
1 13 individual's reputation.
1 14 Sec. 2. Section 22.7, subsection 18, Code 2007, is amended
1 15 by adding the following new paragraph:
1 16 NEW PARAGRAPH. d. Information contained in the
1 17 communication pertaining to an applicant, candidate, or
1 18 nominee being considered for employment with or appointment by
1 19 a government body is a public record unless both of the
1 20 following apply:
1 21 (1) The applicant, candidate, or nominee requests in
1 22 writing that the information be kept confidential.
1 23 (2) The governmental body makes a determination that
1 24 disclosure of the information will result in needless and
1 25 irreparable injury to the reputation of the applicant,
1 26 candidate, or nominee.
1 27 However, the government body shall disclose at least the
1 28 name, city of residence, employment history, and educational
1 29 history of an applicant, candidate, or nominee under final
1 30 consideration.
1 31 The government body shall notify the applicant, candidate,
1 32 or nominee of the requirements of this paragraph "d".
1 33 EXPLANATION
1 34 This bill relates to a meeting of a governmental body
1 35 concerning an individual whose appointment, hiring,



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Senate Study Bill 1042 continued

2 1 performance, or discharge is being considered and a public
2 2 records request concerning an applicant, candidate, or nominee
2 3 being considered for employment with or appointment by a
2 4 government body.

2 5 The bill makes changes to Code chapter 21, Iowa's open
2 6 meetings law. Current law allows a governmental body to hold
2 7 a closed meeting to evaluate the professional competency of an
2 8 individual whose appointment, hiring, performance, or
2 9 discharge is being considered at a meeting of a governmental
2 10 body when necessary to prevent needless and irreparable injury
2 11 to that individual's reputation and the individual requests a
2 12 closed session. The bill requires an individual in this
2 13 situation to request the closed meeting in writing and to
2 14 state the reason for requesting a closed meeting.

2 15 The bill makes changes to Code chapter 22, Iowa's open
2 16 records law. The bill provides that information contained in
2 17 a communication pertaining to an applicant, candidate, or
2 18 nominee being considered for employment with or appointment by
2 19 a government body is a public record unless the applicant,
2 20 candidate, or nominee requests in writing that the information
2 21 be kept confidential and the government body makes a
2 22 determination that disclosure of the information will result
2 23 in needless and irreparable injury to the reputation of the
2 24 applicant, candidate, or nominee. However, the government
2 25 body shall disclose at least the name, city of residence,
2 26 employment history, and educational history of an applicant,
2 27 candidate, or nominee under final consideration and shall
2 28 notify the applicant, candidate, or nominee of the
2 29 requirements of the public records requirements of the bill.

2 30 Code section 21.2 defines a governmental body to include a
2 31 board, council, commission or other governing body expressly
2 32 created by the statutes of this state, by executive order, or
2 33 of a political subdivision or tax-supported district in this
2 34 state; a multimembered body formally and directly created by
2 35 one or more boards, councils, commissions, or other governing



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3 1 bodies; a multimembered body to which the state board of
3 2 regents or a president of a university has delegated the
3 3 responsibility for the management and control of the
3 4 intercollegiate athletic programs at the state universities;
3 5 an advisory board, advisory commission, or task force created
3 6 by the governor or the general assembly to develop and make
3 7 recommendations on public policy issues; a nonprofit
3 8 corporation other than a fair conducting a fair event whose
3 9 facilities or indebtedness are supported in whole or in part
3 10 with property tax revenue and which is licensed to conduct
3 11 pari-mutuel wagering or a nonprofit corporation which is a
3 12 successor to the nonprofit corporation which built the
3 13 facility; a nonprofit corporation licensed to conduct gambling
3 14 games; and an advisory board, advisory commission, advisory
3 15 committee, task force, or other body created by statute or
3 16 executive order of this state or created by an executive order
3 17 of a political subdivision of this state to develop and make
3 18 recommendations on public policy issues.

3 19 Under Code section 22.1, a government body includes this
3 20 state, or any county, city, township, school corporation,
3 21 political subdivision, or tax-supported district; a nonprofit
3 22 corporation other than a fair conducting a fair event whose
3 23 facilities or indebtedness are supported in whole or in part
3 24 with property tax revenue and which is licensed to conduct
3 25 pari-mutuel wagering, or other entity of this state; or any
3 26 branch, department, board, bureau, commission, council,
3 27 committee, official, or officer of any of the foregoing, or
3 28 any employee delegated the responsibility for implementing the
3 29 requirements of Code chapter 22.

3 30 LSB 1269DP 82
3 31 rh:rj/gg/14.1



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

Senate Study Bill 1043

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

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

A BILL FOR

- 1 An Act repealing the Iowa English language reaffirmation Act and
- 2 rules of construction for English language laws.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1217DP 82
- 5 ec/je/5



Iowa General Assembly
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Senate Study Bill 1043 continued

PAG LIN

1 1 Section 1. Sections 1.18 and 4.14, Code 2007, are
1 2 repealed.

1 3 EXPLANATION

1 4 This bill repeals the Iowa English language reaffirmation
1 5 Act, which provides that English is the state's official
1 6 language and prescribes the use of English by the state and
1 7 its political subdivisions. The bill also repeals a provision
1 8 governing rules of statutory construction for the state's
1 9 English language laws.

1 10 LSB 1217DP 82

1 11 ec:rj/je/5



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

Senate Study Bill 1044

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act exempting the instructional support property tax levy of a
2 school district from being collected as part of the
3 incremental taxes paid to a municipality for an urban renewal
4 area and providing for the Act's applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1765SC 82
7 sc/es/88



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Senate Study Bill 1044 continued

PAG LIN

1 1 Section 1. Section 403.19, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. That portion of the taxes each year in excess of such
1 4 amount shall be allocated to and when collected be paid into a
1 5 special fund of the municipality to pay the principal of and
1 6 interest on loans, moneys advanced to, or indebtedness,
1 7 whether funded, refunded, assumed, or otherwise, including
1 8 bonds issued under the authority of section 403.9, subsection
1 9 1, incurred by the municipality to finance or refinance, in
1 10 whole or in part, an urban renewal project within the area,
1 11 and to provide assistance for low and moderate income family
1 12 housing as provided in section 403.22, except that taxes for
1 13 the instructional support program of a school district imposed
1 14 pursuant to section 257.19 and taxes for the regular and
1 15 voter-approved physical plant and equipment levy of a school
1 16 district imposed pursuant to section 298.2 and taxes for the
1 17 payment of bonds and interest of each taxing district must be
1 18 collected against all taxable property within the taxing
1 19 district without limitation by the provisions of this
1 20 subsection. However, all or a portion of the taxes for the
1 21 physical plant and equipment levy shall be paid by the school
1 22 district to the municipality if the auditor certifies to the
1 23 school district by July 1 the amount of such levy that is
1 24 necessary to pay the principal and interest on bonds issued by
1 25 the municipality to finance an urban renewal project, which
1 26 bonds were issued before July 1, 2001. Indebtedness incurred
1 27 to refund bonds issued prior to July 1, 2001, shall not be
1 28 included in the certification. Such school district shall pay
1 29 over the amount certified by November 1 and May 1 of the
1 30 fiscal year following certification to the school district.
1 31 Unless and until the total assessed valuation of the taxable
1 32 property in an urban renewal area exceeds the total assessed
1 33 value of the taxable property in such area as shown by the
1 34 last equalized assessment roll referred to in subsection 1,
1 35 all of the taxes levied and collected upon the taxable



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Senate Study Bill 1044 continued

2 1 property in the urban renewal area shall be paid into the
2 2 funds for the respective taxing districts as taxes by or for
2 3 the taxing districts in the same manner as all other property
2 4 taxes. When such loans, advances, indebtedness, and bonds, if
2 5 any, and interest thereon, have been paid, all moneys
2 6 thereafter received from taxes upon the taxable property in
2 7 such urban renewal area shall be paid into the funds for the
2 8 respective taxing districts in the same manner as taxes on all
2 9 other property. In those instances where a school district
2 10 has entered into an agreement pursuant to section 279.64 for
2 11 sharing of school district taxes levied and collected from
2 12 valuation described in this subsection and released to the
2 13 school district, the school district shall transfer the taxes
2 14 as provided in the agreement.

2 15 Sec. 2. APPLICABILITY. This Act applies to taxes due and
2 16 payable in fiscal years beginning on or after July 1, 2008.

2 17 EXPLANATION

2 18 This bill exempts the instructional support property tax
2 19 levy of a school district from being collected as part of the
2 20 incremental taxes paid to a municipality for an urban renewal
2 21 area.

2 22 The bill applies to taxes due and payable in fiscal years
2 23 beginning on or after July 1, 2008.

2 24 LSB 1765SC 82

2 25 sc:nh/es/88



Iowa General Assembly
Daily Bills, Amendments, Study Bills
January 17, 2007

Senate Study Bill 1045

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning health and dental coverage for certain peace
- 2 officers of the department of public safety.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1704XC 82
- 5 ec/es/88



Iowa General Assembly
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Senate Study Bill 1045 continued

PAG LIN

1 1 Section 1. Section 80.8, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. Peace officers of the department
1 4 excluded from the provisions of chapter 20 shall receive
1 5 health and dental insurance coverage in the same manner as
1 6 provided to peace officers of the department covered by a
1 7 collective bargaining agreement entered into between the state
1 8 and the employee organization representing such covered peace
1 9 officers under chapter 20.

1 10 EXPLANATION

1 11 This bill provides that peace officers of the department of
1 12 public safety who are excluded from collective bargaining
1 13 under Code chapter 20 shall receive health and dental
1 14 insurance coverage in the same manner as peace officers
1 15 covered by a collective bargaining agreement.

