



**Iowa General Assembly**  
**Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis**  
**January 25, 2007**

**House File 118 - Introduced**

HOUSE FILE

BY DANDEKAR, PETTENGILL, PETERSEN, WISE,  
 BAILEY, JACOBY, OLDSON, HEDDENS,  
 D. OLSON, SHOMSHOR, WENTHE, KELLEY,  
 MERTZ, GAYMAN, STAED, ABDUL=SAMAD,  
 BERRY, PALMER, T. OLSON, HUSER,  
 WHITAKER, BUKTA, FREVERT, D. TAYLOR,  
 KRESSIG, H. MILLER, REICHERT, LYKAM,  
 GASKILL, WHITEAD, WENDT, KUHN,  
 T. TAYLOR, QUIRK, REASONER, LENSING,  
 WESSEL=KROESCHELL, WINCKLER, HUNTER,  
 SWAIM, THOMAS, FOEGE, R. OLSON,  
 MASCHER, and SCHUELLER

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

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

**A BILL FOR**

- 1 An Act relating to dependent adults and at-risk older adults.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1158YH 82
- 4 rh/sh/8



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1 1 Section 1. Section 231.56A, subsection 2, paragraph a,  
1 2 Code 2007, is amended to read as follows:

1 3 a. Is the subject of a report of suspected dependent adult  
1 4 abuse or is an at-risk older adult pursuant to chapter 235B.

1 5 Sec. 2. Section 235B.1, subsection 1, Code 2007, is  
1 6 amended to read as follows:

1 7 1. The establishment of local or regional  
1 8 multidisciplinary teams to assist in assessing the needs of,  
1 9 formulating and monitoring a treatment plan for, and  
1 10 coordinating services to victims of dependent adult abuse and  
1 11 at-risk older adults. The membership of a team shall include

1 12 individuals who possess knowledge and skills related to the  
1 13 diagnosis, assessment, and disposition of dependent adult  
1 14 abuse cases and who are professionals practicing in the  
1 15 disciplines of medicine, public health, mental health, social  
1 16 work, law, law enforcement, or other disciplines relative to  
1 17 dependent adults or at-risk older adults. Members of a team  
1 18 shall include, but are not limited to, persons representing  
1 19 the area agencies on aging, county attorneys, health care  
1 20 providers, and other persons involved in advocating or  
1 21 providing services to dependent adults.

1 22 Sec. 3. Section 235B.2, Code 2007, is amended by adding  
1 23 the following new subsections:

1 24 NEW SUBSECTION. 0A. "At-risk older adult" means a person  
1 25 sixty years of age or older who is not able or willing to  
1 26 maintain the person's life or health, or who is otherwise  
1 27 unable to maintain a safe and independent living arrangement.

1 28 NEW SUBSECTION. 12A. "Self-denial of critical care" means  
1 29 living without the minimum food, shelter, clothing,  
1 30 supervision, physical or mental health care, or other care  
1 31 necessary to maintain a dependent adult's or at-risk older  
1 32 adult's life or health as a result of the acts or omissions of  
1 33 the dependent adult or at-risk older adult.

1 34 Sec. 4. NEW SECTION. 235B.3B AT=RISK OLDER ADULTS.

1 35 A person identified as an at-risk older adult who is not a



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2 1 dependent adult shall be referred, where available, to a local  
2 2 area agency on aging for evaluation under the elder abuse  
2 3 initiative, emergency shelter, and support services projects  
2 4 authorized pursuant to section 231.56A. If an elder abuse  
2 5 initiative, emergency shelter, and support services project is  
2 6 not available, a referral shall be made to a multidisciplinary  
2 7 team established pursuant to section 235B.1. If there is no  
2 8 active multidisciplinary team available, a referral shall be  
2 9 made to any available local provider of aging services.

2 10 Sec. 5. Section 235B.19, subsection 7, unnumbered  
2 11 paragraph 1, Code 2007, is amended to read as follows:

2 12 Upon a finding of probable cause to believe that dependent  
2 13 adult abuse has occurred and is either ongoing or is likely to  
2 14 reoccur, the court may also enter orders as may be appropriate  
2 15 to third persons enjoining them from specific conduct. The  
2 16 orders may include temporary restraining orders which impose  
2 17 criminal sanctions if violated. In instances of self-denial  
2 18 of critical care, the court may enter temporary orders  
2 19 authorizing the provision of support services in the least  
2 20 restrictive environment for the adult. Temporary orders  
2 21 entered pursuant to this subsection shall remain in effect for  
2 22 a period of thirty days from the date of entry unless extended  
2 23 for good cause. The court may enjoin third persons from any  
2 24 of the following:

2 25 EXPLANATION

2 26 This bill relates to dependent adults and at-risk older  
2 27 adults.

2 28 The bill provides that the target population of elder abuse  
2 29 initiative, emergency shelter, and support services projects  
2 30 authorized by the department of elder affairs shall include  
2 31 at-risk older adults. "At-risk older adult" is defined as a  
2 32 person 60 years of age or older who is not able or willing to  
2 33 maintain the person's life or health, or who is otherwise  
2 34 unable to maintain a safe and independent living arrangement.

2 35 The bill also provides that a person identified as an at=



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3 1 risk older adult who is not a dependent adult as defined in  
3 2 Code section 235B.2 shall be referred, where available, to a  
3 3 local area agency on aging for evaluation under the elder  
3 4 abuse initiative, emergency shelter, and support services  
3 5 projects. If an elder abuse initiative project is not  
3 6 available, a referral shall be made to a multidisciplinary  
3 7 team established pursuant to Code section 235B.1. If there is  
3 8 no active multidisciplinary team available, a referral shall  
3 9 be made to any available local provider of aging services.  
3 10 The bill further provides that in instances of self-denial  
3 11 of critical care, the court may enter a temporary order  
3 12 authorizing the provision of support services in the least  
3 13 restrictive environment for the adult. Such an order shall  
3 14 remain in effect for 30 days unless extended for good cause.  
3 15 "Self-denial of critical care" means living without the  
3 16 minimum food, shelter, clothing, supervision, physical or  
3 17 mental health care, or other care necessary to maintain a  
3 18 dependent adult's or at-risk older adult's life or health as a  
3 19 result of the acts or omissions of the dependent adult or  
3 20 at-risk older adult.  
3 21 LSB 1158YH 82  
3 22 rh:nh/sh/8.1



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House File 119

HOUSE FILE  
BY TYMESON

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

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

**A BILL FOR**

- 1 An Act requiring the board of directors of a school district to
- 2 adopt a parent and guardian involvement policy.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1928HH 82
- 5 kh/je/5



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1 1 Section 1. NEW SECTION. 279.65 PARENT AND GUARDIAN  
1 2 INVOLVEMENT POLICY.  
1 3 1. The board of directors of each school district shall  
1 4 adopt a parent and guardian involvement policy that meets, at  
1 5 a minimum, the following criteria:  
1 6 a. Ensures that communication between home and school is  
1 7 regular, two-way, and meaningful.  
1 8 b. Promotes and supports parenting skills.  
1 9 c. Recognizes and supports the integral role parents and  
1 10 guardians play in assisting student learning.  
1 11 d. Welcomes parents and guardians in school and seeks  
1 12 their support and assistance.  
1 13 e. Makes parents and guardians full partners in the  
1 14 decisions that affect children and families.  
1 15 f. Utilizes community collaborations productively and  
1 16 community resources prolifically to strengthen schools,  
1 17 families, and student learning.  
1 18 2. The policy adopted pursuant to subsection 1 shall be  
1 19 published in the student handbook and, if the school district  
1 20 or its attendance centers maintain a website, on the school  
1 21 district or attendance center website.

1 22 EXPLANATION

1 23 This bill requires the board of directors of each school  
1 24 district to adopt a parent and guardian involvement policy  
1 25 that, at a minimum, does all of the following: ensures that  
1 26 communication between home and school is regular, two-way, and  
1 27 meaningful; promotes and supports parenting skills; recognizes  
1 28 and supports the integral role parents and guardians play in  
1 29 assisting student learning; welcomes parents and guardians in  
1 30 school and seeks their support and assistance; makes parents  
1 31 and guardians full partners in the decisions that affect  
1 32 children and families; and utilizes community collaborations  
1 33 productively and community resources prolifically to  
1 34 strengthen schools, families, and student learning. The  
1 35 school district must publish the policy in the student



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- 2 1 handbook and on websites maintained by the school district or
- 2 2 its attendance centers.
- 2 3 LSB 1928HH 82
- 2 4 kh:nh/je/5



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# House File 120 - Introduced

HOUSE FILE  
BY BAUDLER

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

**A BILL FOR**

- 1 An Act relating to the issuance of permits to carry weapons.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1938HH 82
- 4 rh/es/88



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1 1 Section 1. Section 724.7, Code 2007, is amended to read as  
1 2 follows:

1 3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 4 Any person who can reasonably justify going armed may be  
1 5 issued a nonprofessional permit to carry weapons. Such  
1 6 permits shall be on a form prescribed and published by the  
1 7 commissioner of public safety, which shall be readily  
1 8 distinguishable from the professional permit, and shall  
1 9 identify the holder thereof, and state the reason for the  
1 10 issuance of the permit, and the limits of the authority  
1 11 granted by such permit. All permits so issued shall be for a  
1 12 definite period ~~as established by the issuing officer, but in~~  
~~1 13 no event shall exceed a period of twelve months of three~~  
1 14 years.

1 15 Sec. 2. Section 724.9, Code 2007, is amended to read as  
1 16 follows:

1 17 724.9 ~~FIREARM~~ FIREARMS TRAINING ~~PROGRAM~~ PROGRAMS.

~~1 18 A training program to qualify persons in the safe use of~~  
~~1 19 firearms shall be provided by the issuing officer of permits,~~  
~~1 20 as provided in section 724.11.~~

1 21 1. The commissioner of public safety shall establish  
1 22 minimum standards for a training program designed to qualify  
1 23 persons in the safe use of firearms and shall include a course  
1 24 of instruction designed to qualify a person on a firing range.  
1 25 The program shall include at a minimum an eight-hour course of  
1 26 instruction. The course of instruction shall include the  
1 27 following topics:

1 28 a. Firearms safety in the classroom, at home, on the  
1 29 firing range, and while carrying the firearm.

1 30 b. A physical demonstration performed by the applicant  
1 31 that demonstrates the applicant's ability to safely load and  
1 32 unload a revolver and a semiautomatic pistol and the  
1 33 applicant's marksmanship.

1 34 c. The basic principles of marksmanship.

1 35 d. The law relating to firearms pursuant to this chapter.



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2 1 e. The law relating to the justifiable use of force  
2 2 pursuant to chapter 704.  
2 3 f. A live fire test administered to the applicant while in  
2 4 the presence of a qualified firearms safety instructor as  
2 5 defined in section 724.9B of twenty rounds from a standing  
2 6 position or its equivalent at a distance from a B=27  
2 7 silhouette target, or an equivalent target, of seven yards.  
2 8 2. The commissioner of public safety shall approve the  
2 9 training program, and the county sheriff or the commissioner  
2 10 of public safety conducting the training program within their  
2 11 respective jurisdictions may contract with a private  
2 12 organization or use the services of other agencies, or may use  
2 13 a combination of the two, to provide ~~such~~ a training program  
2 14 that meets the minimum standards specified in subsection 1.  
2 15 Any person eligible to be issued a permit to carry weapons may  
2 16 enroll in such course. A fee sufficient to cover the cost of  
2 17 the program may be charged to each person attending.  
2 18 Certificates of completion, on a form prescribed and published  
2 19 by the commissioner of public safety, shall be issued by a  
2 20 qualified firearms safety instructor subject to the  
2 21 restrictions of section 724.9A to each person who successfully  
2 22 completes the program. ~~No~~ A person shall not be issued either  
2 23 a professional or nonprofessional permit unless the person has  
2 24 received a certificate of completion or is a certified peace  
2 25 officer. ~~No~~ A peace officer or correctional officer, except a  
2 26 certified peace officer, shall not go armed with a pistol or  
2 27 revolver unless the officer has received a certificate of  
2 28 completion, provided that this requirement shall not apply ~~to~~  
~~2 29 persons who are employed in this state as peace officers on~~  
~~2 30 January 1, 1978 until July 1, 1978, or to peace officers of~~  
2 31 other jurisdictions exercising their legal duties within this  
2 32 state.  
2 33 Sec. 3. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.  
2 34 A qualified firearms safety instructor shall not issue a  
2 35 certificate of completion to an applicant for a permit to



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- 3 1 carry weapons who does any of the following:  
3 2 1. Fails to follow the orders of the qualified firearms  
3 3 safety instructor or the qualified firearms safety  
3 4 instructor's designee.  
3 5 2. Handles a firearm in a manner that, in the judgment of  
3 6 the qualified firearms safety instructor, poses a danger to  
3 7 the applicant or others.  
3 8 3. During the live fire testing portion of the training  
3 9 program, fails to hit the silhouette portion of the targets  
3 10 with at least eighteen rounds.  
3 11 Sec. 4. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY  
3 12 INSTRUCTOR.  
3 13 A firearms safety instructor shall be considered to be a  
3 14 qualified firearms safety instructor if the instructor has any  
3 15 of the following qualifications:  
3 16 1. Is a valid firearms safety instructor certified by the  
3 17 national rifle association holding a rating as a personal  
3 18 protection instructor or pistol marksmanship instructor.  
3 19 2. Submits a photocopy of a certificate of completion of a  
3 20 firearms safety instructor course offered by a local, state,  
3 21 or federal governmental agency.  
3 22 3. Submits a photocopy of a certificate of completion of a  
3 23 firearms safety instructor course approved by the department  
3 24 of public safety.  
3 25 4. Has successfully completed a firearms safety instructor  
3 26 course given by or under the supervision of any state, county,  
3 27 municipal, or federal law enforcement agency.  
3 28 5. Is a certified police officer firearms safety  
3 29 instructor.  
3 30 6. Is a certified law enforcement academy firearms safety  
3 31 instructor.  
3 32 Sec. 5. Section 724.11, Code 2007, is amended to read as  
3 33 follows:  
3 34 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.  
3 35 1. Applications for permits to carry weapons shall be made



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4 1 to the sheriff of the county in which the applicant resides.  
4 2 Applications from persons who are nonresidents of the state,  
4 3 or whose need to go armed arises out of employment by the  
4 4 state, shall be made to the commissioner of public safety. In  
4 5 either case, the issuance of the permit shall be by and at the  
4 6 discretion of the sheriff or commissioner, who shall, before  
4 7 issuing the permit, determine that the requirements of  
4 8 sections 724.6 to 724.10 have been satisfied. However, the  
4 9 training program requirements in section 724.9 ~~may~~ shall be  
4 10 waived for renewal permits. If the sheriff or the  
4 11 commissioner restricts or denies an application for a permit  
4 12 under this section, the sheriff or commissioner shall provide  
4 13 a written statement of the reasons for the restriction or  
4 14 denial.

4 15 2. The issuing officer shall collect a fee of ~~ten~~ thirty  
4 16 dollars, except from a duly appointed peace officer or  
4 17 correctional officer, for each permit issued. Renewal permits  
4 18 or duplicate permits shall be issued for a fee of five  
4 19 dollars. The issuing officer shall notify the commissioner of  
4 20 public safety of the issuance of any permit at least monthly  
4 21 and forward to the commissioner an amount equal to two dollars  
4 22 for each permit issued and one dollar for each renewal or  
4 23 duplicate permit issued. All such fees received by the  
4 24 commissioner shall be paid to the treasurer of state and  
4 25 deposited in the operating account of the department of public  
4 26 safety to offset the cost of administering this chapter. Any  
4 27 unspent balance as of June 30 of each year shall revert to the  
4 28 general fund as provided by section 8.33.

4 29 Sec. 6. NEW SECTION. 724.11A RECIPROCITY.

4 30 A person possessing a valid out-of-state permit to carry a  
4 31 weapon shall be entitled to the privileges and subject to the  
4 32 restrictions prescribed by this chapter provided the state  
4 33 that issued the license recognizes weapons permits issued in  
4 34 Iowa.

4 35 Sec. 7. NEW SECTION. 724.13A IMMUNITY.



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5 1 The sheriff or the commissioner of public safety shall not  
5 2 be liable for damages in any civil action arising from the  
5 3 alleged wrongful issuance, renewal, or failure to revoke a  
5 4 permit to carry weapons provided that the sheriff or the  
5 5 commissioner acted in good faith and without malice in  
5 6 carrying out the sheriff's or the commissioner's official  
5 7 duties.

5 8 EXPLANATION

5 9 This bill relates to the issuance of weapons permits.

5 10 The bill provides that a nonprofessional permit to carry  
5 11 weapons shall be issued for a three-year period and changes  
5 12 the fee for a permit to carry weapons from \$10 to \$30.  
5 13 Current law allows the permit to be issued for a period  
5 14 determined by the commissioner of public safety or the sheriff  
5 15 not to exceed one year.

5 16 The bill provides that if the sheriff or commissioner  
5 17 restricts or denies an application for a concealed weapons  
5 18 permit, the sheriff or commissioner shall provide a written  
5 19 statement of the reasons for the denial.

5 20 The bill amends current law relating to a firearms training  
5 21 program. The bill provides that the commissioner of public  
5 22 safety shall establish minimum firearms safety standards. The  
5 23 bill specifies that the commissioner of public safety shall  
5 24 establish certain minimum training standards relating to the  
5 25 qualifications of persons in the safe use of firearms and  
5 26 shall include a course of instruction designed to qualify a  
5 27 person on a firing range.

5 28 The bill provides that a qualified firearms safety  
5 29 instructor shall issue a certificate of completion to a person  
5 30 who successfully completes the training program, including  
5 31 certain specific requirements relating to live fire ammunition  
5 32 testing on a firing range. The bill specifically provides  
5 33 that a person who does not follow the orders of the qualified  
5 34 firearms safety instructor, handles a firearm in a manner that  
5 35 poses a danger to the applicant or others, or who, during the



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6 1 live fire testing portion of the training program, fails to  
6 2 hit the silhouette portion of the targets with at least 18  
6 3 rounds, shall not be issued a certificate of completion.  
6 4 Under the bill, an applicant for a permit to carry weapons  
6 5 shall not be issued a permit to carry weapons unless the  
6 6 applicant has received a certificate of completion or is a  
6 7 certified peace officer.

6 8 The bill defines a qualified firearms safety instructor as  
6 9 a person who meets any of the following qualifications:

6 10 1. Is a valid firearms safety instructor certified by the  
6 11 national rifle association holding a rating as a personal  
6 12 protection instructor or pistol marksmanship instructor.

6 13 2. Submits a photocopy of a certificate of completion of a  
6 14 firearms safety instructor course offered by a local, state,  
6 15 or federal governmental agency.

6 16 3. Submits a photocopy of a certificate of completion of a  
6 17 firearms safety instructor course approved by the department  
6 18 of public safety.

6 19 4. Has successfully completed a firearms safety instructor  
6 20 course given by or under the supervision of any state, county,  
6 21 municipal, or federal law enforcement agency.

6 22 5. Is a certified police officer firearms safety  
6 23 instructor.

6 24 6. Is a certified law enforcement academy firearms safety  
6 25 instructor.

6 26 The bill provides that a person possessing a valid out-of-  
6 27 state permit to carry a weapon shall be entitled to the  
6 28 privileges and subject to the restrictions prescribed by this  
6 29 chapter provided that the state that issued the license  
6 30 recognizes weapons permits issued in Iowa.

6 31 The bill provides that the sheriff or the commissioner of  
6 32 public safety shall not be liable for damages in any civil  
6 33 action arising from the alleged wrongful issuance, renewal, or  
6 34 failure to revoke a permit to carry weapons provided that the  
6 35 sheriff or commissioner acted in good faith and without malice



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7 1 in carrying out the sheriff's or commissioner's official  
7 2 duties.  
7 3 LSB 1938HH 82  
7 4 rh:rj/es/88



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House File 121

HOUSE FILE  
BY CHAMBERS, MERTZ, HUSEMAN,  
and ALONS

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

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

**A BILL FOR**

1 An Act relating to the operation of all-terrain vehicles in  
2 cities of a certain size, providing a fee, and making  
3 penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 1478YH 82  
6 dea/cf/24



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1 1 Section 1. Section 321.20B, subsection 6, Code 2007, is  
1 2 amended to read as follows:  
1 3 6. This section does not apply to a snowmobile or  
1 4 all-terrain vehicle, except an all-terrain vehicle operated as  
1 5 provided in section 321.234A, subsection 2, or to a motor  
1 6 vehicle identified in section 321.18, subsections 1 through 6,  
1 7 and subsection 8.  
1 8 Sec. 2. Section 321.109, subsection 1, paragraph a, Code  
1 9 2007, is amended to read as follows:  
1 10 a. The annual fee for all motor vehicles including  
1 11 vehicles designated by manufacturers as station wagons, and  
1 12 1993 and subsequent model years for multipurpose vehicles,  
1 13 except motor trucks, motor homes, ambulances, hearses,  
1 14 motorcycles, motorized bicycles, all-terrain vehicles, and  
1 15 1992 and older model years for multipurpose vehicles, shall be  
1 16 equal to one percent of the value as fixed by the department  
1 17 plus forty cents for each one hundred pounds or fraction  
1 18 thereof of weight of vehicle, as fixed by the department. The  
1 19 weight of a motor vehicle, fixed by the department for  
1 20 registration purposes, shall include the weight of a battery,  
1 21 heater, bumpers, spare tire, and wheel. Provided, however,  
1 22 that for any new vehicle purchased in this state by a  
1 23 nonresident for removal to the nonresident's state of  
1 24 residence the purchaser may make application to the county  
1 25 treasurer in the county of purchase for a transit plate for  
1 26 which a fee of ten dollars shall be paid. And provided,  
1 27 however, that for any used vehicle held by a registered dealer  
1 28 and not currently registered in this state, or for any vehicle  
1 29 held by an individual and currently registered in this state,  
1 30 when purchased in this state by a nonresident for removal to  
1 31 the nonresident's state of residence, the purchaser may make  
1 32 application to the county treasurer in the county of purchase  
1 33 for a transit plate for which a fee of three dollars shall be  
1 34 paid. The county treasurer shall issue a nontransferable  
1 35 certificate of registration for which no refund shall be



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2 1 allowed; and the transit plates shall be void thirty days  
2 2 after issuance. Such purchaser may apply for a certificate of  
2 3 title by surrendering the manufacturer's or importer's  
2 4 certificate or certificate of title, duly assigned as provided  
2 5 in this chapter. In this event, the treasurer in the county  
2 6 of purchase shall, when satisfied with the genuineness and  
2 7 regularity of the application, and upon payment of a fee of  
2 8 ten dollars, issue a certificate of title in the name and  
2 9 address of the nonresident purchaser delivering the title to  
2 10 the owner. If there is a security interest noted on the  
2 11 title, the county treasurer shall mail to the secured party an  
2 12 acknowledgment of the notation of the security interest. The  
2 13 county treasurer shall not release a security interest that  
2 14 has been noted on a title issued to a nonresident purchaser as  
2 15 provided in this paragraph. The application requirements of  
2 16 section 321.20 apply to a title issued as provided in this  
2 17 subsection, except that a natural person who applies for a  
2 18 certificate of title shall provide either the person's social  
2 19 security number, passport number, or driver's license number,  
2 20 whether the license was issued by this state, another state,  
2 21 or another country. The provisions of this subsection  
2 22 relating to multipurpose vehicles are effective January 1,  
2 23 1993, for all 1993 and subsequent model years. The annual  
2 24 registration fee for multipurpose vehicles that are 1992 model  
2 25 years and older shall be in accordance with section 321.124.  
2 26 Sec. 3. Section 321.117, Code 2007, is amended to read as  
2 27 follows:  
2 28 321.117 MOTORCYCLE, ALL=TERRAIN VEHICLE, AMBULANCE, AND  
2 29 HEARSE FEES.  
2 30 For all motorcycles the annual registration fee shall be is  
2 31 twenty dollars. For all motorized bicycles the annual  
2 32 registration fee shall be is seven dollars. When ~~the a~~  
2 33 motorcycle is more than five model years old, the annual  
2 34 registration fee shall be is ten dollars. The annual  
2 35 registration fee for all=terrain vehicles operated under



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3 1 section 321.234A, subsection 2, is twenty dollars. The annual  
3 2 registration fee for ambulances and hearses ~~shall be~~ is fifty  
3 3 dollars. Passenger car plates shall be issued for ambulances  
3 4 and hearses.

3 5 Sec. 4. Section 321.166, subsection 1, unnumbered  
3 6 paragraph 1, Code 2007, is amended to read as follows:

3 7 Registration plates shall be of metal and of a size not to  
3 8 exceed six inches by twelve inches, except that the size of  
3 9 plates issued for use on all-terrain vehicles operated under  
3 10 section 321.234A, subsection 2, motorized bicycles,  
3 11 motorcycles, motorcycle trailers, and trailers with an empty  
3 12 weight of two thousand pounds or less shall be established by  
3 13 the department.

3 14 Sec. 5. Section 321.166, subsections 3 and 4, Code 2007,  
3 15 are amended to read as follows:

3 16 3. The registration plate number shall be displayed in  
3 17 characters which shall not exceed a height of four inches nor  
3 18 a stroke width exceeding five-eighths of an inch. Special  
3 19 plates issued to dealers shall display the alphabetical  
3 20 character "D", which shall be of the same size as the  
3 21 characters in the registration plate. The registration plate  
3 22 number issued for all-terrain vehicles operated under section  
3 23 321.234A, subsection 2, motorized bicycles, motorcycles,  
3 24 trailers with an empty weight of two thousand pounds or less,  
3 25 and motorcycle trailers shall be a size prescribed by the  
3 26 department.

3 27 4. The registration plate number, except on all-terrain  
3 28 vehicles operated under section 321.234A, subsection 2,  
3 29 motorized bicyele bicycles, motoreyele motorcycles, motorcycle  
3 30 trailer trailers, and trailers with an empty weight of two  
3 31 thousand pounds or less shall be of sufficient size to be  
3 32 readable from a distance of one hundred feet during daylight.

3 33 Sec. 6. Section 321.234A, Code 2007, is amended to read as  
3 34 follows:

3 35 321.234A ALL=TERRAIN VEHICLES == HIGHWAY USE == OPERATION



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House File 121 continued

4 1 IN CITIES.

4 2 1. ~~All-terrain vehicles~~ Except as provided in subsection  
4 3 2, an all-terrain vehicle shall not be operated on a highway

4 4 unless one or more of the following conditions apply:

4 5 a. The operation is between sunrise and sunset and is  
4 6 incidental to the vehicle's use for agricultural purposes.

4 7 b. The operation is incidental to the vehicle's use for  
4 8 the purpose of surveying by a licensed engineer or land  
4 9 surveyor.

4 10 c. The all-terrain vehicle is operated by an employee or  
4 11 agent of a political subdivision or public utility for the  
4 12 purpose of construction or maintenance on or adjacent to the  
4 13 highway.

4 14 d. The all-terrain vehicle is operated by an employee or  
4 15 agent of a public agency as defined in section 34.1 for the  
4 16 purpose of providing emergency services or rescue.

4 17 e. The all-terrain vehicle is operated for the purpose of  
4 18 mowing, installing approved trail signs, or providing  
4 19 maintenance on a snowmobile trail or all-terrain vehicle trail  
4 20 designated by the department of natural resources.

4 21 2. a. An all-terrain vehicle may be operated on a highway  
4 22 within a city with a population of six thousand or less that  
4 23 has authorized such operation pursuant to section 321.246,  
4 24 provided all of the following conditions are met:

4 25 (1) The all-terrain vehicle is registered as a motor  
4 26 vehicle under chapter 321 and bears the license plates  
4 27 required under section 321.166.

4 28 (2) The operator of the all-terrain vehicle is at least  
4 29 eighteen years of age and possesses a valid driver's license.

4 30 (3) The operator of the all-terrain vehicle is covered by  
4 31 an owner's policy of liability insurance or other financial  
4 32 liability coverage, as defined in section 321.1, in effect for  
4 33 the all-terrain vehicle being operated.

4 34 (4) The all-terrain vehicle is equipped with rear lamps  
4 35 and brake lights as described in sections 321.387 and 321.404,



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House File 121 continued

5 1 and if operating during the times specified in section  
5 2 321.384, with two headlamps as described in section 321.385.  
5 3 b. The motor vehicle laws and penalties applicable to  
5 4 operators of motor vehicles pursuant to this chapter apply to  
5 5 a person operating, on a public highway, an all-terrain  
5 6 vehicle registered as a motor vehicle, to the extent  
5 7 practicably applicable. A violation of a provision of this  
5 8 subsection not otherwise punishable under this chapter is  
5 9 punishable as a scheduled violation as provided in subsection  
5 10 5.  
5 11 c. Registration and operation of an all-terrain vehicle  
5 12 under this subsection does not constitute an exemption from  
5 13 the provisions of chapter 321I.  
5 14 ~~2.~~ 3. A person operating an all-terrain vehicle on a  
5 15 highway shall have a valid driver's license and the vehicle  
5 16 shall be operated at speeds of thirty-five miles per hour or  
5 17 less.  
5 18 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner  
5 19 of land adjacent to a highway, other than an interstate road,  
5 20 may be operated by the owner of the all-terrain vehicle, or by  
5 21 a member of the owner's family, on the portion of the highway  
5 22 right-of-way that is between the shoulder of the roadway, or  
5 23 at least five feet from the edge of the roadway, and the  
5 24 owner's property line.  
5 25 ~~4.~~ 5. A person convicted of a violation of this section  
5 26 is guilty of a simple misdemeanor punishable as a scheduled  
5 27 violation under section 805.8A, subsection 3, paragraph "f".  
5 28 Sec. 7. NEW SECTION. 321.246 ALL=TERRAIN VEHICLE  
5 29 OPERATION IN CITIES.  
5 30 A city with a population of six thousand or less may  
5 31 authorize and regulate the operation of all-terrain vehicles  
5 32 on streets and highways within the corporate limits of the  
5 33 city, subject to the provisions of section 321.234A,  
5 34 subsection 2.  
5 35 Sec. 8. Section 321I.9, unnumbered paragraph 1, Code 2007,



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6 1 is amended to read as follows:

6 2 Registration under this chapter shall not be required for  
6 3 the following described all-terrain vehicles:

6 4 EXPLANATION

6 5 This bill modifies the prohibition on operation of all-  
6 6 terrain vehicles on public highways by allowing a city with a  
6 7 population of 6,000 or less to authorize and regulate the  
6 8 operation of all-terrain vehicles within its corporate limits.  
6 9 The person operating an all-terrain vehicle in such a city  
6 10 must be at least 18 years of age and licensed as a motor  
6 11 vehicle driver. The operator must be covered by liability  
6 12 insurance or other financial liability coverage in effect for  
6 13 the vehicle being operated.

6 14 The all-terrain vehicle must be equipped with rear lamps  
6 15 and brake lights, and with two headlamps if conditions  
6 16 warrant. The vehicle is required to be registered as a motor  
6 17 vehicle under Code chapter 321. The all-terrain vehicle must  
6 18 display registration plates of a size and design to be  
6 19 established by the state department of transportation. The  
6 20 annual fee for registration of an all-terrain vehicle as a  
6 21 motor vehicle is \$20.

6 22 A person operating an all-terrain vehicle registered as a  
6 23 motor vehicle on city streets would be subject to the same  
6 24 laws and penalties, including scheduled fines, that apply to  
6 25 drivers of other motor vehicles, to the extent practicably  
6 26 applicable. A violation of a provision of law uniquely  
6 27 applicable to an all-terrain vehicle being operated as a motor  
6 28 vehicle, not otherwise punishable as a motor vehicle offense,  
6 29 would be a simple misdemeanor punishable by a scheduled fine  
6 30 of \$50.

6 31 Registration of an all-terrain vehicle for the purpose of  
6 32 operating it on city streets would not exempt the owner from  
6 33 the registration and regulation requirements administered by  
6 34 the department of natural resources.

6 35 LSB 1478YH 82



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7 1 dea:nh/cf/24.1



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House File 122

HOUSE FILE  
BY REICHERT

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

**A BILL FOR**

- 1 An Act relating to the annual adjustment of the personal needs
- 2 allowance for residents of certain facilities and providing an
- 3 effective date and for retroactive applicability.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1874HH 82
- 6 pf/je/5

PAG LIN



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House File 121 continued

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 COST OF LIVING ADJUSTMENT.

1 5 1. The personal needs allowance under the medical  
1 6 assistance program, which may be retained by a resident of a  
1 7 nursing facility, an intermediate care facility for persons  
1 8 with mental retardation, or an intermediate care facility for  
1 9 persons with mental illness, as defined in section 135C.1, or  
1 10 a resident of a psychiatric medical institution for children  
1 11 as defined in section 135H.1, shall be fifty dollars per  
1 12 month.

1 13 2. Beginning July 1, 2007, the personal needs allowance  
1 14 for the residents specified in subsection 1 shall be  
1 15 seventy-five dollars per month.

1 16 3. Beginning January 1, 2008, and each subsequent January  
1 17 1, the personal needs allowance for the residents specified in  
1 18 subsection 1 shall be increased in an amount which is based  
1 19 upon the most recent cost of living adjustment announced by  
1 20 the United States social security administration for the  
1 21 purpose of determining social security benefits.

1 22 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.  
1 23 This Act, being deemed of immediate importance, takes effect  
1 24 upon enactment and the portion of this Act relating to  
1 25 providing a personal needs allowance of fifty dollars to  
1 26 residents of certain facilities is retroactively applicable to  
1 27 July 1, 2006.

1 28 EXPLANATION

1 29 This bill provides that the personal needs allowance under  
1 30 the medical assistance program, which may be retained by a  
1 31 resident of a nursing facility, an intermediate care facility  
1 32 for persons with mental retardation, or an intermediate care  
1 33 facility for persons with mental illness, or a resident of a  
1 34 psychiatric medical institution for children, is \$75 and is to  
1 35 be increased annually on January 1, in an amount which is



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2 1 based upon the most recent cost of living adjustment announced  
2 2 by the federal social security administration for the purpose  
2 3 of determining social security benefits.  
2 4 The bill takes effect upon enactment and the provision in  
2 5 the bill relating to providing a personal needs allowance of  
2 6 \$50 to residents of certain facilities is retroactively  
2 7 applicable to July 1, 2006.  
2 8 LSB 1874HH 82  
2 9 pf:rj/je/5



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# House File 123 - Introduced

HOUSE FILE  
BY REICHERT

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

**A BILL FOR**

- 1 An Act relating to the sale of wild turkey bones and providing
- 2 penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1081HH 82
- 5 av/sh/8



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House File 123 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.55, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. Except as otherwise provided, a person shall not buy or  
1 4 sell, dead or alive, a bird or animal or any part of one which  
1 5 is protected by this chapter, but this section does not apply  
1 6 to fur-bearing animals, bones of wild turkeys that were  
1 7 legally taken, and the skins, plumage, and antlers of legally  
1 8 taken game. This section does not prohibit the purchase of  
1 9 jackrabbits from sources outside this state. A person shall  
1 10 not purchase, sell, barter, or offer to purchase, sell, or  
1 11 barter for millinery or ornamental use the feathers of  
1 12 migratory game birds; and a person shall not purchase, sell,  
1 13 barter, or offer to purchase, sell, or barter mounted  
1 14 specimens of migratory game birds.

