



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
January 31, 2007

House Amendment 1019

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 9, by striking the words and
1 4 figures <On or before September 1, 2007, the> and
1 5 inserting the following: <The>.
1 6 #2. Page 2, line 15, by inserting after the word
1 7 <policy.> the following: <However, the board of
1 8 directors of a school district and the authorities in
1 9 charge of each accredited nonpublic school shall not
1 10 be required to adopt the policy until ninety days
1 11 after enactment by the general assembly of a statute
1 12 applying the same standards set forth in this section
1 13 for school employees, volunteers, and students, to
1 14 members of the general assembly, the governor, and
1 15 candidates for the general assembly or the office of
1 16 governor subject to the provisions of chapter 68B.>
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1 20 RAECKER of Polk
1 21 SF 61.310 82
1 22 kh/cf/6757
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House Amendment 1020

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. NEW SECTION. 279.65 BULLYING
1 6 PROHIBITION POLICY.
1 7 The board of directors of a school district shall
1 8 adopt a policy prohibiting bullying of any student at
1 9 any time under any circumstances in schools, on school
1 10 property, and at any school function or
1 11 school=sponsored activity regardless of its location.
1 12 The policy shall include disciplinary actions that may
1 13 be taken against any student, school employee, or
1 14 volunteer engaged in bullying and any school employee
1 15 who knows of, observes, and fails to stop or report a
1 16 bullying incident. The policy shall be published in
1 17 the student handbook and all students, parents and
1 18 guardians, and school employees shall be provided with
1 19 a copy of the policy at the start of each school
1 20 year.>
1 21 #2. Title page, by striking lines 1 through 4 and
1 22 inserting the following: <An Act requiring the board
1 23 of directors of a school district to adopt a policy
1 24 prohibiting bullying.>
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1 28 MAY of Dickinson
1 29 SF 61.713 82
1 30 kh/gg/6747
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House Amendment 1021

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 3, by striking the words
1 4 <Harassment or bullying> and inserting the following:
1 5 <Bullying>.
1 6 #2. Page 1, line 5, by striking the words
1 7 <HARASSMENT AND>.
1 8 #3. Page 1, line 13, by striking the words
1 9 <Harassing and bullying> and inserting the following:
1 10 <Bullying>.
1 11 #4. Page 1, line 18, by striking the words
1 12 <harassing or>.
1 13 #5. Page 1, by striking lines 21 and 22 and
1 14 inserting the following:
1 15 <a. "Bullying" means any conduct toward a student
1 16 which is based>.
1 17 #6. Page 2, line 12, by striking the words
1 18 <harassment and>.
1 19 #7. Page 2, line 19, by striking the words
1 20 <harassment and>.
1 21 #8. Page 2, line 24, by striking the words
1 22 <harassment and>.
1 23 #9. Page 2, line 29, by striking the words
1 24 <harassing and>.
1 25 #10. Page 2, line 34, by striking the words
1 26 <harassment or>.
1 27 #11. Page 2, line 35, by striking the words
1 28 <harassment and>.
1 29 #12. Page 3, line 5, by striking the words
1 30 <harassment or>.
1 31 #13. Page 3, line 7, by striking the words
1 32 <antiharassment and>.
1 33 #14. Page 3, line 9, by striking the words
1 34 <harassment or>.
1 35 #15. Page 3, line 13, by striking the words
1 36 <harassment or>.
1 37 #16. Page 3, line 20, by striking the words
1 38 <harassment or>.
1 39 #17. Page 3, line 26, by striking the words
1 40 <harassment and>.
1 41 #18. Page 3, line 30, by striking the words
1 42 <antiharassment and>.
1 43 #19. Page 3, line 35, by striking the words
1 44 <harassment and>.
1 45 #20. Page 4, line 3, by striking the words
1 46 <harassment or>.
1 47 #21. Page 4, line 14, by striking the words
1 48 <harassment and>.
1 49 #22. Page 4, lines 17 and 18 by striking the words
1 50 <antiharassment and>.



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House Amendment 1021 continued

- 2 1 #23. Title page, line 2, by striking the words
- 2 2 <antiharassment and>.
- 2 3 #24. By renumbering as necessary.
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- 2 5
- 2 6
- 2 7 TYMESON of Madison
- 2 8 SF 61.515 82
- 2 9 kh/jg/25



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House Amendment 1022

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 22, by inserting after the word
1 4 <student> the following: <, teacher, or other school
1 5 employee>.
1 6 #2. Page 1, line 24, by inserting after the word
1 7 <student> the following: <, teacher, or other school
1 8 employee>.
1 9 #3. Page 1, line 27, by inserting after the word
1 10 <student> the following: <, teacher, or other school
1 11 employee>.
1 12 #4. Page 1, line 28, by inserting after the word
1 13 <student's> the following: <, teacher's, or other
1 14 school employee's>.
1 15 #5. Page 1, line 30, by inserting after the word
1 16 <student's> the following: <, teacher's, or other
1 17 school employee's>.
1 18 #6. Page 1, line 32, by inserting after the word
1 19 <performance> the following: <or a teacher's or other
1 20 school employee's work performance>.
1 21 #7. Page 1, line 35, by inserting after the word
1 22 <school> the following: <or with a teacher's or other
1 23 school employee's employment, evaluation, salary
1 24 advancement, work assignments, or other terms,
1 25 conditions, or privileges of employment at a school>.
1 26 #8. Page 2, line 1, by striking the words <of the
1 27 student>.
1 28 #9. Page 2, line 8, by inserting after the word
1 29 <students> the following: <, teachers, or other
1 30 school employees>.
1 31 #10. Page 3, line 32, by inserting after the word
1 32 <students> the following: <, teachers, or other
1 33 school employees>.
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1 37 HORBACH of Tama
1 38 SF 61.528 82
1 39 kh/jg/25
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House Amendment 1023

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 22 through 24 and
1 4 inserting the following: <the same and mean any
1 5 conduct toward any student which creates an
1 6 objectively hostile school>.
1 7 #2. Page 2, by striking lines 1 through 6.
1 8 #3. By relettering as necessary.
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1 11
1 12 CHAMBERS of O'Brien
1 13 SF 61.503 82
1 14 kh/jg/25
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House Amendment 1024

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 20 the
1 4 following:
1 5 <____. "Electronic" means any communication
1 6 involving the transmission of information by wire,
1 7 radio, optical cable, electromagnetic, or other
1 8 similar means. "Electronic" includes but is not
1 9 limited to communication via electronic mail,
1 10 internet-based communications, pager service, cell
1 11 phones, and electronic text messaging.>
1 12 #2. Page 1, line 22, by inserting after the word
1 13 <any> the following: <intentional electronic,
1 14 written, verbal, or physical act or>.
1 15 #3. By renumbering, redesignating, and correcting
1 16 internal references as necessary.
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1 20 L. MILLER of Scott
1 21 SF 61.525 82
1 22 kh/je/6744D
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House Amendment 1025

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 9, by striking the words and
1 4 figures <On or before September 1, 2007, the> and
1 5 inserting the following: <The>.
1 6 #2. Page 2, line 15, by inserting after the word
1 7 <policy.> the following: <However, the board of
1 8 directors of a school district and the authorities in
1 9 charge of each accredited nonpublic school shall not
1 10 be required to adopt the policy until ninety days
1 11 after the boards of directors of each community
1 12 college and the institutions of higher learning
1 13 governed by the state board of regents adopt
1 14 antiharassment and antibullying policies for their
1 15 institutions.>
1 16 #3. Page 4, by inserting after line 24 the
1 17 following:
1 18 <Sec. ____ . NOTIFICATION OF CODE EDITOR. The
1 19 department of education shall notify the Code editor
1 20 when the boards of directors of all community colleges
1 21 have adopted antiharassment and antibullying policies.
1 22 The state board of regents shall notify the Code
1 23 editor when all of the institutions of higher learning
1 24 governed by the board have adopted antiharassment and
1 25 antibullying policies.>
1 26 #4. By renumbering as necessary.
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1 30 KAUFMANN of Cedar
1 31 SF 61.527 82
1 32 kh/je/6751
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House Amendment 1026

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 5, by inserting after the word
1 4 <bullying.> the following: <The statement shall also
1 5 describe a policy for involving parents and guardians
1 6 that provides for the following:
1 7 (1) Ensures that communication between home and
1 8 school is regular, two-way, and meaningful.
1 9 (2) Promotes and supports parenting skills.
1 10 (3) Recognizes and supports the integral role
1 11 parents and guardians play in assisting student
1 12 learning.
1 13 (4) Welcomes parents and guardians into the school
1 14 and seeks their support and assistance.
1 15 (5) Makes parents and guardians full partners in
1 16 the decisions that affect children and families.
1 17 (6) Utilizes community collaborations productively
1 18 and community resources prolifically to strengthen
1 19 schools, families, and student learning.>
1 20 #2. By renumbering as necessary.
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1 24 TYMESON of Madison
1 25 SF 61.511 82
1 26 kh/jg/25
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House Amendment 1027

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <DIVISION IV
1 6 Sec. ____ . NEW SECTION. 68B.40 ANTIHARASSMENT AND
1 7 ANTIBULLYING RULES == IMMUNITY.
1 8 1. DEFINITIONS. For purposes of this section,
1 9 unless the context otherwise requires:
1 10 a. "Harassment" and "bullying" shall be construed
1 11 to mean the same and mean any conduct toward a member
1 12 of the general assembly or the governor or candidate
1 13 for the general assembly or the office of governor
1 14 which is based on any actual or perceived trait or
1 15 characteristic of the member of the general assembly
1 16 or the governor or candidate for the general assembly
1 17 or the office of governor and which creates an
1 18 objectively hostile environment that meets one or more
1 19 of the following conditions:
1 20 (1) Places the member, governor, or candidate in
1 21 reasonable fear of harm to the member's, governor's,
1 22 or candidate's person or property.
1 23 (2) Has a substantially detrimental effect on the
1 24 member's, governor's, or candidate's physical or
1 25 mental health.
1 26 (3) Has the effect of substantially interfering
1 27 with the member's, governor's, or candidate's public
1 28 service or campaign performance.
1 29 (4) Has the effect of substantially interfering
1 30 with the member's, governor's, or candidate's ability
1 31 to participate in or benefit from the services,
1 32 activities, or privileges provided by the local
1 33 community or state.
1 34 b. "Trait or characteristic of the member,
1 35 governor, or candidate" includes but is not limited to
1 36 age, color, creed, national origin, race, religion,
1 37 marital status, sex, sexual orientation, gender
1 38 identity, physical attributes, physical or mental
1 39 ability or disability, ancestry, political party
1 40 preference, political belief, socioeconomic status, or
1 41 familial status.
1 42 c. "Volunteer" means an individual who has
1 43 regular, significant contact with students.
1 44 2. RULES. On or before September 1, 2007, the
1 45 Iowa ethics and campaign disclosure board shall adopt
1 46 rules declaring harassment and bullying in the public
1 47 arena, regardless of its location, in a manner
1 48 consistent with this section, as against state policy
1 49 pursuant to this section and against the board's
1 50 administrative rules. The board shall make a copy of



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House Amendment 1027 continued

2 1 the rules available to all general assembly members,
2 2 the governor, and candidates for the general assembly
2 3 or the office of governor, campaign committees,
2 4 political committees, and volunteers, and shall take
2 5 all appropriate steps to bring the state policy
2 6 against harassment and bullying and the
2 7 responsibilities set forth in the rules to the
2 8 attention of all Iowans. The rules shall, at a
2 9 minimum, include all of the following components:
2 10 a. A statement declaring harassment and bullying
2 11 to be against state policy and the board's
2 12 administrative rules. The rules shall include but not
2 13 be limited to the following components:
2 14 (1) Members of the general assembly, the governor,
2 15 and candidates for the general assembly and the office
2 16 of governor shall not engage in harassing and bullying
2 17 behavior.
2 18 (2) Members of the general assembly, the governor,
2 19 and candidates for the general assembly and the office
2 20 of governor shall not engage in reprisal, retaliation,
2 21 or false accusation against a victim, witness, or an
2 22 individual who has reliable information about such an
2 23 act of harassment or bullying.
2 24 b. A definition of harassment and bullying as set
2 25 forth in this section.
2 26 c. A description of the type of behavior expected
2 27 from members of the general assembly, the governor,
2 28 and candidates for the general assembly and the office
2 29 of governor relative to prevention measures,
2 30 reporting, and investigation of harassment or
2 31 bullying.
2 32 d. The consequences and appropriate remedial
2 33 action for a person who violates the antiharassment
2 34 and antibullying administrative rules.
2 35 e. A procedure for reporting an act of harassment
2 36 or bullying, including the identification by job title
2 37 of the state official responsible for ensuring that
2 38 the rules are implemented, and the identification of
2 39 the person or persons responsible for receiving
2 40 reports of harassment or bullying.
2 41 f. A procedure for the prompt investigation of
2 42 complaints, identifying the ethics and campaign
2 43 disclosure board as the state agency responsible for
2 44 conducting the investigation, including a statement
2 45 that investigators will consider the totality of
2 46 circumstances presented in determining whether conduct
2 47 objectively constitutes harassment or bullying under
2 48 this section.
2 49 g. A statement of the manner in which the rules
2 50 will be publicized.



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House Amendment 1027 continued

3 1 3. PROGRAMS ENCOURAGED. Members of the general
3 2 assembly, the governor, and candidates for the general
3 3 assembly and the office of the governor are encouraged
3 4 to establish programs designed to eliminate harassment
3 5 and bullying in the public arena. To the extent that
3 6 funds are available for these purposes, statewide
3 7 political committees shall do the following:
3 8 a. Provide training on antiharassment and
3 9 antibullying policies to members of the general
3 10 assembly, the governor, and candidates for the general
3 11 assembly and the office of governor.
3 12 b. Develop a process to provide members of the
3 13 general assembly, the governor, and candidates for the
3 14 general assembly and the office of governor with the
3 15 skills and knowledge to help reduce incidents of
3 16 harassment and bullying.
3 17 4. IMMUNITY. An Iowa resident who promptly,
3 18 reasonably, and in good faith reports an incident of
3 19 harassment or bullying, in compliance with the
3 20 procedures in the rules adopted pursuant to this
3 21 section, to the ethics and campaign disclosure board,
3 22 shall be immune from civil or criminal liability
3 23 relating to such report and to participation in any
3 24 administrative or judicial proceeding resulting from
3 25 or relating to such report.
3 26 5. COLLECTION REQUIREMENT. The ethics and
3 27 campaign disclosure board shall develop and maintain a
3 28 system to collect harassment and bullying incidence
3 29 data.
3 30 6. INTEGRATION OF POLICY AND REPORTING. The
3 31 ethics and campaign disclosure board and the office of
3 32 secretary of state shall integrate the antiharassment
3 33 and antibullying rules adopted by the board into the
3 34 official registration documents for members of the
3 35 general assembly, the governor, and candidates for the
3 36 general assembly and the office of governor and shall
3 37 report data collected under subsection 5, as specified
3 38 by the board, to the general public.
3 39 7. EXISTING REMEDIES NOT AFFECTED. This section
3 40 shall not be construed to preclude a victim from
3 41 seeking administrative or legal remedies under any
3 42 applicable provision of law.
3 43 8. PENALTY. The board shall issue an order
3 44 requiring a person who violates the provisions of this
3 45 section to pay a civil penalty of not more than two
3 46 thousand dollars for each violation of this section.
3 47 9. FUND. An antiharassment and antibullying fund
3 48 is created within the office of the treasurer of state
3 49 to be administered by the board. Moneys collected by
3 50 the board pursuant to this section shall be deposited



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House Amendment 1027 continued

4 1 in the fund and shall be distributed by the board to
4 2 the general assembly and to the office of governor to
4 3 fund the implementation of a proactive and pervasive
4 4 process of character development and to state
4 5 political committees to provide professional
4 6 development for members of the general assembly, the
4 7 governor, and candidates for the general assembly and
4 8 the office of governor.>
4 9 #2. Page 1, line 18, by inserting after the word
4 10 <behavior.> the following: <The general assembly also
4 11 finds that in order to create a safe and civil
4 12 environment for Iowa youth, it is the responsibility
4 13 of members of the general assembly, the governor, and
4 14 candidates for the general assembly and the office of
4 15 governor in Iowa to model the dignity and respect that
4 16 is legally required of Iowa school age youth.
4 17 Therefore, it is also the policy of this state that
4 18 members of the general assembly, the governor, and
4 19 candidates for the general assembly and the office of
4 20 governor shall not engage in harassing or bullying
4 21 behavior in accordance with section 68B.40.>
4 22 #3. Title page, line 2, by inserting after the
4 23 word <policies> the following: <and rules>.
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4 26
4 27 RAECKER of Polk
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4 29 SF 61.716 82
4 30 kh/jg/25



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House Amendment 1028

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by striking lines 1 through 10.
1 4 #2. Title page, line 4, by striking the words
1 5 <immunity and>.
1 6 #3. By renumbering as necessary.
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1 10 BAUDLER of Adair
1 11 SF 61.209 82
1 12 kh/es/6756
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House Amendment 1029

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1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by inserting after line 24 the
1 4 following:
1 5 <Sec. _____. DEPARTMENT OF EDUCATION. There is
1 6 appropriated from the general fund of the state to the
1 7 department of education for the fiscal year beginning
1 8 July 1, 2007, and ending June 30, 2008, the following
1 9 amount, or so much thereof as is necessary, to be used
1 10 for the purposes designated:
1 11 For purposes of implementing the antiharassment and
1 12 antibullying policy including the equivalent of one
1 13 contract day of professional development and training:
1 14 \$ 10,000,000>.
1 15 #2. By renumbering as necessary.
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1 19 TYMESON of Madison
1 20 SF 61.714 82
1 21 kh/jg/25
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House Amendment 1030

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, by inserting after line 35 the
1 4 following:
1 5 <Sec. ____ . CONSTRUCTION. As this section relates
1 6 to the authorities in charge of a nonpublic school,
1 7 the section shall not be construed to inhibit the
1 8 teaching or consideration of doctrinal matters.>
1 9 #2. By renumbering as necessary.
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1 13 ALONS of Sioux
1 14 SF 61.207 82
1 15 kh/jg/25
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House Amendment 1031

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, by striking lines 23 through 29 and
1 4 inserting the following:
1 5 <4. PROGRAMS. The authorities in charge of each
1 6 accredited nonpublic school are encouraged to
1 7 establish programs designed to eliminate harassment
1 8 and bullying in schools. The board of directors of
1 9 each school district shall establish a program
1 10 designed to eliminate harassment and bullying, using
1 11 moneys appropriated to the department of education and
1 12 allocated to school districts for purposes of
1 13 professional development, to fund professional
1 14 development for Iowa practitioners relating to a
1 15 proactive and pervasive process of character
1 16 development. School districts shall, and accredited
1 17 nonpublic schools are encouraged to, do the
1 18 following:>
1 19 #2. Page 4, by inserting after line 24 the
1 20 following:
1 21 <Sec. _____. STATE MANDATE FUNDING SPECIFIED. In
1 22 accordance with section 25B.2, subsection 3, the state
1 23 cost of requiring compliance with any state mandate
1 24 included in this Act shall be paid by a school
1 25 district from state school foundation aid received by
1 26 the school district under section 257.16. This
1 27 specification of the payment of the state cost shall
1 28 be deemed to meet all the state funding-related
1 29 requirements of section 25B.2, subsection 3, and no
1 30 additional state funding shall be necessary for the
1 31 full implementation of this Act by and enforcement of
1 32 this Act against all affected school districts.>
1 33 #3. By renumbering as necessary.
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1 37 RAECKER of Polk
1 38 SF 61.513 82
1 39 kh/je/6738K
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House Amendment 1032

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 8, by inserting after the word
1 4 <policy.> the following: <The policy shall include
1 5 consequences for a school employee who observes an act
1 6 of harassment or bullying and fails to act, or who
1 7 observes and fails to report an act of harassment or
1 8 bullying. The superintendent shall notify the board
1 9 of educational examiners when a school employee who
1 10 holds a license, certificate, or authorization issued
1 11 by the board of educational examiners under chapter
1 12 272 is found to be in violation of the policy.>
1 13
1 14
1 15
1 16 TYMESON of Madison
1 17 SF 61.529 82
1 18 kh/jg/25
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House Amendment 1033

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 6, by inserting after the word
1 4 <appropriate> the following: <disciplinary and
1 5 nonjudicial>.
1 6
1 7
1 8
1 9 TYMESON of Madison
1 10 SF 61.505 82
1 11 kh/je/6738C
1 12
1 13
1 14
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House Amendment 1034

PAG LIN

1 1 Amend Senate Filed 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 29, by striking the word
1 4 <substantially>.
1 5 #2. Page 1, line 31, by striking the word
1 6 <substantially>.
1 7 #3. Page 1, line 33, by striking the word
1 8 <substantially>.
1 9
1 10
1 11
1 12 MAY of Dickinson
1 13 SF 61.206 82
1 14 kh/es/6744C
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House Amendment 1035

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 6, by inserting after the word
1 4 <belief,> the following: <junior reserve officer
1 5 training corps, medical condition, attire, name, peer
1 6 circle of friends, competent private instruction,
1 7 participation in school-related activities,
1 8 personality,>.
1 9
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1 11
1 12 MAY of Dickinson
1 13 SF 61.715 82
1 14 kh/jg/25
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House File 169 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

1 An Act relating to animal pounds, by authorizing pounds to
2 provide for foster care, to refer to themselves as animal
3 shelters, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1588HH 82
6 da/es/88



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House File 169 - Introduced continued

PAG LIN

1 1 Section 1. Section 162.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 9A. "Foster care" means to provide for
1 4 the temporary housing and care of dogs or cats by a foster
1 5 care provider.

1 6 NEW SUBSECTION. 9B. "Foster care facility" means the
1 7 location where foster care is provided pursuant to an
1 8 affiliation and under the supervision of a person who owns or
1 9 operates a pound.

1 10 NEW SUBSECTION. 9C. "Foster care provider" means a person
1 11 who owns or operates a foster care facility.

1 12 Sec. 2. Section 162.3, Code 2007, is amended to read as
1 13 follows:

1 14 162.3 CERTIFICATE OF REGISTRATION FOR POUND.

1 15 1. A pound shall not be operated unless the department
1 16 issues a certificate of registration for the pound ~~is granted~~
~~1 17 by the secretary to an eligible person.~~ Application for the a
1 18 certificate of registration shall be made in the manner
1 19 approved by the ~~secretary~~ department. ~~Certificates A~~
1 20 certificate of registration ~~expire~~ expires one year from date
1 21 of issue unless revoked and may be renewed upon application in
1 22 the manner provided by the ~~secretary~~ department.

1 23 2. A registered pound may engage in the sale of dogs or
1 24 cats under its control, if the privilege is allowed by the
1 25 department, but ~~no~~ a fee shall not be charged unless the
1 26 registered pound is privately owned. The registration fee for
1 27 a privately owned pound that sells dogs or cats is fifteen
1 28 dollars per year.

1 29 3. Nothing in this chapter prevents a registered pound
1 30 from designating itself as an animal shelter. However, the
1 31 department shall regulate the facility as a pound.

1 32 Sec. 3. NEW SECTION. 162.10A FOSTER CARE PROVIDER.

1 33 A pound may provide for the foster care of dogs or cats in
1 34 a foster care facility, pursuant to rules adopted by the
1 35 department. A foster care provider shall not sell dogs or



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
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House File 169 - Introduced continued

2 1 cats, except as provided by the department. The department
2 2 may require that a foster care provider be issued a
2 3 certificate of registration by the department in order to own
2 4 or operate a foster care facility. However, a fee shall not
2 5 be imposed upon the pound, foster care provider, or foster
2 6 care facility for the registration.

2 7 Sec. 4. Section 162.13, Code 2007, is amended to read as
2 8 follows:

2 9 162.13 PENALTIES.

2 10 1. a. ~~Operation~~ The operation of a pound, animal shelter,
2 11 pet shop, boarding kennel, commercial kennel, research
2 12 facility, or public auction, or dealing in dogs or cats, ~~or~~
~~2 13 both, either~~ as a dealer or a commercial breeder, without a
2 14 currently valid license or a certificate of registration is a
2 15 simple misdemeanor and each day of operation is a separate
2 16 offense.

2 17 b. The operation of a foster care facility without a
2 18 currently valid certificate of registration, if required in
2 19 section 162.10A, is a simple misdemeanor and each day of
2 20 operation is a separate offense.

2 21 2. The failure of any pound, foster care provider,
2 22 research facility, animal shelter, pet shop, boarding kennel,
2 23 commercial kennel, commercial breeder, public auction, or
2 24 dealer, to adequately house, feed, or water dogs, cats, or
2 25 vertebrate animals in the person's or facility's possession or
2 26 custody is a simple misdemeanor. The animals are subject to
2 27 seizure and impoundment and may be sold or destroyed as
2 28 provided by rules which shall be adopted by the department
2 29 pursuant to chapter 17A. The rules shall provide for the
2 30 destruction of an animal by a humane method, including by
2 31 euthanasia. The failure to meet the requirements of this
2 32 section is also cause for revocation or suspension of license
2 33 or registration after public hearing. The commission of an
2 34 act declared to be an unlawful practice under section 714.16
2 35 or prohibited under chapter 717 or 717B, by a person licensed



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House File 169 - Introduced continued

3 1 or registered under this chapter is cause for revocation or
3 2 suspension of the license or registration certificate.
3 3 3. Dogs, cats, and other vertebrates upon which euthanasia
3 4 is permitted by law may be destroyed by a person subject to
3 5 this chapter or chapter 169, by a humane method, including
3 6 euthanasia, as provided by rules which shall be adopted by the
3 7 department pursuant to chapter 17A.

3 8 4. It is unlawful for a dealer to knowingly ship a
3 9 diseased animal. A dealer violating this ~~paragraph~~ subsection
3 10 is subject to a fine not exceeding one hundred dollars. Each
3 11 diseased animal shipped in violation of this ~~paragraph~~
3 12 subsection is a separate offense.

3 13 EXPLANATION

3 14 This bill relates to pounds regulated by the department of
3 15 agriculture and land stewardship. A pound is a facility for
3 16 the prevention of cruelty to animals operated by the state or
3 17 a political subdivision such as a city (Code section 162.2).
3 18 The bill allows a pound to refer to itself as an animal
3 19 shelter, but does not alter its regulatory status. The bill
3 20 provides that a pound may arrange to provide for foster care
3 21 of dogs or cats by a person who is qualified as a foster care
3 22 provider (operating a foster care facility), pursuant to rules
3 23 adopted by the department. A foster care provider is
3 24 prohibited from selling or exchanging the dogs or cats, except
3 25 as allowed by the department. The department may require that
3 26 the foster care provider be issued a certificate of
3 27 registration by the department, similar to a pound or animal
3 28 shelter. However, the bill prohibits a fee being imposed upon
3 29 a pound, foster care provider, or foster care facility for
3 30 such registration.

3 31 Currently, a pound which fails to adequately care for an
3 32 animal is guilty of a simple misdemeanor pursuant to Code
3 33 section 162.13. This bill provides that the same penalty
3 34 applies to a foster care provider.

3 35 LSB 1588HH 82



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House File 169 - Introduced continued

4 1 da:nh/es/88



Iowa General Assembly
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House File 170

HOUSE FILE
BY HUNTER

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

A BILL FOR

1 An Act providing an Iowa individual income tax checkoff for
2 qualified Iowa zoos, making an appropriation and providing for
3 the Act's implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1761HH 82
6 ak/gg/14

PAG LIN



Iowa General Assembly
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House File 169 - Introduced continued

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



Iowa General Assembly
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House File 169 - Introduced continued

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

2 10 2. The director of revenue shall draft the income tax form
2 11 to allow the designation of contributions to the Iowa zoo fund
2 12 on the tax return. The department of revenue, on or before
2 13 January 31, shall transfer the total amount designated on the
2 14 tax return forms due in the preceding calendar year to the
2 15 Iowa zoo fund. However, before a checkoff pursuant to this
2 16 section shall be permitted, all liabilities on the books of
2 17 the department of revenue and accounts identified as owing
2 18 under section 421.17 and the political contribution allowed
2 19 under section 68A.601 shall be satisfied.

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

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

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

2 27 Sec. 3. IMPLEMENTATION. The checkoff created in this Act
2 28 shall be eligible for placement on the individual income tax
2 29 return form beginning for the tax year beginning January 1,
2 30 2008.

2 31 EXPLANATION

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



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House File 169 - Introduced continued

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

3 8 The bill provides that the checkoff is eligible for
3 9 placement on the individual income tax return form for the tax
3 10 year beginning January 1, 2008.

3 11 LSB 1761HH 82

3 12 ak:sc/gg/14



Iowa General Assembly
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House File 171

HOUSE FILE
BY PETERSEN

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

A BILL FOR

1 An Act relating to residential property and property taxation
2 within a self-supported municipal improvement district,
3 providing a property tax exemption, and providing that related
4 notices may be sent by first class mail.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1164YH 82
7 eg/gg/14



Iowa General Assembly
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House File 171 continued

PAG LIN

1 1 Section 1. Section 386.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4A. "Neighborhood" means an area zoned,
1 4 in whole or at least in part, for residential use that may
1 5 include an area zoned for commercial or industrial use.

1 6 Sec. 2. Section 386.3, subsection 1, paragraph a, Code
1 7 2007, is amended to read as follows:

1 8 a. Be comprised of contiguous property wholly located
1 9 within the boundaries of the city. ~~A self-supported municipal~~
~~1 10 improvement district shall be comprised only of property in~~
~~1 11 districts which are and one of the following:~~

1 12 (1) An area zoned for commercial or industrial uses and
~~1 13 properties within a use.~~

1 14 (2) A duly designated historic district.

1 15 (3) A neighborhood.

1 16 Sec. 3. Section 386.3, subsection 4, Code 2007, is amended
1 17 to read as follows:

1 18 4. Upon the receipt of the commission's final report the
1 19 council shall set a time and place for a meeting at which the
1 20 council proposes to take action for the establishment of the
1 21 district, and shall publish notice of the meeting as provided
1 22 in section 362.3, and the clerk shall send a copy of the
1 23 notice by ~~certified~~ first class mail not less than fifteen
1 24 days before the meeting to each owner of property within the
1 25 proposed district at the owner's address as shown by the
1 26 records of the county auditor. If a property is shown to be
1 27 in the name of more than one owner at the same mailing
1 28 address, a single notice may be mailed addressed to all owners
1 29 at that address. Failure to receive a mailed notice is not
1 30 grounds for objection to the council's taking any action
1 31 authorized in this chapter.

1 32 Sec. 4. Section 386.8, Code 2007, is amended to read as
1 33 follows:

1 34 386.8 OPERATION TAX.

1 35 A city may establish a self-supported improvement district



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House File 171 continued

2 1 operation fund, and may certify taxes not to exceed the rate
2 2 limitation as established in the ordinance creating the
2 3 district, or any amendment thereto, each year to be levied for
2 4 the fund against all of the property in the district, for the
2 5 purpose of paying the administrative expenses of the district,
2 6 which may include but are not limited to administrative
2 7 personnel salaries, a separate administrative office, planning
2 8 costs including consultation fees, engineering fees,
2 9 architectural fees, and legal fees and all other expenses
2 10 reasonably associated with the administration of the district
2 11 and the fulfilling of the purposes of the district. The taxes
2 12 levied for this fund may also be used for the purpose of
2 13 paying maintenance expenses of improvements or
2 14 self-liquidating improvements for a specified length of time
2 15 with one or more options to renew if such is clearly stated in
2 16 the petition which requests the council to authorize
2 17 construction of the improvement or self-liquidating
2 18 improvement, whether or not such petition is combined with the
2 19 petition requesting creation of a district. Parcels Except
2 20 for residential property within a duly designated historic
2 21 district, parcels of property which are assessed as
2 22 residential property for property tax purposes and are located
2 23 within a district created prior to July 1, 2007, are exempt
2 24 from the tax levied under this section except residential
2 25 properties within a duly designated historic district.
2 26 However, the ordinance creating a district may be amended
2 27 pursuant to section 386.4 to specifically identify and add
2 28 such residential property to the existing district and make
2 29 such property subject to the tax. A tax levied under this
2 30 section is not subject to the levy limitation in section
2 31 384.1.

2 32 Sec. 5. Section 386.9, Code 2007, is amended to read as
2 33 follows:
2 34 386.9 CAPITAL IMPROVEMENT TAX.
2 35 A city may establish a capital improvement fund for a



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House File 171 continued

3 1 district and may certify taxes, not to exceed the rate
3 2 established by the ordinance creating the district, or any
3 3 subsequent amendment thereto, each year to be levied for the
3 4 fund against all of the property in the district, for the
3 5 purpose of accumulating moneys for the financing or payment of
3 6 a part or all of the costs of any improvement or self=
3 7 liquidating improvement. ~~However~~ Except for residential
3 8 property within a duly designated historic district, parcels
3 9 of property which are assessed as residential property for
3 10 property tax purposes and are located within a district
3 11 created prior to July 1, 2007, are exempt from the tax levied
3 12 under this section except residential properties within a duly
3 13 designated historic district. However, the ordinance creating
3 14 a district may be amended pursuant to section 386.4 to
3 15 specifically identify and add such residential property to the
3 16 existing district and make such property subject to the tax.
3 17 A tax levied under this section is not subject to the levy
3 18 limitations in section 384.1 or 384.7.
3 19 Sec. 6. Section 386.10, Code 2007, is amended to read as
3 20 follows:
3 21 386.10 DEBT SERVICE TAX.
3 22 A city shall establish a self=supported municipal
3 23 improvement district debt service fund whenever any
3 24 self=supported municipal improvement district bonds are issued
3 25 and outstanding, other than revenue bonds, and shall certify
3 26 taxes to be levied against all of the property in the district
3 27 for the debt service fund in the amount necessary to pay
3 28 interest as it becomes due and the amount necessary to pay, or
3 29 to create a sinking fund to pay, the principal at maturity of
3 30 all self=supported municipal improvement district bonds as
3 31 authorized in section 386.11, issued by the city. ~~However~~
3 32 Except for residential property within a duly designated
3 33 historic district, parcels of property which are assessed as
3 34 residential property for property tax purposes at the time of
3 35 the issuance of the bonds and are located within a district



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House File 171 continued

4 1 created prior to July 1, 2007, are exempt from the tax levied
4 2 under this section until the parcels are no longer assessed as
4 3 residential property ~~or until the residential properties are~~
4 4 ~~designated as a part of an historic district. However, the~~
4 5 ~~ordinance creating a district may be amended pursuant to~~
4 6 ~~section 386.4 to specifically identify and add such~~
4 7 ~~residential property to the existing district and make such~~
4 8 ~~property subject to the tax.~~

4 9 Sec. 7. NEW SECTION. 386.15 TAXES NOT IMPOSED AGAINST
4 10 CERTAIN RESIDENTIAL PROPERTY.

4 11 The property taxes authorized pursuant to sections 386.8,
4 12 386.9, and 386.10 shall not be imposed against residential
4 13 property in a neighborhood district if the owner of the
4 14 residential property occupies the property and, for the fiscal
4 15 year in which the property taxes are due, has a claim for the
4 16 low-income elderly and disabled property tax credit certified
4 17 for payment to the department of revenue under chapter 425,
4 18 division II.

4 19 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.7 shall not
4 20 apply to the property tax exemption created under this Act.

4 21 EXPLANATION

4 22 Code chapter 386 currently allows a city to create a self=
4 23 supported municipal improvement district comprised of areas
4 24 zoned for commercial or industrial use and property within a
4 25 duly designated historic district. This bill allows the city
4 26 to create a district comprised of an area zoned, in whole or
4 27 at least in part, for residential use, known as a
4 28 neighborhood. Any combination of residential, commercial, or
4 29 industrial properties may comprise a district.

4 30 Currently, residential properties located within a district
4 31 comprised of commercial or industrial properties are exempt
4 32 from taxes levied under this Code chapter. This exemption
4 33 will continue for districts created prior to July 1, 2007.
4 34 However, the ordinance creating the district may be amended
4 35 pursuant to Code section 386.4 to specifically identify and



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House File 171 continued

5 1 add such residential property to the existing district and
5 2 make such property subject to the tax.
5 3 The bill exempts certain residential property within a
5 4 neighborhood district from the property tax authorized
5 5 pursuant to Code sections 386.8, 386.9, and 386.10 if the
5 6 owner of the residential property occupies the property and,
5 7 for the fiscal year in which property taxes are due, has a
5 8 claim for the low-income elderly and disabled property tax
5 9 credit. In 2007, a person who is 65 years or older or who is
5 10 totally disabled, having a household income of less than
5 11 \$18,876 in calendar year 2006, is eligible for the low-income
5 12 elderly and disabled property tax credit.
5 13 The requirement under Code section 25B.7 that the cost of a
5 14 property tax exemption be fully funded by the state does not
5 15 apply to the exemption under new Code section 386.15.
5 16 Code chapter 386 currently requires the city to send
5 17 notices of meetings, to establish or amend a district, for
5 18 example, to each affected property owner by certified mail.
5 19 The bill provides that the notice be sent by first class mail.
5 20 LSB 1164YH 82
5 21 eg:rj/gg/14.2



Iowa General Assembly
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House Resolution 8 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY COMMITTEE ON ETHICS
1 3 (SUCCESSOR TO HSB 48)
1 4 A Resolution relating to the House code of ethics.
1 5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 6 That the House Code of Ethics shall be as follows:
1 7 HOUSE CODE OF ETHICS
1 8 PREAMBLE. Every legislator and legislative
1 9 employee has a duty to uphold the integrity and honor
1 10 of the general assembly, to encourage respect for the
1 11 law and for the general assembly, and to observe the
1 12 house code of ethics. The members and employees of
1 13 the house have a responsibility to conduct themselves
1 14 so as to reflect credit on the general assembly, and
1 15 to inspire the confidence, respect, and trust of the
1 16 public. The following rules are adopted pursuant to
1 17 chapter 68B of the Code, to assist the members and
1 18 employees in the conduct of their activities:
1 19 1. DEFINITIONS. The definitions of terms provided
1 20 in chapter 68B of the Code apply to the use of those
1 21 terms in these rules.
1 22 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
1 23 HOUSE.
1 24 a. Economic or investment opportunity. A member
1 25 or employee of the house shall not solicit or accept
1 26 economic or investment opportunity under circumstances
1 27 where the member or employee knows, or should know,
1 28 that the opportunity is being afforded with the intent
1 29 to influence the member's or employee's conduct in the
1 30 performance of official duties. If a member or



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House Resolution 8 - Introduced continued

2 1 employee of the house learns that an economic or
2 2 investment opportunity previously accepted was offered
2 3 with the intent of influencing the member's or
2 4 employee's conduct in the performance of the official
2 5 duties, the member or employee shall take steps to
2 6 divest that member or employee of that investment or
2 7 economic opportunity, and shall report the matter in
2 8 writing to the chairperson of the house ethics
2 9 committee.