1 16 LSB 1704XC 82

1 17 ec:rj/es/88



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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Senate Study Bill 1046

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act prohibiting discrimination based upon a person's sexual
2 orientation or gender identity under the Iowa civil rights
3 Act.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1218SC 82
6 rh/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills
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Senate Study Bill 1046 continued

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1 1 Section 1. Section 216.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 9A. "Gender identity" means a person's
1 4 various individual attributes, actual or perceived, in
1 5 behavior, practice, or appearance, as the attributes are
1 6 understood to be masculine or feminine.

1 7 NEW SUBSECTION. 12A. "Sexual orientation" means actual or
1 8 perceived heterosexuality, homosexuality, bisexuality, or a
1 9 person's attributes in behavior, practice, or appearance as
1 10 they are understood to be masculine or feminine. "Sexual
1 11 orientation" does not include participation in acts which are
1 12 prohibited by law.

1 13 Sec. 2. Section 216.5, subsections 6 and 8, Code 2007, are
1 14 amended to read as follows:

1 15 6. To issue such publications and reports of
1 16 investigations and research as in the judgment of the
1 17 commission shall tend to promote goodwill among the various
1 18 racial, religious, and ethnic groups of the state and which
1 19 shall tend to minimize or eliminate discrimination in public
1 20 accommodations, employment, apprenticeship and on-the-job
1 21 training programs, vocational schools, or housing because of
1 22 race, creed, color, sex, sexual orientation, gender identity,
1 23 national origin, religion, ancestry, or disability.

1 24 8. To make recommendations to the general assembly for
1 25 such further legislation concerning discrimination because of
1 26 race, creed, color, sex, sexual orientation, gender identity,
1 27 national origin, religion, ancestry, or disability as it may
1 28 deem necessary and desirable.

1 29 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
1 30 c, Code 2007, are amended to read as follows:

1 31 a. Person to refuse to hire, accept, register, classify,
1 32 or refer for employment, to discharge any employee, or to
1 33 otherwise discriminate in employment against any applicant for
1 34 employment or any employee because of the age, race, creed,
1 35 color, sex, sexual orientation, gender identity, national



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2 1 origin, religion, or disability of such applicant or employee,
2 2 unless based upon the nature of the occupation. If a person
2 3 with a disability is qualified to perform a particular
2 4 occupation, by reason of training or experience, the nature of
2 5 that occupation shall not be the basis for exception to the
2 6 unfair or discriminating practices prohibited by this
2 7 subsection.

2 8 b. Labor organization or the employees, agents, or members
2 9 thereof to refuse to admit to membership any applicant, to
2 10 expel any member, or to otherwise discriminate against any
2 11 applicant for membership or any member in the privileges,
2 12 rights, or benefits of such membership because of the age,
2 13 race, creed, color, sex, sexual orientation, gender identity,
2 14 national origin, religion, or disability of such applicant or
2 15 member.

2 16 c. Employer, employment agency, labor organization, or the
2 17 employees, agents, or members thereof to directly or
2 18 indirectly advertise or in any other manner indicate or
2 19 publicize that individuals of any particular age, race, creed,
2 20 color, sex, sexual orientation, gender identity, national
2 21 origin, religion, or disability are unwelcome, objectionable,
2 22 not acceptable, or not solicited for employment or membership
2 23 unless based on the nature of the occupation. If a person
2 24 with a disability is qualified to perform a particular
2 25 occupation by reason of training or experience, the nature of
2 26 that occupation shall not be the basis for exception to the
2 27 unfair or discriminating practices prohibited by this
2 28 subsection.

2 29 An employer, employment agency, or their employees,
2 30 servants, or agents may offer employment or advertise for
2 31 employment to only persons with disabilities, when other
2 32 applicants have available to them other employment compatible
2 33 with their ability which would not be available to persons
2 34 with disabilities because of their disabilities. Any such
2 35 employment or offer of employment shall not discriminate among



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3 1 persons with disabilities on the basis of race, color, creed,
3 2 sex, sexual orientation, gender identity, or national origin.

3 3 Sec. 4. Section 216.6, subsection 6, paragraph d, Code
3 4 2007, is amended to read as follows:

3 5 d. Any bona fide religious institution or its educational
3 6 facility, association, corporation, or society with respect to
3 7 any qualifications for employment based on religion sexual
3 8 orientation, or gender identity, when such qualifications are
3 9 related to a bona fide religious purpose. A religious
3 10 qualification for instructional personnel or an administrative
3 11 officer, serving in a supervisory capacity of a bona fide
3 12 religious educational facility or religious institution, shall
3 13 be presumed to be a bona fide occupational qualification.

3 14 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,
3 15 Code 2007, are amended to read as follows:

3 16 a. To refuse or deny to any person because of race, creed,
3 17 color, sex, sexual orientation, gender identity, national
3 18 origin, religion or disability the accommodations, advantages,
3 19 facilities, services, or privileges thereof, or otherwise to
3 20 discriminate against any person because of race, creed, color,
3 21 sex, sexual orientation, gender identity, national origin,
3 22 religion, or disability in the furnishing of such
3 23 accommodations, advantages, facilities, services, or
3 24 privileges.

3 25 b. To directly or indirectly advertise or in any other
3 26 manner indicate or publicize that the patronage of persons of
3 27 any particular race, creed, color, sex, sexual orientation,
3 28 gender identity, national origin, religion, or disability is
3 29 unwelcome, objectionable, not acceptable, or not solicited.

3 30 Sec. 6. Section 216.7, subsection 2, paragraph a, Code
3 31 2007, is amended to read as follows:

3 32 a. Any bona fide religious institution with respect to any
3 33 qualifications the institution may impose based on religion,
3 34 sexual orientation, or gender identity when such
3 35 qualifications are related to a bona fide religious purpose.



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4 1 Sec. 7. Section 216.8, subsections 1 through 4, Code 2007,
4 2 are amended to read as follows:

4 3 1. To refuse to sell, rent, lease, assign, sublease,
4 4 refuse to negotiate, or to otherwise make unavailable, or deny
4 5 any real property or housing accommodation or part, portion or
4 6 interest therein, to any person because of the race, color,
4 7 creed, sex, sexual orientation, gender identity, religion,
4 8 national origin, disability, or familial status of such
4 9 person.

4 10 2. To discriminate against any person because of the
4 11 person's race, color, creed, sex, sexual orientation, gender
4 12 identity, religion, national origin, disability, or familial
4 13 status, in the terms, conditions or privileges of the sale,
4 14 rental, lease assignment or sublease of any real property or
4 15 housing accommodation or any part, portion or interest in the
4 16 real property or housing accommodation or in the provision of
4 17 services or facilities in connection with the real property or
4 18 housing accommodation.

4 19 For purposes of this section, "person" means one or more
4 20 individuals, corporations, partnerships, associations, labor
4 21 organizations, legal representatives, mutual companies, joint
4 22 stock companies, trusts, unincorporated organizations,
4 23 trustees, trustees in cases under Title 11 of the United
4 24 States Code, receivers, and fiduciaries.

4 25 3. To directly or indirectly advertise, or in any other
4 26 manner indicate or publicize that the purchase, rental, lease,
4 27 assignment, or sublease of any real property or housing
4 28 accommodation or any part, portion or interest therein, by
4 29 persons of any particular race, color, creed, sex, sexual
4 30 orientation, gender identity, religion, national origin,
4 31 disability, or familial status is unwelcome, objectionable,
4 32 not acceptable or not solicited.

4 33 4. To discriminate against the lessee or purchaser of any
4 34 real property or housing accommodation or part, portion or
4 35 interest of the real property or housing accommodation, or



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5 1 against any prospective lessee or purchaser of the property or
5 2 accommodation, because of the race, color, creed, religion,
5 3 sex, sexual orientation, gender identity, disability, age, or
5 4 national origin of persons who may from time to time be
5 5 present in or on the lessee's or owner's premises for lawful
5 6 purposes at the invitation of the lessee or owner as friends,
5 7 guests, visitors, relatives or in any similar capacity.

5 8 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2007,
5 9 are amended to read as follows:

5 10 1. A person shall not induce or attempt to induce another
5 11 person to sell or rent a dwelling by representations regarding
5 12 the entry or prospective entry into a neighborhood of a person
5 13 of a particular race, color, creed, sex, sexual orientation,
5 14 gender identity, religion, national origin, disability, or
5 15 familial status.

5 16 2. A person shall not represent to a person of a
5 17 particular race, color, creed, sex, sexual orientation, gender
5 18 identity, religion, national origin, disability, or familial
5 19 status that a dwelling is not available for inspection, sale,
5 20 or rental when the dwelling is available for inspection, sale,
5 21 or rental.

5 22 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
5 23 2007, is amended to read as follows:

5 24 a. A person whose business includes engaging in
5 25 residential real estate related transactions shall not
5 26 discriminate against a person in making a residential real
5 27 estate related transaction available or in terms or conditions
5 28 of a residential real estate related transaction because of
5 29 race, color, creed, sex, sexual orientation, gender identity,
5 30 religion, national origin, disability, or familial status.

5 31 Sec. 10. Section 216.8A, subsection 5, Code 2007, is
5 32 amended to read as follows:

5 33 5. A person shall not deny another person access to, or
5 34 membership or participation in, a multiple-listing service,
5 35 real estate brokers' organization or other service,



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6 1 organization, or facility relating to the business of selling
6 2 or renting dwellings, or discriminate against a person in
6 3 terms or conditions of access, membership, or participation in
6 4 such organization because of race, color, creed, sex, sexual
6 5 orientation, gender identity, religion, national origin,
6 6 disability, or familial status.