1 15 EXPLANATION

1 16 This bill allows a person to buy or sell the bones of wild  
1 17 turkeys that were legally taken. A violation of this  
1 18 provision is punishable by a scheduled fine of \$50.

1 19 LSB 1081HH 82

1 20 av:nh/sh/8



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House File 124

HOUSE FILE  
BY WHITEAD, KAUFMANN, ALONS,  
LUKAN, MAY, QUIRK, THOMAS,  
and FORD

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

A BILL FOR

1 An Act creating a Vietnam Conflict veterans bonus for a certain  
2 period of active duty military service, making an  
3 appropriation, and providing a tax exemption and a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1196HT 82  
6 ec/gg/14



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House File 124 continued

PAG LIN

1 1 Section 1. Section 35A.8, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. a. The executive director shall  
1 4 provide for the administration of the bonus authorized in this  
1 5 subsection. The commission shall adopt rules, pursuant to  
1 6 chapter 17A, as necessary to administer this subsection  
1 7 including but not limited to application procedures,  
1 8 investigation, approval or disapproval, and payment of claims.

1 9 b. (1) A person who served on active duty for not less  
1 10 than one hundred twenty days in the armed forces of the United  
1 11 States at any time between July 1, 1973, and May 31, 1975,  
1 12 both dates inclusive, and who at the time of entering into  
1 13 active duty service was a legal resident of the state of Iowa,  
1 14 and who had maintained the person's residence in this state  
1 15 for a period of at least six months immediately before  
1 16 entering into active duty service, and was honorably  
1 17 discharged or separated from active duty service, or is still  
1 18 in active service in an honorable status, or has been retired,  
1 19 or has been furloughed to a reserve, or has been placed on  
1 20 inactive status is entitled to receive from moneys  
1 21 appropriated for that purpose the sum of seventeen dollars and  
1 22 fifty cents for each month that the person was on active duty  
1 23 service in the Vietnam service area, within the dates  
1 24 specified in this subparagraph, if the veteran earned either a  
1 25 Vietnam service medal or an armed forces expeditionary medal=  
1 26 Vietnam or can otherwise establish service in the Vietnam  
1 27 service area during that period. Compensation under this  
1 28 subparagraph shall not exceed a total sum of five hundred  
1 29 dollars. Compensation for a fraction of a month shall not be  
1 30 considered unless the fraction is sixteen days or more, in  
1 31 which case the fraction shall be computed as a full month.

1 32 (2) A person otherwise qualified under this paragraph "b"  
1 33 except that the person did not earn either a Vietnam service  
1 34 medal or an armed forces expeditionary medal=Vietnam, and did  
1 35 not serve in the Vietnam service area during the period



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2 1 between July 1, 1973, and May 31, 1975, both dates inclusive,  
2 2 is entitled to receive from moneys appropriated for that  
2 3 purpose the sum of twelve dollars and fifty cents for each  
2 4 month that the person was on active duty service, within the  
2 5 dates specified in subparagraph (1). Compensation under this  
2 6 subparagraph shall not exceed a total sum of three hundred  
2 7 dollars. Compensation for a fraction of a month shall not be  
2 8 considered unless the fraction is sixteen days or more, in  
2 9 which case the fraction shall be computed as a full month.

2 10 (3) A person is not entitled to compensation pursuant to  
2 11 this subsection if the person received a bonus or compensation  
2 12 similar to that provided in this subsection from another  
2 13 state.

2 14 (4) A person is not entitled to compensation pursuant to  
2 15 this subsection if the person was on active duty service after  
2 16 July 1, 1973, and the person refused on conscientious,  
2 17 political, religious, or other grounds, to be subject to  
2 18 military discipline.

2 19 (5) The surviving unremarried widow or widower, child or  
2 20 children, mother, father, or person standing in loco parentis,  
2 21 in the order named and none other, of any deceased person  
2 22 shall be paid the compensation that the deceased person would  
2 23 be entitled to pursuant to this subsection, if living.  
2 24 However, if any person has died or shall die, or is disabled,  
2 25 from service-connected causes incurred during the period and  
2 26 in the area from which the person is entitled to receive  
2 27 compensation pursuant to this subsection, the person or the  
2 28 first survivor as designated by this subparagraph, and in the  
2 29 order named, shall be paid five hundred dollars or three  
2 30 hundred dollars, whichever maximum amount would have applied  
2 31 pursuant to subparagraph (1) or (2), regardless of the length  
2 32 of service.

2 33 c. A person who knowingly makes a false statement relating  
2 34 to a material fact in supporting an application under this  
2 35 subsection is guilty of a serious misdemeanor. A person



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3 1 convicted pursuant to this subsection shall forfeit all  
3 2 benefits to which the person may have been entitled under this  
3 3 subsection.

3 4 d. All payments and allowances made under this subsection  
3 5 shall be exempt from taxation, levy, and sale on execution.

3 6 e. The bonus compensation authorized under this subsection  
3 7 shall be paid from moneys appropriated for that purpose.

3 8 f. A Vietnam Conflict veterans bonus fund is created in  
3 9 the state treasury. The Vietnam Conflict veterans bonus fund  
3 10 shall consist of all moneys appropriated to the fund to pay  
3 11 the bonus compensation authorized in this subsection.

3 12 Notwithstanding section 12C.7, interest or earnings on  
3 13 investments or time deposits of the moneys in the Vietnam  
3 14 Conflict veterans bonus fund shall be credited to the bonus  
3 15 fund. Section 8.33 does not apply to moneys appropriated to  
3 16 the Vietnam Conflict veterans bonus fund.

3 17 Sec. 2. VIETNAM CONFLICT VETERANS BONUS FUND  
3 18 APPROPRIATION. There is appropriated from the general fund of  
3 19 the state to the department of veterans affairs for the fiscal  
3 20 year beginning July 1, 2007, and ending June 30, 2008, the  
3 21 following amount, or so much thereof as is necessary, to be  
3 22 used for the purpose designated:

3 23 For deposit in the Vietnam Conflict veterans bonus fund:  
3 24 ..... \$ 500,000

EXPLANATION

3 26 This bill creates a Vietnam Conflict veterans bonus for  
3 27 persons who served on active duty in the United States armed  
3 28 forces from July 1, 1973, through May 31, 1975. Eligible  
3 29 persons may receive \$17.50 for each month that the person was  
3 30 on active duty in the Vietnam service area, within the dates  
3 31 specified, not to exceed a total sum of \$500. Persons who  
3 32 served on active duty during the specified period but not in  
3 33 the Vietnam service area may receive \$12.50 per month, not to  
3 34 exceed \$300. The bonus payments are exempt from taxation,  
3 35 levy, and execution. A criminal penalty is provided for a



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4 1 submission of a fraudulent application for the bonus. The  
4 2 bill also appropriates \$500,000 to the Vietnam Conflict  
4 3 veterans bonus fund created in the bill.  
4 4 LSB 1196HT 82  
4 5 ec:nh/gg/14



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House File 125

HOUSE FILE  
BY PETERSEN

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

**A BILL FOR**

- 1 An Act establishing billing and payment standards for child care
- 2 provided under the state child care assistance program
- 3 administered by the department of human services.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1159YH 82
- 6 jp/gg/14



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House File 125 continued

PAG LIN

1 1 Section 1. Section 237A.13, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 3A. The department's billing and payment  
1 4 provisions for the program shall allow providers to elect  
1 5 either biweekly or monthly billing and payment for child care  
1 6 provided under the program. Unless there is good cause, the  
1 7 department shall remit payment to a provider within ten  
1 8 business days of receiving a bill for services provided.

1 9 EXPLANATION

1 10 This bill establishes billing and payment standards for  
1 11 child care provided through the state child care assistance  
1 12 program administered by the department of human services under  
1 13 Code section 237A.13. That Code section is amended to allow  
1 14 service providers under the program to elect to have billing  
1 15 and payment on either a biweekly or monthly basis. In  
1 16 addition, unless there is good cause, the department is  
1 17 required to remit payment to a provider within 10 days of  
1 18 receiving a bill for services provided.

1 19 LSB 1159YH 82

1 20 jp:sc/gg/14



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**House File 126 - Introduced**

HOUSE FILE  
BY QUIRK

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

**A BILL FOR**

- 1 An Act relating to examination requirements for dental
- 2 assistants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1723HH 82
- 5 jr/gg/14



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House File 126 - Introduced continued

PAG LIN

1 1 Section 1. Section 153.39, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. A person shall be registered upon the successful  
1 4 completion of education and examination requirements pursuant  
1 5 to paragraph "a" or "b". Education requirements shall be  
1 6 determined by the board by rule, according to standards to be  
1 7 determined by the board.  
1 8 a. Successful completion of a course of study and  
1 9 examination approved by the board and sponsored by a  
1 10 board-approved postsecondary school.  
1 11 b. Successful completion of on=the=job training and  
1 12 examination consisting of all of the following:  
1 13 (1) Completion of on=the=job training as specified in  
1 14 rule.  
1 15 (2) Successful completion of an examination process  
1 16 approved by the board which, at the request of the supervising  
1 17 dentist, shall be administered and certified by the  
1 18 supervising dentist at the dentist's office. A written  
1 19 examination may be waived by the board pursuant to section  
1 20 17A.9A, in practice situations where the written examination  
1 21 is deemed to be unnecessary or detrimental to the dentist's  
1 22 practice.  
1 23 The education requirements in paragraphs "a" and "b" may  
1 24 include possession of a valid certificate in a nationally  
1 25 recognized course in cardiopulmonary resuscitation.  
1 26 Successful passage of an examination administered by the board  
1 27 or the supervising dentist under paragraph "a" or "b", which  
1 28 shall include sections regarding infection control, hazardous  
1 29 materials, and jurisprudence, shall also be required. The  
1 30 board shall establish continuing education requirements as a  
1 31 condition of renewing registration as a registered dental  
1 32 assistant, as well as standards for the suspension or  
1 33 revocation of registration.

1 34 EXPLANATION

1 35 Under current law a dental assistant must pass an



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2 1 examination administered by the board of dental examiners  
2 2 prior to registration. This bill provides that a supervising  
2 3 dentist, upon request, may administer and certify an  
2 4 examination for a dental assistant trained on the job.  
2 5 LSB 1723HH 82  
2 6 jr:nh/gg/14



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# House File 127 - Introduced

HOUSE FILE  
BY TYMESON

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

**A BILL FOR**

1 An Act requiring that public schools and accredited nonpublic  
2 schools cause the pledge of allegiance to be recited at the  
3 beginning of each school day.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1845YH 82  
6 kh/cf/24



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House File 127 - Introduced continued

PAG LIN

1 1 Section 1. Section 280.5, Code 2007, is amended to read as  
 1 2 follows:

1 3 280.5 DISPLAY OF UNITED STATES FLAG AND IOWA STATE FLAG ==  
 1 4 RECITATION OF PLEDGE OF ALLEGIANCE.

1 5 1. The board of directors of each public school district  
 1 6 and the authorities in charge of each nonpublic school shall  
 1 7 provide and maintain a suitable flagstaff on each school site  
 1 8 under its control, and the United States flag and the Iowa  
 1 9 state flag shall be raised on all school days when weather  
 1 10 conditions are suitable.

1 11 2. The board of directors of each public school and the  
 1 12 authorities in charge of each nonpublic school shall cause the  
 1 13 pledge of allegiance to be recited at the beginning of each  
 1 14 school day. Persons reciting the pledge of allegiance shall  
 1 15 stand holding their right hand over their heart. A student  
 1 16 shall not be compelled, against the student's objections or  
 1 17 those of the student's parent or guardian, to recite the  
 1 18 pledge of allegiance, but shall be required to maintain a  
 1 19 respectful silence. A nonpublic school is exempt from this  
 1 20 requirement if the authorities in charge of a nonpublic school  
 1 21 determine that this requirement conflicts with the school's  
 1 22 religious doctrines.

EXPLANATION

1 23 This bill requires the board of directors of each public  
 1 24 school and the authorities in charge of each accredited  
 1 25 nonpublic school to cause the pledge of allegiance to be  
 1 26 recited at the beginning of each school day. Persons reciting  
 1 27 the pledge of allegiance must stand holding their right hand  
 1 28 over their heart. A student shall not be compelled against  
 1 29 the student's objections, or those of the student's parent or  
 1 30 guardian, to recite the pledge, but shall be required to  
 1 31 maintain a respectful silence. A nonpublic school is exempted  
 1 32 if the requirement conflicts with the school's religious  
 1 33 doctrines.

1 34  
 1 35 LSB 1845YH 82



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House File 127 - Introduced continued

2 1 kh:nh/cf/24



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**House Resolution 6 - Introduced**

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House File 127 - Introduced continued

1 1                           HOUSE RESOLUTION NO. \_\_\_\_  
1 2                           BY SHOMSHOR, DRAKE, FORRISTALL,  
1 3                           ANDERSON, STRUYK, and WINDSCHITL  
1 4 A Resolution honoring Iowa Western Community College's  
1 5     women's volleyball team for winning the Division I  
1 6     National Junior College Athletic Association  
1 7     volleyball tournament.  
1 8     WHEREAS, the Iowa Western Community College women's  
1 9     volleyball team took the name and embodies the spirit  
1 10    of the Reivers, those bold Scot raiders long  
1 11    celebrated in ballad and myth; and  
1 12     WHEREAS, at the National Junior College Athletic  
1 13    Association volleyball tournament in West Plains,  
1 14    Missouri, the Reivers captured the 2006 national  
1 15    championship title, besting number one ranked Western  
1 16    Nebraska; and  
1 17     WHEREAS, that victory gave the Reivers a phenomenal  
1 18    season of 60 wins and four losses, with all 60 wins  
1 19    coming in sweeps; and  
1 20     WHEREAS, the championship brought special  
1 21    recognition to a number of team members, with  
1 22    sophomore Luciana Rapach being named the tournament's  
1 23    most valuable player, freshmen Juliana Paz and Rachel  
1 24    Green named to the all-tournament team, and Coach  
1 25    Terry Gamble named coach of the year by the American  
1 26    Volleyball Coaches Association; and  
1 27     WHEREAS, Juliana Paz also shattered all of the Iowa  
1 28    Western kill records in 2006, finishing with 1,017 for  
1 29    the season, and was recognized by the National Junior  
1 30    College Athletic Association as an All-American and by



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2 1 the American Volleyball Coaches Association as "The  
2 2 Player of the Year"; NOW THEREFORE,  
2 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 4 That the House of Representatives honors the members  
2 5 of the Iowa Western Community College women's  
2 6 volleyball team: Jaclyn Carnago, Rachel Green, Julia  
2 7 Kenealy, Alicia Runge, Kelli Fiedler, Michaela  
2 8 McElroy, Luciana Rapach, Stephanie Svoboda, Brianne  
2 9 Tapley, Alyssa Reich, Kerley Becker, Gabby  
2 10 Pfannenstiel, Cindy Blatt, Juliana Paz, Coach Terry  
2 11 Gamble, and Assistant Coach Becky Verespej for  
2 12 capturing the championship in the 2006 National Junior  
2 13 College Athletic Association volleyball tournament.  
2 14 LSB 1971HH 82  
2 15 jr:sc/gg/14



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# House Study Bill 89

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

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

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

**A BILL FOR**

- 1 An Act relating to local regulation of smoking.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1617HC 82
- 4 pf/sh/8



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House Study Bill 89 continued

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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. An 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 1617HC 82
- 2 3 pf:nh/sh/8



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**House Study Bill 90**

HOUSE FILE  
 BY (PROPOSED COMMITTEE ON  
 VETERANS AFFAIRS BILL BY  
 CHAIRPERSON WHITEAD)

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

**A BILL FOR**

1 An Act relating to the exemption from the state individual income  
 2 tax of military pay received by members of the armed forces,  
 3 armed forces military reserve, and national guard and  
 4 including a retroactive applicability date provision.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 6 TL5B 1886YC 82  
 7 mg/cf/24



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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, to the extent included,  
1 4 active duty pay received by a person as a member on federal  
1 5 active duty of the armed forces or as a member in the armed  
1 6 forces military reserve or national guard serving on federal  
1 7 active duty other than for training.

1 8 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies  
1 9 retroactively to January 1, 2007, for tax years beginning on  
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill exempts active duty pay for members of the armed  
1 13 forces, armed forces military reserve, and national guard who  
1 14 serve on federal active duty other than for training.

1 15 The bill applies retroactively to January 1, 2007, for tax  
1 16 years beginning on or after that date.

1 17 LSB 1886YC 82

1 18 mg:rj/cf/24



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**House Study Bill 91**

SENATE/HOUSE FILE

BY (PROPOSED LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) AND WEATHERIZATION PROGRAM INTERIM STUDY COMMITTEE BILL)

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

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

**A BILL FOR**

1 An Act establishing the Iowa propane education and research  
 2 council, providing for the development of programs and  
 3 projects related to propane, providing for an assessment on  
 4 the sale of odorized propane, and providing criminal  
 5 penalties.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 TLSB 1424IC 82

8 av/es/88



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1 1 Section 1. NEW SECTION. 101B.1 SHORT TITLE.  
1 2 This chapter shall be known as and may be cited as the  
1 3 "Iowa propane education and research 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. "Council" means the Iowa propane education and research  
1 8 council established pursuant to section 101B.3.  
1 9 2. "Education" means any activity designed to provide  
1 10 information regarding propane, propane equipment, mechanical  
1 11 and technical practices, and uses of propane, to consumers and  
1 12 members of the propane industry.  
1 13 3. "Fire marshal" means the state fire marshal as provided  
1 14 in section 100.1.  
1 15 4. "Odorized propane" means propane to which an odorant  
1 16 has been added.  
1 17 5. "Propane" means a hydrocarbon with a chemical  
1 18 composition that is predominately C<sub>3</sub>H<sub>8</sub>, whether recovered from  
1 19 natural gas or crude oil, and includes liquefied petroleum  
1 20 gases and mixtures.  
1 21 6. "Propane industry" means those persons involved in the  
1 22 production, transportation, and sale of propane, and in the  
1 23 manufacture and distribution of propane utilization equipment.  
1 24 7. "Propane industry trade association" means an  
1 25 organization exempt from tax under section 501(c)(3) or  
1 26 501(c)(6) of the Internal Revenue Code, that represents the  
1 27 propane industry.  
1 28 8. "Public member" means a member of the council, other  
1 29 than a representatives of a retail propane marketer, who  
1 30 represents a significant user of propane, a public safety  
1 31 official, a state regulatory official, or another group  
1 32 knowledgeable about propane.  
1 33 9. "Qualified propane industry organization" means the  
1 34 Iowa propane gas association or any other similarly  
1 35 constituted industry trade association recognized by the fire



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2 1 marshal as being representative of the propane industry.  
2 2 10. "Research" means any type of study, investigation,  
2 3 program, or other activity designed to advance the image,  
2 4 desirability, usage, marketability, efficiency, or safety of  
2 5 propane or to further the development of information related  
2 6 to such activities.  
2 7 11. "Retail propane dispenser" means a person who sells  
2 8 odorized propane to the ultimate consumer but is not engaged  
2 9 primarily in the business of such sales.  
2 10 12. "Retail propane marketer" means a person engaged  
2 11 primarily in the sale of odorized propane to the ultimate  
2 12 consumer or to a retail propane dispenser.  
2 13 Sec. 3. NEW SECTION. 101B.3 IOWA PROPANE EDUCATION AND  
2 14 RESEARCH COUNCIL ESTABLISHED.  
2 15 1. The Iowa propane education and research council is  
2 16 established in the office of the fire marshal. The council  
2 17 shall consist of ten members, nine of whom represent retail  
2 18 propane marketers and one of whom shall be a public member.  
2 19 Qualified propane industry organizations shall together select  
2 20 all members of the council. A vacancy in the unfinished term  
2 21 of a council member shall be filled for the remainder of the  
2 22 term in the same manner as the original selection was made.  
2 23 Other than the public member, council members shall be  
2 24 full-time employees or owners of a propane industry business  
2 25 or representatives of an agricultural cooperative actively  
2 26 engaged in the propane industry. An employee of a qualified  
2 27 propane industry organization shall not serve as a member of  
2 28 the council. An officer of the board of directors of a  
2 29 qualified propane industry organization or propane industry  
2 30 trade association shall not serve concurrently as a member of  
2 31 the council. The fire marshal or a designee may serve as an  
2 32 ex officio, nonvoting member of the council.  
2 33 2. In selecting members of the council, qualified propane  
2 34 industry organizations shall give due consideration to  
2 35 selecting council members who are representative of the



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3 1 propane industry, including representation of all of the  
3 2 following:

3 3     a. Interstate and intrastate retail propane marketers.  
3 4     b. Large and small retail propane marketers, including  
3 5 agricultural cooperatives.  
3 6     c. Diverse geographic regions of the state.

3 7     3. A council member, other than the public member, shall  
3 8 not receive compensation for the council member's service and  
3 9 shall not be reimbursed for expenses relating to the council  
3 10 member's service. The public member shall receive a per diem  
3 11 as specified in section 7E.6 and shall be reimbursed for  
3 12 actual expenses incurred in performing official duties of the  
3 13 council not to exceed forty days per year. A member of the  
3 14 council shall not be a salaried employee of the council or of  
3 15 any organization or agency which receives funds from the  
3 16 council.

3 17     4. A council member shall serve a term of three years and  
3 18 shall not serve more than two full consecutive terms. A  
3 19 council member filling an unexpired term may serve not more  
3 20 than a total of seven consecutive years. A former council  
3 21 member may be selected to the council if the former member has  
3 22 not been a member of the council for a period of at least two  
3 23 years.

3 24     5. Initial selections to the council shall be for terms of  
3 25 one, two, and three years that are staggered to provide for  
3 26 the future selection of at least two members each year. The  
3 27 council shall notify the fire marshal of the name, address,  
3 28 and propane-related affiliation, if any, of each council  
3 29 member within thirty days after the selection of the member to  
3 30 the council.

3 31     6. The council shall select a chairperson and other  
3 32 officers as necessary from its membership and shall adopt  
3 33 rules and bylaws for the conduct of business and the  
3 34 implementation of this chapter. The council may establish  
3 35 committees and subcommittees comprised of members of the



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4 1 council and may establish advisory committees comprised of  
4 2 persons other than council members. The council shall  
4 3 establish procedures for the solicitation of propane industry  
4 4 comments and recommendations regarding any significant plans,  
4 5 programs, or projects to be funded by the council.  
4 6 7. The council shall develop education and research  
4 7 programs and projects and enter into agreements for  
4 8 administering such programs and projects as provided in this  
4 9 chapter, including programs to enhance consumer and employee  
4 10 safety and training, provide for research and development of  
4 11 clean and efficient propane utilization equipment, inform and  
4 12 educate the public about safety and other issues associated  
4 13 with the use of propane, and develop programs and projects  
4 14 that provide assistance to persons who are eligible for the  
4 15 low-income home energy assistance program. The costs of the  
4 16 programs and projects shall be paid with funds collected  
4 17 pursuant to section 101B.4. The council shall coordinate its  
4 18 education and research programs and projects with propane  
4 19 industry trade associations and others as the council deems  
4 20 appropriate to provide efficient delivery of services and to  
4 21 avoid unnecessary duplication of activities. Issues  
4 22 concerning propane that are related to research and  
4 23 development, safety, education, and training shall be given  
4 24 priority by the council in the development of education and  
4 25 research programs and projects.  
4 26 8. At the beginning of each fiscal year, the council shall  
4 27 prepare a budget plan for the next fiscal year, including the  
4 28 probable cost of all programs, projects, and contracts to be  
4 29 undertaken and a recommended rate of assessment sufficient to  
4 30 cover the probable costs. The council shall submit the  
4 31 proposed budget to the fire marshal for review and comment.  
4 32 The fire marshal may recommend appropriate programs, projects,  
4 33 and activities to be undertaken by the council.  
4 34 9. The council shall keep minutes, books, and records that  
4 35 clearly reflect all of the acts and transactions of the



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5 1 council which are public records open to public inspection.  
5 2 The books of the council shall be audited by a certified  
5 3 public accountant at least once each fiscal year and at such  
5 4 other times as the council may designate. The cost of the  
5 5 audit shall be paid by the council. Copies of the audit shall  
5 6 be provided to all council members, all qualified propane  
5 7 industry organizations, and to other members of the propane  
5 8 industry upon request.

5 9 Sec. 4. NEW SECTION. 101B.4 FUNDING==ASSESSMENTS.

5 10 1. The council and its activities shall be funded by an  
5 11 annual assessment. Upon establishment of the council an  
5 12 initial assessment shall be made at a rate of one-tenth of one  
5 13 cent on each gallon of odorized propane sold. Thereafter, the  
5 14 council shall determine the annual assessment as set forth in  
5 15 section 101B.3, provided, however, that the annual assessment  
5 16 shall not exceed one-half cent on each gallon of odorized  
5 17 propane sold unless the assessment is approved in a referendum  
5 18 of retail propane marketers conducted pursuant to section  
5 19 101B.5. In addition, the annual assessment shall not be  
5 20 raised in any one year by more than one-tenth of one cent on  
5 21 each gallon of odorized propane sold.

5 22 2. The owner of odorized propane at the time of  
5 23 odorization or at the time of import shall calculate the  
5 24 amount of the assessment based on the volume of odorized  
5 25 propane sold for use in this state. The assessment, when  
5 26 made, shall be listed as a separate line item on the bill of  
5 27 sale for the odorized propane and titled "Iowa propane  
5 28 education and research assessment". Assessments shall be  
5 29 collected by the owner from purchasers of the odorized propane  
5 30 and shall be paid by the owner to the council on a monthly  
5 31 basis by the twenty-fifth day of the month following the month  
5 32 the assessment was collected. If payment is not made to the  
5 33 council by the due date as required by this subsection, an  
5 34 interest penalty of one percent of any amount unpaid shall be  
5 35 imposed against the owner for each month or fraction of a



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6 1 month after the due date, until final payment is made.  
6 2 3. Notwithstanding subsection 2, the council may establish  
6 3 an alternative means of collecting such assessments if the  
6 4 council determines that another method would be more efficient  
6 5 or effective and may establish an alternative late payment  
6 6 charge or interest penalty to be imposed on a person who fails  
6 7 to timely pay any amount due under this chapter to the  
6 8 council.

6 9 4. Pending the disbursement of assessments collected, the  
6 10 council shall invest moneys collected through assessments and  
6 11 any other monies received by the council in any of the  
6 12 following:

6 13 a. Obligations of the United States or any agency of the  
6 14 United States.

6 15 b. General obligations of any state or political  
6 16 subdivision of any state.

6 17 c. Any interest-bearing account or certificate of deposit  
6 18 of a bank that is a member of the federal reserve system.

6 19 d. Obligations that are fully guaranteed as to principal  
6 20 and interest by the United States.

6 21 Sec. 5. NEW SECTION. 101B.5 REFERENDUM FOR INCREASED  
6 22 ASSESSMENTS OR TERMINATION OF COUNCIL.

6 23 1. Qualified propane industry organizations may arrange,  
6 24 at their own expense, for a referendum among retail propane  
6 25 marketers to approve an increase in the annual assessment as  
6 26 provided in section 101B.4. The council shall reimburse the  
6 27 qualified propane industry organizations for the accounting  
6 28 and documentation costs of the referendum. An independent  
6 29 auditing firm agreed upon by the qualified propane industry  
6 30 organizations shall conduct the referendum. The results of  
6 31 the referendum, as certified by the independent auditing firm,  
6 32 shall be submitted to the fire marshal within thirty days  
6 33 after certification. Voting rights in the referendum shall be  
6 34 based on the volume of odorized propane sold in this state by  
6 35 each retail propane marketer during the previous calendar



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7 1 year. Each retail propane marketer voting in the referendum  
7 2 shall certify to the independent auditing firm the volume of  
7 3 odorized propane sold by that person as represented by that  
7 4 person's vote. Upon the approval of those retail propane  
7 5 marketers representing two-thirds of the total volume of  
7 6 odorized propane sold in this state, the council shall be  
7 7 authorized to collect an increased assessment on odorized  
7 8 propane in accordance with section 101B.4.  
7 9 2. On the council's own initiative or on petition to the  
7 10 council by retail propane marketers representing thirty-five  
7 11 percent of the volume of odorized propane sold in this state,  
7 12 the council shall, at its own expense, arrange for a  
7 13 referendum to be conducted by an independent auditing firm  
7 14 agreed upon by the retail propane marketers, to determine  
7 15 whether the council should be terminated or suspended. Voting  
7 16 shall be conducted in the same manner as described in  
7 17 subsection 1. Upon the approval of those retail propane  
7 18 marketers representing more than one-half of the total volume  
7 19 of odorized propane sold in this state, the council shall be  
7 20 terminated or suspended and the general assembly shall  
7 21 consider the repeal of this chapter during its next regular  
7 22 session.  
7 23 Sec. 6. NEW SECTION. 101B.6 COMPLIANCE.  
7 24 The district court is vested with the jurisdiction  
7 25 specifically to enforce this chapter and to prevent or  
7 26 restrain any person from violating this chapter. A successful  
7 27 action for compliance brought under this section may also  
7 28 require payment by the defendant of the costs incurred by the  
7 29 council in bringing the action.  
7 30 Sec. 7. NEW SECTION. 101B.7 LOBBYING RESTRICTIONS.  
7 31 Moneys collected by the council shall not be used in any  
7 32 manner for influencing legislation or elections, except that  
7 33 the council may recommend changes in this chapter or other  
7 34 statutes that would further the purposes of this chapter to  
7 35 the fire marshal.





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9 22 a rate of one-tenth of one cent on each gallon of odorized  
9 23 propane sold and allows the council to annually thereafter  
9 24 determine the annual assessment, provided that the annual  
9 25 assessment cannot exceed one-half cent on each gallon of  
9 26 odorized propane unless an increase in the assessment is  
9 27 approved in a referendum of retail propane marketers. In  
9 28 addition, the annual assessment cannot be raised in any one  
9 29 year by more than one-tenth of one cent.  
9 30     The bill provides that the assessment is calculated by the  
9 31 owner of odorized propane at the time of odorization or import  
9 32 of the propane based on the volume of odorized propane. The  
9 33 assessment must be included as a separate line item on the  
9 34 bill of sale for the odorized propane and collected by the  
9 35 owner from the propane purchasers for payment to the council



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10 1 each month. The bill allows the imposition of an interest  
10 2 penalty for failure to pay the assessments collected by the  
10 3 due date.  
10 4 The council is authorized to establish an alternative means  
10 5 of collecting assessments and alternative late payment charges  
10 6 or interest penalties. The council is required to invest  
10 7 assessments collected until disbursement in a specified  
10 8 manner.  
10 9 The bill establishes procedures for holding a referendum  
10 10 among retail propane marketers to increase the annual  
10 11 assessment or to terminate or suspend the council.  
10 12 The bill gives state district courts jurisdiction to  
10 13 enforce the new Code chapter, prohibits the use of assessments  
10 14 for lobbying activities, prohibits the cost of assessments to  
10 15 be passed on to consumers, requires persons occupying  
10 16 positions of trust under the new Code chapter's provisions to  
10 17 obtain a bond, and requires the council to submit an annual  
10 18 report to the state fire marshal and to the auditor of state.  
10 19 A willful violation of the bill or false or fraudulent  
10 20 reporting of information required by the state fire marshal  
10 21 pursuant to the provisions of the bill constitutes a simple  
10 22 misdemeanor. A simple misdemeanor is punishable by  
10 23 confinement for no more than 30 days or a fine of at least \$65  
10 24 but not more than \$625 or by both.  
10 25 LSB 1424IC 82  
10 26 av:nh/es/88



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House Study Bill 92

SENATE/HOUSE FILE

BY (PROPOSED LOW=INCOME HOME ENERGY  
ASSISTANCE PROGRAM AND WEATHERIZATION  
PROGRAM STUDY COMMITTEE BILL)

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

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

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

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

Approved

A BILL FOR

- 1 An Act establishing an energy utility assessment and resolution
- 2 program for certain persons with low incomes who have or need
- 3 a deferred payment agreement to address home energy utility
- 4 costs and making an appropriation.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1064IC 82
- 7 jp/sh/8



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1 1 Section 1. NEW SECTION. 216A.104 ENERGY UTILITY  
1 2 ASSESSMENT AND RESOLUTION PROGRAM.  
1 3 1. The general assembly finds that provision of assistance  
1 4 to prevent utility disconnections will also prevent the  
1 5 development of public health risks due to such disconnections.  
1 6 The division shall establish an energy utility assessment and  
1 7 resolution program administered by each community action  
1 8 agency for persons with low incomes who have or need a  
1 9 deferred payment agreement or are in need of an emergency fuel  
1 10 delivery to address home energy utility costs.  
1 11 2. A person must meet all of the following requirements to  
1 12 be eligible for the program:  
1 13 a. The person is eligible for the federal low-income home  
1 14 energy assistance program.  
1 15 b. The person is a residential customer of an energy  
1 16 utility approved for the program by the division.  
1 17 c. The person has or is in need of a deferred payment  
1 18 agreement to address the person's home energy utility costs.  
1 19 d. The person is able to maintain or regain residential  
1 20 energy utility service in the person's own name.  
1 21 e. The person provides the information necessary to  
1 22 determine the person's eligibility for the program.  
1 23 f. The person complies with other eligibility requirements  
1 24 adopted in rules by the division.  
1 25 3. The program components shall include but are not  
1 26 limited to all of the following:  
1 27 a. Analysis of a program participant's current financial  
1 28 situation.  
1 29 b. Review of a program participant's resource and money  
1 30 management options.  
1 31 c. Skills development and assistance for a program  
1 32 participant in negotiating a deferred payment agreement with  
1 33 the participant's energy utility.  
1 34 d. Development of a written household energy affordability  
1 35 plan.



