



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Amendment 8001

PAG LIN

1 1 Amend Senate File 572, as passed by the Senate, as
 1 2 follows:
 1 3 #1. Page 1, line 1, by inserting after the word
 1 4 <Code> the following: <Supplement>.
 1 5 #2. Page 1, line 5, by striking the words and
 1 6 figures <sections 422.12 and 422.12B> and inserting
 1 7 the following: <section 422.12>.
 1 8 #3. Page 1, line 9, by striking the word and
 1 9 figure <23, Code> and inserting the following: <22,
 1 10 Code Supplement>.
 1 11 #4. Page 1, line 11, by striking the figure <23.>
 1 12 and inserting the following: <22.>
 1 13 #5. Page 1, line 15, by inserting after the word
 1 14 <Code> the following: <Supplement>.
 1 15
 1 16
 1 17
 1 18 COMMITTEE ON WAYS AND MEANS
 1 19 SHOMSHOR of Pottawattamie, Chairperson
 1 20 SF 572.301 82
 1 21 mg/mg/5619
 1 22
 1 23
 1 24
 1 25
 1 26
 1 27
 1 28
 1 29
 1 30
 1 31
 1 32
 1 33
 1 34
 1 35
 1 36
 1 37
 1 38
 1 39
 1 40
 1 41
 1 42
 1 43
 1 44
 1 45
 1 46
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Amendment 8002

PAG LIN

1 1 Amend Senate File 249, as passed by the Senate, as
1 2 follows:

1 3 #1. Page 1, line 1, by inserting after the word
1 4 <Code> the following: <Supplement>.

1 5 #2. Page 2, by inserting after line 22, the
1 6 following:

1 7 <c. An assignment under this subsection is in
1 8 addition to an assignment of medical support payments
1 9 under any other law, including section 252E.11.>

1 10 #3. By striking page 5, line 3, through page 6,
1 11 line 14, and inserting the following:

1 12 <Sec. _____. Section 249J.8, subsection 1, Code
1 13 Supplement 2007, is amended to read as follows:

1 14 1. Each expansion population member whose family
1 15 income exceeds one hundred percent of the federal
1 16 poverty level as defined by the most recently revised
1 17 poverty income guidelines published by the United
1 18 States department of health and human services shall
1 19 pay a monthly premium not to exceed one-twelfth of
1 20 five percent of the member's annual family income.
1 21 Each expansion population member whose family income
1 22 is equal to or less than one hundred percent of the
1 23 federal poverty level as defined by the most recently
1 24 revised poverty income guidelines published by the
1 25 United States department of health and human services
1 26 shall not be subject to payment of a monthly premium.
1 27 All premiums shall be paid on the last day of the
1 28 month of coverage. The department shall deduct the
1 29 amount of any monthly premiums paid by an expansion
1 30 population member for benefits under the healthy and
1 31 well kids in Iowa program when computing the amount of
1 32 monthly premiums owed under this subsection. An
1 33 expansion population member shall pay the monthly
1 34 premium during the entire period of the member's
1 35 enrollment. Regardless of the length of enrollment,
1 36 the member is subject to payment of the premium for a
1 37 minimum of four consecutive months. However, an
1 38 expansion population member who complies with the
1 39 requirement of payment of the premium for a minimum of
1 40 four consecutive months during a consecutive
1 41 twelve-month period of enrollment shall be deemed to
1 42 have complied with this requirement for the subsequent
1 43 consecutive twelve-month period of enrollment and
1 44 shall only be subject to payment of the monthly
1 45 premium on a month-by-month basis. Timely payment of
1 46 premiums, including any arrearages accrued from prior
1 47 enrollment, is a condition of receiving any expansion
1 48 population services. The payment to and acceptance by
1 49 an automated case management system or the department
1 50 of the premium required under this subsection shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Amendment 8002 continued

2 1 not automatically confer initial or continuing program
2 2 eligibility on an individual. A premium paid to and
2 3 accepted by the department's premium payment process
2 4 that is subsequently determined to be untimely or to
2 5 have been paid on behalf of an individual ineligible
2 6 for the program shall be refunded to the remitter in
2 7 accordance with rules adopted by the department.
2 8 Premiums collected under this subsection shall be
2 9 deposited in the premiums subaccount of the account
2 10 for health care transformation created pursuant to
2 11 section 249J.23. An expansion population member shall
2 12 also pay the same copayments required of other adult
2 13 recipients of medical assistance.>
2 14 #4. By renumbering as necessary.
2 15
2 16
2 17
2 18 COMMITTEE ON HUMAN RESOURCES
2 19 SMITH of Marshall, CHAIRPERSON
2 20 SF 249.501 82
2 21 pf/nh/10239



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced

HOUSE FILE

BY WENDT, KAUFMANN, D. OLSON,
DOLECHECK, BUKTA, HOFFMAN,
WHITAKER, Tjepkes, DAVITT,
WENTHE, FREVERT, TOMENGA,
CHAMBERS, and BAUDLER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the repeal of the local option sales and
2 services tax for school infrastructure purposes by using the
3 revenues from the increase in the state sales and use taxes
4 for replacing lost school district revenues resulting from the
5 repeal and for road construction, providing property tax
6 relief, providing a penalty, and including an effective date
7 provision.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TL5B 5058YH 82
10 mg/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.4, subsection 1, paragraph b, Code
1 2 2007, is amended to read as follows:

1 3 b. For the budget year beginning July 1, ~~2006~~ 2008, and
1 4 succeeding budget years, the department of management shall
1 5 annually determine an adjusted additional property tax levy
1 6 and a statewide maximum adjusted additional property tax levy
1 7 rate, not to exceed the statewide average additional property
1 8 tax levy rate, calculated by dividing the total adjusted
1 9 additional property tax levy dollars statewide by the
1 10 statewide total net taxable valuation. For purposes of this
1 11 paragraph, the adjusted additional property tax levy shall be
1 12 that portion of the additional property tax levy corresponding
1 13 to the state cost per pupil multiplied by a school district's
1 14 weighted enrollment, and then multiplied by one hundred
1 15 percent less the regular program foundation base per pupil
1 16 percentage pursuant to section 257.1. The district shall
1 17 receive adjusted additional property tax levy aid in an amount
1 18 equal to the difference between the adjusted additional
1 19 property tax levy rate and the statewide maximum adjusted
1 20 additional property tax levy rate, as applied per thousand
1 21 dollars of assessed valuation on all taxable property in the
1 22 district. The statewide maximum adjusted additional property
1 23 tax levy rate shall be annually determined by the department
1 24 taking into account amounts allocated pursuant to section
1 25 257.15, subsection 4. The statewide maximum adjusted
1 26 additional property tax levy rate shall be annually determined
1 27 by the department taking into account amounts allocated
1 28 pursuant to section 257.15, subsection 4, and the balance of
1 29 the property tax equity and relief fund created in section
1 30 257.16A at the end of the calendar year.

1 31 Sec. 2. Section 257.15, subsection 4, Code 2007, is
1 32 amended to read as follows:

1 33 4. a. ALLOCATIONS FOR MAXIMUM ADJUSTED ADDITIONAL
1 34 PROPERTY TAX LEVY RATE CALCULATION AND ADJUSTED ADDITIONAL
1 35 PROPERTY TAX LEVY AID. The department of management shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

2 1 allocate from amounts appropriated pursuant to section 257.16,
2 2 subsection 1, and from funds appropriated from the property
2 3 tax equity and relief fund created in section 257.16A for the
2 4 purpose of calculating the statewide maximum adjusted
2 5 additional property tax levy rate and providing adjusted
2 6 additional property tax levy aid as provided in section 257.4,
2 7 subsection 1, paragraph "b", an amount ~~not to exceed the~~
2 8 ~~following~~ equal to the sum of subparagraphs (1) and (2) as
2 9 follows:
2 10 (1) From the amount appropriated from the general fund of
2 11 the state pursuant to section 257.16, subsection 1, equal to
2 12 the following:
2 13 ~~a.~~ (a) For the budget year beginning July 1, 2006, six
2 14 million dollars.
2 15 ~~b.~~ (b) For the budget year beginning July 1, 2007, twelve
2 16 million dollars.
2 17 ~~c.~~ (c) For the budget year beginning July 1, 2008,
2 18 eighteen million dollars.
2 19 ~~d.~~ (d) For the budget year beginning July 1, 2009, and
2 20 succeeding budget years, twenty-four million dollars.
2 21 (2) From the amount appropriated from the property tax
2 22 equity and relief fund created in section 257.16A.
2 23 b. After lowering all school district additional property
2 24 tax levy rates to the statewide maximum adjusted additional
2 25 property tax levy rate under paragraph "a", the department of
2 26 management shall use any remaining funds at the end of the
2 27 calendar year to further lower additional property taxes by
2 28 increasing for the budget year beginning the following July 1,
2 29 the state foundation base percentage. Moneys used pursuant to
2 30 this paragraph shall supplant an equal amount of the
2 31 appropriation made from the general fund of the state pursuant
2 32 to section 257.16 that represents the increase in state
2 33 foundation aid.
2 34 Sec. 3. NEW SECTION. 257.16A PROPERTY TAX EQUITY AND
2 35 RELIEF FUND.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

3 1 1. A property tax equity and relief fund is created as a
3 2 separate and distinct fund in the state treasury under the
3 3 control of the department of management. Moneys in the fund
3 4 include revenues credited to the fund, appropriations made to
3 5 the fund, and other moneys deposited into the fund.

3 6 2. There is appropriated annually all moneys in the fund
3 7 to the department of management for purposes of section
3 8 257.15, subsection 4.

3 9 3. Notwithstanding section 8.33, any moneys remaining in
3 10 the property tax equity and relief fund at the end of a fiscal
3 11 year shall not revert to any other fund but shall remain in
3 12 the property tax equity and relief fund for use as provided in
3 13 this section for the following fiscal year.

3 14 Sec. 4. Section 423.2, subsection 1, unnumbered paragraph
3 15 1, Code Supplement 2007, is amended to read as follows:

3 16 There is imposed a tax of ~~five~~ six percent upon the sales
3 17 price of all sales of tangible personal property, consisting
3 18 of goods, wares, or merchandise, sold at retail in the state
3 19 to consumers or users except as otherwise provided in this
3 20 subchapter.

3 21 Sec. 5. Section 423.2, subsections 2, 3, 4, and 5, Code
3 22 Supplement 2007, are amended to read as follows:

3 23 2. A tax of ~~five~~ six percent is imposed upon the sales
3 24 price of the sale or furnishing of gas, electricity, water,
3 25 heat, pay television service, and communication service,
3 26 including the sales price from such sales by any municipal
3 27 corporation or joint water utility furnishing gas,
3 28 electricity, water, heat, pay television service, and
3 29 communication service to the public in its proprietary
3 30 capacity, except as otherwise provided in this subchapter,
3 31 when sold at retail in the state to consumers or users.

3 32 3. A tax of ~~five~~ six percent is imposed upon the sales
3 33 price of all sales of tickets or admissions to places of
3 34 amusement, fairs, and athletic events except those of
3 35 elementary and secondary educational institutions. A tax of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

4 1 ~~five~~ six percent is imposed on the sales price of an entry fee
4 2 or like charge imposed solely for the privilege of
4 3 participating in an activity at a place of amusement, fair, or
4 4 athletic event unless the sales price of tickets or admissions
4 5 charges for observing the same activity are taxable under this
4 6 subchapter. A tax of ~~five~~ six percent is imposed upon that
4 7 part of private club membership fees or charges paid for the
4 8 privilege of participating in any athletic sports provided
4 9 club members.

4 10 4. A tax of ~~five~~ six percent is imposed upon the sales
4 11 price derived from the operation of all forms of amusement
4 12 devices and games of skill, games of chance, raffles, and
4 13 bingo games as defined in chapter 99B, and card game
4 14 tournaments conducted under section 99B.7B, that are operated
4 15 or conducted within the state, the tax to be collected from
4 16 the operator in the same manner as for the collection of taxes
4 17 upon the sales price of tickets or admission as provided in
4 18 this section. Nothing in this subsection shall legalize any
4 19 games of skill or chance or slot-operated devices which are
4 20 now prohibited by law.

4 21 The tax imposed under this subsection covers the total
4 22 amount from the operation of games of skill, games of chance,
4 23 raffles, and bingo games as defined in chapter 99B, card game
4 24 tournaments conducted under section 99B.7B, and musical
4 25 devices, weighing machines, shooting galleries, billiard and
4 26 pool tables, bowling alleys, pinball machines, slot-operated
4 27 devices selling merchandise not subject to the general sales
4 28 taxes and on the total amount from devices or systems where
4 29 prizes are in any manner awarded to patrons and upon the
4 30 receipts from fees charged for participation in any game or
4 31 other form of amusement, and generally upon the sales price
4 32 from any source of amusement operated for profit, not
4 33 specified in this section, and upon the sales price from which
4 34 tax is not collected for tickets or admission, but tax shall
4 35 not be imposed upon any activity exempt from sales tax under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

5 1 section 423.3, subsection 78. Every person receiving any
5 2 sales price from the sources described in this section is
5 3 subject to all provisions of this subchapter relating to
5 4 retail sales tax and other provisions of this chapter as
5 5 applicable.

5 6 5. There is imposed a tax of ~~five~~ six percent upon the
5 7 sales price from the furnishing of services as defined in
5 8 section 423.1.

5 9 Sec. 6. Section 423.2, subsection 7, paragraph a,
5 10 unnumbered paragraph 1, Code Supplement 2007, is amended to
5 11 read as follows:

5 12 A tax of ~~five~~ six percent is imposed upon the sales price
5 13 from the sales, furnishing, or service of solid waste
5 14 collection and disposal service.

5 15 Sec. 7. Section 423.2, subsection 8, paragraph a, Code
5 16 Supplement 2007, is amended to read as follows:

5 17 a. A tax of ~~five~~ six percent is imposed on the sales price
5 18 from sales of bundled transactions. For the purposes of this
5 19 subsection, a "bundled transaction" is the retail sale of two
5 20 or more distinct and identifiable products, except real
5 21 property and services to real property, which are sold for one
5 22 nonitemized price. A "bundled transaction" does not include
5 23 the sale of any products in which the sales price varies, or
5 24 is negotiable, based on the selection by the purchaser of the
5 25 products included in the transaction.

5 26 Sec. 8. Section 423.2, subsection 9, Code Supplement 2007,
5 27 is amended to read as follows:

5 28 9. A tax of ~~five~~ six percent is imposed upon the sales
5 29 price from any mobile telecommunications service which this
5 30 state is allowed to tax by the provisions of the federal
5 31 Mobile Telecommunications Sourcing Act, Pub. L. No. 106=252, 4
5 32 U.S.C. } 116 et seq. For purposes of this subsection, taxes
5 33 on mobile telecommunications service, as defined under the
5 34 federal Mobile Telecommunications Sourcing Act that are deemed
5 35 to be provided by the customer's home service provider, shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

6 1 be paid to the taxing jurisdiction whose territorial limits
6 2 encompass the customer's place of primary use, regardless of
6 3 where the mobile telecommunications service originates,
6 4 terminates, or passes through and shall in all other respects
6 5 be taxed in conformity with the federal Mobile
6 6 Telecommunications Sourcing Act. All other provisions of the
6 7 federal Mobile Telecommunications Sourcing Act are adopted by
6 8 the state of Iowa and incorporated into this subsection by
6 9 reference. With respect to mobile telecommunications service
6 10 under the federal Mobile Telecommunications Sourcing Act, the
6 11 director shall, if requested, enter into agreements consistent
6 12 with the provisions of the federal Act.

6 13 Sec. 9. Section 423.2, subsection 11, Code Supplement
6 14 2007, is amended to read as follows:

6 15 11. All revenues arising under the operation of the
6 16 provisions of this section shall be deposited ~~into the general~~
~~6 17 fund of the state.~~ as follows:

6 18 a. Five-sixths of such revenues shall be deposited into
6 19 the general fund of the state.

6 20 b. One-sixth of such revenues shall be deposited into the
6 21 secure an advanced vision for education fund created in
6 22 section 423F.1.

6 23 Sec. 10. Section 423.5, unnumbered paragraph 1, Code 2007,
6 24 is amended to read as follows:

6 25 An excise tax at the rate of ~~five~~ six percent of the
6 26 purchase price or installed purchase price is imposed on the
6 27 following:

6 28 Sec. 11. Section 423.43, Code Supplement 2007, is amended
6 29 to read as follows:

6 30 423.43 DEPOSIT OF REVENUE == APPROPRIATIONS.

6 31 1. Except as otherwise provided in subsections 2 and 3 and
6 32 section 328.36, all revenues arising under the operation of
6 33 the use tax under subchapter III shall be credited as follows:

6 34 a. Five-sixths of such revenues shall be credited to the
6 35 general fund of the state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

7 1 b. One-sixth of such revenues shall be credited to the
7 2 secure an advanced vision for education fund created in
7 3 section 423F.1.
7 4 2. Except as otherwise provided in section 312.2,
7 5 subsection 14, all five-sixths of the revenues derived from
7 6 the use tax on motor vehicles, trailers, and motor vehicle
7 7 accessories and equipment as collected pursuant to sections
7 8 423.26 and 423.27 shall be deposited and credited to the road
7 9 use tax fund and shall be used exclusively for the
7 10 construction, maintenance, and supervision of public
7 11 highways-, except as follows:
7 12 ~~1. a. Notwithstanding any provision of this section which~~
7 13 ~~provides that all revenues derived from the use tax on motor~~
7 14 ~~vehicles, trailers, and motor vehicle accessories and~~
7 15 ~~equipment as collected pursuant to sections 423.26 and 423.27~~
7 16 ~~shall be deposited and credited to the road use tax fund,~~
7 17 ~~eighty Eighty percent of the revenues collected pursuant to~~
7 18 ~~sections 423.26 and 423.27 shall be deposited and credited as~~
7 19 ~~follows:~~
7 20 ~~a. (1) Twenty-five percent of all such revenue, up to a~~
7 21 ~~maximum of four million two hundred fifty thousand dollars per~~
7 22 ~~quarter, shall be deposited into and credited to the Iowa~~
7 23 ~~comprehensive petroleum underground storage tank fund created~~
7 24 ~~in section 455G.3, and the moneys so deposited are a~~
7 25 ~~continuing appropriation for expenditure under chapter 455G,~~
7 26 ~~and moneys so appropriated shall not be used for other~~
7 27 ~~purposes.~~
7 28 ~~b. (2) Any such revenues remaining shall be credited to~~
7 29 ~~the road use tax fund.~~
7 30 ~~2. b. Notwithstanding any other provision of this section~~
7 31 ~~that provides that all revenue derived from the use tax on~~
7 32 ~~motor vehicles, trailers, and motor vehicle accessories and~~
7 33 ~~equipment as collected pursuant to section 423.26 shall be~~
7 34 ~~deposited and credited to the road use tax fund, twenty Twenty~~
7 35 ~~percent of the revenues collected pursuant to section 423.26~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

8 1 shall be credited and deposited as follows: ~~one-half~~
8 2 (1) One-half to the road use tax fund ~~and one-half.~~
8 3 (2) One-half to the primary road fund to be used for the
8 4 commercial and industrial highway network.
8 5 3. ~~All other revenue arising under the operation of the~~
~~8 6 use tax under subchapter III shall be credited to the general~~
~~8 7 fund of the state. One-sixth of the revenues derived from the~~
8 8 use tax on motor vehicles, trailers, and motor vehicle
8 9 accessories and equipment as collected pursuant to sections
8 10 423.26 and 423.27 shall be deposited and credited to the
8 11 TIME=21 fund established in section 312A.2.
8 12 Sec. 12. Section 423E.3, subsections 1 and 4, Code 2007,
8 13 are amended by striking the subsections.
8 14 Sec. 13. Section 423E.3, subsection 5, paragraphs a, b,
8 15 and c, Code 2007, are amended by striking the paragraphs.
8 16 Sec. 14. Section 423E.3, subsections 6 and 7, Code 2007,
8 17 are amended by striking the subsections.
8 18 Sec. 15. Section 423E.4, subsection 1, Code 2007, is
8 19 amended by striking the subsection.
8 20 Sec. 16. Section 423E.4, subsection 2, paragraph b,
8 21 subparagraph (3), Code 2007, is amended to read as follows:
8 22 (3) A school district that is located in whole or in part
8 23 in a county that voted on and approved the extension of the
8 24 local sales and services tax for school infrastructure
8 25 purposes pursuant to section 423E.2, subsection 5, Code 2007,
8 26 on or after April 1, 2003, shall receive for any extended
8 27 period an amount equal to its pro rata share of the local
8 28 sales and services tax receipts as provided in section 423E.3,
8 29 subsection 5, paragraph "d", not to exceed its guaranteed
8 30 school infrastructure amount. However, if the school
8 31 district's pro rata share is less than its guaranteed school
8 32 infrastructure amount, the district shall receive an
8 33 additional amount equal to its supplemental school
8 34 infrastructure amount.
8 35 Sec. 17. Section 423E.4, subsection 3, paragraph a, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

9 1 2007, is amended to read as follows:

9 2 a. The director of revenue by August 15 of each fiscal
9 3 year shall compute the guaranteed school infrastructure amount
9 4 for each school district, each school district's sales tax
9 5 capacity per student for each county, the statewide tax
9 6 revenues per student, and the supplemental school
9 7 infrastructure amount for the ~~coming~~ fiscal year.

9 8 Sec. 18. Section 423E.4, subsection 3, paragraph b,
9 9 subparagraph (2), Code 2007, is amended to read as follows:

9 10 (2) "Sales tax capacity per student" means for a school
9 11 district the estimated amount of revenues that a school
9 12 district ~~receives or~~ would receive if a local sales and
9 13 services tax for school infrastructure purposes ~~is~~ was imposed
9 14 at one percent in the county pursuant to section 423E.2, Code
9 15 2007, divided by the school district's actual enrollment as
9 16 determined in section 423E.3, subsection 5, paragraph "d".

9 17 Sec. 19. Section 423E.4, subsection 3, paragraph b,
9 18 subparagraph (3), Code 2007, is amended by striking the
9 19 subparagraph and inserting in lieu thereof the following:

9 20 (3) "Statewide tax revenues per student" means the amount
9 21 determined by estimating the total revenues that would be
9 22 generated by a one percent local option sales and services tax
9 23 for school infrastructure purposes if imposed by all the
9 24 counties during the entire fiscal year and dividing this
9 25 estimated revenue amount by the sum of the combined actual
9 26 enrollment for all counties as determined in section 423E.3,
9 27 subsection 5, paragraph "d", subparagraph (2).

9 28 Sec. 20. Section 423E.4, subsection 4, paragraph a, Code
9 29 2007, is amended to read as follows:

9 30 a. For the purposes of distribution under subsection 2,
9 31 paragraph "b", subparagraph (1), a school district with a
9 32 sales tax capacity per student below its guaranteed school
9 33 infrastructure amount shall use the amount equal to the
9 34 guaranteed school infrastructure amount less the pro rata
9 35 share amount in accordance with section 423E.3, subsection 5,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

10 1 paragraph "d", for the purpose of paying principal and
10 2 interest on outstanding bonds previously issued for school
10 3 infrastructure purposes as defined in section 423E.1,
10 4 subsection 3, Code 2007. Any money remaining after the
10 5 payment of all principal and interest on outstanding bonds
10 6 previously issued for infrastructure purposes may be used for
10 7 any authorized infrastructure purpose of the school district.
10 8 If a majority of the voters in the school district approves
10 9 the use of revenue pursuant to a revenue purpose statement in
10 10 an election held after July 1, 2003, in the school district
10 11 pursuant to section 423E.2, Code 2007, the school district may
10 12 use the amount for the purposes specified in its revenue
10 13 purpose statement.

10 14 Sec. 21. Section 423E.4, subsection 7, Code 2007, is
10 15 amended to read as follows:

10 16 7. Notwithstanding subsection 2 ~~of this section~~ or any
10 17 other provision to the contrary, a school district that is
10 18 located in whole or in part in a county that has not
10 19 previously imposed the local sales and services tax for school
10 20 infrastructure, and which votes on and approves the tax at a
10 21 rate of one percent ~~on or~~ after January 1, 2007, and before
10 22 July 1, ~~2008~~ 2007, shall receive an amount equal to its pro
10 23 rata share of the local sales and services tax receipts as
10 24 provided in section 423E.3, subsection 5, paragraph "d", for a
10 25 period corresponding to one-half the duration of the tax
10 26 authorized by the voters. For the second half of the duration
10 27 of the tax authorized by the voters, local sales and services
10 28 tax receipts shall be distributed as otherwise applicable
10 29 pursuant to subsection 2 ~~of this section~~.

10 30 Sec. 22. Section 423E.5, Code 2007, is amended to read as
10 31 follows:

10 32 423E.5 BONDING.

10 33 The board of directors of a school district shall be
10 34 authorized to issue negotiable, interest-bearing school bonds,
10 35 without election, and utilize tax receipts derived from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

11 1 sales and services tax for school infrastructure purposes and
11 2 the supplemental school infrastructure amount distributed
11 3 pursuant to section 423E.4, subsection 2, paragraph "b", and
11 4 revenues received pursuant to section 423F.1, for principal
11 5 and interest repayment. Proceeds of the bonds issued pursuant
11 6 to this section shall be utilized solely for school
11 7 infrastructure needs as school infrastructure is defined in
11 8 section 423E.1, subsection 3, Code 2007, and section 423F.2.
11 9 Bonds issued under this section may be sold at public sale as
11 10 provided in chapter 75, or at private sale, without notice and
11 11 hearing as provided in section 73A.12. Bonds may bear dates,
11 12 bear interest at rates not exceeding that permitted by chapter
11 13 74A, mature in one or more installments, be in registered
11 14 form, carry registration and conversion privileges, be payable
11 15 as to principal and interest at times and places, be subject
11 16 to terms of redemption prior to maturity with or without
11 17 premium, and be in one or more denominations, all as provided
11 18 by the resolution of the board of directors authorizing their
11 19 issuance. The resolution may also prescribe additional
11 20 provisions, terms, conditions, and covenants which the board
11 21 of directors deems advisable, including provisions for
11 22 creating and maintaining reserve funds, the issuance of
11 23 additional bonds ranking on a parity with such bonds and
11 24 additional bonds junior and subordinate to such bonds, and
11 25 that such bonds shall rank on a parity with or be junior and
11 26 subordinate to any bonds which may be then outstanding. Bonds
11 27 may be issued to refund outstanding and previously issued
11 28 bonds under this section. ~~Local option sales and services tax~~
~~11 29 revenue~~ The bonds are a contract between contractual
11 30 obligation of the school district and holders, and the
11 31 resolution issuing the bonds and pledging local option sales
11 32 and services tax revenues or its share of the revenues
11 33 distributed pursuant to section 423F.1 to the payment of
11 34 principal and interest on the bonds is a part of the contract.
11 35 Bonds issued pursuant to this section shall not constitute



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

12 1 indebtedness within the meaning of any constitutional or
12 2 statutory debt limitation or restriction, and shall not be
12 3 subject to any other law relating to the authorization,
12 4 issuance, or sale of bonds.
12 5 A school district ~~in which a local option sales tax for~~
~~12 6 school infrastructure purposes has been imposed~~ shall be
12 7 authorized to enter into a chapter 28E agreement with one or
12 8 more cities or a county whose boundaries encompass all or a
12 9 part of the area of the school district. A city or cities
12 10 entering into a chapter 28E agreement shall be authorized to
12 11 expend its designated portion of the ~~local option sales and~~
~~12 12 services tax~~ revenues for any valid purpose permitted in this
12 13 chapter or authorized by the governing body of the city. A
12 14 county entering into a chapter 28E agreement with a school
12 15 district ~~in which a local option sales tax for school~~
~~12 16 infrastructure purposes has been imposed~~ shall be authorized
12 17 to expend its designated portion of the ~~local option sales and~~
~~12 18 services tax~~ revenues to provide property tax relief within
12 19 the boundaries of the school district located in the county.
12 20 A school district ~~where a local option sales and services tax~~
~~12 21 is imposed~~ is also authorized to enter into a chapter 28E
12 22 agreement with another school district, a community college,
12 23 or an area education agency which is located partially or
12 24 entirely in or is contiguous to the county where the ~~tax is~~
~~12 25 imposed~~ school district is located. The school district or
12 26 community college shall only expend its designated portion of
12 27 the ~~local option sales and services tax~~ revenues for
12 28 infrastructure purposes. The area education agency shall only
12 29 expend its designated portion of the ~~local option school~~
~~12 30 infrastructure sales tax~~ revenues for infrastructure and
12 31 maintenance purposes.
12 32 The governing body of a city may authorize the issuance of
12 33 bonds which are payable from its designated portion of the
12 34 revenues of the local option sales and services tax to be
12 35 received under this section, and not from property tax, by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

13 1 following the authorization procedures set forth for cities in
13 2 section 384.83. A city may pledge irrevocably any amount
13 3 derived from its designated portions of the revenues ~~of the~~
~~13 4 local option sales and services tax~~ to the support or payment
13 5 of such bonds.