6 7 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2007,
6 8 is amended to read as follows:

6 9 It is an unfair or discriminatory practice for any
6 10 educational institution to discriminate on the basis of race,
6 11 creed, color, sex, sexual orientation, gender identity,
6 12 national origin, religion, or disability in any program or
6 13 activity. Such discriminatory practices shall include but not
6 14 be limited to the following practices:

6 15 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2007,
6 16 is amended to read as follows:

6 17 For the purpose of this section, "educational institution"
6 18 includes any preschool, elementary, secondary, or community
6 19 college, area education agency, or postsecondary college or
6 20 university and their governing boards. This section does not
6 21 prohibit an educational institution from maintaining separate
6 22 toilet facilities, locker rooms, or living facilities for the
6 23 different sexes so long as comparable facilities are provided.
6 24 Nothing in this section shall be construed as prohibiting any
6 25 bona fide religious institution from imposing qualifications
6 26 based on religion, sexual orientation, or gender identity,
6 27 when such qualifications are related to a bona fide religious
6 28 purpose or any institution from admitting students of only one
6 29 sex.

6 30 Sec. 13. Section 216.10, Code 2007, is amended to read as
6 31 follows:

6 32 216.10 UNFAIR CREDIT PRACTICES.

6 33 It shall be an unfair or discriminatory practice for any:

6 34 1. Creditor to refuse to enter into a consumer credit
6 35 transaction or impose finance charges or other terms or



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7 1 conditions more onerous than those regularly extended by that
7 2 creditor to consumers of similar economic backgrounds because
7 3 of age, color, creed, national origin, race, religion, marital
7 4 status, sex, sexual orientation, gender identity, physical
7 5 disability, or familial status.

7 6 2. Person authorized or licensed to do business in this
7 7 state pursuant to chapter 524, 533, 534, 536, or 536A to
7 8 refuse to loan or extend credit or to impose terms or
7 9 conditions more onerous than those regularly extended to
7 10 persons of similar economic backgrounds because of age, color,
7 11 creed, national origin, race, religion, marital status, sex,
7 12 sexual orientation, gender identity, physical disability, or
7 13 familial status.

7 14 3. Creditor to refuse to offer credit life or health and
7 15 accident insurance because of color, creed, national origin,
7 16 race, religion, marital status, age, physical disability, sex,
7 17 sexual orientation, gender identity, or familial status.
7 18 Refusal by a creditor to offer credit life or health and
7 19 accident insurance based upon the age or physical disability
7 20 of the consumer shall not be an unfair or discriminatory
7 21 practice if such denial is based solely upon bona fide
7 22 underwriting considerations not prohibited by title XIII,
7 23 subtitle 1.

7 24 The provisions of this section shall not be construed by
7 25 negative implication or otherwise to narrow or restrict any
7 26 other provisions of this chapter.

7 27 Sec. 14. Section 216.12, subsection 1, Code 2007, is
7 28 amended to read as follows:

7 29 1. Any bona fide religious institution with respect to any
7 30 qualifications it may impose based on religion, sexual
7 31 orientation, or gender identity, when the qualifications are
7 32 related to a bona fide religious purpose unless the religious
7 33 institution owns or operates property for a commercial purpose
7 34 or membership in the religion is restricted on account of
7 35 race, color, or national origin.



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SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of pharmacy benefit management
- 2 companies and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1643SC 82
- 5 pf/cf/24



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1 1 Section 1. NEW SECTION. 155B.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Pharmacy Benefit Management Company Regulation Act".
1 4 Sec. 2. NEW SECTION. 155B.2 PURPOSE AND INTENT.
1 5 The purposes of this chapter are:
1 6 1. To establish standards and criteria for the regulation
1 7 and licensing of pharmacy benefit management companies.
1 8 2. To promote, preserve, and protect the public health,
1 9 safety, and welfare by and through effective regulation and
1 10 licensing of pharmacy benefit management companies.
1 11 Sec. 3. NEW SECTION. 155B.3 DEFINITIONS.
1 12 For purposes of this chapter, unless the context otherwise
1 13 requires:
1 14 1. "Board of pharmacy" or "board" means the board of
1 15 pharmacy examiners.
1 16 2. "Cease and desist order" means an order of the board
1 17 prohibiting a pharmacy benefit management company or other
1 18 person from continuing a particular course of conduct which
1 19 violates this chapter or the rules adopted under this chapter.
1 20 3. "Commissioner" means the commissioner of insurance.
1 21 4. "Enrollee" means an individual who is enrolled in a
1 22 pharmacy benefit management plan.
1 23 5. "Health insurance plan or contract" means a third-party
1 24 payment provider contract or policy that is an individual or
1 25 group policy of accident or health insurance or individual or
1 26 group hospital or health care services contract issued
1 27 pursuant to chapter 509, 509A, 514, or 514A, or an individual
1 28 or group health maintenance organization contract issued and
1 29 regulated under chapter 514B.
1 30 6. "Insolvent" or "insolvency" means a financial situation
1 31 in which, based upon the financial information required by
1 32 this chapter for the preparation of a pharmacy benefit
1 33 management company's annual statement, the assets of the
1 34 pharmacy benefit management company are less than the sum of
1 35 all the company's liabilities and required reserves.



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2 1 7. "Pharmacist" means pharmacist as defined in section
2 2 155A.3.
2 3 8. "Pharmacists' services" include drug therapy and other
2 4 patient care services provided by a licensed pharmacist
2 5 intended to achieve outcomes related to the cure or prevention
2 6 of a disease, elimination or reduction of a patient's
2 7 symptoms, or arresting or slowing of a disease process as
2 8 defined by rule of the board.
2 9 9. "Pharmacy" means pharmacy as defined in section 155A.3.
2 10 10. "Pharmacy benefit management company" means an entity
2 11 that administers the prescription drug or device portion of a
2 12 health insurance plan or contract on behalf of the sponsors of
2 13 the health insurance plan or contract.
2 14 11. "Pharmacy benefit management plan" means an
2 15 arrangement for the delivery of prescription services in which
2 16 a pharmacy benefit management company provides, arranges for,
2 17 pays for, or reimburses any of the costs of prescription
2 18 services for an enrollee on a prepaid or insured basis which
2 19 provides all of the following:
2 20 a. Contains one or more incentive arrangements intended to
2 21 influence the cost or level of prescription services between
2 22 the plan sponsor and one or more pharmacies with respect to
2 23 the delivery of prescription services.
2 24 b. Requires or creates benefit payment differential
2 25 incentives for enrollees to use under contract with the
2 26 pharmacy benefit management company.
2 27 "Pharmacy benefit management plan" does not mean an
2 28 employee welfare benefit plan as defined in the federal
2 29 Employee Retirement Income Security Act of 1974, 29 U.S.C. }
2 30 1002(1), which is self=insured or self=funded.
2 31 Sec. 4. NEW SECTION. 155B.4 CERTIFICATE OF AUTHORITY.
2 32 1. A person shall not establish or operate a pharmacy
2 33 benefit management company in this state to provide pharmacy
2 34 benefit management plans without first obtaining a certificate
2 35 of authority from the board of pharmacy examiners. A pharmacy



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3 1 benefit management company providing pharmacy benefit
3 2 management plans in this state shall obtain a certificate of
3 3 authority from the board every four years.
3 4 2. A person may apply to the board to obtain a certificate
3 5 of authority to establish and operate a pharmacy benefit
3 6 management company in compliance with this chapter if the
3 7 person obtains an annual license to do business in this state
3 8 from the commissioner under section 155B.5.
3 9 3. The board may suspend or revoke a certificate of
3 10 authority issued to a pharmacy benefit management company
3 11 under this chapter or may deny an application for a
3 12 certificate of authority if the board finds any of the
3 13 following:
3 14 a. The pharmacy benefit management company is operating
3 15 significantly in contravention of its basic organizational
3 16 document.
3 17 b. The pharmacy benefit management company does not
3 18 arrange for pharmacists' services.
3 19 c. The pharmacy benefit management company has failed to
3 20 meet the requirements for issuance of a certificate of
3 21 authority established in this chapter.
3 22 d. The pharmacy benefit management company is unable to
3 23 fulfill its obligation to furnish pharmacists' services as
3 24 required under its pharmacy benefit management plan.
3 25 e. The pharmacy benefit management company is no longer
3 26 financially responsible and may reasonably be expected to be
3 27 unable to meet its obligations to enrollees or prospective
3 28 enrollees.
3 29 f. The pharmacy benefit management company, or any person
3 30 on the company's behalf, has advertised or merchandised its
3 31 services in an untrue, misrepresentative, misleading,
3 32 deceptive, or unfair manner.
3 33 g. The continued operation of the pharmacy benefit
3 34 management company would be hazardous to its enrollees.
3 35 h. The pharmacy benefit management company has failed to



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4 1 file an annual statement with the commissioner in a timely
4 2 manner.
4 3 i. The pharmacy benefit management company has otherwise
4 4 failed to substantially comply with this chapter.
4 5 4. When the certificate of authority of a pharmacy benefit
4 6 management company is revoked, the company shall proceed,
4 7 immediately following the effective date of the order of
4 8 revocation, to conclude the company's affairs and shall
4 9 conduct no further business except as may be essential to the
4 10 orderly conclusion of the affairs of the company. The board
4 11 may permit further operation of the company as the board may
4 12 find to be in the best interest of enrollees so that the
4 13 enrollees will be afforded the greatest practicable
4 14 opportunity to obtain pharmacists' services.
4 15 Sec. 5. NEW SECTION. 155B.5 LICENSE TO DO BUSINESS.
4 16 1. The commissioner shall not issue an annual license to
4 17 do business in this state to any pharmacy benefit management
4 18 company providing pharmacy benefit management plans until the
4 19 commissioner is satisfied that the pharmacy benefit management
4 20 company has complied with all of the following:
4 21 a. Paid all fees, taxes, and charges required by law.
4 22 b. Has made any deposit required by this chapter.
4 23 c. Has the minimum capital and surplus requirements
4 24 specified by the commissioner.
4 25 d. Has filed any necessary financial statement and any
4 26 reports, certificates, or other documents the commissioner
4 27 considers necessary to secure a full and accurate knowledge of
4 28 the company's affairs and financial condition.
4 29 e. Is solvent, and the company's financial condition,
4 30 method of operation, and manner of doing business satisfy the
4 31 commissioner that the company can meet the company's
4 32 obligations to all enrollees.
4 33 f. Has otherwise complied with all the requirements of
4 34 law.
4 35 2. The license shall be in addition to the certificate of



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5 1 authority required by the board. A nonrefundable license
5 2 application fee of five hundred dollars shall accompany each
5 3 application for a license to transact business in this state.
5 4 The fee shall be collected by the commissioner and shall be
5 5 deposited in the pharmacy benefit management company fund
5 6 created in section 155B.15.