2 10 b. Excessive charges for services, goods, or
2 11 property interests. A member or employee of the house
2 12 shall not charge to or accept from a person known to
2 13 have a legislative interest, a price, fee,
2 14 compensation, or other consideration for the sale or
2 15 lease of any property or the furnishing of services
2 16 which is in excess of that which the member or
2 17 employee would ordinarily charge another person.

2 18 c. Use of confidential information. A member or
2 19 employee of the house, in order to further the
2 20 member's or employee's own economic interests, or
2 21 those of any other person, shall not disclose or use
2 22 confidential information acquired in the course of the
2 23 member's or employee's official duties. For the
2 24 purpose of this rule, information disclosed in open
2 25 session at a public meeting under chapter 21 of the
2 26 Code and information that is a public record under
2 27 chapter 22 of the Code is not confidential
2 28 information.

2 29 d. Employment. A member or employee of the house
2 30 shall not accept employment, either directly or



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3 1 indirectly, from a political action committee. A
3 2 member of the house shall not act as a paid lobbyist
3 3 for any organization. However, this paragraph shall
3 4 not prohibit a member or employee of the house from
3 5 working for a candidate's committee, a political
3 6 party's action committee, or a political action
3 7 committee which does not expressly advocate the
3 8 nomination, election, or defeat of a candidate for
3 9 public office in this state or expressly advocate the
3 10 passage or defeat of a ballot issue in this state and
3 11 which is not interested in issues before the general
3 12 assembly.

3 13 For the purpose of this rule, a political action
3 14 committee means a committee, but not a candidate's
3 15 committee, which accepts contributions, makes
3 16 expenditures, or incurs indebtedness in the aggregate
3 17 of more than seven hundred fifty dollars in any one
3 18 calendar year to expressly advocate the nomination,
3 19 election, or defeat of a candidate for public office
3 20 or to expressly advocate the passage or defeat of a
3 21 ballot issue or for the purpose of influencing
3 22 legislative action.

3 23 e. A member or employee of the house shall not
3 24 solicit employment on behalf of the member or
3 25 employee, or on behalf of another legislator or
3 26 employee, as a lobbyist while the general assembly is
3 27 in session.

3 28 f. Certain goods or services. A member or
3 29 employee of the house shall not solicit or obtain
3 30 goods or services from another person under



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4 1 circumstances where the member or employee knows or
4 2 should know that the goods or services are being
4 3 offered or sold with the intent to influence the
4 4 member's or employee's conduct in the performance of
4 5 official duties. If a member or employee of the house
4 6 is afforded goods or services by another person at a
4 7 price that is not available to other members or
4 8 classes of members of the general public or is
4 9 afforded goods or services that are not available to
4 10 other members or classes of members of the general
4 11 public by another person where the member or employee
4 12 knows or should know that the other person intends to
4 13 influence the member's or employee's official conduct,
4 14 the member or employee shall not take or purchase the
4 15 goods or services.

4 16 3. APPEARANCE BEFORE STATE AGENCY. A member or
4 17 employee of the house may appear before a state agency
4 18 in any representation case but shall not act as a
4 19 lobbyist with respect to the passage, defeat,
4 20 approval, veto, or modification of any legislation,
4 21 rule, or executive order. Whenever a member or
4 22 employee of the house appears before a state agency,
4 23 the member or employee shall carefully avoid all
4 24 conduct which might in any way lead members of the
4 25 general public to conclude that the member or employee
4 26 is using the member's or employee's official position
4 27 to further the member's or employee's professional
4 28 success or personal financial interest.

4 29 4. CONFLICTS OF INTEREST. In order for the
4 30 general assembly to function effectively, members of



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5 1 the house may be required to vote on bills and
5 2 participate in committee work which will affect their
5 3 employment and other areas in which they may have a
5 4 monetary interest. Action on bills and committee work
5 5 which furthers a member's specific employment,
5 6 specific investment, or other specific interest, as
5 7 opposed to the interests of the public in general or
5 8 the interests of a profession, trade, business, or
5 9 other class of persons, shall be avoided. In making a
5 10 decision relative to a member's activity on particular
5 11 bills or in committee work, the following factors
5 12 should be considered:

5 13 a. Whether a substantial threat to the member's
5 14 independence of judgment has been created by the
5 15 conflict situation.

5 16 b. The effect of the member's participation on
5 17 public confidence in the integrity of the general
5 18 assembly.

5 19 c. Whether the member's participation is likely to
5 20 have any significant effect on the disposition of the
5 21 matter.

5 22 d. The need for the member's particular
5 23 contribution, such as special knowledge of the subject
5 24 matter, to the effective functioning of the general
5 25 assembly.

5 26 If a member decides not to participate in committee
5 27 work or to abstain from voting because of a possible
5 28 conflict of interest, the member should disclose this
5 29 fact to the legislative body. The member shall not
5 30 vote on any question in which the member has an



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6 1 economic interest that is distinguishable from the
6 2 interests of the general public or a substantial class
6 3 of persons.

6 4 5. STATUTORY REQUIREMENTS. Members and employees
6 5 of the house shall comply with the requirements
6 6 contained in chapters 68B (Conflicts of Interest of
6 7 Public Officers and Employees), 721 (Official
6 8 Misconduct), and 722 (Bribery and Corruption), and
6 9 sections 2.18 (Contempt) and 711.4 (Extortion) of the
6 10 Code.

6 11 6. CHARGE ACCOUNTS. Members and employees of the
6 12 house shall not charge any amount or item to a charge
6 13 account to be paid for by a lobbyist or any client of
6 14 a lobbyist.

6 15 7. TRAVEL EXPENSES. A member or employee of the
6 16 house shall not charge to the state of Iowa amounts
6 17 for travel and expenses unless the member or employee
6 18 actually has incurred those mileage and expense costs.
6 19 Members or employees shall not file the vouchers for
6 20 weekly mileage reimbursement required by section 2.10,
6 21 subsection 1 of the Code, unless the travel expense
6 22 was actually incurred.

6 23 A member or employee of the house shall not file a
6 24 claim for per diem compensation for a meeting of an
6 25 interim study committee or a visitation committee
6 26 unless the member or employee attended the meeting.
6 27 However, the speaker may waive this provision and
6 28 allow a claim to be filed if the member or employee
6 29 attempted to attend the meeting but was unable to do
6 30 so because of circumstances beyond the member's or



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7 1 employee's control.

7 2 8. GIFTS ACCEPTED OR RECEIVED. Members and
7 3 employees of the house shall comply with the
7 4 restrictions relating to the receipt or acceptance of
7 5 gifts contained in section 68B.22 of the Code.

7 6 9. HONORARIA RESTRICTIONS. Members and employees
7 7 of the house shall comply with the restrictions
7 8 relating to the receipt of honoraria contained in
7 9 section 68B.23 of the Code.

7 10 10. DISCLOSURE REQUIRED. Each member of the house
7 11 and the chief clerk of the house shall file the
7 12 personal financial disclosure statements required
7 13 under section 68B.35 of the Code by February 15 of
7 14 each year for the prior calendar year.

7 15 11. SEXUAL HARASSMENT. Members and employees of
7 16 the house shall not engage in conduct which
7 17 constitutes sexual harassment as defined in section
7 18 19B.12 of the Code or pursuant to the sexual
7 19 harassment policy adopted by the house committee on
7 20 administration and rules.

7 21 12. COMPLAINTS.

7 22 a. Filing of complaint. Complaints may be filed
7 23 by any person believing that a member or employee of
7 24 the house, a lobbyist, or a client of a lobbyist is
7 25 guilty of a violation of the house code of ethics, the
7 26 house rules governing lobbyists, or chapter 68B of the
7 27 Code.

7 28 b. Complaints by committee. The ethics committee
7 29 may initiate a complaint on its own motion. Committee
7 30 complaints may be initiated by the committee as a



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8 1 result of a committee investigation or as a result of
8 2 receipt of any complaint or other information that
8 3 does not meet the requirements of these rules
8 4 regarding the form of a complaint but that contains
8 5 allegations that would form the basis for a valid
8 6 complaint.

8 7 c. Form and contents of complaint. A complaint
8 8 shall be in writing.

8 9 Complaint forms shall be available from the chief
8 10 clerk of the house, but a complaint shall not be
8 11 rejected for failure to use the approved form if it
8 12 complies with the requirements of these rules. The
8 13 complaint shall contain a certification made by the
8 14 complainant, under penalty of perjury, that the facts
8 15 stated in the complaint are true to the best of the
8 16 complainant's knowledge.

8 17 To be valid, a complaint shall allege all of the
8 18 following:

8 19 (1) Facts, that if true, establish a violation of
8 20 a provision of chapter 68B of the Code, the house code
8 21 of ethics, or house rules governing lobbyists for
8 22 which penalties or other remedies are provided.

8 23 (2) That the conduct providing the basis for the
8 24 complaint occurred within three years of the filing of
8 25 the complaint.

8 26 (3) That the party charged with a violation is a
8 27 party subject to the jurisdiction of the ethics
8 28 committee.

8 29 d. Confidentiality of complaint. The filing of
8 30 the complaint and the contents of the complaint shall
9 1 be confidential until the time that the committee
9 2 meets to determine whether the complaint is valid,
9 3 unless either the complainant or the party charged in
9 4 the complaint makes the existence of, or the
9 5 information contained in, the complaint public.
9 6 However, if either the complainant or party alleged to
9 7 have committed the violation requests that the meeting
9 8 to determine whether the complaint is valid be a
9 9 closed meeting and the filing of the complaint or the
9 10 contents of the complaint have not been disclosed, the
9 11 meeting shall be closed.

9 12 e. Notice of complaint. Upon receipt of the
9 13 complaint, the chief clerk of the house shall promptly
9 14 notify the chairperson and ranking member of the
9 15 ethics committee that a complaint has been filed and
9 16 provide both the chairperson and the ranking member
9 17 with copies of the complaint and any supporting
9 18 information. Within two working days, the chief clerk
9 19 shall send notice, either by personal delivery or by
9 20 certified mail, return receipt requested, to the
9 21 person or persons alleged to have committed the
9 22 violation, along with a copy of the complaint and any
9 23 supporting information. The notice to the accused
9 24 person shall contain a request that the person submit
9 25 a written response to the complaint within ten working
9 26 days of the date that the notice was sent by the chief



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9 27 clerk. At the request of the accused person, the
9 28 committee may extend the time for the response, not to
9 29 exceed ten additional calendar days.
9 30 f. Hearing regarding validity of complaint. The



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10 1 committee chairperson and the ranking member shall
10 2 review the complaint and supporting information to
10 3 determine whether the complaint meets the requirements
10 4 as to form. If the complaint is deficient as to form,
10 5 the complaint shall be returned to the complainant
10 6 with instructions indicating the deficiency unless the
10 7 committee decides to proceed on its own motion. If
10 8 the complaint is in writing and contains the
10 9 appropriate certification, as soon as practicable, the
10 10 chairperson shall call a meeting of the committee to
10 11 review the complaint to determine whether the
10 12 complaint meets the requirements for validity and
10 13 whether the committee should request that the chief
10 14 justice of the supreme court appoint an independent
10 15 special counsel to conduct an investigation to
10 16 determine whether probable cause exists to believe
10 17 that a violation of the house code of ethics, house
10 18 rules governing lobbyists, or chapter 68B of the Code,
10 19 has occurred.

10 20 If the committee finds that a complaint does not
10 21 meet the content requirements for a valid complaint,
10 22 the committee shall dismiss the complaint and notify
10 23 both the complainant and the party alleged to have
10 24 committed the violation of the dismissal and the
10 25 reasons for dismissal. A dismissal for failure to
10 26 meet the formal requirements for the filing of a
10 27 complaint shall be without prejudice and the
10 28 complainant may refile the complaint at any time
10 29 within three years of the date that the alleged
10 30 violation took place. If the dismissal is based upon



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11 1 a failure to allege facts and circumstances necessary
11 2 for a valid complaint, the dismissal shall be with
11 3 prejudice and the party shall not be permitted to file
11 4 a complaint based upon the same facts and
11 5 circumstances.
11 6 g. Request for appointment of independent special
11 7 counsel. If, after review of the complaint and any
11 8 response made by the party alleged to have committed
11 9 the violation, the committee determines that the
11 10 complaint meets the requirements for form and content,
11 11 the committee shall request that the chief justice of
11 12 the supreme court appoint independent special counsel
11 13 to investigate the matter and determine whether
11 14 probable cause exists to believe that a violation of
11 15 chapter 68B of the Code, the house code of ethics, or
11 16 the house rules governing lobbyists has occurred.
11 17 h. Receipt of report of independent special
11 18 counsel. The report from the independent special
11 19 counsel regarding probable cause to proceed on a
11 20 complaint shall be filed with the chief clerk of the
11 21 house. Upon receipt of the report of the independent
11 22 special counsel, the chief clerk shall notify the
11 23 chairperson of the filing of the report and shall send
11 24 copies of the report to the members of the ethics
11 25 committee. As soon as practicable after the filing of
11 26 the report, the chairperson shall schedule a public
11 27 meeting for review of the report. The purpose of the
11 28 public meeting shall be to determine whether the
11 29 complaint should be dismissed, whether a formal
11 30 hearing should be held on the complaint, or whether



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12 1 other committee action is appropriate. The
12 2 complainant and the person alleged to have committed
12 3 the violation shall be given notice of the public
12 4 meeting, shall have the right to be present at the
12 5 public meeting, and may, at the discretion of the
12 6 committee, present testimony in support of or against
12 7 the recommendations contained in the report.
12 8 If the committee determines that the matter should
12 9 be dismissed, the committee shall cause an order to be
12 10 entered dismissing the matter and notice of the
12 11 dismissal shall be given to the complainant and the
12 12 party alleged to have committed the violation. If the
12 13 committee determines that the complaint should be
12 14 scheduled for formal hearing, the committee shall
12 15 issue a charging statement which contains the charges
12 16 and supporting facts that are to be set for formal
12 17 hearing and notice shall be sent to the complainant
12 18 and the accused person.
12 19 The notice shall include a statement of the nature
12 20 of the charge or charges, a statement of the time and
12 21 place of hearing, a short and plain statement of the
12 22 facts asserted, and a statement of the rights of the
12 23 accused person at the hearing.
12 24 i. Formal hearing. Formal hearings shall be
12 25 public and conducted in the manner provided in section
12 26 68B.31, subsection 8 of the Code. At a formal hearing
12 27 the accused shall have the right to be present and to
12 28 be heard in person and by counsel, to cross-examine
12 29 witnesses, and to present evidence. Members of the
12 30 committee shall also have the right to question



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13 1 witnesses.

13 2 Evidence at the formal hearing shall be received in
13 3 accordance with rules and procedures applicable to
13 4 contested cases under chapter 17A of the Code.

13 5 The committee chairperson, or the vice chairperson
13 6 or ranking member in the absence of the chairperson,
13 7 shall preside at the formal hearing and shall rule on
13 8 the admissibility of any evidence received. The
13 9 ruling of the chairperson may be overturned by a
13 10 majority vote of the committee. Independent special
13 11 counsel shall present the evidence in support of the
13 12 charge or charges. The burden shall be on the
13 13 independent special counsel to prove the charge or
13 14 charges by a preponderance of clear and convincing
13 15 evidence. Upon completion of the formal hearing, the
13 16 committee shall adopt written findings of fact and
13 17 conclusions concerning the merits of the charges and
13 18 make its report and recommendation to the house.

13 19 j. Recommendations by the committee. The
13 20 committee shall recommend to the house that the
13 21 complaint be dismissed, or that one or more of the
13 22 following be imposed:

13 23 (1) That the member or employee of the house or
13 24 lobbyist or client of a lobbyist be censured or
13 25 reprimanded, and the recommended appropriate form of
13 26 censure or reprimand be used.

13 27 (2) That the member of the house be suspended or
13 28 expelled from membership in the house and required to
13 29 forfeit the member's salary for that period, the
13 30 employee of the house be suspended or dismissed from



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14 1 employment, or that the lobbyist's or lobbyist's
14 2 client's lobbying privileges be suspended.
14 3 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
14 4 complaint has been filed or an investigation has been
14 5 initiated, a party to the complaint or investigation
14 6 shall not communicate, or cause another to
14 7 communicate, as to the merits of the complaint or
14 8 investigation with a member of the committee, except
14 9 under the following circumstances:
14 10 a. During the course of any meetings or other
14 11 official proceedings of the committee regarding the
14 12 complaint or investigation.
14 13 b. In writing, if a copy of the writing is
14 14 delivered to the adverse party or the designated
14 15 representative for the adverse party.
14 16 c. Orally, if adequate prior notice of the
14 17 communication is given to the adverse party or the
14 18 designated representative for the adverse party.
14 19 d. As otherwise authorized by statute, the house
14 20 code of ethics, house rules governing lobbyists, or
14 21 vote of the committee.
14 22 14. PERMANENT RECORD. The chief clerk of the
14 23 house shall maintain a permanent record of all
14 24 complaints filed and any corresponding committee
14 25 action. The permanent record shall be prepared by the
14 26 ethics committee and shall contain the date the
14 27 complaint was filed, name and address of the
14 28 complainant, name and address of the accused person, a
14 29 brief statement of the charges made, any evidence
14 30 received by the committee, any transcripts or



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15 1 recordings of committee action, and ultimate
15 2 disposition of the complaint. The chief clerk shall
15 3 keep each complaint confidential until public
15 4 disclosure is made by the ethics committee.
15 5 15. MEETING AUTHORIZATION. The house ethics
15 6 committee is authorized to meet at the discretion of
15 7 the committee chairperson in order to conduct hearings
15 8 and other business that properly may come before it.
15 9 If the committee submits a report seeking house action
15 10 against a member or employee of the house or lobbyist
15 11 after the second regular session of a general assembly
15 12 has adjourned sine die, the report shall be submitted
15 13 to and considered by the subsequent general assembly.
15 14 16. ADVISORY OPINIONS.
15 15 a. Requests for formal opinions. A request for a
15 16 formal advisory opinion may be filed by any person who
15 17 is subject to the authority of the ethics committee.
15 18 The ethics committee may also issue a formal advisory
15 19 opinion on its own motion, without having previously
15 20 received a formal request for an opinion, on any issue
15 21 that is within the jurisdiction of the committee.
15 22 Requests shall be filed with either the chief clerk of
15 23 the house or the chairperson of the ethics committee.
15 24 b. Form and contents of requests. A request for a
15 25 formal advisory opinion shall be in writing and may
15 26 pertain to any subject matter that is related to
15 27 application of the house code of ethics, the house
15 28 rules governing lobbyists, or chapter 68B of the Code
15 29 to any person who is subject to the authority of the
15 30 ethics committee. Requests shall contain one or more



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16 1 specific questions and shall relate either to future
16 2 conduct or be stated in the hypothetical. A request
16 3 for an advisory opinion shall not specifically name
16 4 any individual or contain any other specific
16 5 identifying information, unless the request relates to
16 6 the requester's own conduct. However, any request may
16 7 contain information which identifies the kind of
16 8 individual who may be affected by the subject matter
16 9 of the request. Examples of this latter kind of
16 10 identifying information may include references to
16 11 conduct of a category of individuals, such as but not
16 12 limited to conduct of legislators, legislative staff,
16 13 or lobbyists.

16 14 c. Confidentiality of formal requests and
16 15 opinions. Requests for formal opinions are not
16 16 confidential and any deliberations of the committee
16 17 regarding a request for a formal opinion shall be
16 18 public. Opinions issued in response to requests for
16 19 formal opinions are not confidential, shall be in
16 20 writing, and shall be placed on file in the office of
16 21 the chief clerk of the house. Persons requesting
16 22 formal opinions shall personally receive a copy of the
16 23 written formal opinion that is issued in response to
16 24 the request.

16 25 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
16 26 following form shall be used for disclosure of
16 27 economic interests under these rules and section
16 28 68B.35 of the Code:

16 29 STATEMENT OF ECONOMIC INTERESTS

16 30 Name: _____



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17 1 (Last) (First) (Middle Initial)
17 2 Address: _____
17 3 (Street Address, Apt.#/P.O. Box)
17 4 _____
17 5 (City) (State) (Zip)
17 6 Phone: (Home) _____/____=____ (Business) _____/____=____
17 7 *****
17 8 This form is due each year on or before February
17 9 15. The reporting period is the most recently
17 10 completed calendar year.
17 11 In completing Division III of this form, if your
17 12 percentage of ownership of an asset is less than 100
17 13 percent, multiply your percentage of ownership by the
17 14 total revenue produced to determine if you have
17 15 reached the \$1,000 threshold.
17 16 Do not report income received by your spouse or
17 17 other family members.
17 18 In completing this form, if insufficient space is
17 19 provided for your answer, you may attach additional
17 20 information/answers on full-size sheets of paper.
17 21 Division I. Business, Occupation, Profession.
17 22 List each business, occupation, or profession in
17 23 which you are engaged, the nature of the business if
17 24 not evident, and your position or job title. No
17 25 income threshold or time requirement applies.
17 26 Examples:
17 27 If you are employed by an individual, state the
17 28 name of the individual employer, the nature of the
17 29 business, and your position.
17 30 If you are self-employed and are not incorporated



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18 1 or are not doing business under a particular business
 18 2 name, state that you are self-employed, the nature of
 18 3 the business, and your position.

18 4 If you own your own corporation, are employed by a
 18 5 corporation, or are doing business under a particular
 18 6 business name, state the name and nature of the
 18 7 business or corporation and your position.

18 8 1 _____
 18 9 2 _____
 18 10 3 _____
 18 11 4 _____
 18 12 5 _____
 18 13 6 _____

18 14 Division II. Commissions from Sales of Goods or
 18 15 Services to Political Subdivisions.

18 16 This part is to be completed only by Legislators.
 18 17 If you received income in the form of a commission
 18 18 from the sale of goods or services to a political
 18 19 subdivision, state the name of the purchasing
 18 20 political subdivision. The amount of commission
 18 21 earned is not required to be listed.

18 22 1 _____
 18 23 2 _____
 18 24 3 _____
 18 25 4 _____
 18 26 5 _____
 18 27 6 _____

18 28 Division III. Sources of Gross Income.

18 29 In each one of the following categories list each
 18 30 source which produces more than \$1,000 in annual gross
 19 1 income, if the revenue produced by the source was
 19 2 subject to federal or state income taxes last year.
 19 3 List the nature or type of each company, business,
 19 4 financial institution, corporation, partnership, or
 19 5 other entity which produces more than \$1,000 of annual
 19 6 gross income. Neither the amount of income produced
 19 7 nor value of the holding is required to be listed in
 19 8 any of the items.

19 9 A. Securities: State the nature of the business of
 19 10 any company in which you hold stock, bonds, or other
 19 11 pecuniary interests that generate more than \$1,000 in
 19 12 annual gross income. Income generated by multiple
 19 13 holdings in a single company are deemed received from
 19 14 a single source.

19 15 _____
 19 16 _____
 19 17 _____
 19 18 _____
 19 19 _____
 19 20 _____

19 21 B. Instruments of Financial Institutions: State the
 19 22 types of institutions in which you hold financial
 19 23 instruments, such as certificates of deposit, savings
 19 24 accounts, etc., that produce annual gross income in
 19 25 excess of \$1,000, e.g., banks, savings and loans, or
 19 26 credit unions.



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19 27
19 28
19 29
19 30



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20 1 _____
20 2 _____
20 3 C. Trusts: State the nature or type of any trust
20 4 from which you receive more than \$1,000 of gross
20 5 income annually.
20 6 _____
20 7 _____
20 8 _____
20 9 _____
20 10 _____
20 11 _____
20 12 D. Real Estate: State the general nature of real
20 13 estate interests that generate more than \$1,000 of
20 14 gross income annually, e.g., residential leasehold
20 15 interest or farm leasehold interest. The size or
20 16 location of the property interest is not required to
20 17 be listed.
20 18 _____
20 19 _____
20 20 _____
20 21 _____
20 22 _____
20 23 _____
20 24 E. Retirement Systems: State the name of each
20 25 pension plan or other corporation or company that pays
20 26 you more than \$1,000 annually in retirement benefits.
20 27 _____
20 28 _____
20 29 _____
20 30 _____



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21 1 _____
21 2 _____
21 3 F. Other Income Categories Specified in State and
21 4 Federal Income Tax Regulations.
21 5 _____
21 6 _____
21 7 _____
21 8 _____
21 9 _____
21 10 _____
21 11 _____
21 12 (Signature of Filer) _____ (Date)
21 13 LSB 1959HV 82
21 14 tm:rj/gg/14



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PAG LIN

1 1 HOUSE RESOLUTION NO. ____
1 2 BY COMMITTEE ON ETHICS
1 3 (SUCCESSOR TO HSB 31)
1 4 A Resolution relating to the rules governing lobbyists
1 5 in the House of Representatives.
1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 7 That the House Rules Governing Lobbyists shall be as
1 8 follows:
1 9 HOUSE RULES GOVERNING LOBBYISTS
1 10 1. DEFINITIONS OF TERMS. As used in these rules,
1 11 "client", "gift", "immediate family member",
1 12 "lobbyist", and "person" have the meanings provided in
1 13 section 68B.2 of the Code, except that the terms
1 14 "lobbyist" and "client" shall only refer to persons
1 15 who are lobbyists or clients of lobbyists of the house
1 16 of representatives. Except as otherwise provided,
1 17 "employee of the house" means a full-time permanent
1 18 paid employee of the house of representatives.
1 19 2. REGISTRATION REQUIRED.
1 20 a. All lobbyists shall, on or before the day their
1 21 lobbying activity begins, register in the manner
1 22 provided under section 68B.36 of the Code. Lobbyist
1 23 registration forms shall be available in the office of
1 24 the chief clerk of the house.
1 25 b. In addition each registered lobbyist shall file
1 26 with the chief clerk of the house a statement of the
1 27 general subjects of legislation in which the lobbyist
1 28 is or may be interested, the file number of the bills
1 29 and resolutions and the bill number of study bills, if
1 30 known, which will be lobbied, whether the lobbyist



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2 1 intends to lobby for or against each bill, resolution,
2 2 or study bill, if known, and on whose behalf the
2 3 lobbyist is lobbying the bill, resolution, or study
2 4 bill.

2 5 Any change in or addition to the information
2 6 required by this rule shall be registered with the
2 7 chief clerk of the house within ten days from the time
2 8 the change or addition is known to the lobbyist.

2 9 3. CANCELLATION OF REGISTRATION. If a lobbyist's
2 10 service on behalf of a particular employer, client, or
2 11 cause is concluded after the lobbyist registers but
2 12 before the first day of the next legislative session,
2 13 the lobbyist shall cancel the registration in the
2 14 manner required under section 68B.36 of the Code.

2 15 Upon cancellation of registration, a person is
2 16 prohibited from engaging in any lobbying activity on
2 17 behalf of that particular employer, client, or cause
2 18 until reregistering and complying with the
2 19 requirements of section 68B.36 of the Code.

2 20 3A. AMENDMENT OF REGISTRATION. If a registered
2 21 lobbyist represents more than one employer, client, or
2 22 cause and the lobbyist's services are concluded on
2 23 behalf of a particular employer, client, or cause
2 24 after the lobbyist registers but before the first day
2 25 of the next legislative session, the lobbyist shall
2 26 file an amendment to the lobbyist's registration
2 27 indicating which employer, client, or cause is no
2 28 longer represented by the lobbyist and the date upon
2 29 which the representation concluded.

2 30 If a lobbyist is retained by one or more additional



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3 1 employers, clients, or causes after the lobbyist
3 2 registers but before the first day of the next
3 3 legislative session, the lobbyist shall file an
3 4 amendment to the lobbyist's registration indicating
3 5 the employer, client, or cause to be added and the
3 6 date upon which the representation begins.
3 7 Amendments to a lobbyist's registration regarding
3 8 changes which occur during the time that the general
3 9 assembly is in session shall be filed within one
3 10 working day after the date upon which the change in
3 11 the lobbyist's representation becomes effective.
3 12 Amendments regarding changes which occur when the
3 13 general assembly is not in session shall be filed
3 14 within ten days after the date upon which the change
3 15 in the lobbyist's representation becomes effective.
3 16 4. PUBLIC ACCESS. All information filed by a
3 17 lobbyist or a client of a lobbyist under chapter 68B
3 18 of the Code is a public record and open to public
3 19 inspection at any reasonable time.
3 20 5. CHARGE ACCOUNTS. Lobbyists and the clients
3 21 they represent shall not allow members of the house to
3 22 charge any amounts or items to a charge account to be
3 23 paid for by those lobbyists or by the clients they
3 24 represent.
3 25 6. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
3 26 permitted on the floor of the house pursuant to rule
3 27 20 of the rules of the house.
3 28 7. FEE OR BONUS PROHIBITED. A fee or bonus shall
3 29 not be paid to any lobbyist with reference to any
3 30 legislative action that is conditioned wholly or in



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4 1 part upon the results attained by the lobbyist.
4 2 8. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.
4 3 A lobbyist, employer, or client of a lobbyist shall
4 4 not offer economic or investment opportunity or
4 5 promise of employment to any member of the house with
4 6 intent to influence conduct in the performance of
4 7 official duties.
4 8 9. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
4 9 shall not do anything with the purpose of placing a
4 10 member of the house under personal or financial
4 11 obligation to a lobbyist or a lobbyist's principal or
4 12 agent.
4 13 10. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A
4 14 lobbyist shall not cause or influence the introduction
4 15 of any bill or amendment for the purpose of being
4 16 employed to secure its passage or defeat.
4 17 11. CAMPAIGN SUPPORT. A lobbyist shall not
4 18 influence or attempt to influence a member's actions
4 19 by the promise of financial support for the member's
4 20 candidacy or threat of financial support for an
4 21 opposition candidate. A lobbyist shall not make a
4 22 campaign contribution to a member or to a member's
4 23 candidate's committee during the time that the general
4 24 assembly is in session.
4 25 12. COMMUNICATION WITH MEMBER'S EMPLOYER
4 26 PROHIBITED. A lobbyist shall not communicate with a
4 27 member's employer for the purpose of influencing a
4 28 vote of the member.
4 29 13. EXCESS PAYMENTS. A lobbyist shall not pay or
4 30 agree to pay to a member a price, fee, compensation,



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5 1 or other consideration for the sale or lease of any
5 2 property or the furnishing of services which is
5 3 substantially in excess of that which other persons in
5 4 the same business or profession would charge in the
5 5 ordinary course of business.
5 6 14. PROHIBITION AGAINST GIFTS. A lobbyist or
5 7 client of a lobbyist shall not, directly or
5 8 indirectly, offer or make a gift or series of gifts to
5 9 any member or full-time permanent employee of the
5 10 house or the immediate family members of a member or
5 11 full-time permanent employee of the house except as
5 12 otherwise provided in section 68B.22 of the Code. A
5 13 lobbyist or client of a lobbyist who intends or plans
5 14 to give a nonmonetary item, other than food or drink
5 15 consumed in the presence of the donor, which does not
5 16 have a readily ascertainable value, to a member or
5 17 full-time permanent employee of the house, prior to
5 18 giving or sending the item to the member or employee,
5 19 shall seek approval of the item from the chief clerk
5 20 of the house. A lobbyist or client of a lobbyist who
5 21 seeks approval of an item from the chief clerk shall
5 22 submit the item and evidence of the value of the item
5 23 at the time that approval is requested.
5 24 A lobbyist shall inform each of the lobbyist's
5 25 clients of the requirements of section 68B.22 of the
5 26 Code and of the responsibility to seek approval prior
5 27 to giving or sending a nonmonetary item which does not
5 28 have a readily ascertainable value to a member or a
5 29 full-time permanent employee of the house.
5 30 15. FINANCIAL TRANSACTIONS. A lobbyist shall not,



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6 1 directly or indirectly, make a loan to a member of the
6 2 house or to an employee of the house.

6 3 A loan prohibited under this section does not
6 4 include a loan made in the ordinary course of business
6 5 of a lobbyist if the primary business of the lobbyist
6 6 is something other than lobbying, if consideration of
6 7 equal or greater value is received by the lobbyist,
6 8 and if fair market value is given or received for the
6 9 benefit conferred.

6 10 16. HONORARIA == RESTRICTIONS. A lobbyist or
6 11 client of a lobbyist shall not pay an honorarium to a
6 12 member or employee of the house for a speaking
6 13 engagement or other formal public appearance in the
6 14 official capacity of the member or employee except as
6 15 otherwise provided in section 68B.23 of the Code.

6 16 17. COMPLAINTS. The procedures for complaints and
6 17 enforcement of these rules shall be the same as those
6 18 provided in the house code of ethics.

6 19 18. PROCEDURES AND FORMS. The chief clerk of the
6 20 house, subject to the approval of the house ethics
6 21 committee, shall prescribe procedures for compliance
6 22 with these rules, and shall prepare forms for the
6 23 filing of complaints and make them available to any
6 24 person.

6 25 LSB 1958HV 82

6 26 tm:rj/gg/14



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House Study Bill 112

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY BILL)

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

A BILL FOR

- 1 An Act making an appropriation for the support of
- 2 multijurisdictional drug enforcement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1267DP 82
- 5 jm/je/5



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1 1 Section 1. MULTIJURISDICTIONAL DRUG ENFORCEMENT. There is
 1 2 appropriated from the general fund of the state to the
 1 3 governor's office of drug control policy for the fiscal year
 1 4 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 purpose designated:

1 7 For support of multijurisdictional drug enforcement
 1 8 programs:
 1 9 \$ 1,800,000

1 10 If federal funding is received for multijurisdictional drug
 1 11 enforcement programs during the fiscal year beginning July 1,
 1 12 2007, and ending June 30, 2008, of the moneys appropriated in
 1 13 this section an amount equal to the federal funding received
 1 14 shall revert to the general fund of the state at the end of
 1 15 the fiscal year.

EXPLANATION

1 16 This bill relates to multijurisdictional drug enforcement,
 1 17 and makes an appropriation.

1 18 The bill appropriates \$1.8 million to the governor's office
 1 19 of drug control policy for support of multijurisdictional drug
 1 20 enforcement programs. If federal funds are received for the
 1 21 support of multijurisdictional drug enforcement programs, of
 1 22 the appropriated moneys under the bill an amount equal to the
 1 23 federal funding received shall revert to the general fund of
 1 24 the state at the end of the fiscal year.

1 25 Any unencumbered funds at the end of the fiscal year
 1 26 appropriated under the bill revert to the general fund of the
 1 27 state pursuant to Code section 8.33.

1 28 LSB 1267DP 82

1 29 jm:rj/je/5

1 30



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House Study Bill 113

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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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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House Study Bill 114

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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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 4. 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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House Study Bill 115

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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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



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House Study Bill 116

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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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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House Study Bill 117

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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PAG LIN

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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House Study Bill 118

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 modifying the definition of sexual abuse by including
- 2 certain deceptive acts, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1101DP 82
- 5 jm/je/5



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PAG LIN

1 1 Section 1. Section 709.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The act is done by force or against the will of the
1 4 other. If the consent or acquiescence of the other is
1 5 procured by threats of violence toward any person, or by
1 6 deception as to the sexual nature of the act, or if the act is
1 7 done while the other is under the influence of a drug inducing
1 8 sleep or is otherwise in a state of unconsciousness, the act
1 9 is done against the will of the other.

1 10 EXPLANATION

1 11 This bill modifies the definition of sexual abuse. The
1 12 bill provides that a person commits sexual abuse if the person
1 13 performs a sex act upon another if the consent to perform the
1 14 sex act is procured by deception as to the sexual nature of
1 15 the act. A "sex act" is defined in Code section 702.17.

1 16 Under the bill, the modification of the definition of
1 17 "sexual abuse" results in changes to the elements of the
1 18 following criminal offenses: sexual abuse in the first degree
1 19 (709.2), sexual abuse in the second degree (709.3), sexual
1 20 abuse in the third degree (709.4), and assault with intent to
1 21 commit sexual abuse (709.11).

1 22 The modification to the definition of "sexual abuse" also
1 23 results in changes to the elements of "kidnapping" under Code
1 24 section 710.1, and changes the definition of "kidnapping" in
1 25 the first degree (710.2), enticing a minor away (710.10),
1 26 burglary in the first degree (713.3), and child endangerment
1 27 (726.6).

1 28 Under the bill, the modification to the definition of
1 29 "sexual abuse" also changes enhancements to criminal penalties
1 30 in Code sections 702.11 (forcible felony), 902.12 (minimum
1 31 sentences for certain felonies == 70 percent sentences), and
1 32 902.14 (enhanced penalties for sexual abuse and lascivious
1 33 acts).

1 34 The term "sexual abuse" also appears in numerous Code
1 35 sections including the following: 13.31 (victim assistance



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2 1 programs), 29B.116 (military justice), 81.10 (DNA profiling),
2 2 135.118 (child protection center grant programs), 135L.3
2 3 (parental notification of abortion), 229A.2 (commitment of
2 4 sexually violent predators), 232.2 (juvenile justice
2 5 definitions), 232.48 (predisposition and investigation
2 6 report), 232.49 (physical and mental examinations), 232.83
2 7 (child sexual abuse), 232.97 (social investigation report),
2 8 232.116 (grounds for termination of parental rights), 232.181
2 9 (social history report), 237A.5 (child care facilities),
2 10 252B.9 (child support recovery), 256.9 (duties of director of
2 11 department of education), 260C.14 (authority of community
2 12 college directors), 261.9 (college student aid commission),
2 13 262.9 (board of regents), 272.2 (educational examiners board),
2 14 331.802 (deaths reported), 595.3A (marriage application),
2 15 611.23 (civil actions), 614.1 (limitations of actions), 614.8A
2 16 (damages for child sexual abuse), 668.15 (damages resulting
2 17 from sexual abuse), 692A.1 (sex offender registry), 701.11
2 18 (evidence of sexual abuse), 708.3 (assault while participating
2 19 in a felony), 709.5 (resistance to sexual abuse), 709.6 (jury
2 20 instructions), 709.10 (sexual abuse evidence), 802.2
2 21 (limitations of criminal actions), 802.10 (DNA profile of
2 22 accused), 811.1 (bail and bail restrictions), 903B.10
2 23 (hormonal intervention therapy), 915.20A (victim counselor
2 24 privilege), and 915.40 (victim rights).
2 25 The bill is in response to an Iowa supreme court case,
2 26 State v. Bolsinger, 709 N.W.2d 560 (2006).
2 27 LSB 1101DP 82
2 28 jm:rj/je/5.1



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House Study Bill 119

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 creating a criminal offense for impeding the normal
- 2 breathing or circulation of the blood of another, and
- 3 providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1099DP 82
- 6 jm/gg/14



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PAG LIN

1 1 Section 1. Section 702.11, subsection 2, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. Willful injury in violation of section 708.4,
1 4 subsection ~~2~~ 3.