13 6 Sec. 23. NEW SECTION. 423F.1 REPEAL OF LOCAL SALES AND
13 7 SERVICES TAXES == SECURE AN ADVANCED VISION FOR EDUCATION
13 8 FUND.

13 9 1. a. After July 1, 2008, all local sales and services
13 10 taxes for school infrastructure purposes imposed under chapter
13 11 423E are repealed. After July 1, 2008, a county no longer has
13 12 the authority under chapter 423E or any other provision of law
13 13 to impose or to extend an existing local sales and services
13 14 tax for school infrastructure purposes.

13 15 b. The increase in the state sales, services, and use
13 16 taxes under chapter 423, subchapters II and III, from five
13 17 percent to six percent shall replace the repeal of the
13 18 county's local sales and services tax for school
13 19 infrastructure purposes. The distribution of moneys in the
13 20 secure an advanced vision for education fund and the use of
13 21 the moneys for infrastructure purposes or property tax relief
13 22 shall be as provided in this chapter. However, the formula
13 23 for the distribution of the moneys in the fund shall be based
13 24 upon amounts that would have been received if the local sales
13 25 and services taxes under chapter 423E, Code 2007, continued in
13 26 existence.

13 27 c. To the extent that any school district has issued bonds
13 28 anticipating the proceeds of a local sales and services tax
13 29 for school infrastructure purposes prior to July 1, 2008, the
13 30 pledge of such tax receipts for the payment of principal and
13 31 interest on such bonds shall be replaced by a pledge of its
13 32 share of the revenues the school district receives under this
13 33 section.

13 34 2. A secure an advanced vision for education fund is
13 35 created as a separate and distinct fund in the state treasury



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

14 1 under the control of the department of revenue. Moneys in the
14 2 fund include revenues credited to the fund pursuant to this
14 3 chapter, appropriations made to the fund, and other moneys
14 4 deposited into the fund. Subject to subsection 3, any amounts
14 5 disbursed from the fund shall be utilized for school
14 6 infrastructure purposes or property tax relief.

14 7 3. The moneys available in a fiscal year in the secure an
14 8 advanced vision for education fund shall be distributed by the
14 9 department of revenue to each school district in an amount
14 10 equal to the amount the school district would have received
14 11 pursuant to the formula in section 423E.4 as if the local
14 12 sales and services tax for school infrastructure purposes was
14 13 imposed. Moneys in a fiscal year that are in excess of that
14 14 needed to provide each school district with its formula amount
14 15 shall be distributed and credited to the property tax equity
14 16 and relief fund created in section 257.16A.

14 17 4. a. The director of revenue by August 15 of each fiscal
14 18 year shall send to each school district an estimate of the
14 19 amount of tax moneys each school district will receive for the
14 20 year and for each month of the year. At the end of each
14 21 month, the director may revise the estimates for the year and
14 22 remaining months.

14 23 b. The director shall remit ninety-five percent of the
14 24 estimated tax receipts for the school district to the school
14 25 district on or before August 31 of the fiscal year and on or
14 26 before the last day of each following month.

14 27 c. The director shall remit a final payment of the
14 28 remainder of tax moneys due for the fiscal year before
14 29 November 10 of the next fiscal year. If an overpayment has
14 30 resulted during the previous fiscal year, the November payment
14 31 shall be adjusted to reflect any overpayment.

14 32 Sec. 24. NEW SECTION. 423F.2 USE OF REVENUES.

14 33 1. A school district receiving revenues from the secure an
14 34 advanced vision for education fund under this chapter without
14 35 a valid revenue purpose statement shall expend the revenues



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2066 - Introduced continued

15 1 subject to subsections 2 and 3 for the following purposes:
15 2 a. Reduction of bond levies under sections 298.18 and
15 3 298.18A and all other debt levies.
15 4 b. Reduction of the regular and voter-approved physical
15 5 plant and equipment levy under section 298.2.
15 6 c. Reduction of the public educational and recreational
15 7 levy under section 300.2.
15 8 d. Reduction of the schoolhouse tax levy under section
15 9 278.1, subsection 7, Code 1989.
15 10 e. For any authorized infrastructure purpose of the school
15 11 district as defined in subsection 6.
15 12 f. For the payment of principal and interest on bonds
15 13 issued under sections 423E.5 and 423F.3.
15 14 2. A revenue purpose statement in existence for the
15 15 expenditure of local sales and services tax for school
15 16 infrastructure purposes imposed by a county pursuant to
15 17 section 423E.2, Code 2007, prior to July 1, 2008, shall remain
15 18 in effect until amended or extended. The board of directors
15 19 of a school district may take action to adopt or amend a
15 20 revenue purpose statement specifying the specific purposes for
15 21 which the revenues received from the secure an advanced vision
15 22 for education fund will be expended. If a school district is
15 23 located in a county which has imposed a local sales and
15 24 services tax for school infrastructure purposes prior to July
15 25 1, 2008, this action shall be taken before expending or
15 26 anticipating revenues to be received after the unextended term
15 27 of the tax unless the school district elects to adopt a
15 28 revenue purpose statement as provided in subsection 3.
15 29 3. The governing body shall institute proceedings to
15 30 approve a revenue purpose statement by causing a notice of the
15 31 meeting to discuss approval of a revenue purpose statement to
15 32 be published at least once in a newspaper of general
15 33 circulation within the school district at least ten days prior
15 34 to the meeting. Within thirty days following the meeting, the
15 35 board of directors shall take action to approve a revenue



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2066 - Introduced continued

16 1 purpose statement. If within thirty days after the meeting
16 2 approving a revenue purpose statement a petition is filed with
16 3 the secretary of the board asking that the question of
16 4 approving the revenue purpose statement be submitted to the
16 5 registered voters of the school district, the board shall
16 6 either by resolution repeal the action approving a revenue
16 7 purpose statement or direct the county commissioner of
16 8 elections to call a special election upon the question of
16 9 approving the revenue purpose statement. The petition must be
16 10 signed by eligible electors equal to the greater of one
16 11 hundred or thirty percent of the number of voters at the last
16 12 preceding regular school election. A majority of those voting
16 13 on the question must favor approval of the revenue purpose
16 14 statement.

16 15 4. The revenues received pursuant to this chapter shall be
16 16 expended for the purposes specified in the revenue purpose
16 17 statement. If a board of directors has not approved a revenue
16 18 purpose statement, the revenues shall be expended in the order
16 19 listed in subsection 1 except that the payment of bonds for
16 20 which the revenues have been pledged shall be paid first.
16 21 Once approved, a revenue purpose statement is effective until
16 22 amended or repealed by the foregoing procedures. A revenue
16 23 purpose statement shall not be amended or repealed to reduce
16 24 the amount of revenue pledged to the payment of principal and
16 25 interest on bonds as long as any bonds authorized by sections
16 26 423E.5 and 423F.3 are outstanding unless funds sufficient to
16 27 pay principal, interest, and premium, if any, on the
16 28 outstanding obligations at or prior to maturity have been
16 29 properly set aside and pledged for that purpose.

16 30 5. A school district with a certified enrollment of fewer
16 31 than two hundred fifty pupils in the entire district or
16 32 certified enrollment of fewer than one hundred pupils in high
16 33 school shall not expend the amount received for new
16 34 construction without prior application to the department of
16 35 education and receipt of a certificate of need pursuant to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

17 1 this subsection. A certificate of need is not required for
17 2 repairing schoolhouses or buildings, equipment, technology, or
17 3 transportation equipment for transporting students as provided
17 4 in section 298.3, or for construction necessary for compliance
17 5 with the federal Americans With Disabilities Act pursuant to
17 6 42 U.S.C. } 12101=12117. In determining whether a
17 7 certificate of need shall be issued or denied, the department
17 8 shall consider all of the following:
17 9 a. Enrollment trends in the grades that will be served at
17 10 the new construction site.
17 11 b. The infeasibility of remodeling, reconstructing, or
17 12 repairing existing buildings.
17 13 c. The fire and health safety needs of the school
17 14 district.
17 15 d. The distance, convenience, cost of transportation, and
17 16 accessibility of the new construction site to the students to
17 17 be served at the new construction site.
17 18 e. Availability of alternative, less costly, or more
17 19 effective means of serving the needs of the students.
17 20 f. The financial condition of the district, including the
17 21 effect of the decline of the budget guarantee and unspent
17 22 balance.
17 23 g. Broad and long-term ability of the district to support
17 24 the facility and the quality of the academic program.
17 25 h. Cooperation with other educational entities including
17 26 other school districts, area education agencies, postsecondary
17 27 institutions, and local communities.
17 28 6. a. For purposes of this chapter, "school
17 29 infrastructure" means those activities authorized in section
17 30 423E.1, subsection 3, Code 2007.
17 31 b. Additionally, "school infrastructure" includes the
17 32 payment or retirement of outstanding bonds previously issued
17 33 for school infrastructure purposes as defined in this
17 34 subsection, and the payment or retirement of bonds issued
17 35 under sections 423E.5 and 423F.3.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

18 1 c. A school district that uses secure an advanced vision
18 2 for education fund moneys for school infrastructure shall
18 3 comply with the state building code in the absence of a local
18 4 building code.

18 5 7. The general assembly shall not alter the purposes for
18 6 which the revenues received under this section may be used
18 7 from infrastructure and property tax relief purposes to any
18 8 other purpose unless the bill is approved by a vote of at
18 9 least two-thirds of the members of both chambers of the
18 10 general assembly and is signed by the governor.

18 11 Sec. 25. NEW SECTION. 423F.3 BORROWING AUTHORITY FOR
18 12 SCHOOL DISTRICTS.

18 13 A school district may anticipate its share of the revenues
18 14 under section 423F.1 by issuing bonds in the manner provided
18 15 in section 423E.5. However, to the extent any school district
18 16 has issued bonds anticipating the proceeds of an extended
18 17 local sales and services tax for school infrastructure
18 18 purposes imposed by a county pursuant to chapter 423E, Code
18 19 2007, prior to July 1, 2008, the pledge of such revenues for
18 20 the payment of principal and interest on such bonds shall be
18 21 replaced by a pledge of its share of the revenues under
18 22 section 423F.1.

18 23 Sec. 26. Section 423E.1, Code 2007, is repealed.

18 24 Sec. 27. Section 423E.2, Code Supplement 2007, is
18 25 repealed.

18 26 Sec. 28. CONSTRUCTION CONTRACTORS.

18 27 1. Construction contractors may make application to the
18 28 department of revenue for a refund of the additional one
18 29 percent tax paid under chapter 423 by reason of the increase
18 30 in the sales and use taxes from five to six percent for taxes
18 31 paid on goods, wares, or merchandise under the following
18 32 conditions:

18 33 a. The goods, wares, or merchandise are incorporated into
18 34 an improvement to real estate in fulfillment of a written
18 35 contract fully executed prior to July 1, 2008. The refund



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2066 - Introduced continued

19 1 shall not apply to equipment transferred in fulfillment of a
19 2 mixed construction contract.
19 3 b. The contractor has paid to the department of revenue or
19 4 to a retailer the full six percent tax.
19 5 c. The claim is filed on forms provided by the department
19 6 of revenue and is filed within one year of the date the tax is
19 7 paid.
19 8 2. A contractor who makes an erroneous application for
19 9 refund shall be liable for payment of the excess refund paid
19 10 plus interest at the rate in effect under section 421.7. In
19 11 addition, a contractor who willfully makes a false application
19 12 for refund is liable for a penalty equal to fifty percent of
19 13 the excess refund claimed. Excess refunds, penalties, and
19 14 interest due under this section may be enforced and collected
19 15 in the same manner as the tax imposed by chapter 423.
19 16 Sec. 29. APPLICABILITY. This section applies in regard to
19 17 the increase in the state sales and use taxes from five to six
19 18 percent. The six percent rate applies to all sales of taxable
19 19 personal property, consisting of goods, wares, or merchandise
19 20 if delivery occurs on or after July 1, 2008. The six percent
19 21 use tax rate applies to the use of property when the first
19 22 taxable use in this state occurs on or after July 1, 2008.
19 23 The six percent rate applies to the gross receipts from the
19 24 sale, furnishing, or service of gas, electricity, water, heat,
19 25 pay television service, and communication service if the date
19 26 of billing the customer is on or after July 1, 2008. In the
19 27 case of a service contract entered into prior to July 1, 2008,
19 28 which contract calls for periodic payments, the six percent
19 29 rate applies to those payments made or due on or after July 1,
19 30 2008. This periodic payment applies but is not limited to
19 31 tickets or admissions, private club membership fees, sources
19 32 of amusement, equipment rental, dry cleaning, reducing salons,
19 33 dance schools, and all other services subject to tax, except
19 34 the aforementioned utility services which are subject to a
19 35 special transitional rule. Unlike periodic payments under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

20 1 service contracts, installment sales of goods, wares, and
20 2 merchandise are subject to the full amount of sales or use tax
20 3 when the sales contract is entered into or the property is
20 4 first used in Iowa.

20 5 COORDINATING AMENDMENTS

20 6 Sec. 30. Section 8.57, subsection 6, paragraph f, Code
20 7 Supplement 2007, is amended to read as follows:

20 8 f. There is appropriated from the rebuild Iowa
20 9 infrastructure fund to the secure an advanced vision for
20 10 education fund created in section ~~423E.4~~ 423F.1, for each
20 11 fiscal year of the fiscal period beginning July 1, ~~2004~~ 2008,
20 12 and ending June 30, 2014, the amount of the moneys in excess
20 13 of the first forty-seven million dollars credited to the
20 14 rebuild Iowa infrastructure fund during the fiscal year, not
20 15 to exceed ten million dollars.

20 16 Sec. 31. Section 76.4, Code 2007, is amended to read as
20 17 follows:

20 18 76.4 PERMISSIVE APPLICATION OF FUNDS.

20 19 Whenever the governing authority of such political
20 20 subdivision shall have on hand funds derived from any other
20 21 source than taxation which may be appropriated to the payment
20 22 either of interest or principal, or both principal and
20 23 interest of such bonds, such funds may be so appropriated and
20 24 used and the levy for the payment of the bonds correspondingly
20 25 reduced. This section shall not restrict the authority of a
20 26 political subdivision to apply sales and services tax receipts
20 27 collected pursuant to chapter 423B for such purpose.
20 28 Notwithstanding section ~~423E.1, subsection 3~~ 423F.2, a school
20 29 district may apply ~~local sales and services tax receipts~~
20 30 ~~collected~~ received pursuant to chapter ~~423E~~ 423F for the
20 31 purposes of this section.

20 32 Sec. 32. Section 292.1, subsection 8, Code 2007, is
20 33 amended to read as follows:

20 34 8. "Sales tax capacity per pupil" means the estimated
20 35 amount of revenues that a school district receives or would



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

21 1 receive if a local sales and services tax for school
~~21 2 infrastructure is imposed at one percent from the secure an~~
21 3 advanced vision for education fund pursuant to section 423E.2
21 4 423F.1, divided by the school district's basic enrollment for
21 5 the budget year. ~~For the budget year beginning July 1, 2000,~~
~~21 6 the school district's actual enrollment shall be used in the~~
~~21 7 calculation in place of the school district's basic enrollment~~
~~21 8 for the budget year.~~

21 9 Sec. 33. Section 292.2, subsection 1, paragraph c, Code
21 10 2007, is amended to read as follows:

21 11 c. The department of education, in consultation with the
21 12 department of revenue and the legislative services agency,
21 13 shall annually calculate the estimated ~~sales and services tax~~
21 14 for school infrastructure, ~~if imposed at one percent~~, that is
21 15 or would be received by each school district in the state
21 16 pursuant to section ~~423E.3~~ 423F.1. These calculations shall
21 17 be made on a total tax and on a tax per pupil basis for each
21 18 school district.

21 19 Sec. 34. Section 292.2, subsection 2, paragraph a,
21 20 subparagraph (2), Code 2007, is amended to read as follows:

21 21 (2) ~~Local sales and services tax~~ Tax moneys received
21 22 pursuant to section ~~423E.3~~ 423F.1.

21 23 Sec. 35. Section 292.2, subsection 3, paragraph i, Code
21 24 2007, is amended by striking the paragraph.

21 25 Sec. 36. Section 292.2, subsection 7, paragraph d, Code
21 26 2007, is amended to read as follows:

21 27 d. A school district ~~for which a sales and services tax~~
~~21 28 for school infrastructure has not been imposed pursuant to~~
~~21 29 section 423E.2 or a school district receiving minimal revenues~~
21 30 under section ~~423E.3~~ 423F.1 when the total enrollment of the
21 31 school district is considered.

21 32 Sec. 37. Section 292.2, subsection 10, Code 2007, is
21 33 amended by striking the subsection.

21 34 Sec. 38. Section 312.1, subsection 4, Code 2007, is
21 35 amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

22 1 4. To the extent provided in section 423.43, subsection 1
22 2 2, paragraph ~~"b"~~ "a", subparagraph (2), from revenue derived
22 3 from the use tax, under chapter 423 on motor vehicles,
22 4 trailers, and motor vehicle accessories and equipment.

22 5 Sec. 39. Section 312.2, subsection 14, Code Supplement
22 6 2007, is amended to read as follows:

22 7 14. The treasurer of state, before making the allotments
22 8 provided for in this section, shall credit monthly from the
22 9 road use tax fund to the state department of transportation
22 10 from revenue credited to the road use tax fund under section
22 11 423.43, subsection 1 2, paragraph ~~"b"~~ "a", subparagraph (2),
22 12 an amount equal to one-twentieth of eighty percent of the
22 13 revenue from the operation of section 423.26, to be used for
22 14 purposes of public transit assistance under chapter 324A.

22 15 Sec. 40. Section 321.34, subsection 7, paragraph c, Code
22 16 Supplement 2007, is amended to read as follows:

22 17 c. The fees for a collegiate registration plate are as
22 18 follows:

22 19 (1) A registration fee of twenty-five dollars.

22 20 (2) A special collegiate registration fee of twenty-five
22 21 dollars.

22 22 These fees are in addition to the regular annual
22 23 registration fee. The fees collected by the director under
22 24 this subsection shall be paid monthly to the treasurer of
22 25 state and credited by the treasurer of state to the road use
22 26 tax fund. Notwithstanding section 423.43 and prior to the
22 27 revenues being credited to the road use tax fund under section
22 28 423.43, subsection 1 2, paragraph ~~"b"~~ "a", subparagraph (2),
22 29 the treasurer of state shall credit monthly from those
22 30 revenues respectively, to Iowa state university of science and
22 31 technology, the university of northern Iowa, and the state
22 32 university of Iowa, the amount of the special collegiate
22 33 registration fees collected in the previous month for
22 34 collegiate registration plates designed for the university.
22 35 The moneys credited are appropriated to the respective



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

23 1 universities to be used for scholarships for students
23 2 attending the universities.

23 3 Sec. 41. Section 321.34, subsection 10, paragraph c, Code
23 4 Supplement 2007, is amended to read as follows:

23 5 c. The special fees collected by the director under this
23 6 subsection shall be paid monthly to the treasurer of state and
23 7 credited to the road use tax fund. Notwithstanding section
23 8 423.43, and prior to the crediting of revenues to the road use
23 9 tax fund under section 423.43, subsection ~~1~~ 2, paragraph ~~"b"~~
23 10 "a", subparagraph (2), the treasurer of state shall transfer
23 11 monthly from those revenues to the Paul Ryan memorial fire
23 12 fighter safety training fund created pursuant to section
23 13 100B.12 the amount of the special fees collected in the
23 14 previous month for the fire fighter plates.

23 15 Sec. 42. Section 321.34, subsection 10A, paragraph b, Code
23 16 Supplement 2007, is amended to read as follows:

23 17 b. The special fees collected by the director under this
23 18 subsection shall be paid monthly to the treasurer of state and
23 19 credited to the road use tax fund. Notwithstanding section
23 20 423.43, and prior to the crediting of revenues to the road use
23 21 tax fund under section 423.43, subsection ~~1~~ 2, paragraph ~~"b"~~
23 22 "a", subparagraph (2), the treasurer of state shall transfer
23 23 monthly from those revenues to the emergency medical services
23 24 fund created in section 135.25 the amount of the special fees
23 25 collected in the previous month for issuance of emergency
23 26 medical services plates.

23 27 Sec. 43. Section 321.34, subsection 11, paragraph c,
23 28 unnumbered paragraph 1, Code Supplement 2007, is amended to
23 29 read as follows:

23 30 The special natural resources fee for letter number
23 31 designated natural resources plates is forty=five dollars.
23 32 The fee for personalized natural resources plates is
23 33 forty=five dollars which shall be paid in addition to the
23 34 special natural resources fee of forty=five dollars. The fees
23 35 collected by the director under this subsection shall be paid



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

24 1 monthly to the treasurer of state and credited to the road use
24 2 tax fund. Notwithstanding section 423.43, and prior to the
24 3 crediting of revenues to the road use tax fund under section
24 4 423.43, subsection ~~1~~ 2, paragraph ~~"b"~~ "a", subparagraph (2),
24 5 the treasurer of state shall credit monthly from those
24 6 revenues to the Iowa resources enhancement and protection fund
24 7 created pursuant to section 455A.18, the amount of the special
24 8 natural resources fees collected in the previous month for the
24 9 natural resources plates.

24 10 Sec. 44. Section 321.34, subsection 11A, paragraph c, Code
24 11 Supplement 2007, is amended to read as follows:

24 12 c. The special fee for letter number designated love our
24 13 kids plates is thirty=five dollars. The fee for personalized
24 14 love our kids plates is twenty=five dollars, which shall be
24 15 paid in addition to the special love our kids fee of
24 16 thirty=five dollars. The fees collected by the director under
24 17 this subsection shall be paid monthly to the treasurer of
24 18 state and credited to the road use tax fund. Notwithstanding
24 19 section 423.43, and prior to the crediting of revenues to the
24 20 road use tax fund under section 423.43, subsection ~~1~~ 2,
24 21 paragraph ~~"b"~~ "a", subparagraph (2), the treasurer of state
24 22 shall transfer monthly from those revenues to the Iowa
24 23 department of public health the amount of the special fees
24 24 collected in the previous month for the love our kids plates.
24 25 Notwithstanding section 8.33, moneys transferred under this
24 26 subsection shall not revert to the general fund of the state.

24 27 Sec. 45. Section 321.34, subsection 11B, paragraph c, Code
24 28 Supplement 2007, is amended to read as follows:

24 29 c. The special fee for letter number designated motorcycle
24 30 rider education plates is thirty=five dollars. The fee for
24 31 personalized motorcycle rider education plates is twenty=five
24 32 dollars, which shall be paid in addition to the special
24 33 motorcycle rider education fee of thirty=five dollars. The
24 34 fees collected by the director under this subsection shall be
24 35 paid monthly to the treasurer of state and credited to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

25 1 road use tax fund. Notwithstanding section 423.43, and prior
25 2 to the crediting of revenues to the road use tax fund under
25 3 section 423.43, subsection ± 2, paragraph ~~"b"~~ "a",
25 4 subparagraph (2), the treasurer of state shall transfer
25 5 monthly from those revenues to the department for use in
25 6 accordance with section 321.180B, subsection 6, the amount of
25 7 the special fees collected in the previous month for the
25 8 motorcycle rider education plates.

25 9 Sec. 46. Section 321.34, subsection 13, paragraph d, Code
25 10 Supplement 2007, is amended to read as follows:

25 11 d. A state agency may submit a request to the department
25 12 recommending a special registration plate. The alternate fee
25 13 for letter number designated plates is thirty=five dollars
25 14 with a ten dollar annual special renewal fee. The fee for
25 15 personalized plates is twenty=five dollars which is in
25 16 addition to the alternative fee of thirty=five dollars with an
25 17 annual personalized plate renewal fee of five dollars which is
25 18 in addition to the special renewal fee of ten dollars. The
25 19 alternate fees are in addition to the regular annual
25 20 registration fee. The alternate fees collected under this
25 21 paragraph shall be paid monthly to the treasurer of state and
25 22 credited to the road use tax fund. Notwithstanding section
25 23 423.43, and prior to the crediting of the revenues to the road
25 24 use tax fund under section 423.43, subsection ± 2, paragraph
25 25 ~~"b"~~ "a", subparagraph (2), the treasurer of state shall credit
25 26 monthly the amount of the alternate fees collected in the
25 27 previous month to the state agency that recommended the
25 28 special registration plate.

25 29 Sec. 47. Section 321.34, subsection 16, unnumbered
25 30 paragraph 1, Code Supplement 2007, is amended to read as
25 31 follows:

25 32 An owner referred to in subsection 12 who is a member of
25 33 the national guard, as defined in chapter 29A, may, upon
25 34 written application to the department, order special
25 35 registration plates with a national guard processed emblem



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

26 1 with the emblem designed by the department in cooperation with
26 2 the adjutant general which emblem signifies that the applicant
26 3 is a member of the national guard. The application shall be
26 4 approved by the department in consultation with the adjutant
26 5 general. The special plate fees collected by the director
26 6 under subsection 12, paragraph "a", from the issuance and
26 7 annual validation of letter=number designated and personalized
26 8 national guard plates shall be paid monthly to the treasurer
26 9 of state and credited to the road use tax fund.
26 10 Notwithstanding section 423.43, and prior to the crediting of
26 11 revenues to the road use tax fund under section 423.43,
26 12 subsection ~~1~~ 2, paragraph ~~"b"~~ "a", subparagraph (2), the
26 13 treasurer of state shall transfer monthly from those revenues
26 14 to the veterans license fee fund created in section 35A.11 the
26 15 amount of the special fees collected in the previous month for
26 16 national guard plates. Special registration plates with a
26 17 national guard processed emblem shall be surrendered, as
26 18 provided in subsection 12, in exchange for regular
26 19 registration plates upon termination of the owner's membership
26 20 in the active national guard.

26 21 Sec. 48. Section 321.34, subsection 17, unnumbered
26 22 paragraph 1, Code Supplement 2007, is amended to read as
26 23 follows:

26 24 An owner referred to in subsection 12 who was at Pearl
26 25 Harbor, Hawaii, as a member of the armed services of the
26 26 United States on December 7, 1941, may, upon written
26 27 application to the department, order special registration
26 28 plates with a Pearl Harbor processed emblem. The emblem shall
26 29 be designed by the department in consultation with service
26 30 organizations. The application is subject to approval by the
26 31 department. The special plate fees collected by the director
26 32 under subsection 12, paragraph "a", from the issuance and
26 33 annual validation of letter=number designated and personalized
26 34 Pearl Harbor plates shall be paid monthly to the treasurer of
26 35 state and credited to the road use tax fund. Notwithstanding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

27 1 section 423.43, and prior to the crediting of revenues to the
27 2 road use tax fund under section 423.43, subsection 1 2,
27 3 paragraph ~~"b"~~ "a", subparagraph (2), the treasurer of state
27 4 shall transfer monthly from those revenues to the veterans
27 5 license fee fund created in section 35A.11 the amount of the
27 6 special fees collected in the previous month for Pearl Harbor
27 7 plates.