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House Study Bill 92 continued

2 1 e. Provision of energy conservation training and  
 2 2 assistance.  
 2 3 f. A requirement that a program participant must make  
 2 4 uninterrupted, regular utility payments while participating in  
 2 5 the program.  
 2 6 4. The division shall implement accountability measures  
 2 7 for the program and require regular reporting on the measures  
 2 8 by the community action agencies.  
 2 9 5. The division shall implement the program statewide,  
 2 10 subject to the funding made available for the program.  
 2 11 6. This section is repealed on July 1, 2010.  
 2 12 Sec. 2. ENERGY UTILITY ASSESSMENT AND RESOLUTION PROGRAM  
 2 13 == APPROPRIATION. There is appropriated from the general fund  
 2 14 of the state to the division of community action agencies of  
 2 15 the department of human rights for the fiscal year beginning  
 2 16 July 1, 2007, and ending June 30, 2008, the following amount,  
 2 17 or so much thereof as is necessary, to be used for the purpose  
 2 18 designated:  
 2 19 For implementation of the energy utility assessment and  
 2 20 resolution program in accordance with section 216A.104, as  
 2 21 enacted by this Act:  
 2 22 ..... \$ 1,000,000  
 2 23 EXPLANATION  
 2 24 This bill creates an energy utility assessment and  
 2 25 resolution program for certain persons with low incomes who  
 2 26 have or need a deferred payment agreement to address home  
 2 27 energy utility costs. The bill establishes a legislative  
 2 28 finding that the provision of assistance to prevent utility  
 2 29 disconnections will prevent certain public health risks. The  
 2 30 program is established in the division of community action  
 2 31 agencies of the department of human rights in new Code section  
 2 32 216A.104.  
 2 33 Individual eligibility requirements and program components  
 2 34 are specified in the bill. The program is to be administered  
 2 35 by each community action agency and each agency must report on



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House Study Bill 92 continued

3 1 accountability measures identified by the division.  
3 2 The bill includes an appropriation of \$1 million for fiscal  
3 3 year 2007=2008 to implement the program.  
3 4 The program is repealed in three years on July 1, 2010.  
3 5 LSB 1064IC 82  
3 6 jp:nh/sh/8



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Senate File 54

SENATE FILE

BY KIBBIE, BOETTGER, BEALL,  
and HOUSER

(COMPANION TO LSB 1763HH  
BY JACOBY)

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

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

**A BILL FOR**

- 1 An Act relating to the midwest interstate passenger rail compact
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1763SS 82
- 5 dea/es/88



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Senate File 54 continued

PAG LIN

1 1 Section 1. NEW SECTION. 327K.1 MIDWEST INTERSTATE  
1 2 PASSENGER RAIL COMPACT.  
1 3 The midwest interstate passenger rail compact is enacted  
1 4 into law and entered into with all other states legally  
1 5 joining in the compact in substantially the following form:  
1 6 ARTICLE I  
1 7 STATEMENT OF PURPOSE  
1 8 The purposes of this compact are, through joint or  
1 9 cooperative action:  
1 10 a. To promote development and implementation of  
1 11 improvements to intercity passenger rail service in the  
1 12 midwest.  
1 13 b. To coordinate interaction among midwestern state  
1 14 elected officials and their designees on passenger rail  
1 15 issues.  
1 16 c. To promote development and implementation of long-range  
1 17 plans for high-speed rail passenger service in the midwest and  
1 18 among other regions of the United States.  
1 19 d. To work with the public and private sectors at the  
1 20 federal, state, and local levels to ensure coordination among  
1 21 the various entities having an interest in passenger rail  
1 22 service and to promote midwestern interests regarding  
1 23 passenger rail.  
1 24 e. To support efforts of transportation agencies involved  
1 25 in developing and implementing passenger rail service in the  
1 26 midwest.  
1 27 ARTICLE II  
1 28 ESTABLISHMENT OF COMMISSION  
1 29 To further the purposes of the compact, a commission is  
1 30 created to carry out the duties specified in this compact.  
1 31 ARTICLE III  
1 32 COMMISSION MEMBERSHIP  
1 33 The manner of appointment of commission members, terms of  
1 34 office consistent with the terms of this compact, provisions  
1 35 for removal and suspension, and manner of appointment to fill



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2 1 vacancies shall be determined by each party state pursuant to  
2 2 its laws, but each commissioner shall be a resident of the  
2 3 state of appointment. Commission members shall serve without  
2 4 compensation from the commission.

2 5 The commission shall consist of four resident members of  
2 6 each state as follows: the governor or the governor's  
2 7 designee who shall serve during the tenure of office of the  
2 8 governor, or until a successor is named; one member of the  
2 9 private sector who shall be appointed by the governor and  
2 10 shall serve during the tenure of office of the governor, or  
2 11 until a successor is named; and two legislators, one from each  
2 12 legislative chamber (or two legislators from any unicameral  
2 13 legislature), who shall serve two-year terms, or until  
2 14 successors are appointed, and who shall be appointed by the  
2 15 appropriate appointing authority in each legislative chamber.  
2 16 All vacancies shall be filled in accordance with the laws of  
2 17 the appointing states. A commissioner appointed to fill a  
2 18 vacancy shall serve until the end of the incomplete term.  
2 19 Each member state shall have equal voting privileges, as  
2 20 determined by the commission bylaws.

2 21 ARTICLE IV

2 22 POWERS AND DUTIES OF THE COMMISSION

2 23 a. The duties of the commission are to:  
2 24 (1) Advocate for the funding and authorization necessary  
2 25 to make passenger rail improvements a reality for the region.  
2 26 (2) Identify and seek to develop ways that states can form  
2 27 partnerships, including with rail industry and labor, to  
2 28 implement improved passenger rail service in the region.  
2 29 (3) Seek development of a long-term, interstate plan for  
2 30 high-speed rail passenger service implementation.  
2 31 (4) Cooperate with other agencies, regions, and entities  
2 32 to ensure that the midwest is adequately represented and  
2 33 integrated into national plans for passenger rail development.  
2 34 (5) Adopt bylaws governing the activities and procedures  
2 35 of the commission and addressing, among other subjects: the



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3 1 powers and duties of officers; and the voting rights of  
3 2 commission members, voting procedures, commission business,  
3 3 and any other purposes necessary to fulfill the duties of the  
3 4 commission.

3 5 (6) Expend such funds as required to carry out the powers  
3 6 and duties of the commission.

3 7 (7) Report on the activities of the commission to the  
3 8 legislatures and governors of the member states on an annual  
3 9 basis.

3 10 b. In addition to its exercise of these duties, the  
3 11 commission may:

3 12 (1) Provide multistate advocacy necessary to implement  
3 13 passenger rail systems or plans, as approved by the  
3 14 commission.

3 15 (2) Work with local elected officials, economic  
3 16 development planning organizations, and similar entities to  
3 17 raise the visibility of passenger rail service benefits and  
3 18 needs.

3 19 (3) Educate other state officials, federal agencies, other  
3 20 elected officials, and the public on the advantages of  
3 21 passenger rail as an integral part of an intermodal  
3 22 transportation system in the region.

3 23 (4) Work with federal agency officials and members of  
3 24 Congress to ensure the funding and authorization necessary to  
3 25 develop a long-term, interstate plan for high-speed rail  
3 26 passenger service implementation.

3 27 (5) Make recommendations to member states.

3 28 (6) If requested by each state participating in a  
3 29 particular project and under the terms of a formal agreement  
3 30 approved by the participating states and the commission,  
3 31 implement or provide oversight for specific rail projects.

3 32 (7) Establish an office and hire staff as necessary.

3 33 (8) Contract for or provide services.

3 34 (9) Assess dues, in accordance with the terms of this  
3 35 compact.



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4 1 (10) Conduct research.

4 2 (11) Establish committees.

4 3 ARTICLE V

4 4 OFFICERS

4 5 The commission shall annually elect from among its members  
4 6 a chair, a vice chair who shall not be a resident of the state  
4 7 represented by the chair, and others as approved in the  
4 8 commission bylaws. The officers shall perform such functions  
4 9 and exercise such powers as are specified in the commission  
4 10 bylaws.

4 11 ARTICLE VI

4 12 MEETINGS AND COMMISSION ADMINISTRATION

4 13 The commission shall meet at least once in each calendar  
4 14 year and at such other times as may be determined by the  
4 15 commission. Commission business shall be conducted in  
4 16 accordance with the procedures and voting rights specified in  
4 17 the bylaws.

4 18 ARTICLE VII

4 19 FINANCE

4 20 Except as otherwise provided, the moneys necessary to  
4 21 finance the general operations of the commission in carrying  
4 22 forth its duties, responsibilities, and powers as stated in  
4 23 this compact shall be appropriated to the commission by the  
4 24 compacting states, when authorized by the respective  
4 25 legislatures, by equal apportionment among the compacting  
4 26 states. Nothing in this compact shall be construed to commit  
4 27 a member state to participate in financing a rail project  
4 28 except as provided by law of a member state.

4 29 The commission may accept, for any of its purposes and  
4 30 functions, donations, gifts, grants, and appropriations of  
4 31 money, equipment, supplies, materials, and services from the  
4 32 federal government, from any party state or from any  
4 33 department, agency, or municipality thereof, or from any  
4 34 institution, person, firm, or corporation. All expenses  
4 35 incurred by the commission in executing the duties imposed



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5 1 upon it by this compact shall be paid by the commission out of  
5 2 the funds available to it. The commission shall not issue any  
5 3 debt instrument. The commission shall submit to the officer  
5 4 designated by the laws of each party state, periodically as  
5 5 required by the laws of each party state, a budget of its  
5 6 actual past and estimated future expenditures.

5 7 ARTICLE VIII

5 8 ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

5 9 The states of Illinois, Indiana, Iowa, Kansas, Michigan,  
5 10 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South  
5 11 Dakota, and Wisconsin are eligible to join this compact. Upon  
5 12 approval of the commission, according to its bylaws, other  
5 13 states may also be declared eligible to join the compact. As  
5 14 to any eligible party state, this compact shall become  
5 15 effective when its legislature shall have enacted the same  
5 16 into law; provided that it shall not become initially  
5 17 effective until enacted into law by any three party states  
5 18 incorporating the provisions of this compact into the laws of  
5 19 such states. Amendments to the compact shall become effective  
5 20 upon their enactment by the legislatures of all compacting  
5 21 states.

5 22 ARTICLE IX

5 23 WITHDRAWAL, DEFAULT, AND TERMINATION

5 24 Withdrawal from this compact shall be by enactment of a  
5 25 statute repealing the same and shall take effect one year  
5 26 after the effective date of such statute. A withdrawing state  
5 27 shall be liable for any obligations which it may have incurred  
5 28 prior to the effective date of withdrawal.

5 29 If any compacting state defaults in the performance of any  
5 30 of its obligations, assumed or imposed, in accordance with  
5 31 this compact, all rights, privileges, and benefits conferred  
5 32 by this compact or agreements under this compact shall be  
5 33 suspended from the effective date of such default as fixed by  
5 34 the commission, and the commission shall stipulate the  
5 35 conditions and maximum time for compliance under which the



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6 1 defaulting state may resume its regular status. Unless such  
6 2 default is remedied under the stipulations and within the time  
6 3 period set forth by the commission, this compact may be  
6 4 terminated with respect to such defaulting state by  
6 5 affirmative vote of a majority of the other commission  
6 6 members. Any such defaulting state may be reinstated, upon  
6 7 vote of the commission, by performing all acts and obligations  
6 8 as stipulated by the commission.

6 9

ARTICLE X

6 10

CONSTRUCTION AND SEVERABILITY

6 11 The provisions of this compact shall be severable and if  
6 12 any phrase, clause, sentence, or provision of this compact is  
6 13 declared to be contrary to the constitution of any compacting  
6 14 state or of the United States, or the applicability thereof to  
6 15 any government, agency, person, or circumstance is held  
6 16 invalid, the validity of the remainder of this compact and the  
6 17 applicability thereof to any government, agency, person, or  
6 18 circumstance shall not be affected by the declaration or  
6 19 holding. If this compact is held to be contrary to the  
6 20 constitution of any compacting state, the compact shall remain  
6 21 in full force and effect as to the remaining states and in  
6 22 full force and effect as to the state affected as to all  
6 23 severable matters. This compact shall be liberally construed  
6 24 to effectuate the purposes of the compact.

6 25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
6 26 immediate importance, takes effect upon enactment.

6 27

EXPLANATION

6 28 This bill provides that the midwest interstate passenger  
6 29 rail compact is entered into and enacted into law with several  
6 30 other midwestern states if those states join the compact in  
6 31 substantially the same form.

6 32 The bill provides that the purposes of the compact are to  
6 33 promote development and implementation of improvements to  
6 34 intercity passenger rail service in the midwest, to coordinate  
6 35 interaction among midwestern state officials on passenger rail



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7 1 issues, to promote development and implementation of plans for  
7 2 high-speed rail passenger service in the midwest and other  
7 3 regions, to work with public and private sectors at all levels  
7 4 to ensure coordination among entities with an interest in  
7 5 passenger rail service and promote midwestern interests  
7 6 regarding such service, and to support efforts of  
7 7 transportation agencies involved in developing and  
7 8 implementing passenger rail service in the midwest.

7 9 The bill provides that a commission shall be established to  
7 10 further the purposes of and carry out the duties specified in  
7 11 the compact. Each state joining the compact is to be  
7 12 represented by four commission members: the governor of the  
7 13 state or the governor's designee, serving during the tenure of  
7 14 the governor or until a successor is named; a member of the  
7 15 private sector appointed by the governor, serving during the  
7 16 tenure of the governor or until a successor is named; and two  
7 17 legislators, one from each legislative chamber, appointed by  
7 18 the appropriate appointing authority in each chamber, serving  
7 19 two-year terms or until successors are appointed.

7 20 The bill provides a list of powers and duties the  
7 21 commission shall have related to the compact and provides for  
7 22 financing the general operations of the commission.

7 23 The bill becomes effective upon enactment. The compact,  
7 24 having already been enacted into law and entered into by a  
7 25 requisite number of states, would also become effective for  
7 26 Iowa upon enactment of this bill.

7 27 LSB 1763SS 82

7 28 dea:rj/es/88



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**Senate File 55 - Introduced**

SENATE FILE

BY RIELLY, BOLKCOM, STEWART,  
HANCOCK, RAGAN, SCHOENJAHN,  
SCHMITZ, KREIMAN, BEALL, DOTZLER,  
HECKROTH, WARNSTADT, HORN, SENG,  
OLIVE, DEARDEN, HATCH, WOOD,  
FRAISE, COURTNEY, KIBBIE, APPEL,  
CONNOLLY, HOGG, and QUIRMBACH

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

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

**A BILL FOR**

- 1 An Act relating to the senior living trust fund and providing for
- 2     appropriation of moneys from the fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1970XS 82
- 5 pf/je/5



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Senate File 55 - Introduced continued

PAG LIN

1 1 Section 1. Section 249H.2, subsection 1, paragraph f, Code  
1 2 2007, is amended to read as follows:

1 3 f. ~~Grants are necessary to cover the expenditures related~~  
1 4 ~~to the development of alternative health care services.~~

1 5 Development of these long-term care alternatives will improve  
1 6 access to and delivery of long-term care services to  
1 7 underserved individuals or in underserved areas, which will in  
1 8 turn contain or reduce the cost and improve the quality of  
1 9 health care services.

1 10 Sec. 2. Section 249H.3, subsection 3, Code 2007, is  
1 11 amended by striking the subsection.

1 12 Sec. 3. Section 249H.5, subsection 1, Code 2007, is  
1 13 amended to read as follows:

1 14 1. Moneys deposited in the senior living trust fund  
1 15 created in section 249H.4 shall be used only as provided in  
1 16 appropriations from the trust fund to the department of human  
1 17 services and the department of elder affairs, and for  
1 18 purposes, ~~including the awarding of grants,~~ as specified in  
1 19 this chapter.

1 20 Sec. 4. Section 249H.5, subsection 2, Code 2007, is  
1 21 amended by striking the subsection and inserting in lieu  
1 22 thereof the following:

1 23 2. Moneys in the trust fund are allocated, subject to  
1 24 their appropriation by the general assembly, as follows:

1 25 a. To the department of elder affairs, an amount  
1 26 necessary, annually, for expenses incurred in implementation  
1 27 and administration of the long-term care alternatives programs  
1 28 and for delivery of long-term care services to seniors with  
1 29 low or moderate incomes.

1 30 b. To the department of human services, an amount  
1 31 necessary, annually, for expenses incurred in administration  
1 32 of and service delivery through medical assistance home and  
1 33 community-based services waivers and the PACE program.

1 34 Sec. 5. Section 249H.5, subsection 3, Code 2007, is  
1 35 amended to read as follows:



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2 1 3. a. Any funds remaining after disbursement of moneys  
2 2 under subsection 2 shall be invested with the interest earned  
2 3 to be available in subsequent fiscal years for the purposes  
2 4 provided in subsection 2, ~~paragraph "b", and subsection 2,~~  
~~2 5 paragraph "c", subparagraphs (1) and (2).~~  
2 6 b. Moneys in the fund shall not be appropriated for  
2 7 purposes other than those specified in subsection 2, and shall  
2 8 not be appropriated in amounts that reduce the fund balance  
2 9 below two hundred million dollars.

2 10 EXPLANATION

2 11 This bill provides for the use of moneys in the senior  
2 12 living trust fund. The bill limits the purposes for which the  
2 13 moneys in the fund may be appropriated to the implementation  
2 14 and administration of the long-term care alternatives  
2 15 programs, the delivery of long-term care services to seniors  
2 16 with low or moderate incomes, and the administration and  
2 17 delivery of services through medical assistance home and  
2 18 community-based services waivers and the program of  
2 19 all-inclusive care for the elderly (PACE) program.

2 20 The bill also provides that moneys in the fund are not to  
2 21 be appropriated for purposes other than those specified and  
2 22 not in amounts that reduce the fund balance below \$200  
2 23 million.

2 24 LSB 1970XS 82

2 25 pf:sc/je/5



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**Senate File 56 - Introduced**

SENATE FILE  
BY McCOY

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

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

**A BILL FOR**

1 An Act relating to guidelines for nutritionally adequate meals  
2 served by school districts, including establishing a goal for  
3 the use of Iowa-based products in school meal programs and a  
4 model nutrition plan for healthy children.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1696SS 82  
7 kh/gg/14



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Senate File 56 - Introduced continued

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1 1 Section 1. Section 256.7, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 27. Adopt rules establishing guidelines  
1 4 for nutritionally adequate meals to be served by school  
1 5 districts. The board shall set a goal, to be achieved not  
1 6 later than the fiscal year beginning July 1, 2012, of  
1 7 increasing to eighty percent the amount of Iowa-based products  
1 8 used in the school meal programs offered by school districts.

1 9 Sec. 2. Section 256.9, subsection 39, Code 2007, is  
1 10 amended to read as follows:

1 11 39. Provide educational resources and technical assistance  
1 12 to schools relating to the implementation of the nutritional  
1 13 guidelines for food and beverages sold on public school  
1 14 grounds or on the grounds of nonpublic schools receiving funds  
1 15 under section 283A.10. In addition, the department shall  
1 16 prepare and make available to school districts a model  
1 17 low-carbohydrate healthy children nutrition plan for meal  
1 18 programs offered by school districts.

1 19 EXPLANATION

1 20 This bill aims to improve school meal programs by directing  
1 21 the state board of education to adopt rules establishing  
1 22 guidelines for nutritionally adequate meals served by school  
1 23 districts and to set a goal to have 80 percent of a school  
1 24 district's meal program comprised of Iowa-based products in  
1 25 five years; and by directing the director of the department of  
1 26 education to make a model low-carbohydrate nutrition plan for  
1 27 healthy children available for use in school districts' school  
1 28 meal programs.

1 29 LSB 1696SS 82

1 30 kh:nh/gg/14.1



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**Senate File 57 - Introduced**

SENATE FILE  
BY BOLKCOM

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

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

**A BILL FOR**

1 An Act providing restrictions on the information contained on  
2 electronically printed credit card receipts, and providing a  
3 penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1441SS 82  
6 rn/je/5



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1 1 Section 1. NEW SECTION. 537.8102 ELECTRONICALLY PRINTED  
1 2 CREDIT CARD RECEIPTS == RESTRICTIONS == PENALTY.  
1 3 1. Except as provided in this section, on or after July 1,  
1 4 2009, a seller who regularly engages as a seller in credit  
1 5 transactions of the same kind, who accepts credit cards for  
1 6 the transaction of business, and who electronically prints  
1 7 receipts for such credit card transactions shall not print on  
1 8 the receipt provided to the purchaser more than the last five  
1 9 digits of the credit card account number nor print on the  
1 10 receipt provided to the purchaser the expiration date of the  
1 11 credit card. This section shall not apply to a credit card  
1 12 transaction in which the sole means of recording the  
1 13 purchaser's credit card number is by handwriting or by an  
1 14 imprint or copy of the credit card.  
1 15 2. A seller who violates the provisions of this section is  
1 16 guilty of a serious misdemeanor.

1 17 EXPLANATION

1 18 This bill places restrictions on the information contained  
1 19 on electronically printed credit card receipts. The bill  
1 20 provides that on or after July 1, 2009, a seller who regularly  
1 21 engages as a seller in credit transactions of the same kind,  
1 22 who accepts credit cards, and who electronically prints  
1 23 receipts for such credit card transactions, shall not print on  
1 24 the receipt provided to the purchaser more than the last five  
1 25 digits of the purchaser's credit card account number or the  
1 26 expiration date of the credit card. The bill provides,  
1 27 however, that the restrictions shall not apply to a credit  
1 28 card transaction in which the sole means of recording the  
1 29 purchaser's credit card number is by handwriting or by an  
1 30 imprint or copy of the credit card.

1 31 The bill specifies that a violation of the restrictions is  
1 32 a serious misdemeanor. A serious misdemeanor is punishable by  
1 33 confinement for no more than one year and a fine of at least  
1 34 \$315 but not more than \$1,875.

1 35 LSB 1441SS 82



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2 1 rn:nh/je/5



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**Senate File 58 - Introduced**

SENATE FILE  
BY WARNSTADT

(COMPANION TO LSB 1618HH BY  
WHITEAD)

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

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

**A BILL FOR**

- 1 An Act relating to the number of signatures required on
- 2 nomination papers for the office of mayor in certain cities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1618SS 82
- 5 sc/gg/14

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Senate File 57 - Introduced continued

1 1 Section 1. NEW SECTION. 376.4A CHANGE TO DIRECT ELECTION  
1 2 OF MAYOR == NOMINATION SIGNATURE REQUIREMENTS.  
1 3 1. If there is a change in government pursuant to section  
1 4 372.6, subsection 2, the number of signatures required on a  
1 5 nomination petition for the office of mayor for the first  
1 6 election that office is on the ballot shall be an amount equal  
1 7 to the product of the following:  
1 8 a. The total number of votes cast for at-large city  
1 9 council offices at the last regular city election divided by  
1 10 the number of city council seats to be filled at the last  
1 11 regular city election.  
1 12 b. Two hundredths.  
1 13 2. If the product of subsection 1, paragraphs "a" and "b",  
1 14 is less than ten, the required number of signatures is ten.  
1 15 EXPLANATION  
1 16 This bill provides that if a city governed by the  
1 17 council=manager=at-large form of government modifies its form  
1 18 of government to provide for the direct election of the mayor  
1 19 by the voters, the number of signatures required on nomination  
1 20 papers for the office of mayor in the first election that  
1 21 office is on the ballot shall be a number equal to the total  
1 22 number of votes cast for city council offices at the last city  
1 23 election divided by the number of city council offices on the  
1 24 ballot at that election and multiplied by two hundredths  
1 25 (.02). The minimum number of signatures required is 10.  
1 26 LSB 1618SS 82  
1 27 sc:nh/gg/14.1



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Senate File 59

SENATE FILE

BY WOOD, BOLKCOM, STEWART, RAGAN,  
SCHMITZ, KETTERING, HANCOCK,  
BEALL, SCHOENJAHN, DOTZLER,  
HECKROTH, HORN, SENG, OLIVE,  
HATCH, DEARDEN, FRAISE,  
COURTNEY, GRONSTAL, KIBBIE,  
APPEL, CONNOLLY, HOGG, RIELLY,  
and QUIIRMBACH

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

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

**A BILL FOR**

- 1 An Act relating to case management under the Medicaid elderly
- 2 waiver and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2101XS 82
- 5 pf/gg/14



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Senate File 59 continued

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1 1 Section 1. CASE MANAGEMENT == MEDICAID ELDERLY WAIVER ==  
1 2 APPROPRIATION. There is appropriated from the general fund of  
1 3 the state to the department of elder affairs for the fiscal  
1 4 year beginning July 1, 2007, and ending June 30, 2008, the  
1 5 following amount, or so much thereof as is necessary, to be  
1 6 used for the purposes designated:  
1 7 For case management services provided under the medical  
1 8 assistance elderly waiver:  
1 9 ..... \$ 3,000,000  
1 10 The department of elder affairs shall transfer the funds  
1 11 appropriated in this section to the department of human  
1 12 services in equal amounts on a quarterly basis to reimburse  
1 13 the department of human services for case management services  
1 14 provided under the medical assistance elderly waiver.  
1 15 EXPLANATION  
1 16 This bill provides for an appropriation of \$3 million from  
1 17 the general fund of the state to the department of elder  
1 18 affairs for FY 2007=2008 for case management services provided  
1 19 under the medical assistance elderly waiver. The bill directs  
1 20 the department of elder affairs to transfer the funds  
1 21 appropriated in equal amounts on a quarterly basis to  
1 22 reimburse the department of human services for these case  
1 23 management services. The Medicaid home and community-based  
1 24 services elderly waiver provides service funding and  
1 25 individualized supports to maintain eligible consumers in  
1 26 their own homes or communities, who would otherwise require  
1 27 care in a medical institution. Services include but are not  
1 28 limited to adult day care, home delivery needs, home health  
1 29 aid, and transportation.  
1 30 LSB 2101XS 82  
1 31 pf:rj/gg/14



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Senate File 60 - Introduced

SENATE FILE

BY WOOD, MULDER, SCHOENJAHN,  
CONNOLLY, SCHMITZ, APPEL,  
STEWART, BEALL, and ZAUN

(COMPANION TO LSB 1884HH  
BY WINCKLER)

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

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

**A BILL FOR**

- 1 An Act requiring a study by the department of education relating
- 2 to implementation of a statewide student information system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1884SS 82
- 5 ak/je/5



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1 1 Section 1. STATEWIDE STUDENT INFORMATION SYSTEM == STUDY.  
1 2 The department of education shall conduct a study regarding  
1 3 the development of a statewide student information system.  
1 4 The objective of the system would be to develop and maintain a  
1 5 statewide database of information relating to a student's  
1 6 identity, educational history, academic performance,  
1 7 achievements, honors, disciplinary actions, and any other  
1 8 information, including medical and social service-related  
1 9 information, to be provided as established by rule or  
1 10 determined relevant by the school district submitting the  
1 11 information to the database. The goal of the system would be  
1 12 to facilitate the transfer of information regarding a student  
1 13 from one grade, educational institution, or school district to  
1 14 another, thereby enhancing the likelihood of a smooth  
1 15 transition for the student into a new educational environment,  
1 16 and assisting school administration officials in providing the  
1 17 best possible environment for maximizing the student's  
1 18 academic and interpersonal success and identifying in advance  
1 19 potential issues of concern. In conducting the study, the  
1 20 department shall obtain and evaluate information relating to  
1 21 similar systems in other states, and shall address the merits  
1 22 of such a system, the feasibility of implementing the system,  
1 23 and potential confidentiality issues and a procedure for  
1 24 addressing them. The department shall submit a report to the  
1 25 general assembly by January 15, 2008, regarding its findings  
1 26 and conclusions.

1 27 EXPLANATION  
1 28 This bill requires the department of education to conduct a  
1 29 study relating to the development of a statewide student  
1 30 information system.  
1 31 The bill provides that the objective of the system would be  
1 32 to develop and maintain a statewide database of specified  
1 33 information relating to a student, with the goal of  
1 34 facilitating the transfer of information regarding a student  
1 35 from one grade, educational institution, or school district to



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2 1 another, thereby enhancing the student's chances for academic  
2 2 and interpersonal success in making the transition and  
2 3 assisting school administration officials in helping the  
2 4 student and identifying in advance potential issues of  
2 5 concern. In conducting the study, the bill states that the  
2 6 department shall analyze information relating to similar  
2 7 systems in other states, and shall address the merits of such  
2 8 a system, the feasibility of implementing the system, and  
2 9 potential confidentiality issues. A report of findings and  
2 10 conclusions shall be submitted by the department to the  
2 11 general assembly by January 15, 2008.  
2 12 LSB 1884SS 82  
2 13 ak:nh/je/5



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**Senate File 61 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1048)

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 and 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 1219SV 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, political  
2 6 belief, socioeconomic status, or familial status.  
2 7 c. "Volunteer" means an individual who has regular,  
2 8 significant contact with students.  
2 9 3. POLICY. On or before September 1, 2007, the board of  
2 10 directors of a school district and the authorities in charge  
2 11 of each accredited nonpublic school shall adopt a policy  
2 12 declaring harassment and bullying in schools, on school  
2 13 property, and at any school function, or school=sponsored  
2 14 activity regardless of its location, in a manner consistent  
2 15 with this section, as against state and school policy. The  
2 16 board and the authorities shall make a copy of the policy  
2 17 available to all school employees, volunteers, students, and  
2 18 parents or guardians and shall take all appropriate steps to  
2 19 bring the policy against harassment and bullying and the  
2 20 responsibilities set forth in the policy to the attention of  
2 21 school employees, volunteers, students, and parents or  
2 22 guardians. Each policy shall, at a minimum, include all of  
2 23 the following components:  
2 24 a. A statement declaring harassment and bullying to be  
2 25 against state and school policy. The statement shall include  
2 26 but not be limited to the following provisions:  
2 27 (1) School employees, volunteers, and students in school,  
2 28 on school property, or at any school function or school=  
2 29 sponsored activity shall not engage in harassing and bullying  
2 30 behavior.  
2 31 (2) School employees, volunteers, and students shall not  
2 32 engage in reprisal, retaliation, or false accusation against a  
2 33 victim, witness, or an individual who has reliable information  
2 34 about such an act of harassment or bullying.  
2 35 b. A definition of harassment and bullying as set forth in



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3 1 this section.

3 2 c. A description of the type of behavior expected from  
3 3 school employees, volunteers, parents or guardians, and  
3 4 students relative to prevention measures, reporting, and  
3 5 investigation of harassment or bullying.

3 6 d. The consequences and appropriate remedial action for a  
3 7 person who violates the antiharassment and antibullying  
3 8 policy.

3 9 e. A procedure for reporting an act of harassment or  
3 10 bullying, including the identification by job title of the  
3 11 school official responsible for ensuring that the policy is  
3 12 implemented, and the identification of the person or persons  
3 13 responsible for receiving reports of harassment or bullying.

3 14 f. A procedure for the prompt investigation of complaints,  
3 15 either identifying the school superintendent or the  
3 16 superintendent's designee as the individual responsible for  
3 17 conducting the investigation, including a statement that  
3 18 investigators will consider the totality of circumstances  
3 19 presented in determining whether conduct objectively  
3 20 constitutes harassment or bullying under this section.

3 21 g. A statement of the manner in which the policy will be  
3 22 publicized.

3 23 4. PROGRAMS ENCOURAGED. The board of directors of a  
3 24 school district and the authorities in charge of each  
3 25 accredited nonpublic school are encouraged to establish  
3 26 programs designed to eliminate harassment and bullying in  
3 27 schools. To the extent that funds are available for these  
3 28 purposes, school districts and accredited nonpublic schools  
3 29 shall do the following:

3 30 a. Provide training on antiharassment and antibullying  
3 31 policies to school employees and volunteers who have  
3 32 significant contact with students.

3 33 b. Develop a process to provide school employees,  
3 34 volunteers, and students with the skills and knowledge to help  
3 35 reduce incidents of harassment and bullying.



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4 1 5. IMMUNITY. A school employee, volunteer, or student, or  
4 2 a student's parent or guardian who promptly, reasonably, and  
4 3 in good faith reports an incident of harassment or bullying,  
4 4 in compliance with the procedures in the policy adopted  
4 5 pursuant to this section, to the appropriate school official  
4 6 designated by the school district or accredited nonpublic  
4 7 school, shall be immune from civil or criminal liability  
4 8 relating to such report and to participation in any  
4 9 administrative or judicial proceeding resulting from or  
4 10 relating to the report.

4 11 6. COLLECTION REQUIREMENT. The board of directors of a  
4 12 school district and the authorities in charge of each  
4 13 nonpublic school shall develop and maintain a system to  
4 14 collect harassment and bullying incidence data.

4 15 7. INTEGRATION OF POLICY AND REPORTING. The board of  
4 16 directors of a school district and the authorities in charge  
4 17 of each nonpublic school shall integrate its antiharassment  
4 18 and antibullying policy into the comprehensive school  
4 19 improvement plan required under section 256.7, subsection 21,  
4 20 and shall report data collected under subsection 6, as  
4 21 specified by the department, to the local community.

4 22 8. EXISTING REMEDIES NOT AFFECTED. This section shall not  
4 23 be construed to preclude a victim from seeking administrative  
4 24 or legal remedies under any applicable provision of law.

4 25 EXPLANATION

4 26 This bill relates to harassment and bullying of elementary  
4 27 and secondary school students and establishes a state policy  
4 28 that school employees, volunteers, and students in Iowa  
4 29 schools shall not engage in harassing or bullying behavior.

4 30 The bill adds to the list of school improvement advisory  
4 31 committee recommendation areas, that school districts and  
4 32 schools must consider the committees' recommendations  
4 33 regarding harassment or bullying prevention goals, programs,  
4 34 training, and other initiatives.

4 35 The bill defines "harassment" and "bullying" to mean any



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5 1 conduct toward a student that is based on any actual or  
5 2 perceived trait or characteristic, which is also defined in  
5 3 the bill; that creates an objectively hostile education  
5 4 environment; and that meets one or more of the conditions  
5 5 specified in the bill.

5 6 The bill requires school boards and accredited nonpublic  
5 7 schools to have a policy in place by September 1, 2007, that  
5 8 states that school employees, volunteers, and students shall  
5 9 not engage in harassing or bullying behavior. The policy must  
5 10 be distributed to all concerned, define harassment and  
5 11 bullying, describe the behavior expected from all concerned,  
5 12 describe the consequences and appropriate remedial action for  
5 13 violation of the policy, include a procedure for reporting  
5 14 incidents, identify persons responsible for receiving reports,  
5 15 include a procedure for the prompt investigation of  
5 16 complaints, and list a range of sanctions and remedial actions  
5 17 that can be taken with regard to confirmed incidents. The  
5 18 policy also must prohibit reprisal, retaliation, or false  
5 19 accusation against a victim, witness, or an individual who has  
5 20 reliable information about an act of harassment or bullying.

5 21 The bill encourages school boards and schools to establish  
5 22 programs designed to eliminate harassment and bullying in  
5 23 schools, to provide training on antiharassment and  
5 24 antibullying policies, and to develop a process to help reduce  
5 25 incidents of harassment and bullying.

5 26 The bill provides immunity from civil or criminal liability  
5 27 to school employees, volunteers, and students and their  
5 28 parents or guardians who report an incident of harassment or  
5 29 bullying promptly, reasonably, and in good faith. Existing  
5 30 administrative or legal remedies available to a victim are  
5 31 unaffected by the provisions of the bill. The bill requires  
5 32 schools to integrate their policies into their comprehensive  
5 33 school improvement plans, which are submitted to the  
5 34 department, and requires that data collected for the plan be  
5 35 reported to the local community.



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6 1 LSB 1219SV 82  
6 2 kh:rj/cf/24



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**Senate File 62 - Introduced**

SENATE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1021)

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 1232SV 82  
6 kh/je/5

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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 5, paragraph g,  
2 18 unnumbered paragraph 3, Code 2007, is amended to read as  
2 19 follows:

2 20 The principal of the school shall inform the superintendent  
2 21 of the school district or nonpublic school that the student  
2 22 has been excused. Physical education activities shall  
2 23 emphasize ~~leisure time~~ activities which ~~will benefit the~~  
~~2 24 student outside the school environment and after graduation~~  
~~2 25 from high school~~ promote a lifelong healthy lifestyle.

2 26 Sec. 5. Section 256.11, subsection 13, paragraph a,  
2 27 subparagraphs (1) and (2), Code 2007, are amended to read as  
2 28 follows:

2 29 (1) Courses comprising the ~~limited program~~ core academic  
2 30 program described in subsection 5, paragraphs "a" through "f".

2 31 (2) Health and licensure requirements for personnel.

2 32 Sec. 6. Section 256B.6, Code 2007, is amended to read as  
2 33 follows:

2 34 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

2 35 1. When the school district or area education agency has



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

3 14 2. A child, or the parent or guardian of the child, or the  
3 15 school district in which the child resides, may obtain a  
3 16 review of an action or omission of state or local authorities  
3 17 pursuant to the procedures established by the state board of  
3 18 education on the ground that the child has been or is about to  
3 19 be:

3 20 ~~1.~~ a. Denied entry or continuance in a program of special  
3 21 education appropriate to the child's condition and needs.