1 5 Sec. 2. Section 708.4, Code 2007, is amended to read as
1 6 follows:

1 7 708.4 WILLFUL INJURY.

1 8 Any person who does an act which is not justified and which
1 9 is intended to cause serious injury to another commits the
1 10 following:

1 11 1. A class "C" felony, if the person causes serious injury
1 12 to another.

1 13 2. A class "C" felony, if the person knowingly impedes the
1 14 normal breathing or circulation of the blood of another by
1 15 applying pressure to the throat or neck.

1 16 ~~2.~~ 3. A class "D" felony, if the person causes bodily
1 17 injury to another.

1 18 EXPLANATION

1 19 This bill expands the definition of the criminal offense of
1 20 willful injury. Under the bill, a person commits a class "C"
1 21 felony if the person who performs an act that is intended to
1 22 cause serious injury knowingly impedes the normal breathing or
1 23 circulation of blood of another by applying pressure to the
1 24 throat or neck.

1 25 The new offense under the bill is also classified as a
1 26 forcible felony under Code section 702.11. Under current law
1 27 and the bill, a person who commits a forcible felony is
1 28 required to be sentenced to prison without the possibility of
1 29 receiving a deferred judgment, deferred sentence, or suspended
1 30 sentence.

1 31 A class "C" felony is punishable by confinement for no more
1 32 than 10 years and a fine of at least \$1,000 but not more than
1 33 \$10,000.

1 34 LSB 1099DP 82

1 35 jm:rj/gg/14.1



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House Study Bill 120

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to various matters under the purview of the
 2 insurance division of the department of commerce including
 3 workers' compensation insurance, premium taxes, the uniform
 4 securities Act, powers and duties of the insurance division,
 5 regulation of insurance sales to military personnel, domestic
 6 insurance companies, examination of insurance companies, life
 7 insurance companies, nonprofit health service corporations,
 8 external review of health care coverage decisions, investment
 9 limitations on insurers other than life insurers, property and
 10 casualty insurers' reserves, motor vehicle service contracts,
 11 county and state mutual associations, reciprocal or
 12 interinsurance contracts, licensing of insurance producers and
 13 public adjusters, and life and fire insurance company boards
 14 of directors, and providing penalties.

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

16 TL5B 1235DP 82

17 av/gg/14



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PAG LIN

1 1 Section 1. Section 87.11, Code 2007, is amended to read as
1 2 follows:

1 3 87.11 RELIEF FROM INSURANCE == PROCEDURES UPON EMPLOYER'S
1 4 INSOLVENCY.

1 5 1. a. When an employer coming under this chapter
1 6 furnishes satisfactory proofs to the insurance commissioner of
1 7 such employer's solvency and financial ability to pay the
1 8 compensation and benefits as by law provided and to make such
1 9 payments to the parties when entitled thereto, or when such
1 10 employer deposits with the insurance commissioner security
1 11 satisfactory to the insurance commissioner as guaranty for the
1 12 payment of such compensation, such employer shall be relieved
1 13 of the provisions of this chapter requiring insurance; but
1 14 such employer shall, from time to time, furnish such
1 15 additional proof of solvency and financial ability to pay as
1 16 may be required by such insurance commissioner. Such security
1 17 shall be held in trust for the sole purpose of paying
1 18 compensation and benefits and is not subject to attachment,
1 19 levy, execution, garnishment, liens, or any other form of
1 20 encumbrance. However, the insurance commissioner shall be
1 21 reimbursed from the security for all costs and fees incurred
1 22 by the insurance commissioner in resolving disputes involving
1 23 the security. A political subdivision, including a city,
1 24 county, community college, or school corporation, that is
1 25 self-insured for workers' compensation is not required to
1 26 submit a plan or program to the insurance commissioner for
1 27 review and approval.

1 28 b. If an approved self-insured employer discontinues its
1 29 self-insured status or enters bankruptcy proceedings, the
1 30 self-insured employer or its successor in interest, may
1 31 petition the commissioner of insurance for release of its
1 32 security. The commissioner shall release the security upon a
1 33 finding of any of the following:

1 34 (1) The employer has not been self-insured pursuant to
1 35 this chapter for at least four years.



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2 1 (2) Ten years have elapsed from the date of the last open
2 2 claim, claim activity, or claim payment involving the
2 3 self-insured employer or its successor in interest, whichever
2 4 is later.
2 5 (3) The self-insured employer presents acceptable
2 6 replacement security.
2 7 2. An employer seeking relief from the insurance
2 8 requirements of this chapter shall pay to the insurance
2 9 division of the department of commerce the following fees:
2 10 ~~1. a.~~ A fee of one hundred dollars, to be submitted
2 11 annually along with an application for relief.
2 12 ~~2. b.~~ A fee of one hundred dollars for issuance of the
2 13 certificate relieving the employer from the insurance
2 14 requirements of this chapter.
2 15 ~~3. c.~~ A fee of fifty dollars, to be submitted with each
2 16 filing required by the commissioner of insurance, including
2 17 but not limited to the annual and quarterly financial
2 18 statements, and material change statements.
2 19 3. a. If an employer becomes insolvent and a debtor under
2 20 11 U.S.C., on or after January 1, 1990, ~~this paragraph~~
~~2 21 applies. The the commissioner of insurance may request of the~~
2 22 workers' compensation commissioner that all future payments of
2 23 workers' compensation weekly benefits, medical expenses, or
2 24 other payments pursuant to chapter 85, 85A, 85B, 86, or 87, be
2 25 commuted to a present lump sum. The workers' compensation
2 26 commissioner shall fix the lump sum of probable future medical
2 27 expenses and weekly compensation benefits, or other benefits
2 28 payable pursuant to chapter 85, 85A, 85B, 86, or 87,
2 29 capitalized at their present value upon the basis of interest
2 30 at the rate provided in section 535.3 for court judgments and
2 31 decrees. The commissioner of insurance shall be discharged
2 32 from all further liability for the commuted workers'
2 33 compensation claim upon payment of the present lump sum to
2 34 either the claimant, or a licensed insurer for purchase of an
2 35 annuity or other periodic payment plan for the benefit of the



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3 1 claimant.

3 2 b. The commissioner of insurance shall not be required to
3 3 pay more for all claims of an insolvent self-insured employer
3 4 than is available for payment of such claims from the security
3 5 given under this section.

3 6 4. Notwithstanding contrary provisions of section 85.45,
3 7 any future payment of medical expenses, weekly compensation
3 8 benefits, or other payments by the commissioner of insurance
3 9 from the security given under this section, pursuant to
3 10 chapter 85, 85A, 85B, 86, or 87, shall be deemed an undue
3 11 expense, hardship, or inconvenience upon the employer for
3 12 purposes of a full commutation pursuant to section 85.45,
3 13 subsection 2.

3 14 5. Financial statements provided to the commissioner of
3 15 insurance pursuant to this section may be held as
3 16 confidential, proprietary trade secrets, pursuant to section
3 17 22.7, subsection 3, upon the request of the employer, subject
3 18 to rules adopted by the commissioner of insurance, and are not
3 19 subject to disclosure or examination under chapter 22.

3 20 Sec. 2. Section 432.1, subsection 3, Code 2007, is amended
3 21 to read as follows:

3 22 3. The applicable percent, as provided in subsection 4, of
3 23 the gross amount of premiums written, and assessments, and
3 24 fees received during the preceding calendar year by every
3 25 company or association other than life on contracts of
3 26 insurance other than life for business done in this state,
3 27 including all insurance upon property situated in this state,
3 28 after deducting the amounts returned upon canceled policies,
3 29 certificates, and rejected applications but not including the
3 30 gross premiums written, and assessments, and fees received in
3 31 connection with ocean marine insurance authorized in section
3 32 515.48.

3 33 Sec. 3. Section 502.602, subsection 3, unnumbered
3 34 paragraph 1, Code 2007, is amended to read as follows:

3 35 If a person does not appear or refuses to testify, file a



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4 1 statement, produce records, or otherwise does not obey a
4 2 subpoena as required by the administrator under this chapter,
4 3 the administrator may apply to the Polk county district court
4 4 or the district court for the county in which the person
4 5 resides or is located or a court of another state to enforce
4 6 compliance. The court may do any of the following:

4 7 Sec. 4. Section 502.603, subsection 1, Code 2007, is
4 8 amended to read as follows:

4 9 1. CIVIL ACTION INSTITUTED BY ADMINISTRATOR. If the
4 10 administrator believes that a person has engaged, is engaging,
4 11 or is about to engage in an act, practice, or course of
4 12 business constituting a violation of this chapter or a rule
4 13 adopted or order issued under this chapter or that a person
4 14 has, is, or is about to engage in an act, practice, or course
4 15 of business that materially aids a violation of this chapter
4 16 or a rule adopted or order issued under this chapter, the
4 17 administrator may maintain an action in the ~~district court~~
4 18 county in which the person against whom the action is being
4 19 brought resides, has a principal place of business, or is
4 20 doing business, or in the county where the transaction or any
4 21 substantial portion of the transaction which is the subject of
4 22 the action occurred, or in the county in which one or more of
4 23 the victims of the transaction which is the subject of the
4 24 action resides, to enjoin the act, practice, or course of
4 25 business and to enforce compliance with this chapter or a rule
4 26 adopted or order issued under this chapter.

4 27 Sec. 5. Section 502.604, subsections 2 and 7, Code 2007,
4 28 are amended to read as follows:

4 29 2. SUMMARY PROCESS. An order under subsection 1 is
4 30 effective on the date of issuance. Upon issuance of the
4 31 order, the administrator shall promptly serve each person
4 32 subject to the order with a copy of the order and a notice
4 33 that the order has been entered. The order must include a
4 34 statement of any civil penalty or costs of investigation the
4 35 administrator will seek, a statement of the reasons for the



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5 1 order, and notice that, within ~~fifteen~~ thirty days after
5 2 receipt of a request in a record from the person, the matter
5 3 will be scheduled for a hearing. If a person subject to the
5 4 order does not request a hearing and none is ordered by the
5 5 administrator within thirty days after the date of service of
5 6 the order, the order, including the imposition of a civil
5 7 penalty or requirement for payment of costs of investigation
5 8 sought in the order, becomes final as to that person by
5 9 operation of law. If a hearing is requested or ordered, the
5 10 administrator, after notice of and opportunity for hearing to
5 11 each person subject to the order, may modify or vacate the
5 12 order or extend it until final determination.

5 13 7. ENFORCEMENT BY COURT == FURTHER CIVIL PENALTY. If a
5 14 person does not comply with an order under this section, the
5 15 administrator may petition ~~a~~ the Polk county district court of
~~5 16 competent jurisdiction or the district court for the county in~~
5 17 which the person resides or is located to enforce the order.
5 18 The court shall not require the administrator to post a bond
5 19 in an action or proceeding under this section. If the court
5 20 finds, after service and opportunity for hearing, that the
5 21 person was not in compliance with the order, the court may
5 22 adjudge the person in civil contempt of the order. The court
5 23 may impose a further civil penalty against the person for
5 24 contempt in an amount not less than three thousand dollars but
5 25 not greater than ten thousand dollars for each violation and
5 26 may grant any other relief the court determines is just and
5 27 proper in the circumstances.

5 28 Sec. 6. Section 505.8, Code 2007, is amended by adding the
5 29 following new subsections:

5 30 NEW SUBSECTION. 8. The commissioner may do any of the
5 31 following:

5 32 a. Conduct public or private investigations within or
5 33 outside of this state which the commissioner deems necessary
5 34 or appropriate to determine whether a person has violated, is
5 35 violating, or is about to violate a provision of any chapter



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6 1 of this subtitle or a rule adopted or order issued under any
6 2 chapter of this subtitle, or to aid in the enforcement of any
6 3 chapter of this subtitle or in the adoption of rules and forms
6 4 under any chapter of this subtitle.

6 5 b. Require or permit a person to testify, file a
6 6 statement, or produce a record under oath or otherwise as the
6 7 commissioner determines, concerning facts and circumstances
6 8 relating to a matter being investigated or about which an
6 9 action or proceeding will be instituted.

6 10 c. Notwithstanding subsection 6, publish a record
6 11 concerning an action, proceeding, or investigation under, or a
6 12 violation of, any chapter of this subtitle or a rule adopted
6 13 or order issued under any chapter of this subtitle, if the
6 14 commissioner determines that such publication is in the public
6 15 interest and is necessary and appropriate for the protection
6 16 of the public.

6 17 NEW SUBSECTION. 9. For the purpose of an investigation
6 18 made under any chapter of this subtitle, the commissioner or
6 19 the commissioner's designee may administer oaths and
6 20 affirmations, subpoena witnesses, seek compulsory attendance,
6 21 take evidence, require the filing of statements, and require
6 22 the production of any records that the commissioner considers
6 23 relevant or material to the investigation, pursuant to rules
6 24 adopted under chapter 17A.

6 25 NEW SUBSECTION. 10. If a person does not appear or
6 26 refuses to testify, or does not file a statement or produce
6 27 records, or otherwise does not obey a subpoena or order issued
6 28 by the commissioner under any chapter of this subtitle, the
6 29 commissioner may, in addition to assessing the penalties
6 30 contained in sections 505.7A, 507B.6A, 507B.7, 522B.11, and
6 31 522B.17, make application to a district court of this state or
6 32 another state to enforce compliance with the subpoena or
6 33 order. A court to whom application is made to enforce
6 34 compliance with a subpoena or order pursuant to this subtitle
6 35 may do any of the following:



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- 7 1 a. Hold the person in contempt.
7 2 b. Order the person to appear before the commissioner.
7 3 c. Order the person to testify about the matter under
7 4 investigation.
7 5 d. Order the production of records.
7 6 e. Grant injunctive relief, including restricting or
7 7 prohibiting the offer or sale of insurance or insurance
7 8 advice.
7 9 f. Impose a civil penalty as set forth in section 505.7A.
7 10 g. Grant any other necessary or appropriate relief.
7 11 NEW SUBSECTION. 11. This section shall not be construed
7 12 to prohibit a person from applying to a district court of this
7 13 state or another state for relief from a subpoena or order
7 14 issued by the commissioner under any chapter of this subtitle.
7 15 NEW SUBSECTION. 12. An individual shall not be relieved
7 16 of an order to appear, testify, file a statement, produce a
7 17 record or other evidence, or obey a subpoena or other order of
7 18 the commissioner made under any chapter of this subtitle on
7 19 the grounds that fulfillment of the requirement may, directly
7 20 or indirectly, tend to incriminate the individual or subject
7 21 the individual to a criminal fine, penalty, or forfeiture. If
7 22 an individual refuses to obey a subpoena or order by asserting
7 23 that individual's privilege against self-incrimination, the
7 24 commissioner may apply to the district court to compel the
7 25 individual to obey the subpoena or order of the commissioner.
7 26 Testimony, records, or other evidence that is compelled by a
7 27 court enforcing an order of the commissioner shall not be
7 28 used, directly or indirectly, against that individual in a
7 29 criminal case, except in a prosecution for perjury or contempt
7 30 or for otherwise failing to comply with the order.
7 31 NEW SUBSECTION. 13. Upon request of the insurance
7 32 regulator of another state or foreign jurisdiction, the
7 33 commissioner may provide assistance in conducting an
7 34 investigation to determine whether a person has violated, is
7 35 violating, or is about to violate an insurance law or rule of



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8 1 the other state or foreign jurisdiction administered or
8 2 enforced by that insurance regulator. The commissioner may
8 3 provide such assistance pursuant to the powers conferred under
8 4 this section as the commissioner determines is necessary or
8 5 appropriate under the circumstances. Such assistance may be
8 6 provided regardless of whether the conduct being investigated
8 7 would constitute a violation of this subtitle or any other law
8 8 of this state if the conduct occurred in this state. In
8 9 determining whether to provide such assistance the
8 10 commissioner may consider whether the insurance regulator
8 11 requesting the assistance is permitted to and has agreed to
8 12 reciprocate in providing assistance to the commissioner upon
8 13 request, whether compliance with the request would violate or
8 14 prejudice the public policy of this state, and the
8 15 availability of division commissioner resources and employees
8 16 to provide such assistance.

8 17 Sec. 7. NEW SECTION. 505.27A SALE OF INSURANCE TO
8 18 MILITARY PERSONNEL.

8 19 Notwithstanding any other provision of this title, the
8 20 commissioner of insurance shall have the authority to adopt
8 21 such rules related to the business of insurance, other than
8 22 the servicemembers' group life insurance program under 38
8 23 U.S.C. pt. II, ch. 19, subc. III, as may be necessary to
8 24 protect military personnel located either on a United States
8 25 military installation or elsewhere in this state and to carry
8 26 out the provisions of this title.

8 27 Sec. 8. NEW SECTION. 506.13 NEW OFFICERS OR DIRECTORS ==
8 28 BIOGRAPHICAL AFFIDAVIT REQUIRED.

8 29 Within thirty days after a quarterly or annual statement of
8 30 an insurance company domiciled in this state first names an
8 31 individual as an officer or director of the company on the
8 32 jurat page of the quarterly or annual statement, the new
8 33 officer or director shall file a biographical affidavit with
8 34 the commissioner. The affidavit shall be prepared on the
8 35 current template for biographical affidavits prescribed by the
9 1 national association of insurance commissioners.

9 2 Sec. 9. Section 507.1, subsection 2, paragraphs b and e,
9 3 Code 2007, are amended to read as follows:

9 4 b. "Company" means any person engaging in or proposing or
9 5 attempting to engage in any transaction or kind of insurance
9 6 or surety business and any person or group of persons who may
9 7 otherwise be subject to the administrative, regulatory, or
9 8 taxing authority of the commissioner including nonadmitted
9 9 insurers authorized to do business in Iowa.

9 10 e. "Insurer" includes all companies or associations
9 11 organized under chapter 508, 511, 512A, 512B, 514, 514B, 515,
9 12 515C, or 518A, associations subject to chapters 518 and 520,
9 13 and companies or associations admitted or seeking to be
9 14 admitted to this state under any of those chapters. "Insurer"
9 15 also includes nonadmitted insurers authorized to do business
9 16 in Iowa.

9 17 Sec. 10. Section 508.6, Code 2007, is amended to read as
9 18 follows:

9 19 508.6 DEPOSIT OF SECURITIES == CERTIFICATE.

9 20 Securities in the amount of the capital and surplus
9 21 required under section 508.5 shall be deposited by companies



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9 22 organized under the laws of this state with the commissioner
9 23 of insurance or at such places as the commissioner may
9 24 designate. When the deposit is made and evidence furnished,
9 25 by affidavit or otherwise, satisfactory to the commissioner,
9 26 that the capital stock is all fully paid and the company
9 27 possessed of the surplus required and that the company is the
9 28 actual and unqualified owner of the securities representing
9 29 the paid-up capital stock or other funds of the company, and
9 30 all laws have been complied with, the commissioner shall issue
9 31 the company the certificate provided for in this chapter.
9 32 Sec. 11. Section 508.10, Code 2007, is amended to read as
9 33 follows:
9 34 508.10 FOREIGN COMPANIES == CAPITAL OR SURPLUS ==
9 35 INVESTMENTS.



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10 1 1. ~~No~~ A company incorporated by or organized under the
10 2 laws of any other state or government shall not transact
10 3 business in this state unless it is possessed of the actual
10 4 amount of capital and surplus required of any company
10 5 organized by the laws of this state, or, if it be a mutual
10 6 company, of surplus equal in amount thereto, ~~and the same is~~
~~10 7 invested in bonds of the United States or of this state, or in~~
~~10 8 interest-paying bonds, when they are at or above par, of the~~
~~10 9 state in which the company is located, or of some other state,~~
~~10 10 or in notes or bonds secured by mortgages on unencumbered real~~
~~10 11 estate within this or the state where such company is located,~~
~~10 12 worth one and one-third times the amount loaned thereon, which~~
~~10 13 securities shall, at the time, be on deposit with the~~
~~10 14 commissioner of insurance, auditor, director of revenue, or~~
~~10 15 chief financial officer of the state by whose laws the company~~
~~10 16 is incorporated, or of some other state, and the commissioner~~
~~10 17 of insurance is furnished with a certificate of such officer,~~
~~10 18 under the officer's official seal, that the person as such~~
~~10 19 officer holds in trust and on deposit for the benefit of all~~
~~10 20 the policyholders of such company, the securities above~~
~~10 21 mentioned. This certificate shall embrace the items of~~
~~10 22 security so held, and show that such officer is satisfied that~~
~~10 23 such securities are worth the amount stated in the~~
~~10 24 certificate. Nothing herein contained shall invalidate the~~
~~10 25 agency of any company incorporated in another state by reason~~
~~10 26 of its having exchanged the bonds or securities so deposited~~
~~10 27 with such officer for other bonds or securities authorized by~~
~~10 28 this chapter, or by reason of its having drawn its interest~~
~~10 29 and dividends on the same.~~

10 30 2. An alien insurer, with the approval of the
10 31 commissioner, may be treated as a domestic insurer of this
10 32 state in whole or in part, and if so approved is deemed to be
10 33 organized under the laws of this state and is an Iowa domestic
10 34 insurer as provided by rules adopted by the commissioner. The
10 35 approval of the commissioner may be based upon such factors



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11 1 as:

11 2 1. a. Maintenance of an appropriate trust account,
11 3 surplus account, or other financial mechanism in this state.

11 4 2. b. Maintenance of all books and records of United
11 5 States operations in this state.

11 6 3. c. Maintenance of a separate financial reporting
11 7 system for its United States operations.

11 8 4. d. Any other provisions deemed necessary by the
11 9 commissioner.

11 10 3. A foreign company authorized to do business in this
11 11 state shall not assumptively reinsure a block of business
11 12 which includes policyholders residing in this state to a
11 13 company not authorized to do business in this state without
11 14 the prior written approval of the commissioner.

11 15 Sec. 12. Section 514.4, unnumbered paragraph 2, Code 2007,
11 16 is amended to read as follows:

11 17 A subscriber director is a director of the board of a
11 18 corporation who is a subscriber and who is not a provider of
11 19 health care pursuant to section 514B.1, subsection 7, a person
11 20 who has material financial or fiduciary interest in the
11 21 delivery of health care services or a related industry, an
11 22 employee of an institution which provides health care
11 23 services, or a spouse or a member of the immediate family of
11 24 such a person. However, a subscriber director of a dental
11 25 service corporation may be an employee, officer, director, or
11 26 trustee of a hospital that does not contract with the dental
11 27 service corporation. A subscriber director of a hospital or
11 28 medical service corporation shall be a subscriber of the
11 29 services of that corporation.

11 30 Sec. 13. Section 514J.2, subsection 3, Code 2007, is
11 31 amended to read as follows:

11 32 3. "Coverage decision" means a final adverse decision
11 33 based on medical necessity. This definition does not include
11 34 a denial of coverage for a service or treatment specifically
11 35 listed in plan or evidence of coverage documents as excluded



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12 1 from coverage, or a denial of coverage for a service or
12 2 treatment that has already been received and for which the
12 3 enrollee has no financial liability.

12 4 Sec. 14. Section 515.35, subsection 2, Code 2007, is
12 5 amended by adding the following new paragraph:

12 6 NEW PARAGRAPH. aa. "Capital and surplus", for purposes of
12 7 computing percentage limitations on particular types of
12 8 investments, means the capital and surplus that is authorized
12 9 to be shown as capital and surplus on the national association
12 10 of insurance commissioners' annual statement template as of
12 11 the December 31 immediately preceding the date the company
12 12 acquires the investment.

12 13 Sec. 15. NEW SECTION. 515H.1 SHORT TITLE.

12 14 This chapter shall be known and may be cited as the
12 15 "Property and Casualty Actuarial Opinions Act".

12 16 Sec. 16. NEW SECTION. 515H.2 ACTUARIAL OPINION OF
12 17 RESERVES == SUPPORTING DOCUMENTATION.

12 18 1. STATEMENT OF ACTUARIAL OPINION. Every property and
12 19 casualty insurance company doing business in this state,
12 20 unless otherwise exempted from this requirement by the
12 21 commissioner, shall annually submit the opinion of an
12 22 appointed actuary entitled "statement of actuarial opinion"
12 23 with the company's annual statement in accordance with the
12 24 provisions of section 515.63 and with the requirements of the
12 25 national association of insurance commissioners' property and
12 26 casualty annual statement instructions.

12 27 2. ACTUARIAL OPINION SUMMARY.

12 28 a. Every property and casualty insurance company domiciled
12 29 in this state that is required to submit a statement of
12 30 actuarial opinion shall annually submit an actuarial opinion
12 31 summary, prepared and signed by the company's appointed
12 32 actuary. The actuarial summary shall be filed in accordance
12 33 with the requirements of the national association of insurance
12 34 commissioners' property and casualty company annual statement
12 35 instructions and shall be considered a document in support of



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13 1 the statement of actuarial opinion required under subsection
13 2 1.
13 3 b. A property and casualty insurance company that is
13 4 licensed but not domiciled in this state shall provide an
13 5 actuarial opinion summary upon request of the commissioner.
13 6 3. ACTUARIAL REPORT AND WORK PAPERS.
13 7 a. An actuarial report and supporting work papers shall be
13 8 prepared to support each statement of actuarial opinion in
13 9 accordance with the requirements of the national association
13 10 of insurance commissioners' property and casualty company
13 11 annual statement instructions.
13 12 b. If an insurance company fails to provide a supporting
13 13 actuarial report and work papers as requested by the
13 14 commissioner or the commissioner determines that the actuarial
13 15 report and work papers provided are unacceptable, the
13 16 commissioner may engage a qualified actuary at the company's
13 17 expense to review the statement of actuarial opinion and the
13 18 basis for the opinion and to prepare a supporting actuarial
13 19 report and work papers.
13 20 4. An appointed actuary of a property and casualty
13 21 insurance company that prepares a statement of actuarial
13 22 opinion pursuant to this section shall not be liable for
13 23 damages to any person, except the company and the insurance
13 24 commissioner, for any act, error, omission, decision, or
13 25 misconduct of the appointed actuary in conducting the
13 26 actuary's duties pursuant to this section.
13 27 Sec. 17. NEW SECTION. 515H.3 CONFIDENTIALITY.
13 28 1. A statement of actuarial opinion filed pursuant to
13 29 section 515H.2 is a public record subject to examination and
13 30 copying.
13 31 2. Documents in the possession or control of the insurance
13 32 division that are provided to the division in support of a
13 33 statement of actuarial opinion, that are considered an
13 34 actuarial report, work papers, an actuarial opinion summary,
13 35 or any other material provided by the company in connection



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14 1 with the actuarial report, work papers, or actuarial opinion
14 2 summary are confidential records under section 507.14 and
14 3 shall not be subject to subpoena or discovery or be admissible
14 4 in evidence in any private civil action.

14 5 3. Disclosure of any documents, materials, or information
14 6 to the division in compliance with the requirements of this
14 7 chapter shall not be considered a waiver of any applicable
14 8 privilege or claim of confidentiality.

14 9 Sec. 18. Section 516E.3, subsection 2, paragraph a, Code
14 10 2007, is amended by striking the paragraph.

14 11 Sec. 19. Section 518.14, subsection 2, Code 2007, is
14 12 amended by adding the following new paragraph:

14 13 NEW PARAGRAPH. h. "Surplus", for purposes of computing
14 14 percentage limitations on particular types of investments,
14 15 means the surplus that is authorized to be shown on the
14 16 commissioner's annual statement blank as surplus as of the
14 17 December 31 immediately preceding the date the association
14 18 acquires the investment.

14 19 Sec. 20. Section 518A.1, subsection 1, paragraph d, Code
14 20 2007, is amended to read as follows:

14 21 d. Any automobile vehicle, excluding authomobiles or
14 22 aircraft or other vehicle, including loss, and expense, or
14 23 ~~liability~~ resulting from the ownership, maintenance, or use
14 24 thereof, but shall not include insurance against bodily injury
14 25 to the person.

14 26 Sec. 21. Section 518A.12, subsection 2, Code 2007, is
14 27 amended by adding the following new paragraph:

14 28 NEW PARAGRAPH. h. "Surplus", for purposes of computing
14 29 percentage limitations on particular types of investments,
14 30 means the surplus that is authorized to be shown on the
14 31 commissioner's annual statement blank as surplus as of the
14 32 December 31 immediately preceding the date the association
14 33 acquires the investment.

14 34 Sec. 22. Section 520.9, subsection 1, Code 2007, is
14 35 amended to read as follows:



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15 1 1. There shall at all times be maintained as assets a sum
15 2 in cash, or in securities of the kind designated by the laws
15 3 of the state where the principal office is located for the
15 4 investment of funds of insurance companies, equal to one
15 5 hundred percent of the net unearned premiums or deposits
15 6 collected and credited to the account of subscribers, or
15 7 assets equal to fifty percent of the net annual deposits
15 8 collected and credited to the account of subscribers on
15 9 policies having one year or less to run and pro rata on those
15 10 for longer periods; in addition to which there shall be
15 11 maintained in cash, or in such securities, assets sufficient
15 12 to discharge all liabilities on all outstanding losses arising
15 13 under policies issued, the same to be calculated in accordance
15 14 with the laws of the state relating to similar reserves for
15 15 companies insuring similar risks; provided that where the
15 16 assets on hand available for the payment of losses other than
15 17 determined losses, do not equal ~~two~~ five million dollars, all
15 18 liability for each determined loss or claim deferred for more
15 19 than one year, shall be provided for by a special deposit in a
15 20 trust company or bank having fiduciary powers of the state in
15 21 which the principal office is located, to be used in payment
15 22 of compensation benefits for disability; such deposit to be a
15 23 trust fund and applicable only to the purposes stated, or such
15 24 liability may be reinsured in authorized companies with a
15 25 surplus of at least ~~two~~ five million dollars. For the purpose
15 26 of such reserves, net deposits shall be construed to mean the
15 27 advance payments of subscribers after deducting the amount
15 28 specifically provided in the subscribers' agreements for
15 29 expenses. If at any time the assets so held in cash or such
15 30 securities shall be less than required above, or less than ~~two~~
15 31 five million dollars, the subscribers or their attorney for
15 32 them shall make up the deficiency within thirty days after
15 33 notice from the commissioner of insurance to do so. In
15 34 computing the assets required by this section, the amount
15 35 specified in section 520.4, subsection 7, shall be included.



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16 1 Sec. 23. Section 522B.6, subsection 3, Code 2007, is
16 2 amended to read as follows:
16 3 3. An insurance producer license remains in effect unless
16 4 revoked or suspended as long as all required fees are paid and
16 5 continuing education requirements for resident individual
16 6 insurance producers are met by any applicable due date.
16 7 Resident individual insurance producers are required to
16 8 complete continuing education requirements in order to be
16 9 eligible for license renewal.
16 10 Sec. 24. NEW SECTION. 522C.1 PURPOSE.
16 11 The purpose of this chapter is to govern the qualifications
16 12 and procedures for licensing public adjusters in this state,
16 13 and to specify the duties of and restrictions on public
16 14 adjusters, including limitation of such licensure to assisting
16 15 insureds only with first-party claims.
16 16 Sec. 25. NEW SECTION. 522C.2 DEFINITIONS.
16 17 As used in this chapter, unless the context otherwise
16 18 requires:
16 19 1. "Business entity" means a corporation, association,
16 20 partnership, limited liability company, limited liability
16 21 partnership, or any other legal entity.
16 22 2. "Commissioner" means the commissioner of insurance.
16 23 3. "Fingerprints" means an impression of the lines on a
16 24 human finger taken for the purposes of identification. The
16 25 impression may be electronic or in ink converted to an
16 26 electronic format.
16 27 4. "First-party claim" means a claim filed by a person
16 28 insured under the insurance policy against which the claim is
16 29 made.
16 30 5. "Individual" means a natural person.
16 31 6. "Person" means an individual or a business entity.
16 32 7. "Public adjuster" means any person who for compensation
16 33 or any other thing of value acts on behalf of an insured by
16 34 doing any of the following:
16 35 a. Acting for or aiding an insured in negotiating for or



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- 17 1 effecting the settlement of a first-party claim for loss or
17 2 damage to real or personal property of the insured.
17 3 b. Advertising for employment as a public adjuster of
17 4 first-party insurance claims or otherwise soliciting business
17 5 or representing to the public that the person is a public
17 6 adjuster of first-party insurance claims for loss or damage to
17 7 real or personal property of an insured.
17 8 c. Directly or indirectly soliciting business
17 9 investigating or adjusting losses, or advising an insured
17 10 about first-party claims for loss or damage to real or
17 11 personal property of the insured.
17 12 8. "Uniform business entity application" means the current
17 13 version of the national association of insurance
17 14 commissioners' uniform business entity application for
17 15 resident and nonresident business entities.
17 16 9. "Uniform individual application" means the current
17 17 version of the national association of insurance
17 18 commissioners' uniform individual application for resident and
17 19 nonresident individuals.
17 20 Sec. 26. NEW SECTION. 522C.3 AUTHORITY OF THE
17 21 COMMISSIONER.
17 22 1. The commissioner shall adopt rules pursuant to chapter
17 23 17A as necessary to administer and enforce this chapter.
17 24 2. The commissioner shall adopt rules including but not
17 25 limited to all of the following:
17 26 a. Advertising standards.
17 27 b. Continuing education requirements for licensees.
17 28 c. Contracts between public adjusters and insureds.
17 29 d. Required disclosures by licensees.
17 30 e. Examinations for licensure.
17 31 f. Exemptions.
17 32 g. License bonds and errors and omissions insurance
17 33 requirements.
17 34 h. License requirements and exclusions.
17 35 i. Prohibited practices.



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18 1 j. Record retention requirements.
18 2 k. Reporting requirements.
18 3 l. Requirements and limitations on fees charged by public
18 4 adjusters.
18 5 m. Standards for reasonableness of payment.
18 6 n. Standards of conduct.
18 7 o. Penalties.
18 8 Sec. 27. NEW SECTION. 522C.4 LICENSE REQUIRED.
18 9 A person shall not operate as or represent that the person
18 10 is a public adjuster in this state unless the person is
18 11 licensed by the commissioner in accordance with this chapter.
18 12 Sec. 28. NEW SECTION. 522C.5 APPLICATION FOR LICENSE.
18 13 1. A person applying for a public adjuster license shall
18 14 make application on a uniform individual application or
18 15 uniform business entity application as prescribed by the
18 16 commissioner pursuant to rules adopted under chapter 17A.
18 17 2. In determining eligibility for licensure under this
18 18 chapter, the commissioner shall require each individual
18 19 applying for a public adjuster license to submit a full set of
18 20 fingerprints with the application. The commissioner shall
18 21 also require each business entity applying for licensure under
18 22 this chapter to submit a full set of fingerprints for each
18 23 individual who will be acting as a public adjuster on behalf
18 24 of the business entity. The commissioner shall conduct a
18 25 state and national criminal history record check on each
18 26 applicant. The commissioner is authorized to submit
18 27 fingerprints and any required fees to the state department of
18 28 public safety, the state attorney general, and the federal
18 29 bureau of investigation for the performance of such criminal
18 30 record checks.
18 31 a. The commissioner may contract for the collection,
18 32 transmission, and resubmission of fingerprints required under
18 33 this section and may contract for a reasonable fingerprinting
18 34 fee to be charged by the contractor for these services. Any
18 35 fees for the collection, transmission, and retention of
19 1 fingerprints submitted pursuant to this subsection shall be
19 2 paid directly to the contractor by the applicant.
19 3 b. The commissioner may waive submission of fingerprints
19 4 by any person who has previously furnished fingerprints if
19 5 those fingerprints are on file with the central repository of
19 6 the national association of insurance commissioners, its
19 7 affiliates, or subsidiaries.
19 8 c. The commissioner may receive criminal history record
19 9 information concerning an applicant that was requested by the
19 10 state department of justice directly from the federal bureau
19 11 of investigation.
19 12 d. The commissioner may submit electronic fingerprint
19 13 records and necessary identifying information to the national
19 14 association of insurance commissioners, its affiliates, or
19 15 subsidiaries for permanent retention in a centralized
19 16 repository whose purpose is to provide state insurance
19 17 commissioners with access to fingerprint records in order to
19 18 perform criminal history record checks.
19 19 Sec. 29. NEW SECTION. 522C.6 PENALTIES.
19 20 1. The commissioner may place on probation, suspend,
19 21 revoke, or refuse to issue or renew a public adjuster's



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19 22 license or may levy a civil penalty as provided in section
19 23 505.7A if a licensed public adjuster is found after hearing to
19 24 be in violation of the requirements of this chapter or rules
19 25 adopted or orders issued pursuant to this chapter.

19 26 2. A person who is found after hearing to have operated as
19 27 or represented that the person is a public adjuster and does
19 28 not have a license issued under this chapter, is guilty of a
19 29 class "D" felony.

19 30 3. A person who is found after hearing to have willfully
19 31 violated any provisions of this chapter or any rule adopted or
19 32 order issued under this chapter, is guilty of a class "D"
19 33 felony.

19 34 Sec. 30. Sections 523.5 and 523.6, Code 2007, are
19 35 repealed.