27 8 Sec. 49. Section 321.34, subsection 18, unnumbered
27 9 paragraph 1, Code Supplement 2007, is amended to read as
27 10 follows:

27 11 An owner referred to in subsection 12 who was awarded a
27 12 purple heart medal by the United States government for wounds
27 13 received in military or naval combat against an armed enemy of
27 14 the United States may, upon written application to the
27 15 department and presentation of satisfactory proof of the award
27 16 of the purple heart medal, order special registration plates
27 17 with a purple heart processed emblem. The design of the
27 18 emblem shall include a representation of a purple heart medal
27 19 and ribbon. The application is subject to approval by the
27 20 department in consultation with the adjutant general. The
27 21 special plate fees collected by the director under subsection
27 22 12, paragraph "a", from the issuance and annual validation of
27 23 letter=number designated and personalized purple heart plates
27 24 shall be paid monthly to the treasurer of state and credited
27 25 to the road use tax fund. Notwithstanding section 423.43, and
27 26 prior to the crediting of revenues to the road use tax fund
27 27 under section 423.43, subsection 1 2, paragraph ~~"b"~~ "a",
27 28 subparagraph (2), the treasurer of state shall transfer
27 29 monthly from those revenues to the veterans license fee fund
27 30 created in section 35A.11 the amount of the special fees
27 31 collected in the previous month for purple heart plates.

27 32 Sec. 50. Section 321.34, subsection 19, unnumbered
27 33 paragraph 1, Code Supplement 2007, is amended to read as
27 34 follows:

27 35 An owner referred to in subsection 12 who is a retired



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

28 1 member of the United States armed forces may, upon written
28 2 application to the department and upon presentation of
28 3 satisfactory proof of membership, order special registration
28 4 plates with a United States armed forces retired processed
28 5 emblem. The emblem shall be designed by the department in
28 6 consultation with service organizations. The application is
28 7 subject to approval by the department. For purposes of this
28 8 subsection, a person is considered to be retired if the person
28 9 is recognized by the United States armed forces as retired
28 10 from the United States armed forces. The special plate fees
28 11 collected by the director under subsection 12, paragraph "a",
28 12 from the issuance and annual validation of letter=number
28 13 designated and personalized armed forces retired plates shall
28 14 be paid monthly to the treasurer of state and credited to the
28 15 road use tax fund. Notwithstanding section 423.43, and prior
28 16 to the crediting of revenues to the road use tax fund under
28 17 section 423.43, subsection ~~1~~ 2, paragraph ~~"b"~~ "a",
28 18 subparagraph (2), the treasurer of state shall transfer
28 19 monthly from those revenues to the veterans license fee fund
28 20 created in section 35A.11 the amount of the special fees
28 21 collected in the previous month for armed forces retired
28 22 plates.

28 23 Sec. 51. Section 321.34, subsection 20, unnumbered
28 24 paragraph 1, Code Supplement 2007, is amended to read as
28 25 follows:

28 26 An owner referred to in subsection 12 who was awarded a
28 27 silver or a bronze star by the United States government, may,
28 28 upon written application to the department and presentation of
28 29 satisfactory proof of the award of the silver or bronze star,
28 30 order special registration plates with a silver or bronze star
28 31 processed emblem. The emblem shall be designed by the
28 32 department in consultation with the adjutant general. The
28 33 special plate fees collected by the director under subsection
28 34 12, paragraph "a", from the issuance and annual validation of
28 35 letter=number designated and personalized silver star and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

29 1 bronze star plates shall be paid monthly to the treasurer of
29 2 state and credited to the road use tax fund. Notwithstanding
29 3 section 423.43, and prior to the crediting of revenues to the
29 4 road use tax fund under section 423.43, subsection ~~1~~ 2,
29 5 paragraph ~~"b"~~ "a", subparagraph (2), the treasurer of state
29 6 shall transfer monthly from those revenues to the veterans
29 7 license fee fund created in section 35A.11 the amount of the
29 8 special fees collected in the previous month for silver star
29 9 and bronze star plates.

29 10 Sec. 52. Section 321.34, subsection 20A, unnumbered
29 11 paragraph 1, Code Supplement 2007, is amended to read as
29 12 follows:

29 13 An owner referred to in subsection 12 who was awarded a
29 14 distinguished service cross, a navy cross, or an air force
29 15 cross by the United States government may, upon written
29 16 application to the department and presentation of satisfactory
29 17 proof of the award, order special registration plates with a
29 18 distinguished service cross, navy cross, or air force cross
29 19 processed emblem. The emblem shall be designed by the
29 20 department in consultation with the adjutant general. The
29 21 special plate fees collected by the director under subsection
29 22 12, paragraph "a", from the issuance and annual validation of
29 23 letter-number designated and personalized distinguished
29 24 service cross, navy cross, and air force cross plates shall be
29 25 paid monthly to the treasurer of state and credited to the
29 26 road use tax fund. Notwithstanding section 423.43, and prior
29 27 to the crediting of revenues to the road use tax fund under
29 28 section 423.43, subsection ~~1~~ 2, paragraph ~~"b"~~ "a",
29 29 subparagraph (2), the treasurer of state shall transfer
29 30 monthly from those revenues to the veterans license fee fund
29 31 created in section 35A.11 the amount of the special fees
29 32 collected in the previous month for distinguished service
29 33 cross, navy cross, and air force cross plates.

29 34 Sec. 53. Section 321.34, subsection 20B, unnumbered
29 35 paragraph 1, Code Supplement 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

30 1 follows:

30 2 An owner referred to in subsection 12 who was awarded a
30 3 soldier's medal, a navy and marine corps medal, or an airman's
30 4 medal by the United States government may, upon written
30 5 application to the department and presentation of satisfactory
30 6 proof of the award, order special registration plates with a
30 7 soldier's medal, navy and marine corps medal, or airman's
30 8 medal processed emblem. The emblem shall be designed by the
30 9 department in consultation with the adjutant general. The
30 10 special plate fees collected by the director under subsection
30 11 12, paragraph "a", from the issuance and annual validation of
30 12 letter=number designated and personalized soldier's medal,
30 13 navy and marine corps medal, and airman's medal plates shall
30 14 be paid monthly to the treasurer of state and credited to the
30 15 road use tax fund. Notwithstanding section 423.43, and prior
30 16 to the crediting of revenues to the road use tax fund under
30 17 section 423.43, subsection ~~± 2~~, paragraph ~~"b"~~ "a",
30 18 subparagraph (2), the treasurer of state shall transfer
30 19 monthly from those revenues to the veterans license fee fund
30 20 created in section 35A.11 the amount of the special fees
30 21 collected in the previous month for soldier's medal, navy and
30 22 marine corps medal, and airman's medal plates.

30 23 Sec. 54. Section 321.34, subsection 21, paragraph c, Code
30 24 Supplement 2007, is amended to read as follows:

30 25 c. The special fees collected by the director under this
30 26 subsection shall be paid monthly to the treasurer of state and
30 27 credited to the road use tax fund. Notwithstanding section
30 28 423.43, and prior to the crediting of revenues to the road use
30 29 tax fund under section 423.43, subsection ~~± 2~~, paragraph ~~"b"~~
30 30 "a", subparagraph (2), the treasurer of state shall credit
30 31 monthly to the Iowa heritage fund created under section 303.9A
30 32 the amount of the special fees collected in the previous month
30 33 for the Iowa heritage plates.

30 34 Sec. 55. Section 321.34, subsection 22, paragraph b, Code
30 35 Supplement 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

31 1 b. The special school transportation fee for letter number
31 2 designated education plates is thirty=five dollars. The fee
31 3 for personalized education plates is twenty=five dollars,
31 4 which shall be paid in addition to the special school
31 5 transportation fee of thirty=five dollars. The annual special
31 6 school transportation fee is ten dollars for letter number
31 7 designated registration plates and is fifteen dollars for
31 8 personalized registration plates which shall be paid in
31 9 addition to the regular annual registration fee. The fees
31 10 collected by the director under this subsection shall be paid
31 11 monthly to the treasurer of state and credited to the road use
31 12 tax fund. Notwithstanding section 423.43, and prior to the
31 13 crediting of revenues to the road use tax fund under section
31 14 423.43, subsection ± 2, paragraph ~~"b"~~ "a", subparagraph (2),
31 15 the treasurer of state shall transfer monthly from those
31 16 revenues to the school budget review committee in accordance
31 17 with section 257.31, subsection 17, the amount of the special
31 18 school transportation fees collected in the previous month for
31 19 the education plates.

31 20 Sec. 56. Section 321.34, subsection 23, paragraph c, Code
31 21 Supplement 2007, is amended to read as follows:

31 22 c. The special fee for letter number designated breast
31 23 cancer awareness plates is thirty=five dollars. The fee for
31 24 personalized breast cancer awareness plates is twenty=five
31 25 dollars, which shall be paid in addition to the special breast
31 26 cancer awareness fee of thirty=five dollars. The fees
31 27 collected by the director under this subsection shall be paid
31 28 monthly to the treasurer of state and credited to the road use
31 29 tax fund. Notwithstanding section 423.43, and prior to the
31 30 crediting of revenues to the road use tax fund under section
31 31 423.43, subsection ± 2, paragraph ~~"b"~~ "a", subparagraph (2),
31 32 the treasurer of state shall transfer monthly from those
31 33 revenues to the Iowa department of public health the amount of
31 34 the special fees collected in the previous month for the
31 35 breast cancer awareness plates and such funds are appropriated



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

32 1 to the Iowa department of public health. The Iowa department
32 2 of public health shall distribute one hundred percent of the
32 3 funds received monthly in the form of grants to support breast
32 4 cancer screenings for both men and women who meet eligibility
32 5 requirements like those established by the Susan G. Komen
32 6 foundation. In the awarding of grants, the Iowa department of
32 7 public health shall give first consideration to affiliates of
32 8 the Susan G. Komen foundation and similar nonprofit
32 9 organizations providing for breast cancer screenings at no
32 10 cost in Iowa. Notwithstanding section 8.33, moneys
32 11 transferred under this subsection shall not revert to the
32 12 general fund of the state.

32 13 Sec. 57. Section 321.34, subsection 24, Code Supplement
32 14 2007, is amended to read as follows:

32 15 24. GOLD STAR PLATES. An owner referred to in subsection
32 16 12 who is the surviving spouse, parent, child, or sibling of a
32 17 deceased member of the United States armed forces who died
32 18 while serving on active duty during a time of military
32 19 conflict may order special registration plates bearing a gold
32 20 star emblem upon written application to the department
32 21 accompanied by satisfactory supporting documentation as
32 22 determined by the department. The gold star emblem shall be
32 23 designed by the department in cooperation with the commission
32 24 of veterans affairs. The special plate fees collected by the
32 25 director under subsection 12, paragraph "a", from the issuance
32 26 and annual validation of letter=number designated and
32 27 personalized gold star plates shall be paid monthly to the
32 28 treasurer of state and credited to the road use tax fund.
32 29 Notwithstanding section 423.43, and prior to the crediting of
32 30 revenues to the road use tax fund under section 423.43,
32 31 subsection ~~±~~ 2, paragraph ~~"b"~~ "a", subparagraph (2), the
32 32 treasurer of state shall transfer monthly from those revenues
32 33 to the veterans license fee fund created in section 35A.11 the
32 34 amount of the special fees collected in the previous month for
32 35 gold star plates.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

33 1 Sec. 58. Section 327I.26, Code 2007, is amended to read as
33 2 follows:

33 3 327I.26 APPROPRIATION TO AUTHORITY.

33 4 Notwithstanding section 423.43, and prior to the
33 5 application of section 423.43, subsection ~~± 2~~, paragraph ~~"b"~~
33 6 "a", subparagraph (2), there shall be deposited into the
33 7 general fund of the state and is appropriated to the authority
33 8 from eighty percent of the revenues derived from the operation
33 9 of section 423.26, the amounts certified by the authority
33 10 under section 327I.25. However, the total amount deposited
33 11 into the general fund and appropriated to the Iowa railway
33 12 finance authority under this section shall not exceed two
33 13 million dollars annually. Moneys appropriated to the Iowa
33 14 railway finance authority under this section are appropriated
33 15 only for the payment of principal and interest on obligations
33 16 or the payment of leases guaranteed by the authority as
33 17 provided under section 327I.25.

33 18 Sec. 59. Section 423.36, subsection 8, paragraph a, Code
33 19 2007, is amended to read as follows:

33 20 a. Except as provided in paragraph "b", purchasers, users,
33 21 and consumers of tangible personal property or enumerated
33 22 services taxed pursuant to subchapter II or III of this
33 23 chapter or ~~chapters~~ chapter 423B and 423E may be authorized,
33 24 pursuant to rules adopted by the director, to remit tax owed
33 25 directly to the department instead of the tax being collected
33 26 and paid by the seller. To qualify for a direct pay tax
33 27 permit, the purchaser, user, or consumer must accrue a tax
33 28 liability of more than four thousand dollars in tax under
33 29 subchapters II and III in a semimonthly period and make
33 30 deposits and file returns pursuant to section 423.31. This
33 31 authority shall not be granted or exercised except upon
33 32 application to the director and then only after issuance by
33 33 the director of a direct pay tax permit.

33 34 Sec. 60. Section 423.57, Code Supplement 2007, is amended
33 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

34 1 423.57 STATUTES APPLICABLE.
34 2 The director shall administer this subchapter as it relates
34 3 to the taxes imposed in this chapter in the same manner and
34 4 subject to all the provisions of, and all of the powers,
34 5 duties, authority, and restrictions contained in sections
34 6 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
34 7 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
34 8 423.32, 423.33, 423.34, 423.35, 423.37, 423.38, 423.39,
34 9 423.40, 423.41, and 423.42, section 423.43, subsection ~~3~~ 1,
34 10 and sections 423.45, 423.46, and 423.47.
34 11 Sec. 61. Section 423B.7, subsection 6, paragraphs a and b,
34 12 Code 2007, are amended by striking the paragraphs.
34 13 Sec. 62. Section 455G.3, subsection 1, Code 2007, is
34 14 amended to read as follows:
34 15 1. The Iowa comprehensive petroleum underground storage
34 16 tank fund is created as a separate fund in the state treasury,
34 17 and any funds remaining in the fund at the end of each fiscal
34 18 year shall not revert to the general fund but shall remain in
34 19 the Iowa comprehensive petroleum underground storage tank
34 20 fund. Interest or other income earned by the fund shall be
34 21 deposited in the fund. The fund shall include moneys credited
34 22 to the fund under this section, section 423.43, subsection ~~1~~
34 23 2, paragraph "a", subparagraph (1), and sections 455G.8,
34 24 455G.9, and 455G.11, Code 2003, and other funds which by law
34 25 may be credited to the fund. The moneys in the fund are
34 26 appropriated to and for the purposes of the board as provided
34 27 in this chapter. Amounts in the fund shall not be subject to
34 28 appropriation for any other purpose by the general assembly,
34 29 but shall be used only for the purposes set forth in this
34 30 chapter. The treasurer of state shall act as custodian of the
34 31 fund and disburse amounts contained in it as directed by the
34 32 board including automatic disbursements of funds as received
34 33 pursuant to the terms of bond indentures and documents and
34 34 security provisions to trustees and custodians. The treasurer
34 35 of state is authorized to invest the funds deposited in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

35 1 fund at the direction of the board and subject to any
35 2 limitations contained in any applicable bond proceedings. The
35 3 income from such investment shall be credited to and deposited
35 4 in the fund. The fund shall be administered by the board
35 5 which shall make expenditures from the fund consistent with
35 6 the purposes of the programs set out in this chapter without
35 7 further appropriation. The fund may be divided into different
35 8 accounts with different depositories as determined by the
35 9 board and to fulfill the purposes of this chapter.

35 10 Sec. 63. Section 455G.6, subsection 4, Code 2007, is
35 11 amended to read as follows:

35 12 4. Grant a mortgage, lien, pledge, assignment, or other
35 13 encumbrance on one or more improvements, revenues, asset of
35 14 right, accounts, or funds established or received in
35 15 connection with the fund, including revenues derived from the
35 16 use tax under section 423.43, subsection ± 2, paragraph "a",
35 17 subparagraph (1), and deposited in the fund or an account of
35 18 the fund.

35 19 Sec. 64. Section 455G.8, subsection 2, Code 2007, is
35 20 amended to read as follows:

35 21 2. USE TAX. The revenues derived from the use tax imposed
35 22 under chapter 423, subchapter III. The proceeds of the use
35 23 tax under section 423.43, subsection ± 2, paragraph "a",
35 24 subparagraph (1), shall be allocated, consistent with this
35 25 chapter, among the fund's accounts, for debt service and other
35 26 fund expenses, according to the fund budget, resolution, trust
35 27 agreement, or other instrument prepared or entered into by the
35 28 board or authority under direction of the board.

35 29 Sec. 65. 2007 Iowa Acts, chapter 179, section 6, is
35 30 amended to read as follows:

35 31 SEC. 6. Section 423.57, Code 2007, as amended by this Act,
35 32 is amended to read as follows:

35 33 423.57 STATUTES APPLICABLE.

35 34 The director shall administer this subchapter as it relates
35 35 to the taxes imposed in this chapter in the same manner and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

36 1 subject to all the provisions of, and all of the powers,
36 2 duties, authority, and restrictions contained in sections
36 3 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
36 4 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
36 5 423.32, 423.33, 423.34, 423.34A, 423.35, 423.37, 423.38,
36 6 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection
36 7 ~~3~~ 1, and sections 423.45, 423.46, and 423.47.

36 8 Sec. 66. EFFECTIVE DATE. The section of this Act amending
36 9 2007 Iowa Acts, chapter 179, takes effect January 1, 2009.

36 10 EXPLANATION

36 11 This bill replaces the local option sales and services tax
36 12 for school infrastructure purposes by increasing the state
36 13 sales and use taxes from 5 percent to 6 percent, effective
36 14 July 1, 2008. The increased state sales and use tax revenues
36 15 are deposited into a new secure an advanced vision for
36 16 education fund to be distributed to all school districts
36 17 except for the increased amount raised by the use tax on motor
36 18 vehicles which is deposited into the TIME=21 fund to be used
36 19 for road construction. All existing local sales and services
36 20 taxes for school infrastructure purposes are repealed. A
36 21 statewide amount per pupil is computed each fiscal year based
36 22 upon the estimated amount that would have been generated by a
36 23 1 percent local sales and services tax divided by the combined
36 24 enrollment of all school districts. Each district will
36 25 receive an amount equal to the amount that it would have
36 26 received under the formula if the local sales and services tax
36 27 for school infrastructure was still imposed. Any funds left
36 28 over after distribution under the formula are to be
36 29 distributed to a new property tax equity and relief fund to be
36 30 used to reduce school districts' additional property tax levy.
36 31 This reduction would be in addition to the amounts already
36 32 appropriated for this purpose pursuant to Code section 257.4,
36 33 subsection 4.

36 34 Revenues received are to be used according to a revenue
36 35 purpose statement that was in existence under the replaced



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2066 - Introduced continued

37 1 tax. Prior to use of any revenues after the replaced tax
37 2 revenue purpose statement expires, the school district may
37 3 hold a public meeting on the adoption of a new revenue purpose
37 4 statement. If a valid petition to hold an election is
37 5 submitted, then the school district either withdraws the
37 6 revenue purpose statement or an election is held. A valid
37 7 petition must have signatures equal to the greater of 100
37 8 eligible voters or 30 percent of the number of voters at the
37 9 last regular school election.

37 10 The purposes for which the revenues may be used are the
37 11 reduction of bond levies, regular and voter approved physical
37 12 plant and equipment levy, public educational and recreational
37 13 levy, and schoolhouse tax levy, authorized infrastructure
37 14 purposes as defined in new Code section 423F.2, which are the
37 15 same activities listed under the repealed Code section 423E.1,
37 16 subsection 3, and payment of principal and interest of bonds
37 17 issued under Code chapter 423E or 423F. If a revenue purpose
37 18 statement is not approved, the revenues are to be used in the
37 19 order listed for the above purposes.

37 20 The bill provides an effective date.

37 21 LSB 5058YH 82

37 22 mg/rj/24.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2067 - Introduced

HOUSE FILE
BY FOEGE

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

A BILL FOR

- 1 An Act relating to local regulation of smoking.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5205HH 82
- 4 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2067 - Introduced continued

PAG LIN

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

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

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

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

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

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

1 16 c. An ordinance or rule that eliminates or limits the
1 17 exemption in section 142B.2, subsection 3, relating to a
1 18 public place consisting of a single room or a bar.

1 19 EXPLANATION

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

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

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2067 - Introduced continued

2 1 equitable and uniform manner throughout the state.
2 2 LSB 5205HH 82
2 3 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2068 - Introduced

HOUSE FILE
BY CHAMBERS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to hunting by certain nonresident landowners on
- 2 land owned by them.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5400YH 82
- 5 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2068 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 2, paragraph a,
1 2 Code Supplement 2007, is amended to read as follows:

1 3 2. a. As used in this subsection:

1 4 (1) "Family member" means a ~~resident of Iowa~~ person who is
1 5 the spouse or child of the owner or tenant and who resides
1 6 with the owner or tenant.

1 7 (2) "Farm unit" means all parcels of land which are
1 8 certified by the commission pursuant to rule as meeting all of
1 9 the following requirements:

1 10 (a) Are in tracts of two or more contiguous acres.

1 11 (b) Are operated as a unit for agricultural purposes.

1 12 (c) Are under the lawful control of the owner or the
1 13 tenant.

1 14 (3) "Owner" means an owner of a farm unit who ~~is a~~

~~1 15 resident of Iowa and who~~ is one of the following:

1 16 (a) Is the sole operator of the farm unit.

1 17 (b) Makes all of the farm operation decisions but
1 18 contracts for custom farming or hires labor for all or part of
1 19 the work on the farm unit.

1 20 (c) Participates annually in farm operation decisions or
1 21 cropping practices on specific fields of the farm unit that
1 22 are rented to a tenant.

1 23 (d) Raises specialty crops on the farm unit including, but
1 24 not limited to, orchards, nurseries, or tree farms that do not
1 25 always produce annual income but require annual operating
1 26 decisions about maintenance or improvement.

1 27 (e) Has all or part of the farm unit enrolled in a
1 28 long-term agricultural land retirement program of the federal
1 29 government.

1 30 ~~(f) An "owner" does not mean a person who owns~~ Owns a farm
1 31 unit and ~~who~~ employs a farm manager or third party to operate
1 32 the farm unit, or ~~a person who~~ owns a farm unit and ~~who~~ rents
1 33 the entire farm unit to a tenant who is responsible for all
1 34 farm operations. ~~However, this paragraph does not apply to an~~
~~1 35 owner who is a parent of the tenant and who resides in this~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

~~House File 2068 — Introduced continued~~

~~2 1 state.~~

2 2 (4) "Tenant" means a person who is a resident of Iowa and
2 3 who rents and actively farms a farm unit owned by another
2 4 person. A member of the owner's family may be a tenant. A
2 5 person who works on the farm for a wage and is not a family
2 6 member does not qualify as a tenant.

2 7 EXPLANATION

2 8 This bill relates to hunting by a landowner or a family
2 9 member of a landowner on certain land owned by the landowner.

2 10 Currently, a landowner of a farm unit who is a resident of
2 11 Iowa or a family member of a landowner who is a resident of
2 12 Iowa is eligible to hunt, fish, and trap on the farm unit
2 13 without a license and is eligible to obtain special licenses
2 14 to hunt deer and wild turkey on that farm unit.

2 15 The bill allows any landowner or family member of a
2 16 landowner, even a nonresident, to hunt, fish, and trap, on the
2 17 farm unit without a license and to obtain special deer and
2 18 turkey hunting licenses for use only on the farm unit. The
2 19 bill also changes the definition of "owner" of a farm unit to
2 20 include a person who owns a farm unit and employs a farm
2 21 manager or third party to operate the farm unit or rents the
2 22 entire farm unit to a tenant who is responsible for all farm
2 23 operations.

2 24 "Farm unit" means all parcels of land which are certified
2 25 by the natural resource commission as being in tracts of two
2 26 or more contiguous acres, are operated as a unit for
2 27 agricultural purposes, and are under the lawful control of the
2 28 owner or tenant.

2 29 LSB 5400YH 82

2 30 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2069

HOUSE FILE
BY SMITH

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

A BILL FOR

1 An Act relating to the maximum finance charge allowed and to
2 terms and conditions for consumer loans made for postsecondary
3 education purposes and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5104HH 82
6 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2069 continued

PAG LIN

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

1 3 1. Except as provided with respect to a finance charge for
1 4 loans pursuant to open-end credit under section 537.2402, ~~and~~
1 5 loans secured by a certificate of title of a motor vehicle
1 6 under section 537.2403, and consumer loans for postsecondary
1 7 education purposes under section 573.2404, a lender may
1 8 contract for and receive a finance charge not exceeding the
1 9 maximum charge permitted by the laws of this state or of the
1 10 United States for similar lenders, and, in addition, with
1 11 respect to a consumer loan, a supervised financial
1 12 organization or a mortgage lender may contract for and receive
1 13 a finance charge, calculated according to the actuarial
1 14 method, not exceeding twenty-one percent per year on the
1 15 unpaid balance of the amount financed. Except as provided in
1 16 section 537.2403, this subsection does not prohibit a lender
1 17 from contracting for and receiving a finance charge exceeding
1 18 twenty-one percent per year on the unpaid balance of the
1 19 amount financed on consumer loans if authorized by other
1 20 provisions of the law.

1 21 Sec. 2. NEW SECTION. 537.2404 FINANCE CHARGE FOR
1 22 CONSUMER LOANS FOR POSTSECONDARY EDUCATION.

1 23 1. In making a consumer loan to an individual who is a
1 24 student or the parent or guardian of a student for purposes of
1 25 financing a postsecondary education, a creditor shall not
1 26 impose finance charges or other terms or conditions more
1 27 onerous than those extended contemporaneously to students,
1 28 parents, or guardians, as applicable, under the federally
1 29 guaranteed higher education loan programs administered by the
1 30 college student aid commission.

1 31 2. A consumer who is charged a finance charge in excess of
1 32 the limitation in this section may seek any remedies available
1 33 under section 537.5201 for an excess charge.

1 34 3. Notwithstanding section 537.1301, subsection 15,
1 35 paragraph "a", subparagraph (5), for purposes of this section,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2069 continued

2 1 a consumer loan includes a consumer loan in which the amount
2 2 financed is of any amount.

2 3 EXPLANATION

2 4 This bill amends the Iowa consumer credit code to provide
2 5 that creditors who make consumer loans, including supervised
2 6 loans, to students or parents or guardians of students for
2 7 postsecondary education purposes cannot impose finance charges
2 8 or other terms or conditions more onerous than those extended
2 9 to students or parents or guardians under the federally
2 10 guaranteed higher education loan programs administered by the
2 11 college student aid commission.

2 12 Consumer loans regulated under the Code are limited to
2 13 loans of not more than \$25,000. The bill exempts loans made
2 14 to students, parents, or guardians for postsecondary education
2 15 purposes from this limitation, making the bill's provisions
2 16 applicable to such loans of any amount.

2 17 Under Code section 537.5201(3), a consumer is not obligated
2 18 to pay an excess charge and is entitled to a refund of any
2 19 excess charge paid. If a consumer entitled to a refund is
2 20 refused the refund, the consumer may recover from the creditor
2 21 or other person liable in a civil action the excess charge and
2 22 a penalty of not less than \$100 or more than \$1,000.

2 23 LSB 5104HH 82

2 24 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2070 - Introduced

HOUSE FILE
BY McCARTHY

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

A BILL FOR

- 1 An Act relating to campaign contributions by lobbyists and
- 2 political committees and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5271YH 82
- 5 jr/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2070 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.402, subsection 2, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. SUPPLEMENTARY REPORT == BUNDLED
1 4 CONTRIBUTIONS. A candidate's committee of a candidate for
1 5 statewide office or the general assembly shall file a
1 6 supplementary report listing each lobbyist, as defined in
1 7 section 68B.2, or each political committee acting under the
1 8 direction of a lobbyist that provides bundled contributions to
1 9 the committee in excess of five thousand dollars in the
1 10 aggregate in a six-month period. The report shall contain all
1 11 of the following:

- 1 12 (1) The name of the lobbyist or political committee.
- 1 13 (2) The address of the lobbyist or political committee.
- 1 14 (3) The employer or client, or both, of the lobbyist.
- 1 15 (4) The aggregate amount of bundled contributions provided
1 16 by the lobbyist or political committee to the committee during
1 17 the six-month period.