5 7 3. The license shall be signed by the commissioner or the
5 8 commissioner's agent and shall expire on the next June 30
5 9 after the date on which the license becomes effective.

5 10 4. A pharmacy benefit management company providing
5 11 pharmacy benefit management plans shall obtain an annual
5 12 renewal of the company's license from the commissioner. The
5 13 commissioner may refuse to renew the license of any pharmacy
5 14 benefit management company or may renew the license, subject
5 15 to any restrictions considered appropriate by the
5 16 commissioner, if the commissioner finds an impairment of
5 17 required capital and surplus, or if the commissioner finds
5 18 that the pharmacy benefit management company has not satisfied
5 19 all the conditions specified in this chapter. The
5 20 commissioner shall not fail to renew the license of any
5 21 pharmacy benefit management company to transact business in
5 22 this state without providing the pharmacy benefit management
5 23 company ten days' notice and providing the company an
5 24 opportunity to be heard. The hearing may be informal, and the
5 25 commissioner and the pharmacy benefit management company may
5 26 waive the required notice.

5 27 Sec. 6. NEW SECTION. 155B.6 ANNUAL STATEMENT.

5 28 1. A pharmacy benefit management company providing
5 29 pharmacy management benefit plans in this state shall file a
5 30 statement with the commissioner annually by March 1. The
5 31 statement shall be verified by at least two principal officers
5 32 of the pharmacy benefit management company and shall cover the
5 33 preceding calendar year. The pharmacy benefit management
5 34 company shall also submit a copy of the statement to the
5 35 board.



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6 1 2. The statement shall be on forms prescribed by the
6 2 commissioner and shall include all of the following:
6 3 a. A financial statement of the company, including its
6 4 balance sheet and income statement for the preceding year.
6 5 b. The number of persons enrolled during the year, the
6 6 number of enrollees as of the end of the year, and the number
6 7 of enrollments terminated during the year.
6 8 c. Any other information relating to the operations of the
6 9 pharmacy benefit management company required by the
6 10 commissioner pursuant to this chapter.
6 11 3. If the pharmacy benefit management company is audited
6 12 annually by an independent certified public accountant, a copy
6 13 of the certified audit report shall be filed annually with the
6 14 commissioner by June 30.
6 15 4. The commissioner may extend the time prescribed for any
6 16 pharmacy benefit management company for filing an annual
6 17 statement or other reports, or exhibits of the statement or
6 18 report for good cause shown. However, the commissioner shall
6 19 not extend the time for filing annual statements beyond sixty
6 20 days after the time prescribed by subsection 1. A pharmacy
6 21 benefit management company which fails to file its annual
6 22 statement within the time prescribed by this section may have
6 23 its license revoked by the commissioner or its certificate of
6 24 authority revoked or suspended by the board until the annual
6 25 statement is filed.
6 26 Sec. 7. NEW SECTION. 155B.7 FINANCIAL EXAMINATION.
6 27 1. In lieu of or in addition to performing a financial
6 28 examination of a pharmacy benefit management company, the
6 29 commissioner may accept the report of a financial examination
6 30 by another person responsible for pharmacy benefit management
6 31 companies under the laws of another state who is certified by
6 32 the insurance supervisory official, similar regulatory agency,
6 33 or the state health commissioner of the other state.
6 34 2. The commissioner shall coordinate financial
6 35 examinations of pharmacy benefit management companies that



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7 1 provide pharmacy management benefit plans in this state to
7 2 ensure an appropriate level of regulatory oversight and to
7 3 avoid any undue duplication of effort or regulation. The
7 4 pharmacy benefit management company being examined shall pay
7 5 the cost of the examination. Payments of the cost of the
7 6 examination shall be collected by the commissioner and shall
7 7 be deposited in the pharmacy benefit management company fund
7 8 created in section 155B.15.

7 9 Sec. 8. NEW SECTION. 155B.8 ASSESSMENT.

7 10 1. The expense of administering this chapter, including
7 11 the costs incurred by the commissioner and the board, shall be
7 12 assessed annually by the board against all pharmacy benefit
7 13 management companies operating in this state. Before
7 14 determining the assessment, the board shall request from the
7 15 commissioner an estimate of all expenses for the regulation,
7 16 supervision, and examination of all entities subject to
7 17 regulation under this chapter. The assessment shall be in
7 18 proportion to the business done in this state.

7 19 2. Assessments shall be collected by the commissioner and
7 20 shall be deposited in the pharmacy benefit management company
7 21 fund created in section 155B.15.

7 22 3. The board shall provide each pharmacy benefit
7 23 management company notice of the assessment, which shall be
7 24 paid to the board on or before March 1 of each year. A
7 25 pharmacy benefit management company that fails to pay the
7 26 assessment on or before the date prescribed shall be subject
7 27 to a penalty imposed by the board which is ten percent of the
7 28 assessment and interest for the period between the due date
7 29 and the date of full payment. If a payment is made in an
7 30 amount later found to be in error, the following shall apply:

7 31 a. If the error found is an underpayment and an additional
7 32 amount is due, the commission shall notify the company of the
7 33 additional amount and the company shall pay the additional
7 34 amount within fourteen days of the date of the notice.

7 35 b. If the error found is an overpayment, a refund shall be



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8 1 ordered.

8 2 4. If an assessment made under this chapter is not paid to
8 3 the board by the prescribed date, the amount of the
8 4 assessment, penalty, and interest may be recovered from the
8 5 defaulting company on motion of the board made in the name and
8 6 for the use of the state in the appropriate court after ten
8 7 days' notice to the company. The certificate of authority of
8 8 a defaulting company to transact business in this state may be
8 9 revoked or suspended by the board until the company has paid
8 10 the assessment.

8 11 Sec. 9. NEW SECTION. 155B.9 PHARMACY BENEFIT MANAGER
8 12 CONTRACTS.

8 13 1. A pharmacy benefit management company that contracts
8 14 with a pharmacy or pharmacist to provide pharmacists' services
8 15 through a pharmacy management plan for enrollees in this state
8 16 shall file the contract with the board thirty days before the
8 17 execution of the contract. The contract shall be deemed
8 18 approved unless the board disapproves the contract within
8 19 thirty days after the contract is filed with the board.

8 20 2. Disapproval of the contract shall be in writing,
8 21 stating the reasons for the disapproval, and a copy of the
8 22 written disapproval shall be delivered to the pharmacy benefit
8 23 management company.

8 24 3. The board, consistent with the board's responsibility
8 25 for protecting the public interest, shall develop formal
8 26 criteria for the approval and disapproval of pharmacy benefit
8 27 management company contracts.

8 28 Sec. 10. NEW SECTION. 155B.10 ENFORCEMENT.

8 29 1. The board shall develop formal investigation and
8 30 compliance procedures for responding to complaints by health
8 31 insurance plans or contract sponsors, pharmacists, or
8 32 enrollees concerning the failure of a pharmacy benefit
8 33 management company to comply with this chapter. If, based
8 34 upon an investigation or complaint, the board has reason to
8 35 believe that there is a violation of this chapter, the board
9 1 shall issue and serve upon the pharmacy benefit management
9 2 company concerned a statement of the charges and a notice of a
9 3 hearing to be held at a time and place fixed in the notice,
9 4 which shall not be less than thirty days after notice is
9 5 served. The notice shall require the pharmacy benefit
9 6 management company to show cause why an order should not be
9 7 issued directing the company to cease and desist from the
9 8 violation. At the hearing, the pharmacy benefit management
9 9 company or the pharmacy benefit manager shall have an
9 10 opportunity to be heard and to show cause why an order should
9 11 not be issued requiring the pharmacy benefit management
9 12 company or the pharmacy benefit manager to cease and desist
9 13 from the violation.

9 14 2. The board may perform an examination concerning the
9 15 quality of services of any pharmacy benefit management company
9 16 and providers with whom the pharmacy benefit management
9 17 company has contracts, agreements, or other arrangements
9 18 pursuant to its pharmacy benefit management plan as often as
9 19 the board deems necessary for the protection of the interests
9 20 of the people of this state. The pharmacy benefit management
9 21 company being examined shall pay the cost of the examination.



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9 22 Sec. 11. NEW SECTION. 155B.11 PROHIBITED PRACTICES.
9 23 1. A pharmacy benefit management company or its
9 24 representative shall not cause or knowingly permit any of the
9 25 following:
9 26 a. The use of advertising that is untrue or misleading.
9 27 b. Solicitation that is untrue or misleading.
9 28 c. Any form of evidence of coverage that is deceptive.
9 29 2. A pharmacy benefit management company, unless licensed
9 30 as an insurer, shall not use in its name, contracts, or
9 31 literature any of the following:
9 32 a. Any form of the word "insurance", "casualty", "surety",
9 33 or "mutual".
9 34 b. Any other words descriptive of the insurance, casualty,
9 35 or surety business, or deceptively similar to the name or



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10 1 description of any insurer or fidelity and surety insurer,
10 2 doing business in this state.