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20 1 EXPLANATION
20 2 This bill relates to various matters under the purview of
20 3 the insurance division of the department of commerce.
20 4 WORKERS' COMPENSATION == RELEASE OF SECURITY. Code section
20 5 87.11 is amended to allow an employer that is self-insured for
20 6 workers' compensation purposes and discontinues its
20 7 self-insured status or enters bankruptcy proceedings to
20 8 petition the workers' compensation commissioner for a release
20 9 of its security under specified circumstances.
20 10 PREMIUM TAXES. Code section 432.1 is amended to specify
20 11 that an insurance company or association other than life is
20 12 required to pay taxes based on a percentage of gross premiums
20 13 written instead of gross premiums.
20 14 UNIFORM SECURITIES ACT. Code section 502.602 is amended to
20 15 allow an administrator to seek remedies for noncompliance with
20 16 the chapter by application to the Polk county district court
20 17 or the district court for the county in which the person
20 18 resides or is located.
20 19 Code section 502.603 is amended to authorize an
20 20 administrator to maintain an action for civil enforcement in
20 21 the county in which the person against whom the action is
20 22 being brought resides, has a principal place of business, or
20 23 is doing business, or in the county where the transaction or
20 24 any substantial part of the transaction which is the subject
20 25 of the action occurred, or in the county in which one or more
20 26 of the victims of the transaction which is the subject of the
20 27 action resides.
20 28 Code section 502.604 is amended to provide that a hearing
20 29 will be scheduled within 30 instead of 15 days after an
20 30 administrator receives a request for hearing and to authorize
20 31 the administrator to petition for enforcement of an
20 32 administrative order against a person in the Polk county
20 33 district court or the district court for the county in which
20 34 the person resides or is located.
20 35 INSURANCE DIVISION POWERS AND DUTIES. Code section 505.8



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21 1 is amended to authorize the commissioner of insurance to do
21 2 the following: (1) conduct certain public or private
21 3 investigations within or outside of this state, require or
21 4 permit certain persons to provide information concerning
21 5 matters being investigated or actions or proceedings to be
21 6 instituted, and publish records as the commissioner deems
21 7 appropriate for the protection of the public; (2) administer
21 8 oaths and affirmations, subpoena witnesses, compel attendance,
21 9 take evidence, and require statements and production of
21 10 records in connection with an investigation; (3) assess
21 11 penalties and seek judicial enforcement of subpoenas or orders
21 12 issued by the commissioner; (4) require a person to comply
21 13 with an order even if compliance may directly or indirectly
21 14 incriminate the individual or subject the individual to
21 15 criminal fines, penalties, or forfeiture so long as the
21 16 testimony, records, or evidence compelled is not used against
21 17 the individual in a criminal case; and (5) assist insurance
21 18 regulators in other states or foreign jurisdictions with their
21 19 investigations of insurance law violations under specified
21 20 circumstances.

21 21 SALE OF INSURANCE TO MILITARY PERSONNEL. New Code section
21 22 505.27A authorizes the commissioner of insurance to adopt
21 23 rules related to the business of insurance, other than the
21 24 federal servicemembers' group life insurance program, as
21 25 necessary to protect military personnel located either on a
21 26 United States military installation or elsewhere in the state
21 27 and to carry out the provisions of Iowa insurance law and
21 28 related rules.

21 29 DOMESTIC INSURANCE COMPANIES == BIOGRAPHICAL AFFIDAVITS.
21 30 New Code section 506.13 requires new officers or directors of
21 31 an insurance company domiciled in Iowa to file a biographical
21 32 affidavit with the insurance commissioner within 30 days after
21 33 a quarterly or annual statement of the company first names the
21 34 individual as an officer or director of the company on the
21 35 jurat page (where individual swears to the individual's



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22 1 signature) of the quarterly or annual statement.

22 2 EXAMINATION OF INSURANCE COMPANIES. Code section 507.1 is

22 3 amended to provide that companies and insurers that are

22 4 subject to the provisions of Code chapter 507 concerning the

22 5 examination of insurance companies include nonadmitted

22 6 insurers that are authorized to do business in Iowa.

22 7 LIFE INSURANCE COMPANIES. Code section 508.6 is amended to

22 8 specify that securities in the amount of capital and surplus

22 9 are required to be deposited with the commissioner of

22 10 insurance only by life insurance companies organized under the

22 11 laws of this state.

22 12 Code section 508.10 is amended to eliminate the requirement

22 13 that foreign life insurance companies doing business in Iowa

22 14 maintain on deposit an amount equal to their minimum capital

22 15 and surplus requirements.

22 16 NONPROFIT HEALTH SERVICE CORPORATIONS. Code section 514.4

22 17 is amended to provide that a subscriber director of a dental

22 18 service corporation may be an employee, officer, director, or

22 19 trustee of a hospital that does not contract with the dental

22 20 service corporation.

22 21 EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS. Code

22 22 section 514J.2 is amended to provide that a "coverage

22 23 decision" for which there is a right of appeal pursuant to

22 24 Code chapter 514J does not include a denial of coverage for a

22 25 service or treatment that has already been received and for

22 26 which the enrollee has no financial liability.

22 27 INSURANCE OTHER THAN LIFE == INVESTMENT LIMITATIONS. Code

22 28 section 515.35 is amended by adding a definition of what

22 29 constitutes "capital and surplus" for purposes of computing

22 30 percentage limitations on particular types of investments by

22 31 insurance companies other than life insurers.

22 32 PROPERTY AND CASUALTY INSURANCE == ACTUARIAL OPINION OF

22 33 RESERVES. New Code chapter 515H requires every property and

22 34 casualty insurance company doing business in Iowa, unless

22 35 otherwise exempted, to annually submit a statement of



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23 1 actuarial opinion by an appointed actuary with the company's
23 2 annual statement as prescribed in the new Code chapter. The
23 3 new Code chapter also provides that a statement of actuarial
23 4 opinion filed with the company's annual statement is a public
23 5 record, although other documents filed in support of the
23 6 statement such as an actuarial report, work papers, or an
23 7 actuarial opinion summary are considered confidential records
23 8 under Code section 507.14.

23 9 MOTOR VEHICLE SERVICE CONTRACTS. Code section 516E.3 is
23 10 amended by striking the requirement that the provider of a
23 11 motor vehicle service contract file a copy of the contract
23 12 with the commissioner of insurance since the service company
23 13 that issues the contract is already required to file such a
23 14 copy.

23 15 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section 518.14
23 16 is amended to include a definition of what constitutes
23 17 "surplus" for purposes of computing percentage limitations on
23 18 particular types of investments by county mutual insurance
23 19 associations.

23 20 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section 518A.1
23 21 is amended to prohibit state mutual insurance associations
23 22 from providing liability and property insurance for loss and
23 23 expense resulting from the ownership, maintenance, or use of
23 24 automobiles or aircraft.

23 25 Code section 518A.12 is amended to include a definition of
23 26 what constitutes "surplus" for purposes of computing
23 27 percentage limitations on particular types of investments by
23 28 state mutual insurance associations.

23 29 RECIPROCAL OR INTERINSURANCE CONTRACTS. Code section 520.9
23 30 is amended to require designated subscribers that are
23 31 authorized to exchange reciprocal or interinsurance contracts
23 32 to provide special trust deposits where assets for the payment
23 33 of certain losses do not equal \$5 million and to require that
23 34 reinsurance be secured in an authorized company with a surplus
23 35 of at least \$5 million. Currently, the required minimum



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24 1 amounts are \$2 million.

24 2 LICENSING OF INSURANCE PRODUCERS. Code section 522B.6 is
24 3 amended to require resident individual insurance producers to
24 4 complete continuing education requirements in order to be
24 5 eligible for license renewal.

24 6 LICENSING OF PUBLIC ADJUSTERS. New Code chapter 522C
24 7 governs qualifications and procedures for licensing public
24 8 adjusters in this state, and specifies duties and restrictions
24 9 on public adjusters, including limitation of their licensure
24 10 to assisting insureds with first-party claims.

24 11 The bill authorizes the commissioner to place on probation,
24 12 suspend, revoke, or refuse to issue or renew the license of or
24 13 levy a civil penalty as provided in Code section 505.7A
24 14 against a person who violates the requirements of the new Code
24 15 chapter or rules or orders issued pursuant to the chapter.
24 16 Operating as a public adjuster without a license or willful
24 17 violations of the new Code chapter are classified as class "D"
24 18 felonies. A class "D" felony is punishable by confinement for
24 19 no more than five years and a fine of at least \$750 but not
24 20 more than \$7,500.

24 21 INSURANCE COMPANY BOARD OF DIRECTORS == PROPORTIONATE
24 22 REPRESENTATION. Code sections 523.5 and 523.6 which allow
24 23 proportionate representation of certain minority shareholders
24 24 on the board of directors of certain life or fire insurance
24 25 companies are repealed.

24 26 LSB 1235DP 82

24 27 av:rj/gg/14.1



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House Study Bill 121

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

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

A BILL FOR

1 An Act relating to a parent's cause of action for the recovery of
 2 expenses and actual loss of services, companionship, and
 3 society resulting from the injury to or death of a child and
 4 including an applicability date provision.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TLSB 2057HC 82
 7 rh/je/5



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PAG LIN

1 1 Section 1. NEW SECTION. 613.15A INJURY TO OR DEATH OF A
1 2 CHILD.

1 3 A parent or the parents of a child may recover for the
1 4 expense and actual loss of services, companionship, and
1 5 society resulting from injury to or death of the child,
1 6 regardless of the child's age.

1 7 Sec. 2. APPLICABILITY. This Act applies to all actions
1 8 filed on or after the effective date of this Act.

1 9 EXPLANATION

1 10 This bill provides that a parent or the parents of a child
1 11 may recover for the expense and actual loss of services,
1 12 companionship, and society resulting from injury to or death
1 13 of the child whether over or under the age of 18, the age of
1 14 majority in Iowa.

1 15 The bill applies to all cases filed on or after the
1 16 effective date of the bill.

1 17 LSB 2057HC 82

1 18 rh:nh/je/5.1



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
January 31, 2007

House Study Bill 122

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the statute of limitations period in a medical
- 2 malpractice action and including an applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1979HC 82
- 5 rh/je/5



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House Study Bill 122 continued

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1 1 Section 1. Section 614.1, subsection 9, Code 2007, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 614.8, subsection 2, Code 2007, is amended
1 4 to read as follows:

1 5 2. ~~Except as provided in section 614.1, subsection 9, the~~
1 6 The times limited for actions in this chapter, except those
1 7 brought for penalties and forfeitures, are extended in favor
1 8 of minors, so that they shall have one year from and after
1 9 attainment of majority within which to commence an action.

1 10 Sec. 3. APPLICABILITY. This Act applies to all actions
1 11 filed on or after the effective date of this Act.

1 12 EXPLANATION

1 13 This bill relates to the statute of limitations period in a
1 14 medical malpractice action and provides an applicability date.

1 15 The bill repeals the statute of limitations period in a
1 16 medical malpractice action for injury or wrongful death
1 17 against any physician and surgeon, osteopath, osteopathic
1 18 physician and surgeon, dentist, podiatric physician,
1 19 optometrist, pharmacist, chiropractor, physician assistant, or
1 20 nurse, licensed under Code chapter 147, or a hospital licensed
1 21 under Code chapter 135B, arising out of patient care. This
1 22 statute provides that such actions must be brought within two
1 23 years of reasonable discovery of the act giving rise to the
1 24 injury but that all actions must be filed within six years of
1 25 the wrongful act or omission. In addition, currently a minor
1 26 under the age of eight must file suit within two years of the
1 27 date the injury occurred or by the minor's 10th birthday,
1 28 whichever is later.

1 29 Upon repeal of this law, medical malpractice actions must
1 30 be filed within two years of the time at which the personal
1 31 injury occurs, which is the current statute of limitations
1 32 period for personal injury actions generally. This two-year
1 33 period is subject to the discovery rule that applies to civil
1 34 cases generally permitting a lawsuit to be filed within a
1 35 certain period of time after the injury is discovered or



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2 1 reasonably should have been discovered, and the rule extending
2 2 the statute of limitations period for minors and incompetent
2 3 persons (Code section 614.8).
2 4 The bill applies to all actions filed on or after the
2 5 effective date of the bill.
2 6 LSB 1979HC 82
2 7 rh:rj/je/5



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House Study Bill 123

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a hospital lien and providing an effective
- 2 date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1773HC 82
- 5 rh/es/88



Iowa General Assembly
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House Study Bill 123 continued

PAG LIN

1 1 Section 1. NEW SECTION. 582.0A DEFINITIONS.

1 2 1. "Health plan" means an individual or group plan that
1 3 provides, or pays the costs of, medical care as that term is
1 4 defined in the federal Health Insurance Portability and
1 5 Accountability Act of 1996, Pub. L. No. 104-191.

1 6 2. "Hospital" means a public or private institution
1 7 licensed pursuant to chapter 135B.

1 8 3. "Provider agreement" means a contract, understanding,
1 9 or arrangement made by an association, corporation, county,
1 10 municipal corporation, or other institution maintaining a
1 11 hospital in the state, with any health plan or other entity
1 12 for the provision or payment of health care services.

1 13 Sec. 2. Section 582.1, Code 2007, is amended to read as
1 14 follows:

1 15 582.1 NATURE OF LIEN.

1 16 1. Every association, corporation, county, municipal
1 17 corporation, or other institution, including a municipal
~~1 18 corporation, maintaining a hospital in the state, which shall~~
1 19 furnish medical or other service to any patient injured by
1 20 reason of an accident not covered by the workers' compensation
1 21 Act, shall, if such injured party shall assert or maintain a
1 22 claim against another for damages on account of such injuries,
1 23 have a lien upon that part going or belonging to such patient
1 24 of any recovery or sum had or collected or to be collected by
1 25 such patient, or by the patient's heirs or personal
1 26 representatives in the case of the patient's death, whether by
1 27 judgment or by settlement or compromise ~~to the amount of the~~
~~1 28 reasonable and necessary charges of such~~ provided that prior
1 29 to filing the notice of the lien, the hospital first takes
1 30 reasonable steps to determine whether a patient is covered
1 31 under a health plan provided by a private or governmental
1 32 entity. If the patient is covered by such a health plan, all
1 33 patient charges shall first be submitted to the health plan
1 34 prior to the filing of the notice of lien pursuant to section
1 35 582.2.



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2 1 2. The amount of the lien shall be for the reasonable and
2 2 customary charges of the hospital for the treatment, care, and
2 3 maintenance of such patient in such hospital up to the date of
2 4 payment of such damages; provided, however, that ~~this the~~
2 5 amount of the lien shall not exceed the amount of the
2 6 patient's responsibility for treatment, care, and maintenance
2 7 charges pursuant to any provider agreement between the
2 8 hospital and a health plan that provides coverage for the
2 9 patient regardless of the hospital's right under the provider
2 10 agreement to pursue a lien pursuant to this chapter. If a
2 11 hospital's treatment, care, and maintenance charges are not
2 12 covered by a health plan due to the fact that a third party is
2 13 or may be liable to the patient for damages, the amount of the
2 14 lien shall be limited to the amount the hospital would have
2 15 received if such charges were covered by the patient's health
2 16 plan.

2 17 3. The lien shall not in any way prejudice or interfere
2 18 with any lien or contract which may be made by such patient or
2 19 the patient's heirs or personal representatives with any
2 20 attorney or attorneys for handling the claim on behalf of such
2 21 patient, the patient's heirs, or personal representatives;
2 22 provided, further, that the lien ~~herein set forth~~ shall not be
2 23 applied or considered valid against ~~anyone coming under a~~
2 24 patient covered under the workers' compensation Act ~~in this~~
2 25 state pursuant to chapters 85, 85A, and 85B.

2 26 Sec. 3. Section 668.5, Code 2007, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 5. For purposes of this section,
2 29 "subrogation" includes a hospital lien filed pursuant to
2 30 chapter 582.

2 31 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 32 immediate importance, takes effect upon enactment.

2 33 EXPLANATION

2 34 This bill relates to the filing of a hospital lien and
2 35 provides that an association, corporation, county, municipal



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House Study Bill 123 continued

3 1 corporation, or other institution maintaining a hospital in
3 2 this state and eligible to file a lien under the provisions of
3 3 Code chapter 582, Iowa's hospital lien law, shall first take
3 4 reasonable steps to determine whether a patient is covered
3 5 under a health plan provided by a private or governmental
3 6 entity. If the patient is covered by such a health plan, all
3 7 treatment, care, and maintenance charges shall first be
3 8 submitted to the health plan prior to the filing of the notice
3 9 of lien.

3 10 The bill provides the amount of the lien shall be for the
3 11 reasonable and customary treatment, care, and maintenance
3 12 charges of the hospital not to exceed the amount of the
3 13 patient's responsibility for such charges pursuant to any
3 14 provider agreement between the hospital and the health plan.
3 15 If a patient care charge is not covered by the patient's
3 16 health plan due to third party liability, the amount of the
3 17 lien shall be limited to the amount the hospital would have
3 18 received if such charges were covered by the patient's health
3 19 plan.

3 20 The bill further provides that, in regard to the rights of
3 21 contribution between two or more persons liable on the same
3 22 claim pursuant to Code section 668.5, a subrogated claim
3 23 includes a hospital lien filed pursuant to Code chapter 582.

3 24 The bill defines "health plan" to mean an individual or
3 25 group plan that provides, or pays the costs of, medical care
3 26 as that term is defined in the federal Health Insurance
3 27 Portability and Accountability Act of 1996, Pub. L. No.
3 28 104=191 (HIPAA). The bill also defines "provider agreement"
3 29 to mean a contract, understanding, or arrangement made by an
3 30 association, corporation, county, municipal corporation, or
3 31 other institution maintaining a hospital in the state, with
3 32 any health plan or other entity for the provision or payment
3 33 of health care services.

3 34 The bill takes effect upon enactment.

3 35 LSB 1773HC 82



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House Study Bill 123 continued

4 1 rh:sc/es/88



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House Study Bill 124

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 AGRICULTURE BILL BY
 CHAIRPERSON MERTZ)

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

A BILL FOR

- 1 An Act relating to the handling of manure originating from
- 2 confinement feeding operations by providing for certification
- 3 requirements.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1398HC 82
- 6 da/gg/14

PAG LIN



Iowa General Assembly
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House Study Bill 123 continued

1 1 Section 1. Section 459.102, subsection 17, Code 2007, is
1 2 amended to read as follows:

1 3 17. "Confinement site manure applicator" means a person,
1 4 other than a commercial manure service or a commercial manure
1 5 service representative, who transports, handles, or applies
1 6 ~~manure on land if the manure~~ which originates from a manure
1 7 storage structure.

1 8 Sec. 2. Section 459.315, subsection 2, Code 2007, is
1 9 amended to read as follows:

1 10 2. a. A person required to be certified as a commercial
1 11 manure service representative must be certified by the
1 12 department each year. The certification expires on March 1 of
1 13 each year. The person shall be certified after completing an
1 14 educational program which shall consist of ~~an~~ any of the
1 15 following:

1 16 (1) An examination required to be passed by the person ~~or~~
~~1 17 three.~~

1 18 (2) At least two hours of continuing instructional courses
1 19 which the person must attend each year in lieu of passing the
~~1 20 examination.~~ However, the department may require that the
1 21 person attend up to sixty additional minutes of continuing
1 22 instructional courses each year.

1 23 b. A person required to be certified as a confinement site
1 24 manure applicator must be certified by the department ~~every~~
~~1 25 three years each year.~~ However, if the person is exempt from
~~1 26 paying the certification fee because a family member has paid~~
~~1 27 a certification fee as provided in section 459.400, the~~
~~1 28 person's certification shall expire on the same date that the~~
~~1 29 paid family member's certification expires.~~ A The
1 30 certification expires on March 1 of each year. The person
1 31 shall be certified after completing an educational program
1 32 which shall consist of ~~an~~ any of the following:

1 33 (1) An examination required to be passed by the person ~~or~~
~~1 34 two.~~

1 35 (2) At least two hours of continuing instructional courses



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House Study Bill 123 continued

2 1 which the person must attend each year ~~in lieu of passing the~~
~~2 2 examination.~~

2 3 Sec. 3. Section 459.315, subsection 5, paragraph a, Code
2 4 2007, is amended by striking the paragraph.

2 5 Sec. 4. Section 459.315, subsection 5, paragraph b,
2 6 subparagraph (2), subparagraph subdivision (b), Code 2007, is
2 7 amended to read as follows:

2 8 (b) In sight or ~~hearing~~ immediate communication distance
2 9 of the supervised person.

2 10 Sec. 5. Section 459.400, subsection 1, paragraph d,
2 11 subparagraph (2), subparagraph subdivision (a), Code 2007, is
2 12 amended to read as follows:

2 13 (a) ~~The person is certified within one year from the date~~
~~2 14 that a~~ A family member has been certified as a confinement
2 15 site manure applicator.

2 16 Sec. 6. CURRENT CERTIFICATIONS.

2 17 1. This Act shall not affect the duration of a three-year
2 18 certification issued by the department of natural resources to
2 19 a person as a confinement site manure applicator pursuant to
2 20 section 459.315 prior to the effective date of this Act, if
2 21 all of the following apply:

2 22 a. The certification is valid on the date immediately
2 23 prior to the effective date of this Act.

2 24 b. The person complies with the applicable requirements
2 25 provided in chapter 459, including section 459.315 as amended
2 26 by this Act.

2 27 2. The person's three-year certification shall remain
2 28 valid regardless of whether the person paid a certification
2 29 fee or was exempt from paying the certification fee as
2 30 provided in sections 459.315 and 459.400, as those sections
2 31 existed on the date immediately prior to the effective date of
2 32 this Act.

2 33 3. At the end of the duration of the person's
2 34 certification as a confinement site manure applicator as
2 35 provided in section 459.315 as that section existed on the



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House Study Bill 123 continued

3 1 date immediately prior to the effective date of this Act, the
3 2 person's certification shall expire and the person shall only
3 3 be certified as a confinement site manure applicator on an
3 4 annual basis as provided in section 459.315, as amended by
3 5 this Act.

3 6 4. The department may adopt rules as necessary to
3 7 implement this section.

3 8 EXPLANATION

3 9 BACKGROUND. This bill amends Code chapter 459 (the animal
3 10 agriculture compliance Act), relating to confinement feeding
3 11 operations regulated by the department of natural resources,
3 12 and specifically those parts of the Code chapter which provide
3 13 for the certification of persons involved in the handling of
3 14 manure, including commercial manure services and confinement
3 15 site manure applicators (see also Iowa Administrative Code
3 16 567=65.19).

3 17 A commercial manure service representative is a person
3 18 affiliated with a commercial manure service engaged in
3 19 transporting, handling, storing, or applying manure for a fee,
3 20 while a confinement site manure applicator is a person who
3 21 applies manure which originates from a confinement feeding
3 22 operation, but who is not affiliated with a commercial manure
3 23 service. Currently, a person is certified as a commercial
3 24 manure service representative or confinement site manure
3 25 applicator after completing an educational program that
3 26 consists of an examination or continuing instructional
3 27 courses.

3 28 COMMERCIAL MANURE SERVICE REPRESENTATIVES. Under current
3 29 law, a commercial manure service representative must be
3 30 certified by the department each year. The bill provides the
3 31 certification expires on March 1, which is consistent with
3 32 departmental rules. The bill reduces the number of hours of
3 33 continuing instructional courses required to be completed each
3 34 year in order for a person to be certified as a commercial
3 35 manure service representative. The bill reduces the number



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House Study Bill 123 continued

4 1 from three to two, but provides that the department may
4 2 require that persons attend up to 60 additional minutes of
4 3 such each year.
4 4 The bill also eliminates a number of provisions which
4 5 exclude certain persons from certification requirements,
4 6 including a person actively engaged in farming who trades work
4 7 with another such person, a person employed by a person
4 8 actively engaged in farming not solely as a manure applicator
4 9 who applies manure as an incidental part of the person's
4 10 general duties, a person engaged in applying manure as an
4 11 incidental part of a custom farming operation, or a person
4 12 engaged in applying manure as an incidental part of a person's
4 13 duties. The bill also eliminates an exclusion for a person
4 14 who transports, handles, stores, or applies manure for a
4 15 period of 30 days from the date of initial employment as a
4 16 commercial manure service representative if the person is
4 17 seeking certification and the person is acting under the
4 18 instructions and control of a certified commercial manure
4 19 service representative.
4 20 CONFINEMENT SITE MANURE APPLICATORS. The bill amends the
4 21 definition of confinement site manure applicator to include a
4 22 person who transports or handles manure. The bill changes the
4 23 duration of a certification from three years to one year, and
4 24 provides that the expiration date is March 1. The bill
4 25 provides that the new requirements do not affect the duration
4 26 of a three-year certification issued by the department prior
4 27 to the effective date of the bill. However, after the
4 28 person's three-year certification expires, the bill requires
4 29 that the person be certified on an annual basis.
4 30 Under current law, certain persons are not required to be
4 31 certified as confinement site manure applicators, including a
4 32 person who is a part-time employee or family member of an
4 33 applicator and is acting under the instructions and control of
4 34 a certified confinement site manure applicator who is
4 35 physically present at the site where the manure is located and



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House Study Bill 123 continued

5 1 is in sight or hearing distance of the supervised person. The
5 2 bill provides that the person being supervised must be within
5 3 the immediate communication distance of the supervisor in lieu
5 4 of hearing distance.
5 5 LSB 1398HC 82
5 6 da:nh/gg/14



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House Study Bill 125

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 AGRICULTURE BILL BY
 CHAIRPERSON MERTZ)

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

A BILL FOR

- 1 An Act relating to animal feeding operations, by providing for
- 2 the enforcement of regulatory provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1405HC 82
- 5 da/je/5



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House Study Bill 125 continued

PAG LIN

1 1 Section 1. Section 455B.175, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 If there is substantial evidence that any person has
1 4 violated or is violating any provision of this part of this
1 5 division or chapter 459, subchapter III, chapter 459A, or of
1 6 any rule or standard established or permit issued pursuant
1 7 thereto; then:

1 8 Sec. 2. Section 459.103, subsection 3, Code 2007, is
1 9 amended by striking the subsection.

1 10 Sec. 3. Section 459.601, Code 2007, is amended by adding
1 11 the following new subsection:

1 12 NEW SUBSECTION. 1A. a. The department and the attorney
1 13 general shall enforce the provisions of this chapter in the
1 14 same manner as provided in chapter 455B, division I.

1 15 b. The department and the attorney general may enforce the
1 16 provisions of subchapter III in the same manner as provided in
1 17 section 455B.175.

1 18 Sec. 4. Section 459.603, Code 2007, is amended to read as
1 19 follows:

1 20 459.603 WATER QUALITY VIOLATIONS == CIVIL PENALTY.

1 21 A person who violates subchapter III shall be subject to a
1 22 civil penalty which shall be established, assessed, and
1 23 collected in the same manner as provided in section 455B.109
1 24 or 455B.191. Any civil penalty collected shall be deposited
1 25 in the animal agriculture compliance fund created in section
1 26 459.401.

1 27 Sec. 5. Section 459A.501, Code 2007, is amended to read as
1 28 follows:

1 29 459A.501 GENERAL.

1 30 The department and the attorney general shall enforce the
1 31 provisions of this chapter in the same manner as provided in
1 32 chapter 455B, division I and section 455B.175, unless
1 33 otherwise provided in this chapter.

1 34 Sec. 6. DIRECTIONS TO CODE EDITOR. In the 2009 edition of
1 35 the Iowa Code, the Code editor may do all of the following:



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House Study Bill 125 continued

2 1 1. a. Title the heading for chapter 459, subchapter II,
2 2 as "air quality".
2 3 b. Title the heading for chapter 459, subchapter III, as
2 4 "water quality". In addition, the Code editor may divide
2 5 chapter 459, subchapter III, into lettered parts, as follows:
2 6 (1) Part "A" may include sections 459.301 and 459.302 and
2 7 be designated "general".
2 8 (2) Part "B" may include sections 459.303 through 459.310
2 9 and be designated "construction requirements". In addition,
2 10 the Code editor may divide the part into numbered subparts as
2 11 follows:
2 12 (a) Subpart 1 may include sections 459.303 through 459.305
2 13 and be designated "permits".
2 14 (b) Subpart 2 may include sections 459.306 through 459.310
2 15 and be designated "design and construction standards".
2 16 (3) Part "C" may include sections 459.311 through 459.316
2 17 and be designated "manure management". In addition, the Code
2 18 editor may divide the part into numbered subparts as follows:
2 19 (a) Subpart 1 may include sections 459.311 through 459.314
2 20 and be designated "handling".
2 21 (b) Subpart 2 may include sections 459.314A through
2 22 459.316 and be designated "licensure and certification".
2 23 (4) Part "D" may include section 459.318 and be designated
2 24 "exceptions".
2 25 2. Transfer and renumber section 459.317 as section
2 26 459.606 and correct internal references.

2 27 EXPLANATION

2 28 This bill relates to animal feeding operations regulated by
2 29 the department of natural resources, including primarily
2 30 confinement feeding operations under Code chapter 459 and open
2 31 feedlot operations under Code chapter 459A.
2 32 Code section 455B.175 authorizes the department to: (1)
2 33 issue an order (sometimes called a "stop order") against a
2 34 person to desist in a practice which violates state law or to
2 35 take corrective action which is necessary to ensure that a



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House Study Bill 125 continued

3 1 violation ceases, (2) issue an order necessary to terminate an
3 2 emergency without immediate notice and hearing, or (3) request
3 3 the attorney general to institute legal proceedings in
3 4 district court. The bill provides that the same provisions
3 5 that apply to confinement feeding operations apply to open
3 6 feedlot operations. It provides coordinating amendments in
3 7 Code chapters 459 and 459A.

3 8 The bill amends Code section 459.603, which currently
3 9 provides that a person who violates subchapter III relating to
3 10 water quality regulations is to be subject to a civil penalty
3 11 under Code section 455B.191 (referring to a court-ordered
3 12 civil penalty not to exceed \$5,000 for each day of a
3 13 violation). Currently, the Code provides that the department
3 14 may enforce Code chapter 459 in the same manner as provided in
3 15 Code chapter 455B, division I. Part of that division includes
3 16 Code section 455B.109 which authorizes the department to
3 17 establish and assess a range of administrative penalties (not
3 18 to exceed \$10,000 for each day of a violation). The bill
3 19 amends Code section 459.603 by referring to Code section
3 20 455B.109.

3 21 The bill provides for heading changes or additions within
3 22 Code chapter 459 and transfers and renumbers a provision
3 23 within the chapter in order to enhance readability.

3 24 LSB 1405HC 82

3 25 da:rj/je/5



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House Study Bill 126

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursement amounts paid by distributors to
- 2 dealers, redemption center operators, and dealer agents for
- 3 empty beverage containers.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1872HC 82
- 6 tm/je/5



Iowa General Assembly
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January 31, 2007

House Study Bill 126 continued

PAG LIN

1 1 Section 1. Section 455C.2, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. In addition to the refund value provided in subsection
1 4 1 of this section, a dealer, or person operating a redemption
1 5 center who redeems empty beverage containers or a dealer agent
1 6 shall be reimbursed by the distributor required to accept the
1 7 empty beverage containers an amount which is ~~one cent~~ two
1 8 cents per container. A dealer, dealer agent, or person
1 9 operating a redemption center may compact empty metal beverage
1 10 containers with the approval of the distributor required to
1 11 accept the containers.

1 12 EXPLANATION

1 13 This bill relates to reimbursement amounts paid by
1 14 distributors to dealers, redemption center operators, and
1 15 dealer agents for empty beverage containers.
1 16 Currently, a distributor pays a reimbursement amount of 1
1 17 cent per empty container to a dealer, a redemption center
1 18 operator, or a dealer agent for each empty beverage container
1 19 accepted by the distributor. The bill increases the
1 20 reimbursement amount to 2 cents per container.
1 21 LSB 1872HC 82
1 22 tm:rj/je/5



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
January 31, 2007

House Study Bill 127

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

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

A BILL FOR

1 An Act repealing the statute of repose periods in a product
2 liability case and in a case arising out of the unsafe or
3 defective condition of an improvement to real property and
4 including an applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1978HC 82
7 rh/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
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House Study Bill 127 continued

PAG LIN

1 1 Section 1. Section 614.1, subsections 2A and 11, Code
1 2 2007, are amended by striking the subsections.
1 3 Sec. 2. APPLICABILITY. This Act applies to all actions
1 4 filed on or after the effective date of this Act.

1 5 EXPLANATION

1 6 This bill repeals the statute of repose periods in a
1 7 product liability case and in a case arising out of the unsafe
1 8 or defective condition of an improvement to real property.

1 9 The bill eliminates the 15-year statute of repose period in
1 10 a products liability case based upon the death of a person or
1 11 injuries to the person or property brought against the
1 12 manufacturer, assembler, designer, supplier of specifications,
1 13 seller, lessor, or distributor of a product based upon an
1 14 alleged defect in the design, inspection, testing,
1 15 manufacturing, formulation, marketing, packaging, warning,
1 16 labeling of the product, or any other alleged defect or
1 17 failure of whatever nature or kind, based on theories of
1 18 strict liability in tort, negligence, or breach of an implied
1 19 warranty.

1 20 The bill also eliminates the 15-year statute of repose
1 21 period in a case arising out of the unsafe or defective
1 22 condition of an improvement to real property based upon an
1 23 injury to property or an injury or death of a person.

1 24 Under current law, the statute of limitations period for a
1 25 personal injury action is two years from the date of injury
1 26 (Code section 614.1, subsection 2). The statute of
1 27 limitations period for an injury to property is five years
1 28 from the date of injury (Code section 614.1, subsection 4). A
1 29 statute of repose period differs from a statute of limitations
1 30 period in that a statute of repose period establishes a time
1 31 period after which a lawsuit based upon a defective product or
1 32 negligence in an improvement to real property cannot be filed
1 33 regardless of whether an injury to a person or to property has
1 34 occurred. A statute of limitations period begins at the date
1 35 of the injury or upon discovery of the deficiency.



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House Study Bill 127 continued

2 1 The bill applies to all actions filed on or after the
2 2 effective date of the bill.
2 3 LSB 1978HC 82
2 4 rh:rj/gg/14



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House Study Bill 128

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON PETERSEN)

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

A BILL FOR

- 1 An Act increasing proof of financial responsibility and insurance
- 2 coverage requirements for damages resulting from certain
- 3 incidents and motor vehicle accidents.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1831YC 82
- 6 av/gg/14



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
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House Study Bill 128 continued

PAG LIN

1 1 Section 1. Section 123.92, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 Every liquor control licensee and class "B" beer permittee,
1 4 except a class "E" liquor control licensee, shall furnish
1 5 proof of financial responsibility by the existence of a
1 6 liability insurance policy in an amount determined by the
1 7 division but in any event the amount of insurance coverage
1 8 shall not be less than one hundred thousand dollars per person
1 9 and two hundred fifty thousand dollars per incident or
1 10 occurrence. In addition, the minimum amount of insurance
1 11 coverage required shall be adjusted by the division effective
1 12 January 1, 2013, and every five years thereafter to reflect
1 13 the percentage increase in the consumer price index that is
1 14 published annually in the federal register by the federal
1 15 department of labor, bureau of labor statistics, for the
1 16 five-year period ending June 30 of the year that the
1 17 adjustment is to be made. The amount of the adjustment shall
1 18 be rounded to the nearest five thousand dollars of coverage
1 19 and shall be published by the division no later than July 1 of
1 20 the year preceding the January 1 when the adjusted amount
1 21 becomes effective.
1 22 Sec. 2. Section 321A.1, subsection 11, Code 2007, is
1 23 amended to read as follows:
1 24 11. PROOF OF FINANCIAL RESPONSIBILITY. Proof of ability
1 25 to respond in damages for liability, on account of accidents
1 26 occurring subsequent to the effective date of the proof,
1 27 arising out of the ownership, maintenance, or use of a motor
1 28 vehicle, in amounts as follows: With respect to accidents
1 29 occurring on or after ~~January 1, 1981, and prior to January 1,~~
~~1 30 1983, the amount of fifteen thousand dollars because of bodily~~
~~1 31 injury to or death of one person in any one accident, and,~~
~~1 32 subject to the limit for one person, the amount of thirty~~
~~1 33 thousand dollars because of bodily injury to or death of two~~
~~1 34 or more persons in any one accident, and the amount of ten~~
~~1 35 thousand dollars because of injury to or destruction of~~



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
January 31, 2007

~~House Study Bill 128 continued~~

~~2 1 property of others in any one accident; and with respect to~~
~~2 2 accidents occurring on or after January 1, 1983, and prior to~~
~~2 3 January 1, 2008, the amount of twenty thousand dollars because~~
~~2 4 of bodily injury to or death of one person in any one~~
~~2 5 accident, and, subject to the limit for one person, the amount~~
~~2 6 of forty thousand dollars because of bodily injury to or death~~
~~2 7 of two or more persons in any one accident, and the amount of~~
~~2 8 fifteen thousand dollars because of injury to or destruction~~
~~2 9 of property of others in any one accident. With respect to~~
~~2 10 all accidents which occur on or after January 1, 2008, the~~
~~2 11 amount of forty thousand dollars because of bodily injury to~~
~~2 12 or death of one person in any one accident and, subject to the~~
~~2 13 limit for one person, eighty thousand dollars because of~~
~~2 14 bodily injury to or death of two or more persons in any one~~
~~2 15 accident, and forty thousand dollars because of injury to or~~
~~2 16 destruction of property of others in any one accident. In~~
~~2 17 addition, the minimum amount of insurance coverage required~~
~~2 18 shall be adjusted by the insurance division of the department~~
~~2 19 of commerce effective January 1, 2013, and every five years~~
~~2 20 thereafter to reflect the percentage increase in the consumer~~
~~2 21 price index that is published annually in the federal register~~
~~2 22 by the federal department of labor, bureau of labor~~
~~2 23 statistics, for the five-year period ending June 30 of the~~
~~2 24 year that the adjustment is to be made. The amount of the~~
~~2 25 adjustment shall be rounded to the nearest five thousand~~
~~2 26 dollars of coverage, with the minimum amount of coverage for~~
~~2 27 one accident being at least twice the minimum amount for one~~
~~2 28 person, and shall be published by the commissioner of~~
~~2 29 insurance no later than July 1 of the year preceding the~~
~~2 30 January 1 when the adjusted amount becomes effective.~~
2 31 Sec. 3. Section 321A.15, subsection 1, paragraph b,
2 32 unnumbered paragraph 1, Code 2007, is amended to read as
2 33 follows:
2 34 Judgments referred to in this chapter and rendered upon
2 35 claims arising from accidents occurring on or after January 1,



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House Study Bill 128 continued

3 1 1983, and prior to January 1, 2008, shall, for the purpose of
3 2 this chapter only, be deemed satisfied when the following
3 3 occur:

3 4 Sec. 4. Section 321A.15, subsection 1, Code 2007, is
3 5 amended by adding the following new paragraph:

3 6 NEW PARAGRAPH. c. Judgments referred to in this chapter
3 7 and rendered upon claims arising from accidents occurring on
3 8 or after January 1, 2008, shall, for the purpose of this
3 9 chapter only, be deemed satisfied when the following occur:

3 10 (1) When forty thousand dollars has been credited upon any
3 11 judgment or judgments rendered in excess of that amount
3 12 because of bodily injury to or death of one person as the
3 13 result of any one accident.