1 18 (5) The name and address of each person contributing to
1 19 the bundled contribution.

1 20 As used in this paragraph "d", "bundled contribution" means
1 21 a contribution, made by a lobbyist or by a political committee
1 22 under the direction of a lobbyist, which consists of
1 23 contributions provided by two or more persons.

1 24 Sec. 2. Section 68A.504, subsection 1, Code 2007, is
1 25 amended to read as follows:

1 26 1. a. (1) A ~~lobbyist or~~ political committee, other than
1 27 a state statutory political committee, county statutory
1 28 political committee, or a national political party, shall not
1 29 contribute to, act as an agent or intermediary for
1 30 contributions to, or arrange for the making of monetary or
1 31 in-kind contributions to the campaign of an elected state
1 32 official, member of the general assembly, or candidate for
1 33 state office on any day during the regular legislative session
1 34 and, in the case of the governor or a gubernatorial candidate,
1 35 during the thirty days following the adjournment of a regular



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2070 - Introduced continued

2 1 legislative session allowed for the signing of bills.
2 2 (2) A lobbyist shall not contribute to, act as an agent or
2 3 intermediary for contributions to, or arrange for the making
2 4 of monetary or in-kind contributions to the campaign of an
2 5 elected state official or candidate for state office on any
2 6 day during the regular legislative session and, in the case of
2 7 the governor or a gubernatorial candidate, during the thirty
2 8 days following the adjournment of a regular legislative
2 9 session allowed for the signing of bills.

2 10 (3) A lobbyist shall not contribute to the campaign of a
2 11 member of the general assembly or candidate for the general
2 12 assembly.

2 13 b. Except as set out in subsection 2, an elected state
2 14 official, member of the general assembly, or candidate for
2 15 state office shall not accept a contribution as prohibited in
2 16 this subsection.

2 17 Sec. 3. Section 68B.24, subsection 1, Code 2007, is
2 18 amended to read as follows:

2 19 1. An official, member of the general assembly, state
2 20 employee, legislative employee, or candidate for state office
2 21 shall not, directly or indirectly, seek or accept a loan or
2 22 series of loans from a person who is a lobbyist. A member of
2 23 the general assembly shall not accept a contribution from a
2 24 lobbyist as prohibited under section 68A.504, subsection 1,
2 25 paragraph "b".

2 26 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
2 27 2009.

2 28 EXPLANATION

2 29 This bill requires a candidate's committee of a candidate
2 30 for statewide office or the general assembly to file a
2 31 supplementary report with the ethics and campaign disclosure
2 32 board listing each lobbyist, or each political committee
2 33 acting under the direction of a lobbyist that provides bundled
2 34 contributions to the committee in excess of \$5,000 in the
2 35 aggregate in a six-month period. A bundled contribution is a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2070 - Introduced continued

3 1 contribution, made by a lobbyist or by a political committee
3 2 under the direction of a lobbyist, which consists of
3 3 contributions provided by two or more persons.
3 4 The bill prohibits a lobbyist from contributing to the
3 5 campaign of a member of the general assembly or candidate for
3 6 the general assembly and prohibits such a member or candidate
3 7 from accepting such a contribution. Under current law, that
3 8 prohibition applies only during the regular legislative
3 9 session.
3 10 As provided in Code section 68A.701, a willful violation of
3 11 any provision of the campaign finance chapter is a serious
3 12 misdemeanor punishable by confinement for up to one year and a
3 13 fine of at least \$315 but not more than \$1,875. A variety of
3 14 civil remedies are also available in Code section 68B.32D for
3 15 a violation of Code chapters 68A or 68B or rules of the ethics
3 16 and campaign disclosure board, ranging from a reprimand to a
3 17 civil penalty of not more than \$2,000.
3 18 The bill takes effect January 1, 2009.
3 19 LSB 5271YH 82
3 20 jr/rj/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2071 - Introduced

HOUSE FILE
BY WISE

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

A BILL FOR

1 An Act relating to state and local measures for preparing a
2 student for a career or postsecondary education, including a
3 statewide core curriculum for school districts and accredited
4 nonpublic schools and a state-designated career information
5 and decision-making system.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5692HH 82
8 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2071 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsections 26 and 28, Code
1 2 Supplement 2007, are amended to read as follows:
1 3 26. Adopt rules that establish a ~~voluntary model~~ core
1 4 curriculum and requiring, beginning with the students in the
1 5 2010==2011 school year graduating class, high school
1 6 graduation requirements for all students in school districts
1 7 and accredited nonpublic schools that include at a minimum
1 8 satisfactory completion of four years of English and language
1 9 arts, three years of mathematics, three years of science, and
1 10 three years of social studies. The ~~voluntary model~~ core
1 11 curriculum adopted shall address the core content standards in
1 12 subsection 28 and the skills and knowledge students need to be
1 13 successful in the twenty=first century. The ~~voluntary model~~
1 14 core curriculum shall include social studies and twenty=first
1 15 century learning skills which include but are not limited to
1 16 civic literacy, health literacy, technology literacy,
1 17 financial literacy, and employability skills; and shall
1 18 address the curricular needs of students in kindergarten
1 19 through grade twelve in those areas. School districts and
1 20 accredited nonpublic schools shall adopt the core curriculum
1 21 developed for grades nine through twelve pursuant to this
1 22 section prior to the school year beginning July 1, 2010. The
1 23 state board shall adopt rules establishing a core curriculum
1 24 for kindergarten through grade eight, and school districts and
1 25 accredited nonpublic schools shall adopt the core curriculum
1 26 established by the state board prior to the 2014=2015 school
1 27 year. The state board shall continue the inclusive process
1 28 begun during the initial development of a ~~voluntary model~~ core
1 29 curriculum for grades nine through twelve including
1 30 stakeholder involvement, including but not limited to
1 31 representatives from the private sector and the business
1 32 community, and alignment of the ~~voluntary model~~ core
1 33 curriculum to other recognized sets of national and
1 34 international standards. The state board shall also recommend
1 35 quality assessments to school districts and accredited



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2071 - Introduced continued

2 1 nonpublic schools to measure the ~~voluntary model~~ core
2 2 curriculum.
2 3 28. Adopt a set of core content standards applicable to
2 4 all students in kindergarten through grade twelve in every
2 5 school district and accredited nonpublic school. For purposes
2 6 of this subsection, "core content standards" includes reading,
2 7 mathematics, and science. The core content standards shall be
2 8 identical to the core content standards included in Iowa's
2 9 approved 2006 standards and assessment system under Title I of
2 10 the federal Elementary and Secondary Education Act of 1965, 20
2 11 U.S.C. } 6301 et seq., as amended by the federal No Child Left
2 12 Behind Act of 2001, Pub. L. No. 107=110. School districts and
2 13 accredited nonpublic schools shall include, at a minimum, the
2 14 core content standards adopted pursuant to this subsection in
2 15 any set of locally developed content standards. ~~School~~
~~2 16 districts and accredited nonpublic schools are strongly~~
~~2 17 encouraged to include the voluntary model core curriculum or~~
~~2 18 set higher expectations in local standards.~~ As changes in
2 19 federal law or regulation occur, the state board is authorized
2 20 to amend the core content standards as appropriate.
2 21 Sec. 2. Section 279.61, Code Supplement 2007, is amended
2 22 to read as follows:
2 23 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY
2 24 ADMISSIONS == REPORT.
2 25 1. For the school year beginning July 1, 2007, and each
2 26 succeeding school year, the board of directors of each school
2 27 district shall cooperate with each student enrolled in grade
2 28 eight to develop for the student a core curriculum plan to
2 29 guide the student toward the goal of successfully completing,
2 30 at a minimum, the ~~voluntary model~~ core curriculum developed by
2 31 the state board of education pursuant to section 256.7,
2 32 subsection 26, by the time the student graduates from high
2 33 school. The plan shall include career options and shall
2 34 identify the coursework needed in grades nine through twelve
2 35 to support the student's postsecondary education and career



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2071 - Introduced continued

3 1 options. Additionally, the plan shall include a timeline for
3 2 each student to successfully complete, prior to graduation,
3 3 all components of the state-designated career information and
3 4 decision-making system administered by the department in
3 5 accordance with section 118 of the federal Carl D. Perkins
3 6 Career and Technical Education Improvement Act of 2006, Pub.
3 7 L. No. 109=270. The student's parent or guardian shall sign
3 8 the core curriculum plan developed with the student and the
3 9 signed plan shall be included in the student's cumulative
3 10 records.

3 11 2. For the school year beginning July 1, 2007, and each
3 12 succeeding school year, the board of directors of each school
3 13 district shall report annually to each student enrolled in
3 14 grades nine through twelve in the school district, and, if the
3 15 student is under the age of eighteen, to each student's parent
3 16 or guardian, the student's progress toward meeting the goal of
3 17 successfully completing the core curriculum and high school
3 18 graduation requirements adopted by the state board of
3 19 education pursuant to section 256.7, subsection 26.

3 20 Sec. 3. DEPARTMENT OF EDUCATION == CORE CURRICULUM STUDY.
3 21 The department of education shall conduct a study of the
3 22 measures necessary for the successful adoption by the state's
3 23 school districts and accredited nonpublic schools of core
3 24 curriculums and core content standards established by rule
3 25 pursuant to section 256.7, subsections 26 and 28. The
3 26 department shall submit its findings and recommendations,
3 27 including recommendations for statutory and administrative
3 28 rule changes necessary, to the general assembly by November
3 29 14, 2008.

3 30 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
3 31 with section 25B.2, subsection 3, the state cost of requiring
3 32 compliance with any state mandate included in this Act shall
3 33 be paid by a school district from state school foundation aid
3 34 received by the school district under section 257.16. This
3 35 specification of the payment of the state cost shall be deemed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2071 - Introduced continued

4 1 to meet all of the state funding-related requirements of
4 2 section 25B.2, subsection 3, and no additional state funding
4 3 shall be necessary for the full implementation of this Act by
4 4 and enforcement of this Act against all affected school
4 5 districts.

4 6 EXPLANATION

4 7 This bill requires the state board of education to adopt
4 8 rules establishing a core curriculum which school districts
4 9 and accredited nonpublic schools must adopt before the start
4 10 of the 2010=2011 school year for grades nine through 12 and
4 11 before the start of the 2014=2015 school year for kindergarten
4 12 through grade eight. The bill also requires a timeline for
4 13 successful completion of core curriculum plans for students
4 14 and provides for a core curriculum study by the department of
4 15 education.

4 16 The bill requires that the individual core curriculum plans
4 17 school districts must develop to guide each student toward the
4 18 goal of successfully completing the core curriculum by the
4 19 time the student graduates must include a timeline for the
4 20 successful completion of all components of the
4 21 state-designated career information and decision-making system
4 22 the state maintains under a federal Carl D. Perkins Career and
4 23 Technical Education Improvement Act of 2006 grant.

4 24 The department is directed to conduct a study of the
4 25 measures necessary for the successful adoption by the state's
4 26 school districts and accredited nonpublic schools of core
4 27 curriculums and core content standards established by the
4 28 state board. The department must submit its findings and
4 29 recommendations to the general assembly by November 14, 2008.

4 30 The bill eliminates references to a voluntary model core
4 31 curriculum.

4 32 The bill may include a state mandate as defined in Code
4 33 section 25B.3. The bill requires that the state cost of any
4 34 state mandate included in the bill be paid by a school
4 35 district from state school foundation aid received by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2071 - Introduced continued

5 1 school district under Code section 257.16. The specification
5 2 is deemed to constitute state compliance with any state
5 3 mandate funding-related requirements of Code section 25B.2.
5 4 The inclusion of this specification is intended to reinstate
5 5 the requirement of political subdivisions to comply with any
5 6 state mandates included in the bill.
5 7 LSB 5692HH 82
5 8 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2072 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 761)
(SUCCESSOR TO HF 273)

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

A BILL FOR

- 1 An Act eliminating provisions relating to the contents of the
- 2 uniform citation and complaint.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5825HZ 82
- 5 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House File 2072 - Introduced continued

PAG LIN

1 1 Section 1. Section 805.6, subsection 1, paragraph a,
1 2 subparagraph (2), Code Supplement 2007, is amended to read as
1 3 follows:
1 4 (2) The uniform citation and complaint shall contain
1 5 spaces for the parties' names; the address of the alleged
1 6 offender; the registration number of the offender's vehicle;
1 7 the information required by section 805.2, a warning which
1 8 states, "I hereby swear and affirm that the information
1 9 provided by me on this citation is true under penalty of
1 10 providing false information"; ~~and a statement that providing~~
1 11 ~~false information is a violation of section 719.3; a list of~~
~~1 12 the scheduled fines prescribed by sections 805.8A, 805.8B, and~~
~~1 13 805.8C, either separately or by group, and a statement of the~~
1 14 fine, surcharge, and court costs payable in scheduled
1 15 violation cases, if no appearance is required; whether or not
1 16 a court appearance is required or is demanded; a brief
1 17 explanation of sections 805.9 and 805.10; and a space where
1 18 the defendant may sign an admission of the violation when
1 19 permitted by section 805.9; and the uniform citation and
1 20 complaint shall require that the defendant appear before a
1 21 court at a specified time and place. The uniform citation and
1 22 complaint also may contain a space for the imprint of a credit
1 23 card, and may contain any other information which the
1 24 commissioner of public safety and the director of natural
1 25 resources may determine.
1 26 Sec. 2. Section 805.6, subsection 3, Code Supplement 2007,
1 27 is amended by striking the subsection.
1 28 EXPLANATION
1 29 This bill eliminates provisions relating to the uniform
1 30 citation and complaint.
1 31 The bill eliminates provisions requiring that the uniform
1 32 citation and complaint list the scheduled fines either
1 33 separately or by group on the citation and complaint ticket.
1 34 The bill eliminates provisions requiring the peace officer to
1 35 list the court costs on the uniform citation and complaint if



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House File 2072 - Introduced continued

2 1 a court appearance is required. The bill also eliminates
2 2 provisions requiring that the uniform citation and complaint
2 3 contain a place for citing a person for violations of Code
2 4 section 453A.2(2) (underage tobacco violations).
2 5 LSB 5825HZ 82
2 6 jm/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 576

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act allowing the director of the department of education to
2 withhold certain state funding from school districts, area
3 education agencies, and community colleges when required
4 report submissions are late.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5335XD 82
7 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 576 continued

PAG LIN

1 1 Section 1. Section 256.9, subsection 18, Code Supplement
1 2 2007, is amended to read as follows:
1 3 18. a. Prepare forms and procedures as necessary to be
1 4 used by area education agency boards, district boards, school
1 5 officials, principals, teachers, and other employees, and to
1 6 insure uniformity, accuracy, and efficiency in keeping records,
1 7 in both pupil and cost accounting, the execution of contracts,
1 8 and the submission of reports, ~~and notify.~~
1 9 b. (1) Notify the area education agency board, district
1 10 board, or school authorities when a report has not been filed
1 11 in the manner or on the dates prescribed by law or by rule
1 12 that the school will not be accredited until the report has
1 13 been properly filed.
1 14 (2) The director may withhold from a school district the
1 15 payment of state foundation aid under section 257.16,
1 16 subsection 2, if the school district has not filed a data or
1 17 information report with the department on the date prescribed
1 18 by law or by rule. The director may withhold up to ten
1 19 percent of the monthly payment if the submission is thirty
1 20 days late and may withhold up to twenty-five percent of
1 21 subsequent monthly payments until the report is filed. The
1 22 director shall notify the school district and the school
1 23 district board president of the intent to withhold state
1 24 foundation aid at least fifteen days prior to such action.
1 25 After the department has verified a school district has
1 26 submitted the required report, all withheld amounts shall be
1 27 distributed within sixty days and shall be included with a
1 28 regularly scheduled monthly payment.
1 29 Sec. 2. Section 260C.5, subsection 5, Code 2007, is
1 30 amended to read as follows:
1 31 5. a. Administer, allocate, and disburse federal or state
1 32 funds available to pay a portion of the operating costs of
1 33 community colleges.
1 34 b. The director may withhold from a community college the
1 35 payment of general state financial aid under section 260C.18C,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 576 continued

2 1 if the community college has not filed a data or information
 2 2 report on the date prescribed by law or by rule. The director
 2 3 may withhold up to ten percent of a monthly payment if the
 2 4 submission is thirty days late and may withhold up to
 2 5 twenty-five percent of subsequent monthly payments until the
 2 6 report is filed. The director shall notify the community
 2 7 college and the merged area board president of the intent to
 2 8 withhold general state financial aid at least fifteen days
 2 9 prior to such action. After the department has verified a
 2 10 community college has submitted the required report, all
 2 11 withheld amounts shall be distributed within sixty days and
 2 12 shall be included with a regularly scheduled monthly payment.

2 13 Sec. 3. NEW SECTION. 273.14 REPORT DEADLINES ==
 2 14 PENALTIES.

2 15 The director of the department of education may order a
 2 16 school district to withhold from an area education agency
 2 17 funds due under section 256B.9 or 273.9 if the area education
 2 18 agency has not filed a data or information report on the date
 2 19 prescribed by law or by rule. The director may order up to
 2 20 ten percent of a monthly payment be withheld if the submission
 2 21 is thirty days late and up to twenty-five percent of
 2 22 subsequent monthly payments until the report is filed. The
 2 23 director shall notify the president of the area education
 2 24 agency board and the president of the school district board of
 2 25 the order to withhold funds at least fifteen days prior to the
 2 26 district taking such action. After the department has
 2 27 verified an area education agency has submitted the required
 2 28 report, all withheld amounts shall be distributed within sixty
 2 29 days and may be included with a regularly scheduled monthly
 2 30 payment.

EXPLANATION

2 31
 2 32 This bill allows the director of the department of
 2 33 education to enforce compliance with reporting and submission
 2 34 deadlines from school districts, area education agencies
 2 35 (AEAs), and community colleges. The bill allows the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 576 continued

3 1 department to withhold a part of state aid payments in an
3 2 effort to incentivize compliance with reporting requirements.
3 3 The bill also allows the department to order a school district
3 4 to withhold payments from AEAs to incentivize compliance. The
3 5 bill provides that a submission that is 30 days late would
3 6 allow the department, or a school district in the case of an
3 7 AEA, to withhold 10 percent of the monthly state aid amount
3 8 due the school district, community college, or AEA. If a
3 9 submission is 60 days late, the bill allows the department, or
3 10 school district, to withhold 25 percent of subsequent monthly
3 11 state aid amounts. The bill provides that once an entity
3 12 submits the required report, the withheld funds will be
3 13 distributed within 60 days and included with a regularly
3 14 scheduled monthly payment.
3 15 LSB 5335XD 82
3 16 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 577

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 statewide preschool program for
- 2 four-year-old children and funding associated with the program
- 3 and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5315XD 82
- 6 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 577 continued

PAG LIN

1 1 Section 1. Section 256C.3, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. ELIGIBLE CHILDREN. A child who is a resident of Iowa
1 4 and is four years of age ~~by~~ on or before September 15 of a
1 5 school year shall be eligible to enroll in the preschool
1 6 program under this chapter. If space and funding are
1 7 available, a school district approved to participate in the
1 8 preschool program may enroll a younger or older child in the
1 9 preschool program; however, the child shall not be counted for
1 10 state funding purposes.
1 11 Sec. 2. Section 256C.3, subsection 4, paragraph b, Code
1 12 Supplement 2007, is amended to read as follows:
1 13 b. Subject to implementation of ~~chapter 28E~~ written
1 14 agreements between a school district and community-based
1 15 providers of services to four-year-old children, a
1 16 four-year-old child who is enrolled in a child care center or
1 17 child development home licensed or registered under chapter
1 18 237A, or in an existing public or private preschool program,
1 19 shall be eligible for services provided by the school
1 20 district's local preschool program.
1 21 Sec. 3. Section 256C.4, subsection 1, Code Supplement
1 22 2007, is amended by adding the following new paragraph:
1 23 NEW PARAGRAPH. f. The receipt of funding by a school
1 24 district for the purposes of this chapter, the need for
1 25 additional funding for the purposes of this chapter, or the
1 26 enrollment count of eligible students under this chapter,
1 27 shall not be considered to be unusual circumstances, create an
1 28 unusual need for additional funds, or qualify under any other
1 29 circumstances that may be used by the school budget review
1 30 committee to grant supplemental aid to or establish modified
1 31 allowable growth for a school district under section 257.31.
1 32 Sec. 4. Section 256C.6, subsection 1, Code Supplement
1 33 2007, is amended to read as follows:
1 34 1. PHASE=IN. For the initial fiscal year in which a
1 35 school district participates in the preschool program pursuant



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 577 continued

2 1 to an appropriation provided in subsection 2, the department
2 2 shall apply a modified set of the requirements of the
2 3 provisions of this chapter relating to preschool program
2 4 implementation, preschool enrollment reporting, and
2 5 distribution of funding as necessary to begin the distribution
2 6 in that fiscal year and additional program implementation in
2 7 the next fiscal year. ~~For each month after September 1, in~~
~~2 8 the initial fiscal year that a school district approved to~~
~~2 9 participate in the preschool program begins programming, the~~
~~2 10 department shall reduce the preschool foundation aid payable~~
~~2 11 to the school district by one-tenth of the amount that would~~
~~2 12 otherwise have been payable to the school district for the~~
~~2 13 full school year.~~

2 14 Sec. 5. Section 284.13, subsection 1, paragraph g,
2 15 subparagraph (2), Code Supplement 2007, is amended to read as
2 16 follows:

2 17 (2) For the fiscal year beginning July 1, 2007, and ending
2 18 June 30, 2008, the sum of one million dollars. From the
2 19 amount allocated under this subparagraph, an amount up to ten
2 20 thousand dollars shall be used for purposes of the
2 21 pay-for-performance commission's expenses, an amount up to one
2 22 hundred thousand dollars shall be used by the department for
2 23 oversight and administration of the planning pilots as
2 24 provided in sections 284.14 and 284.14A, and ~~an amount up to~~
~~2 25 two hundred thousand dollars shall be used for the employment~~
~~2 26 of an external evaluator seven hundred fifteen thousand shall~~
2 27 be used for implementation of a statewide early childhood
2 28 professional development system through the area education
2 29 agencies that is designed to support the statewide preschool
2 30 program for four-year-old children under chapter 256C and to
2 31 the extent possible, other early childhood programs.

2 32 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
2 33 immediate importance, takes effect upon enactment.

2 34 EXPLANATION

2 35 This bill relates to the statewide preschool program for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 577 continued

3 1 four-year-old children and funding associated with the
3 2 program.
3 3 Code section 256C.3, relating to the program requirements,
3 4 is amended to specify that a child must be age four or
3 5 before September 15 of a school year to enroll in the program.
3 6 In addition, the school district requirements for the program
3 7 involving community-based providers are amended to require
3 8 written agreements between the district and the providers
3 9 instead of a Code chapter 28E agreement.
3 10 Code section 256C.4, relating to the general funding
3 11 provisions for the program, is amended to provide that the
3 12 receipt of funding for purposes of the program, the need for
3 13 funding for the program, or the enrollment count of eligible
3 14 students cannot be used to grant supplemental aid to or
3 15 establish modified allowable growth for a school district.
3 16 Code section 256C.6, relating to phase-in of the program,
3 17 is amended to strike authority for monthly proration of
3 18 preschool foundation aid for school districts that are
3 19 approved to participate in the program, for each month after
3 20 September 1 that the programming begins.
3 21 Code section 284.11, relating to allocations of moneys
3 22 appropriated for the student achievement and teacher quality
3 23 program, is amended to reallocate and increase a fiscal year
3 24 2007=2008 amount designated for purposes of the
3 25 pay-for-performance program to an early childhood professional
3 26 development system.
3 27 The bill takes effect upon enactment.
3 28 LSB 5315XD 82
3 29 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5310XD 82
6 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

PAG LIN

1 1 Section 1. Section 19B.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. It is the policy of this state to provide equal
1 4 opportunity in school district, area education agency, and
1 5 community college employment to all persons. An individual
1 6 shall not be denied equal access to school district, area
1 7 education agency, or community college employment
1 8 opportunities because of political party affiliation, race,
1 9 creed, color, religion, national origin, sex, sexual
1 10 orientation, gender identity, age, ~~or~~ physical or mental
1 11 disability, or marital status. It also is the policy of this
1 12 state to apply affirmative action measures to correct
1 13 deficiencies in school district, area education agency, and
1 14 community college employment systems where those remedies are
1 15 appropriate. This policy shall be construed broadly to
1 16 effectuate its purposes.

1 17 Sec. 2. Section 22.7, subsection 1, Code Supplement 2007,
1 18 is amended to read as follows:

1 19 1. Personal information in records regarding a student,
1 20 prospective student, or former student maintained, created,
1 21 collected or assembled by or for a school corporation or
1 22 educational institution maintaining such records. This
1 23 subsection shall not be construed to prohibit a postsecondary
1 24 education institution from disclosing to a parent or guardian
1 25 information regarding a violation of a federal, state, or
1 26 local law, or institutional rule or policy governing the use
1 27 or possession of alcohol or a controlled substance if the
1 28 child is under the age of twenty-one years and the institution
1 29 determines that the student committed a disciplinary violation
1 30 with respect to the use or possession of alcohol or a
1 31 controlled substance regardless of whether that information is
1 32 contained in the student's education records. This subsection
1 33 shall not be construed to prohibit a school corporation or
1 34 educational institution from transferring student records
1 35 electronically to the department of education, an accredited



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

2 1 nonpublic school, an attendance center, a school district, or
2 2 an accredited postsecondary institution in accordance with
2 3 section 256.9, subsection 52.

2 4 Sec. 3. Section 73.1, unnumbered paragraph 1, Code 2007,
2 5 is amended to read as follows:

2 6 Every commission, board, committee, officer, or other
2 7 governing body of the state, or of any county, township,
2 8 school district, or city, and every person acting as
2 9 contracting or purchasing agent for any such commission,
2 10 board, committee, officer, or other governing body shall use
2 11 only those products and provisions grown and coal produced
2 12 within the state of Iowa, when they are found in marketable
2 13 quantities in the state and are of a quality reasonably suited
2 14 to the purpose intended, and can be secured without additional
2 15 cost over foreign products or products of other states. This
2 16 section shall apply to horticultural products grown in this
2 17 state even if the products are not in the stage of processing
2 18 that the agency usually purchases the product. However, this
2 19 section does not apply to a school district purchasing food
2 20 while the school district is participating in ~~the~~ a federal
2 21 school lunch or breakfast program.

2 22 Sec. 4. Section 256.5A, Code 2007, is amended to read as
2 23 follows:

2 24 256.5A NONVOTING MEMBER.

2 25 1. The governor shall appoint the one nonvoting student
2 26 member of the state board for a term of ~~one year~~ two years
2 27 beginning and ending as provided in section 69.19. The
2 28 nonvoting student member shall be appointed from a list of
2 29 names submitted by the state board of education. Students
2 30 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school may
2 31 apply to the state board to serve as a nonvoting student
2 32 member.

2 33 2. The department shall develop an application process
2 34 that requires the consent of the student's parent or guardian
2 35 if the student is a minor, initial application approval by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

3 1 school district in which the student applicant is enrolled,
3 2 and submission of approved applications by a school district
3 3 to the department.

3 4 3. The nonvoting student member's school district of
3 5 enrollment shall notify the student's parents if the student's
3 6 grade point average falls during the period in which the
3 7 student is a member of the state board.

3 8 4. The state board shall adopt rules under chapter 17A
3 9 specifying criteria for the selection of applicants whose
3 10 names shall be submitted to the governor. Criteria shall
3 11 include, but are not limited to, academic excellence,
3 12 participation in extracurricular and community activities, and
3 13 interest in serving on the board. Rules adopted by the state
3 14 board shall also require, if the student is a minor,
3 15 supervision of the student by the student's parent or guardian
3 16 while the student is engaged in authorized state board
3 17 business at a location other than the community in which the
3 18 student resides, unless the student's parent or guardian
3 19 submits to the state board a signed release indicating the
3 20 parent or guardian has determined that supervision of the
3 21 student by the parent or guardian is unnecessary.