3 22 ~~2.~~ b. Placed in a special education program which is  
3 23 inappropriate to the child's condition and needs.

3 24 ~~3.~~ c. Denied educational services because no suitable  
3 25 program of education or related services is maintained.

3 26 ~~4.~~ d. Provided with special education which is  
3 27 insufficient in quantity to satisfy the requirements of law.

3 28 ~~5.~~ e. Assigned to a program of special education when the  
3 29 child does not have a disability.

3 30 3. When a child requiring special education attains the  
3 31 age of majority or is incarcerated in an adult or juvenile,  
3 32 state or local, correctional institution, all rights accorded  
3 33 to the parent or guardian under this chapter transfer to the  
3 34 child except as provided in this subsection. Any notice  
3 35 required by this chapter shall be provided to both the child



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

4 10 4. Notwithstanding section 17A.11, the state board of  
4 11 education shall adopt rules for the appointment of an  
4 12 impartial administrative law judge for special education  
4 13 appeals. The rules shall comply with federal statutes and  
4 14 regulations.

4 15 Sec. 7. Section 257.6, subsection 1, paragraph c, Code  
4 16 2007, is amended to read as follows:

4 17 c. Shared-time and part-time pupils of school age enrolled  
4 18 in public schools within the district, irrespective of the  
4 19 districts in which the pupils reside, in the proportion that  
4 20 the time for which they are enrolled or receive instruction  
4 21 for the school year is to the time that full-time pupils  
4 22 carrying a normal course schedule, at the same grade level, in  
4 23 the same school district, for the same school year, are  
4 24 enrolled and receive instruction. Tuition charges to the  
4 25 parent or guardian of a shared-time or part-time nonresident  
4 26 pupil shall be reduced by the amount of any increased state  
4 27 aid received by the district by the counting of the pupil.  
4 28 This paragraph applies to pupils from accredited nonpublic  
4 29 schools accessing classes or services on the accredited  
4 30 nonpublic school premises or the school district site, but  
4 31 excludes accredited nonpublic pupils receiving classes or  
4 32 services funded by federal grants or allocations.

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

4 35 a. In order to provide additional funds for school



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5 1 districts ~~which~~ that send their resident pupils and  
5 2 nonresident pupils in attendance who are participating in open  
5 3 enrollment under section 282.18 or under a whole grade sharing  
5 4 agreement executed under sections 282.10 through 282.12 to a  
5 5 community college for classes, a supplementary weighting plan  
5 6 for determining enrollment is adopted.

5 7 Sec. 9. Section 257.11, subsection 3, paragraph b,  
5 8 unnumbered paragraph 1, Code 2007, is amended to read as  
5 9 follows:

5 10 If the school budget review committee certifies to the  
5 11 department of management that the class would not otherwise be  
5 12 implemented without the assignment of additional weighting,  
5 13 pupils attending a ~~community college-offered class or~~  
5 14 ~~attending a class taught by a community college-employed~~  
5 15 ~~instructor that meets the requirements of this subsection are~~  
5 16 assigned a weighting of forty-eight hundredths of the  
5 17 percentage of the pupil's school day during which the pupil  
5 18 attends such class in the community college or attends a class  
5 19 ~~taught by a community college-employed instructor.~~ The  
5 20 following requirements shall be met for the purposes of  
5 21 assigning an additional weighting for classes offered through  
5 22 a sharing agreement between a school district and community  
5 23 college. The class must be:

5 24 Sec. 10. Section 257.11, subsection 3, paragraph b,  
5 25 subparagraph (5), Code 2007, is amended to read as follows:  
5 26 (5) Taught by a community college-employed instructor or  
5 27 by a school district instructor for whose services the  
5 28 community college has contracted specifically to teach the  
5 29 course.

5 30 Sec. 11. Section 257.11, subsection 7, Code 2007, is  
5 31 amended to read as follows:

5 32 7. PUPILS INELIGIBLE. ~~A pupil eligible for the weighting~~  
5 33 ~~plan provided in section 256B.9 is not eligible for~~  
5 34 ~~supplementary weighting pursuant to this section.~~ A pupil  
5 35 attending an alternative program or an at-risk pupils'



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6 1 program, including alternative high school programs, is not  
6 2 eligible for supplementary weighting under subsection 2.

6 3 Sec. 12. Section 257.13, subsection 2, Code 2007, is  
6 4 amended to read as follows:

6 5 2. The board of directors of a school district that wishes  
6 6 to receive an on-time funding budget adjustment shall adopt a  
6 7 resolution to receive the adjustment and notify the school  
6 8 budget review committee by November ± 15, annually. The  
6 9 school budget review committee shall establish a modified  
6 10 allowable growth in an amount determined pursuant to  
6 11 subsection 1.

6 12 Sec. 13. Section 257.37, subsection 4, Code 2007, is  
6 13 amended to read as follows:

6 14 4. "Enrollment served" means the basic enrollment plus the  
6 15 number of nonpublic school pupils served with media services  
6 16 or educational services, as applicable, except that if a  
6 17 nonpublic school pupil or a pupil attending another district  
6 18 under a whole grade sharing agreement or open enrollment  
6 19 receives services through an area other than the area of the  
6 20 pupil's residence, the pupil shall be deemed to be served by  
6 21 the area of the pupil's residence, which shall by contractual  
6 22 arrangement reimburse the area through which the pupil  
6 23 actually receives services. Each school district shall  
6 24 include in the enrollment report submitted pursuant to section  
6 25 257.6, subsection 1, the number of nonpublic school pupils  
6 26 within each school district for media and educational services  
6 27 served by the area. However, the school district shall not  
6 28 include in the enrollment report nonpublic school pupils  
6 29 receiving classes or services funded by federal grants or  
6 30 allocations.

6 31 Sec. 14. Section 259A.1, Code 2007, is amended to read as  
6 32 follows:

6 33 259A.1 TESTS.

6 34 The department of education shall cause to be made  
6 35 available for qualified individuals a high school equivalency



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7 1 diploma. The diploma shall be issued on the basis of  
7 2 satisfactory competence as shown by tests covering all of the  
7 3 following: language arts == reading, ~~arts,~~; language arts, ==  
7 4 writing,; mathematics,; science,; and social studies.

7 5 Sec. 15. Section 259A.3, Code 2007, is amended to read as  
7 6 follows:

7 7 259A.3 NOTICE AND FEE.

7 8 Any applicant who has achieved the minimum passing  
7 9 standards as established by the department of education, and  
7 10 approved by the state board of education, shall be issued a  
7 11 high school equivalency diploma by the department upon payment  
7 12 of an additional five dollars.

7 13 Sec. 16. Section 260C.35, unnumbered paragraph 2, Code  
7 14 2007, is amended to read as follows:

7 15 With the approval of the director of ~~the department of~~  
~~7 16 education,~~ the board of directors of a merged area at any one  
7 17 time may sell any land in a single tract in excess of one  
7 18 hundred sixty acres owned by the merged area, and an election  
7 19 is not necessary in connection with the sale. The proceeds of  
7 20 the sale may be used for any of the purposes stated in section  
7 21 260C.22. This paragraph is in addition to any authority under  
7 22 other provisions of law.

7 23 Sec. 17. Section 273.13, Code 2007, is amended to read as  
7 24 follows:

7 25 273.13 ADMINISTRATIVE EXPENDITURES.

~~7 26 During the budget year beginning July 1, 1989, and the~~  
~~7 27 three succeeding budget years, the board of directors of an~~  
~~7 28 area education agency in which the administrative expenditures~~  
~~7 29 as a percent of the area education agency's operating fund for~~  
~~7 30 a base year exceed five percent shall reduce its~~  
~~7 31 administrative expenditures to five percent of the area~~  
~~7 32 education agency's operating fund. During each of the four~~  
~~7 33 years, the board of directors shall reduce administrative~~  
~~7 34 expenditures by twenty-five percent of the reduction in~~  
~~7 35 administrative expenditure required by this section.~~



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~~8 1 Thereafter, the An area education agency's administrative~~  
 8 2 expenditures shall not exceed five percent of the ~~operating~~  
 8 3 general fund. Annually, the board of directors of an area  
 8 4 education agency shall certify to the department of education  
 8 5 the amounts of the area education agency's expenditures and  
 8 6 its ~~operating~~ general fund. For the purposes of this section,  
 8 7 "~~base year~~" and "~~budget year~~" ~~mean the same as defined in~~  
 8 8 ~~section 442.6, Code 1989, and section 257.2, and~~  
 8 9 "administrative expenditures" means expenditures for executive  
 8 10 administration.

8 11 Sec. 18. Section 279.30, Code 2007, is amended to read as  
 8 12 follows:

8 13 279.30 EXCEPTIONS.

8 14 Each payment must be made payable to the person entitled to  
 8 15 receive the money or direct deposited to an account at a  
 8 16 financial institution, as defined in section 527.2, specified  
 8 17 by the person entitled to receive the money. The board of  
 8 18 directors of a school district or an area education agency may  
 8 19 by resolution authorize the secretary, upon approval of the  
 8 20 superintendent or designee, or administrator, in the case of  
 8 21 an area education agency, to issue payments when the board of  
 8 22 directors is not in session in payment of reasonable and  
 8 23 necessary expenses, but only upon verified bills filed with  
 8 24 the secretary or administrator, and for the payment of  
 8 25 salaries pursuant to the terms of a written contract. Each  
 8 26 payment must be made payable only to the person performing the  
 8 27 service or presenting the verified bill, and must state the  
 8 28 purpose for which the payment is issued. All bills and  
 8 29 salaries for which payments are issued prior to audit and  
 8 30 allowance by the board must be passed upon by the board of  
 8 31 directors at the next meeting and be entered in the regular  
 8 32 minutes of the secretary.

8 33 Sec. 19. Section 279.33, Code 2007, is amended to read as  
 8 34 follows:

8 35 279.33 ANNUAL SETTLEMENTS.

9 1 At a regular or special meeting held on or after August 31  
 9 2 and prior to the organizational meeting held after the regular  
 9 3 school election, the board of each school corporation shall  
 9 4 meet, examine the ~~books~~ accounting records of and settle with  
 9 5 the secretary and ~~treasurer~~ auditor for the year ending on the  
 9 6 preceding June 30, and transact other business as necessary.  
 9 7 The ~~treasurer~~ auditor at the time of settlement shall furnish  
 9 8 the board with a statement from each depository showing the  
 9 9 balance then on deposit in the depository. If the secretary  
 9 10 or ~~treasurer~~ auditor fails to make proper reports for the  
 9 11 settlement, the board shall take action to obtain the balance  
 9 12 information.

9 13 Sec. 20. Section 279.42, Code 2007, is amended to read as  
 9 14 follows:

9 15 279.42 GIFTS TO SCHOOLS.

9 16 The board of directors of a school district ~~which that~~  
 9 17 receives funds through ~~gifts~~ a gift, devise, and  
 9 18 ~~requests or bequest~~ shall deposit ~~these~~ the funds in a trust  
 9 19 ~~and agency or permanent~~ fund and shall use ~~them~~ the funds in  
 9 20 accordance with the terms of the gift, devise, or bequest.

9 21 Sec. 21. Section 279.45, Code 2007, is amended to read as



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9 22 follows:

9 23 279.45 ADMINISTRATIVE EXPENDITURES.

9 24 ~~For the budget year beginning July 1, 1989, and each of the~~  
~~9 25 following three budget years, the board of directors of a~~  
~~9 26 school district in which the administrative expenditures as a~~  
~~9 27 percent of the school district's operating fund for a base~~  
~~9 28 year exceed five percent, shall reduce its administrative~~  
~~9 29 expenditures so that they are one-half percent less as a~~  
~~9 30 percent of the school district's operating fund than they were~~  
~~9 31 for the base year. However, a A school district is not~~  
9 32 required to reduce its administrative expenditures below five  
9 33 percent of its operating fund. ~~Thereafter, a A school~~  
9 34 district shall not increase the percent of its administrative  
9 35 expenditures compared to its ~~operating~~ general fund.



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10 1 Annually, the board of directors shall certify to the  
10 2 department of education the amounts of the school district's  
10 3 administrative expenditures and its operating general fund.  
10 4 For the purposes of this section, "~~base year~~" and "~~budget~~  
~~10 5 year~~" mean the same as defined in section 442.6, Code 1989,  
~~10 6 and section 257.2, and "administrative expenditures" means~~  
10 7 expenditures for executive administration.  
10 8 Sec. 22. Section 282.1, unnumbered paragraph 1, Code 2007,  
10 9 is amended to read as follows:  
10 10 Persons between five and twenty-one years of age are of  
10 11 school age. Nonresident children shall be charged the maximum  
10 12 tuition rate as determined in section 282.24, subsection 1,  
10 13 with the exception that those residing temporarily in a school  
10 14 corporation may attend school in the corporation upon terms  
10 15 prescribed by the board, ~~and boards~~. A school district  
10 16 discontinuing grades under section 282.7, subsection 1 or  
10 17 subsections 1 and 3, shall be charged tuition as provided in  
10 18 section 282.24, subsection ~~2~~ 1.  
10 19 Sec. 23. Section 282.18, subsection 4, Code 2007, is  
10 20 amended by adding the following new paragraph:  
10 21 NEW PARAGRAPH. bb. If a transfer is requested after March  
10 22 1 of the preceding school year on behalf of a pupil whose  
10 23 sibling is already participating in open enrollment to the  
10 24 receiving district, the receiving district shall take action  
10 25 to approve the request.  
10 26 Sec. 24. Section 282.18, subsection 5, Code 2007, is  
10 27 amended to read as follows:  
10 28 5. Open enrollment applications filed after March 1 of the  
10 29 preceding school year that are not approved pursuant to  
10 30 subsection 4, paragraph "bb" and do not qualify for good cause  
10 31 as provided in subsection 4 shall be subject to the approval  
10 32 of the board of the resident district and the board of the  
10 33 receiving district. The parent or guardian shall send  
10 34 notification to the district of residence and the receiving  
10 35 district that the parent or guardian seeks to enroll the



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11 1 parent's or guardian's child in the receiving district. A  
11 2 decision of either board to deny an application filed under  
11 3 this subsection involving repeated acts of harassment of the  
11 4 student or serious health condition of the student that the  
11 5 resident district cannot adequately address is subject to  
11 6 appeal under section 290.1. The state board shall exercise  
11 7 broad discretion to achieve just and equitable results that  
11 8 are in the best interest of the affected child or children.

11 9 Sec. 25. Section 285.9, Code 2007, is amended by adding  
11 10 the following new subsection:

11 11 NEW SUBSECTION. 5. Review all transportation disputes  
11 12 between districts. If the affected districts are located in  
11 13 more than one area education agency, the area education agency  
11 14 in which the larger of the districts is located shall be the  
11 15 reviewing agency. In resolving disputes between districts,  
11 16 the reviewing agency board shall, after receiving all facts,  
11 17 make such alterations or changes as necessary to make the  
11 18 arrangements, designations, and contracts conform to the legal  
11 19 and established requirements and shall notify each affected  
11 20 local school board of such action. An affected district may  
11 21 appeal the decision of the agency board to the director of the  
11 22 department of education by following the timelines and  
11 23 procedures in section 285.12.

11 24 Sec. 26. Section 291.1, Code 2007, is amended to read as  
11 25 follows:

11 26 291.1 PRESIDENT == DUTIES.

11 27 The president of the board of directors shall preside at  
11 28 all of its meetings, sign all contracts made by the board, and  
11 29 appear ~~in~~ on behalf of the corporation in all actions brought  
11 30 by or against it, unless individually a party, in which case  
11 31 this duty shall be performed by the secretary. The president  
11 32 or the president's designee shall sign, using an original or  
11 33 facsimile signature, all school district ~~warrants~~ payments  
11 34 drawn and authorize electronic funds transfers as provided by  
11 35 law. The board of directors, by resolution, may designate an



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12 1 individual, who shall not be the secretary, to sign ~~warrants~~  
12 2 payments or authorize electronic funds transfers on behalf of  
12 3 the president.

12 4 Sec. 27. Section 291.6, subsection 3, Code 2007, is  
12 5 amended by striking the subsection and inserting in lieu  
12 6 thereof the following:

12 7 3. ACCOUNTING RECORDS. Keep an accurate accounting record  
12 8 of each payment or electronic funds transfer from each fund  
12 9 which shall be provided monthly to the board of directors.  
12 10 The secretary of the creditor district shall prepare and  
12 11 deliver to debtor districts an itemized statement of tuition  
12 12 fees charged in accordance with sections 275.55A and 282.11,  
12 13 and section 282.24, subsection 1.

12 14 Sec. 28. Section 291.6, subsection 4, Code 2007, is  
12 15 amended to read as follows:

12 16 4. CLAIMS. Keep an accurate ~~account~~ accounting of all  
12 17 expenses incurred by the corporation, and present the same to  
12 18 the board for audit and payment.

12 19 Sec. 29. Section 291.7, Code 2007, is amended to read as  
12 20 follows:

12 21 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

12 22 The secretary of each district shall file monthly with the  
12 23 board of directors a complete statement of all receipts and  
12 24 disbursements from ~~the various funds~~ each individual fund  
12 25 during the preceding month, and also the balance remaining on  
12 26 hand in ~~the various funds~~ each individual fund at the close of  
12 27 the period covered by the statement, which monthly statements  
12 28 shall be open to public inspection.

12 29 Sec. 30. Section 291.8, Code 2007, is amended by striking  
12 30 the section and inserting in lieu thereof the following:

12 31 291.8 PAYMENTS.

12 32 The secretary shall make each authorized payment,  
12 33 countersign using an original or facsimile signature, and  
12 34 maintain accounting records of the payments or electronic  
12 35 funds transfers, showing the number, date, payee, originating



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13 1 fund, the purpose, and the amount; and shall provide to the  
13 2 board at each regular annual meeting a copy of the accounting  
13 3 records maintained by the secretary.

13 4 Sec. 31. Section 291.12, Code 2007, is amended to read as  
13 5 follows:

13 6 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~  
13 7 PAYMENTS.

13 8 The treasurer shall receive all moneys belonging to the  
13 9 corporation, pay the same out only upon the order of the  
13 10 president countersigned by the secretary, ~~keeping~~ and shall  
13 11 keep an accurate ~~account~~ accounting record of all receipts and  
13 12 expenditures in a book provided for that purpose. The  
13 13 treasurer shall register all ~~orders drawn~~ payments and  
13 14 electronic funds transfers made and reported to the treasurer  
13 15 by the secretary, showing the number, date, to whom drawn, the  
13 16 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,  
13 17 the purpose and amount.

13 18 Sec. 32. Section 291.14, Code 2007, is amended to read as  
13 19 follows:

13 20 291.14 FINANCIAL STATEMENT.

13 21 The treasurer shall render a statement of the finances of  
13 22 the corporation whenever required by the board, and the  
13 23 treasurer's ~~books~~ accounting records shall always be open for  
13 24 inspection.

13 25 Sec. 33. Section 298A.13, Code 2007, is amended to read as  
13 26 follows:

13 27 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

13 28 Trust, permanent, or agency funds shall be established by  
13 29 any school corporation to account for gifts it receives to be  
13 30 used for a particular purpose or to account for money and  
13 31 property received and administered by the district as trustee  
13 32 or custodian or in the capacity of an agent. Boards may  
13 33 establish trust ~~and,~~ permanent, or agency funds as necessary.

13 34 Sec. 34. Section 299.1, unnumbered paragraph 2, Code 2007,  
13 35 is amended to read as follows:



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14 1 The board of directors of a public school district or the  
14 2 governing body of an accredited nonpublic school may, by  
14 3 resolution, require attendance for the entire time when the  
14 4 schools are in session in any school year and adopt a policy  
14 5 or rules relating to the reasons considered to be valid or  
14 6 acceptable excuses for absence from school.  
14 7 Sec. 35. Section 299A.11, Code 2007, is amended to read as  
14 8 follows:  
14 9 299A.11 STUDENT RECORDS CONFIDENTIAL.  
14 10 Notwithstanding any provision of law or rule to the  
14 11 contrary, personal information in records regarding a child  
14 12 receiving competent private instruction pursuant to this  
14 13 chapter, which are maintained, created, collected, or  
14 14 assembled by or for a state agency, shall be kept confidential  
14 15 in the same manner as personal information in student records  
14 16 maintained, created, collected, or assembled by or for a  
14 17 school corporation or educational institution in accordance  
14 18 with section 22.7, subsection 1. For purposes of this  
14 19 section, "personal information in records regarding a child  
14 20 receiving competent private instruction" shall include the  
14 21 child's name and home address, as well as all other  
14 22 information that personally identifies the child.  
14 23 Sec. 36. Section 301.28, Code 2007, is amended to read as  
14 24 follows:  
14 25 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND  
14 26 SUPPLIES == PENALTY.  
14 27 It shall be unlawful for any school director, officer, area  
14 28 education director, or teacher to act as an agent for any  
14 29 school textbooks or school supplies in any transaction with  
14 30 the directors, officers, or other staff members of the school  
14 31 district or the directors, officers, or other staff members of  
14 32 the area education agency in which the school district is  
14 33 located during such term of office or employment, and any  
14 34 school director, officer, area education director, or teacher,  
14 35 who ~~shall act~~ acts as an agent or dealer in school textbooks



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15 1 or school supplies, within the school district or area  
15 2 education agency in which the school district is located  
15 3 during the term of such office or employment, in violation of  
15 4 this section shall be deemed guilty of a serious misdemeanor.

15 5 Sec. 37. Section 321.1, subsection 69, unnumbered  
15 6 paragraph 1, Code 2007, is amended to read as follows:

15 7 "School bus" means every vehicle operated for the  
15 8 transportation of children to or from school or school  
15 9 activities, except vehicles which are:

15 10 Sec. 38. Section 321.1, subsection 69, paragraph d, Code  
15 11 2007, is amended to read as follows:

15 12 d. Designed to carry not more than nine persons as  
15 13 passengers, either school owned or privately owned, which are  
15 14 used ~~to transport pupils to activity events in which the~~  
~~15 15 pupils are participants or used to transport pupils to their~~  
15 16 homes in case of illness or other emergency situations. The  
15 17 vehicles operated under the provisions of this paragraph shall  
15 18 be operated by employees of the school district who are  
15 19 specifically approved by the local superintendent of schools  
15 20 for the assignment.

15 21 Sec. 39. Section 321.373, subsection 1, Code 2007, is  
15 22 amended to read as follows:

15 23 1. Every school bus ~~except private passenger vehicles used~~  
~~15 24 as school buses~~ as defined in section 321.1, subsection 69,  
15 25 shall be constructed and equipped to meet safety standards  
15 26 prescribed in rules adopted by the state board of education.  
15 27 Such rules shall conform to safety standards set forth in  
15 28 federal laws and regulations and shall conform, insofar as  
15 29 practicable, to the minimum standards for school buses  
15 30 recommended by the national conference on school  
15 31 transportation administered by the national commission on  
15 32 safety education and published by the national education  
15 33 association.

15 34 Sec. 40. Section 331.756, subsection 7, Code 2007, is  
15 35 amended to read as follows:



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16 1 7. Give advice or a written opinion, without compensation,  
16 2 to the board and other county officers and to ~~school and~~  
16 3 township officers, when requested by an officer, upon any  
16 4 matters in which the state, county, ~~school~~, or township is  
16 5 interested, or relating to the duty of the officer in any  
16 6 matters in which the state, county, ~~school~~, or township may  
16 7 have an interest, but the county attorney shall not appear  
16 8 before the board at a hearing in which the state or county is  
16 9 not interested.

16 10 Sec. 41. Sections 256.20 and 256.23, Code 2007, are  
16 11 repealed.

16 12 EXPLANATION

16 13 This bill makes changes to Code provisions as follows:  
16 14 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is  
16 15 amended to establish that the provision does not prohibit a  
16 16 school corporation or educational institution from  
16 17 transferring student records electronically to other school  
16 18 corporations or educational institutions in accordance with  
16 19 the department of education's comprehensive management  
16 20 information system and uniform coding and reporting system.

16 21 Code section 299A.11 is amended to provide that "personal  
16 22 information in records regarding a child receiving competent  
16 23 private instruction" includes the child's name and home  
16 24 address, and any other information that personally identifies  
16 25 the child.

16 26 PREFERENCES. Code section 73.1 is amended to expand an  
16 27 exemption for school districts from a provision that requires  
16 28 governing bodies in the state to use only those products and  
16 29 provisions grown and coal produced within the state of Iowa  
16 30 when they are found in marketable quantities, are of a  
16 31 suitable quality, and are no more costly than products from  
16 32 other states and countries. Currently, school districts  
16 33 participating in the federal school lunch program are exempt.  
16 34 The bill adds school districts participating in a federal  
16 35 breakfast program to the exemption.



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17 1 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code  
17 2 section 256.10, subsection 2, is amended by striking a  
17 3 provision that prohibits the dismissal of a member of the  
17 4 professional staff for cause without appropriate due process  
17 5 procedures.

17 6 PHYSICAL EDUCATION ACTIVITIES. The bill amends Code  
17 7 section 256.11, subsection 5, paragraph "g", unnumbered  
17 8 paragraph 3, to strike from the physical education standards  
17 9 for grades nine through 12, a requirement that physical  
17 10 education activities emphasize leisure time activities. The  
17 11 bill provides that the activities must promote a lifelong  
17 12 healthy lifestyle.

17 13 COLLEGE PREPARATORY SCHOOLS. The bill amends Code section  
17 14 256.11, subsection 13, paragraph "a", subparagraphs (1) and  
17 15 (2), to require that college preparatory schools comply with  
17 16 certain educational standards and that their staff meet the  
17 17 licensure requirements established under the Code. The  
17 18 educational standards include five units of science, five  
17 19 units of social studies, six units of English=language arts,  
17 20 four units of a sequential program in mathematics, two  
17 21 additional units of mathematics, and four sequential units of  
17 22 one foreign language. The schools are not required to meet  
17 23 other educational standards, including standards for physical  
17 24 education, vocational education, fine arts, or health.

17 25 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.6  
17 26 is amended to provide that when a child requiring special  
17 27 education reaches the age of majority or is incarcerated in a  
17 28 correctional institution, the rights of the child's parent or  
17 29 guardian transfers to the child, and any notice to that  
17 30 child's parent or guardian must also be provided to the child.  
17 31 If the child is determined to be incompetent, these rights  
17 32 shall be exercised by the person appointed to represent the  
17 33 educational interest of the child.

17 34 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section  
17 35 257.6, subsection 1, paragraph c, is amended to specify that



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18 1 accredited nonpublic school pupils receiving classes or  
18 2 services funded by federal grants or allocations shall not be  
18 3 counted in a school district's enrollment as shared-time or  
18 4 part-time pupils. The bill makes a conforming change to Code  
18 5 section 257.37, subsection 4.

18 6 SUPPLEMENTARY WEIGHTING. The bill amends Code section  
18 7 257.11, subsection 3, paragraph a; paragraph b, unnumbered  
18 8 paragraph 1; and paragraph b, subparagraph (5); and Code  
18 9 section 257.11, subsection 7, to allow pupils participating in  
18 10 open enrollment and pupils attending under a whole grade  
18 11 sharing agreement to be counted for purposes of general  
18 12 supplementary weighting for a school district; to provide for  
18 13 supplementary weighting for classes taught not only by a  
18 14 community college-employed instructor but also by a school  
18 15 district instructor with whom the community college has a  
18 16 contract to teach such classes; and to provide that pupils who  
18 17 are eligible for special education weighting are also eligible  
18 18 for supplementary weighting.

18 19 ON-TIME BUDGET ADJUSTMENT. Code section 257.13, subsection  
18 20 2, is amended to extend to November 15 the annual date by  
18 21 which the board of directors of a school district that wishes  
18 22 to receive an on-time funding budget adjustment must adopt a  
18 23 resolution to receive the adjustment and notify the school  
18 24 budget review committee. The current date is November 1.

18 25 HIGH SCHOOL EQUIVALENCY DIPLOMAS. Code sections 259A.1 and  
18 26 259A.3 are amended to specify that high school equivalency  
18 27 diplomas can be issued only on the basis of competence in both  
18 28 language arts reading and language arts writing, in addition  
18 29 to the current requirements for competence in mathematics,  
18 30 science, and social studies; and to make a technical change.

18 31 LIMITATION ON LAND. The bill amends Code section 260C.35,  
18 32 unnumbered paragraph 2, to specify that the board of directors  
18 33 of a community college may, at any one time and with the  
18 34 approval of the director of the department of education, sell  
18 35 any land in a single tract in excess of 160 acres without an  
19 1 election.

19 2 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45  
19 3 are amended by striking obsolete language, including replacing  
19 4 the word "operating" with the word "general" to refer to the  
19 5 fund an area education agency (AEA) or school district can use  
19 6 for administrative expenditures.

19 7 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section  
19 8 279.30 is amended to allow the board of directors of a school  
19 9 district or of an AEA to direct deposit a payment at a  
19 10 financial institution specified by the person entitled to the  
19 11 money. Code sections 279.33 and 291.1; Code section 291.6,  
19 12 subsections 3 and 4; and Code sections 291.7, 291.8, 291.12,  
19 13 and 291.14 are amended to replace references to "books",  
19 14 "registers", and "warrants" with references to payments,  
19 15 electronic funds transfers, and "accounting records" and to  
19 16 make related changes. Code section 279.33 is also amended to  
19 17 replace the word "treasurer" with "auditor".

19 18 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13  
19 19 are amended to give school districts the option of  
19 20 establishing a permanent fund for gifts received and to allow  
19 21 school districts to deposit funds received from gifts,



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19 22 devises, and bequests into a trust or permanent fund; and to  
19 23 strike the word "agency" from section 279.42 as agency funds  
19 24 are not used for deposit of gifts.

19 25       CODE CORRECTION. The bill makes corrections to Code  
19 26 section 282.1 to change a reference, and to Code section  
19 27 299.1, unnumbered paragraph 2, to refer to the board of  
19 28 directors of a public school district.

19 29       OPEN ENROLLMENT BY SIBLING. Code section 282.18,  
19 30 subsection 4, is amended to require that a receiving district  
19 31 approve a transfer request submitted after March 1 of the  
19 32 preceding school year if the sibling of the pupil for whom the  
19 33 request is made is already participating in open enrollment to  
19 34 the receiving district. The bill makes a conforming change to  
19 35 Code section 282.18, subsection 5.



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Senate File 61 - Introduced continued

20 1       AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new  
20 2 subsection 5 to Code section 285.9 to assign the duty of  
20 3 reviewing and resolving all transportation disputes between  
20 4 districts to the AEA boards.

20 5       OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.  
20 6 Code section 301.28 is amended to prohibit a school director,  
20 7 officer, area education director, or teacher from acting as an  
20 8 agent for school textbooks or school supplies in any  
20 9 transaction with directors, officers, or staff of the school  
20 10 district or the AEA in which the school district is located.  
20 11 Currently, such persons are prohibited from acting as an agent  
20 12 for any school textbooks or school supplies, rather than as an  
20 13 agent for school textbooks or school supplies in any  
20 14 transaction with the school district or AEA.

20 15       SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,  
20 16 is amended to add to the definition of "school bus", that the  
20 17 term also includes a vehicle operated for the transportation  
20 18 of children to or from school activities. Currently, the  
20 19 definition is limited to transportation of children to or from  
20 20 school. The bill makes a conforming amendment to Code section  
20 21 321.373, subsection 1, to provide that every school bus,  
20 22 including those used to transport students to school  
20 23 activities, must be constructed and equipped to meet specified  
20 24 safety standards.

20 25       DUTIES OF THE COUNTY ATTORNEY. The bill amends Code  
20 26 section 331.756, subsection 7, which specifies the duties of  
20 27 county attorneys, to eliminate a requirement that county  
20 28 attorneys give advice or a written opinion, without  
20 29 compensation, to school officers upon request.

20 30       YEAR AROUND SCHOOLS. The bill repeals Code section 256.20,  
20 31 a provision which permitted school districts to request  
20 32 approval from the state board of education for a pilot project  
20 33 for a year around three=semester school year.

20 34       ADMINISTRATIVE ADVANCEMENT AND RECRUITMENT PROGRAM. The  
20 35 bill repeals Code section 256.23, which establishes a



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Senate File 61 - Introduced continued

21 1 recruitment and advancement program to provide for the  
21 2 allocation of grants to school corporations for pilot projects  
21 3 that encourage the advancement of women and minorities to  
21 4 administrative positions.  
21 5 LSB 1232SV 82  
21 6 kh:nh/je/5



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## Senate Resolution 7 - Introduced

PAG LIN

1 1 SENATE RESOLUTION NO. \_\_\_\_  
1 2 BY KIBBIE, GRONSTAL, and LUNDBY  
1 3 A Resolution to commemorate the twentieth anniversary  
1 4 of the World Food Prize.  
1 5 WHEREAS, Dr. Norman E. Borlaug, winner of the Nobel  
1 6 Peace Prize in 1970 for his work in world agriculture,  
1 7 envisioned a prize that would honor those who have  
1 8 made significant and measurable contributions to  
1 9 improving the world's food supply; and  
1 10 WHEREAS, that dream became a reality in 1986 with  
1 11 the creation of the World Food Prize, now celebrating  
1 12 its twentieth anniversary; and  
1 13 WHEREAS, the prize is the foremost international  
1 14 award for achievements that significantly increase the  
1 15 quality, quantity, or availability of food in the  
1 16 world; and  
1 17 WHEREAS, in two decades the World Food Prize has  
1 18 honored outstanding individuals throughout the world,  
1 19 from Bangladesh, Brazil, China, Cuba, Denmark, India,  
1 20 Mexico, Sierra Leone, Switzerland, the United Kingdom,  
1 21 the United States, and the United Nations; and  
1 22 WHEREAS, in 1990, Des Moines businessman,  
1 23 philanthropist, and visionary John Ruan assumed  
1 24 sponsorship of the prize and established the World  
1 25 Food Prize Foundation to ensure its future, and now  
1 26 his son, John Ruan III, has succeeded his father as  
1 27 chairman of the World Food Prize; and  
1 28 WHEREAS, the World Food Prize Laureate Award  
1 29 Ceremony has in recent years been held in the  
1 30 magnificent nineteenth century Iowa State Capitol in a



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2 1 ceremony that rivals that of the Nobel Prize; NOW  
2 2 THEREFORE,  
2 3 BE IT RESOLVED BY THE SENATE, That the Senate  
2 4 celebrates the twentieth anniversary of the World Food  
2 5 Prize and applauds Dr. Norman E. Borlaug for his  
2 6 vision and dedication in making the World Food Prize a  
2 7 reality, as well as John Ruan and John Ruan III for  
2 8 their philanthropy and ongoing efforts in making the  
2 9 prize a truly major world event.  
2 10 LSB 1933XS 82  
2 11 jr:rj/gg/14.1



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Senate Study Bill 1105

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON FRAISE)

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

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

A BILL FOR

1 An Act relating to motor vehicle fuel by establishing standards  
2 for the sale of such fuel, providing tax credits, and making  
3 penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1604XC 82  
6 da/es/88



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Senate Study Bill 1105 continued

PAG LIN

1 1 Section 1. Section 159A.6, subsection 2, unnumbered  
1 2 paragraph 2, Code 2007, is amended to read as follows:  
1 3 The committee shall develop standards for decals required  
1 4 pursuant to section 214A.16, which shall be designed to  
1 5 promote the advantages of using ~~renewable fuels~~ biodiesel  
1 6 blended fuel. The standards may be incorporated within a  
1 7 model decal adopted by the committee and approved by the  
1 8 office.  
1 9 Sec. 2. Section 214A.1, Code 2007, is amended by adding  
1 10 the following new subsection:  
1 11 NEW SUBSECTION. 21A. "Unblended gasoline" means gasoline  
1 12 other than ethanol blended gasoline.  
1 13 Sec. 3. NEW SECTION. 214A.2B STANDARDS FOR GASOLINE  
1 14 ADVERTISED, SOLD, OR DISPENSED BY A RETAIL DEALER == ETHANOL  
1 15 BLEND REQUIREMENT AND EXCEPTIONS.  
1 16 1. Except as otherwise provided in this section, a retail  
1 17 dealer shall not advertise, sell, or dispense unblended  
1 18 gasoline in this state.  
1 19 2. A retail dealer may advertise, sell, or dispense  
1 20 unblended gasoline in this state if all of the following  
1 21 apply:  
1 22 a. The unblended gasoline is used to operate a motor which  
1 23 powers a qualified motor vehicle which is any one of the  
1 24 following:  
1 25 (1) An aircraft as defined in section 328.1.  
1 26 (2) A motor vehicle used exclusively for motor sports,  
1 27 including on a raceway, if the motor vehicle cannot operate on  
1 28 a highway as provided in chapter 321 or rules adopted by the  
1 29 state department of transportation.  
1 30 (3) An antique vehicle registered under section 321.115.  
1 31 (4) A snowmobile as defined in section 321G.1.  
1 32 (5) An all-terrain vehicle as defined in section 321G.1.  
1 33 (6) A watercraft as defined in section 462A.2.  
1 34 (7) A lawnmower or other implement powered by a small  
1 35 motor.