3 14 (2) When, subject to the limit of forty thousand dollars
3 15 because of bodily injury to or death of one person, the sum of
3 16 eighty thousand dollars has been credited upon any judgment or
3 17 judgments rendered in excess of that amount because of bodily
3 18 injury to or death of two or more persons as the result of any
3 19 one accident.

3 20 (3) When forty thousand dollars has been credited upon any
3 21 judgment or judgments rendered in excess of that amount
3 22 because of injury to or destruction of property of others as a
3 23 result of any one accident.

3 24 Sec. 5. Section 321A.21, subsection 2, paragraph b, Code
3 25 2007, is amended to read as follows:

3 26 b. Shall insure the person named in the policy and any
3 27 other person, as insured, using the motor vehicles with the
3 28 express or implied permission of the named insured, against
3 29 loss from the liability imposed by law for damages arising out
3 30 of the ownership, maintenance, or use of the motor vehicles
3 31 within the United States of America or the Dominion of Canada,
3 32 subject to limits exclusive of interest and costs, with
3 33 respect to each such motor vehicle, as follows: With respect
3 34 to all accidents which occur on or after ~~January 1, 1981, and~~
~~3 35 before January 1, 1983, fifteen thousand dollars because of~~



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~~House Study Bill 128 continued~~

~~4 1 bodily injury to or death of one person in any one accident~~
~~4 2 and, subject to said limit for one person, thirty thousand~~
~~4 3 dollars because of bodily injury to or death of two or more~~
~~4 4 persons in any one accident, and ten thousand dollars because~~
~~4 5 of injury to or destruction of property of others in any one~~
~~4 6 accident; and with respect to all accidents which occur on or~~
~~4 7 after January 1, 1983, and prior to January 1, 2008, twenty~~
~~4 8 thousand dollars because of bodily injury to or death of one~~
~~4 9 person in any one accident and, subject to said limit for one~~
~~4 10 person, forty thousand dollars because of bodily injury to or~~
~~4 11 death of two or more persons in any one accident, and fifteen~~
~~4 12 thousand dollars because of injury to or destruction of~~
~~4 13 property of others in any one accident and with respect to all~~
~~4 14 accidents which occur on or after January 1, 2008, forty~~
~~4 15 thousand dollars because of bodily injury to or death of one~~
~~4 16 person in any one accident and, subject to said limit for one~~
~~4 17 person, eighty thousand dollars because of bodily injury to or~~
~~4 18 death of two or more persons in any one accident, and forty~~
~~4 19 thousand dollars because of injury to or destruction of~~
~~4 20 property of others in any one accident. In addition, the~~
~~4 21 minimum amount of insurance coverage required shall be~~
~~4 22 adjusted by the insurance division of the department of~~
~~4 23 commerce effective January 1, 2013, and every five years~~
~~4 24 thereafter to reflect the percentage increase in the consumer~~
~~4 25 price index that is published annually in the federal register~~
~~4 26 by the federal department of labor, bureau of labor~~
~~4 27 statistics, for the five-year period ending June 30 of the~~
~~4 28 year that the adjustment is to be made. The amount of the~~
~~4 29 adjustment shall be rounded to the nearest five thousand~~
~~4 30 dollars of coverage with the minimum amount of coverage for~~
~~4 31 one accident being at least twice the minimum amount for one~~
~~4 32 person and shall be published by the commissioner of insurance~~
~~4 33 no later than July 1 of the year preceding the January 1 when~~
~~4 34 the adjusted amount becomes effective.~~
4 35 Sec. 6. Section 321A.25, subsection 1, Code 2007, is



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House Study Bill 128 continued

5 1 amended to read as follows:

5 2 1. Proof of financial responsibility may be evidenced by
5 3 the statement of the treasurer of state that the person named
5 4 in the statement has filed with the treasurer of state
5 5 ~~fifty-five thousand dollars~~ the amount specified in section
5 6 321A.1, subsection 11, in the form of an endorsed certificate
5 7 of deposit made payable jointly to the person and the
5 8 treasurer of state. The certificate of deposit shall be
5 9 obtained from an Iowa financial institution in the amount of
~~5 10 fifty-five thousand dollars specified in section 321A.1,~~
5 11 subsection 11, plus any early withdrawal penalty fee. The
5 12 treasurer of state shall promptly notify the director of
5 13 transportation of the name and address of the person to whom
5 14 the statement has been issued. Upon receipt of the
5 15 notification, the director of transportation shall issue to
5 16 the person a security insurance card for each motor vehicle
5 17 registered in this state by the person. The security
5 18 insurance card shall state the name and address of the person
5 19 and the registration number of the motor vehicle for which the
5 20 card is issued. The treasurer of state shall not accept a
5 21 certificate of deposit and issue a statement for it and the
5 22 department shall not accept the statement unless accompanied
5 23 by evidence that there are no unsatisfied judgments of any
5 24 character against the person in the county where the person
5 25 resides.

5 26

EXPLANATION

5 27 This bill increases proof of responsibility and insurance
5 28 coverage requirements for damages resulting from certain
5 29 incidents and motor vehicle accidents.

5 30 Code section 123.92 is amended to increase the amount of
5 31 insurance coverage that is required to satisfy the proof of
5 32 financial responsibility requirements of certain liquor
5 33 control licensees and class "B" beer permittees under the
5 34 state's dramshop Act. The bill provides that the amount of
5 35 coverage required shall not be less \$100,000 per person and



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House Study Bill 128 continued

6 1 \$250,000 per incident or occurrence. Currently, the amount of
6 2 coverage required is determined by the alcoholic beverages
6 3 division of the department of commerce by rule in 185 IAC
6 4 5.8(2) and is \$50,000 for bodily injury to or death of one
6 5 person, \$100,000 for bodily injury to or death of two or more
6 6 persons, \$25,000 for loss of means of support of one person,
6 7 and \$50,000 for loss of means of support of two or more
6 8 persons. The bill further requires the amount of coverage to
6 9 be adjusted by the division on January 1, 2013, and every five
6 10 years thereafter to reflect the percentage increase in the
6 11 consumer price index as specified in the bill.

6 12 Code section 321A.1 is amended to increase the amount of
6 13 insurance coverage that is required to satisfy the proof of
6 14 financial responsibility requirements for motor vehicle
6 15 ownership, maintenance, and use. The bill provides that with
6 16 respect to motor vehicle accidents that occur on or after
6 17 January 1, 2008, the amount of coverage required shall not be
6 18 less than \$40,000 for bodily injury to or death of one person,
6 19 \$80,000 for bodily injury to or death of two or more persons,
6 20 and \$40,000 because of injury to or destruction of property of
6 21 others. The bill further requires the insurance division of
6 22 the department of commerce to adjust the amounts of the
6 23 required coverage on January 1, 2013, and every five years
6 24 thereafter to reflect the percentage increase in the consumer
6 25 price index as specified in the bill. Conforming amendments
6 26 are made in Code sections 321A.15 and 321A.25 to reflect these
6 27 changes.

6 28 Code section 321A.21 is amended to increase the amount of
6 29 insurance coverage that is required to be included in a motor
6 30 vehicle liability policy issued in this state to correspond
6 31 with the changes made in Code section 321A.1 concerning proof
6 32 of financial responsibility. The bill also requires the
6 33 insurance division to adjust the amounts of the required
6 34 coverage in such policies on January 1, 2013, and every five
6 35 years thereafter in the same manner.



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House Study Bill 128 continued

7 1 The effect of the amendments to Code section 321A.1 is to
7 2 increase the minimum amount of coverage that must be offered
7 3 in a motor vehicle liability policy for injury or damage
7 4 resulting from an uninsured or underinsured motor vehicle
7 5 under Code section 516A.2, as provided in Code section 321A.1.
7 6 LSB 1831YC 82
7 7 av:nh/gg/14



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House Study Bill 129

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

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

A BILL FOR

- 1 An Act requiring that certain liability insurance policy
- 2 information be given to claimants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1832YC 82
- 5 av/gg/14



Iowa General Assembly
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House Study Bill 129 continued

PAG LIN

1 1 Section 1. NEW SECTION. 515.112 POLICY INFORMATION ==
1 2 DUTY TO PROVIDE.
1 3 1. Upon the written request of a claimant or a claimant's
1 4 representative, an insurer that is providing or may provide
1 5 liability insurance coverage of the claimant's claim or a
1 6 portion of that claim under a policy of insurance, shall,
1 7 within thirty days, provide a written statement, made under
1 8 oath, by a corporate officer, claims manager, or other
1 9 supervisory employee of the insurer. The statement shall
1 10 include the following information with respect to each policy
1 11 of insurance issued by that insurer, including excess or
1 12 umbrella insurance, under which such coverage is being or may
1 13 be provided:
1 14 a. The name of the insurer.
1 15 b. The name of each insured under the policy.
1 16 c. The limits of the liability coverage under the policy.
1 17 d. A statement of any policy or coverage defense which the
1 18 insurer asserts is available to the insurer at the time the
1 19 statement is prepared.
1 20 e. A copy of the policy.
1 21 2. Upon the written request of a claimant or a claimant's
1 22 representative, an insured or the insurance agent of an
1 23 insured against whom a claim for liability is being made or
1 24 may be made, shall disclose the name of the insurer and the
1 25 nature of the insurance coverage to the claimant or the
1 26 claimant's representative. The insured or the insurance agent
1 27 of the insured shall also notify all insurers providing
1 28 coverage for the insured of the request for information and
1 29 each insurer so notified shall supply the information required
1 30 under subsection 1 to the claimant or the claimant's
1 31 representative within thirty days of receipt of such notice.
1 32 3. Information provided to a claimant or a claimant's
1 33 representative pursuant to this section shall be amended
1 34 immediately upon the discovery that the information provided
1 35 is incorrect.



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House Study Bill 129 continued

2 1 EXPLANATION
2 2 This bill requires insurers, and insureds and their
2 3 insurance agents, to provide certain information about
2 4 insurance policies that are providing or may provide liability
2 5 insurance coverage to a claimant, upon the request of the
2 6 claimant or the claimant's representative, and to update the
2 7 information provided when it is not correct.
2 8 LSB 1832YC 82
2 9 av:nh/gg/14



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House Study Bill 130

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON PETERSEN)

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

A BILL FOR

- 1 An Act relating to the disapproval of rate filings of certain
- 2 casualty insurers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1833YC 82
- 5 av/gg/14



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House Study Bill 130 continued

PAG LIN

1 1 Section 1. Section 515F.6, subsections 2 and 3, Code 2007,
1 2 are amended to read as follows:
1 3 2. If, at any time after a rate has been approved, the
1 4 commissioner finds that the rate no longer meets the
1 5 requirements of this chapter, the commissioner ~~may~~ shall order
1 6 the discontinuance of use of the rate and shall order a refund
1 7 of the rate, to the extent the commissioner has found the rate
1 8 excessive, to any person who has paid the rate. ~~The An~~ order
1 9 of discontinuance or refund may be issued only after a hearing
1 10 with at least ten days' prior notice for all insurers affected
1 11 by the order. The order must be in writing and state the
1 12 grounds for the order. ~~The An~~ order of discontinuance shall
1 13 state when, within a reasonable period after the order is
1 14 issued, the order of discontinuance shall be effective. ~~The~~
~~1 15 order shall not affect a contract or policy made or issued~~
~~1 16 prior to the expiration of the period set forth in the order.~~
1 17 An order of refund shall state the period for which the
1 18 commissioner has found the rate to be excessive, the
1 19 methodology by which the refund shall be calculated, and the
1 20 date by which the refund shall be paid to any person who has
1 21 paid the rate.
1 22 3. An insured ~~which~~ who is aggrieved with respect to a
1 23 filing which is in effect may make written application to the
1 24 commissioner for a hearing on that filing. The application
1 25 shall specify the grounds to be relied upon by the applicant.
1 26 If the commissioner finds that the application is made in good
1 27 faith, that the applicant would be so aggrieved if the
1 28 applicant's grounds are established, and that the grounds
1 29 otherwise justify holding a hearing, a hearing shall be held
1 30 within thirty days after receipt of the application, upon not
1 31 less than ten days' written notice to the applicant and to
1 32 every insurer and advisory organization which made that
1 33 filing. In connection with the hearing the applicant shall
1 34 have the right to serve requests for information upon any
1 35 party to the hearing, to call witnesses, to offer evidence



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House Study Bill 130 continued

2 1 including rebuttal evidence, to cross-examine any witness that
2 2 another party or the commissioner calls, and to present
2 3 argument and summation.

2 4 If, after hearing, the commissioner finds that the filing
2 5 does not meet the requirements of this chapter, the
2 6 commissioner shall issue an order specifying in what respects
2 7 the filing fails to meet the requirements of this chapter, and
2 8 stating when, within a reasonable period after the order is
2 9 issued, the filing shall no longer be in effect. If, after
2 10 hearing, the commissioner finds that the rate is excessive,
2 11 the commissioner shall issue an order stating the period for
2 12 which the commissioner has found the rate to be excessive, the
2 13 methodology by which the refund shall be calculated, and the
2 14 date by which the refund shall be paid to any person who has
2 15 paid the rate. Copies of the order shall be sent to the
2 16 applicant and to every insurer and advisory organization which
2 17 made that filing. The order shall not affect a contract or
~~2 18 policy made or issued prior to the expiration of the period~~
~~2 19 set forth in the order.~~

2 20 EXPLANATION

2 21 This bill relates to the disapproval of rate filings of
2 22 certain casualty insurers by the commissioner of insurance.

2 23 The bill amends Code section 515F.6 to require the
2 24 commissioner to order the discontinuance of use of a rate when
2 25 the commissioner finds that the rate no longer meets the
2 26 requirements of Code chapter 515 and to order a refund of the
2 27 rate, to the extent that it is excessive, to any person who
2 28 has paid the rate. The bill specifies the content for orders
2 29 of discontinuance and refund.

2 30 The bill also specifies what rights an aggrieved insured
2 31 has in connection with a hearing requested by the insured on a
2 32 rate filing and specifies the content for orders of
2 33 discontinuance and refund made by the commissioner upon
2 34 finding that a rate is excessive.

2 35 LSB 1833YC 82



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House Study Bill 130 continued

3 1 av:nh/gg/14



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House Study Bill 131

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON PETERSEN)

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

A BILL FOR

- 1 An Act relating to prohibited business practices by a real estate
- 2 broker or salesperson.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2156HC 82
- 5 rn/je/5

PAG LIN



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House Study Bill 130 continued

1 1 Section 1. Section 543B.60A, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. An Iowa licensee is prohibited from
1 4 participating in any marketing plan or arrangement prohibited
1 5 by this section with a person who is licensed or otherwise
1 6 authorized to engage in the real estate business in another
1 7 state or foreign country.

1 8 EXPLANATION
1 9 Code section 543B.60A currently enumerates certain business
1 10 practices which may not be conducted by persons licensed in
1 11 Iowa as a real estate broker or salesperson. This bill
1 12 expands that section to prohibit an Iowa licensee from
1 13 participating with a person licensed in another jurisdiction
1 14 in a marketing plan or arrangement which is unlawful in Iowa.
1 15 LSB 2156HC 82
1 16 rn:nh/je/5



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Senate Amendment 3020

PAG LIN

1 1 Amend Senate File 25 as follows:

1 2 #1. Page 1, line 29, by inserting after the word

1 3 <forwarded.> the following: <However, the amount of

1 4 victim restitution collected and forwarded pursuant to

1 5 this paragraph shall not be of such an amount that

1 6 would prevent the debtor's payment of income taxes due

1 7 or to become due on the payment.>

1 8

1 9

1 10

1 11 HERMAN C. QUIRMBACH

1 12

1 13

1 14 KEITH A. KREIMAN

1 15 SF 25.201 82

1 16 jm/es/0942

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Senate File 76

SENATE FILE
 BY BLACK

(COMPANION TO HF 129 BY LUKAN)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act to require proof of financial liability coverage upon
- 2 registration of a motor vehicle and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1767SS 82
- 5 dea/gg/14



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Senate File 76 continued

PAG LIN

1 1 Section 1. Section 321.20, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. If the vehicle is a motor vehicle, the
1 4 owner shall certify on the application that financial
1 5 liability coverage is in effect for the motor vehicle and
1 6 provide a description of the financial liability coverage as
1 7 noted on the proof of financial liability coverage card issued
1 8 for the motor vehicle. The owner shall notify the county
1 9 treasurer when the insurance carrier or other source of the
1 10 financial liability coverage changes within thirty days of
1 11 obtaining the new coverage. The application provided by the
1 12 department shall include a statement for the applicant to sign
1 13 that acknowledges the applicant's knowledge of the requirement
1 14 to notify the county treasurer of a financial liability
1 15 coverage change. A person who falsely certifies as to
1 16 financial liability coverage required under this section or
1 17 section 321.40 commits a simple misdemeanor. A person who
1 18 fails to notify the county treasurer of a change in financial
1 19 liability coverage as required pursuant to this paragraph
1 20 commits a simple misdemeanor if the person's motor vehicle is
1 21 operated on the highway after the thirty-day notification
1 22 period has lapsed.

1 23 Sec. 2. Section 321.30, Code 2007, is amended by adding
1 24 the following new subsection:

1 25 NEW SUBSECTION. 17. The department or the county
1 26 treasurer shall refuse registration of a motor vehicle if the
1 27 owner does not provide satisfactory certification that
1 28 financial liability coverage is in effect for the motor
1 29 vehicle.

1 30 Sec. 3. Section 321.40, Code 2007, is amended by adding
1 31 the following new unnumbered paragraph:

1 32 NEW UNNUMBERED PARAGRAPH. A form for certification of
1 33 financial liability coverage shall accompany each renewal
1 34 statement sent to the owner of a motor vehicle under this
1 35 section. The county treasurer shall refuse to renew the



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Senate File 76 continued

2 1 registration of a motor vehicle if the applicant does not
2 2 submit certification of financial liability coverage in effect
2 3 for the motor vehicle.

2 4 EXPLANATION

2 5 This bill requires the owner of a motor vehicle to certify
2 6 that financial liability coverage is in effect for the vehicle
2 7 at the time the vehicle is registered and each time the
2 8 registration is renewed. If the insurance carrier or other
2 9 source of the financial liability coverage changes, the owner
2 10 of the motor vehicle has 30 days in which to notify the county
2 11 treasurer of the change in coverage. The owner of the motor
2 12 vehicle can be charged with a simple misdemeanor if the owner
2 13 fails to provide timely notification of a change in coverage
2 14 and the motor vehicle is operated on a highway. In addition,
2 15 a person who falsely certifies as to financial liability
2 16 coverage required for registration or renewal commits a simple
2 17 misdemeanor. A simple misdemeanor is punishable by
2 18 confinement for no more than 30 days or a fine of at least \$65
2 19 but not more than \$625 or by both.

2 20 LSB 1767SS 82

2 21 dea:nh/gg/14



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Senate File 77

SENATE FILE
BY BLACK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a department of environmental protection.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2169SS 82
- 4 av/je/5



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PAG LIN

1 1 Section 1. Section 7A.3, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 10A. Director of department of
1 4 environmental protection.
1 5 Sec. 2. Section 7E.5, subsection 1, paragraph q, Code
1 6 2007, is amended to read as follows:
1 7 q. The department of natural resources, created in section
1 8 455A.2, which has primary responsibility for state parks and
1 9 forests, ~~protecting the environment,~~ and managing ~~energy,~~
1 10 fish, wildlife, and land and water resources.
1 11 Sec. 3. Section 7E.5, subsection 1, Code 2007, is amended
1 12 by adding the following new paragraph:
1 13 NEW PARAGRAPH. w. The department of environmental
1 14 protection, created in section 455.2, which has primary
1 15 responsibility for protecting the environment and managing
1 16 energy resources.
1 17 Sec. 4. Section 11.5B, Code 2007, is amended by adding the
1 18 following new subsection:
1 19 NEW SUBSECTION. 15. Department of environmental
1 20 protection.
1 21 Sec. 5. Section 28D.3, subsection 4, Code 2007, is amended
1 22 to read as follows:
1 23 4. Persons employed by the department of natural resources
1 24 or the department of environmental protection under this
1 25 chapter are not subject to the twenty=four=month time
1 26 limitation specified in subsection 2.
1 27 Sec. 6. Section 68B.2, subsection 23, Code 2007, is
1 28 amended to read as follows:
1 29 23. "Regulatory agency" means the department of
1 30 agriculture and land stewardship, department of workforce
1 31 development, department of commerce, Iowa department of public
1 32 health, department of public safety, department of education,
1 33 state board of regents, department of human services,
1 34 department of revenue, department of inspections and appeals,
1 35 department of administrative services, public employment



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2 1 relations board, state department of transportation, civil
2 2 rights commission, department of public defense, Iowa ethics
2 3 and campaign disclosure board, department of environmental
2 4 protection, and department of natural resources.

2 5 Sec. 7. Section 225B.4, subsection 1, Code 2007, is
2 6 amended by adding the following new paragraph:

2 7 NEW PARAGRAPH. k. The director of the department of
2 8 environmental protection, or the director's designee.

2 9 Sec. 8. Section 307.21, subsection 4, paragraph a, Code
2 10 2007, is amended to read as follows:

2 11 a. Provide centralized purchasing services for the
2 12 department, in cooperation with the department of
2 13 administrative services. The administrator shall, when the
2 14 price is reasonably competitive and the quality as intended,
2 15 purchase soybean-based inks and plastic products with recycled
2 16 content, including but not limited to plastic garbage can
2 17 liners, and shall purchase these items in accordance with the
2 18 schedule established in section 8A.315. However, the
2 19 administrator need not purchase garbage can liners in
2 20 accordance with the schedule if the liners are utilized by a
2 21 facility approved by the environmental protection commission
2 22 created under section ~~455A.6~~ 455.5, for purposes of recycling.
2 23 For purposes of this subsection, "recycled content" means that
2 24 the content of the product contains a minimum of thirty
2 25 percent postconsumer material.

2 26 Sec. 9. Section 427.1, subsection 19, unnumbered
2 27 paragraphs 5, 7, and 9, Code 2007, are amended to read as
2 28 follows:

2 29 The application for a specific pollution-control or
2 30 recycling property shall be accompanied by a certificate of
2 31 the department of ~~natural resources~~ environmental protection
2 32 certifying that the primary use of the pollution-control
2 33 property is to control or abate pollution of any air or water
2 34 of this state or to enhance the quality of any air or water of
2 35 this state or, if the property is recycling property, that the



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3 1 primary use of the property is for recycling.
3 2 The environmental protection commission of the department
3 3 of ~~natural resources~~ environmental protection shall adopt
3 4 rules relating to certification under this subsection and
3 5 information to be submitted for evaluating pollution-control
3 6 or recycling property for which a certificate is requested.
3 7 The department of revenue shall adopt any rules necessary to
3 8 implement this subsection, including rules on identification
3 9 and valuation of pollution-control or recycling property. All
3 10 rules adopted shall be subject to the provisions of chapter
3 11 17A.
3 12 For the purposes of this subsection, "pollution" means air
3 13 pollution as defined in section 455B.131 or water pollution as
3 14 defined in section 455B.171. "Water of the state" means the
3 15 water of the state as defined in section 455B.171. "Enhance
3 16 the quality" means to diminish the level of pollutants below
3 17 the air or water quality standards established by the
3 18 environmental protection commission of the department of
3 19 ~~natural resources~~ environmental protection.
3 20 Sec. 10. NEW SECTION. 455.1 DEFINITIONS.
3 21 As used in this chapter, unless the context otherwise
3 22 requires:
3 23 1. "Commission" means the environmental protection
3 24 commission created under section 455.5.
3 25 2. "Department" means the department of environmental
3 26 protection created under section 455.2.
3 27 3. "Director" means the director of the department of
3 28 environmental protection.
3 29 Sec. 11. NEW SECTION. 455.2 DEPARTMENT OF ENVIRONMENTAL
3 30 PROTECTION.
3 31 A department of environmental protection is created, which
3 32 has the primary responsibility for protecting the environment
3 33 and managing energy resources in this state.
3 34 Sec. 12. NEW SECTION. 455.3 DIRECTOR == QUALIFICATIONS.
3 35 The chief administrative officer of the department is the



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4 1 director who shall be appointed by the governor, subject to
4 2 confirmation by the senate, and serve at the governor's
4 3 pleasure. The governor shall make the appointment based on
4 4 the appointee's training, experience, and capabilities. The
4 5 director shall be knowledgeable in the general field of
4 6 environmental protection. The salary of the director shall be
4 7 fixed by the governor within salary guidelines or a range
4 8 established by the general assembly.

4 9 Sec. 13. NEW SECTION. 455.4 GENERAL POWERS AND DUTIES OF
4 10 THE DIRECTOR.

4 11 1. Except as otherwise provided by law and subject to
4 12 rules adopted by the commission, the director shall:

4 13 a. Plan, direct, coordinate, and execute the functions
4 14 vested in the department.

4 15 b. Provide overall supervision, direction, and
4 16 coordination of functions to be administered by the
4 17 administrators under chapters 455B, 455C, 455D, 455E, 455F,
4 18 455G, 455H, 455I, 455K, 457B, 458A, 459, 459A, 460, 466, 470,
4 19 and 473.

4 20 c. Annually compile a comprehensive program budget which
4 21 reflects all fiscal matters related to the operation of the
4 22 department and each program, subprogram, and activity in the
4 23 department in accordance with section 8.23.

4 24 d. Submit a biennial or an annual report to the governor
4 25 and the general assembly, in accordance with chapter 7A.

4 26 e. Employ personnel as necessary to carry out the
4 27 functions vested in the department consistent with chapter 8A,
4 28 subchapter IV, unless the positions are exempt from that
4 29 subchapter.

4 30 f. Devote full time to the duties of the director's
4 31 office.

4 32 g. Not be a candidate for nor hold any other public office
4 33 or trust, nor be a member of a political committee.

4 34 h. Maintain an office at the state capitol complex, which
4 35 is open at all reasonable times for the conduct of public



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5 1 business.

5 2 i. Adopt rules in accordance with chapter 17A as necessary
5 3 or desirable for the organization or reorganization of the
5 4 department.

5 5 2. All powers and duties vested in the director may be
5 6 delegated by the director to an employee of the department,
5 7 but the director retains the responsibility for an employee's
5 8 acts within the scope of the delegation.

5 9 3. The director and other officers and employees of the
5 10 department are entitled to receive, in addition to salary,
5 11 their actual and necessary travel and related expenses
5 12 incurred in the performance of official business.

5 13 4. The director shall obtain an adequate public employees
5 14 fidelity bond to cover those officers and employees of the
5 15 department accountable for property or funds of this state.

5 16 5. The department may accept payment of any fees,
5 17 interest, penalties, subscriptions, or other payments due or
5 18 collected by the department, or any portion of such payments,
5 19 by credit card. The department may adjust the amount of the
5 20 payment to reflect the costs of processing the payment as
5 21 determined by the treasurer of state and the payment by credit
5 22 card shall include, in addition to all other charges, any
5 23 discount charged by the credit card issuer.

5 24 Sec. 14. NEW SECTION. 455.5 ENVIRONMENTAL PROTECTION
5 25 COMMISSION == APPOINTMENT AND DUTIES.

5 26 1. An environmental protection commission is created,
5 27 which consists of nine members appointed by the governor for
5 28 staggered terms of four years beginning and ending as provided
5 29 in section 69.19. Commission appointees are subject to senate
5 30 confirmation. The members shall be electors of the state and
5 31 have knowledge in the area of environmental protection
5 32 including the subjects embraced in chapters 455B and 459. The
5 33 appointments shall be based upon the training, experience, and
5 34 capacity of the appointees, and not based upon political
5 35 considerations, other than as provided in section 69.16. The



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6 1 membership of the commission shall be as follows:

6 2 a. Three members actively engaged in livestock and grain
6 3 farming.

6 4 b. A member actively engaged in the business of finance or
6 5 commerce.

6 6 c. A member actively engaged in the management of a
6 7 manufacturing company.

6 8 d. Four members who are electors of the state.

6 9 2. A vacancy on the commission shall be filled for the
6 10 unexpired term in the same manner as the original appointment
6 11 was made.

6 12 3. The members of the commission shall be reimbursed for
6 13 actual and necessary travel and related expenses incurred in
6 14 the discharge of official duties. Each member of the
6 15 commission may also be eligible to receive compensation as
6 16 provided in section 7E.6.

6 17 4. The commission shall hold an organizational meeting
6 18 within thirty days of the beginning of a new regular term for
6 19 one or more of its members. The commission shall organize by
6 20 electing a chairperson, vice chairperson, secretary, and any
6 21 other officers deemed necessary or desirable. The commission
6 22 shall meet at least quarterly throughout the year.

6 23 5. A majority of the members of the commission is a
6 24 quorum, and a majority of a quorum may act in any matter
6 25 within the jurisdiction of the commission, unless a more
6 26 restrictive rule is adopted by the commission.

6 27 6. Except as otherwise provided by law, the commission
6 28 shall:

6 29 a. Establish policy for the department and adopt rules,
6 30 pursuant to chapter 17A, necessary to provide for the
6 31 effective administration of chapters 455B, 455C, and 459.

6 32 b. Hear appeals in contested cases pursuant to chapter 17A
6 33 on matters relating to actions taken by the director under
6 34 chapter 455C, 458A, 464B, or 473.

6 35 c. Approve or disapprove the issuance of hazardous waste



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7 1 disposal site licenses under chapter 455B.
7 2 d. Approve the budget request prepared by the director for
7 3 the programs authorized by chapters 455B, 455C, 455E, 455F,
7 4 455H, and 459. The commission shall approve the budget
7 5 request prepared by the director for programs subject to the
7 6 rulemaking authority of the commission. The commission may
7 7 increase, decrease, or strike any item within the department
7 8 budget request for the specified programs before granting
7 9 approval.

7 10 Sec. 15. NEW SECTION. 455.6 CREATION OF DIVISIONS,
7 11 BUREAUS, AND OTHER ADMINISTRATIVE ENTITIES == DEPUTY DIRECTOR
7 12 == ADMINISTRATORS.

7 13 1. The director may establish administrative divisions,
7 14 bureaus, or other administrative entities within the
7 15 department in order to most efficiently and effectively carry
7 16 out the department's responsibilities. The creation or
7 17 modification of departmental divisions, bureaus, or other
7 18 administrative entities shall be implemented only after
7 19 consultation with the environmental protection commission.

7 20 2. The director shall appoint a deputy director who shall
7 21 be in charge of the department in the absence of the director.
7 22 The appointment shall be based on the appointee's training,
7 23 experience, and capabilities.

7 24 3. The director shall appoint an administrator for each
7 25 division created under subsection 1. The director shall make
7 26 the appointment based on the appointee's training, experience,
7 27 and capabilities. Each administrator has the responsibility
7 28 of administering the programs assigned the division under
7 29 subsection 1 and other programs assigned by the director.
7 30 Each administrator shall carry out the duties and
7 31 responsibilities of office under the general direction and
7 32 supervision of the director.

7 33 Sec. 16. NEW SECTION. 455.7 FEES == PUBLICATIONS.

7 34 1. The department may establish a schedule of fees for
7 35 subscriptions to publications produced by the department,



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8 1 including periodicals. However, this subsection does not
8 2 apply to application forms and materials intended for general
8 3 distribution which explain departmental programs or duties.

8 4 2. Fees shall be based on the amount required to recover
8 5 the reasonable costs of producing a publication, including
8 6 costs relating to preparing, printing, publishing, and
8 7 distributing the publication.

8 8 Sec. 17. Section 455A.1, subsection 3, Code 2007, is
8 9 amended by striking the subsection.

8 10 Sec. 18. Section 455A.2, Code 2007, is amended to read as
8 11 follows:

8 12 455A.2 DEPARTMENT OF NATURAL RESOURCES.

8 13 A department of natural resources is created, which has the
8 14 primary responsibility for state parks and forests, ~~protecting~~
~~8 15 the environment,~~ and managing ~~energy,~~ fish, wildlife, and land
8 16 and water resources in this state.

8 17 Sec. 19. Section 455A.3, Code 2007, is amended to read as
8 18 follows:

8 19 455A.3 DIRECTOR == QUALIFICATIONS.

8 20 The chief administrative officer of the department is the
8 21 director who shall be appointed by the governor, subject to
8 22 confirmation of the senate, and serve at the governor's
8 23 pleasure. The governor shall make the appointment based on
8 24 the appointee's training, experience, and capabilities. The
8 25 director shall be knowledgeable in the general field of
8 26 natural resource management ~~and environmental protection.~~ The
8 27 salary of the director shall be fixed by the governor within
8 28 salary guidelines or a range established by the general
8 29 assembly.

8 30 Sec. 20. Section 455A.4, subsection 1, unnumbered
8 31 paragraph 1, Code 2007, is amended to read as follows:

8 32 Except as otherwise provided by law and subject to rules
8 33 adopted by the natural resource commission ~~and the~~
~~8 34 environmental protection commission,~~ the director shall:

8 35 Sec. 21. Section 455A.4, subsection 1, paragraph b, Code
9 1 2007, is amended to read as follows:

9 2 b. Provide overall supervision, direction, and
9 3 coordination of functions to be administered by the
9 4 administrators under chapters 321G, 321I, ~~455B, 455C,~~ 456,
9 5 456A, 456B, 457A, ~~458A, 459,~~ 461A, 462A, 462B, 464A, 465C,
9 6 473, 481A, 481B, 483A, 484A, and 484B.

9 7 Sec. 22. Section 455A.7, subsection 1, Code 2007, is
9 8 amended to read as follows:

9 9 1. The director may establish administrative divisions,
9 10 bureaus, or other administrative entities within the
9 11 department in order to most efficiently and effectively carry
9 12 out the department's responsibilities. The creation or
9 13 modification of departmental divisions, bureaus, or other
9 14 administrative entities shall be implemented only after
9 15 consultation with the natural resource commission ~~or the~~
~~9 16 environmental protection commission as applicable.~~

9 17 Sec. 23. Section 455B.101, subsections 1 and 3, Code 2007,
9 18 are amended to read as follows:

9 19 1. "Department" means the department of ~~natural resources~~
9 20 environmental protection created under section ~~455A.2~~ 455.2.

9 21 3. "Commission" means the environmental protection



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9 22 commission created under section ~~455A.6~~ 455.5.
9 23 Sec. 24. Section 455B.103, subsection 4, unnumbered
9 24 paragraph 1, Code 2007, is amended to read as follows:
9 25 Conduct investigations of complaints received directly or
9 26 referred by the commission created in section ~~455A.6~~ 455.5 or
9 27 other investigations deemed necessary. While conducting an
9 28 investigation, the director may enter at any reasonable time
9 29 in and upon any private or public property to investigate any
9 30 actual or possible violation of this chapter, chapter 459,
9 31 chapter 459A, or the rules or standards adopted under this
9 32 chapter, chapter 459, or chapter 459A. However, the owner or
9 33 person in charge shall be notified.
9 34 Sec. 25. Section 455B.477, subsection 7, Code 2007, is
9 35 amended to read as follows:



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10 1 7. The civil penalties or other damages or moneys
10 2 recovered by the state or the petroleum underground storage
10 3 tank fund in connection with a petroleum underground storage
10 4 tank under this part of this division or chapter 455G shall be
10 5 credited to the fund created in section 455G.3 and allocated
10 6 between fund accounts according to the fund budget. Any
10 7 federal moneys, including but not limited to federal
10 8 underground storage tank trust fund moneys, received by the
10 9 state or the department of natural resources, or by the
10 10 department of environmental protection on or after July 1,
10 11 2007, in connection with a release occurring on or after May
10 12 5, 1989, or received generally for underground storage tank
10 13 programs on or after May 5, 1989, shall be credited to the
10 14 fund created in section 455G.3 and allocated between fund
10 15 accounts according to the fund budget, unless such use would
10 16 be contrary to federal law. The department shall cooperate
10 17 with the board of the Iowa comprehensive petroleum underground
10 18 storage tank fund to maximize the state's eligibility for and
10 19 receipt of federal funds for underground storage tank related
10 20 purposes.

10 21 Sec. 26. Section 455B.516, subsections 1 and 2, Code 2007,
10 22 are amended to read as follows:

10 23 1. "Commission" means the environmental protection
10 24 commission established pursuant to section ~~455A.6~~ 455.5.

10 25 2. "Department" means the department of ~~natural resources~~
10 26 environmental protection created pursuant to section ~~455A.2~~
10 27 455.2.

10 28 Sec. 27. Section 455C.1, subsection 7, Code 2007, is
10 29 amended to read as follows:

10 30 7. "Department" means the department of ~~natural resources~~
10 31 environmental protection created under section ~~455A.2~~ 455.2.

10 32 Sec. 28. Section 455D.1, subsection 2, Code 2007, is
10 33 amended to read as follows:

10 34 2. "Department" means the department of ~~natural resources~~
10 35 environmental protection created pursuant to section ~~455A.2~~



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11 1 455.2.

11 2 Sec. 29. Section 455E.2, subsections 2 and 5, Code 2007,
11 3 are amended to read as follows:

11 4 2. "Commission" means the environmental protection
11 5 commission created under section ~~455A.6~~ 455.5.

11 6 5. "Department" means the department of ~~natural resources~~
11 7 environmental protection created under section ~~455A.2~~ 455.2.

11 8 Sec. 30. Section 455F.1, subsections 2, 3, and 4, Code
11 9 2007, are amended to read as follows:

11 10 2. "Department" means the department of ~~natural resources~~
11 11 environmental protection created under section 455.2.

11 12 3. "Display area label" means the signage used by a
11 13 retailer to mark a household hazardous material display area
11 14 as prescribed by the department of ~~natural resources~~
11 15 environmental protection.