10 3 3. A pharmacy benefit management company shall not
10 4 discriminate on the basis of race, creed, color, sex, or
10 5 religion in the selection of pharmacies with whom the company
10 6 does business.

10 7 4. A pharmacy benefit management company shall not
10 8 unfairly discriminate against pharmacists when contracting for
10 9 pharmacists' services.

10 10 Sec. 12. NEW SECTION. 155B.12 DISCLOSURES.

10 11 The following shall be provided to the pharmacy benefit
10 12 management company's enrollees at the time of enrollment or at
10 13 the time the contract is issued and shall be made available
10 14 upon request or at least annually:

10 15 1. A list of the names and locations of all affiliated
10 16 pharmacists' services providers.

10 17 2. A description of the service area or areas within which
10 18 the pharmacy benefit management company provides prescription
10 19 services.

10 20 3. A description of the method of resolving complaints of
10 21 covered persons, including a description of any arbitration
10 22 procedure if complaints may be resolved through a specified
10 23 arbitration agreement.

10 24 4. Notice that the pharmacy benefit management company is
10 25 subject to regulation in this state by both the board of
10 26 pharmacy examiners and the commissioner of insurance.

10 27 5. A prominent notice included within the evidence of
10 28 coverage, providing substantially the following: "If you have
10 29 any questions regarding an appeal or grievance concerning the
10 30 pharmacists' services that you have been provided, which have
10 31 not been satisfactorily addressed by your plan, you may
10 32 contact the board of pharmacy examiners." The notice shall
10 33 also provide the toll-free telephone number, mailing address,
10 34 and electronic mail address of the board of pharmacy
10 35 examiners.



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11 1 Sec. 13. NEW SECTION. 155B.13 PRIVACY.
11 2 An enrollee has the right to privacy and confidentiality in
11 3 the provision of pharmacists' services. This right may be
11 4 expressly waived in writing by the enrollee or the enrollee's
11 5 guardian.
11 6 Sec. 14. NEW SECTION. 155B.14 INSOLVENCY.
11 7 1. If a pharmacy benefit management company becomes
11 8 insolvent or ceases to be a company in this state in any
11 9 assessable or license year, the company shall remain liable
11 10 for the payment of the assessment for the period in which the
11 11 company operated as a pharmacy benefit management company in
11 12 this state.
11 13 2. If a pharmacy benefit management company becomes
11 14 insolvent, the commissioner may, after notice and hearing,
11 15 levy an assessment, in addition to an assessment pursuant to
11 16 section 155B.8, on pharmacy benefit management companies
11 17 licensed to do business in this state. The assessments shall
11 18 be paid quarterly to the commissioner, and upon receipt by the
11 19 commissioner shall be paid over into an escrow account in the
11 20 pharmacy benefit management company fund. The escrow account
11 21 shall be used solely for the benefit of enrollees of the
11 22 insolvent pharmacy benefit management company.
11 23 Sec. 15. NEW SECTION. 155B.15 PHARMACY BENEFIT
11 24 MANAGEMENT COMPANY FUND == USES == ESCROW ACCOUNT.
11 25 1. A pharmacy benefit management company fund is created
11 26 in the state treasury under the authority of the commissioner
11 27 of insurance. Moneys received from licensure of pharmacy
11 28 benefit management companies pursuant to section 155B.5, from
11 29 examinations collected pursuant to section 155B.7, and from
11 30 assessments collected pursuant to section 155B.8, shall be
11 31 deposited in the fund. Moneys in the fund shall be used and
11 32 an amount necessary is appropriated, annually, to the division
11 33 of insurance of the department of commerce for the purposes of
11 34 enforcing this chapter.
11 35 2. An escrow account is created in the pharmacy benefit



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12 1 management company fund. Assessments collected pursuant to
12 2 section 155B.14 shall be deposited in the account and are
12 3 appropriated to the division of insurance of the department of
12 4 commerce to be used solely for the benefit of the enrollees of
12 5 an insolvent pharmacy benefit management company.

12 6 EXPLANATION

12 7 This bill establishes regulation of pharmacy benefit
12 8 management companies. The bill defines terms used in the
12 9 bill, including "pharmacy benefit management company" (PBM),
12 10 which is an entity that administers the prescription drug or
12 11 device portion of a health insurance plan or contract on
12 12 behalf of the sponsors of the health insurance plan or
12 13 contract. The bill requires a PBM to obtain a certificate of
12 14 authority from the board of pharmacy examiners every four
12 15 years. A prerequisite for obtaining a certificate of
12 16 authority is the obtaining of a license to do business in the
12 17 state from the commissioner of insurance. The bill provides
12 18 criteria that the board may use to suspend or revoke a PBM's
12 19 certificate of authority.

12 20 The bill requires a PBM to obtain a license to do business
12 21 from the commissioner of insurance. Issuance of the license
12 22 is based on a determination by the commissioner that the PBM
12 23 is financially sound. A PBM is required to pay a license
12 24 application fee of \$500. The license expires every June 30
12 25 following the date of issuance.

12 26 The bill requires a PBM to file an annual statement with
12 27 the commissioner of insurance by March 1, and also provide a
12 28 copy of the statement to the board of pharmacy examiners. The
12 29 annual statement is to be verified by at least two principal
12 30 officers of the PBM, cover the preceding calendar year, and
12 31 include: a financial statement of the company, including its
12 32 balance sheet and income statement for the preceding year; the
12 33 number of persons enrolled during the year, the number of
12 34 enrollees as of the end of the year, and the number of
12 35 enrollments terminated during the year; and any other



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13 1 information relating to the operations of the PBM required by
13 2 the commissioner pursuant to the bill. If the PBM is audited
13 3 annually by an independent certified public accountant, a copy
13 4 of the certified audit report is to be filed annually with the
13 5 commissioner by June 30. The bill provides for an extension
13 6 in the time prescribed for submission of the annual statement
13 7 or other reports by the insurance commissioner for good cause
13 8 shown. If a PBM fails to file the annual statement in the
13 9 prescribed time, the commissioner may revoke its license and
13 10 the board may suspend or revoke the certificate of authority.

13 11 The bill provides for the coordination of financial
13 12 examinations of PBMs, provides that the PBM is to pay the cost
13 13 of the examination, and provides that the payments collected
13 14 are to be deposited in the pharmacy benefit management company
13 15 fund created in the bill.

13 16 The bill provides that the expenses of administering the
13 17 regulation of PBMs, including the costs incurred by the
13 18 commissioner and the board, shall be assessed annually by the
13 19 board against all pharmacy benefit management companies
13 20 operating in the state. The assessment is to be based upon
13 21 the commissioner's estimate, provided to the board, of all
13 22 expenses for the regulation, supervision, and examination of
13 23 all entities subject to regulation. Assessments are to be
13 24 collected by the commissioner by March 1, annually, and are to
13 25 be deposited in the pharmacy benefit management company fund
13 26 created in the bill. The bill directs the board to provide
13 27 each pharmacy benefit management company notice of the
13 28 assessment. A pharmacy benefit management company that fails
13 29 to pay the assessment on or before the date prescribed is
13 30 subject to a penalty imposed by the board which is 10 percent
13 31 of the assessment and interest for the period between the due
13 32 date and the date of full payment. The bill provides for
13 33 payment of additional amounts or refunds if a payment is made
13 34 in an amount later found to be in error. If an assessment is
13 35 not paid to the board by the prescribed date, the amount of



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14 1 the assessment, penalty, and interest may be recovered and the
14 2 certificate of authority of any defaulting company to transact
14 3 business in this state may be revoked or suspended by the
14 4 board until the company has paid the assessment.

14 5 The bill requires a PBM that contracts with a pharmacy or
14 6 pharmacist to provide pharmacists' services to file the
14 7 contract with the board 30 days before the execution of the
14 8 contract. The contract is deemed approved unless the board
14 9 disapproves the contract within 30 days after the contract is
14 10 filed with the board. Disapproval of the contract is to be in
14 11 writing and a copy is to be delivered to the PBM. The bill
14 12 directs the board to develop formal criteria for the approval
14 13 and disapproval of PBM contracts.

14 14 The bill provides for enforcement of the new Code chapter,
14 15 specifies prohibited practices by PBMs, requires PBMs to make
14 16 certain disclosures to enrollees, and provides that enrollees
14 17 have the right to privacy and confidentiality in the provision
14 18 of pharmacists' services which right may be expressly waived
14 19 in writing by the enrollee or the enrollee's guardian. The
14 20 bill provides that if a PBM becomes insolvent or ceases to be
14 21 a company in this state in any assessable or license year, the
14 22 company remains liable for the payment of the assessment for
14 23 the period in which the company operated as a PBM in the
14 24 state. The bill also provides that if a PBM becomes
14 25 insolvent, the commissioner may, after notice and hearing,
14 26 levy an additional assessment on PBMs licensed to do business
14 27 in the state. The assessments are to be paid quarterly to the
14 28 commissioner, deposited in an escrow account in the pharmacy
14 29 benefit management company fund, and are to be used solely for
14 30 the benefit of enrollees of the insolvent PBM.