3 22 5. The nonvoting student member appointment is not subject
3 23 to section 69.16 or 69.16A.

3 24 6. The nonvoting student member shall have been enrolled
3 25 in a public school in Iowa for at least one year prior to the
3 26 member's appointment. ~~A nonvoting student member who will not~~
~~3 27 graduate from high school prior to the end of a second term~~
~~3 28 may apply to the state board for submission of candidacy to~~
~~3 29 the governor for a second one-year term.~~

3 30 7. A nonvoting student member shall be paid a per diem as
3 31 provided in section 7E.6 and the student and the student's
3 32 parent or guardian shall be reimbursed for actual and
3 33 necessary expenses incurred in the performance of the
3 34 student's duties as a nonvoting member of the state board.

3 35 8. A vacancy in the membership of the nonvoting student



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

4 1 member shall not be filled until the expiration of the term.

4 2 Sec. 5. Section 256.10, subsection 2, Code 2007, is

4 3 amended to read as follows:

4 4 2. Appointments to the professional staff of the
4 5 department shall be without reference to political party

4 6 affiliation, ~~religious affiliation~~ race, creed, color,

4 7 religion, national origin, sex, sexual orientation, gender

4 8 identity, age, physical or mental disability, or marital

4 9 status, but shall be based solely upon fitness, ability, and

4 10 proper qualifications for the particular position. The

4 11 professional staff shall serve at the discretion of the

4 12 director. A member of the professional staff shall not be

4 13 dismissed for cause without appropriate due process procedures

~~4 14 including a hearing~~ an opportunity to meet with the director.

4 15 Sec. 6. Section 256.11, subsection 9B, Code Supplement

4 16 2007, is amended to read as follows:

4 17 9B. Beginning July 1, 2007, each school district shall

4 18 have a school nurse to provide health services to its

4 19 students. Each school district shall work toward the goal of

4 20 having one school nurse for every seven hundred fifty students

4 21 enrolled in the school district. ~~For purposes of this~~

~~4 22 subsection, "school nurse" means a person who holds an~~

~~4 23 endorsement or a statement of professional recognition for~~

~~4 24 school nurses issued by the board of educational examiners~~

~~4 25 under chapter 272~~ The scope of practice of a school nurse

4 26 shall be as established by rule by the board of nursing.

4 27 Sec. 7. Section 256.30, Code 2007, is amended to read as

4 28 follows:

4 29 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

4 30 1. The department of education shall provide moneys to pay

4 31 the expense of educating American Indian children residing in

4 32 the Sac and Fox Indian settlement on land held in trust by the

4 33 secretary of the interior of the United States in excess of

4 34 federal moneys paid to the tribal council for educating the

4 35 American Indian children when moneys are appropriated for that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

5 1 purpose. ~~The tribal council shall administer the moneys~~
~~5 2 distributed to it by the department and shall submit an annual~~
~~5 3 report and other reports as required by the department to the~~
~~5 4 department on the expenditure of the moneys.~~

5 5 2. The tribal council shall administer moneys distributed
5 6 to it by the department of education as provided in subsection

5 7 1. The tribal council shall first use the moneys distributed
~~5 8 to it by the department of education for the purposes of this~~
5 9 section to pay the additional costs of salaries for licensed
5 10 instructional staff for educational attainment and full-time
5 11 equivalent years of experience to equal the salaries listed on
5 12 the proposed salary schedule for the school at the Sac and Fox
5 13 Indian settlement for that school year, but the salary for a
5 14 licensed instructional staff member employed on a full-time
5 15 basis shall not be less than eighteen thousand dollars.

5 16 3. The department of management shall approve allotments
5 17 of moneys appropriated in for purposes of this section when
~~5 18 the department of education certifies to the department of~~
~~5 19 management that the requirements of this section have been~~
~~5 20 met.~~

5 21 Sec. 8. Section 256B.2, subsection 1, Code 2007, is
5 22 amended to read as follows:

5 23 1. "Children requiring special education" means persons
5 24 under twenty-one years of age, including children under five
5 25 years of age, who have a disability in obtaining an education
5 26 because of a head injury, autism, behavioral disorder, or
5 27 physical, mental, communication, or learning disability, as
5 28 defined by the rules of the department of education. If a
5 29 child requiring special education reaches the age of
5 30 twenty-one during an academic year, the child may elect to
5 31 receive special education services until the end of the
5 32 academic year.

5 33 Sec. 9. Section 256B.6, Code 2007, is amended to read as
5 34 follows:

5 35 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

6 1 1. When the school district or area education agency has
6 2 provided special education services and programs as provided
6 3 herein for any child requiring special education, either by
6 4 admission to a special class or by supportive services, it
6 5 shall be the duty of the parent or guardian to enroll ~~said~~ the
6 6 child for instruction in such special classes or supportive
6 7 services as may be established, except in the event a doctor's
6 8 certificate is filed with the secretary of the school district
6 9 showing that it is inadvisable for medical reasons for the
6 10 child requiring special education to receive the special
6 11 education provided; all the provisions and conditions of
6 12 chapter 299 ~~and amendments thereto~~ shall be applicable to this
6 13 section, and any violations shall be punishable as provided in
6 14 ~~said~~ chapter 299.

6 15 2. A child, or the parent or guardian of the child, or the
6 16 school district in which the child resides, may obtain a
6 17 review of an action or omission of state or local authorities
6 18 pursuant to the procedures established by the state board of
6 19 education on the ground that the child has been or is about to
6 20 be:

6 21 ~~1.~~ a. Denied entry or continuance in a program of special
6 22 education appropriate to the child's condition and needs.

6 23 ~~2.~~ b. Placed in a special education program which is
6 24 inappropriate to the child's condition and needs.

6 25 ~~3.~~ c. Denied educational services because no suitable
6 26 program of education or related services is maintained.

6 27 ~~4.~~ d. Provided with special education which is
6 28 insufficient in quantity to satisfy the requirements of law.

6 29 ~~5.~~ e. Assigned to a program of special education when the
6 30 child does not have a disability.

6 31 3. When a child requiring special education attains the
6 32 age of majority or is incarcerated in an adult or juvenile,
6 33 state or local, correctional institution, all rights accorded
6 34 to the parent or guardian under this chapter transfer to the
6 35 child except as provided in this subsection. Any notice



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

7 1 required by this chapter shall be provided to both the child
7 2 who has reached the age of majority or is incarcerated in an
7 3 adult or juvenile, state or local, correctional institution,
7 4 and the parent or guardian. If rights under this chapter have
7 5 transferred to a child and the child has been determined to be
7 6 incompetent by a court or determined unable to provide
7 7 informed educational consent by a court or other competent
7 8 authority, then rights under this chapter shall be exercised
7 9 by the person who has been appointed to represent the
7 10 educational interest of the child.

7 11 4. Notwithstanding section 17A.11, the state board of
7 12 education shall adopt rules for the appointment of an
7 13 impartial administrative law judge for special education
7 14 appeals. The rules shall comply with federal statutes and
7 15 regulations.

7 16 Sec. 10. Section 256B.8, unnumbered paragraph 2, Code
7 17 2007, is amended to read as follows:

7 18 An area education agency director of special education may
7 19 request approval from the department of education to continue
7 20 the special education program of a person beyond the ~~person's~~
~~7 21 twenty-first birthday~~ period specified in section 256B.2,
7 22 subsection 1, if the person had an accident or prolonged
7 23 illness that resulted in delays in the initiation of or
7 24 interruptions in that person's special education program.
7 25 Approval may be granted by the department to continue the
7 26 special education program of that person for up to three years
7 27 or until the person's twenty-fourth birthday.

7 28 Sec. 11. Section 256F.4, subsection 2, paragraph a, Code
7 29 2007, is amended to read as follows:

7 30 a. Meet all applicable federal, state, and local health
7 31 and safety requirements and laws prohibiting discrimination on
7 32 the basis of political party affiliation, race, creed, color,
7 33 age, marital status, sex, sexual orientation, gender identity,
7 34 national origin, religion, ~~ancestry,~~ or physical or mental
7 35 disability. A charter school shall be subject to any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

8 1 court-ordered desegregation plan in effect for the school
8 2 district at the time the school's charter application is
8 3 approved.

8 4 Sec. 12. Section 257.6, subsection 1, paragraph a,
8 5 subparagraph (3), Code Supplement 2007, is amended to read as
8 6 follows:

8 7 (3) Shared-time and part-time pupils of school age
8 8 enrolled in public schools within the district, irrespective
8 9 of the districts in which the pupils reside, in the proportion
8 10 that the time for which they are enrolled or receive
8 11 instruction for the school year is to the time that full-time
8 12 pupils carrying a normal course schedule, at the same grade
8 13 level, in the same school district, for the same school year,
8 14 are enrolled and receive instruction. Tuition charges to the
8 15 parent or guardian of a shared-time or part-time nonresident
8 16 pupil shall be reduced by the amount of any increased state
8 17 aid received by the district by the counting of the pupil.
8 18 This subparagraph applies to pupils from accredited nonpublic
8 19 schools accessing classes or services on the accredited
8 20 nonpublic school premises or the school district site, but
8 21 excludes accredited nonpublic pupils receiving classes or
8 22 services funded by federal grants or allocations.

8 23 Sec. 13. Section 257.11, subsection 5, paragraph a, Code
8 24 Supplement 2007, is amended to read as follows:

8 25 a. For the school budget year beginning July 1, 2002,
8 26 through the school budget year beginning July 1, ~~2007~~ 2008, in
8 27 order to provide additional funds for school districts in
8 28 which a regional academy is located, a supplementary weighting
8 29 plan for determining enrollment is adopted.

8 30 Sec. 14. Section 257.11, subsection 8, Code Supplement
8 31 2007, is amended to read as follows:

8 32 8. PUPILS INELIGIBLE. A pupil eligible for the weighting
8 33 plan provided in section 256B.9 is not eligible for
8 34 supplementary weighting pursuant to this section unless it is
8 35 determined that the course generating the supplemental



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

9 1 weighting has no relationship to the pupil's disability. A
9 2 pupil attending an alternative program or an at-risk pupils'
9 3 program, including alternative high school programs, is not
9 4 eligible for supplementary weighting under subsection 2.

9 5 Sec. 15. Section 257.13, subsection 2, Code 2007, is
9 6 amended to read as follows:

9 7 2. The board of directors of a school district that wishes
9 8 to receive an on-time funding budget adjustment shall adopt a
9 9 resolution to receive the adjustment and notify the school
9 10 budget review committee by November ~~1~~ 15, annually. The
9 11 school budget review committee shall establish a modified
9 12 allowable growth in an amount determined pursuant to
9 13 subsection 1.

9 14 Sec. 16. Section 257.37, subsection 4, Code 2007, is
9 15 amended to read as follows:

9 16 4. "Enrollment served" means the basic enrollment plus the
9 17 number of nonpublic school pupils served with media services
9 18 or educational services, as applicable, except that if a
9 19 nonpublic school pupil or a pupil attending another district
9 20 under a whole grade sharing agreement or open enrollment
9 21 receives services through an area other than the area of the
9 22 pupil's residence, the pupil shall be deemed to be served by
9 23 the area of the pupil's residence, which shall by contractual
9 24 arrangement reimburse the area through which the pupil
9 25 actually receives services. Each school district shall
9 26 include in the enrollment report submitted pursuant to section
9 27 257.6, subsection 1, the number of nonpublic school pupils
9 28 within each school district for media and educational services
9 29 served by the area. However, the school district shall not
9 30 include in the enrollment report nonpublic school pupils
9 31 receiving classes or services funded by federal grants or
9 32 allocations.

9 33 Sec. 17. Section 260C.35, unnumbered paragraph 2, Code
9 34 2007, is amended to read as follows:

9 35 With the approval of the director ~~of the department of~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

~~House Study Bill 578 continued~~

~~10 1 education~~, the board of directors of a merged area at any one
10 2 time may sell any land in a single tract in excess of one
10 3 hundred sixty acres owned by the merged area, and an election
10 4 is not necessary in connection with the sale. The proceeds of
10 5 the sale may be used for any of the purposes stated in section
10 6 260C.22. This paragraph is in addition to any authority under
10 7 other provisions of law.

10 8 Sec. 18. Section 261C.4, Code 2007, is amended to read as
10 9 follows:

10 10 261C.4 AUTHORIZATION.

10 11 An eligible pupil may make application to an eligible
10 12 institution to allow the eligible pupil to enroll for academic
10 13 or vocational=technical credit in a nonsectarian course
10 14 offered at that eligible institution. A comparable course, as
10 15 defined in rules made by the board of directors of the public
10 16 school district, must not be offered by the school district or
10 17 accredited nonpublic school which the pupil attends. If an
10 18 eligible institution accepts an eligible pupil for enrollment
10 19 under this section, the institution shall send written notice
10 20 to the pupil, and the pupil's school district or accredited
10 21 nonpublic school or the school for the deaf or the Iowa
10 22 braille and sight saving school, ~~and the department of~~
~~10 23 education~~. The notice shall list the course, the clock hours
10 24 the pupil will be attending the course, and the number of
10 25 hours of postsecondary academic or vocational=technical credit
10 26 that the eligible pupil will receive from the eligible
10 27 institution upon successful completion of the course.

10 28 Sec. 19. Section 272.15, subsection 2, Code Supplement
10 29 2007, is amended to read as follows:

10 30 2. If, in the course of performing official duties, an
10 31 employee of the department becomes aware of any alleged
10 32 misconduct by an individual licensed under this chapter, the
10 33 employee ~~shall~~ may report the alleged misconduct to the board
10 34 of educational examiners under rules adopted pursuant to
10 35 subsection 1.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

11 1 Sec. 20. Section 273.3, subsection 12, Code 2007, is
11 2 amended to read as follows:
11 3 12. Prepare an annual budget estimating income and
11 4 expenditures for programs and services as provided in sections
11 5 273.1 to 273.9 and chapter 256B within the limits of funds
11 6 provided under section 256B.9 and chapter 257. The board
11 7 shall give notice of a public hearing on the proposed budget
11 8 by publication in an official county newspaper in each county
11 9 in the territory of the area education agency in which the
11 10 principal place of business of a school district that is a
11 11 part of the area education agency is located. The notice
11 12 shall specify the date, which shall be not later than March 1
11 13 of each year, the time, and the location of the public
11 14 hearing. The proposed budget as approved by the board shall
11 15 then be submitted to the state board of education, on forms
11 16 provided by the department, no later than March 15 preceding
11 17 the next fiscal year for approval. The state board shall
11 18 review the proposed budget of each area education agency and
11 19 shall before ~~April~~ May 1, either grant approval or return the
11 20 budget without approval with comments of the state board
11 21 included. An unapproved budget shall be resubmitted to the
11 22 state board for final approval not later than ~~April~~ May 15.
11 23 For the fiscal year beginning July 1, 1999, and each
11 24 succeeding fiscal year, the state board shall give final
11 25 approval only to budgets submitted by area education agencies
11 26 accredited by the state board or that have been given
11 27 conditional accreditation by the state board.
11 28 Sec. 21. Section 273.13, Code 2007, is amended to read as
11 29 follows:
11 30 273.13 ADMINISTRATIVE EXPENDITURES.
11 31 ~~During the budget year beginning July 1, 1989, and the~~
~~11 32 three succeeding budget years, the board of directors of an~~
~~11 33 area education agency in which the administrative expenditures~~
~~11 34 as a percent of the area education agency's operating fund for~~
~~11 35 a base year exceed five percent shall reduce its~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

~~House Study Bill 578 continued~~

~~12 1 administrative expenditures to five percent of the area
12 2 education agency's operating fund. During each of the four
12 3 years, the board of directors shall reduce administrative
12 4 expenditures by twenty-five percent of the reduction in
12 5 administrative expenditure required by this section.
12 6 Thereafter, the An area education agency's administrative
12 7 expenditures shall not exceed five percent of the operating
12 8 general fund. Annually, the board of directors of an area
12 9 education agency shall certify to the department of education
12 10 the amounts of the area education agency's expenditures and
12 11 its operating general fund. For the purposes of this section,
12 12 "base year" and "budget year" mean the same as defined in
12 13 section 442.6, Code 1989, and section 257.2, and
12 14 "administrative expenditures" means expenditures for executive
12 15 administration.
12 16 Sec. 22. Section 275.31, unnumbered paragraph 1, Code
12 17 2007, is amended to read as follows:
12 18 If necessary to equalize the division and distribution, the
12 19 board or boards may provide for the levy of additional taxes,
12 20 which shall be sufficient to satisfy the mandatory levy
12 21 required in section 76.2 or other liabilities of the
12 22 districts, upon the property of a corporation or part of a
12 23 corporation and for the distribution of the tax revenues so as
12 24 to effect equalization. When the board or boards are
12 25 considering the equalization levy, the division and
12 26 distribution shall not impair the security for outstanding
12 27 obligations of each affected corporation. Any owner of bonds
12 28 of an affected corporation may bring suit in equity for
12 29 adjustment of the division and distribution in compliance with
12 30 this section. If the property tax levy for the amount
12 31 estimated and certified to apply on principal and interest on
12 32 lawful bonded indebtedness for a newly formed community school
12 33 district is greater than the property tax levy for the amount
12 34 estimated and certified to apply on principal and interest in
12 35 the year preceding the reorganization or dissolution for a~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

~~House Study Bill 578 continued~~

~~13 1 school district that is a party to the reorganization or
13 2 dissolution, that had a certified enrollment of less than six
13 3 hundred for the year prior to the reorganization or
13 4 dissolution, and that approved the reorganization or
13 5 dissolution prior to July 1, 1989, the board of the newly
13 6 formed district shall inform the department of management.
13 7 The department of management shall pay debt service aid to the
13 8 newly formed district in an amount that reduces the rate of
13 9 the property tax levy for lawful bonded indebtedness in the
13 10 portion of the newly formed district where the new rate is
13 11 higher, to the rate that was levied in that portion of the
13 12 district during the year preceding the reorganization or
13 13 dissolution.~~

13 14 Sec. 23. Section 275.31, unnumbered paragraphs 2 and 3,
13 15 Code 2007, are amended by striking the unnumbered paragraphs.

13 16 Sec. 24. Section 275.53, Code 2007, is amended to read as
13 17 follows:

13 18 275.53 DISSOLUTION PROPOSAL.

13 19 1. The commission shall send a copy of its dissolution
13 20 proposal or shall inform the board that it cannot agree upon a
13 21 dissolution proposal not later than one year following the
13 22 date of the organizational meeting of the commission. The
13 23 commission shall also send a copy of the dissolution proposal
13 24 ~~by registered mail~~ to the boards of directors of all school
13 25 districts to which area of the affected school district will
13 26 be attached. If the board of a district to which area of the
13 27 affected school district will be attached objects to the
13 28 attachment, within ten days following receipt of the
13 29 dissolution proposal the board shall send its objections in
13 30 writing to the commission using any method specified in
13 31 subsection 2. The commission may consider the objections and
13 32 may modify the dissolution proposal. If the dissolution
13 33 proposal is modified, the commission shall notify ~~by~~
~~13 34 registered mail~~ the boards of directors of all school
13 35 districts to which area of the affected school district will



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

14 1 be attached.

14 2 2. The copy of the dissolution proposal, as well as any

14 3 modification, shall be sent to the boards by any of the

14 4 following methods:

14 5 a. Mail bearing a United States postal service postmark.

14 6 b. Hand delivery.

14 7 c. Facsimile transmission.

14 8 d. Electronic delivery.

14 9 3. If the commission cannot agree upon a dissolution

14 10 proposal prior to the expiration of its term, the board may

14 11 appoint a new commission.

14 12 Sec. 25. Section 275.54, Code 2007, is amended to read as

14 13 follows:

14 14 275.54 HEARING.

14 15 1. Within ten days following the filing of the dissolution

14 16 proposal with the board, the board shall fix a date for a

14 17 hearing on the proposal which shall not be more than sixty

14 18 days after the dissolution petition was filed with the board.

14 19 The board shall publish notice of the date, time, and location

14 20 of the hearing at least ten days prior to the date of the

14 21 hearing by one publication in a newspaper in general

14 22 circulation in the district. The notice shall include the

14 23 content of the dissolution proposal. A person residing or

14 24 owning land in the school district may present evidence and

14 25 arguments at the hearing. The president of the board shall

14 26 preside at the hearing. The board shall review testimony from

14 27 the hearing and shall adopt or amend and adopt the dissolution

14 28 proposal.

14 29 2. The board shall notify ~~by registered mail~~ the boards of

14 30 directors of all school districts to which area of the

14 31 affected school district will be attached and the director of

14 32 the department of education of the contents of the dissolution

14 33 proposal adopted by the board. The notification may be made

14 34 by any of the following methods:

14 35 a. Mail bearing a United States postal service postmark.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

15 1 b. Hand delivery.
15 2 c. Facsimile transmission.
15 3 d. Electronic delivery.
15 4 3. If the board of a district to which area of the
15 5 affected school district will be attached objects to the
15 6 attachment, that portion of the dissolution proposal will not
15 7 be included in the proposal voted upon under section 275.55
15 8 and the director of the department of education shall attach
15 9 the area to a contiguous school district.
15 10 4. If the board of a district to which area of the
15 11 affected school district will be attached objects to the
15 12 division of assets and liabilities contained in the
15 13 dissolution proposal, ~~section 275.30 applies for the division~~
15 14 ~~of assets and liabilities to that district~~ the matter shall be
15 15 decided by a panel of disinterested arbitrators. The panel
15 16 shall consist of one arbitrator selected by the objecting
15 17 district or districts, one selected by the districts in favor
15 18 of the provisions of the dissolution proposal, and one
15 19 selected by the dissolving district. If the number of
15 20 arbitrators selected is even, a disinterested arbitrator shall
15 21 be selected by the administrator of the area education agency
15 22 to which the dissolving district belongs. The decision of the
15 23 arbitrators shall be made in writing and filed with the
15 24 secretary of the new corporation, and a party to the
15 25 proceedings may appeal the decision to the district court by
15 26 serving notice on the secretary of the new corporation within
15 27 twenty days after the decision is filed. The appeal shall be
15 28 tried in equity and a decree entered determining the entire
15 29 matter, including the levy, collection, and distribution of
15 30 any necessary taxes.
15 31 5. If a dissolution proposal adopted by a board contains
15 32 provisions that ninety-five percent or more of the taxable
15 33 valuation of the dissolving district would be assumed and
15 34 attached to a single school district, the dissolving school
15 35 district shall cease further proceedings to dissolve and shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

16 1 comply with reorganization procedures specified in this
16 2 chapter.
16 3 Sec. 26. Section 275.55, unnumbered paragraph 1, Code
16 4 2007, is amended to read as follows:
16 5 The board of the school district shall call a special
16 6 election to be held not later than ~~forty~~ sixty days following
16 7 the date of the final hearing on the dissolution proposal.
16 8 The special election may be held at the same time as the
16 9 regular school election. The proposition submitted to the
16 10 voters residing in the school district at the special election
16 11 shall describe each separate area to be attached to a
16 12 contiguous school district and shall name the school district
16 13 to which it will be attached. In addition to the description,
16 14 a map may be included in the summary of the question on the
16 15 ballot.
16 16 Sec. 27. Section 279.30, Code 2007, is amended to read as
16 17 follows:
16 18 279.30 EXCEPTIONS.
16 19 Each payment must be made payable to the person entitled to
16 20 receive the money or direct deposited to an account at a
16 21 financial institution, as defined in section 527.2, specified
16 22 by the person entitled to receive the money. The board of
16 23 directors of a school district or an area education agency may
16 24 by resolution authorize the secretary, upon approval of the
16 25 superintendent or designee, or administrator, in the case of
16 26 an area education agency, to issue payments when the board of
16 27 directors is not in session in payment of reasonable and
16 28 necessary expenses, but only upon verified bills filed with
16 29 the secretary or administrator, and for the payment of
16 30 salaries pursuant to the terms of a written contract. Each
16 31 payment must be made payable only to the person performing the
16 32 service or presenting the verified bill, and must state the
16 33 purpose for which the payment is issued. All bills and
16 34 salaries for which payments are issued prior to audit and
16 35 allowance by the board must be passed upon by the board of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

17 1 directors at the next meeting and be entered in the regular
17 2 minutes of the secretary.

17 3 Sec. 28. Section 279.42, Code 2007, is amended to read as
17 4 follows:

17 5 279.42 GIFTS TO SCHOOLS.

17 6 The board of directors of a school district ~~which that~~
17 7 receives funds through ~~gifts~~ a gift, devise, or bequest, and
~~17 8 bequests or bequest shall deposit these the funds in a trust~~
17 9 ~~and agency or permanent fund and shall use them the funds in~~
17 10 accordance with the terms of the gift, devise, or bequest.

17 11 Sec. 29. Section 279.45, Code 2007, is amended to read as
17 12 follows:

17 13 279.45 ADMINISTRATIVE EXPENDITURES.

17 14 ~~For the budget year beginning July 1, 1989, and each of the~~
~~17 15 following three budget years, the board of directors of a~~
~~17 16 school district in which the administrative expenditures as a~~
~~17 17 percent of the school district's operating fund for a base~~
~~17 18 year exceed five percent, shall reduce its administrative~~
~~17 19 expenditures so that they are one-half percent less as a~~
~~17 20 percent of the school district's operating fund than they were~~
~~17 21 for the base year. However, a A school district is not~~
~~17 22 required to reduce its district's administrative expenditures~~
17 23 below shall not exceed five percent of its operating general
17 24 fund. Thereafter, a A school district shall not increase the
17 25 percent of its administrative expenditures compared to its
17 26 operating general fund. Annually, the board of directors
17 27 shall certify to the department of education the amounts of
17 28 the school district's administrative expenditures and its
17 29 operating general fund. For the purposes of this section,
17 30 "base year" and "budget year" mean the same as defined in
~~17 31 section 442.6, Code 1989, and section 257.2, and~~
17 32 "administrative expenditures" means expenditures for executive
17 33 administration.

17 34 Sec. 30. Section 280.3, unnumbered paragraph 1, Code 2007,
17 35 is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

18 1 The board of directors of each public school district and
18 2 the authorities in charge of each nonpublic school shall
18 3 prescribe the minimum educational program and an attendance
18 4 policy which shall require each child to attend school for at
18 5 least one hundred forty-eight days, to be met by attendance
18 6 for at least thirty-seven days each school quarter, for the
18 7 schools under their jurisdictions. The minimum educational
18 8 program shall be the curriculum set forth in section 256.11,
18 9 except as otherwise provided by law. The board of directors
18 10 of a public school district shall not allow discrimination in
18 11 any educational program on the basis of race, color, creed,
18 12 age, religion, national origin, physical or mental disability,
18 13 sex, sexual orientation, gender identity, or marital status ~~or~~
~~18 14 place of national origin.~~

18 15 Sec. 31. Section 282.1, unnumbered paragraph 1, Code 2007,
18 16 is amended to read as follows:

18 17 Persons between five and twenty-one years of age are of
18 18 school age. Nonresident children shall be charged the maximum
18 19 tuition rate as determined in section 282.24, subsection 1,
18 20 with the exception that those residing temporarily in a school
18 21 corporation may attend school in the corporation upon terms
18 22 prescribed by the board, ~~and boards.~~ A school district
18 23 discontinuing grades under section 282.7, subsection 1 or
18 24 subsections 1 and 3, shall be charged tuition as provided in
18 25 section 282.24, subsection ~~2~~ 1.

18 26 Sec. 32. Section 282.18, subsection 4, Code 2007, is
18 27 amended by adding the following new paragraph:

18 28 NEW PARAGRAPH. bb. If a transfer is requested after March
18 29 1 of the preceding school year on behalf of a pupil whose
18 30 sibling is already participating in open enrollment to the
18 31 receiving district, the receiving district shall take action
18 32 to approve the request.