11 16 4. "Household hazardous material" means a product used for
11 17 residential purposes and designated by rule of the department
11 18 of ~~natural resources~~ environmental protection and may include
11 19 any hazardous substance as defined in section 455B.411,
11 20 subsection 2; and any hazardous waste as defined in section
11 21 455B.411, subsection 3; and shall include but is not limited
11 22 to the following materials: motor oils, motor oil filters,
11 23 gasoline and diesel additives, degreasers, waxes, polishes,
11 24 pure solvents, lacquers, thinners, caustic household cleaners,
11 25 spot and stain remover with petroleum base, petroleum-based
11 26 fertilizers, and paints with the exception of latex-based
11 27 paints. However, "household hazardous material" does not
11 28 include noncaustic household cleaners, laundry detergents or
11 29 soaps, dishwashing compounds, chlorine bleach, personal care
11 30 products, personal care soaps, cosmetics, and medications.

11 31 Sec. 31. Section 455G.2, Code 2007, is amended by adding
11 32 the following new subsection:

11 33 NEW SUBSECTION. 6A. "Department" means the department of
11 34 environmental protection created under section 455.2.

11 35 Sec. 32. Section 455G.4, subsection 1, paragraph a, Code



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12 1 2007, is amended to read as follows:

12 2 a. The director of the department of ~~natural resources~~
12 3 environmental protection, or the director's designee.

12 4 Sec. 33. Section 455G.4, subsection 2, Code 2007, is
12 5 amended to read as follows:

12 6 2. DEPARTMENT COOPERATION WITH BOARD. The director of the
12 7 department of ~~natural resources~~ environmental protection shall
12 8 cooperate with the board in the implementation of this part so
12 9 as to minimize unnecessary duplication of effort, reporting,
12 10 or paperwork and maximize environmental protection.

12 11 Sec. 34. Section 455G.9, subsection 7, Code 2007, is
12 12 amended to read as follows:

12 13 7. EXPENSES OF CLEANUP NOT REQUIRED. When an owner or
12 14 operator who is eligible for benefits under this chapter is
12 15 allowed by the department of ~~natural resources~~ environmental
12 16 protection to monitor in place, the expenses incurred for
12 17 cleanup beyond the level required by the department of ~~natural~~
12 18 ~~resources~~ environmental protection are not covered under any
12 19 of the accounts established under the fund. The cleanup
12 20 expenses incurred for work completed beyond what is required
12 21 is the responsibility of the person contracting for the excess
12 22 cleanup.

12 23 Sec. 35. Section 455H.103, subsections 4, 5, and 6, Code
12 24 2007, are amended to read as follows:

12 25 4. "Commission" means the environmental protection
12 26 commission created under section ~~455A.6~~ 455.5.

12 27 5. "Department" means the department of ~~natural resources~~
12 28 environmental protection created under section ~~455A.2~~ 455.2.

12 29 6. "Director" means the director of the department of
12 30 ~~natural resources~~ environmental protection appointed under
12 31 section ~~455A.3~~ 455.3.

12 32 Sec. 36. Section 455I.2, subsection 2, Code 2007, is
12 33 amended to read as follows:

12 34 2. "Agency" means the department of ~~natural resources~~
12 35 environmental protection created by section ~~455A.2~~ 455.2 or



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13 1 any other state department or federal agency that determines
13 2 or approves the environmental response project pursuant to
13 3 which an environmental covenant is created.

13 4 Sec. 37. Section 455K.2, subsection 1, Code 2007, is
13 5 amended to read as follows:

13 6 1. "Department" means the department of ~~natural resources~~
13 7 environmental protection created under section ~~455A.2~~ 455.2 or
13 8 its delegated authority.

13 9 Sec. 38. Section 456.1, subsection 1, Code 2007, is
13 10 amended to read as follows:

13 11 1. "Department" means the department of ~~natural resources~~
13 12 environmental protection created under section ~~455A.2~~ 455.2.

13 13 Sec. 39. Section 458A.2, subsection 3, Code 2007, is
13 14 amended to read as follows:

13 15 3. "Department" means the department of ~~natural resources~~
13 16 environmental protection created under section ~~455A.2~~ 455.2.

13 17 Sec. 40. Section 459.102, subsections 13, 20, and 22, Code
13 18 2007, are amended to read as follows:

13 19 13. "Commission" means the environmental protection
13 20 commission created pursuant to section ~~455A.6~~ 455.5.

13 21 20. "Department" means the department of ~~natural resources~~
13 22 environmental protection created pursuant to section ~~455A.2~~
13 23 455.2.

13 24 22. "Director" means the director of the department of
13 25 ~~natural resources~~ environmental protection.

13 26 Sec. 41. Section 459A.102, subsections 7 and 8, Code 2007,
13 27 are amended to read as follows:

13 28 7. "Commission" means the environmental protection
13 29 commission created pursuant to section ~~455A.6~~ 455.5.

13 30 8. "Department" means the department of ~~natural resources~~
13 31 environmental protection created under section 455.2.

13 32 Sec. 42. Section 460.302, subsection 8, paragraph c, Code
13 33 2007, is amended to read as follows:

13 34 c. The owner submits a written statement that approved
13 35 emergency repairs are necessary and do not constitute a basis



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14 1 to avoid the eventual closure of the well if closure is later
14 2 determined to be required. If a county board of supervisors
14 3 or the board's designee approves the emergency repair of an
14 4 agricultural drainage well, the county board of supervisors or
14 5 the board's designee shall notify the department of natural
14 6 resources, or the department of environmental protection on or
14 7 after July 1, 2007, of the approval within thirty days of the
14 8 approval.

14 9 Sec. 43. Section 473.11, subsection 7, Code 2007, is
14 10 amended to read as follows:

14 11 7. On June 30, 2003, the energy fund disbursement council
14 12 established in subsection 3 shall be dissolved. At that time,
14 13 the department of natural resources, or the department of
14 14 environmental protection on or after July 1, 2007, shall be
14 15 responsible for the disbursement of any funds either received
14 16 or remaining in the energy conservation trust. These
14 17 disbursements shall be for projects and programs consistent
14 18 with the allowable uses for the energy conservation trust.
14 19 Also, at that time, and annually thereafter, the state
14 20 department of transportation shall report to the department of
14 21 natural resources, or to the department of environmental
14 22 protection on or after July 1, 2007, on the status of the
14 23 intermodal revolving loan fund established in the department.
14 24 In the fiscal year beginning July 1, 2019, the department of
14 25 ~~natural resources~~ environmental protection shall assume
14 26 responsibility for funds remaining in the intermodal revolving
14 27 loan fund and disburse them for energy conservation projects
14 28 and programs consistent with the allowable uses for the energy
14 29 conservation trust.

14 30 Sec. 44. Sections 7D.34, 7D.35, 8A.315, 8A.329, 8A.362,
14 31 15.294, 15.295, 15A.1, 15E.111, 15E.175, 15E.208, 15G.203,
14 32 16.131, 16.134, 28G.2, 28G.6, 30.2, 30.5, 30.8, 72.5, 89B.17,
14 33 101.10, 103A.8, 123.26, 135.105, 135.145, 137C.16, 137F.13,
14 34 159A.3, 159A.4, 159A.6B, 161.3, 161.5, 161.9, 161A.4, 161A.80,
14 35 161C.6, 161C.7, 161F.5, 172D.1, 173.16, 175.37, 206.2, 206.12,



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15 1 206.25, 206.32, 214A.19, 216B.3, 262.9, 263.17, 266.39,
15 2 266.39C, 268.4, 272C.1, 272C.2, 279.44, 307.12, 307.21,
15 3 323A.2, 331.653, 335.24, 352.4, 352.11, 357A.1, 357A.11,
15 4 364.22, 414.21, 424.6, 427.1, 441.21, 455B.107, 455B.116,
15 5 455B.171, 455B.190, 455B.193, 455B.305A, 455B.433, 455B.441,
15 6 455B.474, 455B.483, 455B.505, 455B.602, 455D.11I, 455D.15,
15 7 455E.11, 455F.1, 455F.11, 455G.1, 455G.2, 455G.5, 455G.6,
15 8 455G.12A, 455G.13, 455G.18, 455G.20, 455G.31, 455I.11,
15 9 459.102, 459.401, 459A.102, 460.101, 460.201, 460.304,
15 10 460.305, 466.2, 466.3, 466.4, 466.5, 466.6, 466.7, 466.8,
15 11 466A.3, 468.12, 470.1, 473.1, 473.20A, 476.6, 476.63, 558.69,
15 12 564A.9, 654A.16, 657.11, and 716B.1, Code 2007, are amended by
15 13 striking the words "department of natural resources" where
15 14 they appear in those sections and inserting the words
15 15 "department of environmental protection".
15 16 Sec. 45. TRANSITION PROVISIONS.
15 17 1. Any rule, regulation, form, order, or directive
15 18 promulgated by any state agency mentioned in this Act,
15 19 including any agency altered in this Act, and in effect on the
15 20 effective date of this Act, shall continue in full force and
15 21 effect until amended, repealed, or supplemented by affirmative
15 22 action of the appropriate state agency under the duties and
15 23 powers of state agencies as established in this Act and under
15 24 the procedure established in subsection 2.
15 25 Any license or permit issued by any state agency mentioned
15 26 in this Act, including any agency altered in this Act, and in
15 27 effect on the effective date of this Act, shall continue in
15 28 full force and effect until expiration or renewal.
15 29 2. References and format in the Iowa administrative code
15 30 shall be updated in order to correspond to the restructuring
15 31 of state government as established in this Act, and the
15 32 administrative rules coordinator and the administrative rules
15 33 review committee, in consultation with the administrative code
15 34 editor, shall jointly develop a schedule for the necessary
15 35 updating of the Iowa administrative code.



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Senate File 78

SENATE FILE
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 1068)

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

A BILL FOR

1 An Act relating to various conservation and recreation activities
2 under the purview of the department of natural resources,
3 modifying fees, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1397SV 82
6 av/je/5



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1 1 Section 1. Section 455A.17, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Biennially, during even-numbered years, the director
1 4 shall schedule and make the necessary arrangements for an Iowa
1 5 congress on resources enhancement and protection. The
1 6 congress shall be held within the state capitol complex ~~during~~
~~1 7 the summer months.~~
1 8 Sec. 2. Section 462A.2, Code 2007, is amended by adding
1 9 the following new subsections:
1 10 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
1 11 factory-installed or dealer-installed emergency cut-off engine
1 12 stop switch that is installed on a personal watercraft.
1 13 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
1 14 cord used to attach the person of the operator of a personal
1 15 watercraft to the cut-off switch.
1 16 Sec. 3. Section 462A.5, subsection 1, unnumbered
1 17 paragraphs 1 and 2, Code 2007, are amended to read as follows:
1 18 The owner of each vessel required to be numbered by this
1 19 state shall register it every three years with the commission
1 20 through the county recorder of the county in which the owner
1 21 resides, or, if the owner is a nonresident, the owner shall
1 22 register it in the county in which such vessel is principally
1 23 used. The commission shall develop and maintain an electronic
1 24 system for the registration of vessels pursuant to this
1 25 chapter. The commission shall have supervisory responsibility
1 26 over the registration of all vessels and shall provide each
1 27 county recorder with registration establish forms and
1 28 certificates and shall allocate identification numbers to each
1 29 county procedures as necessary for the registration of all
1 30 vessels.
1 31 The owner of the vessel shall file an application for
1 32 registration with the appropriate county recorder on forms
1 33 provided by the commission. The application shall be
1 34 completed and signed by the owner of the vessel and shall be
1 35 accompanied by the appropriate fee, and the writing fee



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2 1 specified in section 462A.53. Upon applying for registration,
2 2 the owner shall display a bill of sale, receipt, or other
2 3 satisfactory proof of ownership as provided by the rules of
2 4 the commission to the county recorder. If the county recorder
2 5 is not satisfied as to the ownership of the vessel or that
2 6 there are no undisclosed security interests in the vessel, the
2 7 county recorder may register the vessel but shall, as a
2 8 condition of issuing a registration certificate, require the
2 9 applicant to follow the procedure provided in section 462A.5A.
2 10 Upon receipt of the application in approved form accompanied
2 11 by the required fees, the county recorder shall enter it upon
2 12 the records of the recorder's office and shall issue to the
2 13 applicant a pocket-size registration certificate. The
2 14 certificate shall be executed in triplicate, one copy to be
2 15 delivered to the owner, one copy to the commission, and one
2 16 copy to be retained on file by the county recorder. The
2 17 registration certificate shall bear the number awarded to the
2 18 vessel, the passenger capacity of the vessel, and the name and
2 19 address of the owner. In the use of all vessels except
2 20 nonpowered sailboats, nonpowered canoes, and commercial
2 21 vessels, the registration certificate shall be carried either
2 22 in the vessel or on the person of the operator of the vessel
2 23 when in use. In the use of nonpowered sailboats, nonpowered
2 24 canoes, or commercial vessels, the registration certificate
2 25 may be kept on shore in accordance with rules adopted by the
2 26 commission. The operator shall exhibit the certificate to a
2 27 peace officer upon request or, when involved in a ~~collision or~~
~~2 28 accident~~ an occurrence of any nature with another vessel or
2 29 other personal property, to the owner or operator of the other
2 30 vessel or personal property.
2 31 Sec. 4. Section 462A.5, subsection 3, unnumbered paragraph
2 32 2, Code 2007, is amended to read as follows:
2 33 Every registration certificate and number issued becomes
2 34 delinquent at midnight April 30 of the last calendar year of
2 35 the registration period unless terminated or discontinued in



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3 1 accordance with this chapter. After January 1, 2007, an
3 2 unregistered vessel and a renewal of registration may be
3 3 registered for the three-year registration period beginning
3 4 May 1 of that year. When unregistered vessels are registered
3 5 after May 1 of the second year of the three-year registration
3 6 period, such unregistered vessels may be registered for the
3 7 remainder of the current registration period at ~~sixty-six~~
~~3 8 percent two-thirds~~ of the appropriate registration fee. When
3 9 unregistered vessels are registered after May 1 of the third
3 10 year of the three-year registration period, such unregistered
3 11 vessels may be registered for the remainder of the current
3 12 registration period at ~~thirty-three percent~~ one-third of the
3 13 appropriate registration fee.

3 14 Sec. 5. Section 462A.7, Code 2007, is amended to read as
3 15 follows:

3 16 462A.7 ~~COLLISIONS, ACCIDENTS AND CASUALTIES~~ OCCURRENCES
3 17 INVOLVING VESSELS.

3 18 1. The operator of a vessel involved in ~~a collision,~~
~~3 19 accident or other casualty~~ an occurrence that results in
3 20 personal property damage or the injury or death of a person,
3 21 shall, so far as possible without serious danger to the
3 22 operator's own vessel, crew, or passengers, render to other
3 23 persons affected by the ~~collision, accident or casualty,~~
3 24 occurrence such assistance as may be practicable and necessary
3 25 to save them from or minimize any danger caused by the
3 26 ~~collision, accident or other casualty~~ occurrence. The
3 27 operator shall also give the operator's name, address, and
3 28 identification of the operator's vessel in writing to any
3 29 person injured and to the owner of any property damaged in the
3 30 ~~collision, accident or other casualty~~ occurrence.

3 31 2. Whenever any vessel is involved in ~~a collision,~~
~~3 32 accident or casualty~~ an occurrence that results in personal
3 33 property damage or the injury or death of a person, except one
3 34 which results only in property damage not exceeding ~~five~~
~~3 35 hundred two thousand~~ dollars, a report ~~thereof~~ of the



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4 1 occurrence shall be filed with the commission. The report
4 2 shall be filed by the operator of the vessel and shall contain
4 3 such information as the commission may, by rule, require. The
4 4 report shall be submitted ~~without delay~~ within forty-eight
4 5 hours of the occurrence in cases that result in death, or
4 6 disappearance cases, or personal injuries requiring medical
4 7 treatment by a licensed health care provider, and within five
4 8 days of the occurrence in all other cases.

4 9 3. Every law enforcement officer who, in the regular
4 10 course of duty, investigates an occurrence which is required
4 11 to be reported by this section, shall, after completing such
4 12 investigation, forward a report of such occurrence to the
4 13 commission.

4 14 4. a. All reports shall be in writing. A vessel
4 15 operator's report shall be without prejudice to the person
4 16 making the report and shall be for the confidential use of the
4 17 department. However, upon request the department shall
4 18 disclose the identities of the persons on board the vessels
4 19 involved in the occurrence and their addresses. Upon request
4 20 of a person who made and filed a vessel operator's report, the
4 21 department shall provide a copy of the vessel operator's
4 22 report to the requester. A written vessel operator's report
4 23 filed with the department shall not be admissible in or used
4 24 in evidence in any civil or criminal action arising out of the
4 25 facts on which the report is based.

4 26 b. All written reports filed by law enforcement officers
4 27 as required under subsection 3 are confidential to the extent
4 28 provided in section 22.7, subsection 5, and section 622.11.
4 29 However, a completed law enforcement officer's report shall be
4 30 made available by the department or the investigating law
4 31 enforcement agency to any party to ~~a boating accident,~~
4 32 ~~collision, or other casualty~~ an occurrence involving a vessel,
4 33 the party's insurance company or its agent, or the party's
4 34 attorney on written request and payment of a fee.

4 35 5. Failure of the operator of any vessel involved in a



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~~5 1 collision, accident, or other casualty, an occurrence~~ to offer
5 2 assistance and aid to other persons affected by such
5 3 ~~collision, accident, or casualty occurrence~~, as set forth in
5 4 this chapter, or to otherwise comply with the requirements of
5 5 subsection 1, is punishable as follows:

5 6 a. In the event of ~~a collision, accident, or other~~
~~5 7 casualty an occurrence~~ resulting only in property damage, the
5 8 operator is guilty upon conviction of a simple misdemeanor.

5 9 b. In the event of ~~a collision, accident, or other~~
~~5 10 casualty an occurrence~~ resulting in an injury to a person, the
5 11 operator is guilty upon conviction of a serious misdemeanor.

5 12 c. In the event of ~~a collision, accident, or other~~
~~5 13 casualty an occurrence~~ resulting in a serious injury to a
5 14 person, the operator is guilty upon conviction of an
5 15 aggravated misdemeanor.

5 16 d. In the event of ~~a collision, accident, or other~~
~~5 17 casualty an occurrence~~ resulting in the death of a person, the
5 18 operator is guilty upon conviction of a class "D" felony.

5 19 Sec. 6. Section 462A.9, Code 2007, is amended by adding
5 20 the following new subsection:

5 21 NEW SUBSECTION. 12A. An owner of a personal watercraft
5 22 equipped with a cut=off switch shall maintain the cut=off
5 23 switch and the accompanying cut=off switch lanyard in an
5 24 operable, fully functional condition.

5 25 Sec. 7. Section 462A.12, Code 2007, is amended by adding
5 26 the following new subsection:

5 27 NEW SUBSECTION. 14. A person shall not operate a personal
5 28 watercraft that is equipped with a cut=off switch, at any
5 29 time, without first attaching the accompanying cut=off switch
5 30 lanyard to the operator's person while the engine is running
5 31 and the personal watercraft is in use.

5 32 Sec. 8. Section 462A.14A, subsection 3, paragraph b, Code
5 33 2007, is amended to read as follows:

5 34 b. The motorboat or sailboat has been involved in an
5 35 ~~accident or collision~~ occurrence resulting in personal injury



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6 1 or death.

6 2 Sec. 9. Section 462A.23, subsection 2, paragraph c, Code
6 3 2007, is amended to read as follows:

6 4 c. Failure to stop and render aid as required by this
6 5 chapter when ~~a collision, accident or other casualty an~~
6 6 occurrence involving a vessel results in the death or personal
6 7 injury of another.

6 8 Sec. 10. Section 462A.43, Code 2007, is amended to read as
6 9 follows:

6 10 462A.43 TRANSFER OF OWNERSHIP.

6 11 Upon the transfer of ownership of any vessel, the owner,
6 12 except as otherwise provided by this chapter, shall complete
6 13 the form on the back of the registration certificate and shall
6 14 deliver it to the purchaser or transferee at the time of
6 15 delivering the vessel. ~~All registrations must be valid for the~~
~~6 16 current registration period prior to the transfer of any~~
~~6 17 registration, including assignment to a dealer~~ If a vessel has
6 18 an expired registration at the time of transfer, the
6 19 transferee shall pay all applicable fees for the current
6 20 registration period, the appropriate writing fee, and a
6 21 penalty of five dollars, and a transfer of number shall be
6 22 awarded in the same manner as provided for in an original
6 23 registration.

6 24 Sec. 11. Section 481A.55, subsection 1, Code 2007, is
6 25 amended to read as follows:

6 26 1. Except as otherwise provided, a person shall not buy or
6 27 sell, dead or alive, a bird or animal or any part of one which
6 28 is protected by this chapter, but this section does not apply
6 29 to fur-bearing animals, bones of wild turkeys that were
6 30 legally taken, and the skins, plumage, and antlers of legally
6 31 taken game. This section does not prohibit the purchase of
6 32 jackrabbits from sources outside this state. A person shall
6 33 not purchase, sell, barter, or offer to purchase, sell, or
6 34 barter for millinery or ornamental use the feathers of
6 35 migratory game birds; and a person shall not purchase, sell,



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7 1 barter, or offer to purchase, sell, or barter mounted
7 2 specimens of migratory game birds.

7 3 Sec. 12. Section 481A.123, Code 2007, is amended by adding
7 4 the following new subsection:

7 5 NEW SUBSECTION. 5. This section does not apply to the
7 6 discharge of a firearm on a farm unit by the owner or tenant
7 7 of the farm unit or by a family member of the owner or tenant
7 8 of the farm unit.

7 9 As used in this subsection, "family member", "farm unit",
7 10 "owner", and "tenant" mean the same as defined in section
7 11 483A.24, subsection 2.

7 12 Sec. 13. Section 481A.130, subsection 1, paragraph g, Code
7 13 2007, is amended to read as follows:

7 14 g. For each antlered deer, reimbursement shall be based on
7 15 the ~~point~~ score of the antlered deer as measured by the Boone
7 16 and Crockett club's ~~net~~ scoring system for whitetail deer as
7 17 follows:

7 18 (1) 150 ~~points~~ gross inches or less: A minimum of two
7 19 thousand dollars and not more than five thousand dollars, and
7 20 eighty hours of community service or, in lieu of the community
7 21 service, a minimum of four thousand dollars and not more than
7 22 ten thousand dollars, in an amount that is deemed reasonable
7 23 by the court.

7 24 (2) More than 150 ~~points~~ gross inches: A minimum of five
7 25 thousand dollars and not more than ten thousand dollars, and
7 26 eighty hours of community service or, in lieu of the community
7 27 service, a minimum of ten thousand dollars and not more than
7 28 twenty thousand dollars, in an amount that is deemed
7 29 reasonable by the court.

7 30 Sec. 14. Section 481A.133, Code 2007, is amended to read
7 31 as follows:

7 32 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
7 33 PERMITS.

7 34 A person who is assessed damages pursuant to section
7 35 481A.130 shall immediately surrender all licenses,



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8 1 certificates, and permits to hunt, fish, or trap in the state
 8 2 to the department. The licenses, permits, and certificates,
 8 3 and the privileges associated with them shall remain suspended
 8 4 until the assessed damages and any accrued interest are paid
 8 5 ~~or a payment schedule is established by the court in full.~~
 8 6 Upon payment of the assessed damages and any accrued interest,
 8 7 the suspension shall be lifted. ~~If a payment schedule is~~
~~8 8 established, the suspension shall be lifted and remain so~~
~~8 9 unless the person fails to make a payment pursuant to that~~
~~8 10 schedule. Failure to make a payment shall cause the~~
~~8 11 suspension to be renewed~~ Interest shall begin to accrue as of
 8 12 the date of judgment at a rate of ten percent per year.

8 13 Sec. 15. Section 483A.27, subsections 1 and 7, Code 2007,
 8 14 are amended to read as follows:

8 15 1. A person born after January 1, ~~1967~~ 1972, shall not
 8 16 obtain a hunting license unless the person has satisfactorily
 8 17 completed a hunter safety and ethics education course approved
 8 18 by the commission. A person who is eleven years of age or
 8 19 more may enroll in an approved hunter safety and ethics
 8 20 education course, but a person who is eleven years of age and
 8 21 who has successfully completed the course shall be issued a
 8 22 certificate of completion which becomes valid on the person's
 8 23 twelfth birthday. A certificate of completion from an
 8 24 approved hunter safety and ethics education course issued in
 8 25 this state since 1960, by another state, or by a foreign
 8 26 nation, is valid for the requirements of this section.

8 27 7. A hunting license obtained under this section by a
 8 28 person who gave false information or presented a fraudulent
 8 29 certificate of completion shall be revoked and a new hunting
 8 30 license shall not be issued for at least two years from the
 8 31 date of conviction. A hunting license obtained by a person
 8 32 who was born after January 1, ~~1967~~ 1972, but has not
 8 33 satisfactorily completed the hunter safety and ethics
 8 34 education course or has not met the requirements established
 8 35 by the commission, shall be revoked.

9 1 Sec. 16. Section 805.8B, subsection 1, paragraph b, Code
 9 2 2007, is amended to read as follows:

9 3 b. For violations of registration, identification, and
 9 4 record provisions under sections 462A.4 and 462A.10, and for
 9 5 unused or improper or defective equipment under section
 9 6 462A.9, subsections 2, 6, 7, 8, 12A, and 13, and section
 9 7 462A.11, and for operation violations under sections 462A.26,
 9 8 462A.31, and 462A.33, the scheduled fine is twenty dollars.

EXPLANATION

9 10 This bill contains provisions relating to the regulation of
 9 11 various conservation and recreation activities under the
 9 12 purview of the department of natural resources.

9 13 Code section 455A.17 is amended by removing the requirement
 9 14 that the biennial Iowa congress on natural resources
 9 15 enhancement and protection held at the state capitol complex
 9 16 must occur during the summer months.

9 17 Code section 462A.2 is amended to define a "cut-off switch"
 9 18 as an operable factory=installed or dealer=installed emergency
 9 19 cut-off engine stop switch that is installed on a personal
 9 20 watercraft, and to define a "cut-off switch lanyard" as the
 9 21 cord used to attach the person of the operator of a personal



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9 22 watercraft to the cut-off switch.
9 23 Code section 462A.5, subsection 1, is amended to provide
9 24 that the fee for a vessel registration which is renewed after
9 25 May 1 of the second year of the three-year registration period
9 26 is two-thirds instead of 66 percent of the appropriate
9 27 registration fee. The fee for a vessel registration which is
9 28 renewed after May 1 of the third year of the registration
9 29 period is one-third instead of 33 percent of the appropriate
9 30 registration fee.
9 31 Code sections 462A.5, 462A.7, 462A.14A, and 462A.23 are
9 32 amended to change language referring to collisions, accidents,
9 33 and casualties involving vessels to refer to occurrences
9 34 involving vessels.
9 35 Code section 462A.7 is also amended to provide that the



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10 1 owner of a vessel shall give assistance, so far as possible,
10 2 and provide the vessel operator's name, address, and vessel
10 3 identification to any person who is injured or whose property
10 4 is damaged when the operator's vessel is involved in an
10 5 occurrence that results in personal property damage or that
10 6 results in the injury or death of a person. Code section
10 7 462A.7 is also amended to provide that when any vessel is
10 8 involved in such an occurrence, except one which results only
10 9 in property damage not exceeding \$2,000, a report must be
10 10 filed with the natural resource commission by the operator of
10 11 the vessel involved. Previously, a report had to be filed
10 12 when the property damage exceeded \$500. The report must be
10 13 filed within 48 hours of the occurrence when a person dies,
10 14 disappears, or suffers an injury requiring medical treatment
10 15 by a licensed health care provider. In all other cases, the
10 16 report must be filed within five days of the occurrence.
10 17 Code section 462A.9 is amended to provide that the owner of
10 18 a personal watercraft equipped with a cut-off switch must
10 19 maintain the cut-off switch and the accompanying cut-off
10 20 switch lanyard in an operable, fully functional condition. A
10 21 violation of this new provision is punishable by a scheduled
10 22 fine of \$20 under Code section 805.8B.
10 23 Code section 462A.12 is amended to prohibit a person from
10 24 operating a personal watercraft that is equipped with a cut=
10 25 off switch, at any time, without first attaching the
10 26 accompanying cut-off switch lanyard to the operator's person
10 27 while the engine is running and the personal watercraft is in
10 28 use. A violation of this provision is punishable by a
10 29 scheduled fine of \$25.
10 30 Code section 462A.43 is amended to provide that if a vessel
10 31 has an expired registration at the time of a transfer of
10 32 ownership of the vessel, the transferee is required to pay all
10 33 applicable fees for the current registration period, the
10 34 appropriate writing fee, and a \$5 penalty, after which a
10 35 transfer of number for the vessel will be awarded in the same



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11 1 manner as an original registration.
11 2 Code section 481A.55, subsection 1, is amended to allow a
11 3 person to buy or sell the bones of wild turkeys that were
11 4 legally taken. A violation of this provision is punishable by
11 5 a scheduled fine of \$50.
11 6 Code section 481A.123 is amended to provide that the
11 7 prohibitions of the section against discharging a firearm
11 8 within 200 yards of a building inhabited by people or
11 9 livestock, or a feedlot, do not apply to the discharge of a
11 10 firearm on a farm unit by owners, tenants, or their family
11 11 members who reside on the farm unit. The terms "family
11 12 member", "farm unit", "owner", and "tenant" are defined to
11 13 mean the same as in Code section 483A.24, which deals with the
11 14 rights of resident landowners, tenants, and their families who
11 15 reside with them, to hunt on farm units which are in tracts of
11 16 two or more contiguous acres, are operated as a unit for
11 17 agricultural purposes, and are under the lawful control of the
11 18 owner or the tenant.
11 19 Code section 481A.130 is amended to provide that a person
11 20 who unlawfully takes an antlered deer shall be assessed
11 21 damages for reimbursement to the state based on the score of
11 22 the deer as measured by the Boone and Crockett Club's scoring
11 23 system, instead of net scoring system, for whitetail deer,
11 24 based on the gross inches score, not the point score of the
11 25 deer.
11 26 Code section 481A.133 is amended to provide that when a
11 27 person is assessed damages for unlawfully selling, taking,
11 28 catching, killing, injuring, destroying, or possessing an
11 29 animal, the person's licenses, certificates, and permits are
11 30 suspended until payment in full of the assessed damages and
11 31 accrued interest. The bill removes the option that allowed a
11 32 person to pay damages pursuant to a payment schedule. The
11 33 bill also specifies that interest begins to accrue as of the
11 34 date of judgment at a rate of 10 percent per year.
11 35 Code section 483A.27 is amended to provide that a person



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12 1 born after January 1, 1972, instead of January 1, 1967, must
12 2 complete a hunter safety and ethics education course before
12 3 obtaining a hunting license and that a hunting license
12 4 obtained by a such a person who has not completed the required
12 5 course shall be revoked. A violation of these provisions is
12 6 punishable by a scheduled fine of \$20.
12 7 LSB 1397SV 82
12 8 av:nh/je/5



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Senate File 79

SENATE FILE
BY BOLKCOM

(COMPANION TO LSB 1642HH
BY WESSEL=KROESCHELL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to childhood obesity and foods and beverages sold
- 2 and served on public school campuses, providing for a task
- 3 force, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1642XS 82
- 6 kh/sh/8



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1 1 Section 1. LEGISLATIVE FINDINGS. The general assembly
1 2 finds and declares as follows:
1 3 1. Childhood obesity has reached epidemic levels in Iowa
1 4 and throughout the nation as declared by the surgeon general
1 5 of the United States. The percentage of overweight children
1 6 has tripled in the last forty years from five percent to
1 7 fifteen percent.
1 8 2. Obesity is the most common health problem facing
1 9 children, according to the American academy of pediatrics.
1 10 The centers for disease control and prevention of the United
1 11 States department of health and human services finds that
1 12 thirty=one percent of low=income children between two and five
1 13 years of age in Iowa are overweight or at risk of becoming
1 14 overweight.
1 15 3. Iowa's overweight children are at high risk for
1 16 developing severe long=term health problems, including but not
1 17 limited to type 2 diabetes, high blood lipids, high blood
1 18 pressure, cardiovascular disease, sleep apnea, asthma, and
1 19 orthopedic problems. At current rates, one out of three
1 20 children born today will develop diabetes.
1 21 4. Overweight children also are often affected by
1 22 discrimination, psychological stress, and low self=esteem.
1 23 5. Twenty=five years ago, children drank twice as much
1 24 milk as soda. The situation is reversed today, with children
1 25 drinking twice as much soda as milk. Since milk is the
1 26 principal source of calcium, this loss of calcium jeopardizes
1 27 the forty percent peak bone mass accumulated during
1 28 adolescence, leading to increased risks of fractures and
1 29 osteoporosis.
1 30 6. Schools are a logical place to address the issues of
1 31 overweight and health in children through promotion of healthy
1 32 food and physical activity.
1 33 7. Increased emphasis on serving only healthy foods in
1 34 Iowa public schools can decrease and prevent overweight and
1 35 other diseases and improve the well=being of Iowa's children.



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2 1 8. Encouraging Iowa's children to adopt healthy lifelong
2 2 eating habits and physical activity can increase their
2 3 productivity and reduce their risk of dying prematurely.
2 4 Sec. 2. HEALTH, FITNESS, AND NUTRITION TASK FORCE.
2 5 1. Consistent with the essential academic learning
2 6 requirements for health and fitness, including nutrition, the
2 7 department of education and the department of public health
2 8 shall convene a task force including representatives from the
2 9 Iowa dietetic association; the Iowa school nutrition directors
2 10 association; the Iowa association of school boards; the Iowa
2 11 medical association; the Iowa dental association; the Iowa
2 12 association for health, physical education, recreation, and
2 13 dance; the university of Iowa college of public health; and
2 14 the Iowa state university extension service to develop a model
2 15 policy regarding access to nutritious foods, opportunities for
2 16 physical activity, and accurate education related to these
2 17 topics. The policy shall set a minimum standard for the
2 18 nutritional content of foods and beverages sold or provided
2 19 throughout the school day or sold in competition with the
2 20 federal school food programs.
2 21 2. The department of education and the department of
2 22 public health shall submit the model policy developed by the
2 23 task force to the governor and the general assembly and shall
2 24 post the model policy on their internet websites by January 1,
2 25 2008.
2 26 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 27 immediate importance, takes effect upon enactment.
2 28 EXPLANATION
2 29 This bill states the findings and declarations of the
2 30 general assembly regarding the epidemic of childhood obesity
2 31 in Iowa, the related medical and emotional risks, and the
2 32 logical role for schools in addressing the issues of
2 33 overweight and health in children through healthy food and
2 34 physical activity.
2 35 The bill directs the department of education and the



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3 1 department of public health to convene a task force including
3 2 representatives from the Iowa dietetic association; the Iowa
3 3 school nutrition directors association; the Iowa association
3 4 of school boards; the Iowa medical association; the Iowa
3 5 dental association; the Iowa association for health, physical
3 6 education, recreation, and dance; the university of Iowa
3 7 college of public health; and the Iowa state university
3 8 extension service to develop a model policy regarding access
3 9 to nutritious foods, opportunities for physical activity, and
3 10 accurate education related to these topics; which model policy
3 11 sets a minimum standard for the nutritional content of foods
3 12 and beverages sold or provided throughout the school day.

3 13 The departments must submit the model policy to the
3 14 governor and the general assembly and post the model policy on
3 15 their internet websites by January 1, 2008.

3 16 The bill takes effect upon enactment.

3 17 LSB 1642XS 82

3 18 kh:rj/sh/8



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Senate File 80 - Introduced

SENATE FILE
BY KIBBIE and JOHNSON

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

A BILL FOR

- 1 An Act providing for the sale of motor homes by a manufacturer
- 2 under a temporary retail sales permit.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1367XS 82
- 5 dea/gg/14



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PAG LIN

1 1 Section 1. Section 322.5, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. a. Notwithstanding any other
1 4 provision of this chapter, upon receipt of a temporary retail
1 5 sales permit, a licensed manufacturer of motor homes, as
1 6 defined in section 321.1, may display and sell at retail new
1 7 motor homes manufactured by that manufacturer at a qualified
1 8 event approved by the department. Section 322.3, subsection
1 9 9, does not apply to a qualified event conducted under this
1 10 subsection.

1 11 b. Application for a temporary retail sales permit shall
1 12 be made on forms provided by the department and shall be
1 13 accompanied by a thirty-five dollar permit fee. A temporary
1 14 retail sales permit shall be issued for a single period not to
1 15 exceed fourteen days.

1 16 c. The department may adopt rules establishing
1 17 requirements the department deems appropriate for temporary
1 18 retail sales permittees, including but not limited to
1 19 requiring the furnishing of a surety bond or other evidence of
1 20 indemnification of motor home purchasers as provided in
1 21 section 322.4, subsection 7, and requiring proof of financial
1 22 liability coverage as provided in section 322.4, subsection 8.

1 23 d. For purposes of this subsection, "qualified event"
1 24 means a vehicle show conducted by a manufacturer no more than
1 25 once in a calendar year which is held at a fairgrounds, as
1 26 defined in section 174.1, and is open to the public.