14 31 The bill creates the pharmacy benefit management company
14 32 fund in the state treasury under the authority of the
14 33 commissioner of insurance. Moneys received from licensure of
14 34 pharmacy benefit management companies pursuant to Code section
14 35 155B.5, from examination fees collected pursuant to Code



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15 1 section 155B.7, and from assessments collected pursuant to
15 2 Code section 155B.8 are deposited in the fund. Moneys in the
15 3 fund are to be used and an amount necessary is appropriated,
15 4 annually, to the division of insurance of the department of
15 5 commerce for the purposes of enforcing the provisions of the
15 6 bill. The bill also creates an escrow account within the
15 7 fund. Assessments collected relative to an insolvent PBM are
15 8 to be deposited in the account and are to be used solely for
15 9 the benefit of the enrollees of the insolvent PBM.
15 10 LSB 1643SC 82
15 11 pf:nh/cf/24



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Senate Study Bill 1048

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

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

A BILL FOR

1 An Act relating to the establishment of state and school
2 antiharassment or antibullying policies, providing data
3 collection and reporting requirements, and providing for
4 immunity and other related matters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1219DP 82
7 kh/cf/24



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1 1 Section 1. Section 280.12, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention
1 4 goals, programs, training, and other initiatives.
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
1 6 PROHIBITED == POLICY == IMMUNITY.
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
1 8 committed to providing all students with a safe and civil
1 9 school environment in which all members of the school
1 10 community are treated with dignity and respect. The general
1 11 assembly finds that a safe and civil school environment is
1 12 necessary for students to learn and achieve at high academic
1 13 levels. Harassing and bullying behavior can seriously disrupt
1 14 the ability of school employees to maintain a safe and civil
1 15 environment, and the ability of students to learn and succeed.
1 16 Therefore, it is the policy of the state of Iowa that school
1 17 employees, volunteers, and students in Iowa schools shall not
1 18 engage in harassing or bullying behavior.
1 19 2. DEFINITIONS. For purposes of this section, unless the
1 20 context otherwise requires:
1 21 a. "Harassment" and "bullying" shall be construed to mean
1 22 the same and mean any conduct toward a student which is based
1 23 on any actual or perceived trait or characteristic of the
1 24 student and which creates an objectively hostile school
1 25 environment that meets one or more of the following
1 26 conditions:
1 27 (1) Places the student in reasonable fear of harm to the
1 28 student's person or property.
1 29 (2) Has a substantially detrimental effect on the
1 30 student's physical or mental health.
1 31 (3) Has the effect of substantially interfering with a
1 32 student's academic performance.
1 33 (4) Has the effect of substantially interfering with the
1 34 student's ability to participate in or benefit from the
1 35 services, activities, or privileges provided by a school.



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2 1 b. "Trait or characteristic of the student" includes but
2 2 is not limited to age, color, creed, national origin, race,
2 3 religion, marital status, sex, sexual orientation, gender
2 4 identity, physical attributes, physical or mental ability or
2 5 disability, ancestry, political party preference,
2 6 socioeconomic status, or familial status.

2 7 3. POLICY. On or before September 1, 2007, the board of
2 8 directors of a school district and the authorities in charge
2 9 of each accredited nonpublic school shall adopt a policy
2 10 declaring harassment and bullying in schools, on school
2 11 property, and at any school function, or school=sponsored
2 12 activity regardless of its location, in a manner consistent
2 13 with this section, as against state and school policy. The
2 14 board and the authorities shall make a copy of the policy
2 15 available to all school employees, volunteers, students, and
2 16 parents or guardians and shall take all appropriate steps to
2 17 bring the policy against harassment and bullying and the
2 18 responsibilities set forth in the policy to the attention of
2 19 school employees, volunteers, students, and parents or
2 20 guardians. Each policy shall, at a minimum, include all of
2 21 the following components:

2 22 a. A statement declaring harassment and bullying to be
2 23 against state and school policy. The statement shall include
2 24 but not be limited to the following provisions:

2 25 (1) School employees, volunteers, and students in school,
2 26 on school property, or at any school function or school=
2 27 sponsored activity shall not engage in harassing and bullying
2 28 behavior.

2 29 (2) School employees, volunteers, and students shall not
2 30 engage in reprisal, retaliation, or false accusation against a
2 31 victim, witness, or an individual who has reliable information
2 32 about such an act of harassment or bullying.

2 33 b. A definition of harassment and bullying that is no less
2 34 inclusive than the definition set forth in this section.

2 35 c. A description of the type of behavior expected from



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3 1 school employees, volunteers, parents or guardians, and
3 2 students relative to prevention measures, reporting, and
3 3 investigation of harassment or bullying.
3 4 d. The consequences and appropriate remedial action for a
3 5 person who violates the harassment and bullying policy.
3 6 e. A procedure for reporting an act of harassment or
3 7 bullying, including the identification by job title of the
3 8 school official responsible for ensuring that the policy is
3 9 implemented, and the identification of the person or persons
3 10 responsible for receiving reports of harassment or bullying.
3 11 f. A procedure for the prompt investigation of complaints,
3 12 either identifying the school principal or the principal's
3 13 designee as the individual responsible for conducting the
3 14 investigation, including a statement that investigators will
3 15 consider the totality of circumstances presented in
3 16 determining whether conduct objectively constitutes harassment
3 17 or bullying under this section.
3 18 g. A statement of the manner in which the policy will be
3 19 publicized.
3 20 4. PROGRAMS ENCOURAGED. The board of directors of a
3 21 school district and the authorities in charge of each
3 22 accredited nonpublic school are encouraged to establish
3 23 programs designed to eliminate harassment and bullying in
3 24 schools. To the extent that funds are available for these
3 25 purposes, school districts and accredited nonpublic schools
3 26 shall do the following:
3 27 a. Provide training on harassment and bullying policies to
3 28 school employees and volunteers who have significant contact
3 29 with students.
3 30 b. Develop a process to provide school employees,
3 31 volunteers, and students with the skills and knowledge to help
3 32 reduce incidents of harassment and bullying.
3 33 5. IMMUNITY. A school employee, volunteer, or student, or
3 34 a student's parent or guardian who promptly, reasonably, and
3 35 in good faith reports an incident of harassment or bullying,



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4 1 in compliance with the procedures in the policy adopted
4 2 pursuant to this section, to the appropriate school official
4 3 designated by the school district or accredited nonpublic
4 4 school, shall be immune from civil or criminal liability
4 5 relating to such report and to participation in any
4 6 administrative or judicial proceeding resulting from or
4 7 relating to the report.

4 8 6. COLLECTION REQUIREMENT. The board of directors of a
4 9 school district and the authorities in charge of each
4 10 nonpublic school shall develop and maintain a system to
4 11 collect harassment and bullying incidence data.

4 12 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 13 directors of a school district and the authorities in charge
4 14 of each nonpublic school shall integrate its antiharassment
4 15 and antibullying policy into the comprehensive school
4 16 improvement plan required under section 256.7, subsection 21,
4 17 and shall report data collected under subsection 6, as
4 18 specified by the department, to the local community.

4 19 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
4 20 be construed to preclude a victim from seeking administrative
4 21 or legal remedies under any applicable provision of law.

4 22 EXPLANATION

4 23 This bill relates to harassment and bullying of elementary
4 24 and secondary school students and establishes a state policy
4 25 that school employees, volunteers, and students in Iowa
4 26 schools shall not engage in harassing or bullying behavior.

4 27 The bill adds to the list of school improvement advisory
4 28 committee recommendation areas, that school districts and
4 29 schools must consider the committees' recommendations
4 30 regarding harassment or bullying prevention goals, programs,
4 31 training, and other initiatives.

4 32 The bill defines "harassment" and "bullying" to mean any
4 33 conduct toward a student that is based on any actual or
4 34 perceived trait or characteristic, which is also defined in
4 35 the bill; that creates an objectively hostile education



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5 1 environment; and that meets one or more of the conditions
5 2 specified in the bill.

5 3 The bill requires school boards and accredited nonpublic
5 4 schools to have a policy in place by September 1, 2007, that
5 5 states that school employees, volunteers, and students shall
5 6 not engage in harassing or bullying behavior. The policy must
5 7 be distributed to all concerned, define harassment and
5 8 bullying, describe the behavior expected from all concerned,
5 9 describe the consequences and appropriate remedial action for
5 10 violation of the policy, include a procedure for reporting
5 11 incidents, identify persons responsible for receiving reports,
5 12 include a procedure for the prompt investigation of
5 13 complaints, and list a range of sanctions and remedial actions
5 14 that can be taken with regard to confirmed incidents. The
5 15 policy also must prohibit reprisal, retaliation, or false
5 16 accusation against a victim, witness, or an individual who has
5 17 reliable information about an act of harassment or bullying.

5 18 The bill encourages school boards and schools to establish
5 19 programs designed to eliminate harassment and bullying in
5 20 schools, to provide training on harassment and bullying
5 21 policies, and to develop a process to help reduce incidents of
5 22 harassment and bullying.

5 23 The bill provides immunity from civil or criminal liability
5 24 to school employees, volunteers, and students and their
5 25 parents or guardians who report an incident of harassment or
5 26 bullying promptly, reasonably, and in good faith. Existing
5 27 administrative or legal remedies available to a victim are
5 28 unaffected by the provisions of the bill. The bill requires
5 29 schools to integrate their policies into their comprehensive
5 30 school improvement plans, which are submitted to the
5 31 department, and requires that data collected for the plan be
5 32 reported to the local community.