18 33 Sec. 33. Section 282.18, subsection 5, Code 2007, is
18 34 amended to read as follows:

18 35 5. Open enrollment applications filed after March 1 of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

19 1 preceding school year that do not qualify for ~~good cause~~
19 2 approval as provided in subsection 4 shall be subject to the
19 3 approval of the board of the resident district and the board
19 4 of the receiving district. The parent or guardian shall send
19 5 notification to the district of residence and the receiving
19 6 district that the parent or guardian seeks to enroll the
19 7 parent's or guardian's child in the receiving district. A
19 8 decision of either board to deny an application filed under
19 9 this subsection involving repeated acts of harassment of the
19 10 student or serious health condition of the student that the
19 11 resident district cannot adequately address is subject to
19 12 appeal under section 290.1. The state board shall exercise
19 13 broad discretion to achieve just and equitable results that
19 14 are in the best interest of the affected child or children.
19 15 Sec. 34. Section 282.31, subsection 1, paragraph a, Code
19 16 Supplement 2007, is amended to read as follows:
19 17 a. A child who lives in a facility pursuant to section
19 18 282.30, subsection 1, paragraph "a", and who is not enrolled
19 19 in the educational program of the district of residence of the
19 20 child, shall receive appropriate educational services. The
19 21 area education agency shall submit a proposed program and
19 22 budget to the department of education by ~~January~~ February 1
19 23 for the next succeeding school year. The department of
19 24 education shall review and approve or modify the program and
19 25 proposed budget and shall notify the department of
19 26 administrative services and the area education agency of its
19 27 action by ~~February~~ April 1. The department of administrative
19 28 services shall pay the approved budget amount for an area
19 29 education agency in monthly installments beginning September
19 30 15 and ending June 15 of the next succeeding school year. The
19 31 installments shall be as nearly equal as possible as
19 32 determined by the department of management, taking into
19 33 consideration the relative budget and cash position of the
19 34 state's resources. The department of administrative services
19 35 shall transfer the approved budget amount for an area



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

20 1 education agency from the moneys appropriated under section
20 2 257.16 and make the payment to the area education agency. The
20 3 area education agency shall submit an accounting for the
20 4 actual cost of the program to the department of education by
20 5 ~~August 1~~ September 15 of the following school year. The
20 6 department shall review and approve or modify all expenditures
20 7 incurred in compliance with the guidelines pursuant to section
20 8 256.7, subsection 10, and shall notify the department of
20 9 administrative services of the approved accounting amount.
20 10 The approved accounting amount shall be compared with any
20 11 amounts paid by the department of administrative services to
20 12 the area education agency and any differences added to or
20 13 subtracted from the October payment made under this paragraph
20 14 for the next school year. Any amount paid by the department
20 15 of administrative services shall be deducted monthly from the
20 16 state foundation aid paid under section 257.16 to all school
20 17 districts in the state during the subsequent fiscal year. The
20 18 portion of the total amount of the approved budget that shall
20 19 be deducted from the state aid of a school district shall be
20 20 the same as the ratio that the budget enrollment for the
20 21 budget year of the school district bears to the total budget
20 22 enrollment in the state for that budget year in which the
20 23 deduction is made.

20 24 Sec. 35. Section 285.9, Code 2007, is amended by adding
20 25 the following new subsection:

20 26 NEW SUBSECTION. 5. Review all transportation disputes
20 27 between districts. If the affected districts are located in
20 28 more than one area education agency, the area education agency
20 29 in which the larger of the districts is located shall be the
20 30 reviewing agency. In resolving disputes between districts,
20 31 the reviewing agency board shall, after receiving all facts,
20 32 make such alterations or changes as necessary to make the
20 33 arrangements, designations, and contracts conform to the legal
20 34 and established requirements and shall notify each affected
20 35 local school board of such action. An affected district may



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

21 1 appeal the decision of the agency board to the director of the
21 2 department of education by following the timelines and
21 3 procedures in section 285.12.

21 4 Sec. 36. Section 291.1, Code 2007, is amended to read as
21 5 follows:

21 6 291.1 PRESIDENT == DUTIES.

21 7 The president of the board of directors shall preside at
21 8 all of its meetings, sign all contracts made by the board, and
21 9 appear ~~in~~ on behalf of the corporation in all actions brought
21 10 by or against it, unless individually a party, in which case
21 11 this duty shall be performed by the secretary. The president
21 12 or the president's designee shall sign, using an original or
21 13 facsimile signature, all school district ~~warrants~~ payments
21 14 drawn and authorize electronic funds transfers as provided by
21 15 law. The board of directors, by resolution, may designate an
21 16 individual, who shall not be the secretary, to sign ~~warrants~~
21 17 payments or authorize electronic funds transfers on behalf of
21 18 the president.

21 19 Sec. 37. Section 291.6, subsection 3, Code 2007, is
21 20 amended by striking the subsection and inserting in lieu
21 21 thereof the following:

21 22 3. ACCOUNTING RECORDS. Keep an accurate accounting record
21 23 of each payment or electronic funds transfer from each fund
21 24 which shall be provided monthly to the board of directors.
21 25 The secretary of the creditor district shall prepare and
21 26 deliver to debtor districts an itemized statement of tuition
21 27 fees charged in accordance with sections 275.55A and 282.11,
21 28 and section 282.24, subsection 1.

21 29 Sec. 38. Section 291.6, subsection 4, Code 2007, is
21 30 amended to read as follows:

21 31 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
21 32 expenses incurred by the corporation, and present the same to
21 33 the board for audit and payment.

21 34 Sec. 39. Section 291.7, Code 2007, is amended to read as
21 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

22 1 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.
22 2 The secretary of each district shall file monthly with the
22 3 board of directors a complete statement of all receipts and
22 4 disbursements from ~~the various funds~~ each individual fund
22 5 during the preceding month, and also the balance remaining on
22 6 hand in ~~the various funds~~ each individual fund at the close of
22 7 the period covered by the statement, which monthly statements
22 8 shall be open to public inspection.
22 9 Sec. 40. Section 291.8, Code 2007, is amended by striking
22 10 the section and inserting in lieu thereof the following:
22 11 291.8 PAYMENTS.
22 12 The secretary shall make each authorized payment,
22 13 countersign using an original or facsimile signature, and
22 14 maintain accounting records of the payments or electronic
22 15 funds transfers, showing the number, date, payee, originating
22 16 fund, the purpose, and the amount; and shall provide to the
22 17 board at each regular annual meeting a copy of the accounting
22 18 records maintained by the secretary.
22 19 Sec. 41. Section 291.12, Code 2007, is amended to read as
22 20 follows:
22 21 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~
22 22 PAYMENTS.
22 23 The treasurer shall receive all moneys belonging to the
22 24 corporation, pay the same out only upon the order of the
22 25 president countersigned by the secretary, ~~keeping and shall~~
22 26 keep an accurate ~~account~~ accounting record of all receipts and
22 27 expenditures in a book provided for that purpose. The
22 28 treasurer shall register all ~~orders drawn~~ payments and
22 29 electronic funds transfers made and reported to the treasurer
22 30 by the secretary, showing the number, date, to whom drawn, the
22 31 fund ~~upon~~ from which drawn each payment and transfer was made,
22 32 the purpose and amount.
22 33 Sec. 42. Section 291.14, Code 2007, is amended to read as
22 34 follows:
22 35 291.14 FINANCIAL STATEMENT.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

23 1 The treasurer shall render a statement of the finances of
23 2 the corporation whenever required by the board, and the
23 3 treasurer's ~~books~~ accounting records shall always be open for
23 4 inspection.

23 5 Sec. 43. Section 298A.13, Code 2007, is amended to read as
23 6 follows:

23 7 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

23 8 Trust, permanent, or agency funds shall be established by
23 9 any school corporation to account for gifts it receives to be
23 10 used for a particular purpose or to account for money and
23 11 property received and administered by the district as trustee
23 12 or custodian or in the capacity of an agent. Boards may
23 13 establish trust ~~and~~, permanent, or agency funds as necessary.

23 14 Sec. 44. Section 299.1, unnumbered paragraph 2, Code 2007,
23 15 is amended to read as follows:

23 16 The board of directors of a public school district or the
23 17 governing body of an accredited nonpublic school may, by
23 18 resolution, require attendance for the entire time when the
23 19 schools are in session in any school year and adopt a policy
23 20 or rules relating to the reasons considered to be valid or
23 21 acceptable excuses for absence from school.

23 22 Sec. 45. Section 299A.11, Code 2007, is amended to read as
23 23 follows:

23 24 299A.11 STUDENT RECORDS CONFIDENTIAL.

23 25 Notwithstanding any provision of law or rule to the
23 26 contrary, personal information in records regarding a child
23 27 receiving competent private instruction pursuant to this
23 28 chapter, which are maintained, created, collected, or
23 29 assembled by or for a state agency, shall be kept confidential
23 30 in the same manner as personal information in student records
23 31 maintained, created, collected, or assembled by or for a
23 32 school corporation or educational institution in accordance
23 33 with section 22.7, subsection 1. For purposes of this
23 34 section, "personal information in records regarding a child
23 35 receiving competent private instruction" shall include the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

24 1 child's name and home address, as well as all other
24 2 information that personally identifies the child.
24 3 Sec. 46. Section 301.28, Code 2007, is amended to read as
24 4 follows:
24 5 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
24 6 SUPPLIES == PENALTY.
24 7 ~~It shall be unlawful for any~~ A school director, officer,
24 8 area education director, or teacher ~~to~~ shall not act as an
24 9 agent for ~~any~~ school textbooks or school supplies in any
24 10 transaction with a director, officer, or other staff member of
24 11 the school district or a director, officer, or other staff
24 12 member of the area education agency in which the school
24 13 district is located during such term of office or employment,
24 14 and any school director, officer, area education director, or
24 15 teacher, who ~~shall act~~ acts as an agent or dealer in school
24 16 textbooks or school supplies, within the school district or
24 17 area education agency in which the school district is located
24 18 during the term of such office or employment, in violation of
24 19 this section shall be deemed guilty of a serious misdemeanor.
24 20 Sec. 47. Section 321.1, subsection 69, unnumbered
24 21 paragraph 1, Code 2007, is amended to read as follows:
24 22 "School bus" means every vehicle operated for the
24 23 transportation of children to or from school or school
24 24 activities, except vehicles which are:
24 25 Sec. 48. Section 321.1, subsection 69, paragraph d, Code
24 26 2007, is amended to read as follows:
24 27 d. Designed to carry not more than nine persons as
24 28 passengers, either school owned or privately owned, which are
24 29 ~~used to transport pupils to activity events in which the~~
24 30 ~~pupils are participants or used to transport pupils to their~~
24 31 ~~homes in case of illness or other emergency situations. The~~
24 32 ~~vehicles operated under the provisions of this paragraph shall~~
24 33 ~~be operated by employees of the school district who are~~
24 34 ~~specifically approved by the local superintendent of schools~~
24 35 ~~for the assignment.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

25 1 Sec. 49. Section 321.373, subsection 1, Code 2007, is
25 2 amended to read as follows:
25 3 1. Every school bus ~~except private passenger vehicles used~~
~~25 4 as school buses~~ as defined in section 321.1, subsection 69,
25 5 shall be constructed and equipped to meet safety standards
25 6 prescribed in rules adopted by the state board of education.
25 7 Such rules shall conform to safety standards set forth in
25 8 federal laws and regulations and shall conform, insofar as
25 9 practicable, to the minimum standards for school buses
25 10 recommended by the national conference on school
25 11 transportation administered by the national commission on
25 12 safety education and published by the national education
25 13 association.
25 14 Sec. 50. Section 321.376, Code 2007, is amended by adding
25 15 the following new subsection:
25 16 NEW SUBSECTION. 3. The provisions of this section
25 17 relating to a certificate of qualification and approved course
25 18 of instruction shall not apply to a person driving a vehicle
25 19 designed to carry not more than nine persons as passengers,
25 20 either school-owned or privately owned, used to transport
25 21 pupils to activity events.
25 22 Sec. 51. Section 321J.3, subsection 1, paragraph c, Code
25 23 2007, is amended to read as follows:
25 24 c. The court may prescribe the length of time for the
25 25 evaluation and treatment or it may request that the community
25 26 college or other approved provider conducting the course for
25 27 drinking drivers which the person is ordered to attend or the
25 28 treatment program to which the person is committed immediately
25 29 report to the court when the person has received maximum
25 30 benefit from the course for drinking drivers or treatment
25 31 program or has recovered from the person's addiction,
25 32 dependency, or tendency to chronically abuse alcohol or drugs.
25 33 Sec. 52. Section 321J.17, subsection 2, unnumbered
25 34 paragraph 2, Code 2007, is amended to read as follows:
25 35 The court or department may request that the community



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

26 1 college or substance abuse treatment providers licensed under
26 2 chapter 125 or other approved provider conducting the course
26 3 for drinking drivers that the person is ordered to attend,
26 4 immediately report to the court or department that the person
26 5 has successfully completed the course for drinking drivers.
26 6 The court or department may request that the treatment program
26 7 which the person attends periodically report on the
26 8 defendant's attendance and participation in the program, as
26 9 well as the status of treatment or rehabilitation.

26 10 Sec. 53. Section 321J.22, subsection 1, Code 2007, is
26 11 amended by adding the following new paragraphs:

26 12 NEW PARAGRAPH. 0a. "Approved provider" means a provider
26 13 of a course offered out of state for drinking drivers which
26 14 has been approved by the department of education.

26 15 NEW PARAGRAPH. cc. The department of education may
26 16 approve a provider of a course offered out of state for
26 17 drinking drivers upon proof to the department's satisfaction
26 18 that the course is comparable to those offered by community
26 19 colleges and substance abuse treatment programs licensed under
26 20 chapter 125. The department shall comply with the
26 21 requirements of subsection 5 regarding such approved
26 22 providers.

26 23 Sec. 54. Section 331.756, subsection 7, Code Supplement
26 24 2007, is amended to read as follows:

26 25 7. Give advice or a written opinion, without compensation,
26 26 to the board and other county officers and to ~~school and~~
26 27 township officers, when requested by an officer, upon any
26 28 matters in which the state, county, ~~school,~~ or township is
26 29 interested, or relating to the duty of the officer in any
26 30 matters in which the state, county, ~~school,~~ or township may
26 31 have an interest, but the county attorney shall not appear
26 32 before the board at a hearing in which the state or county is
26 33 not interested.

26 34 Sec. 55. Section 473.20, subsection 2, unnumbered
26 35 paragraph 2, Code 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

27 1 School districts and community colleges may enter into
27 2 financing arrangements with the department or its duly
27 3 authorized agents or representatives obligating the school
27 4 district or community college to make payments on the loans
27 5 beyond the current budget year of the school district or
27 6 community college, but in no event longer than ten years.
27 7 Chapter 75 shall not be applicable. School districts shall
27 8 repay the loans from moneys in either their general fund or
27 9 debt service fund. Community colleges shall repay the loans
27 10 from their general fund. Other entities receiving loans under
27 11 this section shall repay the loans from any moneys available
27 12 to them.

27 13 Sec. 56. Sections 256.20, 256.23, 297.2, and 297.3, Code
27 14 2007, are repealed.

27 15 EXPLANATION

27 16 This bill makes changes to Code provisions as follows:

27 17 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
27 18 amended to establish that the provision does not prohibit a
27 19 school corporation or educational institution from

27 20 transferring student records electronically to other school
27 21 corporations or educational institutions in accordance with
27 22 the department of education's comprehensive management
27 23 information system and uniform coding and reporting system.

27 24 Code section 299A.11 is amended to provide that "personal
27 25 information in records regarding a child receiving competent
27 26 private instruction" includes the child's name and home
27 27 address, and any other information that personally identifies
27 28 the child.

27 29 PREFERENCES. Code section 73.1 is amended to include
27 30 school districts participating in a federal school breakfast
27 31 program within an exemption from a provision that requires
27 32 governing bodies in the state to use only those products and
27 33 provisions grown and coal produced within the state of Iowa
27 34 when they are found in marketable quantities, are of a
27 35 suitable quality, and are no more costly than products from



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

28 1 other states and countries. Currently, school districts
28 2 participating in the federal school lunch program are exempt.
28 3 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
28 4 256.5A is amended to increase the term of the nonvoting
28 5 student member of the state board of education from one year
28 6 to two years, and provides that the student must be enrolled
28 7 in grade 10 when applying for the appointment. Currently, a
28 8 student may be enrolled in grade 10 or 11 at the time the
28 9 student applies.

28 10 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
28 11 section 256.10, subsection 2, is amended by striking a
28 12 provision that prohibits the dismissal of a member of the
28 13 professional staff for cause without appropriate due process
28 14 procedures, but adds that the person must not be dismissed
28 15 without an opportunity to meet with the director of education.
28 16 The bill also adds that appointments to the professional staff
28 17 must be made without reference to sexual orientation or gender
28 18 identity.

28 19 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.
28 20 Code section 256.11 is amended to replace language defining
28 21 "school nurse" with language providing that the scope of
28 22 practice of a school nurse shall be as established by the
28 23 board of nursing.

28 24 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
28 25 provides for the distribution and administration of moneys in
28 26 excess of federal moneys to pay the expense of educating
28 27 American Indian children residing in the Sac and Fox Indian
28 28 settlement. The bill eliminates language that requires the
28 29 tribal council to submit an annual report to the department of
28 30 education accounting for expenditure of the moneys and
28 31 requires the department of education to certify compliance
28 32 before the department of management can approve allotment of
28 33 the moneys.

28 34 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2
28 35 is amended to add to the definition of "children requiring



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

29 1 special education" a provision allowing such a child who
29 2 reaches age 21 during an academic year to elect to continue to
29 3 receive special education services until the academic year
29 4 ends. A conforming change is made to Code section 256B.8.
29 5 Code section 256B.6 is amended to provide that when a child
29 6 requiring special education attains the age of majority or is
29 7 incarcerated in a correctional institution, the rights of the
29 8 child's parent or guardian transfers to the child, and any
29 9 notice to that child's parent or guardian must also be
29 10 provided to the child. If the child is determined to be
29 11 incompetent, these rights shall be exercised by the person
29 12 appointed to represent the educational interest of the child.
29 13 DISCRIMINATION PROHIBITIONS. Code sections 19B.11,
29 14 relating to equal opportunity and affirmative action; 256F.4,
29 15 relating to charter schools; 256.10, relating to employment of
29 16 professional staff by the department of education; and 280.3,
29 17 relating to the duties of school boards, are amended to expand
29 18 the list of prohibited discrimination practices to include
29 19 discrimination on the basis of sexual orientation and gender
29 20 identity and to standardize the lists.
29 21 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
29 22 257.6 is amended to specify that accredited nonpublic school
29 23 pupils receiving classes or services funded by federal grants
29 24 or allocations shall not be counted in a school district's
29 25 enrollment as shared-time or part-time pupils. The bill makes
29 26 a conforming change to Code section 257.37, subsection 4.
29 27 SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to
29 28 extend funding for another year, to FY 2008=2009, for
29 29 supplementary weighting for regional academies, and to provide
29 30 that a pupil who is eligible for special education weighting
29 31 is not also eligible for supplementary weighting unless the
29 32 course generating the supplementary weighting has no
29 33 relationship to the pupil's disability.
29 34 ON-TIME BUDGET ADJUSTMENT. Code section 257.13 is amended
29 35 to extend to November 15 the annual date by which the board of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 578 continued

30 1 directors of a school district that wishes to receive an
30 2 on-time funding budget adjustment must adopt a resolution to
30 3 receive the adjustment and notify the school budget review
30 4 committee. The current date is November 1.
30 5 LIMITATION ON LAND. The bill amends Code section 260C.35
30 6 to specify that the board of directors of a community college
30 7 may, at any one time and with the approval of the director of
30 8 the department of education, sell any land in a single tract
30 9 in excess of 160 acres without an election.
30 10 POSTSECONDARY ENROLLMENT OPTIONS REPORT. Code section
30 11 261C.4 is amended to eliminate a requirement that an eligible
30 12 postsecondary institution send written notice to the
30 13 department of education when the institution accepts an
30 14 eligible pupil for enrollment under the postsecondary
30 15 enrollment options Act.
30 16 ALLEGED MISCONDUCT REPORT TO THE BOARD OF EDUCATIONAL
30 17 EXAMINERS. Code section 272.15 is amended to allow, rather
30 18 than require, an employee of the department of education to
30 19 report alleged misconduct to the board of educational
30 20 examiners when the employee, in the course of performing
30 21 official duties, becomes aware of any alleged misconduct by an
30 22 individual licensed by the board.
30 23 AREA EDUCATION AGENCY BUDGET DEADLINES. Code section 273.3
30 24 is amended to extend the dates by which area education agency
30 25 proposed budgets must be reviewed, approved, or returned by
30 26 the state board and resubmitted to the state board if not
30 27 approved.
30 28 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
30 29 are amended by striking obsolete language, including replacing
30 30 the word "operating" with the word "general" to refer to the
30 31 fund an area education agency (AEA) or school district can use
30 32 for administrative expenditures.
30 33 REORGANIZATION OF SCHOOL DISTRICTS. Code section 275.31 is
30 34 amended by striking obsolete language which allows any owner
30 35 of bonds of an affected school corporation, reorganized or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 578 continued

31 1 dissolved prior to 1989, to bring suit in equity for
31 2 adjustment of the division and distribution in the case of a
31 3 reorganized district. The language also provided for the
31 4 payment of debt service by the department of management to the
31 5 newly formed district in an amount that reduces the rate of
31 6 the property tax levy for lawful bonded indebtedness in the
31 7 portion of the newly formed district where the new rate is
31 8 higher, to the rate that was levied in that portion of the
31 9 district during the year preceding the reorganization or
31 10 dissolution.

31 11 Code sections 275.53 and 275.54 are amended to replace a
31 12 requirement that notification of a dissolution proposal be
31 13 sent by registered mail with a number of options for making
31 14 the required notification. The bill also amends Code section
31 15 275.54 to establish an arbitration process for use when a
31 16 board of a district to which area of the affected school
31 17 district will be attached objects to the division of assets
31 18 and liabilities contained in the dissolution proposal. Under
31 19 the process, the objecting district selects a disinterested
31 20 arbitrator, the district in favor of the dissolution proposal
31 21 selects a disinterested arbitrator, and the administrator of
31 22 the AEA to which the dissolving district belongs selects a
31 23 disinterested arbitrator.

31 24 Code section 275.55 is amended to extend the amount of time
31 25 a school board has to call a special election on a dissolution
31 26 proposal from 40 to 60 days.

31 27 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
31 28 279.30 is amended to allow the board of directors of a school
31 29 district or of an AEA to direct deposit a payment at a
31 30 financial institution specified by the person entitled to the
31 31 money. Code section 291.1; Code section 291.6, subsections 3
31 32 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are
31 33 amended to replace references to "books", "registers", and
31 34 "warrants" with references to payments, electronic funds
31 35 transfers, and "accounting records" and to make related



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 578 continued

32 1 changes.

32 2 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
32 3 are amended to give school districts the option of
32 4 establishing a permanent fund for gifts received and to allow
32 5 school districts to deposit funds received from gifts,
32 6 devises, and bequests into a trust or permanent fund; and to
32 7 strike the word "agency" from Code section 279.42 as agency
32 8 funds are not used for deposit of gifts.

32 9 CODE CORRECTION. The bill makes corrections to Code
32 10 section 282.1 to change a reference, and to Code section
32 11 299.1, to refer to the board of directors of a public school
32 12 district.

32 13 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
32 14 subsection 4, is amended to require that a receiving district
32 15 approve a transfer request submitted after March 1 of the
32 16 preceding school year if the sibling of the pupil for whom the
32 17 request is made is already participating in open enrollment to
32 18 the receiving district. The bill makes a conforming change to
32 19 Code section 282.18, subsection 5.

32 20 AEA FUNDING FOR SPECIAL PROGRAM DEADLINES. Code section
32 21 282.31 is amended to change the date by which an AEA must
32 22 submit a proposed special program and budget to the department
32 23 of education for children living in shelter care or juvenile
32 24 detention homes, the date by which the department must take
32 25 action, and the date by which the AEA must submit actual
32 26 costs.

32 27 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
32 28 provision to Code section 285.9 to assign the duty of
32 29 reviewing and resolving all transportation disputes between
32 30 districts to the AEA boards.

32 31 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
32 32 Code section 301.28 is amended to prohibit a school director,
32 33 officer, area education director, or teacher from acting as an
32 34 agent for school textbooks or school supplies in any
32 35 transaction with a director, officer, or staff member of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

33 1 school district or the AEA in which the school district is
33 2 located. Currently, such persons are prohibited from acting
33 3 as an agent for any school textbooks or school supplies,
33 4 rather than as an agent for school textbooks or school
33 5 supplies in any transaction with the school district or AEA.
33 6 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,
33 7 is amended to strike from an exemption to the definition of
33 8 "school bus", language that includes a vehicle operated for
33 9 the transportation of children to or from school activities.
33 10 Currently, the definition is limited to transportation of
33 11 children to or from school. The bill makes a conforming
33 12 amendment to Code section 321.373 to provide that every school
33 13 bus, including those used to transport students to school
33 14 activities, must be constructed and equipped to meet specified
33 15 safety standards. However, the bill amends Code section
33 16 321.376 to provide that certificate of qualification and
33 17 approved course of instruction requirements do not apply to
33 18 persons driving pupils to activities in nine-passenger
33 19 vehicles.
33 20 APPROVED COURSES FOR DRINKING DRIVERS. Code sections
33 21 321J.3 and 321J.17 are amended to expand the providers of
33 22 drinking driver courses supervised and approved by the
33 23 department of education to include "other approved providers",
33 24 which the bill defines in Code section 321J.22, as providers
33 25 of courses offered out of state. The out-of-state providers
33 26 must prove to the department's satisfaction that the course is
33 27 comparable to those offered by community colleges and
33 28 substance abuse treatment programs. The bill establishes that
33 29 other approved providers may be requested to meet the same
33 30 reporting requirements as the community colleges and substance
33 31 abuse treatment programs.
33 32 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
33 33 section 331.756, subsection 7, which specifies the duties of
33 34 county attorneys, to eliminate a requirement that county
33 35 attorneys give advice or a written opinion, without



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 578 continued

34 1 compensation, to school officers upon request.
34 2 ENERGY LOAN FUND LIMITATION. Code section 473.20 is
34 3 amended to set a limit of 10 years on energy loan fund
34 4 financing arrangements a school or community college may enter
34 5 into with the department of natural resources or its duly
34 6 authorized agents or representatives.
34 7 CODE SECTIONS REPEALED. The bill repeals the following:
34 8 1. Code section 256.20, which permits school districts to
34 9 request approval from the state board of education for a pilot
34 10 project for a year around three=semester school year.
34 11 2. Code section 256.23, which establishes a recruitment
34 12 and advancement program to provide for the allocation of
34 13 grants to school corporations for pilot projects that
34 14 encourage the advancement of women and minorities to
34 15 administrative positions.
34 16 3. Code section 297.2, which permits school districts to
34 17 take and hold so much real estate as may be required for the
34 18 location or construction of schoolhouses, up to a limit of 10
34 19 acres.
34 20 4. Code section 297.3, which permits any school district,
34 21 including a city or village, to take and hold an area equal to
34 22 two blocks for a schoolhouse site, up to a limit of 30 acres,
34 23 for a school playground, stadium, or field house, or other
34 24 purposes.
34 25 LSB 5310XD 82
34 26 kh/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579

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 elimination of the educational excellence
2 phase II program and providing for the equivalent of the
3 education excellence phase II funding to be transferred into
4 the state school foundation aid formula and providing an
5 appropriation and effective and applicability dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5318XD 82
8 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

PAG LIN

1 1 Section 1. Section 257.1, subsection 2, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 For the budget year commencing July 1, ~~1999~~ 2008, ~~and for~~
~~1 4 each succeeding budget year~~ the regular program foundation
1 5 base per pupil is eighty-seven and five-tenths percent of the
1 6 regular program state cost per pupil plus the amount computed
1 7 in section 257.8, subsection 3A. For the budget year
1 8 commencing July 1, 2009, and for each succeeding budget year,
1 9 the regular program foundation base per pupil is eighty-seven
1 10 and five-tenths percent of the regular program state cost per
1 11 pupil. For the budget year commencing July 1, 1991, and for
1 12 each succeeding budget year the special education support
1 13 services foundation base is seventy-nine percent of the
1 14 special education support services state cost per pupil. The
1 15 combined foundation base is the sum of the regular program
1 16 foundation base and the special education support services
1 17 foundation base.
1 18 Sec. 2. Section 257.8, Code Supplement 2007, is amended by
1 19 adding the following new subsection:
1 20 NEW SUBSECTION. 3A. ALTERNATE ALLOWABLE GROWTH ==
1 21 EDUCATIONAL EXCELLENCE PROGRAM. Notwithstanding the
1 22 calculation in subsection 2, the department of management
1 23 shall calculate the regular program allowable growth for the
1 24 budget year beginning July 1, 2008, by multiplying the state
1 25 percent of growth for the budget year by the regular program
1 26 state cost per pupil for the base year, and adding seventy
1 27 dollars to the resulting product.
1 28 Sec. 3. Section 257.14, subsection 3, paragraphs e, f, g,
1 29 h, and i, Code 2007, are amended to read as follows:
1 30 e. (1) For the budget year commencing July 1, 2008, the
1 31 greater of the difference between the regular program district
1 32 cost for the budget year and one hundred one percent of the
1 33 regular program district cost for the base year, or fifty
1 34 percent of the amount by which the budget guarantee as
1 35 calculated for the budget year beginning July 1, 2003, exceeds



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

2 1 the adjusted guarantee amount. For purposes of this
2 2 paragraph, the "adjusted guarantee amount" means the amount
2 3 which would be applicable for the budget year beginning July
2 4 1, 2008, if the budget guarantee were determined for that
2 5 budget year as calculated for the budget year beginning July
2 6 1, 2003.