1 27 EXPLANATION

1 28 This bill allows a manufacturer of motor homes to hold an
1 29 annual sales event in the state to display and sell its motor
1 30 homes. Current law allows a motor home manufacturer to be
1 31 licensed as a dealer only of motor homes manufactured by that
1 32 manufacturer. Current law also allows a licensed motor home
1 33 dealer to obtain a temporary permit to display, offer for
1 34 sale, and negotiate sales at fairs, vehicle shows, and
1 35 exhibitions, but sales must be consummated at the dealer's



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2 1 principal place of business. The bill allows a manufacturer
2 2 of motor homes that is licensed as a manufacturer in this
2 3 state to apply to the department of transportation for a
2 4 temporary retail sales permit to display and sell motor homes
2 5 manufactured by that manufacturer at a qualified event.
2 6 "Qualified event" is defined as a vehicle show that is
2 7 conducted by a manufacturer no more than once in a calendar
2 8 year, is held at a fairgrounds, and is open to the public. A
2 9 temporary permit shall be issued for a single period of no
2 10 more than 14 days, and the prohibition against sales of motor
2 11 vehicles on Sunday is lifted for the event.
2 12 The bill requires a manufacturer to submit an application
2 13 to the department for a temporary retail sales permit,
2 14 accompanied by a \$35 fee. The department is authorized to
2 15 adopt rules establishing appropriate requirements for
2 16 temporary retail sales permittees, including furnishing
2 17 evidence of indemnification of purchasers and proof of
2 18 financial responsibility.
2 19 LSB 1367XS 82
2 20 dea:nh/gg/14



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Senate File 81

SENATE FILE

BY WOOD, SCHOENJAHN, HANCOCK,
 DANIELSON, RIELLY, ZAUN,
 and MULDER

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____
 Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring school districts to adopt a student advancement
- 2 policy and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1981SS 82
- 5 kh/es/88



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Senate File 81 continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.65 STUDENT ADVANCEMENT
1 2 POLICY == FINDINGS == SUPPLEMENTAL STRATEGIES AND EDUCATIONAL
1 3 SERVICES GRANT PROGRAM.
1 4 1. The general assembly finds and declares that students
1 5 should be able to meet or exceed the expectations established
1 6 by the school district of enrollment in order to advance to
1 7 the next grade level.
1 8 2. The board of directors of each school district shall
1 9 adopt a student advancement policy which provides for the
1 10 following:
1 11 a. Supplemental strategies to be provided to all students
1 12 in kindergarten through grade five who do not meet the grade
1 13 level expectations established by the school district for
1 14 English=language arts, social studies, mathematics, and
1 15 science.
1 16 b. A requirement that students in grades six through eight
1 17 who fail one or more of the core courses make up deficiencies
1 18 before advancing to the next level in the subject area. "Core
1 19 course", for purposes of this section, means a course in the
1 20 following subject areas: English=language arts, social
1 21 studies, mathematics, and science.
1 22 c. Opportunities for students to meet the school
1 23 district's expectations as provided in paragraphs "a" and "b"
1 24 which shall include but not be limited to supplemental
1 25 educational services such as tutoring that may be offered
1 26 before and after school or during the summer and that may be
1 27 provided by private service providers.
1 28 3. If a student in kindergarten through grade eight does
1 29 not meet the grade level core course expectations established
1 30 by the school district as provided in this section, the school
1 31 district shall develop a plan for supplemental strategies or
1 32 supplemental educational services, and for measuring student
1 33 progress, in consultation with the student's parent or
1 34 guardian.
1 35 4. In deciding student placement and advancement, the



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2 1 board of directors of a school district shall make every
 2 2 effort to reach agreement with parents and guardians.
 2 3 5. A supplemental strategies and educational services
 2 4 grant program is established to be administered by the
 2 5 department of education to award grants to school districts
 2 6 for purposes of providing supplemental strategies and
 2 7 educational services to students who do not meet the grade
 2 8 level expectations established by the school district for
 2 9 English=language arts, social studies, mathematics, and
 2 10 science. The department shall develop the criteria and a
 2 11 process for awarding supplemental strategies and educational
 2 12 services grants to school districts when moneys are
 2 13 appropriated for the grant program.

2 14 Sec. 2. DEPARTMENT OF EDUCATION == SUPPLEMENTAL STRATEGIES
 2 15 AND EDUCATIONAL SERVICES GRANT PROGRAM. There is appropriated
 2 16 from the general fund of the state to the department of
 2 17 education for the fiscal year beginning July 1, 2007, and
 2 18 ending June 30, 2008, the following amount, or so much thereof
 2 19 as may be necessary, to be used for the purposes designated:

2 20 For purposes of the supplemental strategies and educational
 2 21 services grant program established pursuant to this Act:

2 22 \$ 5,050,000

2 23 From the funds appropriated in this section, the department
 2 24 may retain up to \$50,000 for administration of the
 2 25 supplemental strategies and educational services grant
 2 26 program.

EXPLANATION

2 27
 2 28 This bill requires school boards to adopt a student
 2 29 advancement policy and establishes legislative findings to
 2 30 support the requirement. The bill also appropriates \$5.05
 2 31 million to the department of education for FY 2007=2008 from
 2 32 the general fund for a supplemental strategies and educational
 2 33 services grant program for distribution to school districts
 2 34 for tutoring and other opportunities for students to meet the
 2 35 expectations of the school district.



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3 1 The policy adopted by a school district must provide that
3 2 supplemental strategies will be provided to all kindergarten
3 3 through grade five students who do not meet grade level
3 4 expectations; that students in grades six through eight must
3 5 make up deficiencies before advancing in English=language
3 6 arts, social studies, mathematics, or science; and that
3 7 supplemental education services such as tutoring must be
3 8 offered to students to help the students meet school district
3 9 expectations.

3 10 In deciding student placement and advancement, a school
3 11 district must make every effort to reach agreement with
3 12 parents and guardians.

3 13 The department is charged with developing criteria and a
3 14 process for awarding supplemental strategies and educational
3 15 services grants to school districts.

3 16 LSB 1981SS 82

3 17 kh:nh/es/88



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Senate File 82

SENATE FILE
BY DEARDEN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing the establishment of an open season for hunting
- 2 mourning doves.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1640SS 82
- 5 av/gg/14



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Senate File 82 continued

PAG LIN

1 1 Section 1. Section 481A.48, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. ~~No~~ A person, except as otherwise provided by law, shall
1 4 not willfully disturb, pursue, shoot, kill, take or attempt to
1 5 take or have in possession any of the following game birds or
1 6 animals except within the open season established by the
1 7 commission: Gray or fox squirrel, bobwhite quail, cottontail
1 8 or jackrabbit, duck, snipe, pheasant, goose, woodcock,
1 9 partridge, mourning dove, coot, rail, ruffed grouse, wild
1 10 turkey, pigeons, or deer. The seasons, bag limits, possession
1 11 limits, and locality shall be established by the department or
1 12 commission under the authority of sections 456A.24, 481A.38,
1 13 and 481A.39.

1 14 EXPLANATION

1 15 This bill authorizes the natural resource commission to
1 16 establish an open season for hunting mourning doves.
1 17 LSB 1640SS 82
1 18 av:nh/gg/14.1



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Senate File 83

SENATE FILE

BY ZIEMAN, RIELLY, ZAUN, MULDER,
WIECK, and McKINLEY

(COMPANION TO HF 39 BY
VAN FOSSEN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate File 83 continued

PAG LIN

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



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

2 4 EXPLANATION

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

2 11 LSB 1749SS 82

2 12 mg:rj/es/88



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Senate File 84 - Introduced

SENATE FILE

BY ZIEMAN, JOHNSON, SEYMOUR,
 HARTSUCH, MULDER, WIECK,
 BOETTGER, ZAUN, MCKINLEY,
 NOBLE, PUTNEY, GASKILL, BEHN,
 LUNDBY, MCKIBBEN, HAHN,
 KETTERING, and ANGELO

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring voters to provide certain identification when
- 2 voting in person at the polling place.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1782XS 82
- 5 sc/gg/14



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PAG LIN

1 1 Section 1. Section 48A.8, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:

1 4 48A.8 REGISTRATION BY MAIL.

1 5 An eligible elector may register to vote by completing a
1 6 mail registration form. The completed form may be mailed or
1 7 delivered by the registrant or the registrant's designee to
1 8 the commissioner in the county where the person resides. A
1 9 separate registration form shall be signed by each individual
1 10 registrant.

1 11 Sec. 2. Section 48A.26, subsection 2, Code 2007, is
1 12 amended to read as follows:

1 13 2. If the registration form appears on its face to be
1 14 complete and proper, the acknowledgment shall state that the
1 15 registrant is now a registered voter of the county. The
1 16 acknowledgment shall also specify the name of the precinct and
1 17 the usual polling place for the precinct in which the person
1 18 is now registered. The acknowledgment shall include a
1 19 statement informing the registered voter that the voter is
1 20 required to show valid and current identification before the
1 21 person will be allowed to vote, and that the identification
1 22 must contain a photograph of the voter, the printed name of
1 23 the voter, and a validity expiration date. The acknowledgment
1 24 may include the political party affiliation most recently
1 25 recorded by the registrant.

1 26 Sec. 3. Section 48A.27, subsection 4, paragraph c,
1 27 unnumbered paragraph 2, Code 2007, is amended to read as
1 28 follows:

1 29 The notice shall be sent by forwardable mail, and shall
1 30 include a postage paid preaddressed return card on which the
1 31 registered voter may state the registered voter's current
1 32 address. The notice shall contain a statement in
1 33 substantially the following form: "Information received from
1 34 the United States postal service indicates that you are no
1 35 longer a resident of, and therefore not eligible to vote in



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2 1 (name of county) County, Iowa. If this information is not
2 2 correct, and you still live in (name of county) County, please
2 3 complete and mail the attached postage paid card at least ten
2 4 days before the primary or general election and at least
2 5 eleven days before any other election at which you wish to
2 6 vote. If the information is correct and you have moved,
2 7 please contact a local official in your new area for
2 8 assistance in registering there. If you do not mail in the
2 9 card, you may be required to show identification to prove
2 10 residency before being allowed to vote in (name of county)
2 11 County. If you do not return the card, and you do not vote in
2 12 an election in (name of county) County, Iowa, on or before
2 13 (date of second general election following the date of the
2 14 notice) your name will be removed from the list of voters in
2 15 that county. To ensure you receive this notice, it is being
2 16 sent to both your most recent registration address and to your
2 17 new address as reported by the postal service."

2 18 Sec. 4. Section 48A.29, subsection 1, unnumbered paragraph
2 19 2, Code 2007, is amended to read as follows:

2 20 The notice shall be sent by forwardable mail, and shall
2 21 include a postage paid preaddressed return card on which the
2 22 registered voter may state the registered voter's current
2 23 address. The notice shall contain a statement in
2 24 substantially the following form: "Information received from
2 25 the United States postal service indicates that you are no
2 26 longer a resident of (residence address) in (name of county)
2 27 County, Iowa. If this information is not correct, and you
2 28 still live in (name of county) County, please complete and
2 29 mail the attached postage paid card at least ten days before
2 30 the primary or general election and at least eleven days
2 31 before any other election at which you wish to vote. If the
2 32 information is correct, and you have moved, please contact a
2 33 local official in your new area for assistance in registering
2 34 there. If you do not mail in the card, you may be required to
2 35 show identification to prove residency before being allowed to



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3 1 vote in (name of county) County. If you do not return the
3 2 card, and you do not vote in some election in (name of county)
3 3 County, Iowa, on or before (date of second general election
3 4 following the date of the notice) your name will be removed
3 5 from the list of voters in that county."

3 6 Sec. 5. Section 48A.29, subsection 3, unnumbered paragraph
3 7 2, Code 2007, is amended to read as follows:

3 8 The notice shall be sent by forwardable mail, and shall
3 9 include a postage paid preaddressed return card on which the
3 10 registered voter may state the registered voter's current
3 11 address. The notice shall contain a statement in
3 12 substantially the following form: "Information received by
3 13 this office indicates that you are no longer a resident of
3 14 (residence address) in (name of county) County, Iowa. If the
3 15 information is not correct, and you still live at that
3 16 address, please complete and mail the attached postage paid
3 17 card at least ten days before the primary or general election
3 18 and at least eleven days before any other election at which
3 19 you wish to vote. If the information is correct, and you have
3 20 moved within the county, you may update your registration by
3 21 listing your new address on the card and mailing it back. If
3 22 you have moved outside the county, please contact a local
3 23 official in your new area for assistance in registering there.
3 24 If you do not mail in the card, you may be required to show
3 25 identification to prove residency before being allowed to vote
3 26 in (name of county) County. If you do not return the card,
3 27 and you do not vote in some election in (name of county)
3 28 County, Iowa, on or before (date of second general election
3 29 following the date of the notice) your name will be removed
3 30 from the list of registered voters in that county."

3 31 Sec. 6. Section 49.77, subsection 3, Code 2007, is amended
3 32 to read as follows:

3 33 ~~3. A precinct election official shall require any person~~
~~3 34 whose name does not appear on the election register as an~~
~~3 35 active voter to show identification. Specific documents which~~



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~~4 1 are acceptable forms of identification shall be prescribed by~~
~~4 2 the state commissioner.~~

4 3 3. A precinct election official may shall require of that
4 4 the voter unknown to the official, identification upon which
~~4 5 the voter's signature or mark appears produce for inspection~~
4 6 valid and current identification. The identification must
4 7 contain a photograph of the voter, the printed name of the
4 8 voter, and a validity expiration date. If identification
4 9 required under this subsection is established to the
4 10 satisfaction of the precinct election officials, the person
4 11 may then be allowed to vote.

4 12 Sec. 7. Section 49.77, subsection 4, unnumbered paragraph
4 13 1, Code 2007, is amended to read as follows:

4 14 A precinct election official shall require any person whose
4 15 name does not appear on the election register as an active
4 16 voter to show identification to prove residency in the
4 17 precinct. Specific documents which are acceptable forms of
4 18 identification under this subsection shall be prescribed by
4 19 the state commissioner. A person whose name does not appear
4 20 on the election register of the precinct in which that person
4 21 claims the right to vote shall not be permitted to vote,
4 22 unless the person affirms that the person is currently
4 23 registered in the county and presents proof of identity
4 24 identification to prove residency, or the commissioner informs
4 25 the precinct election officials that an error has occurred and
4 26 that the person is a registered voter of that precinct. If
4 27 the commissioner finds no record of the person's registration
4 28 but the person insists that the person is a registered voter
4 29 of that precinct, the precinct election officials shall allow
4 30 the person to cast a ballot in the manner prescribed by
4 31 section 49.81.

4 32 Sec. 8. Section 49.81, subsection 1, Code 2007, is amended
4 33 to read as follows:

4 34 1. A prospective voter who is prohibited under section
4 35 ~~48A.8, subsection 4, section~~ 49.77, subsection 4, or section



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5 1 49.80 from voting except under this section shall be notified
5 2 by the appropriate precinct election official that the voter
5 3 may cast a provisional ballot. If a booth meeting the
5 4 requirement of section 49.25 is not available at that polling
5 5 place, the precinct election officials shall make alternative
5 6 arrangements to insure the challenged voter the opportunity to
5 7 vote in secret. The marked ballot, folded as required by
5 8 section 49.84, shall be delivered to a precinct election
5 9 official who shall immediately seal it in an envelope of the
5 10 type prescribed by subsection 4. The sealed envelope shall be
5 11 deposited in an envelope marked "provisional ballots" and
5 12 shall be considered as having been cast in the special
5 13 precinct established by section 53.20 for purposes of the
5 14 postelection canvass.

5 15 EXPLANATION

5 16 This bill requires that all voters show valid and current
5 17 identification before being allowed to vote at the polls.
5 18 Correspondingly, the bill strikes the requirement that certain
5 19 persons who register by mail and who have not previously voted
5 20 in a federal election in the county of registration must show
5 21 identification when voting for the first time in the county at
5 22 an election with federal offices on the ballot.

5 23 The bill further provides that the valid and current
5 24 identification must contain a photograph of the voter, the
5 25 printed name of the voter, and the validity expiration date of
5 26 the identification.

5 27 The bill also specifies that the requirement in current law
5 28 that a voter show identification if the voter's name does not
5 29 appear on the election register or if the voter did not
5 30 respond to a confirmation card sent by the county commissioner
5 31 of elections is required in order to establish residency in
5 32 the precinct. Current law provides that the secretary of
5 33 state shall provide, by rule, the acceptable forms of
5 34 identification in these circumstances.

5 35 LSB 1782XS 82



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Senate File 84 - Introduced continued

6 1 sc:rj/gg/14



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Senate File 85

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 adopt a student promotion policy to support student reading at
3 grade level, and providing an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1934XS 82
6 kh/je/5

PAG LIN



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Senate File 84 - Introduced continued

1 1 Section 1. NEW SECTION. 279.65 STUDENT PROMOTION OR
1 2 RETENTION.
1 3 1. A student enrolled in grade three who at the completion
1 4 of grade three is more than one year below grade level in
1 5 reading as determined by reading assessments administered
1 6 pursuant to this section, shall not be promoted to grade four
1 7 unless determined not to be in the best interest of the child
1 8 as provided in the student promotion policy adopted by the
1 9 school in accordance with this section. The board of
1 10 directors of each school district shall adopt a student
1 11 promotion policy that facilitates collaboration among
1 12 teachers, parents, and guardians of the students, and the
1 13 school district to support student reading at grade level.
1 14 The policy shall address the assessment of, and the
1 15 establishment of performance levels for, a student identified
1 16 as limited English proficient and a student identified as a
1 17 child requiring special education. The policy shall be
1 18 developed and annually updated with input from school
1 19 administrators, teachers, parents, and guardians. Annually,
1 20 by the first day of school, the school district shall notify
1 21 the parents and guardians of students in kindergarten through
1 22 grade three of the district's student promotion policy.
1 23 2. a. To identify students at risk of reading failure,
1 24 students enrolled in kindergarten through grade three of a
1 25 school district shall be assessed at the beginning of each
1 26 school year and throughout the school year as necessary by
1 27 ongoing assessments of their reading skills or early literacy
1 28 development including but not limited to phonological
1 29 awareness, reading fluency, and alphabetic principle. At
1 30 least annually, within the first three months of the school
1 31 year, the school district shall provide written notice to the
1 32 parent or guardian of the student's Iowa grade equivalency.
1 33 b. The department of education shall establish by
1 34 administrative rule a list of approved reading or early
1 35 literacy development assessments, which shall be provided to



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2 1 each school district. This list shall include the dynamic
2 2 indicators of basic early literacy skills (DIBELS), a
2 3 standardized, individually administered measure of early
2 4 literacy development, and the Iowa test of basic skills.
2 5 c. The director of the department of education shall
2 6 establish a committee to assist with the development of rules
2 7 required pursuant to paragraph "b", to review and recommend
2 8 reading and early literacy development assessments that
2 9 measure a student's reading skills or early literacy
2 10 development, including assessments for the following purposes:
2 11 (1) To assess a student's reading skills or early literacy
2 12 development progress throughout the school year.
2 13 (2) To indicate grade level competencies that have been
2 14 attained.
2 15 (3) To review and recommend reading skill or early
2 16 literacy development assessments that have been developed or
2 17 utilized by other states to the extent that the tests are
2 18 appropriate for use under this section.
2 19 The majority of members appointed shall be supportive of
2 20 research-based reading instruction described in the center for
2 21 the improvement of early reading achievement report issued in
2 22 2003 titled "Put Reading First: The Research Building Blocks
2 23 for Teaching Children to Read", second edition.
2 24 The assessments recommended shall be thoroughly researched
2 25 and demonstrated to be reliable and valid indicators of
2 26 reading progress. In developing its recommendations, the
2 27 committee shall review the requirements of the federal No
2 28 Child Left Behind Act of 2001, Pub. L. No. 107=110, and any
2 29 federal regulations adopted pursuant to the federal Act, to
2 30 align the committee's recommendations with the requirements of
2 31 the federal Act when possible in order to minimize any
2 32 additional burden the committee's recommendations may place on
2 33 a school district. The committee shall provide a progress
2 34 report to the chairpersons of the house and senate standing
2 35 committees on education, annually until July 1, 2011, and



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3 1 biennially thereafter.

3 2 3. The board of directors of each school district shall
3 3 establish a committee composed of stakeholders to develop
3 4 reading instruction programs that meet the requirements of
3 5 this section. The reading instruction programs shall include
3 6 but may not be limited to:

3 7 a. Curriculum using systematic and explicit phonics
3 8 instruction.

3 9 b. Sufficient additional in-school instructional time for
3 10 the acquisition of phonological awareness, reading fluency,
3 11 and alphabetic principle.

3 12 c. Tutorial instruction.

3 13 d. Periodic reassessments to measure the reading skills or
3 14 early literacy development including but not limited to
3 15 phonological awareness, reading fluency, and alphabetic
3 16 principle, as identified in the student's individualized
3 17 reading instruction program.

3 18 e. Additional in-school instructional time during the
3 19 summer.

3 20 4. If the results of assessments administered indicate
3 21 intervention is necessary, the school district shall provide
3 22 written notice to the parent or guardian of the student's Iowa
3 23 grade equivalency and the options available to the parent or
3 24 guardian as provided in subsection 3. A parent or guardian of
3 25 a student shall be included in the development of an
3 26 individualized program of reading instruction for the student.

3 27 5. If the results of assessments administered indicate the
3 28 student is reading above grade level, the school district
3 29 shall provide written notice to the parent or guardian of the
3 30 options available to the parent for enrichment activities for
3 31 the child.

3 32 6. For any grade three student found reading more than one
3 33 year or more below grade level as determined by reading
3 34 assessments administered pursuant to this section, a new
3 35 intensive reading instruction plan, which shall include



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4 1 specialized tutoring by the school district, shall be
4 2 developed and implemented. The school district is encouraged
4 3 to provide tutorial instruction in a manner that would
4 4 minimize interference with a student's instructional time in
4 5 the classroom. Tutorial instruction may be offered before or
4 6 after regular school hours.

4 7 7. A school district shall notify a parent or guardian in
4 8 writing of the ability of the parent or guardian to appeal to
4 9 the school board a school's decision to deny promotion of a
4 10 student. The school board shall decide in favor of a
4 11 student's promotion only if the school board concludes, using
4 12 standards adopted by the school board, that if promoted and
4 13 provided with additional or continued interventions, the
4 14 student is likely to perform at grade level. However, a
4 15 school board shall not deny a promotion to a student under the
4 16 provisions of this section more than once. A decision of the
4 17 school board to deny promotion is subject to appeal under
4 18 section 290.1.

4 19 8. The director of the department of education shall
4 20 conduct a review of school district student promotion
4 21 policies, including the number of students in need of
4 22 remediation in reading in kindergarten through grade three,
4 23 and the number of students who successfully completed their
4 24 individualized reading instruction program. The director
4 25 shall evaluate the data reported pursuant to this subsection
4 26 and shall submit a report of the findings and recommendations
4 27 resulting from the review to the general assembly by December
4 28 1, 2009, and biennially thereafter.

4 29 9. The state board of education shall submit its
4 30 recommendations for modifications to this section relating to
4 31 student promotion in a report to the general assembly by
4 32 December 15, 2009.

4 33 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 34 3, shall not apply to this Act.

4 35 Sec. 3. PROMOTION DENIAL APPLICABILITY DATE. Provisions



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Senate File 84 - Introduced continued

5 1 relating to promotion of a student in section 279.65,
5 2 subsections 1 and 7, if enacted, are applicable commencing
5 3 with the school year beginning July 1, 2010.

5 4 EXPLANATION

5 5 This bill requires, effective with the school year
5 6 commencing July 1, 2010, that a school district retain a
5 7 student in grade three if, at the completion of grade three,
5 8 the student is more than one year below grade level in reading
5 9 assessments specified by the bill. However, the child shall
5 10 not be retained if it is determined not to be in the child's
5 11 best interest. A student shall not be denied promotion under
5 12 the provisions of the bill more than once.

5 13 Students enrolled in kindergarten through grade three must
5 14 be assessed from the beginning of and throughout the school
5 15 year using ongoing assessments of reading skills or early
5 16 literacy development including phonological awareness, reading
5 17 fluency, and alphabetic principle. The department of
5 18 education is required to establish by rule, and provide each
5 19 school district with, a list of approved reading or early
5 20 literacy development assessments.

5 21 The bill also requires the board of directors of each
5 22 school district to adopt a student promotion policy, establish
5 23 a committee to develop reading instruction programs, provide
5 24 interventions to improve a student's reading skills, and
5 25 notify the parents and guardians of students of the options
5 26 under the school district's reading instruction program. An
5 27 intensive reading instruction plan must be developed and
5 28 implemented by a school district for any grade three student
5 29 who is one year or more below grade level and their tutorial
5 30 instruction may be provided before or after regular school
5 31 hours.

5 32 The school board can decide in favor of a student's
5 33 promotion only if the school board concludes that if promoted
5 34 and provided with additional or continued interventions, the
5 35 student is likely to perform at grade level.



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Senate File 84 - Introduced continued

6 1 The bill requires the state board of education to submit
6 2 recommendations for modifications to the student promotion
6 3 Code provisions to the senate and house standing committees on
6 4 education and the joint appropriations subcommittee on
6 5 education by December 1, 2006.

6 6 The bill requires the director of the department of
6 7 education to compose a committee to review and recommend
6 8 reading and early literacy development assessments. The
6 9 director must also conduct a review of school district student
6 10 promotion policies and to submit findings and recommendations
6 11 resulting from the review to the general assembly by December
6 12 15, 2009, and biennially thereafter.

6 13 The bill also requires the state board of education to
6 14 submit recommendations for modifications relating to student
6 15 promotion to the general assembly by December 15, 2009.

6 16 The bill may include a state mandate as defined in Code
6 17 section 25B.3. The bill requires that the state cost of any
6 18 state mandate included in the bill be paid by a school
6 19 district from state school foundation aid received by the
6 20 school district under Code section 257.16. The specification
6 21 is deemed to constitute state compliance with any state
6 22 mandate funding-related requirements of Code section 25B.2.
6 23 The inclusion of this specification is intended to reinstate
6 24 the requirement of political subdivisions to comply with any
6 25 state mandates included in the bill.

6 26 LSB 1934XS 82

6 27 kh:nh/je/5.1



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Senate File 86 - Introduced

SENATE FILE
BY MCKINLEY

(COMPANION TO HF 28 BY ARNOLD)

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

A BILL FOR

1 An Act relating to determining which county commissioner of
2 elections shall conduct an election for certain political
3 subdivisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1470SS 82
6 sc/je/5



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Senate File 86 - Introduced continued

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1 1 Section 1. Section 47.2, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. When an election is to be held as required by law or is
1 4 called by a political subdivision of the state and the
1 5 political subdivision is located in more than one county, the
1 6 county commissioner of elections of the county having the
1 7 greatest taxable base within the political subdivision shall
1 8 conduct that election. However, in the case of the regular
1 9 school election or any election called by a school district,
1 10 the county commissioner of elections of the county having the
1 11 greatest number of registered voters within the school
1 12 district as of January 1 of the year of the election shall
1 13 conduct that election. The county commissioners of elections
1 14 of the other counties in which the political subdivision is
1 15 located shall cooperate with the county commissioner of
1 16 elections who is conducting the election.

1 17 EXPLANATION

1 18 Current law provides that elections involving a political
1 19 subdivision located in more than one county shall be conducted
1 20 by the county commissioner of elections of the county having
1 21 the greatest taxable base within the political subdivision.
1 22 This bill provides that, for the regular school election or an
1 23 election called by a school district, the commissioner of the
1 24 county having the greatest number of registered voters within
1 25 the school district as of January 1 of the year of the
1 26 election shall conduct the election. The bill also applies to
1 27 the election of merged area boards of directors because these
1 28 directors are elected at the regular school election.
1 29 LSB 1470SS 82
1 30 sc:nh/je/5



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Senate File 87 - Introduced

SENATE FILE
BY MCKINLEY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to alternative practitioner preparation pilot
- 2 programs to prepare individuals to teach elementary and
- 3 secondary students.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1906XS 82
- 6 kh/gg/14



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Senate File 87 - Introduced continued

PAG LIN

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 and, by January 1, 2008,
1 4 implement a procedure for the approval of alternative
1 5 practitioner preparation pilot programs for individuals who
1 6 have not completed a practitioner preparation program
1 7 prescribed in subsection 3, but who have considerable life
1 8 experiences, career achievements, and academic backgrounds as
1 9 preparation for teaching students in one or more grade levels
1 10 from prekindergarten through grade twelve.

1 11 EXPLANATION

1 12 This bill directs the state board of education to adopt
1 13 rules and, by January 1, 2008, implement a procedure for the
1 14 approval of alternative practitioner preparation pilot
1 15 programs that prepare a person, who has not completed a
1 16 traditional practitioner preparation program, to teach
1 17 students in one or more grade levels from prekindergarten
1 18 through grade 12.

1 19 LSB 1906XS 82

1 20 kh:rj/gg/14



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Senate File 88 - Introduced

SENATE FILE

BY ZIEMAN, JOHNSON, MCKINLEY,
LUNDBY, HAHN, KETTERING,
and ANGELO

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the return of refund values to consumers for
- 2 empty beverage containers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2162SS 82
- 5 tm/es/88



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Senate File 88 - Introduced continued

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1 1 Section 1. Section 455C.2, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. A refund value of not less than five cents shall be
1 4 paid by the consumer on each beverage container sold in this
1 5 state by a dealer for consumption off the premises. Upon
1 6 return of the empty beverage container upon which a refund
1 7 value has been paid to the dealer or person operating a
1 8 redemption center and acceptance of the empty beverage
1 9 container by the dealer or person operating a redemption
1 10 center, ~~the dealer or person operating a redemption center~~
1 11 shall return the amount of the refund value to the consumer
1 12 and the person operating a redemption center shall pay a
1 13 refund value to the consumer of not less than four cents as
1 14 determined by the person operating a redemption center.

1 15 Sec. 2. Section 455C.5, subsection 1, Code 2007, is
1 16 amended to read as follows:

1 17 1. Each beverage container sold or offered for sale in
1 18 this state by a dealer shall clearly indicate by embossing or
1 19 by a stamp, label or other method securely affixed to the
1 20 container, the refund value of the container that must be paid
1 21 by the consumer. The department shall specify, by rule, the
1 22 minimum size of the refund value indication on the beverage
1 23 containers.

1 24 Sec. 3. Section 455C.6, subsection 1, Code 2007, is
1 25 amended to read as follows:

1 26 1. To facilitate the return of empty beverage containers
1 27 and to serve dealers of beverages, any person may establish a
1 28 redemption center, subject to the approval of the department,
1 29 at which consumers may return empty beverage containers and
1 30 receive payment of the refund value of such beverage
1 31 containers in an amount determined pursuant to section 455C.2,
1 32 subsection 1, by the person operating the redemption center.

1 33 Sec. 4. Section 455C.7, Code 2007, is amended to read as
1 34 follows:

1 35 455C.7 UNAPPROVED REDEMPTION CENTERS.



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2 1 Any person may establish a redemption center which has not
2 2 been approved by the department, at which a consumer may
2 3 return empty beverage containers and receive payment of the
2 4 refund value of the beverage containers in an amount
2 5 determined pursuant to section 455C.2, subsection 1, by the
2 6 person operating the redemption center. The establishment of
2 7 an unapproved redemption center shall not relieve any dealer
2 8 from the responsibility of redeeming any empty beverage
2 9 containers of the kind and brand sold by the dealer.

2 10 EXPLANATION

2 11 This bill relates to the return of refund values to
2 12 consumers for empty beverage containers.

2 13 The bill allows a person operating a redemption center to
2 14 determine the amount of refund value of not less than 4 cents
2 15 that may be paid to a consumer upon the return of an empty
2 16 beverage container. The bill provides that beverage
2 17 containers sold or offered for sale in this state must clearly
2 18 indicate the refund value of the container that must be paid
2 19 by the consumer.

2 20 LSB 2162SS 82

2 21 tm:nh/es/88



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Senate File 89 - Introduced

SENATE FILE
BY DVORSKY

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

A BILL FOR

1 An Act establishing a recreational therapy board, requiring the
2 licensure of recreational therapists, and providing for fees
3 and penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1089XS 82
6 jr/je/5



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1 1 Section 1. Section 147.1, subsection 2, paragraph c, Code
1 2 2007, is amended to read as follows:

1 3 c. "Licensed" or "certified" when applied to a physician
1 4 and surgeon, podiatric physician, osteopath, osteopathic
1 5 physician and surgeon, physician assistant, psychologist or
1 6 associate psychologist, chiropractor, nurse, dentist, dental
1 7 hygienist, optometrist, speech pathologist, audiologist,
1 8 pharmacist, physical therapist, occupational therapist,
1 9 recreational therapist, respiratory care practitioner,
1 10 practitioner of cosmetology arts and sciences, practitioner of
1 11 barbering, funeral director, dietitian, marital and family
1 12 therapist, mental health counselor, social worker, massage
1 13 therapist, athletic trainer, acupuncturist, or interpreter for
1 14 the hearing impaired means a person licensed under this
1 15 subtitle.

1 16 Sec. 2. Section 147.1, subsection 2, paragraph f, Code
1 17 2007, is amended to read as follows:

1 18 f. "Profession" means medicine and surgery, podiatry,
1 19 osteopathy, osteopathic medicine and surgery, practice as a
1 20 physician assistant, psychology, chiropractic, nursing,
1 21 dentistry, dental hygiene, optometry, speech pathology,
1 22 audiology, pharmacy, physical therapy, occupational therapy,
1 23 recreational therapy, respiratory care, cosmetology arts and
1 24 sciences, barbering, mortuary science, marital and family
1 25 therapy, mental health counseling, social work, dietetics,
1 26 massage therapy, athletic training, acupuncture, or
1 27 interpreting for the hearing impaired.

1 28 Sec. 3. Section 147.2, unnumbered paragraph 1, Code 2007,
1 29 is amended to read as follows:

1 30 A person shall not engage in the practice of medicine and
1 31 surgery, podiatry, osteopathy, osteopathic medicine and
1 32 surgery, psychology, chiropractic, physical therapy, nursing,
1 33 dentistry, dental hygiene, optometry, speech pathology,
1 34 audiology, occupational therapy, recreational therapy,
1 35 respiratory care, pharmacy, cosmetology, barbering, social



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2 1 work, dietetics, marital and family therapy or mental health
2 2 counseling, massage therapy, mortuary science, athletic
2 3 training, acupuncture, or interpreting for the hearing
2 4 impaired, or shall not practice as a physician assistant as
2 5 defined in the following chapters of this subtitle, unless the
2 6 person has obtained from the department a license for that
2 7 purpose.

2 8 Sec. 4. Section 147.13, Code 2007, is amended by adding
2 9 the following new subsection:

2 10 NEW SUBSECTION. 24. For recreational therapists,
2 11 recreational therapy.

2 12 Sec. 5. Section 147.14, Code 2007, is amended by adding
2 13 the following new subsection:

2 14 NEW SUBSECTION. 22. For recreational therapy, three
2 15 licensed recreational therapists who have engaged in the
2 16 practice of recreational therapy or therapeutic recreation in
2 17 Iowa for at least three years immediately preceding their
2 18 appointment to the board and two members who are not licensed
2 19 to practice recreational therapy and who shall represent the
2 20 general public. A majority of members of the board
2 21 constitutes a quorum.

2 22 Sec. 6. Section 147.74, Code 2007, is amended by adding
2 23 the following new subsection:

2 24 NEW SUBSECTION. 9A. A recreational therapist licensed
2 25 under chapter 148F may use the words "recreational therapist"
2 26 after the person's name or signify the same by the use of the
2 27 letters "R. T." after the person's name.

2 28 Sec. 7. Section 147.80, Code 2007, is amended by adding
2 29 the following new subsection:

2 30 NEW SUBSECTION. 18A. License to practice recreational
2 31 therapy issued upon the basis of an examination given by the
2 32 board of recreational therapy, license to practice
2 33 recreational therapy issued under a reciprocal agreement,
2 34 renewal of a license to practice recreational therapy.

2 35 Sec. 8. NEW SECTION. 148F.1 TITLE AND PURPOSE.



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3 1 This chapter may be cited and referred to as the
3 2 "Recreational Therapy Practice Act".
3 3 The purpose of this chapter is to provide for the
3 4 regulation of persons offering recreational therapy services
3 5 to the public in order to safeguard the public health, safety,
3 6 and welfare.

3 7 Sec. 9. NEW SECTION. 148F.2 DEFINITIONS.

3 8 As used in this chapter:

3 9 1. "Board" means the board of recreational therapy.

3 10 2. "Recreational therapy" means a treatment service
3 11 designed to restore, remediate, or rehabilitate a patient's or
3 12 client's level of functioning and independence in life
3 13 activities, or to reduce or eliminate the life activity
3 14 restrictions caused by an illness or disabling condition, with
3 15 the primary purpose being to provide recreational resources
3 16 and opportunities in order to improve health and well-being.
3 17 "Recreational therapy" includes all direct patient or client
3 18 services of assessment, planning, design, implementation,
3 19 evaluation, and documentation of specific interventions,
3 20 management, consultation, research, and education.

3 21 3. "Therapeutic recreation" means treatment services or
3 22 recreational therapy services provided to persons with
3 23 illnesses or disabling conditions.

3 24 Sec. 10. NEW SECTION. 148F.3 DUTIES OF THE BOARD.

3 25 The board shall administer this chapter. The board's
3 26 duties shall include but are not limited to the following:

3 27 1. Adoption of rules to administer this chapter, chapter
3 28 147, and chapter 272C with respect to the licensing of
3 29 recreational therapists.

3 30 2. Adoption of rules relating to professional conduct and
3 31 licensing and the establishment of ethical and professional
3 32 standards of practice.

3 33 3. Adoption of rules relating to the process and knowledge
3 34 base of recreational therapy as delineated in the national
3 35 council for therapeutic recreation certification job analysis



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4 1 study, as adopted by the board in rule. The rules shall adopt
4 2 by reference the specific edition of the job analysis study
4 3 which is to be followed.

4 4 4. Acting on matters concerning licensure and the process
4 5 of applying for, granting, suspending, imposing supervisory or
4 6 probationary conditions upon, reinstating, revoking, or
4 7 renewing a license.

4 8 5. Establishing and collecting licensure fees as provided
4 9 in section 147.80.

4 10 6. Developing continuing education requirements as a
4 11 condition of license renewal.

4 12 7. Evaluating requirements for licensure in other states
4 13 to determine if reciprocity may be granted.

4 14 Sec. 11. NEW SECTION. 148F.4 PERSONS AND PRACTICES NOT
4 15 AFFECTED.

4 16 This chapter does not prevent or restrict the practice,
4 17 services, or activities of any of the following:

4 18 1. A person licensed in this state by any other law from
4 19 engaging in the profession or occupation for which the person
4 20 is licensed.

4 21 2. A person employed as a recreational therapist by the
4 22 government of the United States if that person provides
4 23 recreational therapy solely under the direction or control of
4 24 the organization by which the person is employed.

4 25 3. A person pursuing a course of study leading to a degree
4 26 or certificate in recreational therapy in an accredited or
4 27 approved educational program, if the activities and services
4 28 constitute a part of a supervised course of study and the
4 29 person is designated by a title which clearly indicates the
4 30 person's status as a student or trainee.