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2 1 b. The retail dealer does not use more than one metered  
2 2 pump located at a retail motor fuel site to advertise, sell,  
2 3 or dispense unblended gasoline.

2 4 3. A retail dealer may advertise, sell, or dispense  
2 5 unblended gasoline at a retail motor fuel site owned or  
2 6 operated by the retail dealer pursuant to a waiver issued by  
2 7 the department to the retail dealer.

2 8 a. The department shall only issue a waiver to a retail  
2 9 dealer after approving an application submitted to the  
2 10 department by the retail dealer in a manner and according to  
2 11 procedures required by the department which application  
2 12 demonstrates that the retail dealer is not able to reasonably  
2 13 obtain ethanol blended gasoline for sale at the retail motor  
2 14 fuel site.

2 15 b. A waiver issued under this subsection expires six  
2 16 months from the date of issuance. However, a retail dealer  
2 17 who has been issued a waiver may apply for and be issued any  
2 18 number of subsequent waivers.

2 19 4. a. A retail dealer may advertise, sell, or dispense  
2 20 unblended gasoline at a retail motor fuel site owned or  
2 21 operated by the retail dealer without restriction as otherwise  
2 22 provided in this section until January 1, 2008.

2 23 b. This subsection is repealed on January 1, 2008.

2 24 Sec. 4. Section 214A.3, Code 2007, is amended by adding  
2 25 the following new subsection:

2 26 NEW SUBSECTION. 3. A retail dealer who advertises the  
2 27 sale of gasoline that is not ethanol blended gasoline shall  
2 28 refer to the gasoline as unblended gasoline.

2 29 Sec. 5. Section 214A.16, Code 2007, is amended to read as  
2 30 follows:

2 31 214A.16 NOTICE OF ~~BLENDED~~ BIODIESEL OR UNBLENDED FUEL ==  
2 32 DECAL.

2 33 1. a. If motor fuel containing a ~~renewable~~ biodiesel fuel  
2 34 is sold from a motor fuel pump, the pump shall have affixed a  
2 35 decal identifying the ~~name of the renewable~~ biodiesel fuel.



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3 1 ~~The decal may be different based on the type of renewable fuel~~  
3 2 ~~used. The design and location of the decal shall be~~  
3 3 ~~prescribed by rules adopted by the department.~~

3 4 b. A decal identifying a ~~renewable~~ biodiesel fuel shall be  
3 5 consistent with standards adopted pursuant to section 159A.6.

3 6 2. If unblended gasoline is advertised for sale, sold, or  
3 7 dispensed from a metered pump, the metered pump shall have  
3 8 affixed a decal. The decal shall identify the gasoline as  
3 9 unblended gasoline and provide notice of any restricted use as  
3 10 specified in section 214A.2B.

3 11 3. The design and location of a decal shall be prescribed  
3 12 by rules adopted by the department. The department may  
3 13 approve an application to place a decal in a special location  
3 14 on a pump or container or use a decal with special lettering  
3 15 or colors, if the decal appears clear and conspicuous to the  
3 16 consumer. The application shall be made in writing pursuant  
3 17 to procedures adopted by the department.

3 18 Sec. 6. Section 422.11C, subsection 7, Code 2007, is  
3 19 amended to read as follows:

3 20 7. This section is repealed on January 1, ~~2009~~ 2008.

3 21 Sec. 7. Section 422.110, subsection 5, Code 2007, is  
3 22 amended by striking the subsection.

3 23 Sec. 8. Section 422.33, subsection 11, paragraph e, Code  
3 24 2007, is amended to read as follows:

3 25 e. This subsection is repealed on January 1, ~~2009~~ 2008.

3 26 Sec. 9. Section 422.33, subsection 11A, Code 2007, is  
3 27 amended by striking the subsection.

3 28 Sec. 10. 2006 Iowa Acts, chapter 1142, section 49,  
3 29 subsection 1, is amended to read as follows:

3 30 1. For a retail dealer who may claim a designated ethanol  
3 31 blended gasoline tax credit under section 422.11C or 422.33,  
3 32 subsection 11, as amended by this Act, in calendar year ~~2008~~  
3 33 2007 and whose tax year ends prior to December 31, ~~2008~~ 2007,  
3 34 the retail dealer may continue to claim the tax credit in the  
3 35 retail dealer's following tax year. In that case, the tax



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4 1 credit shall be calculated in the same manner as provided in  
4 2 section 422.11C or 422.33, subsection 11, as amended by this  
4 3 Act, for the remaining period beginning on the first day of  
4 4 the retail dealer's new tax year until December 31, ~~2008~~ 2007.  
4 5 For that remaining period, the tax credit shall be calculated  
4 6 in the same manner as a retail dealer whose tax year began on  
4 7 the previous January 1 and who is calculating the tax credit  
4 8 on December 31, ~~2008~~ 2007.

4 9 Sec. 11. Section 422.11N, Code 2007, is repealed.

4 10 EXPLANATION

4 11 BACKGROUND. This bill amends Code chapter 214A, which  
4 12 provides authority to the department of agriculture and land  
4 13 stewardship (department) to regulate the sale of motor fuel,  
4 14 including renewable fuel such as ethanol blended gasoline.  
4 15 Code section 214A.2 provides for different types of gasoline  
4 16 and establishes standards or specifications for gasoline, in  
4 17 part based on ASTM international standards.

4 18 ETHANOL BLENDED GASOLINE REQUIREMENT. The bill creates a  
4 19 new requirement that a retail dealer advertising, selling, or  
4 20 dispensing gasoline must use ethanol blended gasoline (i.e.,  
4 21 gasoline containing at least a 10 percent blend of ethanol  
4 22 according to the standards provided in Code section 214A.2).  
4 23 Gasoline which does not meet this requirement is termed  
4 24 "unblended gasoline" and a retail dealer is prohibited from  
4 25 advertising, selling, or dispensing unblended gasoline.

4 26 EXCEPTIONS. Notwithstanding the prohibition, the bill  
4 27 provides exceptions which allow a retail dealer to continue to  
4 28 advertise, sell, or dispense unblended gasoline.

4 29 First, the prohibition does not apply to gasoline used to  
4 30 operate aircraft, or motor vehicles involved exclusively in  
4 31 motor sports events. The requirement also does not apply to  
4 32 gasoline for use in certain vehicles such as antique vehicles,  
4 33 snowmobiles, all-terrain vehicles, watercraft, and small  
4 34 motors. The bill prohibits a retail dealer from using more  
4 35 than one metered pump to dispense unblended gasoline.



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5 1       Second, the prohibition does not apply to a retail dealer  
5 2 who has been issued a waiver by the department because the  
5 3 retail dealer has not been able to reasonably obtain ethanol  
5 4 blended gasoline for sale at the retail motor fuel site. The  
5 5 waiver expires six months from the date of issuance. However,  
5 6 a retail dealer who has been issued a waiver may apply for any  
5 7 number of subsequent waivers.

5 8       Third, a retail dealer may continue to advertise, sell, or  
5 9 dispense unblended gasoline from one or more metered pumps  
5 10 located at a retail motor fuel site until January 1, 2008.

5 11       ADVERTISING. The bill provides that a retail dealer must  
5 12 affix a decal on each metered pump which dispenses unblended  
5 13 gasoline, notifying the public of its designation and any  
5 14 restricted use. The bill eliminates a requirement that a  
5 15 metered pump dispensing ethanol blended gasoline be affixed  
5 16 with a decal.

5 17       CURRENT, APPLICABLE PENALTIES. Code section 214A.11  
5 18 provides that a person who violates a provision of Code  
5 19 chapter 214A is guilty of a serious misdemeanor, and that each  
5 20 day that a continuing violation occurs is considered a  
5 21 separate offense. A serious misdemeanor is punishable by  
5 22 confinement for no more than one year and a fine of at least  
5 23 \$315 but not more than \$1,875. The Code section also provides  
5 24 that in lieu of seeking a prosecution, the state may proceed  
5 25 against the person by initiating an alternative civil  
5 26 enforcement action as a contested case proceeding by the  
5 27 department under Code chapter 17A or as a civil judicial  
5 28 proceeding by the attorney general upon referral by the  
5 29 department. The applicable civil penalty is at least \$100 but  
5 30 not more than \$1,000 for each violation. Each day that a  
5 31 continuing violation occurs shall be considered a separate  
5 32 offense.

5 33       ELIMINATION OF TAX CREDITS. During the 2006 legislative  
5 34 session, the general assembly enacted H.F. 2754 (2006 Iowa  
5 35 Acts, ch. 1142) eliminating a designated ethanol blended



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6 1 gasoline tax credit as of January 1, 2009, and creating two  
6 2 new tax credits: (1) the ethanol promotion tax credit, and  
6 3 (2) the E=85 gasoline promotion tax credit. The bill  
6 4 eliminates the designated ethanol blended gasoline tax credit  
6 5 and the ethanol promotion tax credit.

6 6 DESIGNATED ETHANOL BLENDED GASOLINE TAX CREDIT. The  
6 7 current tax credit provides that a retail dealer is eligible  
6 8 to receive a tax credit on 60 percent or more of the ethanol  
6 9 blended gasoline sold and distributed from each retail motor  
6 10 fuel site. The tax credit is to be eliminated on January 1,  
6 11 2009, but there is a special provision which allows a retail  
6 12 dealer whose tax year is not based on a calendar year to  
6 13 continue to the claim the tax credit until the end of the  
6 14 retail dealer's fiscal year. The bill amends those provisions  
6 15 by providing that the tax credit is to be eliminated on  
6 16 January 1, 2008, but providing a delay to retail dealers with  
6 17 a tax year not corresponding to the calendar year.

6 18 ETHANOL PROMOTION TAX CREDIT. This tax credit is effective  
6 19 January 1, 2009, and replaces the designated ethanol blended  
6 20 gasoline tax credit. In order to receive this tax credit, a  
6 21 retail dealer must calculate the retail dealer's biofuel  
6 22 distribution percentage, which is the sum of the retail  
6 23 dealer's total ethanol gallonage plus the retail dealer's  
6 24 total biodiesel gallonage expressed as a percentage of the  
6 25 retail dealer's total gasoline gallonage in the retail  
6 26 dealer's applicable determination period (calendar year). The  
6 27 bill eliminates this tax credit.

6 28 LSB 1604XC 82

6 29 da:rj/es/88



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# Senate Study Bill 1106

SENATE FILE  
BY (PROPOSED COMMITTEE ON STATE  
GOVERNMENT BILL BY  
CHAIRPERSON CONNOLLY)

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

### A BILL FOR

1 An Act concerning investment of certain public funds in companies  
2 doing business in Sudan by the treasurer of state, the Iowa  
3 public employees' retirement system, and the state board of  
4 regents.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1150SC 82  
7 ec/cf/24



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1 1 Section 1. NEW SECTION. 12A.1 LEGISLATIVE FINDINGS AND  
1 2 INTENT.

1 3 The general assembly is deeply concerned over the human  
1 4 rights situation in Sudan which calls for stepped-up  
1 5 international efforts to end the crisis in Sudan's Darfur  
1 6 region, and concurs with United States policy which has  
1 7 officially declared that genocide is ongoing in the Sudan, and  
1 8 demands that the government of Sudan bring an end to these  
1 9 atrocities. Therefore, the general assembly intends that  
1 10 state funds and funds administered by the state, including  
1 11 public employee retirement funds, shall not be invested in  
1 12 companies doing business in Sudan, given the ongoing genocide  
1 13 in that country, the previous atrocities perpetrated by the  
1 14 government of Sudan, and the abysmal human rights situation in  
1 15 that country.

1 16 Sec. 2. NEW SECTION. 12A.2 DEFINITIONS.

1 17 As used in this chapter, unless the context otherwise  
1 18 requires:

1 19 1. "Active business operations" means all business  
1 20 operations that are not inactive business operations.

1 21 2. "Business operations" means engaging in commerce in any  
1 22 form in Sudan, including by acquiring, developing,  
1 23 maintaining, owning, selling, possessing, leasing, or  
1 24 operating equipment, facilities, personnel, products,  
1 25 services, personal property, real property, or any other  
1 26 apparatus of business or commerce.

1 27 3. "Company" means any sole proprietorship, organization,  
1 28 association, corporation, partnership, joint venture, limited  
1 29 partnership, limited liability partnership, limited liability  
1 30 company, or other entity or business association, including  
1 31 all wholly-owned subsidiaries, majority-owned subsidiaries,  
1 32 parent companies, or affiliates of such entities or business  
1 33 associations, that exists for profit-making purposes.

1 34 4. "Complicit" means taking actions during any preceding  
1 35 twenty-month period which have directly supported or promoted



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2 1 the genocidal campaign in Darfur, including but not limited to  
2 2 preventing Darfur's victimized population from communicating  
2 3 with each other; encouraging Sudanese citizens to speak out  
2 4 against an internationally approved security force for Darfur;  
2 5 actively working to deny, cover up, or alter the record on  
2 6 human rights abuses in Darfur; or other similar actions.

2 7 5. "Direct holdings" in a company means all securities of  
2 8 that company held directly by the public fund or in an account  
2 9 or fund in which the public fund owns all shares or interests.

2 10 6. "Government of Sudan" means the government in Khartoum,  
2 11 Sudan, which is led by the National Congress Party or any  
2 12 successor government formed on or after October 13, 2006,  
2 13 including the coalition National Unity Government agreed upon  
2 14 in the Comprehensive Peace Agreement for Sudan and does not  
2 15 include the regional government of southern Sudan.

2 16 7. "Inactive business operations" means the mere continued  
2 17 holding or renewal of rights to property previously operated  
2 18 for the purpose of generating revenues but not presently  
2 19 deployed for such purpose.

2 20 8. "Indirect holdings" in a company means all securities  
2 21 of that company held in an account or fund, such as a mutual  
2 22 fund, managed by one or more persons not employed by the  
2 23 public fund, in which the public fund owns shares or interests  
2 24 together with other investors not subject to the provisions of  
2 25 this chapter.

2 26 9. "Marginalized populations of Sudan" include but are not  
2 27 limited to the portion of the population in the Darfur region  
2 28 that has been genocidally victimized; the portion of the  
2 29 population of southern Sudan victimized by Sudan's north=south  
2 30 civil war; the Beja, Rashidiya, and other similarly  
2 31 underserved groups of eastern Sudan; the Nubian and other  
2 32 similarly underserved groups in Sudan's Abyei, Southern Blue  
2 33 Nile, and Nuba Mountain regions; and the Amri, Hamadab,  
2 34 Manasir, and other similarly underserved groups of northern  
2 35 Sudan.



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3 1 10. "Military equipment" means weapons, arms, military  
3 2 supplies, and equipment that readily may be used for military  
3 3 purposes, including but not limited to radar systems or  
3 4 military-grade transport vehicles, or supplies or services  
3 5 sold or provided directly or indirectly to any force actively  
3 6 participating in armed conflict in Sudan.

3 7 11. "Mineral extraction activities" include exploring,  
3 8 extracting, processing, transporting, or wholesale selling or  
3 9 trading of elemental minerals or associated metal alloys or  
3 10 oxides, including gold, copper, chromium, chromite, diamonds,  
3 11 iron, iron ore, silver, tungsten, uranium, and zinc, as well  
3 12 as facilitating such activities, including by providing  
3 13 supplies or services in support of such activities.

3 14 12. "Oil-related activities" include but are not limited  
3 15 to owning rights to oil blocks; exporting, extracting,  
3 16 producing, refining, processing, exploring for, transporting,  
3 17 selling, or trading of oil; constructing, maintaining, or  
3 18 operating a pipeline, refinery, or other oil field  
3 19 infrastructure; and facilitating such activities, including by  
3 20 providing supplies or services in support of such activities,  
3 21 provided that the mere retail sale of gasoline and related  
3 22 consumer products shall not be considered oil-related  
3 23 activities.

3 24 13. "Power production activities" means any business  
3 25 operation that involves a project commissioned by the National  
3 26 Electricity Corporation of Sudan or other similar government  
3 27 of Sudan entity whose purpose is to facilitate power  
3 28 generation and delivery, including but not limited to  
3 29 establishing power generating plants or hydroelectric dams,  
3 30 selling or installing components for the project, providing  
3 31 service contracts related to the installation or maintenance  
3 32 of the project, as well as facilitating such activities,  
3 33 including by providing supplies or services in support of such  
3 34 activities.

3 35 14. "Public fund" means the treasurer of state, the state



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4 1 board of regents, or the Iowa public employees' retirement  
4 2 system created in chapter 97B.  
4 3 15. "Scrutinized company" means any company that is not a  
4 4 social development company that meets any of the following  
4 5 criteria:  
4 6 a. The company has business operations that involve  
4 7 contracts with or provision of supplies or services to the  
4 8 government of Sudan, companies in which the government of  
4 9 Sudan has any direct or indirect equity share, government of  
4 10 Sudan=commissioned consortiums or projects, or companies  
4 11 involved in government of Sudan=commissioned consortiums or  
4 12 projects; and meets any of the additional following criteria:  
4 13 (1) More than ten percent of the company's revenues or  
4 14 assets linked to Sudan involve oil-related activities or  
4 15 mineral extraction activities, less than seventy-five percent  
4 16 of the company's revenues or assets linked to Sudan involve  
4 17 contracts with or provision of oil-related or mineral  
4 18 extracting products or services to the regional government of  
4 19 southern Sudan or a project or consortium created exclusively  
4 20 by that regional government, and the company has failed to  
4 21 take substantial action.  
4 22 (2) More than ten percent of the company's revenues or  
4 23 assets linked to Sudan involve power production activities,  
4 24 less than seventy-five percent of the company's power  
4 25 production activities include projects whose intent is to  
4 26 provide power or electricity to the marginalized populations  
4 27 of Sudan, and the company has failed to take substantial  
4 28 action.  
4 29 b. The company is complicit in the Darfur genocide.  
4 30 c. The company supplies military equipment within Sudan,  
4 31 unless it clearly shows that the military equipment cannot be  
4 32 used to facilitate offensive military actions in Sudan or the  
4 33 company implements rigorous and verifiable safeguards to  
4 34 prevent use of that equipment by forces actively participating  
4 35 in armed conflict, for example, through post-sale tracking of



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5 1 such equipment by the company, certification from a reputable  
5 2 and objective third party that such equipment is not being  
5 3 used by a party participating in armed conflict in Sudan, or  
5 4 sale of such equipment solely to the regional government of  
5 5 southern Sudan or any internationally recognized peacekeeping  
5 6 force or humanitarian organization.

5 7 16. "Social development company" means a company that is  
5 8 not complicit in the Darfur genocide whose primary purpose in  
5 9 Sudan is to provide humanitarian goods or services, including  
5 10 medicine or medical equipment, agricultural supplies or  
5 11 infrastructure, educational opportunities, journalism-related  
5 12 activities, information or information materials,  
5 13 spiritual-related activities, services of a purely clerical or  
5 14 reporting nature, food, clothing, or general consumer goods  
5 15 that are unrelated to oil-related activities, mineral  
5 16 extraction activities, or power production activities.

5 17 17. "Substantial action" means adopting, publicizing, and  
5 18 implementing a formal plan to cease scrutinized business  
5 19 operations within one year and to refrain from any such new  
5 20 business operations; undertaking significant humanitarian  
5 21 efforts on behalf of one or more marginalized populations of  
5 22 Sudan; or through engagement with the government of Sudan,  
5 23 materially improving conditions for the genocidally victimized  
5 24 population in Darfur.

5 25 Sec. 3. NEW SECTION. 12A.3 IDENTIFICATION OF COMPANIES  
5 26 == NOTICE.

5 27 1. a. By October 1, 2007, the public fund shall make its  
5 28 best efforts to identify all scrutinized companies in which  
5 29 the public fund has direct or indirect holdings or could  
5 30 possibly have such holdings in the future and shall, by  
5 31 December 1, 2007, create and make available to the public a  
5 32 scrutinized companies list for that public fund. The list  
5 33 shall further identify whether the company has inactive  
5 34 business operations or active business operations. The public  
5 35 fund shall review and update the scrutinized companies list



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6 1 and the determination of whether a company has inactive or  
6 2 active business operations on a quarterly basis.  
6 3 b. In making its best efforts to identify scrutinized  
6 4 companies and companies with inactive business operations or  
6 5 active business operations, the public fund may do any of the  
6 6 following:  
6 7 (1) Review and rely, in the best judgment of the public  
6 8 fund, on publicly available information regarding companies  
6 9 with business operations in Sudan, including information  
6 10 provided by nonprofit organizations, research firms,  
6 11 international organizations, and government entities.  
6 12 (2) Contact asset managers contracted by the public fund  
6 13 that invest in companies with business operations in Sudan.  
6 14 (3) Contact other institutional investors that have  
6 15 divested from or are engaged with companies that have business  
6 16 operations in Sudan.  
6 17 2. a. For each company on the scrutinized companies list  
6 18 with only inactive business operations in which the public  
6 19 fund has direct or indirect holdings, the public fund shall  
6 20 send a written notice informing the company of the  
6 21 requirements of this chapter and encouraging it to continue to  
6 22 refrain from initiating active business operations in Sudan  
6 23 until it is able to avoid scrutinized business operations.  
6 24 The public fund shall continue to provide such written notice  
6 25 on a semiannual basis if the company remains a scrutinized  
6 26 company with inactive business operations.  
6 27 b. For each company on the scrutinized companies list with  
6 28 active business operations in which the public fund has direct  
6 29 or indirect holdings, the public fund shall send a written  
6 30 notice informing the company of its status as a scrutinized  
6 31 company with active business operations and that it may become  
6 32 subject to divestment by the public fund. The notice shall  
6 33 offer the company the opportunity to clarify its Sudan-related  
6 34 activities and shall encourage the company, within ninety  
6 35 days, to either cease its scrutinized business operations or



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7 1 convert such operations to inactive business operations in  
7 2 order to avoid qualifying for divestment by the public fund.

7 3 Sec. 4. NEW SECTION. 12A.4 PROHIBITED INVESTMENTS ==  
7 4 DIVESTMENT.

7 5 1. The public fund shall not acquire and shall sell,  
7 6 redeem, divest, or withdraw all publicly traded securities of  
7 7 a company on the scrutinized company list with active business  
7 8 operations so long as such company remains on the scrutinized  
7 9 companies list as a company with active business operations as  
7 10 provided in this section.

7 11 2. The public fund shall sell, redeem, divest, or withdraw  
7 12 all publicly traded securities of a company on the scrutinized  
7 13 company list no sooner than ninety days following the first  
7 14 written notice sent to the scrutinized company as required by  
7 15 section 12A.3 according to the following schedule:

7 16 a. At least fifty percent of the assets shall be removed  
7 17 from the public fund's assets under management within nine  
7 18 months after the company's most recent appearance on the  
7 19 scrutinized companies list.

7 20 b. All of such assets shall be removed from the public  
7 21 fund's assets under management within fifteen months after the  
7 22 company's most recent appearance on the scrutinized companies  
7 23 list.

7 24 3. The requirements of this section shall not apply to the  
7 25 following:

7 26 a. A company which the United States government  
7 27 affirmatively declares to be excluded from its present or any  
7 28 future federal sanctions regime relating to Sudan.

7 29 b. Indirect holdings of a scrutinized company with active  
7 30 business operations in actively managed investment funds. The  
7 31 public fund shall, however, submit letters to the managers of  
7 32 such investment funds containing companies with scrutinized  
7 33 active business operations requesting that they consider  
7 34 removing such companies from the fund or create a similar  
7 35 actively managed fund with indirect holdings devoid of such



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8 1 companies. If the manager creates a similar fund, the public  
8 2 fund shall replace all applicable investments with investments  
8 3 in the similar fund in an expedited timeframe consistent with  
8 4 prudent investing standards. For purposes of this section,  
8 5 private equity funds shall be deemed to be "actively managed  
8 6 investment funds".

8 7 4. Notwithstanding any provision of this section to the  
8 8 contrary, the public fund shall be permitted to cease  
8 9 divesting from certain scrutinized companies pursuant to this  
8 10 section or reinvest in certain scrutinized companies from  
8 11 which it divested pursuant to this section if clear and  
8 12 convincing evidence shows that the value for all assets under  
8 13 management by the public fund becomes equal to or less than  
8 14 ninety-nine and one-half percent of the hypothetical value of  
8 15 all assets under management by the public fund assuming no  
8 16 divestment for any company had occurred under this section.  
8 17 Cessation of divestment, reinvestment, or any subsequent  
8 18 ongoing investment authorized by this subsection shall be  
8 19 strictly limited to the minimum steps necessary to avoid the  
8 20 contingency set forth in this subsection. For any cessation  
8 21 of divestment, reinvestment, or subsequent ongoing investment  
8 22 authorized by this subsection, the public fund shall provide a  
8 23 written report to the general assembly and attorney general in  
8 24 advance of initial reinvestment, updated semiannually  
8 25 thereafter as applicable, setting forth the reasons and  
8 26 justification, supported by clear and convincing evidence, for  
8 27 its decisions to cease divestment, reinvest, or remain  
8 28 invested in companies with scrutinized active business  
8 29 operations. This subsection shall not apply to reinvestment  
8 30 in companies on the ground that they have ceased to have  
8 31 scrutinized active business operations.

8 32 Sec. 5. NEW SECTION. 12A.5 REPORTS.

8 33 1. SCRUTINIZED COMPANIES LIST. Each public fund shall,  
8 34 within thirty days after the scrutinized companies list is  
8 35 created or updated as required by section 12A.3, make the list  
9 1 available to the public and file a copy of the list with the  
9 2 general assembly and the attorney general.

9 3 2. ANNUAL REPORT. On October 1, 2008, and each October 1  
9 4 thereafter, each public fund shall make available to the  
9 5 public, and file with the general assembly and the attorney  
9 6 general, an annual report covering the prior fiscal year that  
9 7 includes the following:

9 8 a. The scrutinized companies list as of the end of the  
9 9 fiscal year.

9 10 b. A summary of all written notices sent as required by  
9 11 section 12A.3 during the fiscal year.

9 12 c. All investments sold, redeemed, divested, or withdrawn  
9 13 in compliance with section 12A.4 during the fiscal year.

9 14 d. Any progress made under section 12A.4, subsection 3,  
9 15 paragraph "b", during the fiscal year.

9 16 Sec. 6. NEW SECTION. 12A.6 LEGAL OBLIGATIONS.

9 17 With respect to actions taken in compliance with this  
9 18 chapter, including all good faith determinations regarding  
9 19 companies as required by this chapter, the public fund shall  
9 20 be exempt from any conflicting statutory or common law  
9 21 obligations, including any such obligations in respect to



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9 22 choice of asset managers, investment funds, or investments for  
9 23 the public fund's securities portfolios.

9 24     Sec. 7. NEW SECTION. 12A.7 APPLICABILITY.

9 25     The requirements of this chapter shall not apply upon the  
9 26 occurrence of any of the following:

9 27     1. The Congress or president of the United States declares  
9 28 that the Darfur genocide has been halted for at least twelve  
9 29 months.

9 30     2. The United States revokes all sanctions imposed against  
9 31 the government of Sudan.

9 32     3. The Congress or president of the United States, through  
9 33 legislation or executive order, declares that mandatory  
9 34 divestment of the type provided for in this chapter interferes  
9 35 with the conduct of United States foreign policy.



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10 1 Sec. 8. Section 12.8, unnumbered paragraph 1, Code 2007,  
10 2 is amended to read as follows:

10 3 The treasurer of state shall invest or deposit, subject to  
10 4 chapter 12A and as provided by law, any of the public funds  
10 5 not currently needed for operating expenses and shall do so  
10 6 upon receipt of monthly notice from the director of the  
10 7 department of administrative services of the amount not so  
10 8 needed. In the event of loss on redemption or sale of  
10 9 securities invested as prescribed by law, and if the  
10 10 transaction is reported to the executive council, neither the  
10 11 treasurer nor director of the department of administrative  
10 12 services is personally liable but the loss shall be charged  
10 13 against the funds which would have received the profits or  
10 14 interest of the investment and there is appropriated from the  
10 15 funds the amount so required.

10 16 Sec. 9. Section 97B.4, subsection 5, Code 2007, is amended  
10 17 to read as follows:

10 18 5. INVESTMENTS. The system, through the chief investment  
10 19 officer, shall invest, subject to chapter 12A and in  
10 20 accordance with the investment policy and goal statement  
10 21 established by the board, the portion of the retirement fund  
10 22 which, in the judgment of the system, is not needed for  
10 23 current payment of benefits under this chapter subject to the  
10 24 requirements of section 97B.7A.

10 25 Sec. 10. Section 262.14, unnumbered paragraph 1, Code  
10 26 2007, is amended to read as follows:

10 27 The board may invest funds belonging to the institutions,  
10 28 subject to chapter 12A and the following regulations:

10 29 EXPLANATION

10 30 This bill restricts the treasurer of state, the state board  
10 31 of regents, and the Iowa public employees' retirement system  
10 32 (IPERS) from investing in certain companies with active  
10 33 business operations in Sudan. The bill also adds notice  
10 34 requirements as to the treasurer of state, regents, and IPERS  
10 35 relative to companies with inactive business operations in



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11 1 Sudan.

11 2       The bill requires each public fund, defined to include the  
11 3 treasurer of state, the state board of regents, and IPERS, to  
11 4 develop and maintain a list of scrutinized companies with  
11 5 active and inactive business operations in Sudan that the fund  
11 6 has direct or indirect holdings in or may invest in the  
11 7 future. Each public fund shall determine this list by October  
11 8 1, 2007, and update it on a quarterly basis. The bill defines  
11 9 scrutinized companies as those companies that have contracts  
11 10 with the government of Sudan and involve some oil-related or  
11 11 power production activities, are complicit in the Darfur  
11 12 genocide, or supply military equipment to Sudan. Once a  
11 13 company is listed on the scrutinized companies list of a  
11 14 public fund, the bill requires the public fund to send a  
11 15 notice to that company relative to the requirements of the  
11 16 bill. If the company has inactive business operations, the  
11 17 notice shall describe the requirements of the bill and  
11 18 encourage the company not to engage in active business  
11 19 operations. If the company has active business operations,  
11 20 the notice shall provide that the company may qualify for  
11 21 divestment by the public fund.

11 22       New Code section 12A.4 requires that a public fund not  
11 23 invest in, and shall divest from, holdings in a scrutinized  
11 24 company with active business operations. If the public fund  
11 25 has direct holdings in the company, the public fund shall  
11 26 proceed to divest all assets with that company in 15 months so  
11 27 long as the company continues active business operations in  
11 28 Sudan. The bill provides that a public fund shall not be  
11 29 required to divest or refrain from investing in a company if  
11 30 the federal government so provides or the public fund has  
11 31 indirect holdings, and not direct holdings, in that company.  
11 32 The bill further authorizes a public fund to stop divesting if  
11 33 the assets of the fund after starting to divest becomes equal  
11 34 to 99.5 percent of the assets before divestment started. The  
11 35 bill defines indirect holdings to include shares in an account



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12 1 or fund managed by persons not employed by the public fund.  
12 2     The bill further requires each public fund to prepare and  
12 3 make available to the public, and file with the general  
12 4 assembly and the attorney general, an annual report, beginning  
12 5 October 1, 2008, concerning actions taken by the public fund  
12 6 relative to the requirements of this new Code chapter in the  
12 7 previous fiscal year.  
12 8     The bill provides that the requirements of the bill cease  
12 9 to be applicable if the Congress or president of the United  
12 10 States declares that the Darfur genocide has been halted or  
12 11 declares that mandatory divestment is contrary to United  
12 12 States foreign policy or the United States revokes all  
12 13 sanctions imposed against Sudan.  
12 14 LSB 1150SC 82  
12 15 ec:nh/cf/24.1



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**Senate Study Bill 1107**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

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

**A BILL FOR**

- 1 An act relating to the conference of eligibility on and
- 2 conditions of eligibility for individuals for certain programs
- 3 under the purview of the department of human services.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1234DP 82
- 6 pf/es/88



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1 1 Section 1. Section 249A.3, subsection 2, paragraph a, Code  
1 2 2007, is amended to read as follows:

1 3 a. As allowed under 42 U.S.C. } 1396a(a)(10)(A)(ii)(XIII),  
1 4 individuals with disabilities, who are less than sixty-five  
1 5 years of age, who are members of families whose income is less  
1 6 than two hundred fifty percent of the most recently revised  
1 7 official poverty guidelines published by the United States  
1 8 department of health and human services for the family, who  
1 9 have earned income and who are eligible for medical assistance  
1 10 or additional medical assistance under this section if  
1 11 earnings are disregarded. As allowed by 42 U.S.C. }  
1 12 1396a(r)(2), unearned income shall also be disregarded in  
1 13 determining whether an individual is eligible for assistance  
1 14 under this paragraph. For the purposes of determining the  
1 15 amount of an individual's resources under this paragraph and  
1 16 as allowed by 42 U.S.C. } 1396a(r)(2), a maximum of ten  
1 17 thousand dollars of available resources shall be disregarded,  
1 18 and any additional resources held in a retirement account, in  
1 19 a medical savings account, or in any other account approved  
1 20 under rules adopted by the department shall also be  
1 21 disregarded. Individuals eligible for assistance under this  
1 22 paragraph, whose individual income exceeds one hundred fifty  
1 23 percent of the official poverty guidelines published by the  
1 24 United States department of health and human services for an  
1 25 individual, shall pay a premium. The amount of the premium  
1 26 shall be based on a sliding fee schedule adopted by rule of  
1 27 the department and shall be based on a percentage of the  
1 28 individual's income. The maximum premium payable by an  
1 29 individual whose income exceeds one hundred fifty percent of  
1 30 the official poverty guidelines shall be commensurate with the  
1 31 cost of state employees' group health insurance in this state.  
1 32 The payment to and acceptance by an automated case management  
1 33 system or the department of the premium required under this  
1 34 paragraph shall not automatically confer initial or continuing  
1 35 program eligibility on an individual. A premium paid to and



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2 1 accepted by the department's premium payment process that is  
2 2 subsequently determined to be untimely or to have been paid on  
2 3 behalf of an individual ineligible for the program shall be  
2 4 refunded to the remitter in accordance with rules adopted by  
2 5 the department.