2 7 (2) For the purposes of the adjusted guarantee amount
2 8 calculation in this paragraph, the regular program district
2 9 cost calculated for the budget year beginning July 1, 2003,
2 10 shall be increased by an amount equal to seventy dollars
2 11 multiplied by the district's budget enrollment for the budget
2 12 year beginning July 1, 2008.

2 13 (3) For the purposes of the one hundred one percent
2 14 calculated in this paragraph, the regular program district
2 15 cost per pupil for the budget year beginning July 1, 2008,
2 16 shall be reduced by seventy dollars.

2 17 f. For the budget year commencing July 1, 2009, the
2 18 greater of the difference between the regular program district
2 19 cost for the budget year and one hundred one percent of the
2 20 regular program district cost for the base year, or forty
2 21 percent of the amount by which the budget guarantee as
2 22 calculated for the budget year beginning July 1, 2003, exceeds
2 23 the adjusted guarantee amount. For purposes of this
2 24 paragraph, the "adjusted guarantee amount" means the amount
2 25 which would be applicable for the budget year beginning July
2 26 1, 2009, if the budget guarantee were determined for that
2 27 budget year as calculated for the budget year beginning July
2 28 1, 2003. For the purposes of the adjusted guarantee amount
2 29 calculation in this paragraph, the regular program district
2 30 cost calculated for the budget year beginning July 1, 2003,
2 31 shall be increased by an amount equal to seventy dollars
2 32 multiplied by the district's budget enrollment for the budget
2 33 year beginning July 1, 2009.

2 34 g. For the budget year commencing July 1, 2010, the
2 35 greater of the difference between the regular program district



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

3 1 cost for the budget year and one hundred one percent of the
3 2 regular program district cost for the base year, or thirty
3 3 percent of the amount by which the budget guarantee as
3 4 calculated for the budget year beginning July 1, 2003, exceeds
3 5 the adjusted guarantee amount. For purposes of this
3 6 paragraph, the "adjusted guarantee amount" means the amount
3 7 which would be applicable for the budget year beginning July
3 8 1, 2010, if the budget guarantee were determined for that
3 9 budget year as calculated for the budget year beginning July
3 10 1, 2003. For the purposes of the adjusted guarantee amount
3 11 calculation in this paragraph, the regular program district
3 12 cost calculated for the budget year beginning July 1, 2003,
3 13 shall be increased by an amount equal to seventy dollars
3 14 multiplied by the district's budget enrollment for the budget
3 15 year beginning July 1, 2010.

3 16 h. For the budget year commencing July 1, 2011, the
3 17 greater of the difference between the regular program district
3 18 cost for the budget year and one hundred one percent of the
3 19 regular program district cost for the base year, or twenty
3 20 percent of the amount by which the budget guarantee as
3 21 calculated for the budget year beginning July 1, 2003, exceeds
3 22 the adjusted guarantee amount. For purposes of this
3 23 paragraph, the "adjusted guarantee amount" means the amount
3 24 which would be applicable for the budget year beginning July
3 25 1, 2011, if the budget guarantee were determined for that
3 26 budget year as calculated for the budget year beginning July
3 27 1, 2003. For the purposes of the adjusted guarantee amount
3 28 calculation in this paragraph, the regular program district
3 29 cost calculated for the budget year beginning July 1, 2003,
3 30 shall be increased by an amount equal to seventy dollars
3 31 multiplied by the district's budget enrollment for the budget
3 32 year beginning July 1, 2011.

3 33 i. For the budget year commencing July 1, 2012, the
3 34 greater of the difference between the regular program district
3 35 cost for the budget year and one hundred one percent of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

4 1 regular program district cost for the base year, or ten
4 2 percent of the amount by which the budget guarantee as
4 3 calculated for the budget year beginning July 1, 2003, exceeds
4 4 the adjusted guarantee amount. For purposes of this
4 5 paragraph, the "adjusted guarantee amount" means the amount
4 6 which would be applicable for the budget year beginning July
4 7 1, 2012, if the budget guarantee were determined for that
4 8 budget year as calculated for the budget year beginning July
4 9 1, 2003. For the purposes of the adjusted guarantee amount
4 10 calculation in this paragraph, the regular program district
4 11 cost calculated for the budget year beginning July 1, 2003,
4 12 shall be increased by an amount equal to seventy dollars
4 13 multiplied by the district's budget enrollment for the budget
4 14 year beginning July 1, 2012.

4 15 Sec. 4. Section 294A.1, Code 2007, is amended to read as
4 16 follows:

4 17 294A.1 EDUCATIONAL EXCELLENCE PROGRAM.

4 18 The purpose of this chapter is to promote excellence in
4 19 education. In order to maintain and advance the educational
4 20 excellence in the state of Iowa, this chapter establishes the
4 21 Iowa educational excellence program. The program shall
4 22 ~~consist of two major phases addressing~~ address the following:
4 23 recruitment of quality teachers.

4 24 1. ~~Phase I == The recruitment of quality teachers.~~

4 25 2. ~~Phase II == The retention of quality teachers.~~

4 26 Sec. 5. Section 294A.22, Code 2007, is amended to read as
4 27 follows:

4 28 294A.22 PAYMENTS.

4 29 Payments for ~~each phase of~~ the educational excellence
4 30 program shall be made by the department of administrative
4 31 services on a monthly basis commencing on October 15 and
4 32 ending on June 15 of each fiscal year, taking into
4 33 consideration the relative budget and cash position of the
4 34 state resources. The payments shall be separate from state
4 35 aid payments made pursuant to sections 257.16 and 257.35. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

5 1 payments made under this section to a school district or area
5 2 education agency may be combined and a separate accounting of
5 3 the amount paid for each program shall be included.

5 4 Any payments made to school districts or area education
5 5 agencies under this chapter are miscellaneous income for
5 6 purposes of chapter 257.

5 7 Payments made to a teacher by a school district or area
5 8 education agency under this chapter are wages for the purposes
5 9 of chapter 91A.

~~5 10 If funds appropriated are insufficient to pay phase II
5 11 allocations in full, the department of administrative services
5 12 shall prorate payments to school districts and area education
5 13 agencies.~~

5 14 Sec. 6. Section 294A.25, subsections 1, 2, and 3, Code
5 15 2007, are amended to read as follows:

5 16 1. For the fiscal year beginning July 1, ~~2003~~ 2008, and
5 17 for each succeeding year, there is appropriated from the
5 18 general fund of the state to the department of education the
5 19 amount of ~~fifty-six million eight hundred ninety-one thousand~~
~~5 20 three hundred thirty-six~~ sixteen million five hundred eleven
5 21 thousand eight hundred twenty-seven dollars to be used to
5 22 improve teacher salaries. The moneys shall be distributed as
5 23 provided in this section.

5 24 2. The amount of one hundred fifteen thousand five hundred
5 25 dollars to be paid to the department of human services for
5 26 distribution to its licensed classroom teachers at
5 27 institutions under the control of the department of human
5 28 services for payments of minimum nonadministrative salary
5 29 supplements for phase ~~II~~ I based upon the average student
5 30 yearly enrollment at each institution as determined by the
5 31 department of human services.

5 32 3. The amount of ninety-four thousand six hundred dollars
5 33 to be paid to the state board of regents for distribution to
5 34 licensed classroom teachers at the Iowa braille and sight
5 35 saving school and the Iowa school for the deaf for payments of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 579 continued

6 1 minimum nonadministrative salary supplements for phase I ~~and~~
~~6 2 payments for phase II~~ based upon the average yearly enrollment
6 3 at each school as determined by the state board of regents.

6 4 Sec. 7. Section 294A.25, subsection 5, Code 2007, is
6 5 amended by striking the subsection and inserting in lieu
6 6 thereof the following:

6 7 5. The amount of two million two hundred forty-four
6 8 thousand four hundred ninety-two dollars to be paid to the
6 9 department for distribution to area education agency teachers
6 10 as defined in section 284.2, subsection 11, for
6 11 nonadministrative salary supplements based upon the average
6 12 student certified enrollment in the region.

6 13 Sec. 8. Section 294A.25, subsection 6, Code 2007, is
6 14 amended to read as follows:

6 15 6. Except as otherwise provided in this section, for the
6 16 fiscal year beginning July 1, ~~2003~~ 2008, and succeeding fiscal
6 17 years, the remainder of moneys appropriated in subsection 1 to
6 18 the department of education shall be deposited in the
6 19 educational excellence fund to be allocated in an amount to
6 20 meet the requirements of this chapter for phase I ~~and phase~~
~~6 21 II.~~

6 22 Sec. 9. Sections 294A.8 through 294A.10, Code 2007, are
6 23 repealed.

6 24 Sec. 10. EFFECTIVE AND APPLICABILITY DATES. This Act,
6 25 being deemed of immediate importance, takes effect upon
6 26 enactment and applies to school budget years beginning on or
6 27 after July 1, 2008.

6 28 EXPLANATION

6 29 This bill transfers the equivalent of the phase II funding
6 30 of the educational excellence program into the state school
6 31 foundation aid formula and eliminates phase II of the program.

6 32 The bill adjusts the school aid formula to add \$70 per
6 33 pupil of phase II dollars to the regular program state cost
6 34 per pupil beginning with the budget year beginning July 1,
6 35 2008. The bill makes adjustments to the budget guarantee



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 579 continued

7 1 calculations in order to take into account the increase in the
7 2 regular program state cost per pupil due to the addition of
7 3 the \$70.

7 4 The bill amends Code section 294A.25 to appropriate
7 5 \$16,511,827 for phase I programs and to improve teacher
7 6 salaries, including nonadministrative salary supplements. The
7 7 remainder of these funds not specifically allocated in Code
7 8 section 294A.25 are deposited in the educational excellence
7 9 fund to be used to meet the general requirements of phase I
7 10 funding.

7 11 The bill takes effect upon enactment and applies to school
7 12 budget years beginning on or after July 1, 2008.

7 13 LSB 5318XD 82

7 14 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 580

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 electronically recording an interrogation of a
- 2 person suspected of a crime.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5836HC 82
- 5 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 580 continued

PAG LIN

1 1 Section 1. Section 232.45, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11A. Statements made by a juvenile who is
1 4 the suspect in a criminal investigation, even though otherwise
1 5 deemed admissible pursuant to subsection 11, are only
1 6 inadmissible if they comply with section 232.47A.

1 7 Sec. 2. Section 232.47, Code 2007, is amended by adding
1 8 the following new subsection:

1 9 NEW SUBSECTION. 6A. Statements made by a juvenile who is
1 10 the suspect in a criminal investigation, even though otherwise
1 11 deemed admissible pursuant to subsection 6, are only
1 12 inadmissible if they comply with section 232.47A.

1 13 Sec. 3. NEW SECTION. 232.47A RECORDING A CRIMINAL
1 14 INTERROGATION.

1 15 1. As used in this section:

1 16 a. "Accused juvenile" means any juvenile suspected by a
1 17 peace officer of committing a crime.

1 18 b. "Electronic recording" means a motion picture,
1 19 audiotape, videotape, or digital recording.

1 20 c. "Interrogation" means any interrogation that takes
1 21 place when a reasonable juvenile would consider the reasonable
1 22 juvenile's self to be in custody and a question is asked that
1 23 is reasonably likely to elicit an incriminating response.

1 24 d. "Place of detention" means a building that is a place
1 25 of operation for a city police department, county sheriff, or
1 26 other law enforcement agency, or is a place where a juvenile
1 27 may be held in detention and questioned in connection with a
1 28 delinquent act.

1 29 2. An oral, written, or sign language statement of an
1 30 accused juvenile made as a result of an interrogation at a
1 31 place of detention shall be presumed to be inadmissible
1 32 against the accused juvenile in any juvenile or criminal
1 33 proceeding unless an electronic recording of the interrogation
1 34 is made and the electronic recording is substantially accurate
1 35 and not intentionally altered.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 580 continued

2 1 3. If the court finds, by a preponderance of the evidence,
2 2 that the accused juvenile was subjected to an interrogation
2 3 not in accordance with this section, any statements made by
2 4 the accused juvenile during or following the nonrecorded or
2 5 improperly recorded custodial interrogation are presumed to be
2 6 inadmissible in any criminal proceeding against the accused
2 7 juvenile.

2 8 4. Except as otherwise provided by law, this section does
2 9 not preclude the admissibility of any of the following:

2 10 a. A statement made by the accused juvenile in open court.

2 11 b. A statement made during an interrogation that was not
2 12 electronically recorded because such a recording was not
2 13 feasible.

2 14 c. A voluntary statement, whether or not the result of an
2 15 interrogation.

2 16 d. A statement made during an interrogation by an accused
2 17 juvenile who, prior to making such a statement, asks that a
2 18 recording of the statement not be made.

2 19 e. A statement made during an interrogation that is made
2 20 out of state.

2 21 f. A statement made at a time the interrogators are
2 22 unaware that the crime has occurred.

2 23 g. A statement used for impeachment purposes.

2 24 h. Any other statement that may be admissible under any
2 25 other law.

2 26 5. The state shall bear the burden of proving beyond a
2 27 reasonable doubt that a statement not electronically recorded
2 28 in accordance with subsection 3 is admissible under subsection
2 29 4.

2 30 6. An electronic recording made under this section shall
2 31 be preserved until such time as all appeals have been
2 32 exhausted.

2 33 Sec. 4. NEW SECTION. 701.12 RECORDING A CRIMINAL
2 34 INTERROGATION.

2 35 1. As used in this section:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 580 continued

3 1 a. "Accused person" means any person suspected by a peace
3 2 officer of committing a crime.

3 3 b. "Electronic recording" means a motion picture,
3 4 audiotape, videotape, or digital recording.

3 5 c. "Interrogation" means any interrogation that takes
3 6 place when a reasonable person would consider the reasonable
3 7 person's self to be in custody and a question is asked that is
3 8 reasonably likely to elicit an incriminating response.

3 9 d. "Place of detention" means a building that is a place
3 10 of operation for a city police department, county sheriff, or
3 11 other law enforcement agency, or is a place where a person may
3 12 be held in detention and questioned in connection with a
3 13 criminal charge.

3 14 2. An oral, written, or sign language statement of an
3 15 accused person made as a result of an interrogation at a place
3 16 of detention shall be presumed to be inadmissible against the
3 17 accused person in any criminal proceeding unless an electronic
3 18 recording of the interrogation is made and the electronic
3 19 recording is substantially accurate and not intentionally
3 20 altered.

3 21 3. If the court finds, by a preponderance of the evidence,
3 22 that the accused person was subjected to an interrogation not
3 23 in accordance with this section, any statements made by the
3 24 accused person during or following the nonrecorded or
3 25 improperly recorded custodial interrogation are presumed to be
3 26 inadmissible in any criminal proceeding against the accused
3 27 person.

3 28 4. Except as otherwise provided by law, this section does
3 29 not preclude the admissibility of any of the following:

3 30 a. A statement made by the accused person in open court.

3 31 b. A statement made during a custodial interrogation that
3 32 was not electronically recorded because such a recording was
3 33 not feasible.

3 34 c. A voluntary statement, whether or not the result of a
3 35 custodial interrogation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 580 continued

4 1 d. A statement made during a custodial interrogation by an
4 2 accused person who, prior to making such a statement, asks
4 3 that a recording of the statement not be made.

4 4 e. A statement made during a custodial interrogation that
4 5 is made out of state.

4 6 f. A statement made at a time the interrogators are
4 7 unaware that the crime has occurred.

4 8 g. A statement used for impeachment purposes.

4 9 h. Any other statement that may be admissible under any
4 10 other law.

4 11 5. The state shall bear the burden of proving beyond a
4 12 reasonable doubt that a statement not electronically recorded
4 13 in accordance with subsection 3 is admissible under subsection
4 14 4.

4 15 6. An electronic recording made under this section shall
4 16 be preserved until such time as all appeals have been
4 17 exhausted.

4 18 EXPLANATION

4 19 This bill relates to electronically recording an
4 20 interrogation of an adult or juvenile suspected of a crime.

4 21 The bill requires a peace officer to electronically record
4 22 an interrogation of an adult or a juvenile suspected of a
4 23 crime. Under the bill, if the interrogation is not recorded
4 24 and the adult or juvenile makes incriminating statements
4 25 during the interrogation, the statements are not admissible at
4 26 trial. The bill defines "electronic recording" to mean a
4 27 motion picture, audiotape, videotape, or digital recording.
4 28 The bill defines "interrogation" to mean any interrogation
4 29 that takes place when a reasonable person or juvenile would
4 30 consider himself or herself to be in custody and a question is
4 31 asked that is reasonably likely to elicit an incriminating
4 32 response.

4 33 The bill requires the electronic recording to be preserved
4 34 until such time as all appeals have been exhausted.

4 35 Except as otherwise provided by law, statements that are



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

House Study Bill 580 continued

5 1 not recorded are admissible under the bill under the following
5 2 circumstances: the statement is made in open court; the
5 3 statement is made during an interrogation that was not
5 4 recorded because such a recording was not feasible; a
5 5 voluntary statement; any statement if the accused asks that
5 6 the interrogation not be electronically recorded; a statement
5 7 made during an interrogation that is out of state; a statement
5 8 made to the interrogators who are unaware that the crime has
5 9 occurred; a statement used for impeachment purposes; and any
5 10 other statement that is admissible under any other law or
5 11 rule.
5 12 LSB 5836HC 82
5 13 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 581

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 attendance at child in need of assistance
- 2 proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5799HC 82
- 5 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 581 continued

PAG LIN

1 1 Section 1. Section 232.91, subsection 3, Code Supplement
1 2 2007, is amended to read as follows:
1 3 3. Any person who is entitled under section 232.88 to
1 4 receive notice of a hearing concerning a child shall be given
1 5 the opportunity to be heard in any other review or hearing
1 6 involving the child. A foster parent, relative, or other
1 7 individual with whom a child has been placed for preadoptive
1 8 care shall have the right to be heard in any proceeding
1 9 involving the child. If a child is of an age appropriate to
1 10 attend the hearing but the child does not attend, the court
1 11 shall determine if the child was informed of the child's right
1 12 to attend the hearing.

1 13 EXPLANATION

1 14 This bill relates to attendance at child in need of
1 15 assistance proceedings.

1 16 Under the bill, in any child in need of assistance
1 17 proceedings where the child does not attend and the child's
1 18 age is appropriate to attend such proceedings, the court shall
1 19 determine if the child was informed of the child's right to
1 20 attend.

1 21 LSB 5799HC 82

1 22 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 582

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 possession, distribution, and reporting of
- 2 obscene material and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5236DP 82
- 5 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 582 continued

PAG LIN

1 1 Section 1. Section 728.1, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. "Material" means any book, magazine, newspaper or other
1 4 printed or written material or any picture, drawing,
1 5 photograph, motion picture, or other pictorial representation
1 6 or any statue or other figure, or any recording, transcription
1 7 or mechanical, chemical or electrical reproduction, or any
1 8 live transmission, or any other articles, equipment, machines
1 9 or materials.

1 10 Sec. 2. Section 728.1, subsection 7, paragraphs e and g,
1 11 Code 2007, are amended to read as follows:

1 12 e. Sodomasochistic abuse of a minor for the purpose of
1 13 arousing or satisfying the sexual desires of a person who may
1 14 view a visual depiction of the abuse.

1 15 g. Nudity of a minor for the purpose of arousing or
1 16 satisfying the sexual desires of a person who may view a
1 17 visual depiction of the nude minor.

1 18 Sec. 3. Section 728.1, Code 2007, is amended by adding the
1 19 following new subsection:

1 20 NEW SUBSECTION. 11. "Visual depiction" means but is not
1 21 limited to any picture, drawing, cartoon, painting, slide,
1 22 photograph, digital or electronic image, book, magazine,
1 23 negative image, undeveloped film, motion picture, videotape,
1 24 digital or electronic recording, live transmission, sculpture,
1 25 or other pictorial or three-dimensional representation.

1 26 Sec. 4. Section 728.12, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. It shall be unlawful to employ, use, persuade, induce,
1 29 entice, coerce, solicit, knowingly permit, or otherwise cause
1 30 or attempt to cause a minor to engage in a prohibited sexual
1 31 act or in the simulation of a prohibited sexual act. A person
1 32 must know, or have reason to know, or intend that the act or
1 33 simulated act may be photographed, filmed, or otherwise
1 34 preserved in a ~~negative, slide, book, magazine, computer,~~
~~1 35 computer disk, or other print or visual medium, or be~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

~~House Study Bill 582 continued~~

~~2 1 preserved in an electronic, magnetic, or optical storage~~
~~2 2 system, or in any other type of storage system visual~~
~~2 3 depiction. A person who commits a violation of this~~
2 4 subsection commits a class "C" felony. Notwithstanding
2 5 section 902.9, the court may assess a fine of not more than
2 6 fifty thousand dollars for each offense under this subsection
2 7 in addition to imposing any other authorized sentence.
2 8 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph
2 9 1, Code 2007, is amended to read as follows:
2 10 It shall be unlawful to knowingly purchase or possess a
2 11 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~2 12 other print or visual medium, or an electronic, magnetic, or~~
~~2 13 optical storage system, or any other type of storage system~~
~~2 14 which depicts a visual depiction of a minor engaging in a~~
2 15 prohibited sexual act or the simulation of a prohibited sexual
2 16 act. A person who commits a violation of this subsection
2 17 commits an aggravated misdemeanor for a first offense and a
2 18 class "D" felony for a second or subsequent offense. For
2 19 purposes of this subsection, an offense is considered a second
2 20 or subsequent offense if, prior to the person's having been
2 21 convicted under this subsection, any of the following apply:
2 22 Sec. 6. Section 728.14, subsection 1, Code 2007, is
2 23 amended to read as follows:
2 24 1. A commercial film and photographic print processor who
2 25 has knowledge of or observes, within the scope of the
2 26 processor's professional capacity or employment, a ~~film,~~
~~2 27 photograph, video tape, negative, or slide which depicts~~
2 28 visual depiction of a minor whom the processor knows or
2 29 reasonably should know to be under the age of eighteen,
2 30 engaged in a prohibited sexual act or in the simulation of a
2 31 prohibited sexual act, shall report the visual depiction to
2 32 the county attorney immediately or as soon as possible as
2 33 required in this section. The processor shall not report to
2 34 the county attorney visual depictions involving mere nudity of
2 35 the minor, but shall report visual depictions involving a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 582 continued

3 1 prohibited sexual act. This section shall not be construed to
3 2 require a processor to review all ~~films, photographs, video~~
~~3 3 tapes, negatives, or slides~~ visual depictions delivered to the
3 4 processor within the processor's professional capacity or
3 5 employment.

3 6 For purposes of this section, "prohibited sexual act" means
3 7 any of the following:

3 8 a. A sex act as defined in section 702.17.

3 9 b. An act of bestiality involving a minor.

3 10 c. Fondling or touching the pubes or genitals of a minor
3 11 for the purpose of arousing or satisfying the sexual desires
3 12 of a person who may view a visual depiction of the act.

3 13 d. Fondling or touching the pubes or genitals of a person
3 14 by a minor for the purpose of arousing or satisfying the
3 15 sexual desires of a person who may view a visual depiction of
3 16 the act.

3 17 e. Sadomasochistic abuse of a minor for the purpose of
3 18 arousing or satisfying the sexual desires of a person who may
3 19 view a visual depiction of the abuse.

3 20 f. Sadomasochistic abuse of a person by a minor for the
3 21 purpose of arousing or satisfying the sexual desires of a
3 22 person who may view a visual depiction of the abuse.

3 23 g. Nudity of a minor for the purpose of arousing or
3 24 satisfying the sexual desires of a person who may view a
3 25 visual depiction of the nude minor.

3 26 EXPLANATION

3 27 This bill relates to the possession or distribution of
3 28 obscene material.

3 29 The bill modifies the definition of "material" in Code
3 30 chapter 728 to include live transmissions.

3 31 Under the bill, the modification of the definition of the
3 32 term "material" results in changes to the elements of the
3 33 following criminal offenses: dissemination of obscene
3 34 material to minors (Code section 728.2), admitting minors to
3 35 premises where obscene material is exhibited (Code section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

House Study Bill 582 continued

4 1 728.3), rental or sale of hard-core pornography (Code section
4 2 728.4), sexual exploitation of a minor (Code section
4 3 728.12(2)), and telephone dissemination of obscene material
4 4 (Code section 728.15).

4 5 The bill changes the elements of the criminal offense of
4 6 sexual exploitation of a minor to prohibit purchasing or
4 7 possessing "visual depictions" of a minor engaged in a
4 8 prohibited or simulated sex act.

4 9 The bill defines the term "visual depiction" to include any
4 10 picture, drawing, cartoon, painting, slide, photograph,
4 11 digital or electronic image, book, magazine, negative image,
4 12 undeveloped film, motion picture, videotape, digital or
4 13 electronic recording, live transmission, sculpture, or other
4 14 pictorial or three-dimensional representation. The bill
4 15 strikes current references to a computer or other types of
4 16 storage systems that may preserve such prohibited images.

4 17 The changes to the criminal offense of sexual exploitation
4 18 of a minor are in response to State v. Muhlenbruch, 728 N.W.2d
4 19 212 (Iowa 2007).

4 20 The bill also substitutes "visual depiction" for storage
4 21 systems referenced in Code sections 728.12(1) and 728.14 to
4 22 conform with the sexual exploitation of a minor changes in
4 23 Code section 728.12(3) due to the Muhlenbruch case. In
4 24 addition, the bill adds the word "visual" in Code section
4 25 728.1(7) to also conform with the changes in the bill.

4 26 LSB 5236DP 82

4 27 jm/rj/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 24, 2008

Senate File 2046 - Introduced

SENATE FILE

BY ZAUN, MCKINLEY, NOBLE, BEHN,
 SEYMOUR, BOETTGER, HARTSUCH,
 MULDER, JOHNSON, MCKIBBEN,
 HAHN, KETTERING, HOUSER,
 and WARD

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the reduction in the operating budget for
 2 the Iowa lottery authority by the amount of moneys awarded
 3 pursuant to monitor vending machine litigation settlement
 4 agreements and providing an effective date.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 5854XS 82
 7 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate File 2046 - Introduced continued

PAG LIN

1 1 Section 1. IOWA LOTTERY AUTHORITY FISCAL YEAR 2008=2009
1 2 BUDGET == MONITOR VENDING MACHINE LITIGATION COSTS.
1 3 Notwithstanding any provision of chapter 99G to the contrary,
1 4 the Iowa lottery authority budget for the fiscal year
1 5 beginning July 1, 2008, shall be reduced by the amount of
1 6 moneys expended by the state to owners of monitor vending
1 7 machines pursuant to settlement agreements with the owners
1 8 arising out of litigation relating to the prohibition on
1 9 monitor vending machines. The attorney general shall provide
1 10 the Iowa lottery authority with the total dollar amount of
1 11 moneys agreed to be paid to owners of monitor vending machines
1 12 pursuant to the settlement agreements.