4 31 Sec. 12. NEW SECTION. 148F.5 REQUIREMENTS FOR LICENSURE
4 32 == TEMPORARY LICENSE.

4 33 1. An applicant applying for a license as a recreational
4 34 therapist must file a written application on forms provided by
4 35 the board, showing to the satisfaction of the board that the



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5 1 applicant holds a current certification as a certified
5 2 therapeutic recreation specialist by the national council for
5 3 therapeutic recreation certification.

5 4 2. A person may qualify for a one=year, nonrenewable
5 5 temporary license if the person is eligible to sit for the
5 6 national council for therapeutic recreation certification
5 7 examination.

5 8 Sec. 13. Section 272C.1, subsection 6, Code 2007, is
5 9 amended by adding the following new paragraph:

5 10 NEW PARAGRAPH. ae. The board of recreational therapy,
5 11 created pursuant to chapter 147.

5 12 Sec. 14. INITIAL BOARD. The initial members of the board
5 13 of recreational therapy shall be appointed to the following
5 14 terms:

5 15 1. Two recreational therapist members eligible for
5 16 licensure and one public member shall be appointed for a term
5 17 of two years.

5 18 2. One recreational therapist member eligible for
5 19 licensure and one public member shall be appointed for a term
5 20 of one year.

5 21 EXPLANATION

5 22 This bill creates new Code chapter 148F that requires the
5 23 licensure of recreational therapists. The bill provides for
5 24 the establishment of a five=member recreational therapy board
5 25 consisting of three members who are recreational therapists
5 26 and two members who represent the general public. The bill
5 27 provides for fees to fund the board and provides penalties for
5 28 violation of the practice requirement; those penalties are set
5 29 out for all health=related boards in Code chapters 147 and
5 30 272C. The board is similar in composition and
5 31 responsibilities to the other health=related licensing boards.

5 32 LSB 1089XS 82

5 33 jr:rj/je/5.1



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Senate File 90 - Introduced

SENATE FILE
BY WOOD

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

A BILL FOR

- 1 An Act concerning local emergency management commission
- 2 communications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2196XS 82
- 5 ec/es/88



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Senate File 90 - Introduced continued

PAG LIN

1 1 Section 1. Section 29C.9, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. The commission shall determine the mission of its
1 4 agency and program and provide direction for the delivery of
1 5 the emergency management services of planning, administration,
1 6 coordination, training, and support for local governments and
1 7 their departments. The commission shall coordinate its
1 8 services in the event of a disaster. The commission may also
1 9 provide joint emergency response communications services.

1 10 EXPLANATION
1 11 This bill provides that local emergency management
1 12 commissions may provide joint emergency response
1 13 communications services.
1 14 LSB 2196XS 82
1 15 ec:nh/es/88



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Senate File 91 - Introduced

SENATE FILE
 BY LUNDBY

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of a motor vehicle registered as an
- 2 antique vehicle.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1684XS 82
- 5 dea/es/88



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Senate File 91 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.115, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. A motor vehicle twenty-five years old or older, whose
1 4 owner desires to use the motor vehicle ~~exclusively~~ for
1 5 exhibition or educational purposes at state or county fairs,
1 6 ~~or~~ at other places where the motor vehicle may be exhibited
1 7 for entertainment or educational purposes, or for other
1 8 occasional uses not to exceed one thousand miles per year,
1 9 shall be given a registration for a registration fee of five
1 10 dollars per annum permitting the driving of the motor vehicle
1 11 upon the public roads to and from state and county fairs or
1 12 other places of entertainment or education for exhibition or
1 13 educational purposes, ~~and~~ to and from service stations for the
1 14 purpose of receiving necessary maintenance, or for other
1 15 occasional uses not to exceed one thousand miles per year.

1 16 EXPLANATION

1 17 This bill allows the owner of a motor vehicle registered as
1 18 an antique vehicle to drive the vehicle for occasional use up
1 19 to 1,000 miles per year in addition to driving it for
1 20 exhibition or educational purposes and to and from service
1 21 stations. Antique motor vehicles are registered for an annual
1 22 fee of \$5, and may display model year registration plates, so
1 23 long as the current registration plates and registration card
1 24 are carried in the vehicle.

1 25 LSB 1684XS 82

1 26 dea:nh/es/88



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Senate Joint Resolution 1

SENATE JOINT RESOLUTION

BY McKIBBEN, JOHNSON, BEHN, SEYMOUR,
 BOETTGER, NOBLE, WARD, WIECK,
 KETTERING, McKINLEY, HARTSUCH,
 ZIEMAN, ANGELO, HAHN, and HOUSER

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
 2 the State of Iowa requiring approval by popular election
 3 before certain tax or fee increases take effect.
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 2012XS 82
 6 sc/es/88



Iowa General Assembly
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Senate Joint Resolution 1 continued

PAG LIN

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

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

1 5 ARTICLE XIII

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

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

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

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

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

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

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

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



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Senate Joint Resolution 1 continued

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

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

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

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

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

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



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Senate Joint Resolution 1 continued

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

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

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

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

3 32 EXPLANATION

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



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Senate Joint Resolution 1 continued

4 1 increases of taxes and fees, so that the increases will not
4 2 take effect unless approved by majority vote at a state
4 3 general election.
4 4 The amendment requires that a law or laws increasing any
4 5 taxes or fees that would result in new annual revenue of more
4 6 than 1 percent of total state general fund revenue received in
4 7 the fiscal year preceding enactment of the law or laws must
4 8 receive voter approval at a state general election. The
4 9 amendment defines "new annual revenue". The amendment also
4 10 defines "increase". This definition includes legislation that
4 11 allows or requires a local government to impose or increase
4 12 any tax on income, sales, or property; legislation that has
4 13 the effect of reducing total state funds transferred to all
4 14 local governments; and legislation that requires local
4 15 governments to incur aggregate net cost increases in a fiscal
4 16 year. The article does not apply to a statewide tax to pay a
4 17 state debt approved by the people or to motor vehicle fees and
4 18 fuel taxes.
4 19 The amendment allows the general assembly, at the
4 20 governor's request and by two-thirds vote, to increase taxes
4 21 in emergency situations.
4 22 The amendment allows any citizen or taxpayer to bring suit
4 23 to enforce compliance with the voter approval requirement
4 24 within two years of adoption of a tax or fee increase. The
4 25 amendment also provides that the general assembly shall enact
4 26 laws to implement the amendment.
4 27 The resolution, if adopted, will be referred to the next
4 28 general assembly. If the next general assembly adopts the
4 29 resolution, the amendment will be submitted to the voters for
4 30 ratification.
4 31 LSB 2012XS 82
4 32 sc:rj/es/88



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Senate Resolution 8 - Introduced

PAG LIN

1 1 SENATE RESOLUTION NO. ____
1 2 BY ANGELO
1 3 A Resolution to recognize February 6, 2007, as
1 4 Ronald Reagan Day.
1 5 WHEREAS, President Ronald Wilson Reagan, a man of
1 6 humble background, worked throughout his life serving
1 7 freedom and advancing the public good, having been
1 8 employed as an entertainer, union leader, corporate
1 9 spokesman, Governor of California, and President of
1 10 the United States; and
1 11 WHEREAS, in the 1930s, Ronald Reagan began his
1 12 professional life as a sports broadcaster in
1 13 Davenport, Iowa, and later at Des Moines station WHO,
1 14 where he provided "play=by=play" commentary for
1 15 Chicago Cubs baseball games; and
1 16 WHEREAS, Ronald Reagan served with honor and
1 17 distinction for two terms as the 40th President of the
1 18 United States, winning his second term by earning the
1 19 confidence of three=fifths of the electorate and
1 20 carrying 49 of the 50 states in the general election
1 21 == a record unsurpassed in the history of American
1 22 presidential elections; and
1 23 WHEREAS, in 1981, when Ronald Reagan was
1 24 inaugurated President, he inherited a disillusioned
1 25 nation shackled by rampant inflation and high
1 26 unemployment; and
1 27 WHEREAS, during Mr. Reagan's presidency he worked
1 28 in a bipartisan manner to enact his bold agenda of
1 29 restoring accountability and common sense to
1 30 government which led to an unprecedented economic



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Senate Resolution 8 - Introduced continued

2 1 expansion and opportunity for millions of Americans;
2 2 and
2 3 WHEREAS, Mr. Reagan's commitment to an active
2 4 social policy agenda for the nation's children helped
2 5 lower crime and drug use; and
2 6 WHEREAS, President Reagan's commitment to the armed
2 7 forces contributed to the restoration of pride in
2 8 America, her values and those cherished by the free
2 9 world, and prepared America's Armed Forces to win the
2 10 Gulf War; and
2 11 WHEREAS, President Reagan's vision of "peace
2 12 through strength" led to the end of the Cold War and
2 13 the ultimate demise of the Soviet Union, guaranteeing
2 14 basic human rights for millions of people; and
2 15 WHEREAS, February 6, 2007, was the 96th anniversary
2 16 of Ronald Reagan's birth, and the third since his
2 17 death; NOW THEREFORE,
2 18 BE IT RESOLVED BY THE SENATE, That the Senate
2 19 recognizes and observes the anniversary of President
2 20 Reagan's birth and urges all Iowans to take cognizance
2 21 of the anniversary and to participate fittingly in its
2 22 observance.
2 23 LSB 2124SS 82
2 24 jr:nh/cf/24



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Senate Study Bill 1141

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 wastewater treatment and disposal for
- 2 subdivisions and authorizing fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1395DP 82
- 5 tm/je/5



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Senate Study Bill 1141 continued

PAG LIN

1 1 Section 1. Section 455B.172, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. Prior to a plat receiving final
1 4 approval from the governing body of a city or county, the
1 5 owner of the proposed subdivision shall present a wastewater
1 6 treatment and disposal plan to the county board of health for
1 7 approval. If a wastewater treatment and disposal system is
1 8 proposed that requires a permit from the department,
1 9 submission of the plan to the county board of health is not
1 10 required. If the proposed subdivision is intended to be
1 11 served by individual private sewage disposal systems or small
1 12 clusters of sewage disposal systems serving four or fewer
1 13 homes, the owner of the proposed subdivision shall submit to
1 14 the county board of health complete site evaluation
1 15 information including soils, topography, vegetation,
1 16 watershed, impacted water bodies, and any other information
1 17 required by the county board of health to evaluate the
1 18 proposed wastewater treatment and disposal plan. The county
1 19 may charge a reasonable fee for review and approval services
1 20 required pursuant to this subsection. If a wastewater
1 21 treatment and disposal plan is approved to utilize private
1 22 sewage disposal systems permitted by the county board of
1 23 health, the county shall ensure that a management entity
1 24 legally responsible for the long-term maintenance and
1 25 management of the approved system exists. The management
1 26 entity must employ or contract with a department certified
1 27 onsite wastewater inspector, as established under the onsite
1 28 wastewater time-of-transfer inspection program, to oversee the
1 29 management of the wastewater system. The management entity
1 30 may be a public corporation, an organization organized under
1 31 chapter 28E, a sanitary sewer district, a rural water
1 32 association, or a private corporation.
1 33 Sec. 2. IMPLEMENTATION OF ACT. The fees and funds
1 34 generated as a result of the enactment of this Act are
1 35 intended to cover the costs of any state mandate included in



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Senate Study Bill 1141 continued

2 1 this Act and this specification of state funding shall be
2 2 deemed to meet all the state funding-related requirements of
2 3 section 25B.2, subsection 3, and no additional state funding
2 4 shall be necessary for the full implementation of this Act by,
2 5 and enforcement of this Act against, all affected political
2 6 subdivisions.

2 7 EXPLANATION

2 8 This bill relates to wastewater treatment and disposal for
2 9 subdivisions.

2 10 The bill provides that prior to a plat receiving final
2 11 approval from the governing body of a city or county, the
2 12 owner of a proposed subdivision shall present a wastewater
2 13 treatment and disposal plan to the county board of health for
2 14 approval. Such approval is not required if a wastewater
2 15 treatment and disposal system is proposed that requires a
2 16 permit from the department of natural resources. The bill
2 17 provides that if the proposed subdivision is intended to be
2 18 served by individual private sewage disposal systems or small
2 19 clusters of sewage disposal systems serving four or fewer
2 20 homes, the owner of the proposed subdivision must submit to
2 21 the county board of health complete site evaluation
2 22 information. The bill allows a county to charge a reasonable
2 23 fee for review and approval services. The bill provides that
2 24 if a wastewater treatment and disposal plan is approved to
2 25 utilize private sewage disposal systems permitted by the
2 26 county board of health, the county must ensure that a
2 27 management entity legally responsible for the long-term
2 28 maintenance and management of the approved system exists to
2 29 oversee the management of the wastewater system.

2 30 The bill may include a state mandate as defined in Code
2 31 section 25B.3. The bill provides that fees and funds
2 32 generated in this bill are intended to cover the costs of any
2 33 state mandate included in the bill. The inclusion of this
2 34 specification of state funding is intended to reinstate the
2 35 requirement of political subdivisions to comply with any state



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Senate Study Bill 1141 continued

- 3 1 mandates included in the bill.
- 3 2 LSB 1395DP 82
- 3 3 tm:nh/je/5.1



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Senate Study Bill 1142

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a shaken baby prevention program in the
- 2 department of public health.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2019XC 82
- 5 jp/gg/14



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Senate Study Bill 1142 continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME
1 2 PREVENTION PROGRAM.
1 3 1. For the purposes of this section:
1 4 a. "Birth center" and "birthing hospital" mean the same as
1 5 defined in section 135.131.
1 6 b. "Child care provider" means the same as a child care
1 7 facility, as defined in section 237A.1, that is providing
1 8 child care to a child who is newborn through age three.
1 9 c. "Parent" means the same as "custodian", "guardian", or
1 10 "parent", as defined in section 232.2, of a child who is
1 11 newborn through age three.
1 12 d. "Person responsible for the care of a child" means the
1 13 same as defined in section 232.68, except that it is limited
1 14 to persons responsible for the care of a child who is newborn
1 15 through age three.
1 16 e. "Shaken baby syndrome" means the collection of signs
1 17 and symptoms resulting from the vigorous shaking of a child
1 18 who is three years of age or younger. Shaken baby syndrome
1 19 may result in bleeding inside the child's head and may cause
1 20 one or more of the following conditions: irreversible brain
1 21 damage; blindness, retinal hemorrhage, or eye damage; cerebral
1 22 palsy; hearing loss; spinal cord injury, including paralysis;
1 23 seizures; learning disability; central nervous system injury;
1 24 closed head injury; rib fracture; subdural hematoma; or death.
1 25 2. a. The department shall establish a statewide shaken
1 26 baby syndrome prevention program to educate parents and
1 27 persons responsible for the care of a child about the dangers
1 28 to children three years of age or younger caused by shaken
1 29 baby syndrome and to provide alternate techniques for venting
1 30 anger and frustration. The program shall allow for voluntary
1 31 participation and shall make available multimedia educational
1 32 resources, forms, and written materials to parents and persons
1 33 responsible for the care of a child.
1 34 b. A parent or person responsible for the care of a child
1 35 may choose to participate in the program by signing a



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Senate Study Bill 1142 continued

2 1 participation form, viewing the program's multimedia
2 2 educational resources, receiving written materials, or
2 3 providing evaluation comments.
2 4 c. The department shall provide for the development of
2 5 multimedia resources, related written materials, participation
2 6 and evaluation forms, and other resources. The department
2 7 shall consult with experts with experience in child abuse
2 8 prevention, child health, and parent education in developing
2 9 the resources, forms, and materials.
2 10 d. The program resources, forms, and materials shall be
2 11 distributed to birth centers, birthing hospitals, and child
2 12 care providers. The department shall implement a
2 13 collaborative approach for distribution with child abuse
2 14 prevention programs, child care resource and referral
2 15 programs, community empowerment programs, public and private
2 16 schools, hospital and health care provider associations, local
2 17 health departments, and others who regularly work with parents
2 18 and persons targeted by the program and the birth centers,
2 19 birthing hospitals, and child care providers who provide
2 20 services to such parents and persons. The distribution
2 21 approach shall provide for distribution by a local health
2 22 department in those areas where another collaborative agency
2 23 is not available or unable to provide the distribution.
2 24 3. Each birth center, birthing hospital, child care
2 25 provider, and maternal and pediatric health services provider
2 26 in the state shall encourage program participation by the
2 27 parents of newborn children and persons responsible for the
2 28 care of a child who is newborn by doing all of the following:
2 29 a. Informing the parents and persons concerning the
2 30 program.
2 31 b. Making the program resources, materials, and forms
2 32 available to the parents and persons.
2 33 c. Keeping completed forms on file.
2 34 4. Each birth center, birthing hospital, and child care
2 35 provider shall annually report to the department statistical



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Senate Study Bill 1142 continued

3 1 information concerning program participation in accordance
3 2 with rules adopted for this purpose by the department. The
3 3 department shall annually report in December to the governor
3 4 and general assembly providing statistical information
3 5 concerning program participants and agencies collaborating
3 6 with the program, and program results.

3 7 5. The department shall implement the program to the
3 8 extent of the amount appropriated or made available for the
3 9 program for a fiscal year.

3 10 EXPLANATION

3 11 This bill establishes a shaken baby syndrome prevention
3 12 program in the department of public health in new Code section
3 13 135.119.

3 14 Terms are defined in the bill, largely based on existing
3 15 Code definitions.

3 16 "Birth center" means the same as defined in Code section
3 17 135.131: a facility or institution, which is not an
3 18 ambulatory surgical center or a hospital or in a hospital, in
3 19 which births are planned to occur following a normal,
3 20 uncomplicated, low-risk pregnancy. "Birthing hospital" means
3 21 the same as defined in Code section 135.131: a licensed
3 22 private or public hospital that has a licensed obstetric unit
3 23 or is licensed to provide obstetric services. "Child care
3 24 provider" means the same as "child care facility", as defined
3 25 in Code section 237A.1: a licensed child care center,
3 26 preschool, or a registered child development home, that is
3 27 providing care to children who are newborn through age three.

3 28 "Parent" means the same as "parent", "guardian", or
3 29 "custodian", as defined in Code section 232.2, of a child who
3 30 is newborn through age three. Under Code section 232.2,
3 31 "custodian" means a stepparent or a relative within the fourth
3 32 degree of consanguinity to a child who has assumed
3 33 responsibility for that child, a person who has accepted a
3 34 release of custody, or a person appointed by a court or
3 35 juvenile court having jurisdiction over a child; "guardian"



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Senate Study Bill 1142 continued

4 1 means a person who is not the parent of a child, but who has
4 2 been appointed by a court or juvenile court having
4 3 jurisdiction over the child, to have a permanent
4 4 self=sustaining relationship with the child and to make
4 5 important decisions which have a permanent effect on the life
4 6 and development of that child and to promote the general
4 7 welfare of that child; and "parent" means a biological or
4 8 adoptive mother or father of a child but does not include a
4 9 mother or father whose parental rights have been terminated.
4 10 "Person responsible for the care of a child" means the same
4 11 as defined in Code section 232.68, except that it is limited
4 12 to persons caring for a child who is newborn through age
4 13 three. Under Code section 232.68, the term means a parent,
4 14 guardian, or foster parent; a relative or any other person
4 15 with whom the child resides and who assumes care or
4 16 supervision of the child, without reference to the length of
4 17 time or continuity of such residence; an employee or agent of
4 18 any public or private facility providing care for a child,
4 19 including an institution, hospital, health care facility,
4 20 group home, mental health center, residential treatment
4 21 center, shelter care facility, detention center, or child care
4 22 facility; and any person providing care for a child, but with
4 23 whom the child does not reside, without reference to the
4 24 duration of the care.
4 25 "Shaken baby syndrome" means the collection of signs and
4 26 symptoms resulting from the vigorous shaking of a child who is
4 27 age three or younger that may result in bleeding inside the
4 28 head and may result in any of a number of conditions listed in
4 29 the bill.
4 30 The department is required to establish a statewide shaken
4 31 baby syndrome prevention program directed to parents and
4 32 persons responsible for the care of a child, as these terms
4 33 are defined in the bill.
4 34 The department is required to work with various experts in
4 35 developing multimedia resources, forms, and written materials



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Senate Study Bill 1142 continued

5 1 for distribution under the program to birth centers, birthing
5 2 hospitals, and child care providers. The department is
5 3 required to implement a collaborative approach for the
5 4 distribution with various programs, health services providers,
5 5 and agencies that work with the target population. If an area
5 6 does not have a collaborative agency to perform the
5 7 distribution, the distribution is required to be performed by
5 8 the local health department.

5 9 Each birth center, birthing hospital, child care provider,
5 10 and maternal and pediatric health services provider in the
5 11 state is required to encourage program participation by the
5 12 parents of newborn children and persons responsible for the
5 13 care of a child who is newborn by performing various
5 14 distribution tasks outlined in the bill.

5 15 Birth centers, birthing hospitals, and child care providers
5 16 are required to annually submit statistical information as
5 17 specified in rules to be adopted by the department. The
5 18 department is required to report annually to the governor and
5 19 general assembly concerning the program and program results.

5 20 LSB 2019XC 82

5 21 jp:nh/gg/14



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Senate Study Bill 1143

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the membership of the board of physician
- 2 assistant examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2094SC 82
- 5 jr/je/5



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Senate Study Bill 1143 continued

PAG LIN

1 1 Section 1. Section 147.14, subsection 12, Code 2007, is
1 2 amended to read as follows:
1 3 12. For the board of physician assistant examiners, ~~three~~
1 4 five members licensed to practice as physician assistants, at
1 5 least two of whom practice in counties with a population of
1 6 less than fifty thousand, one member licensed to practice
1 7 medicine and surgery who supervises a physician assistant, one
1 8 member licensed to practice osteopathic medicine and surgery
1 9 who supervises a physician assistant, and two members who are
1 10 not licensed to practice either medicine and surgery or
1 11 osteopathic medicine and surgery or licensed as a physician
1 12 assistant and who shall represent the general public. At
1 13 least one of the physician members shall be in practice in a
1 14 county with a population of less than fifty thousand. A
1 15 majority of members of the board constitutes a quorum.

1 16 EXPLANATION

1 17 The board of physician assistant examiners currently has
1 18 seven members, three of whom are licensed to practice as
1 19 physician assistants. This bill adds two licensed physician
1 20 assistants to the board membership.

1 21 LSB 2094SC 82

1 22 jr:nh/je/5



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Senate Study Bill 1144

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 JUDICIARY BILL BY
 CHAIRPERSON KREIMAN)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a hospital lien and providing an effective
- 2 date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1773SC 82
- 5 rh/es/88



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Senate Study Bill 1144 continued

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1 1 Section 1. NEW SECTION. 582.0A DEFINITIONS.

1 2 1. "Health plan" means an individual or group plan that
1 3 provides, or pays the costs of, medical care as that term is
1 4 defined in the federal Health Insurance Portability and
1 5 Accountability Act of 1996, Pub. L. No. 104-191.

1 6 2. "Hospital" means a public or private institution
1 7 licensed pursuant to chapter 135B.

1 8 3. "Provider agreement" means a contract, understanding,
1 9 or arrangement made by an association, corporation, county,
1 10 municipal corporation, or other institution maintaining a
1 11 hospital in the state, with any health plan or other entity
1 12 for the provision or payment of health care services.

1 13 Sec. 2. Section 582.1, Code 2007, is amended to read as
1 14 follows:

1 15 582.1 NATURE OF LIEN.

1 16 1. Every association, corporation, county, municipal
1 17 corporation, or other institution, including a municipal
~~1 18 corporation, maintaining a hospital in the state, which shall~~
1 19 furnish medical or other service to any patient injured by
1 20 reason of an accident not covered by the workers' compensation
1 21 Act, shall, if such injured party shall assert or maintain a
1 22 claim against another for damages on account of such injuries,
1 23 have a lien upon that part going or belonging to such patient
1 24 of any recovery or sum had or collected or to be collected by
1 25 such patient, or by the patient's heirs or personal
1 26 representatives in the case of the patient's death, whether by
1 27 judgment or by settlement or compromise ~~to the amount of the~~
~~1 28 reasonable and necessary charges of such~~ provided that prior
1 29 to filing the notice of the lien, the hospital first takes
1 30 reasonable steps to determine whether a patient is covered
1 31 under a health plan provided by a private or governmental
1 32 entity. If the patient is covered by such a health plan, all
1 33 patient charges shall first be submitted to the health plan
1 34 prior to the filing of the notice of lien pursuant to section
1 35 582.2.



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2 1 2. The amount of the lien shall be for the reasonable and
2 2 customary charges of the hospital for the treatment, care, and
2 3 maintenance of such patient in such hospital up to the date of
2 4 payment of such damages; provided, however, that ~~this the~~
2 5 amount of the lien shall not exceed the amount of the
2 6 patient's responsibility for treatment, care, and maintenance
2 7 charges pursuant to any provider agreement between the
2 8 hospital and a health plan that provides coverage for the
2 9 patient regardless of the hospital's right under the provider
2 10 agreement to pursue a lien pursuant to this chapter. If a
2 11 hospital's treatment, care, and maintenance charges are not
2 12 covered by a health plan due to the fact that a third party is
2 13 or may be liable to the patient for damages, the amount of the
2 14 lien shall be limited to the amount the hospital would have
2 15 received if such charges were covered by the patient's health
2 16 plan.

2 17 3. The lien shall not in any way prejudice or interfere
2 18 with any lien or contract which may be made by such patient or
2 19 the patient's heirs or personal representatives with any
2 20 attorney or attorneys for handling the claim on behalf of such
2 21 patient, the patient's heirs, or personal representatives;
2 22 provided, further, that the lien ~~herein set forth~~ shall not be
2 23 applied or considered valid against ~~anyone coming under a~~
2 24 patient covered under the workers' compensation Act ~~in this~~
2 25 state pursuant to chapters 85, 85A, and 85B.

2 26 Sec. 3. Section 668.5, Code 2007, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 5. For purposes of this section,
2 29 "subrogation" includes a hospital lien filed pursuant to
2 30 chapter 582.

2 31 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 32 immediate importance, takes effect upon enactment.

2 33 EXPLANATION

2 34 This bill relates to the filing of a hospital lien and
2 35 provides that an association, corporation, county, municipal



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Senate Study Bill 1144 continued

3 1 corporation, or other institution maintaining a hospital in
3 2 this state and eligible to file a lien under the provisions of
3 3 Code chapter 582, Iowa's hospital lien law, shall first take
3 4 reasonable steps to determine whether a patient is covered
3 5 under a health plan provided by a private or governmental
3 6 entity. If the patient is covered by such a health plan, all
3 7 treatment, care, and maintenance charges shall first be
3 8 submitted to the health plan prior to the filing of the notice
3 9 of lien.

3 10 The bill provides the amount of the lien shall be for the
3 11 reasonable and customary treatment, care, and maintenance
3 12 charges of the hospital not to exceed the amount of the
3 13 patient's responsibility for such charges pursuant to any
3 14 provider agreement between the hospital and the health plan.
3 15 If a patient care charge is not covered by the patient's
3 16 health plan due to third party liability, the amount of the
3 17 lien shall be limited to the amount the hospital would have
3 18 received if such charges were covered by the patient's health
3 19 plan.

3 20 The bill further provides that, in regard to the rights of
3 21 contribution between two or more persons liable on the same
3 22 claim pursuant to Code section 668.5, a subrogated claim
3 23 includes a hospital lien filed pursuant to Code chapter 582.

3 24 The bill defines "health plan" to mean an individual or
3 25 group plan that provides, or pays the costs of, medical care
3 26 as that term is defined in the federal Health Insurance
3 27 Portability and Accountability Act of 1996, Pub. L. No.
3 28 104=191 (HIPAA). The bill also defines "provider agreement"
3 29 to mean a contract, understanding, or arrangement made by an
3 30 association, corporation, county, municipal corporation, or
3 31 other institution maintaining a hospital in the state, with
3 32 any health plan or other entity for the provision or payment
3 33 of health care services.

3 34 The bill takes effect upon enactment.

3 35 LSB 1773SC 82



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Senate Study Bill 1144 continued

4 1 rh:sc/es/88



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Senate Study Bill 1145

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

A BILL FOR

- 1 An Act relating to the statute of limitations period in a medical
- 2 malpractice action and including an applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1979SC 82
- 5 rh/je/5

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Senate Study Bill 1144 continued

1 1 Section 1. Section 614.1, subsection 9, Code 2007, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 614.8, subsection 2, Code 2007, is amended
1 4 to read as follows:
1 5 2. ~~Except as provided in section 614.1, subsection 9, the~~
1 6 The times limited for actions in this chapter, except those
1 7 brought for penalties and forfeitures, are extended in favor
1 8 of minors, so that they shall have one year from and after
1 9 attainment of majority within which to commence an action.
1 10 Sec. 3. APPLICABILITY. This Act applies to all actions
1 11 filed on or after the effective date of this Act.

1 12 EXPLANATION

1 13 This bill relates to the statute of limitations period in a
1 14 medical malpractice action and provides an applicability date.

1 15 The bill repeals the statute of limitations period in a
1 16 medical malpractice action for injury or wrongful death
1 17 against any physician and surgeon, osteopath, osteopathic
1 18 physician and surgeon, dentist, podiatric physician,
1 19 optometrist, pharmacist, chiropractor, physician assistant, or
1 20 nurse, licensed under Code chapter 147, or a hospital licensed
1 21 under Code chapter 135B, arising out of patient care. This
1 22 statute provides that such actions must be brought within two
1 23 years of reasonable discovery of the act giving rise to the
1 24 injury but that all actions must be filed within six years of
1 25 the wrongful act or omission. In addition, currently a minor
1 26 under the age of eight must file suit within two years of the
1 27 date the injury occurred or by the minor's 10th birthday,
1 28 whichever is later.

1 29 Upon repeal of this law, medical malpractice actions must
1 30 be filed within two years of the time at which the personal
1 31 injury occurs, which is the current statute of limitations
1 32 period for personal injury actions generally. This two-year
1 33 period is subject to the discovery rule that applies to civil
1 34 cases generally permitting a lawsuit to be filed within a
1 35 certain period of time after the injury is discovered or



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Senate Study Bill 1144 continued

2 1 reasonably should have been discovered, and the rule extending
2 2 the statute of limitations period for minors and incompetent
2 3 persons (Code section 614.8).
2 4 The bill applies to all actions filed on or after the
2 5 effective date of the bill.
2 6 LSB 1979SC 82
2 7 rh:rj/je/5



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Senate Study Bill 1146

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act repealing the statute of repose periods in a product
- 2 liability case and in a case arising out of the unsafe or
- 3 defective condition of an improvement to real property and
- 4 including an applicability date provision.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1978SC 82
- 7 rh/gg/14



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Senate Study Bill 1146 continued

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1 1 Section 1. Section 614.1, subsections 2A and 11, Code
1 2 2007, are amended by striking the subsections.
1 3 Sec. 2. APPLICABILITY. This Act applies to all actions
1 4 filed on or after the effective date of this Act.

1 5 EXPLANATION

1 6 This bill repeals the statute of repose periods in a
1 7 product liability case and in a case arising out of the unsafe
1 8 or defective condition of an improvement to real property.

1 9 The bill eliminates the 15-year statute of repose period in
1 10 a products liability case based upon the death of a person or
1 11 injuries to the person or property brought against the
1 12 manufacturer, assembler, designer, supplier of specifications,
1 13 seller, lessor, or distributor of a product based upon an
1 14 alleged defect in the design, inspection, testing,
1 15 manufacturing, formulation, marketing, packaging, warning,
1 16 labeling of the product, or any other alleged defect or
1 17 failure of whatever nature or kind, based on theories of
1 18 strict liability in tort, negligence, or breach of an implied
1 19 warranty.

1 20 The bill also eliminates the 15-year statute of repose
1 21 period in a case arising out of the unsafe or defective
1 22 condition of an improvement to real property based upon an
1 23 injury to property or an injury or death of a person.

1 24 Under current law, the statute of limitations period for a
1 25 personal injury action is two years from the date of injury
1 26 (Code section 614.1, subsection 2). The statute of
1 27 limitations period for an injury to property is five years
1 28 from the date of injury (Code section 614.1, subsection 4). A
1 29 statute of repose period differs from a statute of limitations
1 30 period in that a statute of repose period establishes a time
1 31 period after which a lawsuit based upon a defective product or
1 32 negligence in an improvement to real property cannot be filed
1 33 regardless of whether an injury to a person or to property has
1 34 occurred. A statute of limitations period begins at the date
1 35 of the injury or upon discovery of the deficiency.



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Senate Study Bill 1146 continued

2 1 The bill applies to all actions filed on or after the
2 2 effective date of the bill.
2 3 LSB 1978SC 82
2 4 rh:rj/gg/14



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Senate Study Bill 1147

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing insurance coverage requirements for damages
- 2 resulting from certain incidents involving liquor control
- 3 licensees and beer permittees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1831XC 82
- 6 av/gg/14



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Senate Study Bill 1147 continued

PAG LIN

1 1 Section 1. Section 123.92, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 Every liquor control licensee and class "B" beer permittee,
1 4 except a class "E" liquor control licensee, shall furnish
1 5 proof of financial responsibility by the existence of a
1 6 liability insurance policy in an amount determined by the
1 7 division but in any event the amount of insurance coverage
1 8 shall not be less than one hundred thousand dollars per person
1 9 and two hundred fifty thousand dollars per incident or
1 10 occurrence. In addition, the minimum amount of insurance
1 11 coverage required shall be adjusted by the division effective
1 12 January 1, 2013, and every five years thereafter to reflect
1 13 the percentage increase in the consumer price index that is
1 14 published annually in the federal register by the federal
1 15 department of labor, bureau of labor statistics, for the
1 16 five-year period ending June 30 of the year that the
1 17 adjustment is to be made. The amount of the adjustment shall
1 18 be rounded to the nearest five thousand dollars of coverage
1 19 and shall be published by the division no later than July 1 of
1 20 the year preceding the January 1 when the adjusted amount
1 21 becomes effective.

1 22

EXPLANATION

1 23 This bill increases insurance coverage requirements for
1 24 damages resulting from certain incidents involving liquor
1 25 control licensees and beer permittees.

1 26 Code section 123.92 is amended to increase the amount of
1 27 insurance coverage that is required to satisfy the proof of
1 28 financial responsibility requirements of certain liquor
1 29 control licensees and class "B" beer permittees under the
1 30 state's dramshop Act. The bill provides that the amount of
1 31 coverage required shall not be less \$100,000 per person and
1 32 \$250,000 per incident or occurrence. Currently, the amount of
1 33 coverage required is determined by the alcoholic beverages
1 34 division of the department of commerce by rule in 185 IAC
1 35 5.8(2) and is \$50,000 for bodily injury to or death of one



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Senate Study Bill 1147 continued

2 1 person, \$100,000 for bodily injury to or death of two or more
2 2 persons, \$25,000 for loss of means of support of one person,
2 3 and \$50,000 for loss of means of support of two or more
2 4 persons. The bill further requires the amount of coverage to
2 5 be adjusted by the division on January 1, 2013, and every five
2 6 years thereafter to reflect the percentage increase in the
2 7 consumer price index as specified in the bill.
2 8 LSB 1831XC 82
2 9 av:nh/gg/14.1



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Senate Study Bill 1148

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 LOCAL GOVERNMENT BILL BY
 CHAIRPERSON QUIRMBACH)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the confidentiality of security procedures or
- 2 emergency preparedness information discussed at a meeting of a
- 3 governmental body and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1654SC 82
- 6 rh/es/88



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Senate Study Bill 1148 continued

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1 1 Section 1. Section 21.5, subsection 1, paragraph k, Code
1 2 2007, is amended to read as follows:

1 3 k. To discuss information contained in records in the
1 4 custody of a public airport, municipal corporation, municipal
1 5 utility, jointly owned municipal utility, or rural water
1 6 district organized under chapter 357A, that are confidential
1 7 records pursuant to section 22.7, subsection ~~46~~ 50. ~~This~~
~~1 8 paragraph is repealed effective June 30, 2007.~~

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

1 11 EXPLANATION

1 12 This bill relates to the confidentiality of security
1 13 procedures or emergency preparedness information discussed at
1 14 a meeting of a governmental body.

1 15 The bill makes a conforming change in the open meetings law
1 16 (Code chapter 21) relating to a legislative change made in the
1 17 open records law (Code chapter 22) during the 2006 legislative
1 18 session concerning the confidentiality of security procedures
1 19 or emergency preparedness information developed and maintained
1 20 by a government body (HF 2590). House File 2590 repealed Code
1 21 section 22.7, subsection 46, which had made records of a
1 22 government body concerning courthouse security information
1 23 confidential and replaced it with Code section 22.7,
1 24 subsection 50, which contains similar provisions concerning
1 25 the confidentiality of security procedures or emergency
1 26 preparedness information.

1 27 Code section 21.5 contains a provision that allows a
1 28 governmental body to hold a closed meeting to discuss
1 29 information contained in records in the custody of a public
1 30 airport, municipal corporation, municipal utility, jointly
1 31 owned municipal utility, or rural water district organized
1 32 under Code chapter 357A, that are confidential records
1 33 pursuant to Code section 22.7. The bill further eliminates a
1 34 repeal of this law effective June 30, 2007.

1 35 The bill takes effect upon enactment.



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Senate Study Bill 1148 continued

2 1 LSB 1654SC 82
2 2 rh:rj/es/88



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Senate Study Bill 1149

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 LOCAL GOVERNMENT BILL BY
 CHAIRPERSON QUIRMBACH)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to limitations of actions as applied to county
- 2 collection of delinquent property taxes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1645SC 82
- 5 eg/je/5

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Senate Study Bill 1148 continued

1 1 Section 1. Section 614.1, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 14. COUNTY COLLECTION OF TAXES. No time
1 4 limitation shall apply to an action brought by a county under
1 5 section 445.3 to collect delinquent taxes levied on or after
1 6 April 1, 1992.

1 7 EXPLANATION

1 8 This bill codifies the Iowa supreme court's ruling in
1 9 Fennelly v. A-1 Machine & Tool Co., No. 73/04=1232 (October 6,
1 10 2006). The court ruled that the county, when collecting
1 11 delinquent property taxes, is engaged in a public or
1 12 governmental activity and thus is entitled to immunity from
1 13 the statute of limitations.

1 14 LSB 1645SC 82

1 15 eg:sc/je/5