5 33 LSB 1219DP 82
5 34 kh:rj/cf/24.1



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Senate Study Bill 1049

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to cigarette fire safety standards, and providing
- 2 penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1646XC 82
- 5 pf/je/5



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1 1 Section 1. NEW SECTION. 101B.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Cigarette Fire Safety Standards Act".
1 4 Sec. 2. NEW SECTION. 101B.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agent" means a distributor as defined in section
1 8 453A.1 authorized by the department of revenue to purchase and
1 9 affix stamps pursuant to section 453A.10.
1 10 2. "Cigarette" means cigarette as defined in section
1 11 453A.1.
1 12 3. "Department" means the department of public safety.
1 13 4. "Manufacturer" means manufacturer as defined in section
1 14 453A.1.
1 15 5. "Quality control and quality assurance program" means
1 16 the laboratory procedures implemented to ensure that operator
1 17 bias, systematic and nonsystematic methodological errors, and
1 18 equipment-related problems do not affect the results of the
1 19 repeatability testing.
1 20 6. "Repeatability" means the range of values within which
1 21 the repeat results of cigarette test trials from a single
1 22 laboratory will fall ninety-five percent of the time.
1 23 7. "Retailer" means retailer as defined in section 453A.1.
1 24 8. "Sale" means any transfer of title or possession,
1 25 exchange or barter, in any manner or by any means or any
1 26 agreement. In addition to cash and credit sales, the giving
1 27 of cigarettes as a sample, prize, or gift or the exchanging of
1 28 cigarettes for any consideration other than money is
1 29 considered a sale.
1 30 9. "Sell" means to sell, or to offer or agree to sell.
1 31 10. "Wholesaler" means wholesaler as defined in section
1 32 453A.1.
1 33 Sec. 3. NEW SECTION. 101B.3 GENERAL REQUIREMENTS ==
1 34 ADMINISTRATION.
1 35 1. Beginning July 1, 2008, cigarettes shall not be sold or



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2 1 offered for sale to any person in this state unless:
2 2 a. The cigarettes have been tested in accordance with the
2 3 test method prescribed in section 101B.4.
2 4 b. The cigarettes meet the performance standard specified
2 5 in section 101B.4.
2 6 c. A written certification has been filed by the
2 7 manufacturer with the department and in accordance with
2 8 section 101B.5.
2 9 d. The cigarettes have been marked in accordance with
2 10 section 101B.7.
2 11 2. This chapter shall not be construed to prohibit a
2 12 wholesaler or retailer from selling the wholesaler's or
2 13 retailer's inventory of cigarettes existing prior to July 1,
2 14 2008, provided that the wholesaler or retailer is able to
2 15 establish both of the following:
2 16 a. Tax stamps were affixed to the cigarettes on inventory
2 17 pursuant to section 453A.10 before July 1, 2008.
2 18 b. The inventory of cigarettes was purchased before July
2 19 1, 2008, in comparable quantity to the amount of inventory of
2 20 cigarettes purchased during the same period of the prior year.
2 21 3. This chapter shall not be construed to prohibit any
2 22 person from selling or offering for sale cigarettes that have
2 23 not been certified by the manufacturer in accordance with
2 24 section 101B.5 if the cigarettes are or will be stamped for
2 25 sale in another state or are packaged for sale outside the
2 26 United States.
2 27 4. The department of public safety shall administer this
2 28 chapter and may adopt rules pursuant to chapter 17A to
2 29 administer this chapter.
2 30 Sec. 4. NEW SECTION. 101B.4 TEST METHOD == PERFORMANCE
2 31 STANDARD == TEST DATA.
2 32 1. a. Testing of cigarettes shall be conducted in
2 33 accordance with ASTM (American society for testing and
2 34 materials) international standard E2187=04, standard test
2 35 method for measuring the ignition strength of cigarettes.



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3 1 b. The department may adopt a subsequent ASTM standard
3 2 test method for measuring the ignition strength of cigarettes
3 3 upon a finding that the subsequent method does not result in a
3 4 change in the percentage of full-length burns exhibited by any
3 5 tested cigarette when compared to the percentage of
3 6 full-length burns the same cigarette would exhibit when tested
3 7 in accordance with ASTM international standard E2187=04 and
3 8 the performance standard in this section.

3 9 2. Testing shall be conducted on ten layers of filter
3 10 paper.

3 11 3. The performance standard shall require that no more
3 12 than twenty-five percent of the cigarettes tested in a test
3 13 trial shall exhibit full-length burns.

3 14 4. Forty replicate tests shall comprise a complete test
3 15 trial for each cigarette tested.

3 16 5. The performance standard required by this section shall
3 17 only be applied to a complete test trial.

3 18 6. a. Testing shall be conducted by a laboratory that has
3 19 been accredited pursuant to international organization for
3 20 standardization/international electrotechnical commission
3 21 standard 17025 or other comparable accreditation standard
3 22 required by the state fire marshal.

3 23 b. Laboratories conducting testing in accordance with this
3 24 section shall implement a quality control and quality
3 25 assurance program that includes a procedure that will
3 26 determine the repeatability of the testing results. The
3 27 testing repeatability shall be no greater than nineteen
3 28 one-hundredths.

3 29 7. This section shall not require additional testing if
3 30 cigarettes are tested consistent with this chapter for any
3 31 other purpose.

3 32 8. Each cigarette listed in a certification submitted in
3 33 accordance with section 101B.5 that uses lowered permeability
3 34 bands in the cigarette paper to achieve compliance with the
3 35 performance standard pursuant to this section, shall have at



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4 1 least two nominally identical bands on the paper surrounding
4 2 the tobacco column. At least one complete band shall be
4 3 located at least fifteen millimeters from the lighting end of
4 4 the cigarette. For cigarettes on which the bands are
4 5 positioned by design, there shall be at least two bands fully
4 6 located at least fifteen millimeters from the lighting end and
4 7 either ten millimeters from the filter end of the tobacco
4 8 column, or ten millimeters from the labeled end of the tobacco
4 9 column for nonfiltered cigarettes.

4 10 9. a. The manufacturer of a cigarette that the department
4 11 determines cannot be tested in accordance with the test method
4 12 prescribed in this section shall propose a test method and
4 13 performance standard for the cigarette to the department.
4 14 Upon approval of the proposed test method and a determination
4 15 by the department that the performance standard proposed by
4 16 the manufacturer is equivalent to the performance standard
4 17 prescribed in this section, the manufacturer may employ the
4 18 test method and performance standard to certify the cigarette
4 19 in accordance with section 101B.5.

4 20 b. If the department determines that another state has
4 21 enacted reduced cigarette ignition propensity standards that
4 22 include a test method and performance standard that are the
4 23 same as those contained in this chapter and the department
4 24 finds that the officials responsible for implementing those
4 25 requirements have approved the proposed alternative test
4 26 method and performance standard for a particular cigarette
4 27 proposed by a manufacturer as meeting the fire safety
4 28 standards of that state's law or regulation under a legal
4 29 provision comparable to this subsection, the department shall
4 30 authorize that manufacturer to employ the alternative test
4 31 method and performance standard to certify that cigarette for
4 32 sale in this state, unless the department demonstrates a
4 33 reasonable basis why the alternative test should not be
4 34 accepted under this chapter. All other applicable
4 35 requirements of this chapter shall apply to the manufacturer.



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5 1 10. Data from testing conducted by a manufacturer to
5 2 comply with this section shall be maintained on file by the
5 3 manufacturer for a period of three years and shall be sent to
5 4 the department upon request and to the office of the attorney
5 5 general upon request.

5 6 Sec. 5. NEW SECTION. 101B.5 CERTIFICATION.

5 7 1. Each manufacturer shall submit a written certification
5 8 to the department attesting to all of the following:

5 9 a. Each cigarette listed in the certification has been
5 10 tested in accordance with section 101B.4.

5 11 b. Each cigarette listed in the certification meets the
5 12 performance standard pursuant to section 101B.4.

5 13 2. Each cigarette listed in the certification shall be
5 14 described with the following information:

5 15 a. The brand or trade name on the package.

5 16 b. The style of cigarette.

5 17 c. The length of the cigarette in millimeters.

5 18 d. The circumference of the cigarette in millimeters.

5 19 e. The flavor of the cigarette, if applicable.

5 20 f. Whether the cigarette is filtered or nonfiltered.

5 21 g. The type of cigarette package.

5 22 h. The marking approved in accordance with section 101B.7.

5 23 i. The name, address, and telephone number of the
5 24 laboratory, if different than the manufacturer, that conducted
5 25 the test.

5 26 j. The date the testing was performed.

5 27 3. Each cigarette certified under this section shall be
5 28 recertified every three years.

5 29 4. The manufacturer shall, upon request, make a copy of
5 30 the written certification available to the office of the
5 31 attorney general and the department of revenue for purposes of
5 32 ensuring compliance with this chapter.

5 33 5. For each cigarette listed in a certification, a
5 34 manufacturer shall pay a fee of two hundred fifty dollars to
5 35 the department.



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6 1 Sec. 6. NEW SECTION. 101B.6 NOTIFICATION OF
6 2 CERTIFICATION.

6 3 1. A manufacturer certifying cigarettes in accordance with
6 4 section 101B.5 shall provide a copy of the certification to
6 5 all wholesalers and agents to whom the manufacturer sells
6 6 cigarettes, and shall also provide sufficient copies of an
6 7 illustration of the cigarette packaging marking used by the
6 8 manufacturer in accordance with section 101B.7 for each
6 9 retailer to whom the wholesalers or agents sell cigarettes.

6 10 2. A wholesaler or agent shall provide a copy of the
6 11 cigarette packaging markings received from a manufacturer to
6 12 all retailers to whom the wholesaler or agent sells
6 13 cigarettes. A wholesaler, agent, or retailer shall permit the
6 14 state fire marshal, department of revenue, or the office of
6 15 the attorney general to inspect markings of cigarette
6 16 packaging marked in accordance with section 101B.7.

6 17 Sec. 7. NEW SECTION. 101B.7 MARKING OF CIGARETTE
6 18 PACKAGING.

6 19 1. Cigarettes that have been certified by a manufacturer
6 20 in accordance with section 101B.5 shall be marked to indicate
6 21 compliance with the requirements of this chapter. The marking
6 22 shall be in eight point type or larger and consist of one of
6 23 the following:

6 24 a. Modification of the product's universal product code to
6 25 include a visible mark printed at or around the area of the
6 26 universal product code. The mark may consist of an
6 27 alphanumeric or symbolic character or characters permanently
6 28 stamped, engraved, embossed, or printed in conjunction with
6 29 the universal product code.

6 30 b. Any visible alphanumeric or symbolic character or
6 31 combination of alphanumeric or symbolic characters permanently
6 32 stamped, engraved, or embossed upon the cigarette package or
6 33 cellophane wrap.