2 6 Sec. 2. Section 249A.6, Code 2007, is amended to read as  
2 7 follows:

2 8 249A.6 ASSIGNMENT == LIEN.

2 9 1. a. As a condition of eligibility for medical  
2 10 assistance, a recipient who has the legal capacity to execute  
2 11 an assignment shall do all of the following:

2 12 (1) Assign to the department any rights to payments of  
2 13 medical care from any third party.

2 14 (2) Cooperate with the department in obtaining payments  
2 15 described in paragraph "a".

2 16 (3) Cooperate with the department in identifying and  
2 17 providing information to assist the department in pursuing any  
2 18 third party who may be liable to pay for medical care and  
2 19 services available under the medical assistance program.

2 20 b. Any amount collected by the department through an  
2 21 assignment shall be retained by the department as  
2 22 reimbursement for medical assistance payments.

2 23 1. 2. When payment is made by the department for medical  
2 24 care or expenses through the medical assistance program on  
2 25 behalf of a recipient, the department shall have a lien, to  
2 26 the extent of those payments, upon all monetary claims which  
2 27 the recipient may have against third parties. A lien under  
2 28 this section is not effective unless the department files a  
2 29 notice of lien with the clerk of the district court in the  
2 30 county where the recipient resides and with the recipient's  
2 31 attorney when the recipient's eligibility for medical  
2 32 assistance is established. The notice of lien shall be filed  
2 33 before the third party has concluded a final settlement with  
2 34 the recipient, the recipient's attorney, or other  
2 35 representative. The third party shall obtain a written



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3 1 determination from the department concerning the amount of the  
3 2 lien before a settlement is deemed final for purposes of this  
3 3 section. A compromise, including but not limited to a  
3 4 settlement, waiver or release, of a claim under this section  
3 5 does not defeat the department's lien except pursuant to the  
3 6 written agreement of the director or the director's designee.  
3 7 A settlement, award, or judgment structured in any manner not  
3 8 to include medical expenses or an action brought by a  
3 9 recipient or on behalf of a recipient which fails to state a  
3 10 claim for recovery of medical expenses does not defeat the  
3 11 department's lien if there is any recovery on the recipient's  
3 12 claim.

3 13 ~~2.~~ 3. The department shall be given notice of monetary  
3 14 claims against third parties as follows:

3 15 a. Applicants for medical assistance shall notify the  
3 16 department of any possible claims against third parties upon  
3 17 submitting the application. Recipients of medical assistance  
3 18 shall notify the department of any possible claims when those  
3 19 claims arise.

3 20 b. A person who provides health care services to a person  
3 21 receiving assistance through the medical assistance program  
3 22 shall notify the department whenever the person has reason to  
3 23 believe that third parties may be liable for payment of the  
3 24 costs of those health care services.

3 25 c. An attorney representing an applicant for or recipient  
3 26 of assistance on a claim upon which the department has a lien  
3 27 under this section shall notify the department of the claim of  
3 28 which the attorney has actual knowledge, prior to filing a  
3 29 claim, commencing an action or negotiating a settlement offer.  
3 30 Actual knowledge under this section shall include the notice  
3 31 to the attorney pursuant to subsection ~~1~~ 2.

3 32 The mailing and deposit in a United States post office or  
3 33 public mailing box of the notice, addressed to the department  
3 34 at its state or district office location, is adequate legal  
3 35 notice of the claim.



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4 1     ~~3-~~ 4. The department's lien is valid and binding on an  
4 2 attorney, insurer, or other third party only upon notice by  
4 3 the department or unless the attorney, insurer, or third party  
4 4 has actual notice that the recipient is receiving medical  
4 5 assistance from the department and only to the extent to which  
4 6 the attorney, insurer, or third party has not made payment to  
4 7 the recipient or an assignee of the recipient prior to the  
4 8 notice. Payment of benefits by an insurer or third party  
4 9 pursuant to the rights of the lienholder in this section  
4 10 discharges the attorney, insurer, or third party from  
4 11 liability to the recipient or the recipient's assignee to the  
4 12 extent of the payment to the department.

4 13     ~~4-~~ 5. If a recipient of assistance through the medical  
4 14 assistance program incurs the obligation to pay attorney fees  
4 15 and court costs for the purpose of enforcing a monetary claim  
4 16 upon which the department has a lien under this section, upon  
4 17 the receipt of the judgment or settlement of the total claim,  
4 18 of which the lien for medical assistance payments is a part,  
4 19 the court costs and reasonable attorney fees shall first be  
4 20 deducted from this total judgment or settlement. One-third of  
4 21 the remaining balance shall then be deducted and paid to the  
4 22 recipient. From the remaining balance, the lien of the  
4 23 department shall be paid. Any amount remaining shall be paid  
4 24 to the recipient. An attorney acting on behalf of a recipient  
4 25 of medical assistance for the purpose of enforcing a claim  
4 26 upon which the department has a lien shall not collect from  
4 27 the recipient any amount as attorney fees which is in excess  
4 28 of the amount which the attorney customarily would collect on  
4 29 claims not subject to this section.

4 30     ~~5-~~ 6. For purposes of this section the term "third party"  
4 31 includes an attorney, individual, institution, corporation, or  
4 32 public or private agency which is or may be liable to pay part  
4 33 or all of the medical costs incurred as a result of injury,  
4 34 disease, or disability by or on behalf of an applicant for or  
4 35 recipient of assistance under the medical assistance program.



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5 1     ~~6~~ 7. The department may enforce its lien by a civil  
5 2 action against any liable third party.  
5 3     Sec. 3. Section 249J.8, subsection 1, Code 2007, is  
5 4 amended to read as follows:  
5 5     1. Beginning July 1, 2005, each expansion population  
5 6 member whose family income equals or exceeds one hundred  
5 7 percent of the federal poverty level as defined by the most  
5 8 recently revised poverty income guidelines published by the  
5 9 United States department of health and human services shall  
5 10 pay a monthly premium not to exceed one-twelfth of five  
5 11 percent of the member's annual family income, and each  
5 12 expansion population member whose family income is less than  
5 13 one hundred percent of the federal poverty level as defined by  
5 14 the most recently revised poverty income guidelines published  
5 15 by the United States department of health and human services  
5 16 shall pay a monthly premium not to exceed one-twelfth of two  
5 17 percent of the member's annual family income. All premiums  
5 18 shall be paid on the last day of the month of coverage. The  
5 19 department shall deduct the amount of any monthly premiums  
5 20 paid by an expansion population member for benefits under the  
5 21 healthy and well kids in Iowa program when computing the  
5 22 amount of monthly premiums owed under this subsection. An  
5 23 expansion population member shall pay the monthly premium  
5 24 during the entire period of the member's enrollment.  
5 25 Regardless of the length of enrollment, the member is subject  
5 26 to payment of the premium for a minimum of four consecutive  
5 27 months. However, an expansion population member who complies  
5 28 with the requirement of payment of the premium for a minimum  
5 29 of four consecutive months during a consecutive twelve-month  
5 30 period of enrollment shall be deemed to have complied with  
5 31 this requirement for the subsequent consecutive twelve-month  
5 32 period of enrollment and shall only be subject to payment of  
5 33 the monthly premium on a month-by-month basis. Timely payment  
5 34 of premiums, including any arrearages accrued from prior  
5 35 enrollment, is a condition of receiving any expansion



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6 1 population services. The payment to and acceptance by an  
6 2 automated case management system or the department of the  
6 3 premium required under this subsection shall not automatically  
6 4 confer initial or continuing program eligibility on an  
6 5 individual. A premium paid to and accepted by the  
6 6 department's premium payment process that is subsequently  
6 7 determined to be untimely or to have been paid on behalf of an  
6 8 individual ineligible for the program shall be refunded to the  
6 9 remitter in accordance with rules adopted by the department.

6 10 Premiums collected under this subsection shall be deposited in  
6 11 the premiums subaccount of the account for health care  
6 12 transformation created pursuant to section 249J.23. An  
6 13 expansion population member shall also pay the same copayments  
6 14 required of other adult recipients of medical assistance.

6 15 Sec. 4. Section 514I.10, Code 2007, is amended by adding  
6 16 the following new subsection:

6 17 NEW SUBSECTION. 3. The payment to and acceptance by an  
6 18 automated case management system or the department of the  
6 19 premium required under this section shall not automatically  
6 20 confer initial or continuing program eligibility on an  
6 21 individual. A premium paid to and accepted through the  
6 22 department's premium payment process that is subsequently  
6 23 determined to be untimely or to have been paid on behalf of an  
6 24 individual ineligible for the program shall be refunded to the  
6 25 remitter in accordance with rules adopted by the department.

6 26 EXPLANATION

6 27 This bill provides that the payment of a premium made under  
6 28 the Medicaid, IowaCare, or hawk=i program that is accepted by  
6 29 an automated case management system or the department does not  
6 30 automatically confer initial or continuing program eligibility  
6 31 to an individual. If a premium is paid to and accepted  
6 32 through the department's premium payment process and is  
6 33 subsequently determined to be untimely or to have been paid on  
6 34 behalf of an individual ineligible for the program, the bill  
6 35 requires the payment to be refunded to the remitter in



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7 1 accordance with rules adopted by the department.  
7 2     The bill also provides that as a condition of eligibility,  
7 3 a Medicaid recipient who has legal capacity to execute an  
7 4 assignment shall assign to the department any rights to  
7 5 payments of medical care from any third party, cooperate with  
7 6 the department in obtaining such payments, and cooperate with  
7 7 the department in identifying and providing information to  
7 8 assist the department in pursuing any third party who may be  
7 9 liable to pay for medical care and services available under  
7 10 Medicaid. Any amount collected by the department through an  
7 11 assignment is to be retained by the department as  
7 12 reimbursement for Medicaid payments.  
7 13 LSB 1234DP 82  
7 14 pf:nh/es/88



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# Senate Study Bill 1108

SENATE/HOUSE FILE  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

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

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

### A BILL FOR

- 1 An Act relating to the disposition of seized property in a
- 2 criminal proceeding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1102DP 82
- 5 jm/es/88



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Senate Study Bill 1108 continued

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1 1 Section 1. Section 809.5, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. Seized property which is no longer required as evidence  
1 4 or for use in an investigation ~~may~~ shall be returned to the  
1 5 owner ~~without the requirement of a hearing~~, provided that the  
1 6 person's possession of the property is not prohibited by law  
1 7 and there is no forfeiture claim filed on behalf of the state.  
1 8 The seizing agency or prosecuting attorney shall send notice  
1 9 by regular mail, if the value of the property is less than  
1 10 fifty five hundred dollars, or by certified mail, if the value  
1 11 of the property is equal to or greater than fifty five hundred  
1 12 dollars, to the last known address of any person having an  
1 13 ownership or possessory right in the property stating that the  
1 14 ~~property is released and~~ must be claimed within thirty days of  
1 15 the mailing of the notice. Such notice shall state that if no  
1 16 written claim for the property is ~~made upon~~ filed with the  
1 17 seizing agency within thirty days after the mailing of notice,  
1 18 the property shall be deemed abandoned and disposed of  
1 19 accordingly. ~~In the event that there is more than one party~~  
1 20 ~~who may assert a right to possession or ownership of the~~  
1 21 ~~property, the~~ The seizing agency shall not release the  
1 22 property to any party until the expiration of the date for  
1 23 filing claims ~~unless all other claimants execute a written~~  
1 24 ~~waiver~~. In the event that there is more than one claim filed  
1 25 for the return of property under this section, at the  
1 26 expiration of the period for filing claims the seizing agency  
1 27 ~~or prosecuting attorney~~ shall file a copy of all such claims  
1 28 with the clerk of court and the clerk shall proceed as if such  
1 29 claims were filed by the parties under section 809.3. In the  
1 30 event that no owner can be located or no claim is filed under  
1 31 this section for property having a value of less than five  
1 32 hundred dollars, the property shall be deemed abandoned and  
1 33 the seizing agency shall become the owner of such property and  
1 34 may dispose of it in any reasonable manner. For unclaimed  
1 35 property having a value equal to or greater than five hundred



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2 1 dollars, forfeiture proceedings shall be initiated pursuant to  
2 2 the provisions of chapter 809A. If the court does not order  
2 3 the property forfeited to the state in the forfeiture  
2 4 proceedings pursuant to chapter 809A, the seizing agency shall  
2 5 become the owner of the property and may dispose of it in any  
2 6 reasonable manner. Unclaimed firearms and ammunition, if not  
2 7 forfeited pursuant to chapter 809A, shall be disposed of by  
2 8 the department of public safety or the department of natural  
2 9 resources pursuant to section 809.21.

2 10 EXPLANATION

2 11 This bill relates to the disposition of seized property in  
2 12 a criminal proceeding.

2 13 The bill eliminates the involvement of the prosecuting  
2 14 attorney when sending claim notices to persons with possible  
2 15 ownership interests in the seized property. Current law  
2 16 permits the agency seizing the property or the prosecuting  
2 17 attorney to send out claim notices to persons with possible  
2 18 ownership interest in seized property.

2 19 Under the bill, if the value of the seized property is less  
2 20 than \$500, the claim notice shall be sent by regular mail; if  
2 21 the value of the seized property is equal to or greater than  
2 22 \$500, the claim notice shall be sent by certified mail.

2 23 The bill provides that the seizing agency shall not release  
2 24 the property to any party until the expiration date for filing  
2 25 a claim of ownership for the seized property has expired.  
2 26 Under current law, the seizing agency may release the seized  
2 27 property prior to the expiration date for filing claims, if  
2 28 all the claimants issue a written waiver to the property.

2 29 Under the bill, if a claim of ownership has not been timely  
2 30 filed for seized property and the value of the seized property  
2 31 is less than \$500, the seized property is deemed abandoned and  
2 32 the seizing agency becomes the owner of the seized property  
2 33 and may dispose of the property in a reasonable manner.

2 34 If a claim of ownership has not been timely filed for  
2 35 seized property equal to or greater in value than \$500, the



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3 1 bill provides that forfeiture proceedings pursuant to Code  
3 2 chapter 809A shall be initiated to determine ownership of the  
3 3 seized property. If forfeiture proceedings are initiated and  
3 4 the property is forfeited, the ownership of the property vests  
3 5 with the state pursuant to Code section 809A.16, subsection 4.  
3 6 If the court does not order the property forfeited, ownership  
3 7 vests with the seizing agency and the seizing agency may  
3 8 dispose of the property in a reasonable manner.  
3 9 Under the bill and in current law, forfeited property under  
3 10 Code chapter 809A is to be delivered to the department of  
3 11 justice and disposed of by the department pursuant to Code  
3 12 section 809A.17.  
3 13 The bill also provides that all unclaimed firearms and  
3 14 ammunition, if not forfeited pursuant to Code chapter 809A,  
3 15 shall be disposed of by the department of public safety or  
3 16 department of natural resources as provided in Code section  
3 17 809.21.  
3 18 LSB 1102DP 82  
3 19 jm:rj/es/88



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**Senate Study Bill 1109**

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 judicial branch practices and procedures,  
 2 including expanding the definition of a seal, eliminating  
 3 duties of the clerk of the supreme court, making confidential  
 4 personal information, and obtaining electronic signatures on  
 5 citations.  
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 7 TLSB 1268DP 82  
 8 jm/sh/8



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Senate Study Bill 1109 continued

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1 1 Section 1. Section 4.1, subsection 28, Code 2007, is  
1 2 amended to read as follows:

1 3 28. SEAL. Where the seal of a court, public office ~~or,~~  
1 4 public officer, or public or private corporation, may be  
1 5 required to be affixed to any paper, the word "seal" shall  
1 6 include an impression upon the paper alone, ~~as well as~~ or upon  
1 7 wax or a wafer affixed ~~thereto~~ to the paper, or an official  
1 8 ink stamp if a notarial seal. If the seal of a court is  
1 9 required, the word "seal" may also include a visible  
1 10 electronic image of the seal on an electronic document.

1 11 Sec. 2. Section 602.4301, subsection 2, Code 2007, is  
1 12 amended to read as follows:

1 13 2. The clerk of the supreme court shall have an office at  
1 14 the seat of government, shall keep a complete record of the  
1 15 proceedings of the court, and shall not allow an opinion filed  
1 16 in the office to be removed. Opinions shall be open to  
1 17 examination and, upon request, may be copied and certified.  
1 18 ~~The clerk promptly shall announce by mail to one of the~~  
1 19 ~~attorneys on each side any ruling made or decision rendered,~~  
1 20 ~~shall record every opinion rendered as soon as filed, shall~~  
1 21 ~~mail a copy of each opinion rendered to each attorney of~~  
1 22 ~~record and to each party not represented by counsel, and The~~  
1 23 clerk shall also perform all other duties pertaining to the  
1 24 office of clerk.

1 25 Sec. 3. Section 602.6111, subsection 3, Code 2007, is  
1 26 amended by striking the subsection and inserting in lieu  
1 27 thereof the following:

1 28 3. The supreme court may prescribe rules or issue  
1 29 directives requiring confidentiality of certain categories of  
1 30 personal identification and financial account information  
1 31 filed with the clerk of the district court or the clerk of the  
1 32 supreme court. The rules prescribed or directives issued  
1 33 pursuant to this subsection may specify the manner and format  
1 34 in which confidential information is to be provided to the  
1 35 clerk, authorize the disclosure of confidential information to



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2 1 certain persons, and specify the manner and format in which  
2 2 the confidential information is stored and disclosed by the  
2 3 clerk. Rules prescribed or directives issued pursuant to this  
2 4 subsection shall prevail over any other state laws and  
2 5 administrative rules.

2 6 Sec. 4. Section 805.6, subsection 1, unnumbered paragraph  
2 7 3, Code 2007, is amended to read as follows:

2 8 Notwithstanding other contrary requirements of this  
2 9 section, a uniform citation and complaint may be originated  
2 10 from a computerized device. The officer issuing the citation  
2 11 through a computerized device shall electronically sign and  
2 12 date the citation or complaint and shall obtain electronically  
2 13 the signature of the person cited as provided in section 805.3  
2 14 and shall give two copies of the citation to the person cited  
2 15 and shall provide a record of the citation to the court where  
2 16 the person cited is to appear and to the law enforcement  
2 17 agency of the officer by an electronic process which  
2 18 accurately reproduces or forms a durable medium for accurately  
2 19 and legibly reproducing an unaltered image or copy of the  
2 20 citation.

2 21 EXPLANATION

2 22 This bill relates to judicial branch practices and  
2 23 procedures, including expanding the definition of a seal,  
2 24 eliminating duties of the clerk of the supreme court, making  
2 25 confidential some personal information, and using electronic  
2 26 signatures on citations.

2 27 The bill provides that the court may use a seal that  
2 28 affixes a visible electronic image of the seal upon an  
2 29 electronic document. Current law requires the court to use a  
2 30 seal that includes an impression upon paper or upon wax or a  
2 31 wafer affixed to the paper.

2 32 The bill eliminates the requirement that the clerk of the  
2 33 supreme court mail a copy of any ruling or opinion issued by  
2 34 the supreme court or court of appeals to the attorneys arguing  
2 35 the case, or to each party not represented by an attorney.



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3 1 Under the bill, the supreme court may prescribe a rule or  
3 2 issue a directive requiring confidentiality of certain  
3 3 categories of personal identification and financial account  
3 4 information filed with the clerk of the district court or the  
3 5 clerk of the supreme court. The bill provides the rule or  
3 6 directive may specify the manner and format in which the  
3 7 confidential information is to be provided to or disseminated  
3 8 by the clerk. The bill also provides that the rule or  
3 9 directive prescribed by the supreme court shall prevail over  
3 10 any other state laws and administrative rules.  
3 11 The bill requires a peace officer issuing a citation  
3 12 through a computerized device to electronically sign and date  
3 13 the citation or complaint. Current law provides that if a  
3 14 peace officer issues a citation through a computerized device,  
3 15 only the person cited for the violation is required to sign  
3 16 electronically.  
3 17 LSB 1268DP 82  
3 18 jm:rj/sh/8.1



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**Senate Study Bill 1110**

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

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

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

**A BILL FOR**

- 1 An Act relating to the waste tire management fund and making
- 2 appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1400DP 82
- 5 tm/sh/8



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1 1 Section 1. Section 321.52A, subsection 2, Code 2007, is  
1 2 amended to read as follows:

1 3 2. For the fiscal ~~year~~ period beginning July 1, ~~2002~~ 2007,  
1 4 ~~through the fiscal year beginning July 1, 2006 and ending June~~  
1 5 30, 2016, the treasurer of state shall deposit each fiscal  
1 6 year twenty percent of the moneys received under subsection 1  
1 7 in the waste tire management fund created in section 455D.11C  
1 8 and deposit the remainder in the road use tax fund. For the  
1 9 fiscal year beginning July 1, ~~2007~~ 2016, and each subsequent  
1 10 fiscal year, the treasurer of state shall deposit the entire  
1 11 amount of moneys received under subsection 1 in the road use  
1 12 tax fund.

1 13 Sec. 2. Section 455D.11C, subsection 2, Code 2007, is  
1 14 amended to read as follows:

1 15 2. Moneys in the waste tire management fund are  
1 16 appropriated and shall be used for the following purposes:

1 17 a. ~~Thirty~~ Forty=five percent of the moneys shall be used  
1 18 for all of the following positions:

1 19 (1) ~~One Two and one=quarter~~ full=time equivalent ~~position~~  
1 20 positions for the administration of permits and registrations  
1 21 for tire processing, storage, stockpile abatement, and hauling  
1 22 activities, and ~~tire program initiatives~~ for administering  
1 23 programs and initiatives related to automotive switches  
1 24 containing mercury, automotive=related wastes, and illegal  
1 25 disposal of solid waste.

1 26 (2) ~~One and one=half~~ Two full=time equivalent positions  
1 27 for waste tire=related, other automotive=related waste, and  
1 28 illegal disposal of solid waste compliance checks and  
1 29 inspections. The full=time equivalent positions shall be  
1 30 divided equally between the field offices in the state.

1 31 b. ~~Ten~~ Five percent of the moneys shall be used for a  
1 32 public education and awareness initiative related to the  
1 33 proper tire disposal options and environmental and health  
1 34 hazards posed by improper tire storage and disposal of other  
1 35 automotive=related wastes including automotive switches



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Senate Study Bill 1110 continued

2 1 containing mercury, and to establish an outreach and  
 2 2 compliance assistance effort that promotes best management  
 2 3 practices for automotive salvage operations.  
 2 4 c. ~~Thirty~~ Twenty percent of the moneys shall be used for  
 2 5 ~~market development initiatives for waste tires~~ implementing a  
 2 6 public education and awareness initiative related to  
 2 7 preventing littering and illegal dumping, and an outreach  
 2 8 program directed at local governments to assist in  
 2 9 establishing individual or joint illegal dumping prevention  
 2 10 and enforcement programs.

2 11 d. Thirty percent of the moneys shall be used for waste  
 2 12 tire stockpile abatement initiatives which would require a  
 2 13 cost=share agreement with the landowner.

2 14 Sec. 3. UNENCUMBERED OR UNOBLIGATED MONEYS ==  
 2 15 APPROPRIATION. On July 1, 2007, any unencumbered or  
 2 16 unobligated moneys distributed from the waste tire management  
 2 17 fund pursuant to section 455D.11C, subsection 2, Code 2005,  
 2 18 during the previous fiscal year shall revert to the waste tire  
 2 19 management fund and shall be reallocated and appropriated  
 2 20 pursuant to section 455D.11C, subsection 2, paragraph "a", as  
 2 21 amended in this Act. At the end of each fiscal year during  
 2 22 the fiscal period beginning July 1, 2007, and ending June 30,  
 2 23 2016, any unencumbered or unobligated moneys remaining in the  
 2 24 waste tire management fund shall remain in the waste tire  
 2 25 management fund and shall be available for expenditure during  
 2 26 the succeeding fiscal year pursuant to section 455D.11C,  
 2 27 subsection 2, as amended in this Act.

EXPLANATION

2 29 This bill relates to the waste tire management fund.  
 2 30 Currently, for the fiscal period beginning July 1, 2002,  
 2 31 and ending June 30, 2007, 20 percent of all \$5 surcharges on  
 2 32 motor vehicle certificates of title are deposited in the waste  
 2 33 tire management fund with the remaining amount deposited in  
 2 34 the road use tax fund. On and after July 1, 2007, all  
 2 35 surcharge proceeds will be deposited in the road use tax fund.



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3 1       The bill extends the period of time that 20 percent of the  
3 2 surcharge is deposited in the waste tire management fund to  
3 3 June 30, 2016.

3 4       The bill changes the allocations of moneys appropriated  
3 5 from the waste tire management fund.

3 6       The bill provides that 45 percent of the moneys shall be  
3 7 used for two and one-quarter full-time equivalent positions  
3 8 for the administration of permits and registrations for tire  
3 9 processing, storage, stockpile abatement, and hauling  
3 10 activities, and, for administering programs and initiatives  
3 11 related to automotive switches containing mercury,  
3 12 automotive-related wastes, and illegal disposal of solid  
3 13 waste. The 45 percent is also used for two full-time  
3 14 equivalent positions for waste tire-related, other  
3 15 automotive-related waste, and illegal disposal of solid waste  
3 16 compliance checks and inspections.

3 17       The bill provides that 5 percent of the moneys shall be  
3 18 used for a public education and awareness initiative related  
3 19 to the proper tire disposal options and environmental and  
3 20 health hazards posed by improper tire storage and disposal of  
3 21 other automotive-related wastes including automotive switches  
3 22 containing mercury, and to establish an outreach and  
3 23 compliance assistance effort that promotes best management  
3 24 practices for automotive salvage operations.

3 25       The bill provides that 20 percent of the moneys shall be  
3 26 used for implementing a public education and awareness  
3 27 initiative related to preventing littering and illegal  
3 28 dumping, and an outreach program directed at local governments  
3 29 to assist in establishing individual or joint illegal dumping  
3 30 prevention and enforcement programs.

3 31       The bill provides that 30 percent of the moneys shall be  
3 32 used for waste tire stockpile abatement initiatives which  
3 33 would require a cost-share agreement with the landowner.

3 34       The bill provides that on July 1, 2007, any unencumbered or  
3 35 unobligated moneys distributed from the waste tire management



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Senate Study Bill 1110 continued

4 1 fund during the previous fiscal year shall revert to the waste  
4 2 tire management fund and shall be reallocated pursuant to the  
4 3 allocations provided in the bill. The bill provides that at  
4 4 the end of each fiscal year during the fiscal period beginning  
4 5 July 1, 2007, and ending June 30, 2016, any unencumbered or  
4 6 unobligated moneys remaining in the waste tire management fund  
4 7 shall remain in the waste tire management fund and shall be  
4 8 available for expenditure during the succeeding fiscal year.  
4 9 LSB 1400DP 82  
4 10 tm:rj/sh/8.1



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**Senate Study Bill 1111**

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

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

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

**A BILL FOR**

- 1 An Act relating to enforcement of prohibitions against the use of
- 2 heavy metals in packaging and packaging components and
- 3 providing a civil penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1401DP 82
- 6 tm/sh/8



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Senate Study Bill 1111 continued

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1 1 Section 1. Section 455D.19, subsection 8, Code 2007, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:  
1 4 8. The commission or the director may issue any order  
1 5 necessary to secure compliance with or prevent a violation of  
1 6 a provision of this section or a rule adopted pursuant to this  
1 7 section. The attorney general shall, upon request by the  
1 8 department, institute any civil or criminal legal proceeding  
1 9 necessary to obtain compliance with an order of the commission  
1 10 or director or to prosecute a person for a violation of a  
1 11 provision of this section or a rule adopted pursuant to this  
1 12 section.

1 13 Unless otherwise provided in this section, a person who  
1 14 violates a provision of this section, a rule adopted pursuant  
1 15 to this section, or a condition of a permit or order issued  
1 16 pursuant to this section shall be subject to a civil penalty  
1 17 not to exceed five thousand dollars for each day of such  
1 18 violation.

1 19 EXPLANATION

1 20 This bill relates to enforcement of prohibitions against  
1 21 the use of heavy metals in packaging and packaging components.  
1 22 Currently, if a manufacturer or distributor does not comply  
1 23 with prohibitions against the use of heavy metals in packaging  
1 24 and packaging components, the manufacturer or distributor is  
1 25 guilty of a simple misdemeanor.  
1 26 The bill provides that the environmental protection  
1 27 commission or the director of the department of natural  
1 28 resources may issue any order necessary to secure compliance  
1 29 with or prevent a violation of the prohibitions against the  
1 30 use of heavy metals in packaging and packaging components.  
1 31 The bill provides that the attorney general shall, upon  
1 32 request by the department, institute any civil or criminal  
1 33 legal proceeding necessary to obtain compliance with an order  
1 34 of the commission or director or to prosecute a person for a  
1 35 violation of the prohibitions.



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2 1 The bill provides that a person who violates a prohibition  
2 2 against the use of heavy metals in packaging and packaging  
2 3 components shall be subject to a civil penalty not to exceed  
2 4 \$5,000 for each day of such violation.  
2 5 LSB 1401DP 82  
2 6 tm:rj/sh/8



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**Senate Study Bill 1112**

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

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

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

**A BILL FOR**

- 1 An Act regulating the administration of drugs to certain
- 2 noncaptive vertebrate wildlife and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1408DP 82
- 5 av/je/5



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Senate Study Bill 1112 continued

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1 1 Section 1. NEW SECTION. 481A.40 USE OF DRUGS ON  
1 2 NONCAPTIVE VERTEBRATE WILDLIFE == PENALTY.  
1 3 1. For the purposes of this section, "drug" means any  
1 4 chemical substance, other than food, that affects the  
1 5 structure or biological function of any noncaptive vertebrate  
1 6 wildlife species.  
1 7 2. Except with written authorization from the director or  
1 8 the director's designee or as otherwise provided by law, a  
1 9 person shall not administer any drug to any noncaptive  
1 10 vertebrate wildlife, including but not limited to drugs used  
1 11 for fertility control, disease prevention or treatment,  
1 12 immobilization, or growth stimulation.  
1 13 3. This section does not prohibit the treatment of sick or  
1 14 injured wildlife by a licensed veterinarian or holder of a  
1 15 wildlife rehabilitation permit.  
1 16 4. This section shall not be construed to limit employees  
1 17 of agencies of the state, the United States, or local animal  
1 18 control officers in the performance of their official duties  
1 19 related to public health, wildlife management, or wildlife  
1 20 removal. However, a drug shall not be administered by any  
1 21 person for fertility control or growth stimulation except as  
1 22 provided in subsection 2.  
1 23 5. An officer of the department may take possession of or  
1 24 dispose of any noncaptive vertebrate wildlife that the officer  
1 25 reasonably believes has been administered drugs in violation  
1 26 of this section.  
1 27 6. A person who violates this section is guilty of a  
1 28 serious misdemeanor.

1 29 EXPLANATION

1 30 This bill relates to the administration of drugs to certain  
1 31 noncaptive vertebrate wildlife. For the purposes of the bill,  
1 32 "drug" means any chemical substance, other than food, that  
1 33 affects the structure or biological function of any noncaptive  
1 34 vertebrate wildlife species.  
1 35 The bill prohibits the administration of drugs to any



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Senate Study Bill 1112 continued

2 1 noncaptive vertebrate wildlife for any purpose, including but  
2 2 not limited to fertility control, disease prevention or  
2 3 treatment, immobilization, or growth stimulation, except with  
2 4 written authorization from the department of natural resources  
2 5 or as otherwise provided by law.

2 6 The bill does not prohibit a licensed veterinarian or  
2 7 holder of a wildlife rehabilitation permit from treating sick  
2 8 or injured wildlife. The bill also does not prohibit  
2 9 government employees from carrying out their official duties  
2 10 related to public health, wildlife management, or wildlife  
2 11 removal.

2 12 The bill authorizes an officer of the department to take  
2 13 possession of and dispose of any noncaptive vertebrate  
2 14 wildlife that the officer reasonably believes has been  
2 15 administered drugs in violation of the bill.

2 16 A person who violates the provisions of the bill is guilty  
2 17 of a serious misdemeanor. A serious misdemeanor is punishable  
2 18 by confinement for no more than one year and a fine of at  
2 19 least \$315 but not more than \$1,875.

2 20 LSB 1408DP 82

2 21 av:rj/je/5.1



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**Senate Study Bill 1113**

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

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

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

**A BILL FOR**

- 1 An Act relating to permit fees for diverting, storing, or
- 2 withdrawing water and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1279XD 82
- 5 tm/gg/14



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PAG LIN

1 1 Section 1. Section 455B.265, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 6. The department may charge an annual  
1 4 fee to a person that has been granted a permit pursuant to  
1 5 this section or required to have a permit pursuant to section  
1 6 455B.268. The commission shall adopt rules setting the fees.  
1 7 The amount of a fee shall be based on the amount of water  
1 8 stored, withdrawn, or diverted and the department's reasonable  
1 9 cost of reviewing applications, issuing permits, and checking  
1 10 compliance with terms of the permits. Fees collected pursuant  
1 11 to this subsection are appropriated to the department for  
1 12 purposes of this subsection. The commission shall annually  
1 13 review the amount of moneys generated by fees, the balance in  
1 14 the fee account, and anticipated expenses for the succeeding  
1 15 fiscal year. Moneys generated by such fees shall be used to  
1 16 contract with qualified parties to gather scientific  
1 17 information about aquifer characteristics, quantity of water  
1 18 stored in an aquifer, and the effects of withdrawing water  
1 19 from an aquifer, and to review applications, issue permits,  
1 20 provide technical assistance to permit applicants, and check  
1 21 compliance with terms of the permits.

