

CHAPTER 51
TEACHER LICENSING
H.F. 486

AN ACT to permit the board of educational examiners to deem national board certificate holders as meeting the requirements for Iowa teachers' licenses or endorsements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 260.20 NATIONAL CERTIFICATION.**

The board of educational examiners shall review the standards for teacher's certificates adopted by the national board for professional teaching standards, a nonprofit corporation created as a result of recommendations of the task force on teaching as a profession of the Carnegie forum on education and the economy. In those cases in which the standards required by the national board for an Iowa endorsement or license meet or exceed the requirements contained in rules adopted under this chapter for that endorsement or license, the board of educational examiners shall issue endorsements or licenses to holders of certificates issued by the national board who request the endorsement or license.

Approved April 23, 1991

CHAPTER 52
STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM
S.F. 326

AN ACT exempting members, employees, and the secretary of the board of trustees for the statewide fire and police retirement system from certain liabilities, providing per diem compensation for board members, appropriating funds to the board, changing the date for completion of an actuarial study, providing that certain cities that did not participate in a chapter 411 retirement system as of May 3, 1990, are not required to participate in the statewide system, and providing retroactive applicability and effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 411.7, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Except as otherwise provided in section 411.36, a member, employee, and the secretary of the board of trustees shall not be personally liable for a loss to the fire and police retirement fund, the loss shall be assessed against the fire and police retirement fund, and moneys are hereby appropriated from the fund in an amount sufficient to cover the losses.

Sec. 2. Section 411.36, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 5. Members of the board shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8. Per diem and expenses of the legislative members shall be paid from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government.

NEW SUBSECTION. 6. A member, employee, and the secretary of the board of trustees are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional

misconduct, or for a transaction from which the person derives an improper personal benefit, even if the acts or omissions violate the standards established in section 411.7, subsection 2.

Sec. 3. Section 411.37, subsection 3, Code 1991, is amended to read as follows:

3. For each of the fiscal year years beginning July 1, 1990, and July 1, 1991, ten percent of the amount appropriated for distribution to cities as provided in section 411.20 shall be made available to the board of trustees for the statewide system to cover the administrative costs of the transition. The amount distributed to each city shall be reduced accordingly. The moneys remaining unencumbered or unexpended at the end of the fiscal year beginning July 1, 1990, and the moneys remaining unencumbered or unexpended on January 1, 1992, shall be credited to the cities in the same proportion as the reduction.

Sec. 4. 1990 Iowa Acts, chapter 1240, section 85, subsection 1,* is amended to read as follows:

1. Effective January 1, 1992, a single statewide fire and police retirement system is established to replace the individual city fire retirement systems and police retirement systems operating under this chapter prior to that date. Each city fire and** retirement system and police retirement system operating under this chapter prior to ~~January 1, 1992~~ May 3, 1990, shall participate in the statewide system.

Sec. 5. 1990 Iowa Acts, chapter 1240, section 89, subsection 5, is amended to read as follows:

5. The initial board members are entitled to expenses incurred in the performance of their duties during the transition period, and commencing on the effective date of this section a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the funds provided in section 411.37, subsection 3. Per diem and expenses of the legislative members shall be paid from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government.

Sec. 6. 1990 Iowa Acts, chapter 1240, section 89, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A member, employee, and the secretary of the board of trustees are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct, or for a transaction from which the person derives an improper personal benefit.

Sec. 7. 1990 Iowa Acts, chapter 1240, section 91, unnumbered paragraph 7, is amended to read as follows:

The study shall be completed and a report submitted to the general assembly not later than December 1, ~~1990~~ 1991.

Sec. 8. 1. A city whose population was under eight thousand prior to the results of the federal census conducted in 1990 is not required to come under the statewide fire and police retirement system established by 1990 Iowa Acts, chapter 1240 upon attaining a population of eight thousand or more.

2. A city which did not have a paid fire department on May 3, 1990, is not required to come under the statewide fire and police retirement system established by 1990 Iowa Acts, chapter 1240, upon establishing a paid fire department.

3. A city which did not have a paid police department on May 3, 1990, is not required to come under the statewide fire and police retirement system established by 1990 Iowa Acts, chapter 1240, upon establishing a paid police department.

4. If a city's firefighters or police officers, or both, are appointed under the civil service law of this state, but the city was not operating a city fire or police retirement system, or both, under this chapter on May 3, 1990, the city is not required to come under the statewide fire and police retirement system established by 1990 Iowa Acts, chapter 1240.

*Codified at §411.35 in 1991 Iowa Code

**"and" does not appear in the Act cited

Sec. 9. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

1. Sections 1 and 2 of this Act take effect on January 1, 1992.
2. Sections 3, 5, and 7 of this Act, being deemed of immediate importance, take effect upon enactment, and section 7 of this Act applies retroactively to November 30, 1990.
3. Sections 4, 6, and 8 of this Act are retroactive to May 3, 1990, and are applicable on and after that date.

Approved April 24, 1991

CHAPTER 53

SECONDARY ROADS — CONTRACT PROCEDURES

S.F. 337

AN ACT relating to contracts for road, bridge, and culvert construction.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 309.40, Code 1991, is amended to read as follows:
309.40 ADVERTISEMENT AND LETTING.

All contracts for road or bridge construction work and materials ~~therefor~~ ~~of~~ ~~for~~ which the engineer's estimate exceeds ~~forty~~ fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

Sec. 2. Section 309.42, Code 1991, is amended to read as follows:
309.42 REVIEW OF ROAD, BRIDGE OR CULVERT CONTRACTS.

Contracts for road, bridge or culvert construction work which, according to the engineer's estimate, involve a cost of more than ~~twenty~~ fifty thousand dollars in the aggregate shall be first reviewed by the department to assure compliance with this chapter before the contracts are effective.

Approved April 24, 1991

CHAPTER 54

DRAINAGE OR LEVEE DISTRICT ELECTIONS

S.F. 419

AN ACT relating to voting hours for drainage or levee district trustee elections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 468.516, Code 1991, is amended to read as follows:
468.516 ELECTION — CANVASS OF VOTES — RETURNS.

On the day designated for said election the polls shall open at one o'clock p.m. and remain open until five o'clock p.m. unless otherwise provided under section 468.522. If no convenient polling place is to be found within the district, the election may be held at some convenient place outside the district. The judges of election shall canvass the vote and certify the result, and deposit with the auditor the ballots cast, together with the pollbooks showing the names of the voters; but if there is more than one county in the district, the returns shall be filed with the auditor of the county having the greatest acreage of said district.