6 34 c. Printed, stamped, engraved, or embossed text that
6 35 indicates that the cigarettes meet the standards of this



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7 1 chapter.

7 2 2. A manufacturer shall use only one marking, and shall
7 3 apply the marking uniformly for all packages including but not
7 4 limited to packs, cartons, and cases and to brands marketed by
7 5 that manufacturer.

7 6 3. The manufacturer shall notify the department of the
7 7 marking selected.

7 8 4. Prior to the certification of any cigarette, a
7 9 manufacturer shall present its proposed marking to the
7 10 department for approval. Upon receipt of the request, the
7 11 department shall approve or disapprove the marking offered. A
7 12 marking in use and approved for the sale of cigarettes in the
7 13 state of New York shall be deemed approved. A proposed
7 14 marking shall be deemed approved if the department fails to
7 15 act within ten business days of receiving a request for
7 16 approval.

7 17 5. A manufacturer shall not modify its approved marking
7 18 until the modification has been approved by the department in
7 19 accordance with this section.

7 20 Sec. 8. NEW SECTION. 101B.8 PENALTIES == ENFORCEMENT.

7 21 1. A manufacturer, wholesaler, agent, or other person who
7 22 knowingly sells cigarettes at wholesale in violation of
7 23 section 101B.3 is subject to the following:

7 24 a. For a first offense, a civil penalty not to exceed five
7 25 thousand dollars for each sale of the cigarettes.

7 26 b. For each subsequent offense, a civil penalty not to
7 27 exceed ten thousand dollars for each sale of the cigarettes,
7 28 provided that the total penalty assessed against any such
7 29 person shall not exceed fifty thousand dollars in any
7 30 thirty-day period.

7 31 2. A retailer who knowingly sells cigarettes in violation
7 32 of section 101B.3, is subject to the following:

7 33 a. For a first offense, a civil penalty not to exceed five
7 34 hundred dollars for each sale or offer for sale of the
7 35 cigarettes, and for each subsequent offense a civil penalty



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8 1 not to exceed two thousand dollars for each sale or offer for
8 2 sale of the cigarettes, provided that the total number of
8 3 cigarettes sold or offered for sale in such sale does not
8 4 exceed one thousand cigarettes.

8 5 b. For a first offense, a civil penalty not to exceed one
8 6 thousand dollars for each sale or offer for sale of the
8 7 cigarettes, and for each subsequent offense a civil penalty
8 8 not to exceed five thousand dollars for each sale or offer for
8 9 sale of the cigarettes, provided that the total number of
8 10 cigarettes sold or offered for sale in such sale exceeds one
8 11 thousand cigarettes, and provided that the penalty against the
8 12 retailer does not exceed twenty-five thousand dollars in any
8 13 thirty-day period.

8 14 3. A manufacturer who fails to maintain test data or who
8 15 fails to send the test data to the department of public safety
8 16 or the office of the attorney general within sixty days of
8 17 receiving a written request pursuant to section 101B.4, is
8 18 subject to a civil penalty not to exceed ten thousand dollars
8 19 for each day beyond the sixtieth day that the manufacturer
8 20 fails to provide the test data.

8 21 4. In addition to any penalty prescribed by law, any
8 22 corporation, partnership, sole proprietorship, limited
8 23 partnership, or association engaged in the manufacture of
8 24 cigarettes that knowingly makes a false certification pursuant
8 25 to section 101B.5 is subject to the following:

8 26 a. For a first offense, a civil penalty of at least
8 27 twenty-five thousand dollars.

8 28 b. For a second or subsequent offense, a civil penalty not
8 29 to exceed one hundred thousand dollars for each false
8 30 certification.

8 31 5. Any person violating any other provision of this
8 32 chapter is subject to the following:

8 33 a. For a first offense, a civil penalty not to exceed one
8 34 thousand dollars.

8 35 b. For a second or subsequent offense, a civil penalty not
9 1 to exceed five thousand dollars for each violation.

9 2 6. Any cigarettes that have been sold or offered for sale
9 3 that do not comply with the performance standard required
9 4 pursuant to section 101B.4 shall be subject to forfeiture.
9 5 However, prior to the destruction of any cigarettes seized,
9 6 the holder of the trademark rights in the cigarette brand
9 7 shall be permitted to inspect the cigarettes.

9 8 7. In addition to any other remedy provided by law, the
9 9 department of public safety or the office of the attorney
9 10 general may file an action in district court for a violation
9 11 of this chapter, including petitioning for injunctive relief
9 12 or to recover any costs or damages suffered by the state
9 13 because of a violation of this chapter, including enforcement
9 14 costs relating to the specific violation and attorney fees.
9 15 Each violation of the chapter or of rules adopted under this
9 16 chapter constitutes a separate civil violation for which the
9 17 department of public safety or the office of the attorney
9 18 general may seek relief.

9 19 8. The department of revenue in the regular course of
9 20 conducting inspections of a wholesaler, agent, or retailer may
9 21 inspect cigarettes in the possession or control of the



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9 22 wholesaler, agent, or retailer or on the premises of any
9 23 wholesaler, agent, or retailer to determine if the cigarettes
9 24 are marked as required pursuant to section 101B.7. If the
9 25 cigarettes are not marked as required, the department of
9 26 revenue shall notify the department of public safety.
9 27 9. To enforce the provisions of this chapter, the
9 28 department of public safety and the office of the attorney
9 29 general may examine the books, papers, invoices, and other
9 30 records of any person in possession, control, or occupancy of
9 31 any premises where cigarettes are placed, sold, or offered for
9 32 sale, including the stock of cigarettes on the premises.
9 33 Sec. 9. NEW SECTION. 101B.9 CIGARETTE FIRE SAFETY
9 34 STANDARD FUND.
9 35 A cigarette fire safety standard fund is created as a



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10 1 special fund in the state treasury under the control of the
10 2 department of public safety. The fund shall consist of all
10 3 moneys recovered from the assessment of civil penalties or
10 4 certification fees under this chapter. The moneys in the fund
10 5 shall, in addition to any moneys made available for such
10 6 purpose, be available, subject to appropriation, to the
10 7 department of public safety for the purpose of fire safety and
10 8 prevention programs, including for entry level fire fighter
10 9 training, equipment, and operations.

10 10 Sec. 10. NEW SECTION. 101B.10 APPLICABILITY.

10 11 This chapter shall cease to be applicable if federal fire
10 12 safety standards for cigarettes that preempt this chapter are
10 13 enacted and take effect subsequent to July 1, 2008, and the
10 14 state fire marshal shall notify the secretary of state and the
10 15 Code editor if such federal fire safety standards for
10 16 cigarettes are enacted.

10 17 EXPLANATION

10 18 This bill relates to cigarette fire safety standards.
10 19 Beginning July 1, 2008, the bill prohibits cigarettes from
10 20 being sold or offered for sale in the state unless: (1) The
10 21 cigarettes have been tested in accordance with the test method
10 22 prescribed in the bill; (2) the cigarettes meet the
10 23 performance standard specified in the bill; and (3) a written
10 24 certification has been filed by the manufacturer with the
10 25 department of public safety in accordance with the bill. A
10 26 wholesaler or retailer who has inventory of cigarettes
10 27 existing prior to July 1, 2008, is not prohibited from selling
10 28 the cigarettes if the wholesaler or retailer affixed tax
10 29 stamps to the cigarettes on inventory pursuant to Code section
10 30 453A.10 before July 1, 2008, and the inventory of cigarettes
10 31 was purchased before July 1, 2008, in comparable quantity to
10 32 the amount of inventory of cigarettes purchased during the
10 33 same period of the prior year. A person may also sell or
10 34 offer for sale cigarettes that have not been certified by the
10 35 manufacturer in accordance with the chapter if the cigarettes



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11 1 are or will be stamped for sale in another state or are
11 2 packaged for sale outside the United States.
11 3 The bill establishes a test method and performance standard
11 4 for cigarettes, requires maintenance on file of the test data
11 5 by the manufacturer for a period of three years, requires each
11 6 manufacturer to submit a written certification attesting to
11 7 certain details regarding the manufacturer's cigarettes,
11 8 requires a manufacturer certifying cigarettes to provide a
11 9 copy of any certification to all wholesalers and agents to
11 10 whom the manufacturer sells cigarettes and to provide
11 11 sufficient copies of an illustration of the cigarette
11 12 packaging marking used by the manufacturer for each retailer
11 13 to whom the wholesalers or agents sell cigarettes, requires a
11 14 wholesaler or agent to provide a copy of the cigarette
11 15 packaging markings received from a manufacturer to all
11 16 retailers to whom the wholesaler or agent sells cigarettes,
11 17 and requires that cigarettes certified by a manufacturer be
11 18 marked to indicate compliance with the requirements of the
11 19 bill.

11 20 The bill provides civil penalties for violations of the
11 21 bill and creates a cigarette fire safety standard fund as a
11 22 special fund in the state treasury. The fund consists of all
11 23 moneys recovered from the assessment of civil penalties
11 24 authorized under the bill and certification fees collected
11 25 pursuant to the bill and the moneys in the fund are to be made
11 26 available, subject to appropriation, to the department of
11 27 public safety for the purpose of fire safety and prevention
11 28 programs including for entry level fire fighter training,
11 29 equipment, and operations.

11 30 The bill directs the department of public safety to
11 31 administer the bill and provides that the provisions of the
11 32 bill cease to be applicable if federal fire safety standards
11 33 for cigarettes that preempt the bill are enacted and take
11 34 effect subsequent to July 1, 2008, and the department of
11 35 public safety is directed to notify the secretary of state and



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12 1 the Code editor if such federal fire safety standards for
12 2 cigarettes are enacted.
12 3 LSB 1646XC 82
12 4 pf:nh/je/5