1 22 EXPLANATION

1 23 This bill relates to permit fees for diverting, storing, or  
1 24 withdrawing water.  
1 25 The bill allows the department of natural resources to  
1 26 charge an annual fee to a person required to have a permit for  
1 27 diverting, storing, or withdrawing water from any surface or  
1 28 groundwater source or for diverting water or material from the  
1 29 surface directly into an underground watercourse or basin.  
1 30 The bill requires the environmental protection commission to  
1 31 set the fees. The bill provides criteria for setting fees.  
1 32 The bill appropriates fees collected to the department for  
1 33 purposes provided in the bill. The bill requires the  
1 34 commission to annually review the amount of moneys generated  
1 35 by fees, the balance in the fee account, and anticipated



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2 1 expenses for the succeeding fiscal year. The bill requires  
2 2 moneys generated by such fees to be used to contract with  
2 3 qualified parties to gather scientific information about  
2 4 aquifer characteristics, quantity of water stored in an  
2 5 aquifer, and the effects of withdrawing water from an aquifer,  
2 6 and to review applications, issue permits, provide technical  
2 7 assistance to permit applicants, and check compliance with  
2 8 terms of the permits.  
2 9 LSB 1279XD 82  
2 10 tm:rj/gg/14.1



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# Senate Study Bill 1114

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

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

### A BILL FOR

- 1 An Act relating to civil damages payable for unlawful taking of
- 2 certain animals and fish.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1396DP 82
- 5 av/je/5



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Senate Study Bill 1114 continued

PAG LIN

1 1 Section 1. Section 481A.130, subsection 1, paragraphs d  
1 2 and e, Code 2007, are amended to read as follows:  
1 3 d. For each ~~fish~~, reptile, mussel, or amphibian, fifteen  
1 4 dollars.  
1 5 e. For each beaver, ~~bobcat~~, mink, otter, red fox, gray  
1 6 fox, or raccoon, two hundred dollars.  
1 7 Sec. 2. Section 481A.130, subsection 1, Code 2007, is  
1 8 amended by adding the following new paragraph:  
1 9 NEW PARAGRAPH. i. For each fish, reimbursement shall be  
1 10 as follows:  
1 11 (1) For each fish of a species with an established daily  
1 12 limit greater than twenty=five, fifteen dollars.  
1 13 (2) For each fish of a species other than paddlefish,  
1 14 muskellunge, largemouth bass, smallmouth bass, walleye,  
1 15 northern pike, channel catfish, flathead catfish, rainbow  
1 16 trout, brown trout, or brook trout, with an established daily  
1 17 limit of twenty=five or less, fifty dollars.  
1 18 (3) For each paddlefish, five hundred dollars.  
1 19 (4) For each muskellunge, five hundred dollars plus one  
1 20 hundred dollars for each inch over fifty inches.  
1 21 (5) For each largemouth bass, fifty dollars plus fifty  
1 22 dollars for each inch over twenty=two inches.  
1 23 (6) For each smallmouth bass, fifty dollars plus fifty  
1 24 dollars for each inch over twenty inches.  
1 25 (7) For each walleye, fifty dollars plus fifty dollars for  
1 26 each inch over twenty=eight inches.  
1 27 (8) For each northern pike, fifty dollars plus fifty  
1 28 dollars for each inch over thirty=four inches.  
1 29 (9) For each channel catfish, fifty dollars plus fifty  
1 30 dollars for each inch over thirty inches.  
1 31 (10) For each flathead catfish, fifty dollars plus fifty  
1 32 dollars for each inch over twenty=eight inches.  
1 33 (11) For each rainbow trout, fifty dollars plus fifty  
1 34 dollars for each inch over eighteen inches.  
1 35 (12) For each brown trout, fifty dollars plus fifty



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2 1 dollars for each inch over eighteen inches.

2 2 (13) For each brook trout, fifty dollars plus fifty

2 3 dollars for each inch over fifteen inches.

2 4 EXPLANATION

2 5 This bill relates to the civil damages payable for the  
2 6 unlawful taking of certain animals and fish.

2 7 The bill raises the fine for illegally taking a bobcat from  
2 8 \$50 to \$200.

2 9 The bill changes the method for calculating damages for  
2 10 illegally taking fish. Presently the damages for taking any  
2 11 fish are \$15 per fish.

2 12 The bill provides that the damages for taking a fish of a  
2 13 species with an established daily limit of greater than 25  
2 14 remains \$15 per fish and provides that the damages for taking  
2 15 a fish of a species with an established daily limit of 25 or  
2 16 less is \$50, with some exceptions.

2 17 The exceptions include a paddlefish which is \$500, a  
2 18 muskellunge which is \$500 plus \$100 for each inch over 50  
2 19 inches, and a largemouth bass, smallmouth bass, walleye,  
2 20 northern pike, channel catfish, flathead catfish, rainbow  
2 21 trout, brown trout, and brook trout, which is \$50 plus \$50 per  
2 22 inch over a specified size, depending on the species of the  
2 23 fish.

2 24 LSB 1396DP 82

2 25 av:nh/je/5



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**Senate Study Bill 1115**

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

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

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

**A BILL FOR**

- 1 An Act increasing the number of nonresident wild turkey hunting
- 2 licenses and antlered or any sex deer hunting licenses that
- 3 may be issued by the natural resource commission.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1407DP 82
- 6 av/je/5



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Senate Study Bill 1115 continued

PAG LIN

1 1 Section 1. Section 483A.7, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. A nonresident wild turkey hunter is required to have a  
1 4 nonresident hunting license and a nonresident wild turkey  
1 5 hunting license and pay the wildlife habitat fee. The  
1 6 commission shall annually limit to ~~two~~ three thousand three  
1 7 hundred licenses the number of nonresidents allowed to have  
1 8 wild turkey hunting licenses. Of the ~~two~~ three thousand three  
1 9 hundred licenses, one hundred fifty licenses shall be valid  
1 10 for hunting with muzzle loading shotguns only. The commission  
1 11 shall allocate the nonresident wild turkey hunting licenses  
1 12 issued among the zones based on the populations of wild  
1 13 turkey. A nonresident applying for a wild turkey hunting  
1 14 license must exhibit proof of having successfully completed a  
1 15 hunter safety and ethics education program as provided in  
1 16 section 483A.27 or its equivalent as determined by the  
1 17 department before the license is issued.

1 18 Sec. 2. Section 483A.8, subsection 3, paragraph c, Code  
1 19 2007, is amended to read as follows:

1 20 c. The commission shall annually limit to ~~six~~ nine  
1 21 thousand the number of nonresidents allowed to have antlered  
1 22 or any sex deer hunting licenses. Of the ~~six~~ nine thousand  
1 23 nonresident antlered or any sex deer licenses issued, not more  
1 24 than thirty-five percent of the licenses shall be bow season  
1 25 licenses. After the ~~six~~ nine thousand antlered or any sex  
1 26 nonresident deer licenses have been issued, all additional  
1 27 licenses shall be issued for antlerless deer only. The  
1 28 commission shall annually determine the number of nonresident  
1 29 antlerless deer only deer hunting licenses that will be  
1 30 available for issuance.

1 31 EXPLANATION

1 32 This bill increases the number of nonresident wild turkey  
1 33 hunting licenses and antlered or any sex deer hunting licenses  
1 34 that may be issued annually by the natural resource  
1 35 commission.



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2 1 The commission is authorized to issue 3,000 rather than  
2 2 2,000 nonresident wild turkey hunting licenses. The  
2 3 commission is also allowed to issue 9,000 rather than 6,000  
2 4 nonresident antlered or any sex deer hunting licenses.  
2 5 LSB 1407DP 82  
2 6 av:nh/je/5



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**Senate Study Bill 1116**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

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

**A BILL FOR**

- 1 An Act relating to requirements of the department of human
- 2 services involving electronic benefits transfer.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1237DP 82
- 5 jp/gg/14



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PAG LIN

1 1 Section 1. Section 234.12A, subsection 1, Code 2007, is  
1 2 amended to read as follows:

1 3 1. The department of human services shall maintain an  
1 4 electronic benefits transfer program utilizing electronic  
1 5 funds transfer systems. The program shall at a minimum  
1 6 provide ~~for all of the following:~~

1 7 a. ~~A that a~~ retailer shall not be required to make cash  
1 8 disbursements or to provide, purchase, or upgrade electronic  
1 9 funds transfer system equipment as a condition of  
1 10 participation in the program.

1 11 b. ~~A retailer providing electronic funds transfer system~~  
~~1 12 equipment for transactions pursuant to the program shall be~~  
~~1 13 reimbursed seven cents for each approved transaction pursuant~~  
~~1 14 to the program utilizing the retailer's equipment.~~

1 15 c. ~~A retailer that provides electronic funds transfer~~  
~~1 16 system equipment for transactions pursuant to the program and~~  
~~1 17 who makes cash disbursements pursuant to the program utilizing~~  
~~1 18 the retailer's equipment shall be paid a fee of seven cents by~~  
~~1 19 the department for each cash disbursement transaction by the~~  
~~1 20 retailer.~~

1 21 EXPLANATION

1 22 This bill relates to requirements of the department of  
1 23 human services involving electronic benefits transfer.

1 24 Code section 234.12A, relating to the electronic benefits  
1 25 transfer (EBT) program, is amended to eliminate the  
1 26 requirement for payment of transfer fees to retailers. The  
1 27 EBT program is utilized primarily for distributing federal  
1 28 food assistance benefits.

1 29 LSB 1237DP 82

1 30 jp:rj/gg/14



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**Senate Study Bill 1117**

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 incentives for school district reorganizations
- 2 and shared operational functions, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1228XD 82
- 5 ak/je/5



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PAG LIN

1 1 Section 1. Section 257.3, subsection 2, paragraph d, Code  
1 2 2007, is amended to read as follows:

1 3 d. For purposes of this section, a reorganized school  
1 4 district is one which absorbs at least thirty percent of the  
1 5 enrollment of the school district affected by a reorganization  
1 6 or dissolved during a dissolution and in which action to bring  
1 7 about a reorganization or dissolution is initiated by a vote  
1 8 of the board of directors or jointly by the affected boards of  
1 9 directors to take effect on or after July 1, ~~2002~~ 2007, and on  
1 10 or before July 1, ~~2006~~ 2015. Each district which initiated,  
1 11 by a vote of the board of directors or jointly by the affected  
1 12 boards, action to bring about a reorganization or dissolution  
1 13 to take effect on or after July 1, ~~2002~~ 2007, and on or before  
1 14 July 1, ~~2006~~ 2015, shall certify the date and the nature of  
1 15 the action taken to the department of education by January 1  
1 16 of the year in which the reorganization or dissolution takes  
1 17 effect. For a reorganization or dissolution that took effect  
1 18 on or after July 1, 2002, and on or before July 1, 2006, the  
1 19 reorganized school district shall continue to receive the  
1 20 benefits of paragraphs "a" and "b" of this subsection for the  
1 21 time specified in those paragraphs.

1 22 Sec. 2. Section 257.11, subsection 2, paragraph c, Code  
1 23 2007, is amended by striking the paragraph and inserting in  
1 24 lieu thereof the following:

1 25 c. Pupils attending class for all or a substantial portion  
1 26 of a school day pursuant to a whole grade sharing agreement  
1 27 executed under sections 282.10 through 282.12 shall be  
1 28 eligible for supplementary weighting pursuant to this  
1 29 subsection. A school district which executes a whole grade  
1 30 sharing agreement and which adopts a resolution jointly with  
1 31 other affected boards to study the question of undergoing a  
1 32 reorganization or dissolution to take effect on or before July  
1 33 1, 2014, shall receive a weighting of one-tenth of the  
1 34 percentage of the pupil's school day during which the pupil  
1 35 attends classes in another district, attends classes taught by



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2 1 a teacher who is jointly employed under section 280.15, or  
2 2 attends classes taught by a teacher who is employed by another  
2 3 school district. A district shall be eligible for  
2 4 supplementary weighting pursuant to this paragraph for a  
2 5 maximum of three years. Receipt of supplementary weighting  
2 6 for a second and third year shall be conditioned upon  
2 7 submission of information resulting from the study to the  
2 8 school budget review committee indicating progress toward the  
2 9 objective of reorganization on or before July 1, 2014.

2 10 Sec. 3. Section 257.11, subsection 5, paragraph a, Code  
2 11 2007, is amended to read as follows:

2 12 a. For the school budget year beginning July 1, 2002, ~~and~~  
~~2 13 succeeding budget years~~ through the school budget year  
2 14 beginning July 1, 2007, in order to provide additional funds  
2 15 for school districts in which a regional academy is located, a  
2 16 supplementary weighting plan for determining enrollment is  
2 17 adopted.

2 18 Sec. 4. Section 257.11, Code 2007, is amended by adding  
2 19 the following new subsection:

2 20 NEW SUBSECTION. 5A. SHARED OPERATIONAL FUNCTIONS ==  
2 21 INCREASED STUDENT OPPORTUNITIES.

2 22 a. In order to provide additional funding to increase  
2 23 student opportunities for school districts that share  
2 24 operational functions, a supplementary weighting of two  
2 25 hundredths per pupil shall be assigned to pupils enrolled in a  
2 26 district that shares with a political subdivision one or more  
2 27 operational functions in the areas of superintendent  
2 28 management, business management, human resources,  
2 29 transportation, or operation and maintenance for at least  
2 30 twenty percent of the school year. The additional weighting  
2 31 shall be assigned for each discrete operational function  
2 32 shared. For the purposes of this section, "political  
2 33 subdivision" means a city, township, county, school  
2 34 corporation, merged area, area education agency, institution  
2 35 governed by the state board of regents, or any other



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3 1 governmental subdivision.

3 2 b. Supplementary weighting pursuant to this subsection  
3 3 shall be available to a school district for a maximum of five  
3 4 years during the period commencing with the budget year  
3 5 beginning July 1, 2008, through the budget year beginning July  
3 6 1, 2014. The minimum amount of additional weighting for which  
3 7 a school district shall be eligible is an amount equivalent to  
3 8 ten additional pupils, and the maximum amount of additional  
3 9 weighting for which a school district shall be eligible is an  
3 10 amount equivalent to forty additional pupils. Receipt of  
3 11 supplementary weighting by a school district pursuant to this  
3 12 subsection for more than one year shall be contingent upon the  
3 13 annual submission of information by the district to the  
3 14 department documenting cost savings directly attributable to  
3 15 the shared operational functions. Criteria for determining  
3 16 the number of years for which supplementary weighting shall be  
3 17 received pursuant to this subsection, subject to the five-year  
3 18 maximum, and for determining qualification of operational  
3 19 functions for supplementary weighting shall be determined by  
3 20 the department by rule, through consideration of long-term  
3 21 savings by the school district or increased student  
3 22 opportunities.

3 23 c. This subsection is repealed effective June 30, 2015.

3 24 Sec. 5. Section 257.11A, Code 2007, is amended to read as  
3 25 follows:

3 26 257.11A SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.

3 27 1. In determining weighted enrollment under section 257.6,  
3 28 if the board of directors of a school district has approved a  
3 29 contract for sharing pursuant to section 257.11 and the school  
3 30 district has approved an action to bring about a  
3 31 reorganization to take effect on and after July 1, ~~2002~~ 2007,  
3 32 and on or before July 1, ~~2006~~ 2015, the reorganized school  
3 33 district shall include, for a period of three years following  
3 34 the effective date of the reorganization, additional pupils  
3 35 added by the application of the supplementary weighting plan,



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4 1 equal to the pupils added by the application of the  
4 2 supplementary weighting plan in the year preceding the  
4 3 reorganization. For the purposes of this subsection, the  
4 4 weighted enrollment for the period of three years following  
4 5 the effective date of reorganization shall include the  
4 6 supplementary weighting in the base year used for determining  
4 7 the combined district cost for the first year of the  
4 8 reorganization. However, the weighting shall be reduced by  
4 9 the supplementary weighting added for a pupil whose residency  
4 10 is not within the reorganized district.

4 11 2. For purposes of this section, a reorganized district is  
4 12 one in which the reorganization was approved in an election  
4 13 pursuant to sections 275.18 and 275.20 and takes effect on or  
4 14 after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014.  
4 15 Each district which initiates, by a vote of the board of  
4 16 directors or jointly by the affected boards, action to bring  
4 17 about a reorganization or dissolution to take effect on or  
4 18 after July 1, ~~2002~~ 2007, and on or before July 1, ~~2006~~ 2014,  
4 19 shall certify the date and the nature of the action taken to  
4 20 the department of education by January 1 of the year in which  
4 21 the reorganization or dissolution takes effect.

4 22 ~~3. Notwithstanding subsection 1, a school district which~~  
~~4 23 was participating in a whole grade sharing arrangement during~~  
~~4 24 the budget year beginning July 1, 2001, and which received a~~  
~~4 25 maximum of two years of supplementary weighting pursuant to~~  
~~4 26 section 257.11, subsection 2, paragraph "c", shall include~~  
~~4 27 additional pupils added by the application of the~~  
~~4 28 supplementary weighting plan, equal to the pupils added by the~~  
~~4 29 application of the supplementary weighting plan in the year~~  
~~4 30 preceding the reorganization, for a period of four years~~  
~~4 31 following the effective date of the reorganization.~~

4 32 3. A school district shall be eligible for a combined  
4 33 maximum total of six years of supplementary weighting under  
4 34 the provisions of this section and section 257.11, subsection  
4 35 2, paragraph "c". A school district participating in a whole





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6 1 is taught by a teacher jointly employed, or attends classes  
6 2 taught by a teacher employed by another district. This  
6 3 supplementary weighting is available for a total of three  
6 4 years. However, the second and third year of supplementary  
6 5 weighting funding is dependent upon the school district's  
6 6 progress toward reorganization.

6 7 The bill provides an additional funding for regional  
6 8 academies through the school budget year beginning July 1,  
6 9 2007.

6 10 The bill offers financial and operational support to help  
6 11 school districts reorganize, consolidate, or dissolve  
6 12 efficiently without allowing fiscal barriers to get in the  
6 13 way. A supplementary weighting of two hundredths per pupil  
6 14 will be given to a district that shares with a political  
6 15 subdivision one or more of its administrative management,  
6 16 business management, human resources, transportation, or  
6 17 operational and maintenance functions for at least 20 percent  
6 18 of the year. A political subdivision means a city, township,  
6 19 county, school corporation, merged area, area education  
6 20 agency, board of regents institution, or any other government  
6 21 subdivision. This supplementary weighting is available for  
6 22 five years, with a minimum equivalent weighting of 10 pupils  
6 23 and a maximum equivalent weighting of 40 pupils. After the  
6 24 first year of supplementary weighting, the school district  
6 25 must submit evidence of cost savings attributable to the  
6 26 shared operational functions. This section will be repealed  
6 27 on June 30, 2015.

6 28 The bill also provides for supplementary weighting funding  
6 29 for three years for a reorganized school district that is  
6 30 equal to the funding that was received in the year preceding  
6 31 the reorganization for a period. The bill leaves intact  
6 32 supplementary weighting to schools that participated in whole  
6 33 grade sharing and that eventually reorganized prior to July 1,  
6 34 2006.

6 35 An appropriation of \$400,000 from the general fund is



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7 1 provided to assist schools in implementing shared operational  
7 2 functions.  
7 3 LSB 1228XD 82  
7 4 ak:sc/je/5



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# Senate Study Bill 1118

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 state's educational standards regarding
- 2 teacher librarians and qualified guidance counselors, and to
- 3 teacher and administrator quality, including the student
- 4 achievement and teacher quality program and an administrator
- 5 quality program, and making appropriations.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 1227XD 82
- 8 kh/gg/14



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PAG LIN

1 1 Section 1. Section 256.7, subsection 24, Code 2007, is  
1 2 amended to read as follows:

1 3 24. Adopt rules ~~on or before January 1, 2001,~~ to require  
1 4 school districts and accredited nonpublic schools to adopt  
1 5 local policies relating to health services, ~~media services~~  
~~1 6 programs, and guidance~~ programs, as part of the general  
1 7 accreditation standards applicable to school districts  
1 8 pursuant to section 256.11. This subsection shall be  
1 9 applicable strictly for reporting purposes and shall not be  
1 10 interpreted to require school districts and accredited  
1 11 nonpublic schools to provide or offer health services, ~~media~~  
~~1 12 services programs, or guidance~~ programs.

1 13 Sec. 2. Section 256.7, Code 2007, is amended by adding the  
1 14 following new subsection:

1 15 NEW SUBSECTION. 27. Adopt by rule the Iowa standards for  
1 16 school administrators, including the knowledge and skill  
1 17 criteria developed by the director in accordance with section  
1 18 256.9, subsection 55.

1 19 Sec. 3. Section 256.9, Code 2007, is amended by adding the  
1 20 following new subsection:

1 21 NEW SUBSECTION. 55. Develop Iowa standards for school  
1 22 administrators, including knowledge and skill criteria, and  
1 23 develop, based on the Iowa standards for administrators,  
1 24 mentoring and induction, evaluation processes, and career  
1 25 development plans pursuant to chapter 284A. The criteria  
1 26 shall further define the characteristics of quality  
1 27 administrators as established by the Iowa standards for school  
1 28 administrators.

1 29 Sec. 4. Section 256.11, Code 2007, is amended by adding  
1 30 the following new subsection:

1 31 NEW SUBSECTION. 9A. Beginning July 1, 2007, each school  
1 32 district shall have a qualified guidance counselor who shall  
1 33 be licensed by the board of educational examiners under  
1 34 chapter 272. The state board shall establish in rule a  
1 35 definition of and standards for an articulated sequential



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2 1 kindergarten through grade twelve guidance and counseling  
2 2 program.

2 3 Sec. 5. Section 256.11A, subsection 1, Code 2007, is  
2 4 amended to read as follows:

2 5 1. The board of directors of a school district may, not  
2 6 later than August 1, ~~2006~~, for the current school year  
2 7 ~~beginning July 1, 2006~~, file a written request to the  
2 8 department of education ~~that~~ for the department to waive the  
2 9 requirement adopted by the state board pursuant to section  
2 10 256.11, subsection 9, that the school district have a  
2 11 qualified teacher librarian, or the requirement adopted by the  
2 12 state board pursuant to section 256.11, subsection 9A, that  
2 13 the school have a qualified guidance counselor. The  
2 14 procedures specified in subsection 2 apply to the request.  
2 15 Not later than August 1, 2007, for of the following school  
2 16 year beginning July 1, 2007, for that following school year,  
2 17 the board of directors of a school district may request a  
2 18 one-year extension of the waiver.

2 19 Sec. 6. Section 256.44, subsection 1, paragraph a, Code  
2 20 2007, is amended to read as follows:

2 21 a. If a teacher registers for national board for  
2 22 professional teaching standards certification prior to June  
2 23 30, ~~2007~~ 2012, a one-time initial reimbursement award in the  
2 24 amount of up to one-half of the registration fee paid by the  
2 25 teacher for registration for certification by the national  
2 26 board for professional teaching standards. The teacher shall  
2 27 apply to the department of education within one year of  
2 28 registration, submitting to the department any documentation  
2 29 the department requires. A teacher who receives an initial  
2 30 reimbursement award shall receive a one-time final  
2 31 registration award in the amount of the remaining national  
2 32 board registration fee paid by the teacher if the teacher  
2 33 notifies the department of the teacher's certification  
2 34 achievement and submits any documentation requested by the  
2 35 department.



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3 1 Sec. 7. Section 256.44, subsection 1, paragraph b,  
3 2 subparagraph (2), unnumbered paragraph 1, Code 2007, is  
3 3 amended to read as follows:

3 4 If the teacher registers for national board for  
3 5 professional teaching standards certification between January  
3 6 1, 1999, and January 1, ~~2006~~ 2012, and achieves certification  
3 7 within three years from the date of initial score  
3 8 notification, an annual award in the amount of two thousand  
3 9 five hundred dollars upon achieving certification by the  
3 10 national board of professional teaching standards.

3 11 Sec. 8. Section 256.44, subsection 6, Code 2007, is  
3 12 amended to read as follows:

3 13 6. From funds appropriated for purposes of this section by  
3 14 the general assembly to the department of education for each  
3 15 fiscal year in the fiscal period beginning July 1, 1999, and  
3 16 ending June 30, ~~2004~~ 2012, three hundred thousand dollars, or  
3 17 so much thereof as may be necessary, shall be used for the  
3 18 payment of registration awards as provided in subsection 4,  
3 19 paragraph "a".

3 20 Sec. 9. Section 257.31, subsection 5, Code 2007, is  
3 21 amended by adding the following new paragraph:

3 22 NEW PARAGRAPH. m. The addition of one or more teacher  
3 23 librarians pursuant to section 256.11, subsection 9, or one or  
3 24 more guidance counselors pursuant to section 256.11,  
3 25 subsection 9A.

3 26 Sec. 10. Section 272.9A, Code 2007, is amended by striking  
3 27 the section and inserting in lieu thereof the following:

3 28 272.9A ADMINISTRATOR LICENSES.

3 29 1. Beginning July 1, 2007, requirements for administrator  
3 30 licensure beyond an initial license shall include completion  
3 31 of a beginning administrator mentoring and induction program  
3 32 provided by the department pursuant to section 284A.2,  
3 33 subsection 2, as amended in this Act, and demonstration of  
3 34 competence on the administrator standards adopted pursuant to  
3 35 section 284A.3.



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4 1 2. The board shall adopt rules for administrator licensure  
4 2 renewal that include credit for individual administrator  
4 3 career development plans developed in accordance with section  
4 4 284A.6.

4 5 3. An administrator formerly employed by an accredited  
4 6 nonpublic school or formerly employed as an administrator in  
4 7 another state or country is exempt from the mentoring and  
4 8 induction requirement under subsection 1 if the administrator  
4 9 can document two years of successful administrator experience  
4 10 and meet or exceed the requirements contained in rules adopted  
4 11 pursuant to this chapter for endorsement and licensure.  
4 12 However, if an administrator cannot document two years of  
4 13 successful administrator experience when hired by a school  
4 14 district, the administrator shall meet the requirements of  
4 15 subsection 1.

4 16 Sec. 11. Section 284.2, subsection 11, Code 2007, is  
4 17 amended to read as follows:

4 18 11. "Teacher" means an individual holding a practitioner's  
4 19 license issued under chapter 272, who is employed in a  
4 20 nonadministrative position as a teacher, teacher librarian,  
4 21 preschool teacher, or counselor by a school district or area  
4 22 education agency pursuant to a contract issued by a board of  
4 23 directors under section 279.13. However, an individual who is  
4 24 employed by an area education agency shall only be considered

4 25 a teacher for purposes of this chapter if the individual  
4 26 directly delivers program instruction to school district or  
4 27 accredited nonpublic school students, exclusive of corrective  
4 28 and support services, for fifty percent or more of the  
4 29 individual's contracted time. A teacher may be employed in

4 30 both an administrative and a nonadministrative position by a  
4 31 board of directors and shall be considered a part-time teacher  
4 32 for the portion of time that the teacher is employed in a  
4 33 nonadministrative position. "Teacher" includes a licensed  
4 34 individual employed on a less than full-time basis by a school  
4 35 district through a contract between the school district and an



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5 1 institution of higher education with a practitioner  
5 2 preparation program in which the licensed teacher is enrolled.

5 3 Sec. 12. Section 284.4, subsection 1, paragraph c, Code  
5 4 2007, is amended to read as follows:

5 5 c. Provide, ~~beginning in~~ commencing with the fifth school  
5 6 year of participation beginning July 1, 2007, the equivalent  
5 7 of ~~one two~~ additional contract ~~day~~ days, outside of  
5 8 instruction time, than ~~was~~ were provided in the school year  
5 9 preceding the first year of participation, to provide  
5 10 additional time for teacher career development that aligns  
5 11 with student learning and teacher development needs, including  
5 12 the integration of technology into curriculum development, in  
5 13 order to achieve attendance center and district-wide student  
5 14 achievement goals outlined in the district comprehensive  
5 15 school improvement plan. School districts are encouraged to  
5 16 develop strategies for restructuring the school calendar to  
5 17 provide for the most effective professional development,  
5 18 evaluate their current career development alignment with their  
5 19 student achievement goals and research-based instructional  
5 20 strategies, and implement district career development plans.  
5 21 ~~A school district that provides the equivalent of ten or more~~  
5 22 ~~contract days for career development is exempt from this~~  
5 23 ~~paragraph.~~

5 24 Sec. 13. Section 284.6, Code 2007, is amended by adding  
5 25 the following new subsection:

5 26 NEW SUBSECTION. 7. If funds are appropriated by the  
5 27 general assembly for purposes of section 284.13, subsection 1,  
5 28 paragraph "e", the department, in collaboration with area  
5 29 education agencies, shall establish teacher development  
5 30 academies for school-based teams of teachers and instructional  
5 31 leaders. Each academy shall include an institute and follow=  
5 32 up training and coaching.

5 33 Sec. 14. Section 284.7, subsection 1, paragraph a,  
5 34 subparagraph (2), Code 2007, is amended to read as follows:

5 35 (2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a



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6 1 beginning teacher shall be ~~twenty-five~~ twenty-six thousand  
6 2 five hundred dollars.

6 3 Sec. 15. Section 284.7, subsection 1, paragraph b,  
6 4 subparagraph (2), Code 2007, is amended to read as follows:

6 5 (2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a  
6 6 first-year career teacher shall be ~~twenty-six~~ twenty-seven  
6 7 thousand five hundred dollars and the minimum salary for all  
6 8 other career teachers shall be ~~twenty-seven~~ twenty-eight  
6 9 thousand five hundred dollars.

6 10 Sec. 16. Section 284.11, subsections 1, 2, and 4, Code  
6 11 2007, are amended to read as follows:

6 12 1. The general assembly finds that Iowa school districts  
6 13 need to be more competitive in recruiting and retaining  
6 14 talented professionals into the teaching profession. To  
6 15 ensure that school districts in all areas of the state have  
6 16 the ability to attract highly qualified teachers, it is the  
6 17 intent of the general assembly to encourage school districts  
6 18 to establish ~~teacher compensation~~ opportunities that recognize  
6 19 the need for geographic or other locally determined wage  
6 20 differentials and provide incentives for traditionally  
6 21 hard-to-staff schools and subject-area shortages. This  
6 22 section provides for state assistance to allow school  
6 23 districts to add a market factor to ~~teacher salaries~~  
6 24 incentives paid by the school districts.

6 25 2. A school district shall be paid annually, from moneys  
6 26 allocated for market factor ~~salaries~~ incentives pursuant to  
6 27 section 284.13, subsection 1, paragraph "f", an amount of  
6 28 state assistance to create market factor incentives for  
6 29 classroom teachers in the school district. Market factor  
6 30 incentives may include but are not limited to improving  
6 31 salaries due to geographic differences, school district  
6 32 expenses related to the recruitment and retention needs of the  
6 33 school district in such areas as hard-to-staff schools,  
6 34 subject-area shortages, or improving the racial or ethnic  
6 35 diversity on local teaching staffs. The school district shall



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7 1 have the sole discretion to award funds received by the school  
7 2 district in accordance with section 284.13, subsection 1,  
7 3 paragraph "f", ~~to classroom teachers on an annual basis.~~ The  
7 4 If the funds received are used for teacher salaries, the funds  
7 5 shall supplement, but not supplant, wages and salaries paid as  
7 6 a result of a collective bargaining agreement reached pursuant  
7 7 to chapter 20 or as a result of funds appropriated elsewhere  
7 8 in this chapter, in chapter 256D, or in chapter 294A.

7 9 4. The department shall include market factor ~~salaries~~  
7 10 incentives when reporting ~~teacher salaries~~ on the use of these  
7 11 funds in the annual condition of education report.

7 12 Sec. 17. Section 284.13, subsection 1, paragraph d, Code  
7 13 2007, is amended to read as follows:

7 14 d. For the fiscal year beginning July 1, ~~2006~~ 2007, and  
7 15 ending June 30, ~~2007~~ 2008, up to ~~ten~~ twenty-one million five  
7 16 hundred thousand dollars to the department of education for  
7 17 use by school districts to add ~~one~~ a minimum of two additional  
7 18 teacher contract ~~day~~ days to the school calendar. The  
7 19 department shall distribute funds allocated for the purpose of  
7 20 this paragraph based on the average per diem contract salary  
7 21 for each district as reported to the department for the school  
7 22 year beginning July 1, ~~2005~~ 2006, multiplied by the total  
7 23 number of full-time equivalent teachers in the base year. The  
7 24 department shall adjust each district's average per diem  
7 25 salary by the allowable growth rate established under section  
7 26 257.8 for the fiscal year beginning July 1, ~~2006~~ 2007. In  
7 27 order to fully distribute the allocation in this subsection to  
7 28 school districts, the department shall proportionally increase  
7 29 or decrease the amount each school district receives under  
7 30 this paragraph from the calculated amount each school district  
7 31 would have received compared to the sum of what all school  
7 32 districts would have received if the additional teacher  
7 33 contract days were fully funded. The contract salary amount  
7 34 shall be the amount paid for their regular responsibilities  
7 35 but shall not include pay for extracurricular activities.



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8 1 School districts shall distribute funds to teachers based on  
8 2 individual teacher per diem amounts. These funds shall not  
8 3 supplant existing funding for professional development  
8 4 activities. A school district's administration may use up to  
8 5 ten percent of the moneys received pursuant to this paragraph  
8 6 and remaining after the per diem distribution to teachers to  
8 7 offset school district expenses related to the planning and  
8 8 implementation of the professional development program for  
8 9 teachers in accordance with section 284.6 and for  
8 10 implementation of professional development recommended by the  
8 11 school district's school improvement advisory committee in  
8 12 accordance with section 280.12. The provisions of section  
8 13 284.7, subsection 6, paragraphs "a" and "b", shall not apply  
8 14 to funds allocated pursuant to this paragraph.

8 15 Notwithstanding any provision to the contrary, moneys received  
8 16 by a school district under this paragraph shall not revert but  
8 17 shall remain available for the same purpose in the succeeding  
8 18 fiscal year. Any moneys remaining locally after a school  
8 19 district meets the requirements of this paragraph may be used  
8 20 by the local school district as locally determined in a manner  
8 21 consistent with the intent of this paragraph. A school  
8 22 district shall submit a report to the department in a manner  
8 23 determined by the department describing its use of the funds  
8 24 received under this paragraph. The department shall submit a  
8 25 report on school district use of the moneys distributed  
8 26 pursuant to this paragraph to the chairpersons and ranking  
8 27 members of the house and senate standing committees on  
8 28 education, the joint appropriations subcommittee on education,  
8 29 and the legislative services agency not later than January 15,  
8 30 ~~2007~~ 2008.

8 31 Sec. 18. Section 284.13, subsection 1, paragraph e, Code  
8 32 2007, is amended by striking the paragraph and inserting in  
8 33 lieu thereof the following:

8 34 e. For the fiscal year beginning July 1, 2007, and ending  
8 35 June 30, 2008, an amount up to one million eight hundred  
9 1 forty-five thousand dollars to the department of education for  
9 2 the establishment of teacher development academies in  
9 3 accordance with section 284.6, subsection 7. Funds allocated  
9 4 to the department for purposes of this paragraph may be used  
9 5 for administrative purposes.

9 6 Sec. 19. Section 284A.1, Code 2007, is amended by adding  
9 7 the following new subsections:

9 8 NEW SUBSECTION. 2A. "Comprehensive evaluation" means a  
9 9 summative evaluation of a beginning administrator conducted by  
9 10 an evaluator in accordance with section 284A.3 for purposes of  
9 11 determining a beginning administrator's level of competency  
9 12 for recommendation for licensure based on the Iowa standards  
9 13 for school administrators adopted pursuant to section 256.7,  
9 14 subsection 27.

9 15 NEW SUBSECTION. 3A. "Director" means the director of the  
9 16 department of education.

9 17 NEW SUBSECTION. 3B. "Evaluation" means a summative  
9 18 evaluation of an administrator used to determine whether the  
9 19 administrator's practice meets school district expectations  
9 20 and the Iowa standards for school administrators adopted  
9 21 pursuant to section 256.7, subsection 27.



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9 22       Sec. 20. Section 284A.2, subsection 3, Code 2007, is  
9 23 amended to read as follows:  
9 24       3. Each school board shall establish an administrator  
9 25 mentoring program for all beginning administrators. The  
9 26 school board may adopt the model program developed by the  
9 27 department pursuant to subsection 2. Each school board's  
9 28 beginning administrator mentoring and induction program shall,  
9 29 at a minimum, provide for one year of programming to support  
9 30 the Iowa standards for school administrators adopted pursuant  
9 31 to section 256.7, subsection 27, and beginning administrators'  
9 32 professional and personal needs. Each school board shall  
9 33 develop an initial beginning administrator mentoring and  
9 34 induction plan. The plan shall describe the mentor selection  
9 35 process, describe supports for beginning administrators,



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10 1 describe program organizational and collaborative structures,  
10 2 provide a budget, provide for sustainability of the program,  
10 3 and provide for program evaluation. The school board  
10 4 employing an administrator shall determine the conditions and  
10 5 requirements of an administrator participating in a program  
10 6 established pursuant to this section. A school board shall  
10 7 include its plan in the school district's comprehensive school  
10 8 improvement plan submitted pursuant to section 256.7,  
10 9 subsection 21.