1 13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment.

1 15 EXPLANATION

1 16 This bill requires the Iowa lottery authority to reduce its
1 17 budget for the fiscal year beginning July 1, 2008, by the
1 18 amount of money paid by the state to owners of monitor vending
1 19 machines arising out of settlement agreements with the owners.
1 20 The bill requires the attorney general provide the Iowa
1 21 lottery authority with the total dollar amount agreed to be
1 22 paid pursuant to the settlement agreements. The bill takes
1 23 effect upon enactment.

1 24 LSB 5854XS 82

1 25 ec/nh/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 24, 2008

Senate File 2047 - Introduced

SENATE FILE

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the annual adjustment of the personal needs
- 2 allowance for residents of certain institutional health
- 3 facilities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5992SS 82
- 6 pf/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate File 2047 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.30A, Code Supplement 2007, is
 1 2 amended to read as follows:
 1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE ==
 1 4 COST OF LIVING INDEX.

1 5 The personal needs allowance under the medical assistance
 1 6 program, which may be retained by a resident of a nursing
 1 7 facility, an intermediate care facility for persons with
 1 8 mental retardation, or an intermediate care facility for
 1 9 persons with mental illness, as defined in section 135C.1, or
 1 10 who is a resident of a psychiatric medical institution for
 1 11 children as defined in section 135H.1, shall be fifty dollars
 1 12 per month. The personal needs allowance for such residents
 1 13 shall be increased annually, on January 1, in an amount by the
 1 14 same percentage as the most recent cost of living adjustment
 1 15 announced by the United States social security administration
 1 16 for the purpose of determining social security benefits. A
 1 17 resident who has income of less than ~~fifty dollars~~ the amount
 1 18 specified under this section per month shall receive a
 1 19 supplement from the state in the amount necessary to receive a
 1 20 personal needs allowance of ~~fifty dollars~~ the specified amount
 1 21 per month, if funding is specifically appropriated for this
 1 22 purpose.

EXPLANATION

1 23
 1 24 This bill provides for a cost of living increase, annually,
 1 25 on January 1, in the personal needs allowance under the
 1 26 medical assistance program which may be retained by a resident
 1 27 of a nursing facility, an intermediate care facility for
 1 28 persons with mental retardation, or an intermediate care
 1 29 facility for persons with mental illness, as defined in Code
 1 30 section 135C.1, or who is a resident of a psychiatric medical
 1 31 institution for children as defined in Code section 135H.1.
 1 32 The personal needs allowance, currently \$50, is to be
 1 33 increased by the same percentage as the most recent cost of
 1 34 living adjustment announced by the United States social
 1 35 security administration for the purpose of determining social



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate File 2047 - Introduced continued

2 1 security.
2 2 LSB 5992SS 82
2 3 pf/rj/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 24, 2008

Senate Study Bill 3087

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of child restraint systems or seat
- 2 belts by motor vehicle passengers under eighteen years of age
- 3 and making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5380DP 82
- 6 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3087 continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. a. The driver and front seat occupants of a type of
1 4 motor vehicle that is subject to registration in Iowa, except
1 5 a motorcycle or a motorized bicycle, shall each wear a
1 6 properly adjusted and fastened safety belt or safety harness
1 7 any time the vehicle is in forward motion on a street or
1 8 highway in this state except that a child under ~~eleven~~
1 9 eighteen years of age shall be secured as required under
1 10 section 321.446.
1 11 b. This subsection does not apply to:
1 12 ~~a.~~ (1) The driver or front seat occupants of a motor
1 13 vehicle which is not required to be equipped with safety belts
1 14 or safety harnesses.
1 15 ~~b.~~ (2) The driver and front seat occupants of a motor
1 16 vehicle who are actively engaged in work which requires them
1 17 to alight from and reenter the vehicle at frequent intervals,
1 18 providing the vehicle does not exceed twenty-five miles per
1 19 hour between stops.
1 20 ~~c.~~ (3) The driver of a motor vehicle while performing
1 21 duties as a rural letter carrier for the United States postal
1 22 service. This exemption applies only between the first
1 23 delivery point after leaving the post office and the last
1 24 delivery point before returning to the post office.
1 25 ~~d.~~ (4) Passengers on a bus.
1 26 ~~e.~~ (5) A person possessing a written certification from a
1 27 health care provider licensed under chapter 148, 150, 150A, or
1 28 151 on a form provided by the department that the person is
1 29 unable to wear a safety belt or safety harness due to physical
1 30 or medical reasons. The certification shall specify the time
1 31 period for which the exemption applies. The time period shall
1 32 not exceed twelve months, at which time a new certification
1 33 may be issued unless the certifying health care provider is
1 34 from a United States military facility, in which case the
1 35 certificate may specify a longer period of time or a permanent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3087 continued

2 1 exemption.

2 2 ~~f.~~ (6) Front seat occupants of an authorized emergency
2 3 vehicle while they are being transported in an emergency.

2 4 However, this exemption does not apply to the driver of the
2 5 authorized emergency vehicle.

2 6 c. The department, in cooperation with the department of
2 7 public safety and the department of education, shall establish
2 8 educational programs to foster compliance with the safety belt
2 9 and safety harness usage requirements of this subsection.

2 10 Sec. 2. Section 321.446, subsection 2, Code 2007, is
2 11 amended to read as follows:

2 12 2. A child at least six years of age but under ~~eleven~~
2 13 eighteen years of age who is being transported in a motor
2 14 vehicle subject to registration, except a school bus or
2 15 motorcycle, shall be secured during transit by a child
2 16 restraint system that is used in accordance with the
2 17 manufacturer's instructions or by a safety belt or safety
2 18 harness of a type approved under section 321.445.

2 19 EXPLANATION

2 20 This bill requires that all persons under 18 years of age
2 21 who are being transported in a motor vehicle, other than a
2 22 school bus or motorcycle, be secured by an approved child
2 23 restraint system or a seat belt regardless of seating
2 24 position.

2 25 Pursuant to existing law, a motor vehicle operator who
2 26 violates child restraint requirements commits a simple
2 27 misdemeanor subject to a scheduled fine of \$25. However, such
2 28 offenses are not considered for purposes of determining a
2 29 habitual offender of motor vehicle laws.

2 30 LSB 5380DP 82

2 31 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to regulation of commercial motor vehicle
- 2 operators by the state department of transportation and
- 3 providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5462DP 82
- 6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

PAG LIN

1 1 Section 1. Section 321.1, subsection 11, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. f. "Employer" means any person, including
1 4 the United States, a state, the District of Columbia, or a
1 5 political subdivision of a state, who owns or leases a
1 6 commercial motor vehicle or assigns an employee to operate
1 7 such a vehicle.

1 8 Sec. 2. Section 321.1, subsection 11, paragraphs f, g, and
1 9 h, Code 2007, are amended to read as follows:

1 10 ~~f.~~ g. "Foreign jurisdiction" means a jurisdiction outside
1 11 the fifty United States, the District of Columbia, and Canada.

1 12 ~~g.~~ h. "Nonresident commercial driver's license" means a
1 13 commercial driver's license issued to a person who is not a
1 14 resident of the United States or Canada.

1 15 ~~h.~~ i. "Tank vehicle" means a commercial motor vehicle that
1 16 is designed to transport any liquid or gaseous materials

1 17 within a tank ~~having a rated capacity of one thousand one or~~
~~1 18 more gallons~~ that is either permanently or temporarily

1 19 attached to the vehicle or chassis. For purposes of this
1 20 paragraph, "tank" does not include a portable tank with a

1 21 rated capacity of less than one thousand gallons or a
1 22 permanent tank with a rated capacity of one hundred nineteen
1 23 gallons or less.

1 24 Sec. 3. Section 321.1, subsection 15, Code 2007, is
1 25 amended to read as follows:

1 26 15. "Conviction" means a final conviction, a final
1 27 administrative ruling or determination, or an unvacated
1 28 forfeiture of bail or collateral deposited to secure a
1 29 person's appearance in court.

1 30 Sec. 4. Section 321.1, subsection 42, paragraph a, Code
1 31 2007, is amended to read as follows:

1 32 a. "Motor vehicle" means a vehicle which is
1 33 self-propelled, ~~but not including vehicles known as trackless~~

~~1 34 trolleys which are propelled by electric power obtained from~~
~~1 35 overhead trolley wires and are not operated upon rails.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

2 1 Sec. 5. Section 321.208, subsection 1, paragraph d, Code
2 2 2007, is amended to read as follows:

2 3 d. Operating a commercial motor vehicle involved in a
2 4 fatal accident and being convicted of a ~~moving traffic~~
~~2 5 violation that contributed to the fatality, or manslaughter or~~
2 6 vehicular homicide.

2 7 Sec. 6. Section 321.208, subsection 6, Code 2007, is
2 8 amended to read as follows:

2 9 6. A person is disqualified from operating a commercial
2 10 motor vehicle if the person receives convictions for
2 11 committing within any three-year period two or more of the
2 12 following offenses while operating a commercial motor vehicle
2 13 or while operating a noncommercial motor vehicle and holding a
2 14 commercial driver's license if the convictions result in the
2 15 revocation, cancellation, or suspension of the person's
2 16 commercial driver's license or noncommercial motor vehicle
2 17 driving privileges:

2 18 a. Operating a commercial motor vehicle upon a highway
2 19 when not issued a commercial driver's license.

2 20 b. Operating a commercial motor vehicle upon a highway
2 21 when not issued the proper class of commercial driver's
2 22 license or endorsements for the specific vehicle group being
2 23 operated or for the passengers or type of cargo being
2 24 transported.

2 25 c. Operating a commercial motor vehicle upon a highway
2 26 without immediate possession of a driver's license valid for
2 27 the vehicle operated.

2 28 d. Speeding fifteen miles per hour or more over the legal
2 29 speed limit.

2 30 e. Reckless driving.

2 31 f. Any violation of the traffic laws, except a parking
2 32 violation or a vehicle weight violation, which arises in
2 33 connection with a fatal traffic accident.

2 34 g. Following another motor vehicle too closely.

2 35 h. Improper lane changes in violation of section 321.306.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

3 1 Sec. 7. Section 321.208, subsection 7, Code 2007, is
3 2 amended by striking the subsection.

3 3 Sec. 8. Section 321.208, subsection 8, Code 2007, is
3 4 amended to read as follows:

3 5 8. The period of disqualification under ~~subsections~~
3 6 subsection 6 and 7 shall be sixty days for two offenses within
3 7 any three-year period and one hundred twenty days for three
3 8 offenses within any three-year period. Multiple periods of
3 9 disqualification shall be consecutive.

3 10 Sec. 9. Section 321.208, subsection 10, paragraph a, Code
3 11 2007, is amended to read as follows:

3 12 a. For ~~ninety days~~ no less than one hundred eighty days
3 13 and no more than one year upon conviction for the first
3 14 violation of an out-of-service order; for ~~one year~~, no less
3 15 than two and not more than five years upon conviction for a
3 16 second violation of an out-of-service order in separate
3 17 incidents within a ten-year period; and for not less than
3 18 three and not more than five years upon conviction for a third
3 19 or subsequent violation of an out-of-service order in separate
3 20 incidents within a ten-year period.

3 21 Sec. 10. Section 321.208A, Code 2007, is amended to read
3 22 as follows:

3 23 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER ==
3 24 ~~PENALTY~~ PENALTIES.

3 25 1. A person required to hold a commercial driver's license
3 26 to operate a commercial motor vehicle shall not operate a
3 27 commercial motor vehicle on the highways of this state in
3 28 violation of an out-of-service order issued by a peace officer
3 29 for a violation of the out-of-service rules adopted by the
3 30 department. A driver who violates an out-of service order
3 31 shall be subject to a fine of not less than two thousand five
3 32 hundred dollars upon conviction for the first violation of an
3 33 out-of-service order and not less than five thousand dollars
3 34 for a second or subsequent violation of an out-of-service
3 35 order in separate incidents within a ten-year period.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

4 1 2. An employer shall not knowingly allow, require, permit,
4 2 or authorize an employee to drive a commercial motor vehicle
4 3 in violation of such an out-of-service order. A person who
4 4 violates this section shall be subject to a scheduled fine of
4 5 one hundred dollars under section 805.8A, subsection 13,
4 6 paragraph "c". An employer who violates this subsection shall
4 7 be subject to a fine of not less than two thousand seven
4 8 hundred fifty dollars and not more than twenty-five thousand
4 9 dollars.

4 10 Sec. 11. NEW SECTION. 321.343A EMPLOYER VIOLATIONS ==
4 11 PENALTY.

4 12 An employer shall not knowingly allow, require, permit, or
4 13 authorize a driver to operate a commercial motor vehicle in
4 14 violation of section 321.341 or 321.343 or any other federal
4 15 or local law or regulation pertaining to railroad grade
4 16 crossings. An employer who violates this section shall be
4 17 subject to a fine of not more than ten thousand dollars.

4 18 Sec. 12. Section 321.344A, subsection 2, Code 2007, is
4 19 amended to read as follows:

4 20 2. A peace officer may initiate an investigation not more
4 21 than seven calendar days after receiving a report of a
4 22 violation pursuant to this section. The peace officer may
4 23 request that the owner of the vehicle supply information
4 24 identifying the driver of the vehicle in accordance with
4 25 section 321.484, or in the case of a commercial motor vehicle,
4 26 the peace officer may request that the employer of the driver
4 27 provide information identifying the driver of the vehicle.

4 28 a. If from the investigation, the peace officer is able to
4 29 identify the driver of the vehicle and has reasonable cause to
4 30 believe a violation has occurred, the peace officer shall
4 31 prepare a uniform traffic citation for the violation and shall
4 32 serve it personally or by certified mail on the driver of the
4 33 vehicle.

4 34 b. If, from the investigation, the peace officer has
4 35 reasonable cause to believe that a violation occurred but is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

5 1 unable to identify the driver, the peace officer shall serve a
5 2 uniform traffic citation for the violation on the owner of the
5 3 motor vehicle or, in the case of a commercial motor vehicle,
5 4 on the employer of the driver. Notwithstanding section
5 5 321.484, in a proceeding where the peace officer who conducted
5 6 the investigation was not able to identify the driver of the
5 7 motor vehicle, proof that the motor vehicle described in the
5 8 uniform traffic citation was used to commit the violation of
5 9 section 321.341, 321.342, 321.343, or 321.344, together with
5 10 proof that the defendant named in the citation was the owner
5 11 of the motor vehicle or, in the case of a commercial motor
5 12 vehicle, the employer of the driver, at the time the violation
5 13 occurred, constitutes a permissible inference that the owner
5 14 or employer was the ~~driver~~ person who committed the violation.

5 15 c. For purposes of this subsection, "owner" means a person
5 16 who holds the legal title to a motor vehicle; however, if the
5 17 motor vehicle is the subject of a security agreement with a
5 18 right of possession in the debtor, the debtor shall be deemed
5 19 the owner for purposes of this subsection, or if the motor
5 20 vehicle is leased as defined in section 321.493, the lessee
5 21 shall be deemed the owner for purposes of this subsection.

5 22 Sec. 13. Section 805.8A, subsection 13, paragraph c, Code
5 23 2007, is amended to read as follows:

5 24 c. For violations under sections ~~321.208A~~, 321.364,
5 25 321.450, 321.460, and 452A.52, the scheduled fine is one
5 26 hundred dollars.

5 27 EXPLANATION

5 28 This bill contains provisions relating to commercial motor
5 29 vehicle regulation by the department of transportation that
5 30 conform Iowa law more closely to federal law.

5 31 For purposes of administering and enforcing commercial
5 32 driver's license provisions, the bill defines the term
5 33 "employer" to mean any person who owns or leases a commercial
5 34 motor vehicle or assigns employees to operate such a vehicle,
5 35 and the bill amends the definition of "tank vehicle" to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3088 continued

6 1 exclude portable tanks with a rated capacity of less than
6 2 1,000 gallons and permanent tanks with a rated capacity of 119
6 3 gallons or less. The definition of "conviction", which
6 4 applies for purposes of motor vehicle regulation generally, is
6 5 amended to include a final administrative ruling or
6 6 determination, and the definition of "motor vehicle" is
6 7 amended to eliminate an obsolete reference to trackless
6 8 trolleys.

6 9 The bill combines language relating to disqualification
6 10 from operating a commercial motor vehicle if the person
6 11 receives convictions within a three-year period for two or
6 12 more offenses committed while operating either a commercial
6 13 motor vehicle or a noncommercial motor vehicle and holding a
6 14 commercial motor driver's license. The new language provides
6 15 that multiple periods of disqualification shall be applied
6 16 consecutively.

6 17 The bill imposes civil penalties in place of a \$100
6 18 scheduled fine for violations of commercial motor vehicle
6 19 out-of-service orders. A driver who violates an
6 20 out-of-service order is subject to a fine of not less than
6 21 \$2,500 upon conviction for a first violation and not less than
6 22 \$5,000 upon conviction for a second or subsequent violation
6 23 within a 10-year period. An employer who knowingly allows,
6 24 requires, permits, or authorizes an employee to drive a
6 25 commercial motor vehicle in violation of an out-of-service
6 26 order is subject to a fine of not less than \$2,750 and not
6 27 more than \$25,000.

6 28 The bill provides that employers shall not knowingly allow,
6 29 require, permit, or authorize a commercial motor vehicle
6 30 operator to violate provisions relating to railroad-highway
6 31 grade crossings. The penalty imposed on employers for a
6 32 violation is a fine of not more than \$10,000.

6 33 The bill amends an existing provision relating to
6 34 violations committed by drivers for failure to stop at
6 35 railroad crossings. Under current law, if a peace officer is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate Study Bill 3088 continued

7 1 unable to identify the driver of such a vehicle, a citation
7 2 may be issued to the owner of the vehicle. The bill expands
7 3 that provision to allow the citation to be issued to the
7 4 employer of the driver if the motor vehicle involved is a
7 5 commercial motor vehicle.
7 6 LSB 5462DP 82
7 7 dea/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3089

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 competitive bidding procedures for county
- 2 emergency repairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5898SC 82
- 5 md/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3089 continued

PAG LIN

1 1 Section 1. Section 331.341, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. When the estimated total cost of a public improvement,
1 4 other than improvements which may be paid for from the
1 5 secondary road fund, exceeds the competitive bid threshold in
1 6 section 26.3, or as established in section 314.1B, the board
1 7 shall follow the competitive bid procedures for governmental
1 8 entities in chapter 26, ~~and the contract letting bonding~~
1 9 procedures in section 384.103, subsection 1, and the emergency
1 10 repair procedures in section 384.103, subsection 2. As used
1 11 in this section, "public improvement" means the same as
1 12 defined in section 26.2 as modified by this subsection.

1 13 EXPLANATION

1 14 This bill specifies the competitive bidding procedures for
1 15 counties when emergency repairs of a public improvement are
1 16 necessary. The emergency repair procedures are the same as
1 17 those for cities under Code section 384.103. The bill
1 18 requires the board of supervisors to find that normal
1 19 procedures might cause serious loss or injury to the county
1 20 and to procure a certificate from a licensed engineer or
1 21 registered architect certifying that emergency repairs are
1 22 necessary. The bill dispenses with the normal competitive
1 23 bidding provisions of Code chapter 26.

1 24 LSB 5898SC 82

1 25 md/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3090

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to authorized expenditures from the veterans
- 2 trust fund and providing for emergency rulemaking authority.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5893SC 82
- 5 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3090 continued

PAG LIN

1 1 Section 1. Section 35A.13, subsection 7, paragraphs a, d,
1 2 and e, Code Supplement 2007, are amended to read as follows:
1 3 a. Travel expenses for wounded veterans, and their
1 4 spouses, directly related to follow-up medical care.
1 5 d. Expenses related to ~~nursing facility or at-home care~~
1 6 the purchase of durable medical equipment or services to allow
1 7 veterans to remain in their homes.
1 8 e. ~~Benefits provided to children of disabled or deceased~~
1 9 ~~veterans~~ Expenses related to hearing care, dental care, vision
1 10 care, or prescription drugs.

1 11 Sec. 2. Section 35A.13, subsection 7, Code Supplement
1 12 2007, is amended by adding the following new paragraphs:
1 13 NEW PARAGRAPH. i. Expenses related to ambulance and
1 14 emergency room services for veterans who are trauma patients.
1 15 NEW PARAGRAPH. j. Emergency expenses related to vehicle
1 16 repair, housing repair, or temporary housing assistance.
1 17 Sec. 3. Section 35A.13, Code Supplement 2007, is amended
1 18 by adding the following new subsection:
1 19 NEW SUBSECTION. 10. The department may adopt emergency
1 20 rules under section 17A.4, subsection 2, and section 17A.5,
1 21 subsection 2, paragraph "b", to implement the provisions of
1 22 this section and the rules shall be effective immediately upon
1 23 filing unless a later date is specified in the rules. Any
1 24 rules adopted in accordance with this subsection shall also be
1 25 published as a notice of intended action as provided in
1 26 section 17A.4.

1 27 EXPLANATION
1 28 This bill concerns the veterans trust fund.
1 29 The bill modifies what expenses may be paid from moneys in
1 30 the veterans trust fund. The bill provides that travel
1 31 expenses of spouses of wounded veterans may be paid if the
1 32 travel is related to follow-up care for the veteran. The bill
1 33 eliminates as a permissible expenditure from the trust fund
1 34 expenses related to nursing facility care and provides that
1 35 at-home expenses for veterans are payable from the fund if the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate Study Bill 3090 continued

2 1 expenses are for the purchase of durable medical equipment or
2 2 services to allow a veteran to remain in their home. The bill
2 3 also eliminates as a permissible expenditure from the trust
2 4 fund benefits provided to children of disabled or deceased
2 5 veterans. The bill provides that expenses related to hearing
2 6 care, dental care, vision care, prescription drugs, and
2 7 ambulance and emergency room services for veterans who are
2 8 trauma patients are permissible expenditures from the trust
2 9 fund. The bill also permits emergency expenses related to
2 10 vehicle repair, housing repair, or temporary housing
2 11 assistance.

2 12 The bill also authorizes the department of veterans affairs
2 13 to adopt emergency rules to implement the provisions of the
2 14 veterans trust fund.

2 15 LSB 5893SC 82

2 16 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3091

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
ECONOMIC DEVELOPMENT
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act increasing the amount of investment tax credit for which
2 an eligible housing business may qualify if specified energy
3 efficiency standards are met, and including effective and
4 retroactive applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5506XD 82
7 rn/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3091 continued

PAG LIN

1 1 Section 1. Section 15E.193B, subsection 6, paragraph a,
1 2 Code 2007, is amended to read as follows:

1 3 a. An eligible housing business may claim a tax credit up
1 4 to a maximum of ten percent of the new investment which is
1 5 directly related to the building or rehabilitating of a
1 6 minimum of four single-family homes located in that part of a
1 7 city or county in which there is a designated enterprise zone
1 8 or one multiple dwelling unit building containing three or
1 9 more individual dwelling units located in that part of a city
1 10 or county in which there is a designated enterprise zone.

1 11 However, the following construction or rehabilitation projects
1 12 meeting or exceeding United States environmental protection
1 13 agency energy star or target finder rating performance
1 14 requirements may claim a tax credit up to a maximum of twelve
1 15 percent of the eligible new investment:

1 16 (1) Multifamily unit projects with three floors or less
1 17 above-grade that achieve the energy star label and a home
1 18 energy rating system index of eighty-five or higher.

1 19 (2) Single-family unit projects with three floors or less
1 20 above-grade that achieve the energy star label and a home
1 21 energy rating system index of eighty or higher.

1 22 (3) Projects that include both commercial space and
1 23 residential units and have more than three floors above-grade
1 24 that achieve an energy star target finder rating of
1 25 seventy-five or higher.

1 26 Information documenting achievement of these ratings shall
1 27 be provided by the eligible housing business and verified by
1 28 the department.

1 29 PARAGRAPH DIVIDED. The new investment that may be used to
1 30 compute the tax credit shall not exceed the new investment
1 31 used for the first one hundred forty thousand dollars of value
1 32 for each single-family home or for each unit of a multiple
1 33 dwelling unit building containing three or more units. The
1 34 tax credit may be used to reduce the tax liability imposed
1 35 under chapter 422, division II, III, or V, or chapter 432.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3091 continued

2 1 Any credit in excess of the tax liability for the tax year may
2 2 be credited to the tax liability for the following seven years
2 3 or until depleted, whichever occurs earlier. If the business
2 4 is a partnership, S corporation, limited liability company, or
2 5 estate or trust electing to have the income taxed directly to
2 6 the individual, an individual may claim the tax credit
2 7 allowed. The amount claimed by the individual shall be based
2 8 upon the pro rata share of the individual's earnings of the
2 9 partnership, S corporation, limited liability company, or
2 10 estate or trust except as allowed for under subsection 8 when
2 11 low-income housing tax credits authorized under section 42 of
2 12 the Internal Revenue Code are used to assist in the financing
2 13 of the housing development.

2 14 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 15 This Act, being deemed of immediate importance, takes effect
2 16 upon enactment and applies retroactively to tax years
2 17 beginning on or after January 1, 2008.

2 18 EXPLANATION

2 19 This bill provides for an increased tax credit for
2 20 enterprise zone housing projects which meet certain energy
2 21 efficiency standards. Currently, an eligible housing business
2 22 may claim a tax credit up to a maximum of 10 percent of the
2 23 business' new investment which is directly related to the
2 24 building or rehabilitating of a specified form of housing
2 25 located in a part of a city or county in which there is a
2 26 designated enterprise zone. The bill increases the tax credit
2 27 to 12 percent if a project meets specified environmental
2 28 protection agency energy star or target finder rating
2 29 performance requirements. The bill requires information
2 30 documenting achievement of the specified ratings to be
2 31 provided to the department of economic development by an
2 32 eligible housing business and verified by the department.

2 33 The bill takes effect upon enactment, and applies
2 34 retroactively to tax years beginning on or after January 1,
2 35 2008.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate Study Bill 3091 continued

3 1 LSB 5506XD 82
3 2 rn/sc/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3092

SENATE/HOUSE FILE
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act directing interest on moneys in the title guaranty fund to
- 2 the housing trust fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5388XD 82
- 5 tw/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008

Senate Study Bill 3092 continued

PAG LIN

1 1 Section 1. Section 16.91, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. The authority through the title guaranty division shall
1 4 initiate and operate a program in which the division shall
1 5 offer guaranties of real property titles in this state. The
1 6 terms, conditions and form of the guaranty contract shall be
1 7 forms approved by the division board. The division shall fix
1 8 a charge for the guaranty in an amount sufficient to permit
1 9 the program to operate on a self=sustaining basis, including
1 10 payment of administrative costs and the maintenance of an
1 11 adequate reserve against claims under the title guaranty
1 12 program. A title guaranty fund is created in the office of
1 13 the treasurer of state. Funds collected under this program
1 14 shall be placed in the title guaranty fund and are available
1 15 to pay all claims, necessary reserves and all administrative
1 16 costs of the title guaranty program. Moneys in the fund shall
1 17 not revert to the general fund and interest on the moneys in
1 18 the fund shall be transferred to the ~~department of economic~~
1 19 ~~development~~ authority for deposit in the ~~local~~ housing
1 20 ~~assistance program~~ trust fund established in section ~~15.354~~
1 21 16.181 and shall not accrue to the general fund. If the
1 22 authority board in consultation with the division board
1 23 determines that there are surplus funds in the title guaranty
1 24 fund after providing for adequate reserves and operating
1 25 expenses of the division, the surplus funds shall be
1 26 transferred to the housing assistance fund created pursuant to
1 27 section 16.40.

1 28 EXPLANATION
1 29 This bill relates to moneys in the title guaranty fund.
1 30 Currently, interest accrued on moneys in the fund is directed
1 31 to the Iowa department of economic development for deposit in
1 32 the local housing assistance program fund. The bill directs
1 33 these moneys to the Iowa finance authority for deposit in the
1 34 housing trust fund.
1 35 LSB 5388XD 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 24, 2008**

Senate Study Bill 3092 continued

2 1 tw/nh/8