10 10 Sec. 21. Section 284A.2, Code 2007, is amended by adding  
10 11 the following new subsection:

10 12 NEW SUBSECTION. 3A. A beginning administrator shall be  
10 13 informed by the school district or the area education agency,  
10 14 prior to the beginning administrator's participation in a  
10 15 mentoring and induction program, of the criteria upon which  
10 16 the administrator will be evaluated and of the evaluation  
10 17 process utilized by the school district or area education  
10 18 agency.

10 19 Sec. 22. Section 284A.2, subsection 4, Code 2007, is  
10 20 amended to read as follows:

10 21 4. By the end of a beginning administrator's second year  
10 22 of employment, the beginning administrator may be  
10 23 comprehensively evaluated ~~at the discretion of the school~~  
~~10 24 board~~ to determine if the administrator meets expectations to  
10 25 move to a standard administrator license. The school district  
10 26 or area education agency that employs a beginning  
10 27 administrator shall recommend the beginning administrator for  
10 28 a standard license if the beginning administrator is  
10 29 determined through a comprehensive evaluation to demonstrate  
10 30 competence in the Iowa standards for school administrators  
10 31 adopted pursuant to section 256.7, subsection 27. A school  
10 32 district or area education agency may allow a beginning  
10 33 administrator a third year to demonstrate competence in the  
10 34 Iowa standards for school administrators if, after conducting  
10 35 a comprehensive evaluation, the school district or area



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11 1 education agency determines that the administrator is likely  
11 2 to successfully demonstrate competence in the Iowa standards  
11 3 for school administrators by the end of the third year. Upon  
11 4 notification by the school district or area education agency,  
11 5 the board of educational examiners shall grant a beginning  
11 6 administrator who has been allowed a third year to demonstrate  
11 7 competence a one-year extension of the beginning  
11 8 administrator's initial license. An administrator granted a  
11 9 third year to demonstrate competence shall undergo a  
11 10 comprehensive evaluation at the end of the third year.

11 11 Sec. 23. NEW SECTION. 284A.1 ADMINISTRATOR QUALITY  
11 12 PROGRAM.

11 13 An administrator quality program is established to promote  
11 14 high student achievement and enhanced educator quality. The  
11 15 program shall consist of the following three major components:

11 16 1. Mentoring and induction programs that provide support  
11 17 for administrators in accordance with section 284A.2, as  
11 18 amended in this Act.

11 19 2. Professional development designed to directly support  
11 20 best practices for leadership.

11 21 3. Evaluation of administrators against the Iowa standards  
11 22 for school administrators.

11 23 Sec. 24. NEW SECTION. 284A.3 IOWA STANDARDS FOR SCHOOL  
11 24 ADMINISTRATORS EVALUATIONS.

11 25 By July 1, 2008, each school board shall provide for  
11 26 evaluations for administrators under individual career  
11 27 development plans developed in accordance with section  
11 28 279.23A, and the Iowa standards for school administrators and  
11 29 related criteria adopted by the state board in accordance with  
11 30 section 256.7, subsection 27. A local school board may  
11 31 establish additional administrator standards and related  
11 32 criteria.

11 33 Sec. 25. NEW SECTION. 284A.4 PARTICIPATION.

11 34 Effective July 1, 2007, each school district shall  
11 35 participate in the administrator quality program, and the



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12 1 board of directors of each school district shall do all of the  
12 2 following:

12 3 1. Implement a beginning administrator mentoring and  
12 4 induction program as provided in this chapter.

12 5 2. Adopt individual administrator career development plans  
12 6 in accordance with this chapter.

12 7 3. Adopt an administrator evaluation plan that, at a  
12 8 minimum, requires an evaluation of administrators in the  
12 9 school district annually pursuant to section 279.23A and based  
12 10 upon the Iowa standards for school administrators and  
12 11 individual administrator career development plans.

12 12 Sec. 26. NEW SECTION. 284A.6 ADMINISTRATOR CAREER  
12 13 DEVELOPMENT.

12 14 1. Each school district shall be responsible for the  
12 15 provision of professional growth programming for individuals  
12 16 employed in a school district administrative position by the  
12 17 school district or area education agency as deemed appropriate  
12 18 by the board of directors of the school district or area  
12 19 education agency. School districts may collaborate with other  
12 20 educational stakeholders including other school districts,  
12 21 area education agencies, professional organizations, higher  
12 22 education institutions, and private providers, regarding the  
12 23 provision of professional development for school district  
12 24 administrators. Professional development programming for  
12 25 school district administrators may include support that meets  
12 26 the career development needs of individual administrators  
12 27 aligned to the Iowa standards for school administrators  
12 28 adopted pursuant to section 256.7, subsection 27, and meets  
12 29 individual administrator career development plans.

12 30 2. In cooperation with the administrator's evaluator, the  
12 31 administrator who has a standard administrator's license  
12 32 issued by the board of educational examiners pursuant to  
12 33 chapter 272 and is employed by a school district or area  
12 34 education agency in a school district administrative position,  
12 35 shall develop an individual administrator career development



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13 1 plan. The purpose of the plan is to promote individual and  
13 2 group career development. The individual plan shall be based,  
13 3 at a minimum, on the needs of the administrator, the Iowa  
13 4 standards for school administrators adopted pursuant to  
13 5 section 256.7, subsection 27, and the student achievement  
13 6 goals of the attendance center and the school district as  
13 7 outlined in the comprehensive school improvement plan.

13 8 3. The administrator's evaluator shall meet annually as  
13 9 provided in section 279.23A with the administrator to review  
13 10 progress in meeting the goals in the administrator's  
13 11 individual plan. The purpose of the meeting shall be to  
13 12 review collaborative work with other staff on student  
13 13 achievement goals and to modify as necessary the  
13 14 administrator's individual plan to reflect the individual  
13 15 administrator's and the school district's needs and the  
13 16 individual's progress in meeting the goals in the plan. The  
13 17 administrator shall present to the evaluator evidence of  
13 18 progress. The administrator's supervisor and the evaluator  
13 19 shall review and the supervisor may modify the administrator's  
13 20 individual plan.

13 21 Sec. 27. NEW SECTION. 284A.7 EVALUATION REQUIREMENTS FOR  
13 22 ADMINISTRATORS.

13 23 A school district shall conduct an evaluation of an  
13 24 administrator who holds a standard license issued under  
13 25 chapter 272 at least once every three years for purposes of  
13 26 assisting the administrator in making continuous improvement,  
13 27 documenting continued competence in the Iowa standards for  
13 28 school administrators adopted pursuant to section 256.7,  
13 29 subsection 27, or to determine whether the administrator's  
13 30 practice meets school district expectations. The review shall  
13 31 include, at a minimum, an assessment of the administrator's  
13 32 competence in meeting the Iowa standards for school  
13 33 administrators and the goals of the administrator's individual  
13 34 career development plan, including supporting documentation or  
13 35 artifacts aligned to the Iowa standards for school





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15 1 waiver from the department of education, extends the time  
15 2 period during which a teacher can qualify for an initial  
15 3 reimbursement award for national board for professional  
15 4 teaching standards registration, makes changes to the student  
15 5 achievement and teacher quality program including increasing  
15 6 minimum teacher salaries, establishes an administrator quality  
15 7 program, and requires the state board of education to adopt  
15 8 Iowa standards for school administrators.

15 9 The bill adds new elements to the student achievement and  
15 10 teacher quality program, including teacher development  
15 11 programs and evaluation of teachers against the Iowa teaching  
15 12 standards.

15 13 QUALIFIED GUIDANCE COUNSELORS AND TEACHER LIBRARIANS.

15 14 While requiring school districts to have qualified guidance  
15 15 counselors, the bill authorizes school districts to seek  
15 16 supplemental aid from the school budget review committee for  
15 17 the cost of adding these guidance counselors as well as  
15 18 teacher librarians. The bill also updates a provision to  
15 19 allow districts to seek a waiver from the department.

15 20 NATIONAL BOARD CERTIFICATION. The bill extends until 2012  
15 21 the time by which a teacher may register for national board  
15 22 for professional teaching standards certification and receive  
15 23 a reimbursement award for the registration fee.

15 24 ADMINISTRATOR LICENSURE RENEWAL REQUIREMENT OPTION. The  
15 25 bill directs the board of educational examiners to include in  
15 26 its administrator licensure renewal requirements an option  
15 27 that allows credit for administrators' individual career  
15 28 development plans.

15 29 TEACHER DEFINITIONS. The bill changes the definition of  
15 30 "teacher" to provide that only those individuals employed by  
15 31 an area education agency who directly deliver instruction to  
15 32 students for more than 50 percent of their contracted time  
15 33 qualify for the program as teachers.

15 34 CONTRACT DAYS. The bill increases the number of contract  
15 35 days for teacher career development that a school district



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16 1 must add to the school year under the student achievement and  
16 2 teacher quality program from one to two commencing July 1,  
16 3 2007. The bill also eliminates an exemption for school  
16 4 districts that provide the equivalent of 10 or more contract  
16 5 days for professional development.

16 6 TEACHER DEVELOPMENT ACADEMIES AND TEACHER TRAINERS. The  
16 7 bill directs the department of education to establish, if the  
16 8 general assembly appropriates funds for such a purpose,  
16 9 teacher development academies, including an institute and  
16 10 follow-up training and coaching.

16 11 MINIMUM SALARY CHANGES. The bill provides that the minimum  
16 12 salary for a first-year beginning teacher is \$26,500, for a  
16 13 first-year career teacher is \$27,500, and for a second-year  
16 14 career teacher is \$28,500. Currently, the Code provides for  
16 15 beginning and career teacher salaries of \$25,500, \$26,500, and  
16 16 \$27,500, respectively.

16 17 MARKET FACTOR TEACHER SALARIES. The bill amends the Code  
16 18 section that provides for state assistance to allow school  
16 19 districts to add a market factor to teacher salaries paid by  
16 20 the school districts to replace the word "salaries" with  
16 21 "incentives" and makes related changes.

16 22 ADMINISTRATOR QUALITY PROGRAM. During the 2006 Legislative  
16 23 Session, the general assembly established the beginning  
16 24 administrator mentoring program. The program now becomes a  
16 25 component of a new administrator quality program under the  
16 26 bill. The administrator quality program established by the  
16 27 bill is designed to function much like the teacher quality,  
16 28 career development, and evaluation provisions of the student  
16 29 achievement and teacher quality program. The program's other  
16 30 two components include professional development designed to  
16 31 directly support best practices for leadership, and evaluation  
16 32 of administrators against Iowa standards for school  
16 33 administrators, which the director of the department of  
16 34 education is directed to develop, and the state board to  
16 35 adopt. The standards are to include core knowledge and skill



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17 1 criteria, based upon the standards, for mentoring and  
17 2 induction, evaluation processes, and administrator career  
17 3 development plans.

17 4 Under current Code, a beginning administrator is  
17 5 comprehensively evaluated at the end of the administrator's  
17 6 second year. Under the bill, if the administrator  
17 7 demonstrates competence, the employer must recommend the  
17 8 administrator for a standard license. A beginning  
17 9 administrator who fails to demonstrate competence at the end  
17 10 of the second year may be allowed a third year and given a  
17 11 one-year extension of the administrator's initial license in  
17 12 order to demonstrate competence.

17 13 The bill requires each school board, by July 1, 2008, to  
17 14 provide annual evaluations that assess administrators, at a  
17 15 minimum, against the Iowa standards for school administrators  
17 16 and the criteria for the standards developed by the  
17 17 department. A local school board may establish additional  
17 18 evaluation and grievance procedures. The bill also requires  
17 19 school districts to adopt individual career development plans  
17 20 for administrators and adopt an administrator evaluation plan.

17 21 Each school district must provide for the professional  
17 22 growth programming for individuals employed in an  
17 23 administrative position in the school district. Each school  
17 24 district administrator must develop an individual career  
17 25 development plan. The administrator's evaluator shall  
17 26 annually meet with the administrator to review progress in  
17 27 meeting the goals in the administrator's individual plan.

17 28 A school district shall review an administrator's  
17 29 performance annually for purposes of assisting the  
17 30 administrator in making continuous improvement, documenting  
17 31 continued competence in the Iowa standards for school  
17 32 administrators, or to determine whether the administrator's  
17 33 practice meets school district expectations. An administrator  
17 34 from another state or country is exempt from the mentoring and  
17 35 induction requirements if the administrator can document two



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18 1 years of successful administrator experience and meet or  
18 2 exceed the board of educational examiners licensure  
18 3 requirements.  
18 4     The bill directs the Code editor to relocate sections in  
18 5 Code chapter 284A to incorporate the new sections added by the  
18 6 bill.  
18 7     STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM  
18 8 APPROPRIATIONS. The bill increases the appropriations made  
18 9 for purposes of the student achievement and teacher quality  
18 10 program for FY 2007=2008 and FY 2008=2009 by over \$18 million  
18 11 each year. The bill makes appropriations and allocations to  
18 12 the department of education to continue providing funding to  
18 13 school districts and area education agencies for salaries and  
18 14 career development purposes, including two teacher contract  
18 15 days, and to fund the establishment of teacher development  
18 16 academies.  
18 17     The bill may include a state mandate as defined in Code  
18 18 section 25B.3. The bill requires that the state cost of any  
18 19 state mandate included in the bill be paid by a school  
18 20 district from state school foundation aid received by the  
18 21 school district under Code section 257.16 and moneys  
18 22 appropriated in the bill. The specification is deemed to  
18 23 constitute state compliance with any state mandate funding=  
18 24 related requirements of Code section 25B.2. The inclusion of  
18 25 this specification is intended to reinstate the requirement of  
18 26 political subdivisions to comply with any state mandates  
18 27 included in the bill.  
18 28 LSB 1227XD 82  
18 29 kh:rj/gg/14.1



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**Senate Study Bill 1119**

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 creating a preschool for four-year-old children program,
- 2     and making appropriations and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1231XD 82
- 5 jp/je/5



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PAG LIN

1 1 DIVISION I  
1 2 PRESCHOOL FOR FOUR=YEAR=OLD CHILDREN PROGRAM  
1 3 Section 1. NEW SECTION. 256C.1 DEFINITIONS.  
1 4 As used in this chapter:  
1 5 1. "Approved local program" means a school district's  
1 6 program for four=year=old children approved by the department  
1 7 of education to provide high quality preschool instruction.  
1 8 2. "Department" means the department of education.  
1 9 3. "Director" means the director of the department of  
1 10 education.  
1 11 4. "Preschool program" means the statewide preschool for  
1 12 four=year=old children program created in accordance with this  
1 13 chapter.  
1 14 5. "School district approved to participate in the  
1 15 preschool program" means a school district that meets the  
1 16 school district requirements under section 256C.3 and has been  
1 17 approved by the department to participate in the preschool  
1 18 program.  
1 19 6. "State board" means the state board of education.  
1 20 7. "Student" means a child who meets the eligibility  
1 21 requirements under section 256C.3 and is enrolled in the  
1 22 preschool program.  
1 23 Sec. 2. NEW SECTION. 256C.2 STATEWIDE PRESCHOOL FOR  
1 24 FOUR=YEAR=OLD CHILDREN PROGRAM == PURPOSE.  
1 25 1. A statewide preschool for four=year=old children  
1 26 program is established. The purpose of the preschool program  
1 27 is to provide an opportunity for all young children in the  
1 28 state to enter school ready to learn by expanding voluntary  
1 29 access to quality preschool curricula for all children who are  
1 30 four years old.  
1 31 2. The state board shall adopt rules in accordance with  
1 32 chapter 17A as necessary to implement the preschool program as  
1 33 provided in this chapter.  
1 34 Sec. 3. NEW SECTION. 256C.3 PRESCHOOL PROGRAM  
1 35 REQUIREMENTS.



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2 1       1. ELIGIBLE CHILDREN.

2 2       a. A child who is a resident of Iowa and is four years of  
2 3 age by September 15 of a school year shall be eligible to  
2 4 enroll in the preschool program under this chapter. If space  
2 5 and funding are available, a school district approved to  
2 6 participate in the preschool program may enroll a younger  
2 7 child in the preschool program; however, the child shall not  
2 8 be counted for state funding purposes.

2 9       b. An eligible child who is attending a child care center  
2 10 licensed under chapter 237A or a public or private preschool  
2 11 or prekindergarten program located within the boundaries of  
2 12 the school district is also eligible to receive instruction  
2 13 through the preschool program.

2 14       c. An eligible child who is receiving care from a child  
2 15 care home that is not registered under chapter 237A, a child  
2 16 development home that is registered under chapter 237A, or  
2 17 another care provider that is not subject to regulation under  
2 18 chapter 237A, is also eligible to receive instruction through  
2 19 the preschool program from an approved provider.

2 20       2. TEACHER REQUIREMENTS.

2 21       a. An individual serving as a teacher in the preschool  
2 22 program must be appropriately licensed under chapter 272, meet  
2 23 requirements under chapter 284, and be employed by the school  
2 24 district implementing the program. The requirements of this  
2 25 lettered paragraph apply only for the period of time during  
2 26 which the individual is employed by or contracting with the  
2 27 school district.

2 28       b. A teacher in the preschool program shall collaborate  
2 29 with other agencies, organizations, and boards in the  
2 30 community to further the program's capacity to meet the  
2 31 diverse needs of students and student families, such as early  
2 32 care, health, and human services. In addition, a teacher in  
2 33 the preschool program shall work to maintain relationships  
2 34 with each student's family in order to enhance the student's  
2 35 development in all settings by collaborating with providers of



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3 1 parent education and family support opportunities.  
3 2 3. PROGRAM REQUIREMENTS. The state board shall adopt  
3 3 rules to further define the following preschool program  
3 4 requirements which shall be used to determine whether or not a  
3 5 local program implemented by a school district approved to  
3 6 implement the preschool program qualifies as an approved local  
3 7 program:  
3 8 a. Maximum and minimum teacher-to-child ratios and class  
3 9 sizes.  
3 10 b. Applicable state and federal program standards.  
3 11 c. Student learning standards.  
3 12 d. Provisions for the integration of children from other  
3 13 state and federally funded preschools.  
3 14 e. Collaboration with participating families, early care  
3 15 providers, and community partners including but not limited to  
3 16 community empowerment area boards, head start programs, shared  
3 17 visions and other programs provided under the auspices of the  
3 18 child development coordinating council, licensed child care  
3 19 centers, area education agencies, child care resource and  
3 20 referral services provided under section 237A.26, early  
3 21 childhood special education programs, services funded by Title  
3 22 I of the federal Elementary and Secondary Education Act of  
3 23 1965, and family support programs.  
3 24 f. A minimum of ten hours per week of instruction  
3 25 delivered on the skills and knowledge included in the student  
3 26 learning standards developed for the preschool program.  
3 27 g. Parental involvement in the local program.  
3 28 4. SCHOOL DISTRICT REQUIREMENTS. The state board shall  
3 29 adopt rules to further define the following requirements of  
3 30 school districts implementing the preschool program:  
3 31 a. Methods of demonstrating community readiness to  
3 32 implement high-quality instruction in a local program shall be  
3 33 identified. The potential provider shall submit a  
3 34 collaborative program proposal that demonstrates the  
3 35 involvement of multiple community stakeholders including but



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4 1 not limited to, and only as applicable, parents, the school  
4 2 district, accredited nonpublic schools and faith-based  
4 3 representatives, the area education agency, the community  
4 4 empowerment area board, representatives of business, head  
4 5 start programs, center-based and home-based providers of child  
4 6 care services, human services, public health, and economic  
4 7 development programs. The methods may include but are not  
4 8 limited to a school district providing evidence of a public  
4 9 hearing on the proposed programming and written documentation  
4 10 of collaboration agreements between the school district,  
4 11 existing community providers, and other community stakeholders  
4 12 addressing operational procedures and other critical measures.  
4 13 b. Subject to implementation of agreements between a  
4 14 school district and community-based providers of services to  
4 15 four-year-old children residing in the school district, a  
4 16 four-year-old child residing in a school district who is  
4 17 enrolled in a child care center licensed under chapter 237A or  
4 18 in an existing public or private preschool program shall be  
4 19 eligible for services provided by the school district's local  
4 20 preschool program.  
4 21 c. A school district shall participate in data collection  
4 22 or performance measurement processes and reporting as defined  
4 23 by rule.  
4 24 d. Career development for school district preschool  
4 25 teachers shall be addressed in the school district's career  
4 26 development plan implemented in accordance with section 284.6.  
4 27 5. DEPARTMENT REQUIREMENTS.  
4 28 a. The department shall implement an application and  
4 29 selection process for school district participation in the  
4 30 preschool program that includes but is not limited to the  
4 31 enrollment requirements provided under section 256C.4.  
4 32 b. The department shall track the progress of students  
4 33 served by a school district preschool program and the  
4 34 students' performance in elementary and secondary education.  
4 35 c. The department shall implement procedures to monitor



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5 1 the quality of the programming provided under the preschool  
5 2 program.  
5 3 Sec. 4. NEW SECTION. 256C.4 FUNDING PROVISIONS ==  
5 4 ENROLLMENT.  
5 5 1. GENERAL.  
5 6 a. State funding provided under the preschool program  
5 7 shall be based upon the enrollment of eligible students in the  
5 8 preschool programming provided by a school district approved  
5 9 to participate in the preschool program.  
5 10 b. A school district approved to participate in the  
5 11 preschool program may authorize expenditures for the  
5 12 district's preschool programming from any of the revenue  
5 13 sources available to the district from the sources listed in  
5 14 chapter 298A, provided the expenditures are within the uses  
5 15 permitted for the revenue source. However, the school  
5 16 district shall not authorize an expenditure from such revenue  
5 17 sources for purposes of programming that is not owned or  
5 18 operated by the school district.  
5 19 c. Funding provided under the preschool program is  
5 20 intended to supplement, not supplant, existing resources for  
5 21 preschool programming.  
5 22 2. ELIGIBLE STUDENT ENROLLMENT.  
5 23 a. To be included as an eligible student in the enrollment  
5 24 count of the preschool programming provided by a school  
5 25 district approved to participate in the preschool program, a  
5 26 child must be four years of age by September 15 in the base  
5 27 year and the preschool programming attended by the child must  
5 28 be located within the boundaries of the school district.  
5 29 b. The enrollment count of eligible students shall not  
5 30 include a child who is included in the enrollment count  
5 31 determined under section 257.6 or a child who is served by a  
5 32 program already receiving state or federal funds for the  
5 33 purpose of the provision of four-year-old preschool  
5 34 programming. Such preschool programming includes but is not  
5 35 limited to child development assistance programs provided



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6 1 under chapter 256A, special education programs provided under  
6 2 section 256B.9, school ready children grant programs and other  
6 3 programs provided under chapter 28, and federal head start  
6 4 programs and the services funded by Title I of the federal  
6 5 Elementary and Secondary Education Act of 1965.

6 6 Sec. 5. NEW SECTION. 256C.5 FUNDING FORMULA.

6 7 1. DEFINITIONS. For the purposes of this section and  
6 8 section 256C.4:

6 9 a. "Base year", "budget year", "foundation base", "regular  
6 10 program district cost per pupil", "regular program state cost  
6 11 per pupil", and "school district" mean the same as defined or  
6 12 described in chapter 257.

6 13 b. "Eligible student" means a child who meets eligibility  
6 14 requirements under section 256C.4.

6 15 c. "Preschool budget enrollment" means the figure that is  
6 16 equal to sixty percent of the actual enrollment of eligible  
6 17 students in the preschool programming provided by a school  
6 18 district approved to participate in the preschool program on  
6 19 October 1 of the base year, or the first Monday in October if  
6 20 October 1 falls on a Saturday or Sunday.

6 21 d. "Preschool district cost for the budget year" means the  
6 22 product of the regular program district cost per pupil for the  
6 23 budget year multiplied by the school district's preschool  
6 24 budget enrollment.

6 25 e. "Preschool foundation aid" means the regular program  
6 26 foundation base per pupil determined for a budget year under  
6 27 chapter 257 multiplied by the preschool budget enrollment.

6 28 2. PRESCHOOL FOUNDATION AID DISTRICT AMOUNT.

6 29 a. For the initial budget year for which a school district  
6 30 approved to participate in the preschool program receives that  
6 31 approval and implements the preschool program, the funding for  
6 32 the preschool foundation aid payable to that school district  
6 33 shall be paid from the appropriation made for that budget year  
6 34 in section 256C.6. For that budget year, the preschool  
6 35 foundation aid payable to the school district is the product



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7 1 of the regular program district cost per pupil for the budget  
7 2 year multiplied by sixty percent of the school district's  
7 3 eligible student enrollment on the date in the budget year  
7 4 determined by rule.

7 5     b. For budget years subsequent to the initial school year  
7 6 for which a school district approved to participate in the  
7 7 preschool program receives that approval and implements the  
7 8 preschool program, the funding for the preschool foundation  
7 9 aid payable to that school district shall be paid from the  
7 10 appropriation made in section 257.16. For those budget years,  
7 11 the preschool foundation aid payable to the school district is  
7 12 equivalent to the preschool district cost for the budget year.

7 13     3. EXPENDITURES SEPARATE. Unless expressly authorized by  
7 14 law, a school district's expenditures for a local program  
7 15 shall not be included in the district cost per pupil or any  
7 16 other expenditure used for the calculations made under chapter  
7 17 257. This subsection is repealed July 1, 2014.

7 18     4. AID PAYMENTS. Preschool foundation aid shall be paid  
7 19 as part of the state aid payments made to school districts in  
7 20 accordance with section 257.16.

7 21     Sec. 6. NEW SECTION. 256C.6 PHASE=IN == APPROPRIATIONS.

7 22     1. PHASE=IN. For the fiscal year beginning July 1, 2007,  
7 23 the department may temporarily modify requirements in other  
7 24 provisions of this chapter relating to preschool program  
7 25 implementation, preschool enrollment reporting, and  
7 26 distribution of funding as necessary to begin the distribution  
7 27 in that fiscal year and additional program implementation in  
7 28 the next fiscal year. For each month after September 1, 2007,  
7 29 that a school district approved to participate in the  
7 30 preschool program begins programming, the department shall  
7 31 reduce the preschool foundation aid payable to the school  
7 32 district by one tenth of the amount that would otherwise have  
7 33 been payable to the school district for the full school year.

7 34     2. APPROPRIATIONS FOR INITIAL YEARS. There is  
7 35 appropriated from the general fund of the state to the



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8 1 department of education for the designated fiscal years the  
8 2 following amounts, or so much thereof as is necessary, to be  
8 3 used for the initial year preschool foundation aid payments to  
8 4 school districts approved to participate in the preschool  
8 5 program and administrative costs:

8 6 a. For the fiscal year beginning July 1, 2007, and ending  
8 7 June 30, 2008, fifteen million dollars.

8 8 b. For the fiscal year beginning July 1, 2008, and ending  
8 9 June 30, 2009, fifteen million dollars.

8 10 c. For the fiscal year beginning July 1, 2009, and ending  
8 11 June 30, 2010, fifteen million dollars.

8 12 d. For the fiscal year beginning July 1, 2010, and ending  
8 13 June 30, 2011, sixteen million one hundred sixty-two thousand  
8 14 five hundred dollars.

8 15 For the purposes of this subsection, the amount allocated  
8 16 for each fiscal year for the department's administrative costs  
8 17 shall be equal to two and one quarter percent of the amount  
8 18 appropriated for the fiscal year.

8 19 3. INSUFFICIENT FUNDING. For the fiscal years in the  
8 20 period beginning July 1, 2007, and ending June 30, 2011, if  
8 21 the number of requests from school districts for initial  
8 22 participation in the preschool program exceeds the funding  
8 23 made available for the preschool program, the department shall  
8 24 utilize all of the following selection criteria in selecting  
8 25 the school districts that will be approved to participate in  
8 26 the preschool program:

8 27 a. Priority shall be given to school districts that do not  
8 28 have existing preschool programming within the school district  
8 29 boundaries.

8 30 b. Priority shall be given to school districts that have a  
8 31 high percentage of children in poverty.

8 32 c. Consideration shall be given to the size of school  
8 33 districts in large, medium, and small categories in order for  
8 34 there to be equitable statewide distribution of preschool  
8 35 program services.

9 1 d. Consideration shall be given to school districts with  
9 2 established, high-quality, community partnerships for the  
9 3 delivery of preschool programming that are seeking to expand  
9 4 access.

9 5 4. REPEALS.

9 6 a. Subsections 1 and 3 are repealed July 1, 2011.

9 7 b. This subsection is repealed July 1, 2011, following  
9 8 implementation of paragraph "a".

9 9 5. STATE AID FUNDING FOR FY 2011-2012 AND FUTURE. For the  
9 10 fiscal year beginning July 1, 2011, and succeeding fiscal  
9 11 years, preschool foundation aid shall be funded from the  
9 12 appropriation made in section 257.16.

DIVISION II

CONFORMING AMENDMENTS

9 15 Sec. 7. Section 256.11, subsection 1, Code 2007, is  
9 16 amended by adding the following new unnumbered paragraph:

9 17 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
9 18 subsection, "prekindergarten program" includes but is not  
9 19 limited to a school district's implementation of the preschool  
9 20 program established pursuant to chapter 256C.

9 21 Sec. 8. Section 257.10, subsection 8, Code 2007, is



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9 22 amended to read as follows:

9 23     8. COMBINED DISTRICT COST. Combined district cost is the  
9 24 sum of the regular program district cost per pupil multiplied  
9 25 by the weighted enrollment, the preschool district cost per  
9 26 student under chapter 256C, and the special education support  
9 27 services district cost, plus the additional district cost  
9 28 allocated to the district to fund media services and  
9 29 educational services provided through the area education  
9 30 agency.

9 31     A school district may increase its combined district cost  
9 32 for the budget year to the extent that an excess tax levy is  
9 33 authorized by the school budget review committee.

9 34     Sec. 9. Section 257.16, subsection 1, Code 2007, is  
9 35 amended to read as follows:



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10 1 1. There is appropriated each year from the general fund  
10 2 of the state an amount necessary to pay the foundation aid  
10 3 under this chapter, the preschool foundation aid under chapter  
10 4 256C, supplementary aid under section 257.4, subsection 2, and  
10 5 adjusted additional property tax levy aid under section  
10 6 257.15, subsection 4.

10 7 Sec. 10. Section 285.1, subsection 1, paragraph c, Code  
10 8 2007, is amended to read as follows:

10 9 c. Children attending prekindergarten programs offered or  
10 10 sponsored by the district or nonpublic school and approved by  
10 11 the department of education or department of human services or  
10 12 children participating in preschool in an approved local  
10 13 program under chapter 256C may be provided transportation  
10 14 services. However, transportation services provided nonpublic  
10 15 school children are not eligible for reimbursement under this  
10 16 chapter.

10 17 Sec. 11. Section 298.4, Code 2007, is amended by adding  
10 18 the following new subsection:

10 19 NEW SUBSECTION. 6. To provide local funding for the  
10 20 school district's implementation of the preschool program  
10 21 established under chapter 256C.

10 22 Sec. 12. EMERGENCY RULES. The department of education may  
10 23 adopt emergency rules under section 17A.4, subsection 2, and  
10 24 section 17A.5, subsection 2, paragraph "b", to implement the  
10 25 provisions of this Act and the rules shall be effective  
10 26 immediately upon filing unless a later date is specified in  
10 27 the rules. Any rules adopted in accordance with this section  
10 28 shall also be published as a notice of intended action as  
10 29 provided in section 17A.4.

10 30 EXPLANATION

10 31 This bill creates a preschool for four-year-old children  
10 32 program. The bill is divided into divisions.

10 33 PRESCHOOL FOR FOUR-YEAR-OLD CHILDREN PROGRAM. This  
10 34 division creates the program and makes appropriations in new  
10 35 Code chapter 256C. The program is to be administered by the



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11 1 department of education and the state board of education.  
11 2       New Code section 256C.1 provides definitions.  
11 3       New Code section 256C.2 lays out the purpose for the  
11 4 program and authorizes the state board to adopt rules to  
11 5 implement the program and the state funding for the program.  
11 6       New Code section 256C.3 lists the program requirements  
11 7 required to be adopted in rule. The requirements address  
11 8 child eligibility, teacher requirements, program requirements,  
11 9 school district requirements, and departmental requirements.  
11 10       New Code section 256C.4 identifies general funding  
11 11 provisions and specifies how eligible student enrollment for  
11 12 the preschool program is determined.  
11 13       New Code section 256C.5 establishes a funding formula for  
11 14 the program, based on elements of the school foundation  
11 15 formula under Code chapter 257. For the initial budget year  
11 16 that a school district is approved to participate in the  
11 17 preschool program, the school district receives funding based  
11 18 on the preschool program enrollment for that budget year. For  
11 19 subsequent budget years, the aid is based on the prior year's  
11 20 preschool enrollment. A school district is authorized to use  
11 21 various local taxation sources for local funding of the  
11 22 preschool district cost that is not paid by preschool  
11 23 foundation aid. The expenditures for the preschool program  
11 24 cannot be included as part of the expenditures made for  
11 25 purposes of the school aid formula under Code chapter 257.  
11 26 Preschool foundation aid payments are required to be made as  
11 27 part of the school aid payments under Code chapter 257.  
11 28       New Code section 256C.6 provides for phase-in of the  
11 29 program during fiscal year 2007=2008 and makes standing  
11 30 limited appropriations for five fiscal years. For fiscal year  
11 31 2007=2008, the department is authorized to modify other  
11 32 requirements in new Code chapter 256C as necessary to  
11 33 distribute funding in that fiscal year. The appropriations  
11 34 made in this section are for payment of the initial year a  
11 35 school district receives a preschool foundation aid payment



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12 1 and for department of education administrative costs  
12 2 associated with the preschool program. In subsequent years,  
12 3 this preschool foundation aid payment becomes part of the  
12 4 school foundation formula.  
12 5 CONFORMING AMENDMENTS. This division provides conforming  
12 6 amendments for the changes made by the bill.  
12 7 The bill amends Code section 256.11, relating to  
12 8 educational standards for schools adopted by the state board  
12 9 of education, to provide that a prekindergarten also includes  
12 10 a preschool program implemented in accordance with the bill.  
12 11 Code section 257.10, relating to district cost per pupil  
12 12 used in the school aid formula, is amended to include the  
12 13 preschool district cost per student as part of the combined  
12 14 district cost. Code section 257.16, relating to the standing  
12 15 appropriation for school foundation aid, is amended to include  
12 16 an appropriation for preschool foundation aid in the standing  
12 17 appropriation.  
12 18 Code section 285.1, relating to state aid to schools for  
12 19 transportation, is amended to include the children  
12 20 participating in preschool in an approved local program under  
12 21 the preschool program in the state aid funding authorization.  
12 22 Code section 298.4, relating to the expenditures allowed  
12 23 under the district management levy, is amended to allow the  
12 24 levy to be used for local funding of a local preschool program  
12 25 under Code chapter 256C.  
12 26 The department of education is authorized to utilize  
12 27 emergency procedures to adopt rules to implement the  
12 28 provisions of the bill without public comment periods or  
12 29 review by the administrative rules review committee.  
12 30 LSB 1231XD 82  
12 31 jp:nh/je/5.1